

Protection of The Rights of Workers With Disabilities for Companies Based on Law Number 8 of 2016 Regarding Persons With Disabilities

(Case Study In A Private Company In Bojonegoro City)

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Abstract: Legal protection of labor rights for persons with disabilities, related to factors that hinder the protection of persons with disabilities related to the recruitment of workers in private companies in the city of Bojonegoro. This study aims to provide an explanation of legal protection, rights and obligations for workers with disabilities, as well as provide an explanation related to law number 8 of 2016 and find out the inhibiting factors in labor recruitment. To achieve this goal, the data collection method uses interviews with a statutory approach using primary legal materials and secondary legal materials. The results of this study are according to article 53 paragraph (2) of law number 8 of 2016 regarding persons with disabilities regarding the obligation of private companies to employ persons with disabilities at least 1% of the total number of workers. Barriers to the provision of legal protection for persons with disabilities have not yet been sanctioned as stated in Article 53 paragraph (2) of Law Number 8 of 2016 concerning Persons with Disabilities due to the absence of implementing regulations.

Keywords : *legal protection, persons with disabilities, private companies*

I. INTRODUCTION

Persons with disabilities have the same position, rights and obligations as non-disabled persons. Persons with disabilities in Indonesia deserve special treatment as an effort to protect themselves from vulnerability to acts of discrimination and protection from human rights violations. This special treatment is an effort to maximize the respect, promotion, protection and fulfillment of universal human rights (Suryadi, 2002).

Protection of persons with disabilities in Indonesia can be seen in the provisions of Article 28D (2) The 1945 Constitution of the Republic of Indonesia, namely: "Everyone has the right to work and to receive fair and proper remuneration and treatment in an employment relationship". The labor market is one of the reasons why people with disabilities find it difficult to get out of the cycle of poverty. The lack of participation of persons with disabilities in formal or informal economic activities will be an endless problem. Giving rights and opportunities to persons with disabilities in getting good jobs, and being able to contribute to the company and even the economy if they get an open opportunity to work. People with disabilities in developing countries such as Indonesia, have their own obstacles in realizing job opportunities from attitudes, regulations and communication (Agusmidah, 2010).

In chapter 5 Law Number 3 of 2003 concerning Manpower which states "every worker has the same opportunity without discrimination in obtaining a job". This means that every human being has the right to get the opportunity to get a job, including persons with disabilities. Discrimination is often experienced by persons with disabilities in job recruitment, and not even a few companies do not accept employees with disabilities.

Equalizing the opportunity to get work for people with disabilities can provide opportunities and

provide access to people with disabilities in the distribution of potential from various aspects of implementation. Treating someone the same can be done by anyone, without discriminating, equality in wages and positions (Better Work Indonesia, 2012).

Persons with disabilities related to the right to obtain employment opportunities are regulated in Law Number 13 of 2003 concerning Manpower which has regulated the protection of labor rights, one of the objectives of the formation of the law is to guarantee the basic rights of workers/labourers and ensure equality. Opportunity for treatment without discrimination. Protection of persons with disabilities can describe the legal protection provided for persons with disabilities in their efforts to fulfill needs that can harm them.

There is a purpose of this study to provide an explanation of legal protection, rights and obligations for workers with disabilities, as well as to provide an explanation related to law number 8 of 2016 and to find out the inhibiting factors in labor recruitment. The benefits of this research are expected to provide additional legal knowledge related to workers with disabilities and their legal protection.

II. METHODS

This study uses a normative - empirical juridical approach. In carrying out this research, it focuses on normative research conducted in the field. This study uses a legal research method that is seen from a real legal perspective and examines the work of law in society (Bahder, 2008).

This research is sourced from three types of data sources, namely primary data, secondary data and tertiary data. Primary data were obtained from interviews relating to persons with disabilities with selected subjects in providing information and legal materials that have binding force. The source of secondary data obtained from the literature which is primary data which is further processed with a good presentation. The tertiary data as a guide or explanation of the primary legal materials and secondary legal materials.

III. RESULT AND DISCUSSION

Companies according to scale and group are divided into three, namely small companies, medium companies, and large companies. Most private companies in Bojonegoro comply with Article 53 paragraph (2) of Law Number 8 of 2016 regarding persons with disabilities. Based on the results in the field, the researchers conducted interviews with related informants. Following are the results of interviews with informants regarding the protection of the rights of workers with disabilities.

“Currently, we do not employ persons with disabilities, because the capabilities of persons with disabilities are limited so it is difficult to employ persons with disabilities” (interview with color house bag shop SPV)

“Currently, I do not have workers with disabilities, but I can accept employees with disabilities if they meet the competencies based on the existing job vacancies” (interview with the owner of CV Alifia Jaya)

“Currently, the KAREB cooperative has not been able to employ persons with disabilities, because it does not meet the physical and scientific requirements required by the cooperative and so far it has never opened job vacancies for persons with disabilities” (interview with Human Resource Department KAREB cooperative)

“Currently we employ two persons with disabilities, one in the production division and the other in the printing division, with their respective shortcomings in both ” (interview with cake company owner via Az-Zahra)

From the interview results, it can be stated that most private companies in Bojonegoro that have not employed persons with disabilities are trying to provide legal protection, but persons with disabilities who apply do not meet the criteria. As for the private companies that employ people with disabilities, because it fits the job required and they are able to do the job.

The lack of work facilities and equipment for people with disabilities is also the reason the company has not accepted workers with disabilities, because the provision of special facilities for people with disabilities cannot be fulfilled by all companies. The reason why companies employ workers with physical requirements is

considered to be more able to pursue results, and is a solution to the work ethic needed to achieve company goals more quickly.

IV. CONCLUSIONS

That from the results of research on the protection of the rights of workers with disabilities, it can be concluded that in Bojonegoro there are still many private companies that have not employed persons with disabilities because they do not meet the criteria for work, and do not meet the physical requirements. Article 53 paragraph (2) of Law Number 8 of 2016 concerning Persons with Disabilities, there is no regulation regarding the implementation and imposition of sanctions which confirms that private companies are required to employ at least 1% of persons with disabilities from the total number of workers. This is the reason why not all companies employ persons with disabilities.

V. ASKNOWLEDGMENTS

The researcher would like to thank the Head of the Law Study Program, Dean of the Faculty of Law, Chancellor of Bojonegoro University for his support in this research.

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