E-ISSN: 3025-0994
Halaman 2833-2847
Volume 4 Nomor 3 Tahun 2026

Fulfillment Of Constitutional Rights Of Persons With Disabilities Study Pohuwato Regency

Faisal Panggi[1],Sumiyati B[2] ,Rusmulyadi[3]

[1,2,3] Program Studi Magister Ilmu Hukum, Universitas Ichsan Gorontalo, Indonesia
e-mail: faisal1panggi@gmail.com

Abstrak

Penelitian ini bertujuan menganalisis implementasi pemenuhan hak konstitusional penyandang disabilitas dalam mendapatkan pekerjaan di Kabupaten Pohuwato. Hak atas pekerjaan dijamin UUD 1945, Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas, serta Perda Kabupaten Pohuwato Nomor 12 Tahun 2023. Penelitian ini menggunakan metode hukum empiris dengan pendekatan kualitatif. Data diperoleh melalui observasi, wawancara, dan dokumentasi pada Dinas Sosial, Dinas Tenaga Kerja dan Transmigrasi, BUMD, perusahaan swasta, serta penyandang disabilitas. Hasil penelitian menunjukkan bahwa pemenuhan hak kerja penyandang disabilitas belum optimal. Dari 1.010 penyandang disabilitas di Kabupaten Pohuwato, hanya 8 orang yang terserap dalam dunia kerja formal. Kondisi ini menunjukkan adanya kesenjangan antara norma hukum dan praktik pelaksanaan. Hambatan yang ditemukan meliputi lemahnya pendataan, terbatasnya pelatihan kerja, rendahnya kepatuhan perusahaan, minimnya akomodasi layak, serta belum efektifnya pengawasan pemerintah daerah. Temuan ini menegaskan bahwa regulasi belum cukup tanpa pelaksanaan yang terukur, pengawasan konsisten, dan komitmen pemberi kerja. Penelitian ini merekomendasikan penguatan kebijakan inklusif, pelatihan kerja, pengawasan kuota, penyediaan akomodasi layak, dan kerja sama lintas sektor di tingkat daerah secara lebih berkelanjutan dan responsif.

Kata Kunci: Pemenuhan, Hak Konstitusional, Disabilitas, Pohuwato

Abstract

This study aims to analyze the implementation of the fulfillment of the constitutional rights of persons with disabilities in obtaining employment in Pohuwato Regency. The right to work is guaranteed by the 1945 Constitution, Law Number 8 of 2016 concerning Persons with Disabilities, and Pohuwato Regency Regional Regulation Number 12 of 2023. This study employs an empirical legal research method with a qualitative approach. Data were obtained through observation, interviews, and documentation involving the Social Affairs Office, the Manpower and Transmigration Office, regional-owned enterprises, private companies, and persons with disabilities. The findings show that the fulfillment of employment rights for persons with disabilities has not been optimally implemented. Of the 1,010 persons with

disabilities in Pohuwato Regency, only 8 have been absorbed into formal employment. This condition indicates a gap between legal norms and their practical implementation. The obstacles identified include weak data collection, limited job training, low company compliance, inadequate reasonable accommodation, and ineffective local government supervision. These findings affirm that regulations alone are insufficient without measurable implementation, consistent supervision, and employer commitment. This study recommends strengthening inclusive policies, job training, quota supervision, the provision of reasonable accommodation, and more sustainable and responsive cross-sectoral cooperation at the regional level.

Keywords : *Fulfillment, Constitutional Rights, Disability, Pohuwato*

INTRODUCTION

Employment development is an integral part of national development based on Pancasila and the 1945 Constitution of the Republic of Indonesia (Hamid, 2019). This development is not only directed at increasing productivity and economic growth, but also at protecting human dignity, fulfilling workers' basic rights, and creating social justice in labor relations (Elizabeth, 2019). In a state of law, work is not merely a means of earning income, but part of the constitutional right of citizens to live a dignified, independent, and dignified life (Nuraeni & Lilin Suryono, 2021).

The right to work has been affirmed in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states that every citizen has the right to work and a decent livelihood for humanity. In addition, Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia also affirms that everyone has the right to work and receive fair and decent remuneration and treatment in employment relationships. Both provisions show that the state has a constitutional obligation to ensure equal access to employment, including for vulnerable groups such as people with disabilities(Zubi & Affan, 2021).

The constitutional guarantee is strengthened through Law Number 39 of 1999 concerning Human Rights. Article 38 of the law affirms that every citizen, according to his talents, abilities, and abilities, has the right to decent work. Everyone also has the right to choose a job they like and obtain fair employment conditions. This provision places the right to employment as part of human rights that must be respected, protected, and fulfilled without discrimination (Manisha et al., 2022). Thus, the right to work is not only inherent in citizens who do not have physical, mental, intellectual, or sensory barriers, but also applies to people with disabilities.

Persons with disabilities are part of citizens who have the same legal status before the state. Law Number 8 of 2016 concerning Persons with Disabilities changed the paradigm of disability protection from a compassionate approach to a human rights approach. In Article 1 number 1, persons with disabilities are defined as any person who experiences physical, intellectual, mental, and/or sensory limitations for a long period of time who in interacting with the environment can experience obstacles and difficulties to participate fully and effectively

with other citizens based on equal rights (Hulinggato, 2025). This definition emphasizes that the obstacles experienced by people with disabilities come not only from individual conditions, but also from social, legal, and institutional environments that are not yet inclusive.

In the field of employment, Law Number 8 of 2016 provides special guarantees for people with disabilities. Article 11 stipulates that persons with disabilities have the right to obtain jobs organized by the government, local governments, or the private sector without discrimination; earn the same wages for the same types of work and responsibilities; obtaining decent accommodation; not dismissed on disability grounds; get a program back to work; obtaining a fair, proportionate and dignified work placement; and get opportunities to develop careers and other normative rights (Regina Pramestia, Meri Yarni, 2025). This provision shows that the protection of persons with disabilities in the world of work does not only stop at the opportunity to enter the workforce, but also includes fair treatment during the employment relationship.

Furthermore, Article 53 of Law Number 8 of 2016 stipulates affirmative obligations for employers. The government, local governments, State-Owned Enterprises, and Regional-Owned Enterprises are required to employ at least 2% of the number of employees or workers. Meanwhile, private companies are required to employ at least 1% of the number of employees or workers. The provision of this quota is an important legal instrument to encourage the inclusion of persons with disabilities in the formal labor market. From the perspective of labor law, the regulation is in line with Article 5 of Law Number 13 of 2003 concerning Manpower which states that every worker has the same opportunity without discrimination to get a job (Febrina, 2025).

However, the existence of legal norms is not always directly proportional to implementation in the field. People with disabilities still face various obstacles in accessing the world of work, including low access to education and job training, lack of transportation facilities and disability-friendly buildings, limited information on inclusive job vacancies, social stigma, and lack of employers' readiness to provide decent accommodation. These barriers cause people with disabilities to be in a more vulnerable position than non-disabled workers. As a result, the constitutional right to work has not been fully enjoyable equally.

At the regional level, Pohuwato Regency already has Regional Regulation Number 12 of 2023 concerning the Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities. This regional regulation strengthens the legal commitment in fulfilling the rights of persons with disabilities, including the right to employment. Article 17 states that persons with disabilities have equal rights and opportunities to get a job and/or do a decent independent business. Furthermore, Article 75 stipulates that Regional Governments and Regionally-Owned Enterprises are obliged to employ persons with disabilities at least 2% of the number of employees or workers, while private companies in the regions are obliged to employ persons with disabilities at least 1%. The Regional Regulation even regulates the possibility of administrative sanctions for business entities that do not carry out these obligations.

However, empirical reality shows that the implementation of these norms is still not optimal. Based on preliminary data from the Pohuwato Regency Social Service in 2026,

there are 1,010 people with disabilities in Pohuwato Regency. Of these, only 8 people with disabilities have been absorbed into the formal world of work. The absorption is spread across three companies, namely PT Biomasa Jaya Abadi as many as 5 people, PT Inti Global as many as 1 person, and PT Banyan Grow Lestari as many as 2 people. Meanwhile, based on data from the Pohuwato Regency Manpower and Transmigration Office, there are 65 active companies and 1 Regionally Owned Enterprise that carry out business activities in the area.

A comparison between the number of persons with disabilities, the number of active companies, and the number of workers with disabilities absorbed shows that there is a gap between legal provisions and factual implementation. Normatively, laws and regulations have provided a strong guarantee for the work rights of persons with disabilities. However, in practice, the fulfillment of these rights still faces structural, administrative, social, and institutional obstacles. This condition shows that the main problem lies not only in the availability of regulations, but also in the effectiveness of implementation, supervision, employer compliance, and the role of local governments in ensuring the fulfillment of the constitutional rights of persons with disabilities.

Based on this description, research on the implementation of the fulfillment of the constitutional rights of persons with disabilities in obtaining jobs in Pohuwato Regency is important to be carried out. This study is directed to analyze the extent to which legal norms regarding the employment rights of persons with disabilities have been implemented, identify factors that hinder their fulfillment, and assess the role of local governments and companies in carrying out legal obligations as stipulated in laws and regulations. Thus, this research is expected to contribute to strengthening legal protection, improving inclusive employment policies, and fulfilling the rights of persons with disabilities more effectively and fairly.

METHODS

The research objects in the study entitled "Implementation of the Fulfillment of Constitutional Rights of Persons with Disabilities in Getting Jobs in Pohuwato Regency" include the Pohuwato Regency Social Service, the Pohuwato Regency Manpower and Transmigration Office, Pohuwato Regency Regionally Owned Enterprises, private companies in Pohuwato Regency, and people with disabilities. The object was chosen because it is directly related to the implementation of the fulfillment of the rights of persons with disabilities in obtaining a job. The Social Service and the Manpower Office play a role in data collection, empowerment, training, and job placement programs. Meanwhile, BUMDs and private companies are parties that have a legal obligation to provide employment opportunities for people with disabilities. People with disabilities are used as the main source to find out their experiences, barriers, and access to the world of work.

The type of research used is empirical legal research with a qualitative approach (Saharuddin, 2025). Empirical legal research is used to see the implementation of legal norms in social reality, especially regarding the effectiveness of fulfilling the employment rights of persons with disabilities in Pohuwato Regency. The qualitative approach is used because this study aims to produce descriptive data in the form of written descriptions, oral statements, and social facts found in the field (Tue et al., 2023).

The location of the research was carried out in Pohuwato Regency, with the consideration that the area already has a regional legal apparatus related to the protection of persons with disabilities and there are government agencies, BUMDs, private companies, and people with disabilities that are relevant to the focus of the research. The data used consists of primary data and secondary data. Primary data was obtained through interviews and observations of related parties, while secondary data was obtained from laws and regulations, books, journals, official documents, and reports related to research.

The population in this study includes officials or employees of the Social Service, the Department of Manpower and Transmigration, BUMD, private companies, and people with disabilities in Pohuwato Regency. The sample is determined purposively, that is, it is selected based on its relevance and capacity in providing the required information.

Data collection techniques were carried out through non-participant observation, interviews, and documentation (Ahmad, 2018). The data obtained were then analyzed qualitatively by organizing, sorting, interpreting, and presenting data descriptively to describe the implementation of the fulfillment of the right to obtain jobs for persons with disabilities in Pohuwato Regency.

RESULTS AND DISCUSSION

Constitutional Rights of Persons with Disabilities

The constitutional rights of persons with disabilities are an inseparable part of the principles of the state of law, democracy, and respect for human dignity. In Indonesia's constitutional system, every citizen has an equal position before the law and government, including in obtaining employment, education, public services, accessibility, social security, legal protection, and opportunities to participate in community life (Sahar et al., 2025). Therefore, persons with disabilities cannot be seen as a group that only needs mercy or social assistance, but rather as subjects of law who have rights, freedoms, and dignity that must be respected, protected, and fulfilled by the state.

Constitutionally, the main basis for the protection of persons with disabilities can be found in the 1945 Constitution of the Republic of Indonesia. Article 27 paragraph (2) emphasizes that every citizen has the right to work and a decent livelihood for humanity. This provision means that the state is obliged to open fair opportunities for all citizens to get a job, regardless of physical, intellectual, mental, or sensory conditions. The right to work is not only an economic right, but also the right to live independently, with dignity, and participate in social life.(Habib et al., 2025)

In addition, Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees that everyone has the right to recognition, guarantee, protection, fair legal certainty, and equal treatment before the law. This provision is important because people with disabilities often experience obstacles in obtaining equal treatment, both in public services, education, health, and employment. Equality before the law should not be understood formally, but must be realized substantively through policies that are able to remove real obstacles experienced by people with disabilities (Yuhaeni, 2020).

Article 28D paragraph (2) also emphasizes that everyone has the right to work and receive fair and decent remuneration and treatment in employment relationships. In the

context of persons with disabilities, this article provides the basis that they should not be denied, restricted, or dismissed from employment simply because of their disability. As long as people with disabilities have the ability, competence, and can carry out work with proper accommodation, the state and employers are obliged to provide equal opportunities.

The constitutional rights of persons with disabilities are also closely related to Article 28H paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states that everyone has the right to receive convenience and special treatment to obtain equal opportunities and benefits to achieve equality and justice. This provision is the constitutional basis for affirmative policies towards persons with disabilities. Special treatment is not a form of discrimination, but rather an attempt to create substantive equality. In social realities, people with disabilities face barriers that non-disabled groups do not experience, such as barriers to physical access, communication, stigma, discrimination, and lack of adequate accommodations. Therefore, the state is justified and even required to provide special treatment so that people with disabilities can enjoy their rights equally.

The protection of the rights of persons with disabilities also has a basis in Law Number 39 of 1999 concerning Human Rights. This law affirms that everyone has the right to the protection of human rights without discrimination. In the field of employment, Article 38 states that every citizen has the right to decent work according to talent, skill, and ability. Everyone also has the right to choose a job they like and obtain fair employment conditions. This provision emphasizes that the right to work does not only belong to those who are physically considered "normal", but is the right of everyone, including people with disabilities.

An important development in the protection of the rights of persons with disabilities occurred after Indonesia ratified the Convention on the Rights of Persons with Disabilities through Law Number 19 of 2011. The ratification of the convention demonstrates the country's commitment to adopt a human rights-based approach to persons with disabilities. With this approach, disability is no longer understood solely as a medical problem or an individual's disability, but as a result of the interaction between individual limitations and environmental barriers that prevent full participation in society.

The paradigm change was then strengthened through Law Number 8 of 2016 concerning Persons with Disabilities. This law is the main legal instrument in respecting, protecting, and fulfilling the rights of persons with disabilities in Indonesia. In Article 1 number 1, a person with a disability is defined as any person who experiences physical, intellectual, mental, and/or sensory limitations for a long period of time who in interacting with the environment can experience obstacles and difficulties to participate fully and effectively with other citizens based on equal rights. This definition suggests that the main problem lies not only in the condition of the individual, but also in the inhospitable environment, the ineffective legal system, and the still discriminatory social structure.

The rights of persons with disabilities in Law Number 8 of 2016 are widely regulated. Article 5 mentions various rights of persons with disabilities, including the right to life, freedom from stigma, privacy, justice and legal protection, education, employment, entrepreneurship and cooperatives, health, politics, religion, sports, culture and tourism, social welfare, accessibility, public services, protection from disasters, habilitation and rehabilitation, concessions, data collection, independent living and involvement in society,

expression, communication, obtaining information, change of place and nationality, and be free from discrimination, neglect, torture, and exploitation. The breadth of this arrangement suggests that the protection of persons with disabilities must be viewed as a whole, not limited to social assistance or health services.

In the field of employment, the constitutional rights of persons with disabilities have taken a more concrete form through Article 11 of Law Number 8 of 2016. This article gives persons with disabilities the right to obtain employment organized by the government, local government, or the private sector without discrimination; earn the same wages as non-disabled workers for the same types of work and responsibilities; obtaining adequate accommodation in employment; not dismissed on disability grounds; get a program back to work; obtaining a fair, proportionate and dignified work placement; to have the opportunity to develop a career path; as well as advancing business, working independently, entrepreneurship, and developing cooperatives.

This provision shows that the right to work for people with disabilities does not only mean the right to be accepted for work. Furthermore, these rights include the right to be treated fairly at work, obtain supporting facilities, obtain career development, and be protected from discriminatory termination of employment. In this context, employers are not only opening job openings, but also must create an inclusive work environment. An inclusive work environment means the availability of physical access, appropriate communication, adjustment of duties when necessary, non-discriminatory treatment, and respect for the dignity of workers with disabilities.

One of the important instruments in fulfilling the work rights of people with disabilities is the obligation of work quotas. Article 53 of Law Number 8 of 2016 stipulates that the government, local governments, State-Owned Enterprises, and Regional-Owned Enterprises are obliged to employ at least 2% of the number of employees or workers. Meanwhile, private companies are required to employ at least 1% of the number of employees or workers. This provision is a form of affirmative action, which is a special policy that aims to overcome the structural inequality that has been experienced by people with disabilities in accessing the world of work.

The obligation of the quota is important because in practice, people with disabilities often experience obstacles from the recruitment stage. Many employers still have the assumption that people with disabilities are unproductive, difficult to adjust, require high costs, or are unable to perform their work effectively. This kind of view is a form of stigma that is contrary to the principle of equal rights. In fact, the main obstacle often lies not in the ability of people with disabilities, but in the lack of availability of suitable accommodation and low employer awareness.

The constitutional rights of persons with disabilities must also be read together with the principle of non-discrimination in employment law. Law Number 13 of 2003 concerning Manpower emphasizes that every worker has the same opportunity without discrimination to get a job. This provision reinforces the principle that persons with disabilities should not be excluded from the job market simply because of their disability. The same opportunity must be interpreted as a real opportunity, not just a formal opportunity. This means that if the recruitment process, workplace, work facilities, or communication system are not accessible

to people with disabilities, then the state and employers have not really provided equal opportunities.

In order to strengthen the implementation of the employment rights of persons with disabilities, the government also regulates the Disability Service Unit in the Employment Sector through Government Regulation Number 60 of 2020. This unit functions to support employment services for people with disabilities, including helping employers and job seekers with disabilities to make the job placement process more inclusive. The existence of the Employment ULD shows that the fulfillment of the employment rights of persons with disabilities cannot be completely left to the market mechanism. The state must be present through services, mentoring, training, data collection, monitoring, and supervision.

Theoretically, the constitutional rights of persons with disabilities require the state to carry out three main obligations, namely respect, protect, and fulfill. The obligation to respect means that the state must not make policies that prevent people with disabilities from enjoying their rights. The obligation to protect means that the state must prevent third parties, including companies, from discriminating against people with disabilities. The obligation to comply means that the state must take active steps through policies, budgets, programs, facilities, and supervision so that the rights of persons with disabilities can be truly implemented.

In the context of the right to work, these obligations can be realized through the preparation of clear regulations, strengthening data on people with disabilities of working age, skills training, providing easily accessible job vacancy information, supervision of quota obligations, providing incentives for inclusive companies, and enforcing sanctions against discriminatory employers. Without these measures, the constitutional rights of persons with disabilities will cease to be written norms that have no coercive force in real life.

The main problem in fulfilling the constitutional rights of persons with disabilities is no longer solely the absence of a legal basis, but the weak implementation. Normatively, Indonesia already has a constitution, human rights law, disability law, labor law, and technical regulations regarding disability services in the field of employment. However, in practice, people with disabilities still often face structural barriers, such as low access to education and training, lack of accessible public facilities, limited employment opportunities, low company compliance with work quotas, and weak government supervision.

The gap between these norms and practices shows that the fulfillment of the constitutional rights of persons with disabilities requires a more operational approach. Local governments have an important role because they are closest to the community and employers. It is not enough for local governments to only form local regulations, but also to ensure accurate data collection, training programs relevant to the needs of the job market, cooperation with companies, guidance for employers, and complaint mechanisms that are easily accessible to people with disabilities.

In addition to the government, companies also have legal and social responsibilities in fulfilling the employment rights of people with disabilities. Companies should not view the obligation to hire people with disabilities as just an administrative burden. Instead, inclusive employment policies must be understood as part of respect for human rights, corporate social responsibility, and the creation of a fair work environment. The fulfillment of work

quotas must be accompanied by adjustments to the work environment, training for management and employees, and the elimination of stigma against workers with disabilities.

The constitutional rights of persons with disabilities must ultimately be understood as the right to be recognized as a whole and equal human being. Persons with disabilities are not objects of mercy, but citizens who have the right to determine their lives, work, participate, develop their potential, and obtain a decent livelihood. Therefore, the measure of the success of the law lies not only in the existence or absence of regulations, but in the extent to which they are able to change discriminatory social realities to be more inclusive.

Portrait of Persons with Disabilities in Pohuwato Regency

The portrait of people with disabilities in Pohuwato Regency can be seen through the 2025 recapitulation data for people with disabilities. The data is important to describe the factual condition of persons with disabilities as a community group that needs serious attention in regional development policies, especially in the fields of social protection, education, health, accessibility, and employment. The existence of this data is also the initial basis for assessing the extent to which local governments, the business world, and the community have provided equal space for people with disabilities to participate in social and economic life.

Based on the recapitulation of disability data in Pohuwato Regency in 2025, the number of people with disabilities was recorded at 1,010 people. The number consists of 545 men and 465 women. When viewed from the composition of gender, there are more people with disabilities in men than women. Men with disabilities reached around 53.96%, while women were around 46.04% of the total people with disabilities. This difference shows that people with disabilities in Pohuwato Regency are not only a problem for certain groups, but include a relatively large number of men and women and require policies that are responsive to the needs of both.

When viewed based on the type of disability, the largest group is people with physical disabilities, which is 512 people. This number is more than half of the total number of people with disabilities in Pohuwato Regency, which is around 50.69%. Of these, 287 people are men and 225 are women. The high number of people with physical disabilities shows the need for special attention to the provision of accessible public facilities, such as wheelchair access, disability-friendly transportation, easily accessible health facilities, and a work environment that is able to accommodate the mobility needs of people with physical disabilities. In the context of employment, people with physical disabilities often still face obstacles in the form of limited access to the workplace, stigma of work ability, and lack of adjustment to the work environment.

The next group is people with sensory disabilities with a total of 214 people, consisting of 102 men and 112 women. This number is equivalent to around 21.19% of the total people with disabilities in Pohuwato Regency. Sensory disabilities include obstacles to the functioning of the five senses, such as blind, hearing, and/or speech disabilities. This data shows that the provision of inclusive information services is an urgent need. Local governments and public service institutions need to ensure the availability of accessible communication media, such as sign language services, audio-based information, easy-to-

read writing, and service officers who have a basic understanding of communication with people with sensory disabilities. In the world of work, this group also needs proper accommodations, such as communication tools, adjustment of the work system, and a non-discriminatory recruitment process.

There are 211 people with mental disabilities in Pohuwato Regency, consisting of 117 men and 94 women. This figure is equivalent to around 20.89% of the total number of people with disabilities. This number shows that mental disabilities are a large group and cannot be ignored in regional policies. People with mental disabilities often face more severe stigma than other types of disabilities. They are often seen as unable to work, unstable, or unable to participate productively in society. This kind of view needs to be changed through a human rights-based approach. Local governments need to strengthen mental health services, psychosocial support, social rehabilitation, and empowerment programs that allow people with mental disabilities to live independently and obtain employment opportunities according to their abilities and conditions (Nuraeni & Lilin Suryono, 2021).

Furthermore, there are 65 people with multiple disabilities, consisting of 35 men and 30 women. This number reaches around 6.44% of the total number of people with disabilities. Multiple disability is a condition when a person experiences more than one type of disability. This group requires more complex attention because the obstacles experienced are also more layered. For example, a person can experience physical as well as sensory barriers, or mental and intellectual barriers. Therefore, service policies for people with multiple disabilities cannot be general, but must be more individual, integrated, and based on the special needs of each person with disabilities.

The number of people with intellectual disabilities was recorded as many as 8 people, consisting of 4 men and 4 women. Although they are the smallest number, which is about 0.79% of the total number of people with disabilities, this group still needs adequate protection and services. People with intellectual disabilities need special approaches in education, skills training, social assistance, and legal protection. A small amount should not be a reason to ignore their needs. Precisely because the number is limited, local governments can collect more detailed data and develop more targeted assistance programs.

Based on this composition, it can be seen that physical disability is the most dominant type of disability in Pohuwato Regency, followed by sensory disability and mental disability. This condition gives an idea that regional policies need to be directed to three major needs. First, the provision of physical accessibility for people with physical disabilities. Second, the provision of access to information and communication for people with sensory disabilities. Third, strengthening mental health services and social support for people with mental disabilities (Aulia & Soesiantoro, 2025).

In the context of fulfilling the right to work, this data shows the potential of the workforce of people with disabilities that must be considered. With a total of 1,010 people with disabilities, Pohuwato Regency has a great responsibility to ensure that they are not only recorded, but also have access to job training, job vacancy information, mentoring, and job opportunities in the government sector, BUMD, and private companies. Good data collection must be continued with a real affirmative policy, especially considering that Law

Number 8 of 2016 has required the government, local governments, SOEs, and BUMDs to employ at least 2% of people with disabilities, as well as private companies of at least 1% of their workforce.

Thus, the portrait of people with disabilities in Pohuwato Regency in 2025 shows that the issue of disability is not only a social problem, but also a matter of law, public policy, and justice. Data on 1,010 people with disabilities must be the basis for local governments to develop more inclusive, measurable, and sustainable programs. Protection of persons with disabilities is not enough through regulations, but must be realized in concrete policies, such as accurate data collection, skills training, job placement facilitation, provision of appropriate accommodation, and supervision of companies' obligations in employing persons with disabilities. Without these measures, people with disabilities will remain in a vulnerable position and their constitutional right to live independently and obtain decent work cannot be optimally fulfilled.

No.	Type of Disability	Number of Persons with Disabilities	Male	Female
1	Physical Disability	512	287	225
2	Intellectual Disability	8	4	4
3	Mental Disability	211	117	94
4	Sensory Disability	214	102	112
5	Multiple Disabilities	65	35	30
Total		**1,010**	**545**	**465**

Data Source: Pohuwato Regency Research Results

Fulfillment of Constitutional Rights of Persons with Disabilities in Getting a Job in Pohuwato Regency

The fulfillment of the constitutional rights of persons with disabilities in obtaining employment is an important part of the implementation of the principles of the state of law and social justice. The right to work is not only related to the fulfillment of economic needs, but also related to human dignity, independence, social recognition, and the opportunity to participate equally in people's lives (Nashiha et al., 2025). For people with disabilities, work has a broader meaning because it is a means to remove stigma, strengthen social position, and show that disability is not a barrier to contributing to development.

Normatively, the right of persons with disabilities to obtain employment has obtained a strong legal basis. Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that every citizen has the right to work and a decent livelihood for humanity. In addition, Article 28D paragraph (2) emphasizes that everyone has the right to work and receive fair and decent remuneration and treatment in employment relationships. Both of these provisions show that the right to work is a constitutional right that applies to every citizen without discrimination, including persons with disabilities.

More specific regulations are contained in Law Number 8 of 2016 concerning Persons with Disabilities. This law affirms that persons with disabilities are legal subjects who have equal rights with other citizens. In the field of employment, Article 11 provides the right to persons with disabilities to obtain employment without discrimination, to get equal wages

for the same type of work and responsibilities, to obtain proper accommodation, not to be dismissed on the grounds of disability, and to obtain opportunities for career development (Putra, M. B. A. S., Suhartoyo, S., & Azhar, 2025). This provision shows that the fulfillment of the employment rights of persons with disabilities does not only stop at the acceptance of employment, but also includes fair treatment during the employment relationship.

Furthermore, Article 53 of Law Number 8 of 2016 regulates the obligation of work quotas for people with disabilities. The government, local governments, State-Owned Enterprises, and Regional-Owned Enterprises are required to employ at least 2% of the number of employees or workers. Meanwhile, private companies are required to employ at least 1% of people with disabilities from their total workforce (Islahatusani, 2025). This provision is a form of affirmative policy that aims to overcome the inequality of access to work that has been experienced by people with disabilities.

At the regional level, Pohuwato Regency already has Regional Regulation Number 12 of 2023 concerning the Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities. This regional regulation strengthens the obligations of local governments and business entities in the region in guaranteeing the rights of persons with disabilities. Article 17 of the Regional Regulation states that persons with disabilities have equal rights and opportunities to get a job and/or do a decent independent business. Furthermore, Article 75 regulates the obligation of Local Governments and Regionally-Owned Enterprises to employ persons with disabilities of at least 2%, while private companies are obliged to employ at least 1%. In fact, the regional regulation also contains the threat of administrative sanctions for business entities that do not carry out these obligations.

However, when viewed from the factual conditions in Pohuwato Regency, the fulfillment of the constitutional rights of persons with disabilities in obtaining jobs has not been carried out optimally. Based on preliminary data from the Pohuwato Regency Social Service in 2025, the number of people with disabilities was recorded at 1,010 people. Of these, people with disabilities consist of 545 men and 465 women, with a variety of physical, intellectual, mental, sensory, and dual disabilities. This number shows that people with disabilities are a significant group of people and require serious attention in regional employment policies.

However, of the 1,010 people with disabilities, only 8 people have been absorbed into the formal workforce. They work for three companies, namely PT Biomasa Jaya Abadi as many as 5 people, PT Inti Global as many as 1 people, and PT Banyan Tumbuh Lestari as many as 2 people. Meanwhile, based on data from the Pohuwato Regency Manpower and Transmigration Office, there are 65 active companies and 1 Regionally Owned Enterprise that carry out business activities in Pohuwato Regency. The comparison between the number of people with disabilities, the number of companies, and the number of workers with disabilities absorbed shows that there is a considerable gap between legal norms and implementation in the field.

This condition shows that the existence of regulations has not automatically guaranteed the fulfillment of the rights of persons with disabilities. Legally, the obligation to employ people with disabilities has been clearly regulated, both through national laws and local regulations. However, practically, its implementation still faces obstacles. These

obstacles can come from several factors, including the lack of optimal data collection of people with disabilities of working age, low access to skills training, limited information on inclusive job vacancies, lack of readiness of companies in providing proper accommodation, and the stigma that people with disabilities are unable to work productively (Sari & Afifah, 2025).

In addition, the low absorption of workers with disabilities also shows the need to strengthen the role of local governments. It is not enough for local governments to have only local regulations (Naknoi et al., 2026), but also to ensure that these provisions are implemented by government agencies, BUMDs, and private companies. The implementation of work quota obligations needs to be accompanied by mechanisms for supervision, data collection, coaching, evaluation, and the provision of administrative sanctions for non-compliant parties. Without effective supervision, the provision of work quotas will only be a written norm that has no coercive force.

Private companies also have an important responsibility in fulfilling the employment rights of people with disabilities (Nijhof et al., 2026). The obligation to employ people with disabilities should not be seen as an administrative burden, but rather as part of the company's legal and social responsibility. Companies need to open up an inclusive recruitment process, adjust the work environment, provide adequate accommodation, and ensure that workers with disabilities have equal rights in wages, career paths, and job protections. Thus, the fulfillment of the right to work of persons with disabilities is not only measured by the number of people accepted for work, but also by the quality of treatment provided during work (Meulen et al., 2026).

From the perspective of people with disabilities, barriers to getting a job are also related to access to education and training. Many people with disabilities have not had adequate opportunities to upskill according to the needs of the job market. Therefore, disability-friendly job training programs are important. Local governments need to develop training programs based on local needs and work with companies so that the training is truly in line with the available job opportunities.

Thus, the fulfillment of the constitutional rights of persons with disabilities in getting a job in Pohuwato Regency is still at a stage that is not optimal. Normatively, a strong legal basis has been provided through the 1945 Constitution, Law Number 8 of 2016, the Manpower Law, and Pohuwato Regency Regulation Number 12 of 2023. However, empirically, the absorption rate of the workforce of people with disabilities is still very low when compared to the number of people with disabilities and the number of existing companies. This condition shows the need for concrete steps in the form of strengthening data collection, job training, supervision of quota obligations, provision of decent accommodation, and enforcement of sanctions against companies that do not carry out their obligations. Without these steps, the constitutional right of persons with disabilities to obtain employment will remain at the normative level and has not been fully realized in real life.

CONCLUSION

The fulfillment of the constitutional rights of persons with disabilities in getting a job in Pohuwato Regency has not been carried out optimally. Although there has been a legal

basis through the 1945 Constitution, Law Number 8 of 2016, and Pohuwato Regency Regulation Number 12 of 2023, the absorption of workers with disabilities is still low compared to the number of people with disabilities and existing companies. The main obstacle lies in the weak implementation, supervision, data collection, training, and provision of proper work accommodation. Therefore, local governments need to strengthen supervision and job training, while companies need to open inclusive job opportunities so that the rights of people with disabilities are realized.

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