

ARTICLE

Reviewing the Policy of People with Disabilities Employment in Government Agencies

Citra Dewie Puspitasari ¹✉, Bambang Shergi Laksmono ²

¹Human Resources Development Agency of the Ministry of Home Affairs of the Republic of Indonesia, Jl. Taman Makam Pahlawan No. 8 Kalibata, South Jakarta 12740

²Social Welfare Study Program of the Faculty of Social and Political Sciences of Universitas Indonesia, Gedung Nusantara 2 Lt. 2, Depok 16424

✉ citradewiep@gmail.com

 OPEN ACCESS

Citation: Puspitasari, C. D., & Laksmono, B. S. (2021). Reviewing the Policy of People with Disabilities Employment in Government Agencies. *Jurnal Bina Praja*, 13(2), 245–256. <https://doi.org/10.21787/jbp.13.2021.245-256>

Received: 16 May 2021

Accepted: 14 July 2021

Published: 31 August 2021

© The Author(s)



This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/).

Abstract: People with disabilities owned the same right to obtain employment to be civil servants. The government had created plenty of regulations to guarantee the right to obtain a job, starting from statutory regulations and various implementing regulations. However, a few problems in the scope of employment in government agencies still occur during this time, such as unachievable quotas, failure in procurement, and inequality for persons with disabilities. Moreover, it was not following the number of regulations that have been published. Hence, we were interested in analyzing the contents of the civil servant candidate recruitment policy and its implementation in 2017 through 2019 using a normative-empirical juridical approach, which was presented in a descriptive form. The Researchers examined statutory regulations and implementing regulations, supported by interview data from the stakeholders. In terms of content, the laws and regulations accommodated it quite well. Even though there were bad things, such as the Civil Servant Management regulation and technical regulations regarding the needs of employees in 2017 and 2018, that was considered discriminatory. Furthermore, Ministries and local governments have not fully followed the policies as written in the regulations. Briefly, there was an evolution of the regulations year by year; they were yet needed to improve policy content, although the policies continued to evolve for the better.

Keywords: affirmative; policy; disability; civil servant candidates; employment

1. Introduction

Indonesian people living in a state of law have protected citizenship rights. Our society has a pluralistic characteristic. It consists of various tribes, races, religions, ethnicities, and groups in society. Normatively, the government has started to guarantee that every individual in Indonesia has the same rights to carry out social functions, including certain groups. Some groups are marginalized in Indonesia (Hamudy, 2020). Whereas everyone has the right to enjoy their human rights (Buhaerah et al., 2017). People with disabilities are part of a small group in this "Unity in Diversity" country.

People with disabilities as part of society living in a country have their problems. This group is often included in the marginal group. Pinilla-Roncancio (2015) suggests that people with disabilities are usually excluded in two main issues, namely education and the labor market. Pinilla-Roncancio identified and mapped disability issues in developing countries from several studies which showed that disability was often associated with low access to employment.

Based on Kompas Research and Development data, it is known that of all employment opportunities in Indonesia, only 0.26 percent of people with disabilities work in the formal sector. Non-disabled people still dominate formal workers in this country. More than half of non-disabled persons, i.e., 50.73 percent, have work in the formal sector, the rest work in the informal sector (Baskara & Purwanti, 2019). Workers with disabilities in the formal sector usually have mild disabilities, found at 35.07 percent (LPEM FEB UI, 2017). This creates the impression of discrimination for persons with disabilities because formal sector jobs tend to be exclusive in reality. Ironically, the number of people with disabilities is only a small part of the total population of Indonesia. According to Susenas data in 2018, it is known that around 31 million people or 12.29 percent of the Indonesian population have disabilities, with the percentage of productive age (15–64 years) around 11.52 percent of the total population in the same age group.

Exceptions to access to work and material resources include forms of social exclusion. Social exclusion is a multi-dimensional process (Warsilah, 2016, p. 33) that can lead to various problems, one of which is poverty. Poverty occurs in people who are unable to fulfill basic rights in life (Sudipa & Nurjani, 2021). This is in line with research results showing a correlation between disability and poverty (Graham, 2020; Pinilla-Roncancio, 2015). Disability, access to work, and poverty are intertwined. The disability experienced by a person can result in that person being prevented from accessing work. If access to work is hindered, it is very likely to lead to poverty (Buhaerah, 2016). The practice of exclusion in employment with disabilities is also closely related to barriers that often occur in the workplace (Aroonsrimorakot et al., 2020; Gupta & Priyadarshi, 2020; Lorenz et al., 2021). All of these problems are complex problems that must receive attention.

The concepts of equality and inclusivity for people with disabilities have begun to be presented as interventions and strategies to overcome problems with various mechanisms (Gould-Werth et al., 2018; Kim et al., 2020; Zatuska et al., 2020). Inclusiveness is seen as the answer to social exclusion as the rationale for the study of disability. Social inclusion means an approach to provide a wide-open environment by involving all people who have various backgrounds, statuses, characteristics, abilities, cultures, and so on (Warsilah, 2016, p. 36). The concept of equality and inclusivity for people with disabilities as a solution to solving problems is stated in government policies. It is deemed necessary to make policies to maintain the involvement and equality of persons with disabilities in social life (Ebuenyi et al., 2021).

Inclusiveness for people with disabilities was also introduced in the employment sector (Vornholt et al., 2018). Several regions in Indonesia have taken the initiative to accommodate the needs of persons with disabilities, which are manifested in establishing regional regulations. But the fulfillment of the rights of persons with disabilities, such as DKI Jakarta (Wijayanti, 2019), Bandung City (Widianingsih &

Paskarina, 2019), Semarang City (Ratna & Kismartini, 2018), Makassar City (Karim, 2018), even Batam City (Tan & Ramadhani, 2020) was considered not effective yet. Meanwhile, the government has issued regulations related to the rights and needs of people with disabilities through the issuance of Law Number 8 of 2016 concerning People with Disabilities. The regulation was promulgated as an effort to protect the rights of persons with disabilities. Two forms of policy that are usually used to protect the rights of persons with disabilities are anti-discrimination laws and quota obligations (Agovino et al., 2019; World Health Organization & World Bank, 2011).

Providing a labor quota is a breakthrough for the Indonesian government in equalizing opportunities for improving people with disabilities' welfare. Government, Local Governments, State-Owned Enterprises, and Regional-Owned Enterprises are required to provide job vacancies for people with disabilities at least 2 percent of their total employees. The quota mechanism targets the achievement of some labor recruitment (Agovino et al., 2019; Liao, 2021). The quota policy is an affirmative policy (Buchter, 2020; World Health Organization & World Bank, 2011). Affirmative policies protect groups who are vulnerable to discrimination (Hamidi, 2016). In the context of affirmative action within government agencies, accommodation for persons with disabilities is stipulated by Ministerial Regulations and the implementing regulations that handle personnel human resources.

Recruitment of persons with disabilities in government institutions has begun over the past few years. The table below regarding the current trend in the allocation of formations for persons with disabilities.

Table 1. Formation of Prospective Employees with Disabilities at K/L and Local Government

No.	Year	Allocation
1	2017	168
2	2018	2,117
3	2019	2,573

Source: BKN (2020)

The information in Table 1 above shows the increase of the formation number for persons with disabilities each year. However, there are indications that the fulfillment of the right to employment for persons with disabilities has not fully met the expectations that the Disability Law mandates. The data in Table 1 only shows quantitative data based on the allocation of formations in government agencies at the start of recruitment. Based on data the State Civil Service Agency compiled for candidate formations in 2017–2019, it appears that some Ministries/Agencies have not been able to meet the quota required by Law Number 8 of 2016. Even though the formulation of the legislation is considered adequate through the presence of the disability law along with various derivative regulations, the rule of law can be an important thing to examine in policy analysis. This study aims to analyze the content of the policy and its implementation and describe the problems obtained.

2. Methods

Based on the type, this research is a normative and empirical juridical study analyzed by qualitative descriptive method. Document studies are carried out by reviewing library materials in the form of legal documents, including the State Civil Apparatus (ASN) Law, the Disability Law, Government Regulation No. 11 of 2017 concerning Civil servant Management, Minister of Administrative and Bureaucratic Reform Regulation related to the rules for determining the needs of civil servants and civil servant candidates recruitment in 2017 to 2019, State Civil Service Agency Regulations related to technical instructions for the procurement of civil servants in 2018, Circular Letter of Minister of Administrative and Bureaucratic Reform Number B/1236/M.SM.01.00/2019, and scientific articles from various sources related to employment

with disabilities as well as official data from the State Civil Service Agency. From an empirical perspective, researchers conducted interviews with a Minister of Administrative and Bureaucratic Reform officer who handles planning and procurement of human resources for the apparatus, civil servants with disabilities in various Ministries and Regional Governments who had recruitment tests in 2017 to 2019, as well as activists from organizations of persons with disabilities who often work closely with the government to understand policy developments.

3. Results and Discussion

3.1. Content Analysis

3.1.1. Law Number 8 of 2016

Law Number 8 of 2016 regulates the right to work and live a decent life for people with disabilities. This law updates the previous regulation, namely Law Number 4 of 1997 concerning People with Disabilities. The rules written in Law Number 8 of 2016 expect the absorption of workers with disabilities to be 1 percent of the total number of employees in a private company and 2 percent of the total government employees, State-Owned Enterprises, and Regional-Owned Enterprises as stated in article 53. By involving government agencies as a provider of employment, as stated explicitly in Article 53 of the Disability Law, the policy is considered more optimal in accommodating people with disabilities in the employment sector.

In-Law Number 8 of 2016, Article 145 also stipulates provisions regarding fines contained in the statement that anyone who hinders or prohibits people with disabilities from obtaining work rights is subject to criminal law, namely imprisonment for a maximum of 2 years and a maximum fine of Rp200,000,000.00.

3.1.2. Law Number 5 of 2014

The Disability Law does not stand alone in accommodating persons with disabilities in the field of work. In the scope of government, there is Law Number 5 of 2014 concerning State Civil Apparatus, which regulates the position, status, obligations, and rights of government employees or often called State Civil Apparatus (ASN). This policy regulates State Civil Apparatus management, one of which is the management of Civil Servants (PNS). Preparation and determination of needs, procurement, career development, and protection for civil servants are activities in the management of civil servants. In addition, the law contains a statement that the management of civil servants must be based on a merit system.

Law 5 of 2014 also contains requirements for physical and spiritual health for the applicants. In the explanation of Law no. 5 of 2014, it is stated that the requirements for physical and mental health are adjusted to the needs of carrying out work for people with disabilities.

3.1.3. Government Regulation Number 11 of 2017

Government Regulation Number 11 of 2017 is designed to manage the human resources of the state apparatus. If examined further, this regulation regulates general matters of civil servant management. In Peraturan Pemerintah Nomor 11 Tahun 2017 Tentang Manajemen Pegawai Negeri Sipil Article 23 paragraph 1 letter g states that each Indonesian citizen has the same opportunity to register as a civil servant if he meets the following requirements: physical and mental health following the requirements for the position he applied for. The requirements for physical and spiritual/psychic health are also included in the provisions for appointment in the office. Although the requirements for physical health are stated in the Elucidation of Law Number 5 of 2014 that it is adjusted to the needs of carrying out work for persons with disabilities, this physical health requirement has not been explicitly explained in Government Regulation Number 11 of 2017.

3.1.4. Minister of Administrative and Bureaucratic Reform Regulation Number 20 of 2017

Minister of Administrative and Bureaucratic Reform Regulation Number 20 of 2017 regarding the criteria for determining the need for Civil Servants and the implementation of the selection of prospective civil servants in 2017 regulates the establishment of formations for persons with disabilities accompanied by placement locations. The planned placement location is still at the central agency. In terms of distribution, of course, the allocation of the placements is not evenly distributed because local governments are not included. Meanwhile, local government plays a strategic role in creating people's welfare. In the said Ministerial Regulation, there are also provisions for the disability criteria to be returned to the respective agencies that wish to recruit.

Another important point that can be underlined is that the Ministerial Regulation still uses the term 'disability'. In the regulation, it is written that one of the formations opened is the formation for people with disabilities. The use of the word 'impairment' is considered more sarcastic than the 'disability' word.

3.1.5. Minister of Administrative and Bureaucratic Reform Regulation Number 36 of 2018

In Minister of Administrative and Bureaucratic Reform Regulation Number 36 of 2018 concerning Criteria for Determining the Need for Civil Servants and Implementation of the Selection of Candidates for Civil Servants in 2018, there is a substantial change regarding the allocation of placements. The allocation of placement for civil servant formations for persons with disabilities is not only in central agencies but also in regional agencies. However, the regulation does not contain a firm statement regarding the formations that people with disabilities can apply for.

3.1.6. Minister of Administrative and Bureaucratic Reform Regulation Number 23 of 2019

Review the Minister of Administrative and Bureaucratic Reform Regulation Number 23 of 2019 concerning Criteria for Determining the Need for Civil Servants and Implementation of the Selection of Candidates for Civil Servants in 2019. It is disclosed that local governments must allocate Special Formations for Disabilities intended for certain groups with disabilities. But candidates with disabilities may also apply for General Formation or Special Formation other than Special Formation with Disabilities.

3.1.7. National Civil Service Agency Regulation Number 14 of 2018

The Minister of Administrative and Bureaucratic Reform regulation that discusses civil servant recruitment is detailed to another, a more active form of regulation, namely National Civil Service Agency Regulation Number 14 of 2018 concerning Technical Guidelines for the Procurement of Civil Servants. This policy does not say much about the mechanism for recruiting persons with disabilities to become government employees. There is only one thing discussed in the Regulation of the State Civil Service Agency, namely regarding facilities and infrastructure for participants with disabilities while taking the exam. Technical instructions for the implementation of civil servant procurement require a special place for applicants with disabilities to register accompanied by a facilitator or assistant for blind people to read exam questions.

3.1.8. Circular of the Minister of Administrative and Bureaucratic Reform Number B/1236/M.SM.01.00/2019

The contents of the Circular of the Minister of Administrative and Bureaucratic Reform Regulation Number B/1236/M.SM.01.00/2019 are simple but straightforward. The

Circular Letter clarifies and asks all agencies that include requirements that are not based on one's competence, namely the requirement to be able to see, hear, speak, and move without using assistive devices or using assistive devices instead of a wheelchair to be abolished.

3.2. Policy Implementation

3.2.1. Implementation of Law Number 8 of 2016

The accommodation for fulfilling the rights of persons with disabilities in the field of work is good with the issuance of Law Number 8 of 2016, which regulates the provisions on the rights of people with disabilities to obtain work with a quota system. As quoted from the results of an interview with an informant,

“I believe if you say it accommodates policy, it's done. It means that the employment law already exists, the disability law on quotas of 1 and 2 percent also exists..” (TD, 24 April 2021).

Based on these disclosures, it appears that the government has made efforts to enforce human rights by creating breakthroughs in providing employment opportunities for persons with disabilities through laws and regulations. However, the State Civil Service Agency found that three central and seven regional agencies had not fulfilled the 2 percent allocation for disability applicants in its implementation. In addition, there are two central agencies and 46 regional agencies that do not open allocations for disability formations (Wahyu & Uljannah, 2019).

Law 8 of 2016 also contains sanctions for parties who refuse to provide work for people with disabilities. Unfortunately, the implementation of the sanctions of this law has not been enforced. Many parties violate but are still allowed. In addition, there were no penalties for agencies that did not meet the quota allocation.

3.2.2. Implementation of Law Number 5 of 2014

The mandate of Law 5 of 2014 regarding the merit system has not been fully implemented in the field. The National Civil Apparatus Commission maps out that implementing the merit system in most ministries and institutions has not run optimally (Komisi Aparatur Sipil Negara, 2018). Not to mention, many provincial governments in Indonesia have not even implemented the merit system at all.

Likewise, in the affirmative for persons with disabilities, cases were found that the needs formulated by the agency did not match the qualifications of persons with disabilities. As stated by one of the informants,

“Procurement at Ministry X, the Minister is just okay with it; once your friend was accepted and placed, the supervisor asked, 'how come I got you, then what do you want to do?' There is no actual formation.” (DE, 13 April 2021).

The informant's narration illustrates that there is a discrepancy between procurement and needs. Problems regarding this discrepancy with the organization's needs often occur in various places so that, in the end, people with disabilities are ignored and are not given a job (ZJ, 27 April 2021).

3.2.3. Implementation of Government Regulation Number 11 of 2017

In the implementation of civil servant recruitment in 2017, the rule for physical and mental health requirements was lowered into implementing regulations, namely Minister of Administrative and Bureaucratic Reform Regulation Number 20 of 2017, which was subsequently adopted into a Circular Letter of the head of the work unit. In the 2017 civil servant recruitment, the requirements for having physical and mental health are written on each criterion set by the agency that wants to recruit.

3.2.4. Implementation of the Minister of Administrative and Bureaucratic Reform Regulation Number 20 of 2017

National Civil Service Agency shows that only 127 people with disabilities were successfully appointed as members of the Indonesian civil service in 2017 (BKN, 2020). Meanwhile, the number of formations provided was 168 formations for people with disabilities. This formation comes from 46 central agencies that were willing to recruit persons with disabilities. There were no local government agencies that have allocated disability formations in 2017. Regarding the requirements for applying, in its application, physical and mental health requirements are found in the announcement of the criteria for prospective applicants. In addition, there is still use of the term 'disability which refers to disability. Meanwhile, the term 'disable and invalid' has been replaced by 'people with disabilities' since 2011 as contained in Law Number 19 of 2011 as a result of the ratification of the United Nations Convention on the Rights of People with Disabilities (Maftuhin, 2016; Widinarsih, 2019).

3.2.5. Implementation of the Minister of State Apparatus Empowerment and Bureaucratic Reforms Regulation Number 36 of 2018

At the implementation stage, the opening of the number of affirmation formations for persons with disabilities increased significantly in 2018, and the number of employees who were successfully accepted as. Based on data from the State Civil Service Agency, it is known that 1,807 people with disabilities were accepted as civil servant candidates in 2018 (BKN, 2020).

Apart from that, it turns out that there are still obstacles in implementing the policy. For example, there was a case that prospective participants with disabilities were not allowed to take part in the next stage of the selection process because they applied for general formations in the 2018 recruitment process at the South Kalimantan Provincial Government, even though the person concerned had educational compatibility with the formation chosen in registration (Muchtar et al., 2020, p. 208).

3.2.6. Implementation of the Minister of State Apparatus Empowerment and Bureaucratic Reforms Regulation Number 23 of 2019

In 2019, based on the National Civil Service Agency, the number of formations for persons with disabilities accommodated by the government, both central and regional, amounted to 2,573 formations (BKN, 2020). But the ones that have been accepted are no bigger than the previous year. In terms of criteria, in the announcement of the 2019 civil servant recruitment registration, Ministries/Agencies have given the freedom to people with disabilities to apply for any available formation. This is clearly stated in the Minister of State Apparatus Empowerment and Bureaucratic Reforms Regulation Number 23 of 2019, indicating that the government's openness and awareness have grown.

3.2.7. Implementation of National Civil Service Agency Regulation Number 14 of 2018

There were not many obstacles in implementing the National Civil Service Agency Regulation Number 14 of 2018. As stated by a civil servant with a blind disability in a central agency describing the condition of the facilities when undergoing tests in the regions,

“I used to take the test, and the place was held at the National Civil Service Agency Jogja, Jalan Magelang. The place was accessible, and then the officer assisted me by reading the questions.” (DE, 5 Mei 2021).

There is also another statement civil servant coming from a civil servant candidate with disabilities batch 2019 mentioned the assistance offered,

“I did the Basic Competency Selection at the Human Resources Development Agency, the Basic Competency Selection at the Central National Civil Service Agency. I was offered to have a wheelchair, and the registration was easier. Do not use a queue; you will be led right away..” (RM, 8 Mei 2021).

Based on this statement, it can be said that the physical accessibility provided by government agencies at the time, both central and regional agencies (especially the National Civil Service Agency and the Regional Personnel Agency), have been qualified. Although in some places there are still inaccessible buildings, assistant officers are provided to help.

Today, the government is starting to initiate technology to implement the Civil Servant test for people with disabilities. The use of screen readers has begun to be implemented to complement the service of reading officers regarding questions for people with visual sensory disabilities.

3.2.8. Implementation of the Minister of Administrative and Bureaucratic Reform Circular Letter Number B/1236/M.SM.01.00/2019

There are indications of discrimination contained in the announcement of selection in many agencies before 2019. The tendency of discriminatory attitudes is seen in the statement of requirements for applying for formations which states that candidates must have the ability to see, hear and speak well and can move without using tools or using supporting tools except for wheelchairs. However, with the issuance of the Circular of the Minister of Administrative and Bureaucratic Reform, the Ministries/Agencies that wish to recruit persons with disabilities have abolished the requirements related to these sensory abilities. In line with that, the planning and procurement official from the Minister of Administrative and Bureaucratic Reform stated that the government's paradigm of viewing people with disabilities has begun to shift from a charity-based program to a merit-based program where people with disabilities are considered capable of competing with non-disabled people (KA, 14 April 2021).

Policy developments related to recruiting employees with disabilities at Ministries/Agencies and Local Governments are summarized in [Table 2](#).

Based on the research results, several aspects are regulated in the affirmation policy, namely the quota mechanism, merit system, registration requirements, criteria for determining needs and implementation of civil servants' selection, and environmental accessibility.

Judging from the quota mechanism, several agencies still carry out violations that do not open disability formations according to the provisions. Meanwhile, the quota system applied in Indonesia is a binding quota system without effective sanctions. A binding quota system without effective sanctions is a scheme that binds the provisions that all employers are obliged to carry out the obligation to provide access to people with disabilities, but without any strict sanctions (ILO, 2013, p. 25). Employers find it difficult to impose sanctions because the principle of freedom in labor law is capitalist, and the mechanism still tends to depend on the labor market (Gaol, 2020, p. 224).

Concerning the merit system, it means that recruitment is based on the principles of equality and fairness according to qualifications and competencies, not on political reasons or likes and dislikes (Rakhmawanto et al., 2019; Tukina, 2020). 'Regarding the merit system that has not been running optimally, the management of human resources in the apparatus deserves attention, one of which is in terms of identifying employee needs' (Komisi Aparatur Sipil Negara, 2018, p. 20). Identification of employee needs is part of staffing planning related to formation procurement. However, planning for employee needs is often inaccurate without taking into account the needs of the organization. Determining HR needs in a government organization is often made in a hurry, without careful planning. The impact is that the determination of the vacancies to be filled is not following the functions and duties of one work unit.

Table 2. Development of Policy on Recruitment of People with Disabilities in Government Agencies and Its Implementation

No.	Regulation	Contents of Policy	Implementation Analysis
1	Law 8/2016	<ul style="list-style-type: none"> - Fulfillment of quota of at least 2% - Criminal sanctions or fines for those who violate quota provisions 	<ul style="list-style-type: none"> - Not all government agencies have fulfilled the allocation of formations for persons with disabilities - The imposition of sanctions has not been firm on agencies that do not comply with the provisions
2	Law 5/2014	Civil Servant Management, including the preparation, determination, procurement of needs based on a merit system	Planning and procurement need for employees with disabilities have not been carefully mapped
3	Government Regulation 11/2017	Statement of physical/physical and mental/psychic health requirements in the application information	Information on physical health requirements is stated in the Minister of State Apparatus Empowerment and Bureaucratic Reforms Regulation 20/2017
4	Minister of State Apparatus Empowerment and Bureaucratic Reforms Regulation 20/2017	<ul style="list-style-type: none"> - The distribution of formations for people with disabilities is not evenly distributed, only in central agencies. - There is still use of the term 'disability.' 	<ul style="list-style-type: none"> - Only absorbs a small number of workers with disabilities - Terminology 'flawed' in some announcements
5	National Civil Service Agency Regulation 36/2018	<ul style="list-style-type: none"> - Distribution of diffable formations to the central government and local agencies - Restrictions on the formation (applicants with disabilities are only allowed to apply for disability-specific formations) 	The quota for the formation and recruited employees is bigger, but still not friendly and fair
6	Minister of State Apparatus Empowerment and Bureaucratic Reforms Regulation 23/2019	<ul style="list-style-type: none"> - Formation of people with disabilities is provided for central and local agencies - Applicants with disabilities may apply to special formations with disabilities, general formations, and other special formations 	<ul style="list-style-type: none"> - Equitable distribution and addition of formations for people with disabilities at the central and local governments - Freedom for applicants to adjust the position they want to apply for according to their qualifications and competencies
7	National Civil Service Agency Regulation 14/2018	Provision of disability-friendly infrastructure	Physical accessibility at the CPNS test site is accommodated
8	Circular of the Minister of State Apparatus Empowerment and Bureaucratic Reform No B/1236/M.SM.01.00/2019	Instructions to Ministries/Agencies to remove the requirement "able to see, hear and speak well and able to move without assistive devices or use assistive devices except for wheelchairs"	Declination of discrimination through the elimination of requirements that tend to be ableism

Source: Researchers' analysis, 2021

Sometimes quota policies are only oriented to affirmative action, thus losing the purpose of merit orientation itself (Mellifont, 2018).

Turning to the physical and mental health requirements to apply for the governmental job, the problem lies in physical health, which contains multiple interpretations, depending on the person who interprets it. In his research, Gaol (2020, p. 213) states that physical health refers to a person's physical description, which can cause misperceptions and public understanding in interpreting the human health condition as a whole seen from physical completeness alone. Finally, some people can interpret disability as a disease even though people are not necessarily sick and still have productivity. Thus, the requirements for being healthy in physical and mental criteria for applicants with disabilities indicate that the affirmative policy has not been effective in inclusion (Kulkarni et al. in Gupta & Priyadarshi, 2020, p. 621).

Still, regarding the requirements for physical health, which emphasizes the criteria for sensory perfection (being able to see, speak, and move), the policies that existed before the issuance of Circular of the Minister of State Apparatus Empowerment and Bureaucratic Reform Number B/1236/M.SM.01.00/2019 were considered unfriendly to persons with disabilities. The proposed requirements implied that persons with disabilities other than physical disabilities did not have the qualifications to become professional employees or even burden the organization. Many people with disabilities – apart from physical disabilities – have achievements and can live independently. If used carelessly, these requirements lead to a paradigm that confines people's mindsets when viewing disability as a state of failure. With the issuance of the Circular

of the Minister of State Apparatus Empowerment and Bureaucratic Reform in 2019, the rights of persons with disabilities to receive equal treatment can be accommodated.

Regarding the criteria for the need and implementation of civil servant candidate selection, the Minister of State Apparatus Empowerment and Bureaucratic Reform Regulation regulates the establishment of formations for persons with disabilities accompanied by placement locations. As mentioned in the previous implementation description, the allocation for employees with disabilities has changed from 2017, originally planned to be placed at the central agency in 2018 and 2019; it has been evenly distributed and spread to local governments. Local governments play a strategic role in creating people's welfare, so they must implement inclusiveness. With the involvement of the local government, it has been proven to increase the number of employees with disabilities recruited in 2018. This shows that the government's commitment to opening opportunities for every citizen without exception to become a civil servant has begun to strengthen. Sackey's research (2015) presents the finding that affirmative action for persons with disabilities effectively reduces inequality (Gupta & Priyadarshi, 2020, p. 621). In the context of employment in Indonesian government agencies, affirmation policies have proven successful in including persons with disabilities into the workforce in the formal sector, thereby reducing inequality and increasing opportunities for the fulfillment of the rights of all citizens.

Although the opportunities for employment of disabled workers tend to be wide open, injustice is still encountered in some cases, such as what happened in South Kalimantan, as previously discussed. This can be caused by the Minister of State Apparatus Empowerment and Bureaucratic Reforms Regulation Number 36 of 2018, which did not contain a firm statement regarding the formations that persons with disabilities could apply for. The content of a vague policy can give various interpretations to policy implementers, then result in unintended consequences (Ge et al., 2021).

In terms of environmental accessibility, the facilities and infrastructure provided have been adequate since 2017. Even technology has begun to be used to help applicants with disabilities who have limited vision.

4. Conclusion

Based on the results, it was found that the problem from the content analysis of the recruitment regulations for civil servants with disabilities from 2017 to 2019 and the implementation that occurred in the field was that the absorption of disabled workers was still not as expected. The lack of disabled workers in government agencies because not all government agencies make allocations to form persons with disabilities. And they are not penalized. In terms of planning, the needs of disabled employees have not been carefully mapped according to the merit system. In 2017 the distribution of disability formations was only in central agencies. In addition, there are indications of discrimination in the recruitment of people with disabilities. Discrimination issues are mainly related to the physical health requirements, which still hinder persons with disabilities from applying.

However, in general, the recruitment policy for civil servants with disabilities has improved yearly, as evidenced by the issuance of regulations in 2019 that try to include persons with disabilities.

Acknowledgment

The researchers would like to express our gratitude and high appreciation to the informants who have been willing to help during the data collection process. The funding for this research comes from personal funds.

References

Agovino, M., Marchesano, K., & Garofalo, A. (2019). Policies based on mandatory employment quotas for disabled workers: the case of Italy. *Modern Italy*, 24(3), 295–315. <https://doi.org/10.1017/mit.2019.14>

- Aroonsrimorakot, S., Laiphrakpam, M., Paisantanakij, W., & Nilthongkum, G. (2020). Barriers to employment of persons with disabilities. *Interdisciplinary Research Review*, 15(4), 1–7. <https://ph02.tci-thaijo.org/index.php/jtir/article/view/240235>
- Baskara, B., & Purwanti, A. (2019, December 18). *Disabilitas Terpinggirkan dalam Pekerjaan*. Kompas.id. https://www.kompas.id/baca/riset/2019/12/18/disabilitas-terpinggirkan-dalam-pekerjaan/?_t=13ySM7jaLXVbqJP5zbYAzUKo2P4jTbXNzqaxk8oExy1e2gPx6J02Tj3jIH9SI
- BKN. (2020). *Laporan Penetapan NIP Formasi Khusus Disabilitas Tahun 2017-2019*.
- Buchter, L. (2020). Tell Me Your Story: How Recruitment Practices Implementing Affirmative Action Laws May Undermine the Laws' Goals. *Law & Social Inquiry*, 45(4), 902–934. <https://doi.org/10.1017/lsi.2019.79>
- Buhaerah, P. (2016). Poverty and Human Rights: New Direction in Poverty Eradication. *Jurnal Bina Praja*, 8(2), 221–230. <https://doi.org/10.21787/jbp.08.2016.221-230>
- Buhaerah, P., Utomo, N., & Elfansuri, E. (2017). Review of Regional Development Planning Based on the Human Rights Principles. *Jurnal Bina Praja*, 9(2), 295–305. <https://doi.org/10.21787/jbp.09.2017.295-305>
- Ebuenyi, I. D., Smith, E. M., Munthali, A., Msowoya, S. W., Kafumba, J., Jamali, M. Z., & MacLachlan, M. (2021). Exploring equity and inclusion in Malawi's National Disability Mainstreaming Strategy and Implementation Plan. *International Journal for Equity in Health*, 20(1), 18. <https://doi.org/10.1186/s12939-020-01378-y>
- Gaol, H. S. L. (2020). Syarat Sehat Jasmani Sebagai Diskriminasi Tenaga Kerja Difabel. *INKLUSI*, 7(2), 207–228. <https://doi.org/10.14421/ijds.070202>
- Ge, Z.-M., Chen, R.-X., Tang, W.-Z., & Cong, Y. (2021). Why strong employment support for persons with disabilities has not brought about positive outcomes? A qualitative study in mainland China. *Children and Youth Services Review*, 121, 105839. <https://doi.org/10.1016/j.childyouth.2020.105839>
- Gould-Werth, A., Morrison, K., & Ben-Shalom, Y. (2018). Employers' Perspectives on Accommodating and Retaining Employees with Newly Acquired Disabilities: An Exploratory Study. *Journal of Occupational Rehabilitation*, 28(4), 611–633. <https://doi.org/10.1007/s10926-018-9806-6>
- Graham, L. (2020). Differences in employment and income poverty between people with and without disabilities in South Africa. *Alter*, 14(4), 299–317. <https://doi.org/10.1016/j.alter.2020.06.011>
- Gupta, A., & Priyadarshi, P. (2020). When affirmative action is not enough: challenges in career development of persons with disability. *Equality, Diversity and Inclusion: An International Journal*, 39(6), 617–639. <https://doi.org/10.1108/EDI-05-2019-0146>
- Hamidi, J. (2016). Perlindungan Hukum terhadap Disabilitas dalam Memenuhi Hak Mendapatkan Pendidikan dan Pekerjaan. *Jurnal Hukum IUS QUIA IUSTUM*, 23(4), 652–671. <https://doi.org/10.20885/iustum.vol23.iss4.art7>
- Hamudy, N. A. (2020). Justice for Community: Political Perspective of Michael Sandel's Communitarianism. *Jurnal Bina Praja*, 12(1), 43–52. <https://doi.org/10.21787/jbp.12.2020.43-52>
- ILO. (2013). *Mewujudkan Peluang Kerja yang Setara bagi Penyandang Disabilitas melalui Perundang-Undangan: Petunjuk Pelaksanaan*. ILO.
- Karim, M. A. (2018). Implementasi Kebijakan Pemenuhan Hak-Hak Penyandang Disabilitas di Kota Makassar. *Government: Jurnal Ilmu Pemerintahan*, 11(2), 86–102. <https://journal.unhas.ac.id/index.php/government/article/view/8054>
- Kim, E. J., Kim, I., & Kim, M. J. (2020). The Impact of Workplace Disability Facilities on Job Retention Wishes among People with Physical Disabilities in South Korea. *Sustainability*, 12(18), 7489. <https://doi.org/10.3390/su12187489>
- Komisi Aparatur Sipil Negara. (2018). *Pemetaan Penerapan Sistem Merit dalam Manajemen Aparatur Sipil Negara (ASN)*. Komisi Aparatur Sipil Negara.
- Liao, J. (2021). The quota system for employment of people with disabilities in China: Policy, practice, barriers, and ways forward. *Disability & Society*, 36(2), 326–331. <https://doi.org/10.1080/09687599.2020.1833311>
- Lorenz, T., Brüning, C. R., Waltz, M., & Fabri, M. (2021). Not a stranger to the dark: discrimination against autistic students and employees. *Advances in Autism*, 7(1), 60–72. <https://doi.org/10.1108/AIA-10-2019-0036>
- LPEM FEB UI. (2017). *Laporan Akhir-Memetakan Penyandang Disabilitas (PD) di Pasar Tenaga Kerja Indonesia*.
- Maftuhin, A. (2016). Mengikat Makna Diskriminasi: Penyandang Cacat, Difabel, dan Penyandang Disabilitas. *INKLUSI*, 3(2), 139–162. <https://doi.org/10.14421/ijds.030201>
- Mellifont, D. (2018). Soft affirmative action lacking traction? An early qualitative exploration of the RecruitAbility Scheme performance within the Australian Public Service. *Australian Journal of Career Development*, 27(1), 20–28. <https://doi.org/10.1177/1038416217745070>
- Muchtar, M., Utomo, Nisa, L. S., Siska, D., & Maliani. (2020). Evaluasi Penerimaan CPNS bagi Penyandang Disabilitas di Pemerintah Provinsi Kalimantan Selatan. *Jurnal Kebijakan Pembangunan*, 15(2), 203–217. <https://doi.org/10.47441/jkp.v15i2.136>
- Pinilla-Roncancio, M. (2015). Disability and poverty: two related conditions. A review of the literature. *Revista de La Facultad de Medicina*, 63(3Sup), 113–123. <https://doi.org/10.15446/revfacmed.v63n3sup.50132>
- Rakhmawanto, A., Rusli, B., & Sintaningrum, S. (2019). Merit System on the Selection Process of the State Civil Apparatus First Senior Executive Service Officials in the Central Java Provincial Government. *Jurnal Bina Praja*, 11(1), 31–41. <https://doi.org/10.21787/jbp.11.2019.31-41>

- Ratna, D. G., & Kismartini, K. (2018). Pemenuhan Hak Penyandang Disabilitas Bidang Ketenagakerjaan di Kota Semarang (Implementasi Perda Jawa Tengah No. 11 Tahun 2014 tentang Pemenuhan Hak Penyandang Disabilitas). *Journal of Public Policy and Management Review*, 7(2), 177–196. <https://doi.org/10.14710/JPPMR.V7I2.19942>
- Sudipa, N., & Nurjani, P. S. (2021). Strategy for Accelerating Poverty Reduction in Klungkung Regency, Bali. *Jurnal Bina Praja*, 13(1), 41–51. <https://doi.org/10.21787/jbp.13.2021.41-51>
- Tan, W., & Ramadhani, D. P. (2020). Pemenuhan Hak Bekerja bagi Penyandang Disabilitas Fisik di Kota Batam. *Jurnal HAM*, 11(1), 27. <https://doi.org/10.30641/ham.2020.11.27-37>
- Tukina, T. (2020). Asymmetrical Local Elections: Affirmation of Sovereignty for People's Welfare. *Jurnal Bina Praja*, 12(2), 237–248. <https://doi.org/10.21787/jbp.12.2020.237-248>
- Vornholt, K., Villotti, P., Muschalla, B., Bauer, J., Colella, A., Zijlstra, F., Van Ruitenbeek, G., Uitdewilligen, S., & Corbière, M. (2018). Disability and employment – overview and highlights. *European Journal of Work and Organizational Psychology*, 27(1), 40–55. <https://doi.org/10.1080/1359432X.2017.1387536>
- Wahyu, R., & Uljannah, U. N. (2019, November 28). *Seleksi CPNS, Alokasi Disabilitas Banyak Dilanggar* (A. Triyudha (ed.)). Harian Nasional. <http://harnas.co/2019/11/28/seleksi-cpns-alokasi-disabilitas-banyak-dilanggar>
- Warsilah, H. (2016). Mengagas Indonesia yang Berkeadilan melalui Pembangunan Inklusif. *Indonesia Yang Berkeadilan Sosial Tanpa Diskriminasi*, 25–43. <http://repository.ut.ac.id/id/eprint/7983>
- Widianingsih, I., & Paskarina, C. (2019). Defining Inclusiveness in Development: Perspective from Local Government's Apparatus. *Jurnal Bina Praja*, 11(2), 137–147. <https://doi.org/10.21787/jbp.11.2019.137-147>
- Widinarsih, D. (2019). Penyandang Disabilitas di Indonesia: Perkembangan Istilah dan Definisi. *Jurnal Ilmu Kesejahteraan Sosial*, 20(2), 127–142. <https://doi.org/10.7454/jurnalkessos.v20i2.239>
- Wijayanti, S. W. (2019). *Analisis Implementasi Kebijakan Afirmatif bagi Penyandang Disabilitas dalam Bidang Ketenagakerjaan di DKI Jakarta*. Universitas Indonesia.
- World Health Organization, & World Bank. (2011). *Summary: World report on disability 2011*. <https://apps.who.int/iris/handle/10665/70670>
- Zaluska, U., Grzeškowiak, A., Kozyra, C., & Kwiatkowska-Ciotucha, D. (2020). Ambassador of People with Disabilities in the Workplace—Conducive Demographic and Professional Characteristics. *International Journal of Environmental Research and Public Health*, 17(19), 7036. <https://doi.org/10.3390/ijerph17197036>