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Legal Protection Gap for Persons with Disabilities in Indonesia: Literature Analysis of the Implementation of Law No. 8 of 2016

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Abstract

This study aims to analyze gaps in the implementation of Law Number 8 of 2016 concerning Persons with Disabilities in Indonesia. This law is an effort by the Indonesian government to provide more comprehensive legal protection for persons with disabilities, in line with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Using a literature analysis approach, this study identified five main gaps in the implementation of the law: limited physical and digital accessibility, lack of participation of persons with disabilities in the decision-making process, disparities in implementation at the regional level, unavailability of accurate data, and ongoing social stigma and discrimination. The research methodology is qualitative descriptive with secondary data sources in the form of literature, laws and regulations, government reports, journal articles, and other credible publications. The results of the study indicate that many public facilities are not yet fully disability-friendly, participation of persons with disabilities in policy forums is still minimal, there are gaps in implementation between regions, data on persons with disabilities has not been integrated, and negative stigma is still strong in society. Based on these findings, this study recommends strengthening accessibility regulation and monitoring, institutionalizing representation of persons with disabilities in policy-making, providing technical and budgetary assistance to reduce regional disparities, developing an integrated national database, and anti-stigma education campaigns. The implementation of these recommendations is expected to realize more effective legal protection and social inclusion for persons with disabilities in Indonesia.

Keywords: Accessibility, legal protection, participation, persons with disabilities, social stigma

1. Introduction

Persons with disabilities are an integral part of society who have equal rights and obligations with other citizens (Subiakso et al., 2023). However, in practice, they often face various obstacles in accessing basic rights, including in the fields of education, employment, and social participation. To address this problem, the Indonesian Government passed Law Number 8 of 2016 concerning Persons with Disabilities as an effort to provide more comprehensive legal protection (Simamora and Panjaitan, 2023).

Law No. 8 of 2016 aims to guarantee the fulfillment and protection of the rights of persons with disabilities, including the right to education, employment, accessibility, and participation in community life (Subiakso et al., 2023). This law also adopts a human rights-based approach, in line with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which has been ratified by Indonesia (Ayuningtyas et al., 2022).

Although there is a strong legal basis, the implementation of Law No. 8 of 2016 still faces various challenges. Several studies show that there is a gap between regulations and practices in the field, caused by various factors, including lack of understanding, coordination between institutions, and limited resources (Nurhayati and Kardi, 2024; Wati, 2024).

One important aspect in protecting the rights of persons with disabilities is accessibility to public facilities and public services. However, many public infrastructures and services are not yet disability-friendly, such as the lack of supporting facilities at polling stations or minimal accessibility in educational institutions and workplaces (Hotor, 2024).

The participation of persons with disabilities in the decision-making process related to their lives is still limited. This can be seen from their minimal involvement in the formulation of policies or programs aimed at persons with disabilities, which can result in policies that are not responsive to their needs (Barid et al., 2022).

The implementation of Law No. 8 of 2016 also heavily depends on the role of local governments. However, there are differences in the level of awareness and capacity between regions in implementing the provisions of this law. Some regions may not yet have regional regulations or programs that optimally support people with disabilities (Fitriah, 2021).

The lack of accurate data and information regarding the number and conditions of people with disabilities in Indonesia is an obstacle to effective program planning and implementation (Daniel et al., 2023). Incomplete or poorly distributed data can result in policies that are not well targeted. Stigma and discrimination against people with disabilities are still serious problems in society (Ocran, 2022). This not only affects the self-confidence of people with disabilities but can also hinder their access to equal services and opportunities.

This study aims to analyze the gaps in legal protection for people with disabilities in Indonesia with a focus on the implementation of Law No. 8 of 2016. Using a literature analysis approach, this study will identify the main obstacles in the implementation of the law and provide recommendations for future improvements.

2. Literature Review

2.1. Physical and digital accessibility limitations

Although Law Number 8 of 2016 mandates the provision of accessibility for persons with disabilities, its implementation across Indonesia remains uneven and faces significant practical barriers. In many public spaces, especially outside major urban areas, infrastructure is not designed with universal access in mind. Essential facilities such as ramps, elevators with braille instructions, handrails, tactile paving, and accessible toilets are often missing or poorly maintained. These physical limitations hinder mobility and reinforce social exclusion for persons with physical, visual, and mobility impairments.

The issue of accessibility has also extended into the digital domain. As public services increasingly move online, the lack of accessible websites and digital platforms has become a new form of exclusion. Many government websites do not follow international standards for digital accessibility (e.g., WCAG), and few include features like screen reader compatibility, sign language interpretation, or closed captions. Sulastuti and Andreas (2022) argue that digital accessibility is crucial for ensuring full participation of persons with disabilities in modern life, from applying for public services to accessing education and employment opportunities. Therefore, stricter accessibility audits and compliance mechanisms must be enforced, both physically and digitally, to ensure equality of access.

2.2. Lack of participation in decision-making processes

One of the cornerstones of inclusive governance is the meaningful participation of marginalized groups, including persons with disabilities. However, in practice, people with disabilities are often excluded from decision-making processes, particularly those that directly affect their welfare and rights. This exclusion leads to the development of public policies that fail to address their actual needs and often reinforce existing barriers.

For instance, development planning meetings such as *Musyawarah Perencanaan Pembangunan* (Musrenbang) rarely include adequate representation of people with disabilities. When participation is permitted, it often lacks depth and is more symbolic than substantial. As Mursita (2024) notes, this lack of involvement reflects a broader pattern of marginalization in which the voices of people with disabilities are absent from political, economic, and social dialogues. Ensuring inclusive participation requires proactive outreach, accessibility of information, and capacity-building programs that empower people with disabilities to engage fully in governance processes.

2.3. Implementation disparities at the regional level

The success of Law Number 8 of 2016 is heavily reliant on how effectively it is implemented by local governments. However, there are wide disparities in awareness, political commitment, and administrative capacity across regions. Some provinces and municipalities have shown commendable progress by enacting local regulations (*perda*), allocating budgets for disability programs, and coordinating multi-sectoral efforts. Meanwhile, other regions lag behind due to a lack of political will, limited human resources, and competing policy priorities.

This inconsistency results in unequal protection and services for persons with disabilities depending on where they live. According to Sukmiah and Masyitah (2024), several local governments are still unfamiliar with the mandates of the national disability law or lack the expertise to translate them into actionable policies. Additionally, weak institutional coordination and minimal involvement from civil society organizations exacerbate the problem. A comprehensive national strategy must address these regional disparities through improved oversight, intergovernmental collaboration, and technical assistance programs.

2.4. Lack of accurate data and information

Accurate and up-to-date data is essential for effective planning, policy formulation, and evaluation. Unfortunately, the availability of reliable data on persons with disabilities in Indonesia remains insufficient. Existing databases are

often fragmented, outdated, or incomplete. Furthermore, different ministries and institutions use varying definitions and methodologies for identifying and categorizing disabilities, which contributes to inconsistencies in national statistics.

Daniel et al. (2023) emphasize that without quality data, it becomes nearly impossible to develop targeted interventions or measure progress in fulfilling disability rights. The lack of disaggregated data also hampers efforts to monitor service access and identify disparities across gender, age, region, and disability type. Strengthening data systems requires harmonized data collection frameworks, increased investment in disability-inclusive surveys, and collaboration with grassroots organizations that can provide community-based insights.

2.5. Ongoing social stigma and discrimination

Stigma and discrimination continue to pose significant barriers for persons with disabilities in Indonesia. Despite the legal protections guaranteed by Law No. 8 of 2016, societal attitudes toward disability often remain rooted in misconceptions, fear, and pity. These perceptions contribute to the marginalization of people with disabilities across various aspects of life, including education, employment, healthcare, and community participation. The stereotype of disability as a burden rather than a condition of human diversity undermines efforts to build an inclusive society.

Afroozeh et al. (2025) point out that such stigma is reinforced by inadequate public awareness and limited exposure to disability issues in mainstream education and media. As a result, people with disabilities are often excluded from decision-making roles and are rarely represented in positions of leadership or influence. This underrepresentation further contributes to their invisibility in the public sphere and reinforces the cycle of exclusion. Combating stigma requires not only legal measures but also cultural and attitudinal change through sustained advocacy, inclusive education, and community-level engagement.

3. Research Methodology

3.1. Research approach

This study employs a qualitative descriptive approach to explore and analyze the implementation challenges of Law No. 8 of 2016 regarding the protection of the rights of persons with disabilities in Indonesia. A qualitative method was chosen to enable in-depth exploration of complex legal, social, and institutional dynamics that quantitative data might not fully capture. The descriptive nature of the research allows for a systematic presentation of the current realities, including both achievements and persistent obstacles in disability rights enforcement.

By utilizing literature-based analysis, the study aims to synthesize findings from existing scholarly works, legal instruments, government reports, and NGO documentation. This method enables the researcher to explore how different elements such as accessibility, participation, regional disparities, data limitations, and social stigma interact to influence policy outcomes. The approach also facilitates a critical assessment of policy gaps and the extent to which national and international commitments are realized in practice.

3.2. Data sources

The data for this research were derived entirely from secondary sources, including academic literature, national legislation, policy documents, institutional reports, and publications from both governmental and non-governmental organizations. Primary among these is Law No. 8 of 2016 on Persons with Disabilities, which serves as the foundation of Indonesia's legal framework on disability rights. Supplementary sources include international legal instruments such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and supporting national policy frameworks and action plans.

Academic journal articles and books published between 2016 and 2025 were prioritized to ensure that the analysis reflects recent developments in the field. Reports from the Ministry of Social Affairs, the National Commission on Disabilities, and data from civil society organizations working on disability inclusion also serve as important references. This combination of sources provides both legal and empirical insights into the enforcement and challenges of inclusive policy implementation.

3.3. Data collection techniques

The study utilized document analysis as its primary data collection method. Documents were gathered through systematic searches of digital academic databases (e.g., Google Scholar, ScienceDirect, DOAJ), legal databases, and official government websites. Relevant literature was selected based on keywords such as "disability rights," "inclusion," "accessibility," "Law No. 8 of 2016," and "implementation gaps." Additional resources were obtained from non-governmental organizations, advocacy groups, and development agencies with a focus on disability issues.

After collection, the documents were organized into thematic categories corresponding to the core issues addressed in the research: accessibility, participation, regional implementation disparities, data availability, and social stigma. This thematic organization allowed for focused and coherent analysis aligned with the research objectives. Only

credible sources with clear authorship and publication provenance were included to ensure data quality and academic reliability.

3.4. Data analysis techniques

The collected data were analyzed using the content analysis method, following the Miles and Huberman (1994) interactive model, which consists of three stages: data reduction, data display, and conclusion drawing/verification. In the data reduction stage, the researcher filtered and selected relevant information from the literature based on its relevance to the study's themes. This was followed by the data display phase, where information was organized into visual or narrative summaries to facilitate pattern recognition and comparison across sources.

In the final stage, conclusions were drawn based on recurring themes, contradictions, and gaps identified through the literature. The researcher synthesized findings to identify systemic issues in the implementation of Law No. 8 of 2016 and provided a critical assessment of policy coherence and responsiveness. The analysis process emphasized interpretive depth and contextual understanding, offering nuanced insights into the structural and cultural factors affecting disability inclusion in Indonesia.

3.5. Validity of data

To ensure data validity and reliability, this study applied source triangulation, which involved comparing findings from multiple types of sources academic, legal, institutional, and NGO based to identify consistencies and discrepancies. This triangulation process strengthened the credibility of the conclusions by cross-verifying evidence from diverse perspectives and reducing reliance on a single narrative or data type.

In addition, a critical evaluation of each source was conducted by assessing the authority of the authors, the publication's peer-review status, the recency of the data, and the methodological transparency of empirical reports. Government statistics were corroborated with independent research to account for potential reporting biases. This meticulous verification process ensures that the findings presented in this research are grounded in accurate, balanced, and representative information, contributing to the robustness of the study's conclusions.

4. Results and Discussion

4.1. Physical and digital accessibility limitations

Although Law No. 8 of 2016 guarantees the right to accessibility for persons with disabilities, field observations and literature indicate that physical barriers remain widespread across Indonesia. Public infrastructure such as government buildings, transportation systems, healthcare centers, and educational institutions often lack features that accommodate persons with disabilities. Ramps, tactile paving, accessible toilets, elevators with braille buttons, and designated parking are frequently unavailable or nonfunctional. These limitations severely hinder the mobility and independence of individuals with physical or visual impairments, particularly in rural or underdeveloped areas.

In the digital space, accessibility challenges are equally prominent. As digitalization expands into public services, education, and employment, the failure to provide inclusive digital environments excludes many persons with disabilities from full participation in daily life. Websites of public institutions are rarely optimized for screen readers, and few offer alternative text, subtitles, or sign language support. As Sulastuti and Andreas (2022) emphasize, the lack of assistive technologies and inclusive web design widens the digital divide, restricting access to vital information and opportunities.

These shortcomings reflect a broader gap between legislation and enforcement. While the legal framework mandates accessibility, implementation remains weak due to limited monitoring, lack of technical expertise, and insufficient budget allocations. To address this, there is an urgent need for periodic accessibility audits, enforcement of compliance mechanisms, and capacity-building initiatives for architects, developers, and public service providers.

4.2. Lack of participation in the decision-making process

Another key issue is the minimal involvement of persons with disabilities in decision-making processes that directly impact their rights and daily lives. Although Indonesia has ratified the UNCRPD, which emphasizes participation as a fundamental right, the practical inclusion of persons with disabilities in public consultations, policy formulation, and local governance remains limited. Often, their input is overlooked, or they are included only for symbolic representation rather than meaningful engagement.

The absence of disability representation in participatory forums such as *Musyawarah Perencanaan Pembangunan* (Musrenbang) at the local level means that many policies fail to reflect the actual needs and experiences of disabled communities. Mursita (2024) notes that when persons with disabilities are not involved in policy design, the resulting programs tend to be top-down and lack contextual relevance. For example, assistance programs may provide physical aids without ensuring training for use or without addressing underlying barriers like mobility or discrimination.

Promoting participatory inclusion requires more than just inviting persons with disabilities to meetings—it involves providing accessible formats, transportation, sign language interpretation, and capacity development so that they can effectively voice their perspectives. Empowering disabled people's organizations (DPOs) and strengthening legal mandates for inclusive governance are also critical steps toward democratic accountability and rights-based development.

4.3. Disparities in implementation at the regional level

The effectiveness of Law No. 8 of 2016 is significantly influenced by the role and capacity of local governments. While the law provides a strong national framework, its realization on the ground is marked by stark regional disparities. Some provinces and municipalities have demonstrated commendable efforts by drafting local regulations (*Peraturan Daerah* or *Perda*), establishing disability councils, and allocating specific budgets for inclusive programs. However, many others remain passive or unaware of their legal obligations under the national law.

This uneven implementation is due to several factors, including differences in political commitment, administrative capacity, inter-agency coordination, and the presence (or absence) of active civil society actors. According to Sukmiah and Masyitah (2024), smaller or less developed regions often lack the institutional resources and technical knowledge to translate national mandates into actionable policies. In some cases, competing priorities and limited budgets cause disability inclusion to be deprioritized.

The consequence of this disparity is unequal protection and access to services for persons with disabilities, depending on their geographic location. This undermines the principle of equality before the law and contributes to the marginalization of rural and low-income disabled populations. Addressing this requires a more centralized coordination mechanism, intergovernmental support, and targeted technical assistance to ensure consistent implementation across all regions.

4.4. Lack of accurate data and information

Reliable and disaggregated data is fundamental to effective policy-making, yet Indonesia continues to face major challenges in collecting and utilizing accurate information about persons with disabilities. National statistics often lack consistency due to differing definitions of disability, incompatible data collection methodologies, and fragmented databases across government agencies. This results in conflicting figures and difficulty in mapping needs, service gaps, and program outcomes.

Without comprehensive data, it is challenging to design targeted interventions, monitor policy effectiveness, or allocate resources efficiently. For instance, without knowing how many people in a given region require accessible education or rehabilitation services, local governments cannot plan adequately. Daniel et al. (2023) argue that this data vacuum leads to misinformed policies and prevents accountability in disability rights implementation.

Efforts to improve data quality must include the standardization of definitions in line with the International Classification of Functioning, Disability and Health (ICF), integration of disability questions in national surveys, and the use of participatory data-gathering techniques. Involving disabled persons' organizations (DPOs) in the data collection process can also enhance accuracy and community trust. Ultimately, robust and inclusive data systems are key to ensuring that no one is left behind.

4.5. Ongoing social stigma and discrimination

Stigma and discrimination against people with disabilities remain a serious problem in society. Negative views and stereotypes attached to them often lead to people with disabilities being ignored or treated unfairly in various aspects of life, including education, employment, and health services. The lack of public understanding and awareness of the rights of people with disabilities exacerbates this situation. Educational efforts and public awareness campaigns need to be increased to change negative perceptions and encourage greater social inclusion. A summary of the results of the literature analysis can be seen in Table 1 below.

Table 1: Summary of Findings from The Results of The Literature Analysis on The Implementation of Law No. 8 Of 2016

No	Aspects Studied	Key Findings	Source
1	Physical and Digital Accessibility	Many public facilities are not yet disability-friendly; digital access is limited due to the lack of assistive technology and inclusive design.	Sulastuti & Andreas (2022)
2	Participation in Decision Making	Participation of people with disabilities in musrenbang and policy forums is still very low.	Mursita (2024)
3	Disparity in Regional Implementation	Significant differences between regions; many regions do not yet have regulations or optimal support programs.	Sukmiah & Masyitah (2024)
4	Availability of Data and Information	Data on people with disabilities is inaccurate, overlapping, and not integrated between institutions.	Daniel et al. (2023)
5	Stigma and Discrimination	Negative stigma is still strong; hinders access to education, employment, and health services.	Afroozeh et al. (2025)

Table 1 shows that the implementation of Law No. 8 of 2016 still faces significant challenges in five main aspects. In terms of physical and digital accessibility, many public facilities do not meet inclusive accessibility standards, while digital access is also hampered by the lack of assistive technology and disability-friendly design. In terms of participation in decision-making, the involvement of people with disabilities in policy forums such as musrenbang is still very minimal, so that their aspirations are not optimally accommodated in public policy. Disparities in implementation at the regional level are also a serious obstacle; differences in capacity, awareness, and availability of resources have left several regions behind in the preparation of regional regulations and programs that support people with disabilities. Another problem related to the availability of data and information that is not yet accurate and integrated between institutions, causes policies to be less targeted. Finally, stigma and discrimination against people with disabilities are still deeply rooted in society, which has an impact on their limited access to education, employment, and health services.

4.6. Recommendations

Based on the findings and analysis presented in the previous sections, several key recommendations are proposed to enhance the implementation of Law No. 8 of 2016 and promote the rights and inclusion of persons with disabilities in Indonesia. These recommendations aim to address the systemic gaps identified in accessibility, participation, policy enforcement, data management, and social attitudes. The following points offer practical and strategic steps that policymakers, institutions, and stakeholders can consider in order to foster a more inclusive and equitable society.

- a. Strengthening accessibility regulations and monitoring
 Based on the findings that many public facilities are still not disability-friendly, it is necessary to strengthen the
 enforcement of accessibility standards stipulated in Law No. 8 of 2016. The government should establish an
 independent monitoring body tasked with conducting regular accessibility audits of public infrastructure and
 digital platforms. In addition, sanctions for non-compliance need to be clarified and implemented consistently
 to encourage better compliance.
- b. Enhancing participation of persons with disabilities in policy-making
 The low participation of persons with disabilities in decision-making forums indicates the need for more
 inclusive mechanisms. It is recommended that the government institutionalize mandatory representation of
 persons with disabilities in policy forums at both national and regional levels. Moreover, capacity building and
 leadership training should be provided to disability organizations to strengthen their advocacy and negotiation
 skills in the policy-making process.
- c. Reducing regional implementation disparities

 To address regional disparities, the central government should facilitate technical assistance and budget support for regions that have not yet enacted local regulations (Perda) or inclusive programs. Establishing a national coordination platform between ministries and local governments could also help synchronize efforts and share best practices in implementing the law across different regions.
- d. Improving data collection and integration
 Given the lack of accurate data, it is recommended that the government develop an integrated national database
 on persons with disabilities involving multi-sectoral collaboration. Standardized definitions and methodologies
 should be applied nationally to ensure data consistency. Involving disabled persons' organizations (DPOs) in
 data validation processes can also enhance the accuracy and inclusiveness of data collection efforts.
- e. Promoting anti-stigma education and awareness campaigns
 To overcome stigma and discrimination, a sustained public education campaign should be launched to increase awareness about the rights and potentials of persons with disabilities. Educational institutions should integrate disability rights into school curricula to foster inclusive mindsets from an early age. Additionally, the mass media must be encouraged to portray positive and empowering narratives about persons with disabilities.

5. Conclussion

This study analyzes the gaps in the implementation of Law Number 8 of 2016 concerning Persons with Disabilities in Indonesia. Based on the literature analysis, five main gaps were found: limited physical and digital accessibility to public facilities and information platforms, low participation of persons with disabilities in the decision-making process, including policy forums such as musrenbang, disparity in implementation at the regional level with uneven regional regulations and supporting programs, limited data and accurate information for effective program planning; and (5) social stigma and discrimination that still persist in society. To address these gaps, it is recommended: strengthening regulations and accessibility monitoring systems; institutionalizing representation of persons with disabilities in policy-making; providing technical assistance and budgeting to reduce regional disparities; developing an integrated national database; and ongoing anti-stigma education campaigns. With the implementation of these recommendations, it is hoped that legal protection and social inclusion for persons with disabilities in Indonesia can be realized more effectively in accordance with the spirit of Law Number 8/2016 and the principles of the UNCRPD.

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