

# Legal Protection for Disabled Workers Based on Law Number 6 of 2023 concerning the Stipulation of Government Regulations In Lieu of Law Number 2 of 2022 concerning Job Creation becoming Law

Azis Budianto<sup>1</sup>, Rais Fattah<sup>2</sup>

{ hukkrim@yahoo.com<sup>1</sup>, rais.customs@gmail.com<sup>2</sup> }

Universitas Borobudur<sup>1,2</sup>

**Abstract.** Rules concerning individuals with handicaps are contained in Article 67 of Guideline No. 6 of 2023 concerning the Impediment of Informal regulations instead of Guideline Number 2 of 2022 concerning Position Creation into Guideline. Businesses who utilize laborers with inabilities are obliged to safeguard them as indicated by the kind and level of incapacity. The job of handicapped laborers as implementers of improvement should be upheld by certifications of the privileges of each and every specialist. Debilitated laborers themselves are not liberated from the gamble of work mishaps that happen in the work relationship, and illnesses brought about by the workplace. To conquer this, having lawful insurance for laborers with disabilities is important. The wellbeing and security of debilitated specialists is the obligation of organizations giving crippled laborers. Hence, lawmaking in regards to handicap necessities to get better consideration from the Indonesian government, so civil rights can be endlessly acknowledged in genuine terms in the existences of laborers in Indonesia.

**Keywords:** Legal protection; Labor; Disability; UURI Number 6 of 2023.

## 1 Introduction

The era of reform was expected to bring echoes of real change in the prosperity of the nation and state. At first, it turns out that up to now we have not been able to show a real change in building a legal, social, political, economic, and cultural condition that is more transparent and democratic, especially the benefits that have not yet reached the same level among workers or laborers. The biggest obstacle is the weakness in the employment law system which is more structural, cultural, and substantial.

Lawful security for the government assistance of Laborers with Inabilities is the objective and acknowledgment of the satisfaction of fundamental freedoms by Article 27 section (2) of the 1945 Constitution of the Republic of Indonesia "Each resident has the option to work and a living deserving of humankind", and Article 33 passage (1) which expresses that "The economy is organized as a joint exertion in view of the guideline of connection".

Infringement of fundamental privileges safeguarded by the constitution is an infringement of common freedoms. Thus, failure to fulfill the rights of workers or laborers is a real violation of humanity. The freedoms being referred to incorporate privileges, for example, the right to life, the right not to be tormented, the right to religion, the right to uniformity under the watchful eye of the law, and so on., which are all controlled in legal guidelines.[1]

The Republic of Indonesia is a legitimate state (rechtsstaat), to be specific a state where all mentalities, conduct, and activities, whether completed by the specialists or by its residents, should be founded on regulation.[2] The Indonesian rule of peace and law is a state considering Pancasila and the 1945 Constitution of the Republic of Indonesia, an agree to approach a state government, defend the entire nation and all carnage, advance the general government help, and make the presence of the nation smart. The Indonesian rule of peace and law is a state of the art peace and lawfulness, with respect to which the public power's essential endeavor is to deal with the public authority help of its family. To that end the high level Guideline State is moreover called the Public authority help State.

Law and order points principally to give legitimate security to individuals. As indicated by Philipus M Hadjon [3] legitimate insurance for individuals against government activities depends on two standards, specifically the Standards of Common freedoms and the Standards of Law and order. Acknowledgment and insurance of basic liberties have an essential spot and can be supposed to be the objective of law and order. In order for state institutions to be able to run the government and for citizens to have the rights and responsibilities to receive guaranteed legal protection, the rule of law requires guarantees.

Preventive legal assurance and comprehensive legal insurance are reasonable components of legitimate security for individuals participating in government activities. In preventive legal security, people are allowed to submit fights (inspraak) or ends before an organization decision takes legitimate construction.

Pancasila as the perspective of life of the Indonesian public in its fifth standard states "Social liberties for Each Indonesian Individual ". This implies that equity for individuals is a higher priority than equity for specific gatherings.[4] Value ought to be kept up with while keeping up with the guidelines of value to make a prosperous, just, prosperous, and unbiased society both genuinely and significantly.[5] This equity should be felt by all Indonesian individuals, including equity for laborers and laborers, whether they work locally or abroad.

Labor is every person who can do work to produce goods or services and receive a reward to meet the needs of themselves or society. In implementing national development, labor has a very important role as an actor and development goals. One of them is handicapped specialists or what are typically called relaxed day to day laborers who are remembered for the Dubious Work classification.

Incapacity is short-lived and can't be expanded. If a worker's contract expires in the disability workforce system, they must either start over or apply to another company that provides disability services. The board depends on concurred definitions and models. Work is overseen in Guideline No. 13 of 2003 concerning Business. The word Handicap isn't tracked down in this regulation, however it utilizes another term, specifically work contracting understanding or specialist or work specialist organization in Article 64 which peruses:

"Organizations can give up piece of the work execution to different organizations through work contracting arrangements or the arrangement of laborers/work administrations which are made recorded as a hard copy."

Guidelines with respect to handicaps are likewise examined in Article 67 of Guideline Number 6 of 2023 concerning the Assumption for Informal regulations as opposed to Guideline Number 2 of 2022 concerning Position Creation into Guideline. Most of the time,

companies that provide service provide disabled workers. The service provider will handle administration and management based on agreed-upon definitions and criteria. Debilitated specialists themselves just complete supporting work or exercises that are not straightforwardly connected with the creation cycle. Numerous offices like to involve debilitated laborers for supporting exercises since incapacitated specialists themselves are thought of as less expensive than provisional laborers. Guarantees of every worker's rights must be used to support disabled workers' role as developers..

Legal regulations governing the protection of workers with disabilities can vary between countries but usually cover several main aspects. In Indonesia, the rules for protecting disabled workers are regulated by various laws, including the Employment Law. The following is a general overview of legal arrangements relating to the protection of workers with disabilities:

1. Employment Law (Law No. 13 of 2003):  
The Employment Law in Indonesia is the main legal basis that regulates employment relations between workers and employers, including workers with disabilities. This law establishes basic rights and obligations for all workers, including those working as workers with disabilities.
2. Employment Agreement:  
The employment contract is a key element in the protection of disabled workers. The employment agreement must regulate the rights, obligations, duration of work, salary, and other benefits that disabled workers will receive. This contract must comply with applicable legal regulations.
3. Placement and Selection of Workers:  
Disability companies that wish to place workers must select workers who have the skills and competencies appropriate to the work to be carried out. This is intended to ensure that workers have the necessary qualifications and find jobs that suit their background and skills.
4. Protection Against Discrimination:  
Protection against discrimination in terms of gender, age, religion, ethnicity, or other factors that violate the principles of non-discrimination.
5. Remuneration:  
Determination of wages by statutory regulations and work contracts by the work carried out.
6. Working and Break Hours:  
Determining reasonable working hours and rest schedules by applicable work regulations.
7. Health and Safety Protection:  
Protection of workers' health and safety in the work environment. Disability employers must ensure that the work environment is safe and complies with applicable safety standards.
8. Protection against layoffs (termination of employment):  
Regulations that regulate employment termination procedures, including the conditions that must be met and the compensation that must be given to workers in the event of layoffs.
9. Providing Benefits:  
Some countries regulate the provision of benefits such as leave, health insurance, pensions, and other benefits for workers with disabilities.
10. Providing Education and Training:

Disability employers may be required to provide appropriate training and education to workers so they can improve their skills.

11. Law Enforcement: Regulations regarding law enforcement and dispute resolution mechanisms between workers and disability companies.

It is important to note that legal regulations regarding disability employment protection may vary between countries. Some countries have stricter regulations and better protections for workers with disabilities, while others may have a looser legal framework. Therefore, disabled workers and disabled companies must understand the regulations that apply in their area and ensure that they comply with these regulations to protect workers' rights and welfare.

## **2 Problem**

In light of Regulation Number 6 of 2023 concerning the Limitation of Unofficial laws rather than Regulation Number 2 of 2022 concerning Position Creation into Regulation, the question that this paper addresses is how the legitimate assurance for workers with disabilities is achieved.

## **3 Method and Approach**

### **3.1 Method**

The strategy utilized recorded as a hard copy this applied paper is a distinct logical technique, to be specific by utilizing information that obviously depicts issues straightforwardly in the field, then, at that point, examination is completed and afterward ends are attracted to take care of an issue. The information assortment strategy is through perception and writing study to get answers for issues in setting up this paper. In accordance with the exploration targets to be accomplished, the space of this examination is remembered for the domain of subjective exploration, subsequently a subjective methodology strategy will be utilized. As indicated by Petrus Soerjowinoto et al., subjective techniques are strategies that underline the scientist's comprehension interaction of issue definition to develop an intricate and all encompassing legitimate peculiarity.[6]

### **3.2 Approach**

The regularizing juridical methodology, specifically the juridical methodology strategy used to analyze issues concerning regulation and legal guidelines, with the rule approach, in particular looking at the issues to be examined involving legitimate guidelines as auxiliary information as essential, optional and tertiary lawful materials.[7]

Normalizing juridical philosophy, applied to explicit legitimate rules or made guidelines, associating with authentic affirmation for workers with handicaps considering Guideline Number 6 of 2023 concerning the Confirmation of Informal regulations as opposed to Guideline Number 2 of 2022 with respect to Occupation Creation.[8] This assessment depicts what's going on of the article under study,

specifically focusing in on authentic security for workers with insufficiencies considering Guideline Number 6 of 2023 about the Assumption for Informal regulations as opposed to Guideline Number 2 of 2022 concerning Position Creation into Guideline eventually.

## 4 Discussion

### 4.1 Legal Protection for Workers with Disabilities Based on Law Number 6 of 2023 concerning the Stipulation of Government Regulations instead of Law Number 2 of 2022 concerning Job Creation into Law.

In Indonesia, there must be clarity regarding what "worker and disability protection" means in discussions about legal protection for disabled workers. The articles in the 1945 Constitution which express that there is an assurance of security for laborers/workers are:

- 1) The Constitution of 1945, Article 28 D, Section 1, specifically states that every person has the right to recognition, protection, insurance, a fair legitimate conviction, and equal treatment under the watchful eye of the law.
- 2) Article 28 D segment (2) of the 1945 Constitution "Everyone has the honor to work and get fair and legitimate compensation and treatment in business associations."

Legitimate security for laborers is additionally expressed in Article 4 letter c of the Business Regulation which expresses that "business advancement means to safeguard laborers in acknowledging flourishing". Additionally, Articles 67-101 of Chapter X of the Labor Law regulate welfare, wages, and protection.[9] Arrangements in regards to handicap are directed in Article 67 of Regulation Number 6 of 2023 concerning the Assurance of Unofficial laws rather than Regulation Number 2 of 2022 concerning Position Creation becoming Regulation.

#### Article 67

- (1) Employers who utilize laborers with incapacities are obliged to safeguard as per the sort and level of handicap.
- (2) The arrangement of security as expected in section (1) is done by the arrangements of legal guidelines.

The explanation of the verse above is as follows:

#### Article 67 Paragraph (1)

Security as alluded to in this passage incorporates, for instance, giving openness and giving work devices and individual defensive gear that are adjusted to the sort and level of handicap.

Second paragraph is very clear..

Aristotle said that humans are "zoon politicon" [10] social creatures or social creatures because each member of society has a relationship with one another. As social creatures, consciously or unconsciously, humans always carry out legal actions (rechtshandeling) and legal relationships (rechtsbetrekkingen). A business relationship has the importance of a connection between a specialist/worker and a business that

depends on the components of orders, wages, and work. This delineates the rise of laborers' freedoms and commitments towards bosses as well as the other way around.[11]

In Indonesia, there are different types of lawful assurance for laborers with handicaps. This assurance plans to guarantee that individuals with handicaps have equivalent freedoms in the realm of work. Coming up next are a few types of legitimate security for laborers with handicaps in Indonesia:

1. Law No. 8 of 2016 concerning Persons with Disabilities:  
This law regulates the rights of people with disabilities in various aspects of life, including in the world of work. Some of the relevant provisions in this law include:
  - a. The right to get a job commensurate with their abilities.
  - b. Prohibition of discrimination against persons with disabilities in recruitment and employment.
  - c. The company's obligation to provide adequate accessibility facilities for people with disabilities.
2. Minister of Manpower Regulation No. 1 of 2017 concerning the Protection of Disabled Workers:  
This regulation regulates various aspects of protecting disabled workers in the world of work. Some of the provisions included include:
  - a. The company's obligation to create an inclusive and disability-friendly work environment.
  - b. The company's obligation to provide training and education to workers with disabilities.
  - c. Providing additional leave rights for disabled workers if necessary.
3. Government Regulation no. 43 of 2018 concerning the Implementation of Law no. 8 of 2016:  
This regulation details concrete actions that governments and companies must take to support people with disabilities in the workplace. This includes accessibility requirements, training, and disability-friendly facilities.
4. Provisions for Employment Supplier Institutions:  
Institutions that distribute workers, such as outsourcing companies or labor distribution companies, are required to comply with the provisions on the protection of workers with disabilities in the process of recruiting and placing workers.
5. Law no. 19 of 2011 concerning the Sanction of the UN Show on the Freedoms of People with Inabilities (UNCRPD):  
This Convention is an international legal framework that also mandates the protection of the rights of persons with disabilities, including in the context of employment. Indonesia has ratified this convention, which means that the country must comply with the principles and provisions contained in this convention.
6. Provisions Regarding Leave and Permits:  
Some disabled workers may be entitled to additional leave or certain leave if they need it for medical treatment or rehabilitation. These provisions may vary by company or sector.

Aside from the guidelines recorded above, numerous non-administrative associations and non-legislative associations assume a functioning part in battling for the rights and protection of workers with disabilities in Indonesia. It is important to remember that legal protections for workers with disabilities aim to ensure that they

have equal opportunities to find employment, develop their careers, and work in an inclusive and supportive environment. Law enforcement and monitoring the implementation of these regulations is important to ensure their rights are recognized and respected in the world of work.

Workers with disabilities need strong legal protection so that their rights in the world of work are recognized, respected, and fulfilled. The following are several reasons and descriptions of why workers with disabilities deserve to be guaranteed legal protection by applicable laws in Indonesia:

1. **Human Rights:**  
Every individual, including people with disabilities, has the same human rights. Legal protection for people with disabilities is a manifestation of human rights principles, such as the right to live, work, and participate in society without discrimination.
2. **Prevention of Discrimination:**  
People with disabilities often face discrimination in the world of work. Strong legal protections can help prevent discrimination and ensure that they are given the same opportunities for work and careers as individuals without disabilities.
3. **Social and Economic Inclusion:**  
Employing people with disabilities is not just about meeting legal obligations, but also about building an inclusive society. This gives them access to economic resources and helps them participate in the country's economic development.
4. **Independence and Dignity:**  
Legal protection for people with disabilities can help them achieve economic independence and maintain dignity. This also supports the understanding that disability is not an obstacle to success in the world of work.
5. **Social Welfare:**  
Strong legal protections can provide economic protection for people with disabilities, including the right to fair wages, leave, and other benefits. This helps in maintaining their well-being and reduces the risk of poverty.
7. **Economic Empowerment:**  
Including people with disabilities in the world of work also contributes to their economic empowerment and reduced dependence on social assistance. This can have a positive impact on the economy as a whole.
8. **Compliance with International Agreements:**  
Indonesia has approved the UN Show on the Privileges of People with Handicaps (UNCRPD), which requires the state to safeguard the freedoms of people with handicaps in different parts of life, remembering their freedoms for the universe of work. Compliance with this convention is the responsibility of the state.
9. **Diversity of Skills and Abilities:**  
People with disabilities often have a variety of skills and abilities that are valuable for the world of work. Strong legal protection can help optimize this potential and benefit companies and society.
10. **Workforce Resilience:**  
Employing people with disabilities can support the resilience of a country's workforce. This creates diversity in the workforce and helps in overcoming the problem of workforce shortage.
11. **Job Empowerment:**

Legal protections can also help people with disabilities overcome barriers they may encounter when finding work, such as physical accessibility and discrimination. This helps them become more independent in seeking a livelihood.

Overall, legal protection for workers with disabilities is not just about complying with the law, but also about creating an inclusive, just, and sustainable society. It supports the vision of a society that recognizes and respects the human rights of every individual, regardless of physical condition or disability.

## 5 Conclusion

Authentic confirmation for workers with handicaps in Indonesia is controlled in Article 67 of Guideline Number 6 of 2023 concerning the Assumption for Informal regulations as opposed to Guideline Number 2 of 2022 concerning Position Creation into Guideline. The company is responsible for worker and laborer safety, wages and benefits, working conditions, and any ensuing disputes. The arrangements in Article 66 of Regulation Number 11 of 2020 concerning Position Creation never again remember limits for work that is denied from being done by laborers. Arrangements in Regulation Number 11 of 2020 concerning Position Creation allow there to be no time limit for workers with disabilities, so workers can work indefinitely, even for life.

Legal protection for workers with disabilities aims to ensure that they have equal opportunities to find work, develop their careers, and work in an inclusive and supportive environment. Law enforcement and monitoring the implementation of these regulations is important to ensure their rights are recognized and respected in the world of work. Workers with disabilities need strong legal protection so that their rights in the world of work are recognized, respected, and fulfilled.

The finish of legitimate security for laborers with handicaps in view of Regulation Number 6 of 2023 concerning the Limitation of Unofficial laws instead of Regulation Number 2 of 2022 in regards to Occupation Creation into Regulation is that this Regulation stresses the significance of lawful assurance for laborers with handicaps and declare their fundamental privileges in the realm of work. This end shows that lawful assurance for laborers with incapacities is a positive step that supports inclusion and justice in the world of work. It is a critical milestone in ensuring that the basic rights of every worker, including those with disabilities, are recognized and respected. Through this legal protection, people with disabilities have better access to economic opportunities and can actively participate in the country's social and economic development.

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