Readiness, Opportunities and Conditions of Disability in Gaining Right to Work

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ABSTRAK

The negative stigma received by people with disabilities affects their opportunities to participate in society. Inequality in access to employment that can be obtained by people with disabilities is a problem that is still felt today. But over time, not a few companies have finally accepted people with disabilities to work in them. The research method used by researchers is a literature review study. The results of the reviewed literature will provide an overview of the conditions of disability in receiving their rights in the field of employment. There are 5 scientific articles that are part of this research, the factors that hinder disabilities to get a job are as follows: 1) The stigma of society that still considers that people with disabilities are unable to be empowered, 2) Not a few provisions that are discriminatory, 3) The history of education that has been taken by prospective job applicants, 4) Lack of understanding of job opening agencies of the Law, 5) Lack of disability-specific training and information related to job vacancies. There are other factors that influence the level of disability employment, namely marital status, gender, region of residence (village and city), variety of disability, age, and the level of obstacles experienced by persons with disabilities. It is hoped that in the future there will be more research that examines further how the conditions of persons with disabilities in the field through social issues.

Keywords: Disability; Accessibility; Employment.

INTRODUCTION

Every Indonesian citizen has the right to access education and decent work, including citizens with disabilities (Widyasari 2020). People with disabilities have problems in the socio-economic gap empirically. We can see this gap through the conditions of disability opportunities in obtaining education and employment (Berlinski et al., 2021). During the transition from school to work, students with disabilities have difficulty adapting to it (Samawi et al., 2023). In the workplace, people with disabilities often experience discrimination, resulting in significant barriers to equal opportunities compared to non-disabled students (Samawi et al., 2023).

People with disabilities, as defined in Undang-Undang No. 8 Tahun 2016 Pasal 1, are those who have physical, intellectual, mental, or sensory limitations for a long period of time who in interacting with the environment may experience obstacles to participating fully and effectively with the community and exercising their rights fully and equally. People with disabilities are one of the world's largest minority groups experiencing inequality, after ethnic and racial discrimination (Ramdoni et al., 2022).

As individuals and as members of society, persons with disabilities have equal rights and equal status. Those with disabilities also have the potential to provide benefits to the nation and state optimally in their lives. Increasing the role, support, security, and fulfillment of the rights and obligations of persons with disabilities in national development is an urgent and strategic issue that needs to be prioritized (Asmara et al., 2022).

The relationship between disability and poverty begins with the barriers that prevent persons with disabilities from gaining access to the same opportunities as non-disabled people. These barriers



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can be physical, attitudinal, regulatory, or stem from a lack of capacity to make appropriate accommodations to programs and facilities (Irwanto et al., 2014).

The Directorate of ASEAN Socio-Cultural Cooperation of the Indonesian Ministry of Foreign Affairs clarified that there are 10% or around 62 million people with disabilities. Of these 62 million people, 45% live in Indonesia, 16% live in the Philippines, 13% live in Vietnam, 11% live in Thailand, while the remaining 18% are spread across ASEAN (Ghofar, 2019). Based on this reality, Indonesia has a great responsibility to offer proportionally all the rights of citizens, including people with disabilities (Asmara et al., 2022). This is as follows, in accordance with the contents of the Constitution of the Republic of Indonesia. "Every citizen has the right to work and a decent life." (Pasal 27 Ayat 2 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945)"

In discussing persons with disabilities, sustainable economic empowerment will provide opportunities for them to earn money and manage their economic needs in a sustainable manner. Access to income will enable people with disabilities to meet their basic needs and access services such as transportation, education and health, thus providing a means for them to break the cycle of poverty and incapacity (Engelbrecht and Lorenzo, 2010).

Previous research also explains that people with disabilities have problems in socio-economic disparities empirically. We can see this gap through the conditions of disability opportunities in obtaining education and employment (Berlinski et al., 2021). Disabilities have different levels of barriers, affecting their chances of receiving rights as an individual. People with mild disabilities have 3½ employment opportunities compared to people with severe disabilities (Irwanto et al., 2014).

Despite concerted efforts by various countries, including Indonesia, statistics show that the employment participation rate among people with disabilities is still very low. Globally, unemployment rates for people with disabilities are between 80% and 90% in both developed and developing countries (Mizunoya & Mitra 2013; Raja 2016).

Based on Sakernas data for February 2021 analyzed by the Ministry of Manpower's Pusdatik, there are around 6.88 million people with disabilities who work or around 5.25 percent of the total working population in Indonesia. This figure decreased by 12.61 percent compared to the previous year in the same period. Male workers with disabilities amounted to around 3.97 million people, or around 59.94 percent. In contrast, the female workforce with disabilities amounted to around 2.91 million people, or around 40.06 percent (Ministry of Manpower, 2021).

In Indonesia, laws have been enacted to regulate the participation of people with disabilities in the workforce. These can be divided into two categories: government and private sector involvement. According to Pasal 53 ayat 1 & 2 UU No. 8 Tahun 2016 on Persons with Disabilities, all employers are required to ensure that persons with disabilities have access to employment opportunities. Government employers must have a minimum of 2% of their workforce consisting of persons with disabilities. Private companies are required to have a minimum of 1% of their workforce consisting of people with disabilities (Erissa, 2022).

Noafiani et al. (2022) in their research explained that there are two factors inhibiting the work participation of people with disabilities. The first is internal factors, consisting of psychological and psychosocial, socio-demographic, barriers/types of difficulties, level of disability conditions, and worker competence in terms of educational background, expertise and skills. The second factor is external, including discrimination from workspace organizers, the level of difficulty of work, work productivity, and the lack of certain accommodations, facilities and infrastructure for people with disabilities who work.

People with disabilities should not be seen as objects of charity, but as people who have the right to live in a society that does not provide barriers to their participation based on their functional status (Irwanto et al., 2014). Through equal rights in the workplace, people with disabilities are able to be as empowered as non-disabled people. This article aims to explain information about the access received and the conditions of the workspace for people with disabilities in obtaining rights in the labor sector.

RESEARCH METHODS

The research method used in researchers is a literature review study. Literature review is a method of searching and researching literature by reading through various sources, such as books,



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journals, and other publications that intersect with research topics, in order to produce a written work on a topic or issue (Marzali, 2016). The results of the reviewed literature will provide an overview of the conditions of disability in receiving their rights in the employment sector. There are 5 scientific articles that are part of this research.

RESULTS AND DISCUSSION

People with disabilities have different needs and access compared to non-disabled people in obtaining their rights in the workplace. Through this research, the researcher collected various previous scientific articles that have discussed the opportunities and conditions of disability in the workplace, including the following:

1. Ruang Kerja Inklusif Bagi Tenaga Kerjas Dengan Disabilitas Fisik (Widhawati et al., 2020)

This research discusses access to persons with disabilities in the workplace, especially those with physical disabilities. Through the table of the percentage distribution of various disabilities presented by researchers, it can be seen that physical disability reaches 10.3% and gets the second highest value after multiple disabilities which touches 40%.

In this article, researchers explain the definition of disability, disability protection laws including Law Number 4 of 1997 concerning Persons with Disabilities Article 1; Law Number 19 of 2011 concerning the ratification of the Convention on the Rights of Person with Disabilities Article 1; Law Number 8 of 2016 concerning Persons with Disabilities Article 11 which contains guarantees in obtaining employment organized by the Government, Regional Government, or private sector without discrimination.

After the acceptance by the workplace in the formal sector of workers with physical disabilities, researchers explained the factors that become obstacles in recruiting disabilities in the workplace. These factors are divided into two, namely internal factors (influences within an individual) and external factors (influences from outside an individual).

At the end of the conclusion of this article, the researcher explains that the expectations in the acceptance of workers with physical disabilities in the formal sector in Indonesia have not been met, due to the following:

- a. The equal rights received by workers with physical disabilities in the formal sector have not been implemented properly, so that people with disabilities have the same responsibilities as non-disabled workers.
- b. In self-acceptance, internal and external factors of workers with physical disabilities have not fully received attention by companies that have accepted workers with disabilities as their employees.
- c. Persons with physical disabilities experience difficulties in obtaining formal or infomal education to fulfill the requirements to enter the workforce in the formal sector, which is one of the reasons why they are hampered. Knowledge and skills are opportunities that can be obtained by persons with physical disabilities that should be able to be obtained through education.
- 2. Hubungan antara penerimaan diri dengan kecemasan menghadapi dunia kerja pada tunadaksa di UPT rehabilitasi sosial cacat tubuh Pasuruan (Machdan & Hartini, 2012)

Physical disabilities refer to barriers and challenges in the limbs, such as skeletal abnormalities, muscle and joint disorders that lead to a reduction in an individual's general ability to move and perform daily activities. According to a 2004 BPS report, people with disabilities often experience depression and discrimination from society. This includes instances where people mock or laugh at them, which occurred in 69.9% of cases. In addition, 35.5% of the community rejected their presence, 15% showed indifference, and 13.7% were overprotective (BPS, 2004 in Gladys, 2010). Lack of support from the social environment, coupled with an individual's disability, often hinders the progress of individuals with disabilities, limiting their ability to realize their full potential (Damayanti & Rostiana, 2003).

Researchers used a quantitative approach, with subjects with physical disabilities at the UPT Social Rehabilitation of Body Disabilities, Pasuruan. The purposive sampling technique was used in determining the sample with predetermined criteria. The subjects involved totaled 40 people, including 24 men and 16 women with ages 21-35 years and only





had one obstacle, namely physical barriers. Many of the subjects involved in this study had a final education at the elementary level, although overall it varied up to the high school level.

The results obtained by researchers are that there is a negative and significant correlation between self-acceptance and anxiety in facing the world of work for people with physical disabilities. This statement can be interpreted that the higher the self-acceptance, the lower the anxiety of facing the world of work, and vice versa.

The researcher also explained that the findings in this study are in line with research published in the journal "Psychotherapy with Physically Disabled Petients," which shows that a decrease in self-acceptance can cause significant disruption in an individual's life. As a result, individuals with disabilities may experience anxiety in their mobility and exhibit regressive behaviors. In addition, their social relationships can be negatively affected, manifesting as impairments in their interactions with others (Oliviera, Milliner 2004). Consequently, the greater the refusal of people with disabilities to acknowledge and accept their circumstances, the more likely they are to experience internal strife, leading to higher levels of anxiety.

The results of the categorization analysis of self-acceptance and anxiety conducted by the researcher show that the majority of individuals fall into the high and moderate selfacceptance categories, while the majority of subjects fall into the moderate and low anxiety groups. Individuals with a strong sense of self-acceptance experience moderate levels of anxiety. Individuals with a strong sense of self-acceptance have varying levels of anxiety, ranging from high to very low. Individuals with low self-acceptance experience anxiety at levels classified as very high, high and moderate. Individuals with very low self-acceptance have anxiety that falls within the high and moderate ranges.

Based on the previous explanation, it is evident that the subject's self-acceptance is quite satisfactory as 27 individuals show high and moderate levels of self-acceptance. At the Bina Daksa Social Rehabilitation Unit, clients receive comprehensive training in the form of social coaching and guidance, including physical and mental guidance. They also acquire various skills such as sewing, embroidery, printing, and screen printing, in order to prepare for a better future.

3. Geospasial Tingkat Kesempatan Kerja dan Faktor yang Berhubungan dengan Partisipasi Kerja Penyandang Disabilitas Pada Masa Awal Pandemi Covid-19 (Maghfirah, 2022).

The researcher explained that the protection of the rights of persons with disabilities in equalization in the labor market is very important, which is reflected in the guarantee of access to employment for persons with disabilities included in the 8th SDGs goal, namely Decent Work and Economic Growth which reads "Increasing the participation of vulnerable groups in the labor market (women, poor, persons with disabilities, and youth) (Bappenas, 2021).

During the Covid pandemic, there are many challenges experienced by humanity, including people with disabilities in the labor sector. People with disabilities face a greater risk of unemployment due to higher vulnerability to Covid-19 exposure. This research aims to analyze the distribution map of the Employment Opportunity Rate (TKK) of persons with disabilities in various districts and cities in Indonesia. In addition, this study also aims to see the correlation between the work participation of people with disabilities and their demographic and socioeconomic characteristics during the early days of the Covid-19 pandemic using multinomial regression analysis.

BPS stated that the Covid-19 pandemic caused 2.56 million people to become unemployed. Vulnerable groups, such as people with disabilities, are particularly affected by this. Even under normal circumstances, people with disabilities already face limited opportunities in the job market compared to those without disabilities. The Covid-19 pandemic has further affected the situation, making people with disabilities even more vulnerable.

The method used in this study is based on Sakernas data in August 2020 with the unit of analysis of the labor force at the age of 15 years onwards and has a status as a person with a disability. The sample used amounted to 63,557 people. This study consists of dependent



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variables, including work participation of persons with disabilities during the early days of the Covid-19 pandemic, which consists of 3 categories, namely unemployment, work in the informal sector, and work in the formal sector. The independent variables used by researchers consist of gender, age, education, training, residence, marital status, and severity of disability. While the analysis methods used are descriptive and inferential analysis.

The research results obtained by researchers are as follows:

- a. At the beginning of the Covid-19 pandemic, the percentage of people with disabilities who did not have a job was higher than those who worked in the informal and formal sectors.
- b. Gender disparities are also evident in the employment rate of people with disabilities, both in the informal and formal sectors. In particular, a smaller proportion of women with disabilities are employed in the labor market compared to men.
- c. Expanding education and training opportunities can improve the chances of people with disabilities to access the formal labor market.
- d. Employment prospects for older persons with disabilities are less facilitated compared to younger persons with disabilities in the early stages of the Covid-19 pandemic.
- e. People with disabilities in urban areas are less likely to work in the formal and informal sectors.
- f. People with disabilities who are married have a greater chance of entering the labor market in both the formal and informal sectors.
- g. Moderate and severe levels of disability have a smaller chance of entering the labor market in both the informal and formal sectors.
- 4. Peluang Kerja Penyandang Disabilitas di Kota Metro (Sunarman, 2021).

The research with the title "Peluang Kerja Penyandang Disabilitas di Kota Metro" has the aim of describing how big the opportunity to access decent work to meet the needs of life for persons with disabilities. The researcher wrote that the latest statistical data conducted by the Lampung Provincial Statistics Agency on August 26, 2015, explained that the number of people with disabilities reached 23,000.

In Metro City, there is a group of more than 50 people with disabilities who have successfully completed high school but are still unemployed due to the reluctance of some companies to hire people with disabilities and the limitations and challenges they face. This scenario encourages them to engage in various entrepreneurial activities to ensure their existence, such as maintaining stalls, selling newspapers and others.

This research uses a descriptive presentation of data with the intention of describing specific events that occur regarding equalization of disability rights in Metro City. Empirical data collection used in-depth interview techniques through agency leaders and persons with disabilities directly. Observation was also conducted by researchers to reveal phenomena that occurred in the field.

Based on the results of interviews conducted by researchers with agency leaders, there are some similarities in their responses, although not the same overall. The agencies' lack of awareness of the law governing the rights of persons with disabilities to obtain employment is reflected in their attitudes and responses. Basically, they recognize and accept the presence of people with disabilities in the workplace as long as they are able to carry out their job duties effectively.

Not all agencies that are the subject of this research have employed people with disabilities in their workplaces. The reasons for this vary, one of which is the absence of socialization related to the rights of persons with disabilities in accessing workplaces. The opposite treatment also occurred, namely there were agencies that accepted people with disabilities to work in them due to the Forum Group Discussion with the local special school.

5. Tantangan dan Peluang Penyandang Disabilitas Fisik di Kota Bandung dalam Memperoleh Pekerjaan di Masa Covid-19 (Zaelani et al., 2022).

The researcher explained that Bandung City Regional Regulation No. 15 emphasizes that people with disabilities in Bandung City have the same status, rights and responsibilities as other members of society. This regulation mandates that persons with disabilities have the



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right to actively seek employment and obtain decent work opportunities, especially for persons with disabilities living in Bandung City. The RPJMsD of Bandung City 2018-2023 addresses the problems and challenges faced by persons with disabilities by improving and streamlining the provision of welfare assistance and services for them.

One of the difficulties faced by people with physical disabilities in Bandung City during the Covid-19 pandemic is the decreased availability of employment. People with disabilities often face difficulties in the form of reduced self-confidence, community prejudice, and unfair treatment (Armitage & Nellums, 2020). Although people with disabilities face various barriers, they still have the potential to get a job and compete for certain positions in the company, by utilizing their abilities.

The purpose of this research is to find out how far Covid-19 has an impact on access to employment for people with physical disabilities. The research questions addressed in this study are: What are the possibilities and problems faced by people with physical disabilities in Bandung City during the Covid-19 pandemic? This study aims to describe the obstacles and prospects faced by people with physical disabilities in Bandung City in finding employment during the Covid-19 pandemic.

The research method used by researchers is a qualitative approach with a descriptive method. The subjects involved amounted to 22 people with physical disabilities in 12 subdistricts in Bandung City. The data collection stage carried out was through interview sessions with subjects who had felt the impact of Covid-19 on access to employment.

The results in this study are divided into several categories, including the following:

A. Challenges of people with physical disabilities in obtaining employment during the Covid-19 period in Bandung City.

People with disabilities are the group most affected by the Covid-19 pandemic. Labor absorption is reduced, so it is one of the challenges faced by people with disabilities when the outbreak hit Bandung City.

- a) Limited information related to employment and job training, 17 out of 23 people with physical disabilities did not get information related to the availability of employment and job training programs in Bandung City. 5 out of 23 people with physical disabilities felt otherwise, considering the availability of job information and training programs to be good.
- b) Low self-confidence, 15 out of 23 persons with physical disabilities have the desire to work, but from the results of interviews with several subjects found similarities that they prefer to work in the informal sector by opening their own business if they have capital. 7 out of 23 people with physical disabilities have the desire not to work.
- c) Negative stigma, 12 out of 23 people with physical disabilities experienced discrimination when trying to get a job. Forms of discrimination that can be obtained in the form of physical and spiritual health requirements, thus requiring applicants to have a complete physique until rejection after a job interview and not being called back to be able to work.
- d) Education, 9 out of 23 people with physical disabilities had taken their last education up to senior high school; 9 out of 23 took their last education up to junior high school; and 4 out of 23 took their last education up to elementary school. Not a few companies are looking for prospective workers who have taken up to university education.
- e) Employment opportunities, not a few companies provide job requirements with certain criteria that cannot be met by persons with physical disabilities. Discrimination obtained by persons with disabilities can be seen through physical health standards in getting a job.
- f) Skills, people with physical disabilities in Bandung City have diverse skills, it's just that there is still a lack of places to channel the skills possessed by them, and many of them do not know the skills they have. Disadvantages are the focus that they value.



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B. Opportunities for Persons with Physical Disabilities in Bandung City in Obtaining Employment in the Covid-19 Period

The Bandung City Government has socialized a local regulation on 25 December 2020 that focuses on the protection and enforcement of the rights of persons with disabilities. The local government protects and enforces the rights to live free from discrimination, maintain privacy, access justice, obtain legal protection, and enjoy the right to education and employment for persons with disabilities.

- a) Employment opportunities for individuals with physical disabilities in Bandung City are available through a job seeker application. The Bandung Integrated Manpower Management (BIMMA) application is a software launched in 2016. The BIMMA application simplifies the job search process by providing access to job vacancies for the general public and people with disabilities. Certain companies also offer employment quotas for people with disabilities, as mandated by law. People with physical disabilities have the option to use job search platforms other than those offered by the Bandung City Manpower Office, such as the Kerjabilitas platform. Kerjabilitas is a web-based platform that facilitates the connection between those seeking employment and organizations that cater specifically to people with disabilities. The platform offers opportunities for people with physical disabilities in Bandung City and can be accessed by people with disabilities across Indonesia.
- b) The Western Australian Government's Department of Community Disability Services conducted research (Susiana & Wardah, 2019) that highlighted the various benefits of employing individuals with disabilities. These benefits include: People with disabilities show a consistent pattern of taking less sick leave and working more hours compared to non-disabled workers. When people with disabilities are employed in appropriate positions, their output is on par with nondisabled workers, demonstrating productivity. Cost-effective, lower hiring costs compared to standard hiring procedures. Research shows that people with disabilities experience lower rates of workplace accidents compared to their nondisabled counterparts, highlighting the need for occupational safety. Benefits businesses and facilitates the establishment of strong relationships between people with disabilities and their customers.
- c) The West Java Provincial Social Service organized a skills class for people with disabilities in 2020. The purpose of this class is to improve social functioning, increase independence, develop abilities, foster entrepreneurship, and prepare participants to enter the workforce. A total of 86 people with disabilities from 20 city districts in West Java will participate in the 8-month skills class, which will run from March to November 2020. This training is an annual routine activity organized by the West Java Social Service. Persons with disabilities are provided with social, mental, physical and skills support in accordance with the requirements set out in West Java Provincial Regulation No. 7 of 2013, which focuses on organizing disability protection.

CONCLUSIONS

People with disabilities experience many challenges in gaining equal access to self-sufficiency in fulfilling their needs by working. Through the various articles above, we can find out how the conditions of people with disabilities can ultimately be empowered equally with non-disabled people. During the Covid-19 pandemic that has occurred some time ago, people with disabilities are the most affected group, and also affect their opportunities to work. The factors that hinder people with disabilities to get a job are as follows: 1) The stigma of society that still considers that people with disabilities are unable to empower themselves with a career in the workplace, 2) Not a few conditions that must be passed by persons with disabilities are discriminatory, 3) Lack of understanding by job opening agencies of the law that regulates the obligation of persons with disabilities to have equal







opportunities to work in them, 5) Lack of disability-specific training and information related to job vacancies.

There are other factors that affect the level of employment of persons with disabilities, such as marital status, gender, area of residence (village and city), variety of disabilities, age, and the level of barriers experienced by persons with disabilities. The mismatch between the skills possessed by persons with disabilities and labor market demand also affects access to employment for them. Not a few people with disabilities also do not have strong self-confidence, so they are less motivated to work. It is hoped that in the future there will be more research that further examines the conditions of persons with disabilities in the field through social issues.

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