

# Protection of Workers' Rights Under Law Number 8 of 2016

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**Abstract.** Guideline of the security of laborers with inabilities in the Republic of Indonesia dependent on Pancasila and the Constitution of the Republic of Indonesia year 1945 which directs to regard and maintain the poise and respect of individuals. Common liberties as a premise intrinsic in individuals are all around important to be secured, regarded, and kept up with so the assurance and basic freedoms of weak gatherings explicitly for individuals with handicaps. Regard and security of laborers' privileges with inabilities is the obligation of the state. This is additionally expressed in Law No. 39 of 1999 on Common freedoms so the general population has an obligation to regard the privileges of individuals with inabilities. Regard and security of laborers' privileges with inabilities is the obligation of the state. This is additionally expressed in Law No. 39 of 1999 on Common freedoms so general society has an obligation to regard the privileges of individuals with incapacities. This is a different approach of the business, where the business is additionally obliged to encourage a decent connection with the public authority, for this situation, the Branch of Work, on the grounds that the strategies and guidelines gave by the organization are not isolated from its oversight, to stay away from the chance of separation by bosses against laborers with incapacities. The motivation behind the guideline of insurance of the privileges of laborers with handicaps is to understand the uniformity of rights and openings for individuals with incapacities to a prosperous, free, and non-prejudicial life legally necessary No. 8 of 2016 on People with Handicaps in lieu of Law No. 4 of 1997 on People with Handicaps, which can ensure legitimate assurance for laborers with inabilities. While the assurance of business openings for laborers with inabilities is additionally perceived in Law No. 13 of 2003 on Business, specifically in article 5 which expresses that each specialist has a similar chance without separation to find a new line of work. Furthermore, Indonesia has additionally confirmed in Law No. 19 of 2011 the sanction of the show on the privileges of people with handicaps expressing that the public authority of Indonesia is obliged to regard, ensure, and satisfy the privileges of laborers with incapacities that eventually work on the government assistance of individuals with inabilities. The external logical diaries that are designated are Exploration Diaries as Limlit Proseding Warmadewa College just as examination reports, and Exploration Banners as Licensed innovation Rights.

**Keywords:** Legal Protection; Workers' Rights; People with Disabilities

## 1 Introduction

Alongside the progression of innovation and industry in the time of globalization, open the eyes and experiences of laborers, such countless specialists need to sharpen themselves to foster the likely that exists in them. With the change from the modern time to the time of data change is speeding up, at long last entering the period of an unregulated economy is an indication of globalization, accidentally requesting laborers to additional battle for its reality.

The unitary condition of the Republic of Indonesia keeps up with the endurance of each resident incorporating people with incapacities has a legitimate position and has similar basic liberties as Indonesian residents and as a fundamental piece of Indonesian residents and society is the command and endowment of God all-powerful to live advance and grow decently and pride.

The vast majority with handicaps in Indonesia lives in defenseless, in reverse, and helpless conditions because of limitations, deterrents, challenges, and impact or evacuation of incapacity rights. The advancement of innovation doesn't cover the chance of an individual with handicaps as a specialist, this is because of the requests of his every day's life in the financial field, due to the powerlessness of his folks to live with him, and there is likewise one truth in the large city since diversion and have abilities as a vocalist at long last attached to work contracts.

Bali Area has Nearby Guideline No. 9 of 2015 on The Insurance and Satisfaction of The Privileges of People with Handicaps, containing about the significance of availability in all circumstances, particularly in the current crisis. The organization utilizes laborers with incapacities to meet quantities just, however it should be seen its capacity to work not its powerlessness to work. What's more, the organization additionally leads training for the overall population by systems administration, for example, with lawful guide offices (LBH) and different associations pointed toward raising public mindfulness. Taking a gander at the quantity of handicapped specialists who have effectively found a new line of work, the figure of 350 laborers with incapacities isn't pompous when determined from 2013-2020.

There has been a change in outlook since the arrival of Law No. 8 of 2016 on People with Incapacities rather than Law No. 4 of 1997 on people with incapacities, already even in Indonesia individuals with inabilities were called impaired with a worldview of not an engaged individual, but rather an individual of pity. After the arrival of Law No. 8 of 2016 on People with Inabilities is viewed as a subject and has the right and dynamic job locally. This is the place where the right of people with handicaps to find a new line of work is caused rules to give security and lawful assurance.

For instance, on account of Romi Dental specialist, he took part in the choice of Forthcoming Government workers in 2018, was proclaimed graduated, and put first in dental specialist drug store in Puskesmas Saluran Solok Selatan. Nonetheless, on Walk 18, 2019, Romi Dental specialist's graduation was dropped by the South Solok Government and the State Faculty Office, referring to being considered ineligible for Physical and Otherworldly Wellbeing, because of utilizing a wheelchair.

Seeing the instance of Dental specialist Romi that the wiping out of graduation incorporates an impediment for individuals with inabilities to get the option to work appropriately.

Courses of action on laborers with handicaps are likewise specified in article 5 of Law No. 13 of 2003 on Business. Which determines that laborers have equivalent freedoms without separation to acquire business, and article 6 indicates that each specialist/laborer is qualified for equivalent treatment without segregation from managers.

Beginning from the foundation above, there are a few issues concerning the exploration proposed. The issue can be figured as follows:

What is the lawful security of incapacity laborers' privileges as indicated by Law No. 8 of 2016?

What are the results of the Organization's law that oppresses laborers with incapacities and is it an infringement of basic liberties?

## **2 Research Methods**

The exploration utilized is exact law research which is a technique for legitimate examination that utilizes observational realities taken from human conduct, both verbal practices got interviews and different practices. Observational legitimate exploration is field research by looking and seeing what's going on in the field, the utilization of these guidelines practically speaking locally. To help exact exploration utilized regulating research with a legal methodology by concentrating on enactment identified with laborers with handicaps.

### **Problem Approach**

The issue approach utilized in this review is to utilize a legal methodology, to be specific the exercises of investigating enactment, standards, and lawful standards that live locally, particularly concerning laborers with incapacities and sociological methodologies, which are approaches used to analyze social factors that influence the security of the privileges of laborers with handicaps as indicated by Law No. 8 of 2016 on individuals with incapacities.

### **Data Source**

To help the conversation on the proposed issue information acquired from:

Essential Information is information acquired in the field through field research.

Auxiliary information is information gotten through library research, comprising of essential lawful materials and optional lawful materials. The essential legitimate materials are the Common Code, Law No. 13 of 2003 on Work, Law No. 8 of 2016 on People with Inabilities, Law No. 1999 on Basic liberties, Official Guideline No. 68 of 2020 on the Public Commission on Inability (KND). Auxiliary Lawful Materials are led with writing research acquired from writing, books, and diaries.

### **Data Collection Techniques**

Essential information assortment strategies and optional information, the creators directed field research with perception procedures and meeting methods identified with issues, and information were then filled logical papers by identifying with the issues talked about.

### **Data Analysis**

After the essential information and optional information are gathered, the information is prepared and dissected utilizing subjective methods. In the wake of going through the most common way of handling and examination, then, at that point, the lawful material is introduced distinctly investigation. Enlightening means the openness of examination results deliberately and completely concerning information identified with research issues. While the examination implies that the information identified with research is investigated cautiously so then, at that point, ends are acquired.

## **3 Results and Discussion**

### **Legal Protection of Workers' Rights with Disabilities According to Law Number 8 of 2016**

The state ensures the endurance of each resident, incorporating people with incapacities who have a lawful position and have similar basic liberties as Indonesian residents and as an essential

part and Indonesian residents and individuals, are the command and endowment of God all-powerful, to live advance and create as reasonably and valuably.

The vast majority with handicaps in Indonesia live in powerless, immature, or potentially helpless conditions because of limitations, deterrents, troubles, and the decrease or evacuation of inability rights. To understand the correspondence of rights and openings for individuals with inabilities towards a prosperous, autonomous, and non-prejudicial life, enactment is necessitated that ensures its execution, which is specified in Law No. 8 of 2016.

People with handicaps are lawfully harsh, explicitly specified in Law No. 8 of 2016 on People with Handicaps. With Law No. 8 of 2016 on people with handicaps. Execution and satisfaction of the privileges of people with handicaps plan to:

- a. Realizing regard, advancement, security, and satisfaction of common liberties and fundamental opportunities of people with inabilities in full and equivalent.
- b. Ensuring the endeavors of regard, advancement, assurance, and satisfaction of rights as poise joined to the individual with handicaps.
- c. Realizing a superior quality, reasonable, prosperous, free, and helpful way of life for individuals with inabilities.
- d. Protecting people with handicaps and deserting and abuse, provocation, and all demonstrations of separation, just as infringement of basic freedoms and

Guaranteeing the execution of regard, advancement, security, and satisfaction of the right of people with inabilities to foster themselves and use all capacities as indicated by their gifts and interests to appreciate, take part and contribute ideally, securely, openly, and noble in all parts of public life, state, and society.

Insurance endeavors are done intentionally to secure, ensure, and fortify the privileges of people with inabilities, which is specified in article 5 passage (1) of Law No. 8 of 2016, indicating that: the privileges of people with inabilities have the right: life, free and disgrace, security, equity, and legitimate assurance, instruction, work, business, and cooperatives, wellbeing, governmental issues, religion, sports, culture and the travel industry, social government assistance, increase, public administrations, fiasco insurance, restoration and recovery, transformation, information assortment, living autonomously, and being engaged with society, migrating and citizenship, and liberated from demonstrations of separation, relinquishment, torment, and abuse.

Article 5 passage (2) of Law No. 8 of 2016 concerning people with inabilities, indicates that ladies with handicaps have the accompanying rights:

- a. On conceptive wellbeing;
- b. accept or reject the utilization of contraceptives;
- c. get more security from layered segregation treatment, and;
- d. To apply for additional security from viciousness, including sexual savagery and abuse.
- e. Article 5 passage (3) of Law No. 8 of 2016, indicates that: youngsters with incapacities have the right:
- f. Obtain unique insurance from segregation, deserting, badgering, abuse, and sexual viciousness and wrongdoing;
- g. Get care and sustaining a proxy family or family to develop ideally;
- h. Protected its advantage in dynamic;
- i. Humane treatment of kids following the poise and privileges of the youngster;
- j. Fulfillment of unique necessities;
- k. Equal treatment with different kids to accomplish social joining and individual turn of events, and
- l. Get social help.

The rights and commitments of laborers and businesses are specified in article 111 of Law No. 13 of 2003, determining that the Organization's Guidelines contain basically the rights and commitments of businesses, the rights and commitments of laborers/laborers, working conditions, corporate discipline, and the time of section into power of organization guidelines. On a basic level, laborers are qualified for get a living compensation that is the lowest pay permitted by law is a base standard utilized by managers to give wages to laborers in the business climate or work. In this way the commitment of each business to give compensation observing the lowest pay permitted by law guideline.

Laborers with incapacities preventive legitimate insurance are done preventive endeavors if there should arise an occurrence of debates assuming specialists with handicaps are hurt by the Organization, the goal of questions is sought after using consultation, this is attested in the work understanding between the Organization and people with inabilities. For this situation observing the guideline of Law No. 8 of 2016, a Public Commission on Incapacity was set up, which is entrusted with observing, assessing, pushing the execution of regard, insurance, and satisfaction of the privileges of people with inabilities.

**As a result of The Law Companies That Discriminate Against Workers With Disabilities And whether It Is a Violation of Human Rights.**

Article 134 of Law No. 8 of 2016 on people with handicaps determines that: state- and privately-owned businesses give equivalent help and treatment to people with incapacities by utilizing people with inabilities in their Organization as indicated by their sort and level of handicap, training, and capacity that adds up to acclimated to the quantity of workers or potentially capabilities of the organization.

The clarification of Article 134 of Law No. 8 of 2016 concerning people with handicaps clarifies that the Organization should utilize no less than 1 (one) individual with incapacities who meet the necessities and capabilities of the important work, for each 100 (one hundred) representatives. Organizations utilizing high innovation should utilize somewhere around one individual with a qualified and the incapacity work capabilities being referred to regardless of whether the quantity of representatives is under 100 individuals. The assurance of business openings for laborers with incapacities is likewise perceived in Law No. 13 of 2003 on business, specifically in article 5 which expresses that each specialist has a similar chance without segregation to find a new line of work. Indonesia has likewise approved the fundamental instruments in Worldwide law administering the business privileges of people with handicaps. Article 134 of Law Noor 8 of 2016 on People with Incapacities requires state- and privately-owned businesses to ensure work freedoms to individuals with handicaps.

From the aftereffects of the review dated May 23, 2021, with Mr. Putu Agus Sudiarnawa, as Aide Supervisor III Burger Ruler, that the Organization or retail chains today appear to have started to be touchy to the people who have unique conditions. As of late, there have been a few organizations or shops in the country that give freedoms to have the option to fill in as individuals overall. Just as burger ruler global establishment in Bali that utilizes individuals with handicaps (incapacities). Burger Ruler situated in Bali has been recruiting representatives with handicaps or frequently called uncommon team, so the clerk has been since 2018. Two Burger Lord areas in Bali utilize Exceptional Team. First area At Ngurah Rai Air terminal Denpasar Bali. The second is in Simpang Dewi Sri.

As per Mr. Putu Agus Sudiarnawa, that what Burger Lord is doing is turning into a buzz and another soul, and notices that the kickoff of work openings is a gathering for the individuals who have actual limits to show their capacities. What's more, as per him likewise said, so far Burger Lord has recruited (22) representatives and workers with handicaps. As a rule, voyagers who come to Burger Ruler in Bali, particularly in the two spots referenced before will be

shocked. When entering the Burger Lord region and requesting the menu, this Extraordinary Team will show a data board that makes proper acquaintance, I'm hard of hearing, kindly select the image on the menu for the request, much obliged. The Unique Group has recently been prepared with the goal that clients won't have any troubles, and the general population is welcome to basically specify gesture-based communication, if conceivable.

The chance to get fairness of position, rights and commitments for individuals with handicaps must be acknowledged whether there is increase, which is simple for individuals with incapacities to accomplish equivalent freedoms in acquiring balance of position, rights, and commitments so availability should be made for individuals with inabilities. With these endeavors, it is normal that individuals with inabilities can coordinate totally in acknowledging improvement objectives, broadly as a general rule, and working on the social government assistance of individuals with handicaps specifically.

The laborers have the right to accept their privileges in full, without being influenced by any conditions concerning them. One of these rights can be a reasonable treatment that ought to be acquired by all specialists no matter what. It has been asserted in article 6 of Law No. 13 of 2003 on business, which expresses that each laborer/specialist is qualified for a similar treatment without segregation in the field of work is likewise directed in the arrangements of different laws and guidelines. According to the enactment managers/businesses are not permitted to do things that are supposed to be oppressive, which is characterized as any differentiation, prohibition of limitations, badgering, or rejection dependent on inability that expects or effects on the impediment or laying off of acknowledgment, connoisseurship, or exercise of one's privileges.

From the aftereffects of the review, different rights for individuals with handicaps as specified in Law No. 8 of 2016 on People with Handicaps, one of which is about business rights, innovative rights, and cooperatives. Individuals with handicaps are qualified for a task held by the public authority, Nearby Government (Neighborhood Government), or Private Government without segregation. What's more, it is qualified for similar wages as different laborers in a similar kind of work and obligations. Then, at that point, qualified for nice convenience in the work and return the program once again to work.

In-Law No. 8 of 2016 on People with Incapacities certifies that there ought to be no segregation, individuals with handicaps are qualified for promising circumstances in creating professions just as intrinsic standardizing rights. To wrap things up, laborers ought not be laid off for reasons of handicap.

The assumptions for individuals with handicaps are not obliged in Law No. 8 of 2016 on individuals with handicaps. Be that as it may, there is one significant place of Law No. 8 of 2016 on individuals with handicaps that are relied upon to advance the execution of the Law. The fact of the matter is about the Foundation of a Public Commission on Incapacity curtailed kind is an autonomous nonstructural establishment, which is accountable for checking, assessing, pushing the execution of regard, security, and satisfaction of the privileges of people with inabilities. All obligations are accounted for to the President. Its arrangement is vital. This is the Observing and Execution Office of Law No. 8 of 2016 on people with incapacities. A free office that screens, assesses, and carries out the privileges of laborers with incapacities. Without any an incapacity Commission, the execution of handicap rights satisfaction is undermined uniquely on paper. It is perceived that general society and government authorities actually don't comprehend the significance of handicap and the presence of individuals with incapacities as a feature of the residents.

With the issuance of Official Guideline No. 68 of 2020 concerning the Public Commission on Inability (KND). This Official Guideline is the standard of execution of Article 134 of Law

No. 8 of 2016 on People with Inabilities. In Official Guideline No. 68 of 2020 concerning the Public Commission on Inability (KND), which is dependable to the President. KND has the errand of doing the observing, assessment, and backing of the execution of regard, security, and satisfaction of the privileges of people with handicaps.

Article 5 of Official Guideline No. 68 of 2020, it plays out the elements of:

- a. Planning of kind action intend to execute regard, security, and satisfaction of the privileges of people with incapacities;
- b. Observing and assessment of the execution of regard, security, and satisfaction of the privileges of people with incapacities;
- c. Backing for regard, security, and satisfaction of the privileges of people with incapacities, and
- d. Execution of participation in the treatment of people with handicaps with pertinent partners.

As a substantial model in the field of schooling, there is oppression individuals with incapacities, affecting exceptionally restricted work for individuals with handicaps. This is exceptionally in opposition to the arrangements contained in Law No. 8 of 2016 which determines that individuals with inabilities should get equity and lawful security, and there is no component of separation, which happens in the field that organizations that utilization handicap laborers in the Denpasar region are important for the Clerk.

When there is segregation in the organization then there is an infringement of Basic freedoms, as indicated by Law No. 39 of 1999 on Basic liberties, decide in article 1 section ( 6) is a demonstration of an individual or gathering of individuals including state authorities either deliberately or inadvertently or carelessness that unlawfully diminishes, blocks, limits, and additionally denies the basic freedoms of an individual or gathering of individuals ensured by the Law, and don't acquire or be dreaded not to get a reasonable and right legitimate settlement dependent on the predominant lawful eating regimens.

The Public Commission on Common liberties hereinafter alluded to as Komnas HAM is an autonomous foundation situated in different nations serving to complete the appraisal, research, dissemination, checking, and intervention of basic freedoms.

From the consequences of the exploration on the legitimate remaining of laborers with handicaps in the organization Macdi Kuta, get lawful insurance of rights and commitments following the concurred in the business arrangement, and there is no separation of laborers' privileges equivalent to laborers overall.

#### **External Research Achieved**

The examination remotely accomplished is as exploration reports of Unwar Exploration Foundation, research diaries as Procedures of Unwar Exploration Establishment, Exploration Banners as IPR.

## **4 Conclusion**

Legal security of laborers/laborers with handicaps in Indonesia in the phases of arrangements and guidelines is sufficient dependent on different laws and guidelines that apply, in particular from the Constitution of the Republic of Indonesia year 1945, Law, Official Guideline, to the choice of the Priest of Industry even in nearby guidelines. Just in the execution of lawful security for laborers/laborers with incapacities has not been completed as expected, particularly concerning the commitment of each organization or office to utilize 1 (one) specialist/laborer with inabilities in each organization that utilizes 100 (one hundred) individuals.

In organizations that utilize laborers/laborers with incapacities from the aftereffects of exploration, have given legitimate assurance to laborers/laborers with inabilities, both as courses of action contained in the work arrangement. Organization guidelines and as joint working jobs (PKB). Subsequently, by and by, there is no separation, yet when segregation happens against individual inabilities are an infringement of common freedoms, and the settlement endeavors are taken care of by the Public Commission on Basic liberties (Komnas Ham) and the Public Commission on Incapacity (KND).

For the arrangements to ensure laborers/laborers with incapacities viably executed and complied by organizations/offices, sanctions are required that entrap and require severe management by administrative representatives in the work administration. At the public level, a commission for people with inabilities should be set up, to secure, handle and help, the issues experienced by individuals with incapacities, particularly laborers/laborers with handicaps so the rights and commitments of individuals with incapacities can be ensured.

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