

Urgency of Responsibility Government in Fulfillment Constitutional Rights of Persons with Disabilities to Get Fair Employment

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Abstract

Government Responsibility in fulfil right constitutional citizens who guarantee continuity life every citizens , including people with disabilities who have not yet obtained employment according to existing regulations. Formulation of problems in research This including : fulfillment right constitutional sufferer disability to get a job is not fair; and urgency of responsibility answer government in fulfillment right constitutional sufferer disability to get fair work. This research method uses a normative legal research type, namely research using secondary data as the main data, while primary data as supporting data. This research also uses a legislative approach, a conceptual approach, a comparative approach, and a case approach. Research Results This show Arrangement right constitutional sufferer disability to get a job moment This regulated in Article 5 paragraph (1) of Law Number 8 of 2016 concerning Persons with Disabilities , which states that the Government and Regional Governments have a responsibility to fulfill the rights of Persons with Disabilities. Fulfillment right constitutional sufferer disability to get a job is not fair because internal factors still exist low level education sufferer disabilities that become reason existence gap skills between sufferer disability with worker normal . While external factors still have limited accessibility in various aspects of life, such as education, health, transportation, and work. Urgency of Responsibility Government in fulfillment right constitutional sufferer disability To obtain fair work, Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia regulates the right of every person to work and obtain a decent income. While the right constitutional sufferer disability to get a job at an agency or BUMN or BUMD or Private sector that does not comply provisions of Article 53 of the Law Number 8 of 2016 concerning There are no sanctions for people with disabilities, this should be given strict sanctions so that it can be realized properly .

I. Introduction

The Republic of Indonesia as a country based on Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) which respects and upholds tall dignity and honor man so that protection and promotion of Human Rights Man (HAM) against group prone to especially for people with disabilities need improved . Persons with Disabilities in a way constitutional have equal rights and status in front of law and government (Trimaya , 2016).

Same position in front law and equality of human rights are right constitutional all citizens , including therein sufferer Disability . In reality happen discrimination experienced by people with disabilities Disability in fulfillment his rights , such as existence restrictions , obstacles , difficulties and reductions or disappearance rights . The state is present fulfil rights constitutional the with set Constitution Number 8 of 2016 concerning Persons with Disabilities . Determination Constitution This aiming For realize similarity right for sufferer Disability in his position as citizen .

Recognition , protection and fulfillment right sufferer Disability need prioritized as well as mainstreamed in structure state policy . In demographics , numbers sufferer Disability Keep going experience improvement . Based on Central Statistics Agency (BPS) report , in 2021 the number of worker with Disabilities in Indonesia reach 7.04 million people or around 5.37% of the total working population . This figure is down compared to 2020 , the number of worker with Disability reaching 7.67 million people or 5.98% of the total population Work . Based on employment status , in 2021 there were around 2.06 million people, the majority worker with Disability in Indonesia strives alone . Number This down compared to year previously still reaching 2.15 million people.

According to Saharuddin Daming , in general specific based on from institutionalize it attitudes and behavior stereotypes and prejudice start from circles lay until group intellectual even the elite power (Saharudin, 2013). The elite power as *decision maker* potential give birth to policies that are biased towards Human Rights (HAM) , because in create and implement policy , indeed leave from low knowledge in a way comprehensive about sufferer Disability . As a result , the policies that were born full with nuance discrimination , cynicism , a priori even apathetic .

The reality Still happen means physique or non- physical which is not friendly Disabilities that result the difficulty access justice . Urgency of Responsibility Government in fulfillment right constitutional sufferer disability to get fair work, as regulated in Article 27 paragraph (2) of the 1945 NRI Constitution which states that it guarantees right each and every citizens for get decent work and living for humanity .

Obstacle access physique covering building multi-storey building without a lift which makes it difficult user chair wheel , file a trial in the form of *hard copy* which makes it difficult for the blind , the trial process use Language difficult standard Disability intellectual and deaf . Non - physical barriers related with access procedural , namely narrow definition witnesses and tools proof so that must expanded coverage (Trisno, 2017).

The case that happened to a person sufferer Disabilities treated in a way discriminatory by Surabaya City Government , with rejected For register as a Prospective Civil Servant (CPNS). The Surabaya City Government has interpretation about condition registration Healthy physical and spiritual , as No disability (disability) , so that Wuri Handayani who uses chair wheel , no fulfil condition For register as CPNS (Victims who experience action discriminatory at the time Surabaya City Government does not allow himself moment follow CPNS selection due to sufferer disability . " Interview " with The Holy Spirit Staff National Human Rights Commission of the Republic of Indonesia, 23 May 2013). Finally , the victim filed a complaint lawsuit on treatment discrimination committed by Surabaya City Government to Surabaya State Administrative Court (PTUN) in February 2005.

Surabaya PTUN decision decided that interpretation Surabaya City Government proven wrong and grant lawsuit Wuri (Zainal et al. , 2013). The Surabaya City Government does not accept with Surabaya PTUN decision , then submit cassation to Supreme Court (MA). Wuri Then to win

case on December 8, 2009 based on letter registration number 595/K/TUN/2005. The action of the Surabaya Government in rejecting Wuri Handsome proven has fulfilled element criminal in Article 15 of the Law Number 40 of 2008 concerning Deletion Racial and Ethnic Discrimination, due to Mayor of Surabaya (Bambang DH), violated human rights from sufferer Disability For get decent work and living (cityserum, 2013).

Accessibility work for race disability Not yet set up in a way explicit in Constitution Number 13 of 2003 concerning Employment. Article 5 states, " Everyone has the right to get chance the same work ", then emphasized in Article 6 with the addition of the words " without " discriminated against ". This is show that should regulations in Indonesia has have intention goodwill for No discriminate race certain.

The Company must give protection to sufferer disability with No do discrimination in form whatever. The reality various facility accessibility for disability who does not fulfilled. Persons with Disabilities in the world of work, still prone to will stigma in community. People with disabilities considered No capable compete in the world of work, a number of agency and also institution government or private use criteria physique certain in reception its employees (Acceptance Work Taspen, 2022).

Provisions in Article 27 of the Law Number 19 of 2011 concerning *Convention on the Rights of Persons with Disabilities* (CRPD) explains that the states parties confess right sufferer disability For work, top base equality with others and the member states must protect and promote fulfillment right For work, including those get disability during work, with take steps certain, including through regulation legislation (Mochtar, 2008).

Not quite enough Government Answer in a way comprehensive to sufferer Disability For do restoration empowerment and also structure policies that are still contain elements discrimination and injustice. The Role of Government for Persons with Disabilities can become instrument tactical in deliver life sufferer Disability enter door gate prosperous, independent and dignified life. The above issues need to be researched in more depth with the title " The Urgency of Responsibility Government In Fulfillment Constitutional Rights of Persons with Disabilities To Get Fair Work".

2. Research Method

This research method uses a normative legal research type, namely research using secondary data as its main data, while primary data as supporting data. This research also uses a legislative approach, a legal approach. Conceptual, comparative approach, and case approach. legislation (*statute-approach*), namely with analyze regulation related legislation with protection and fulfillment Rights of Persons with Disabilities. Approach concept (*conceptual approach*), namely with examine and understand concepts arrangement protection and welfare of persons with disabilities so that No cause multi- interpretable and vague understanding about draft protection and welfare of persons with disabilities (Johny Barhim, 2007). Approach comparative (*comparative approach*), research with comparison product law and character related laws with protection and welfare of Persons with Disabilities. Case approach related to the fulfillment of rights sufferer disabilities that are resolved through litigation through the courts or non-litigation that are resolved through deliberation between both parties.

3. Results and Discussion

1. Arrangement Constitutional Rights of Persons with Disabilities To Get Current Job

Government as ruler take important contribution in protection, promotion, enforcement and fulfillment of human rights, so that all his actions should No may also be contradictory with HAM. Responsibility state responsibility for Fulfillment of Human Rights in

Indonesia specifically to right For get decent job for disability . Indonesia must own a set regulation fair and firm law in regulate , state apparatus responsive and pro- disability , and an inclusive society to Disability issues .

Arrangement additions made based on the needs of Persons with Disabilities as well must can accountable both morally and law as arrangement policy special others . Morally of course just arrangement the must be in accordance with please in Pancasila, namely Belief in the Almighty God, Just and Civilized Humanity , Unity of Indonesia, Democracy Led by the Wisdom of the People In Deliberation/Representation , and Justice Social for all Indonesian people, every please to liven up the precepts that are on .

Policy affirmation is policies made For protect right vulnerable people get discrimination , and Persons with Disabilities is one of race said . Form arrangement about right For get work for Persons with Disabilities can in the form of guarantee and also protection . One of the form policy affirmation offered Writer is prioritize at least quota as big as 2 % or more to Persons with Disabilities For Work as Government employees (PNS) for Disability . Policy This considered can give *win win solution* is good for Government , Society, and Disability That Alone .

For People with Disabilities , this This make it easier in compete with millions force work that also targets civil servants as work his dream . For the Government , the provision of quota This civil servant chair can finish problem state accountability for inhabitant his country , at the same time get addition Human Resources (HR) which during This fill in number unemployment . Government as agent change in employing people with disabilities become a civil servant, will open eye company private sector to participate share in empowering human resources with disabilities Disability . For the Community, which is family or Friend from Persons with Disabilities will feel benefit from existence quota said . Family or friends who are people with disabilities who have been This No can Work For his family , will get chance more big For work and of course just to lighten burden family in a way financial .

The right to get employment in Indonesia refers to Article 27 paragraph (2) of the UUD NRI 1945 , that " Every citizens have the right on work and livelihood that worthy for humanity " . The phrase " each citizens " in automatic citizen Indonesia for People with Disabilities entitled on decent work and living for humanity . Constitution Already very firmly protect right constitutional rights of persons with disabilities in the context of " everyone " and as part from " citizen " .

Persons with Disabilities For get *affirmative action* on convenience and treatment special in context fulfillment right constitutional the . Indonesia has also ratify *Convention on the Rights of Persons with Disabilities* (CRPD) to in Constitution Number 19 of 2011 concerning Ratification of the CRPD. Formal implications of ratification the is Indonesia , besides Indonesia also has it a number of instrument law related rights of persons with disabilities in all aspect life (Fajrid kk, 2015) . Arrangement about rights of persons with disabilities also tends to based on twelve charity based meaning condition a Person with Disabilities forced For adapt condition environment with give compensation on The Disability that he got .

A number of instrument law For protect right citizen of action discriminatory which includes as one of the type minor human rights violations . The provisions in Article 28 I paragraph (2) has mention form state protection against all form state discrimination , namely : " Everyone has the right free on treatment that is characteristic discriminatory on base whatever and entitled get protection to treatment that is characteristic discriminatory that " . Opportunity Work for Disability often mention condition Healthy physique or No disabled physique For the applicant , thing This is one of form discrimination light . In P origin 3 paragraph (3) of the Law Number 39 of 1999 concerning Human Rights are also explained about prohibition discrimination , namely : " Everyone has the right on protection right basic

Humanity and Freedom base human , without discrimination .

Provisions in the Law work for Persons with Disabilities who will Writer for This is form fulfillment need law in society , because until now Not yet there is Constitution special that regulates accessibility for people with disabilities For get work in Indonesia . Formation Constitution work for disability This as act carry on from decision Court Constitution (MK) No. 143/PUU-VII/ 2009 re Testing Constitution Number 19 of 2008 concerning State Sharia Securities against the 1945 Constitution of the Republic of Indonesia . M K considered as *negative legislator* or norm eliminator (Jimly , 2016). If a norm is erased , the consequences must There is a new norm For replace the norm the old one . Director General of Kesbangpol , Ministry of Home Affairs , Soedarsono , said that the Constitutional Court does not entitled For fill in emptiness law (Hukumonline.com , 2023). The Constitutional Court should return in his lineage become *negative legislator* , namely only limited to remove the norm.

2. Fulfillment Constitutional Rights of Persons with Disabilities To Get a Job is Not Fair

Equality of Opportunity as a Constitutional Right of the 1945 Constitution of the Republic of Indonesia as law base highest in life nation and state in Indonesia, regulate various right constitutional citizens , such as right For get decent work and livelihoods listed in Article 27 paragraph (2) of the 1945 Republic of Indonesia Constitution , and right For get education in Article 31. Constitutional rights often associated with human rights, because both of them considered is rights the basics that every person has man .

According to Mahfud MD, the constitution is crystallization normative from state duty to give protection right basic human and carry out government based on people's sovereignty is limited by power in a way laws that aim at the interests and benefit of the people as a whole overall (Mahfu , 2003).

Jimly Asshiddiqie , said that right constitutional citizens include right basic human and rights each and every guaranteed citizens in the 1945 Constitution of the Republic of Indonesia and applicable for every Indonesian citizen (Jimly) Asshiddique , 2010). This can seen from its formulation uses the phrases “ everyone ” , “ everyone citizens ” , “ each citizen ” or “ every citizen ” , which shows that right constitutional owned by each individual citizen without existence differentiation , good That distinction based on ethnicity , religion, belief politics , or type sex . Article 2 letter g of the Law Number 8 of 2016 concerning Persons with Disabilities mention that implementation and fulfillment right sufferer disability based on equality .

In the Protection of the Rights of Persons with Disabilities in to obtain decent work and living for humanity explanation chapter the explained that which is meant with the " principle" equality " is conditions in various system in society and the environment , such as services , activities , information and documentation created can accommodate everyone including people with disabilities . If looking at the 5th (five) principle of Pancasila which reads " Justice social for all Indonesian people", it appears with clear that ideology the Indonesian nation calls out equality for all over its people .

Convention This For to advance , protect and guarantee similarity fundamental rights and freedoms for all Persons with Disabilities , as well as respect to Dignity of Persons with Disabilities as the part that is not inherent *dignity* (Risnawati , 2012). The provisions in Article 1 of the CRPD state that people with disability including those who have disturbance term long in a way physical , mental, intellectual , or deep sensory the interaction with various obstacle can obstruct participation full and effective in public on base equality Protection of the Rights of Persons with Disabilities in to obtain decent work and living for humanity with others .

Persons with Disabilities get treatment special , as effort protection from vulnerability to various action discrimination and violations Human Rights . Treatment special can viewed as effort maximization respect , promotion , protection and fulfillment of human rights universally

(Majda, 2008). In Law Number 19 of 2011, the impact emergence pressure communities in various area to Government or Local Government for quick implement Constitution said, so that protection right sufferer Disability in to obtain decent work and living for humanity, especially for sufferer Disability can truly come true through implementation in various field.

Protection of the Rights of Persons with Disabilities in to obtain decent work and living for humanity. Equal Opportunities in the Private Sector Article 53 paragraph (2) of the Law Number 8 of 2016 concerning Persons with Disabilities mandate that company private must employ at least 1% (one percent) People with Disabilities from amount employee or worker. Decisive rules however, however Not yet found result data accurate research that is capable of describe in a way intact the number of people with disabilities who work and earn decent living from his work in the sector private.

Research conducted by Halimatussadiah and several his colleague in 2015 revealed that force employment of persons with disabilities Far more small compared to size force non-disabled work. In the study revealed that level low education is constraint main Persons with Disabilities For entering the labor market work. One of the factors that can become example reason low level education for persons with disabilities is constraint institutional, namely low amount schools and infrastructure For access school (Institute for Economic and Social Research, Faculty of Economics and Business, University of Indonesia, 2017).

Companies that employ people with disabilities will give give benefit for the company that employs him, the benefits the that is Employing People with Disabilities means company manage power diverse work, including workers with disabilities. This is factor main in efficiency, productivity and success in a way overall in recruiting employees. If the Person with Disabilities to obtain chance in work, the benefits that can be obtained obtained company is good productivity, level more presence Good because of Disabilities tend to be loyal to the company that recruited them and employs people with disabilities can cause image more public Good for company and improve spirit in place work (Istifarroh and Widhi, 2019).

Regulation of the Minister of Empowerment State Apparatus and Bureaucratic Reform (Permen PAN RB) Number 36 of 2018 concerning Criteria Determination Need Civil Servants and Implementation Selection of Civil Servant Candidates In 2018, opened quota amount formation For sufferer disability at least 2% of the total formation For agency center and for quota sufferer disability in the agency area at least 1% while If look at from Regulation of the Minister of Empowerment of Bureaucratic Reform 2017 opened formation as much as 0.44% of overall existing formation For Central agency. Research proving, as many as 2,892 formations were opened For sufferer disability, only covers 0.013% of the total population sufferer disability in Indonesia, namely as many as 21,843,588 residents, even if criticized more in, amount sufferer disabilities who pass the CPNS have the potential more A little from That.

Existence sufferer disability in the world of work become whip for the State in matter This Government and/ or former regulation legislation For realize his hopes as entitled person For fulfil need his life everyday. If you look at it from aspect regulation, the mandate of Article 27 paragraph (2) of the 1945 NRI Constitution must implemented more carry on Again to in Protection of the Rights of Persons with Disabilities in to obtain decent work and living for humanity level Constitution For arrange more details about right sufferer existing disabilities the relationship with work. Consequences from existence ratification Constitution Number 19 of 2011 concerning Validation Convention Regarding the Rights of Persons with Disabilities is the need arrangement regulation law and also appropriate policy with principles in Convention On the Rights of Persons with Disabilities.

Provision in Article 53 of the Law Number 8 of 2016 concerning Persons with Disabilities, the Government, Regional Governments, State-Owned Enterprises and Regional-Owned Enterprises are required to employ at least 2% (two percent) of people with disabilities

from amount employee or Workers and Private Companies must employ at least 1% (one percent) People with Disabilities from amount employee or workers . T erms this , already There is progress from Government For obligatory every agency government good in the center and also area as well as BUMN and BUMD and companies private For give quota for people with disabilities to be able to work . R money scope expanded No only limited to BUMN and BUMD only but also leads to vacancy Work Apparatus State Civil Service (ASN). According to the author, the shortcomings from Persons with Disabilities Act This is No existence sanctions to agency or BUMN or BUMD or Private which is not comply provisions of Article 54 of the Law Number 8 of 2016 concerning Persons with Disabilities .

Embodiment in Regulation Legislation below Constitution about Opportunity Work for Persons with Disabilities the State must can ensure that formation regulation legislation in framework protection of human rights, has rational reasons , to what extent rights and freedoms can restricted in a way legitimate and proportional by the State (Research and Development Agency for Law and Human Rights) Humans , 2016). In addition , the State must also can ensure that regulation one legislation with others must be harmonious protection rights of persons with disabilities in Get Decent Work and Livelihoods for Humanity and can applied .

Government new ratify two Regulations Government namely , PP Number 52 of 2019 concerning Implementation Welfare Social for People with Disabilities which is implementation provisions of Article 96 of the Law Number 8 of 2016 concerning Persons with Disabilities and PP Number 70 of 2019 concerning Planning , Implementation , and Evaluation to Respect , Protection and Fulfillment of the Rights of Persons with Disabilities which are implementation provisions of Article 27 paragraph (3) of the Law Number 8 of 2016 concerning Persons with Disabilities (<https://www.pshk.or.id/info-legislasi/>, accessed in November 2019.).

Regulation President Number 75 of 2015 concerning National Action Plan for Human Rights Human Rights (RANHAM) 2015-2019, the Indonesian Government emphasizes his commitment For mainstream approach inclusion in development national with include National Action Plan (RAN) for Persons with Disabilities in the RANHAM . In addition , in 2015 , BAPPENAS has also publish “ Book Guidelines Planning and Budgeting That Works to Persons with Disabilities ” for become Ministry of Institutions reference as well Local Government in plan the program and budget it in accordance with need inclusive development (Bahtsul Institute) Problems (LBM) PBNU Association Development Pesantren and Community (P3M) Study and Service Center Disability Studies Program of Brawijaya University (PSLD-UB), 2018).

3. Urgency of Responsibility Government in Fulfillment Constitutional Rights of Persons with Disabilities To Get a Fair Job

State Responsibility is mandate Article 28 I paragraph (4) of the Constitution of the Republic of Indonesia The year 1945 stated that , " Protection , advancement , enforcement and fulfillment of right basic man is not quite enough responsibility of the state, especially government ” . N responsible answer if only there is problem related protection , advancement , enforcement , and fulfillment of human rights. Government as the ruler also took important contribution in protection , promotion , enforcement and fulfillment of human rights, so that all action government should No may also be contradictory with human rights.

Policy *affirmative action* or discrimination positive is policies made For protect right vulnerable people get discrimination , and Persons with Disabilities is one of race those . P settings about right For get work for Persons with Disabilities can in the form of guarantee and also protection . One of the form policy affirmation offered Writer is prioritize at least quota as big as 4 % to sufferer disability For Work as Government employees (PNS) , while for Private Companies it is mandatory employ at least 2 % (one) percent) People with Disabilities from

amount employee or workers . This is very reasonable because the number of people with disabilities is increasing. Policy This considered can give *win win solution* is good for Government , Society, and People with Disabilities That Alone .

Provision protection of human rights in constitution can shared into two types , that is special human rights protection for citizens and human rights protection for each person, It means protection the No only For Indonesian citizens only (Fajrid kk, 2015). Classification No There is in protection of human rights, both from type protection to each person and also citizen , meaning group disability enter to in both of them . Constitution Already very firmly protect right constitutional sufferer disability in the context of “ everyone ” and as part from “ citizen ”. People with disabilities are also allowed For get *affirmative action* or discrimination positive on convenience and treatment special in context fulfillment right constitutional the .

Indonesia has also ratify *Convention on the Rights of Persons with Disabilities* (CRPD) to in Invite Invite Number 19 of 2011 concerning Ratification of the CRPD. Various instrument law about right disability the No there is correlation between One with others , so that No created integrated system For create life inclusion . Settings about right disability also tends to based on twelve charity based meaning condition a sufferer disability forced For adapt condition environment with give compensation on the disability he got .

Cases of discrimination are very rare For brought to realm District Court , whereas in fact a case can completed through two stages , namely track litigation and non- litigation path . Provisions in Article 13 of the Law Number 40 of 2008 concerning Deletion Racial Discrimination and Ethnicity has give explanation that , “ Everyone has the right submit lawsuit change loss through District Court above action discrimination racial and ethnic prejudice himself (Zainal Abidin, 2013).”

Surabaya City Government once do discrimination to sufferer disability moment do recruitment of Civil Servant Candidates (CPNS) (Zainal Abidin et al . , 2013). The government , as state representatives should must make anti -discrimination policy , both through regulation legislation and also in implementation . Government should to erase all form discrimination , and is also prohibited For do differentiation , exceptions , limitations , or election based on race and ethnicity which results in revocation or subtraction recognition , acquisition or implementation right basic human and freedom base in a equality in the field civil , political , economic , social and cultural .

The case that happened to a person sufferer disabilities treated in a way discriminatory by Surabaya City Government , with rejected For register as a Prospective Civil Servant (CPNS). The Surabaya City Government has interpretation about condition registration Healthy physical and spiritual , as No disability (disability) , so that Wuri Handayani who uses chair wheel , no fulfil condition For register as a CPNS (Komnas HAM, 2013). Finally , the victim filed a complaint lawsuit on treatment discrimination committed by Surabaya City Government to Surabaya State Administrative Court (PTUN) in February 2005.

Surabaya PTUN decision decided that Surabaya City Government 's interpretation was proven wrong and grant lawsuit Wuri (Zainal Abidin et al , 2013). The Surabaya City Government does not accept with the decision of the Surabaya PTUN, then submit cassation to Supreme Court (MA). Wuri Then to win case on December 8 , 2009 based on letter registration number 595/K/TUN/2005. The Surabaya government refused Wuri Handsome proven has fulfil element criminal in Article 15 of Law Number 40 of 2008 concerning Deletion Racial and Ethnic Discrimination , because Bambang DH as Mayor of Surabaya violated human rights from sufferer disability For get decent work and living (cityserum.com, 2023) .

According to Wuri Handayani , the Supreme Court's decision is First MA time give fair decision to sufferer disabled remember during these are the sufferer disabled always difficulty in look for work , good That in the environment government and also private sector . The exit

decision the become fresh air for disability , because decision the can become jurisprudence on rejection For Work entitled For get everything as if it was n't defect (Wuri Handayani , 2018) .

According to Hart that fair and unfair fair is form more moral criticism specific than good and bad or right and wrong, visible clear from fact that in a way logical claim A law is Good Because law That fair , or that law That bad Because No fair (Petrus, 2012). Hart explains draft general justice that always related with fairness (*fairness*), so A decision rated based on “ fair ” or “ unfair” reasonable ”. Practice social become important for realization law That .

Government Responsibility in fulfillment right constitutional sufferer disability can analyzed with use theory Pancasila justice . A spec of Pancasila Justice Theory to analyze Social Justice , namely the Government must ensure that right constitutional sufferer disability filled with fair and unfair discriminatory ; Economic Justice , namely the Government must ensure that sufferer disability own equal access to source Power economy and opportunities work ; Political Justice , namely Government must ensure that sufferer disability own equal rights For participate in the political process and decision making decisions ; and Cultural Justice , namely Government must ensure that Persons with Disabilities own equal rights For preserve and develop its culture .

According to Satjipto Rahardjo , that Government own not quite enough answer For fulfil right constitutional rights of persons with disabilities through substance fair and just law (Satjipto , 2006) . Pancasila Justice Theory must ensure that sufferer disability own equal rights For preserving , that is Government must ensure that Pancasila Justice becomes syllabus in making related policies and actions with right constitutional sufferer disability . Government must ensure that principle Pancasila justice , such as justice social , justice economy , justice politics and justice culture , become base in making related policies and actions with right constitutional sufferer disability .

According to the author, responsibility answer Government in fulfillment right constitutional rights of persons with disabilities analyzed with use theory Pancasila justice . Government must ensure that right constitutional sufferer disability filled with fair and unfair discriminatory , as well as make supportive policies right sufferer disability . Government own not quite enough answer big in fulfil right constitutional sufferer disability For realize Pancasila justice . Based on Article 28I paragraph (4) The 1945 Constitution of the Republic of Indonesia , protection , fulfillment , enforcement and advancement right basic man is not quite enough responsibility of the state, especially government .

Government Responsibility in fulfillment right constitutional sufferer disability In various countries, such as Indonesia, Malaysia , Singapore and Australia , these are countries that have ratified the UNCRPD. as form concern and seriousness in handle problems of people with disabilities that so complex . Malaysia as a country that has similarity culture and similarities location geographical has have Constitution special about Persons with Disabilities three month before signing of the UNCRPD, though matter This clear that Malaysia is quietly adapting UNCRPD arrangements before in a way official signed it , but that is , too means that Malaysia is serious in handle problem right on work for Persons with Disabilities .

Indonesian country can prioritize at least quota as much as 1% or more in accordance with competencies required by the Government , Regional Government , BUMN, and BUMD, so that can open opportunities for the disabled disabilities and for add Source Human Resources (HR) for the disabled disabilities that have been This life in dependency on others. Every country has characteristics situation alone on sufferer Disability . This is reflected from policies and regulations produced by each country . like Malaysia , Singapore , Australia , and United Kingdom . These countries are in nature protecting Persons with Disabilities , who have policies and regulations , such as Malaysia and Australia . Country which focus to policy just for example Country of Singapore. A country that focuses to regulation for example United Kingdom. These

countries own same goal , that is push inclusivity of people with disabilities Disability to in public normal .

The State of Indonesia in nature protecting Persons with Disabilities is regulated in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which regulates the right of every person to work and earn a decent income. This article requires more specific legislation regulating the rights of persons with disabilities to obtain decent work. Furthermore, in Article 5 paragraph (1) of Law Number 8 of 2016 concerning Persons with Disabilities , which states that the Government and Regional Governments have the responsibility to fulfill the rights of Persons with Disabilities. The government needs to create more specific implementing regulations regarding the government's responsibility in fulfilling the constitutional rights of people with disabilities. Furthermore, in Article 17 paragraph (2) of Law Number 8 of 2016 concerning Persons with Disabilities . This article states that the Government and Regional Governments must provide accessibility for people with disabilities. In Article 17 paragraph (2) of Law Number 8 of 2016 concerning Persons with Disabilities, clear sanctions need to be given to the Government that does not fulfill its responsibility in fulfilling the constitutional rights of people with disabilities.

4. Conclusion

Based on description discussion mentioned above , then can concluded as following arrangement right constitutional sufferer disability to get a job moment This regulated in Article 5 paragraph (1) of Law Number 8 of 2016 concerning Persons with Disabilities , which states that the Government and Regional Governments have a responsibility to fulfill the rights of Persons with Disabilities. The government needs to create more specific implementing regulations regarding the government's responsibilities in fulfilling the constitutional rights of people with disabilities. The issue of data regarding power work that comes from from circles sufferer disability is problem alone for the Ministry of Manpower , because Not yet found definite data How many estimation amount power Work sufferer disability , Good from sector private and also from non- private sector such as PNS , BUMN and BUMD. Fulfillment right constitutional sufferer disability to get a job is not fair because internal factors still exist low level education sufferer disabilities that become reason existence gap skills between sufferer disability with worker normal , besides existence attitude discriminatory public to sufferer disability . While external factors still exist limited accessibility in various aspects of life, such as education, health, transportation, and employment; Discrimination and stigma that still exist in society against people with disabilities; Lack of support from family and society in fulfilling the rights of people with disabilities; Limited technology and adequate infrastructure to fulfill the rights of people with disabilities. Urgency of Responsibility Government in fulfillment right constitutional sufferer disability to obtain fair work is regulated in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which regulates the right of every person to work and obtain a decent income. Protection of the Rights of Persons with Disabilities in Get Decent Work and Livelihoods for Humanity disability This is No existence provision about sanctions to agency or BUMN or BUMD or private sector that does not comply provisions of Article 53 of the Law Number 8 of 2016 concerning Persons with Disabilities . Sanctions to agency or BUMN does not existence or BUMD or Private which is not comply provisions of Article 54 of the Law on Persons with Disabilities . The Government's Responsibility must improve accessibility and inclusion in various aspects of life, such as education, health, transportation, and employment; The government must increase employment and economic opportunities for persons with disabilities.

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