

WORKING PAPER

Policy Development of Inclusion Village to Fulfill the Rights of Persons with Disabilities

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Abstract

Stigmatization towards persons with disabilities is so pervasive in society that it directly weakens their position. As a result, even though Indonesia has enacted Law No. 8 of 2016 concerning Persons with Disabilities, efforts to protect and fulfil the rights of persons with disabilities must always be encouraged. This study aims to examine one of the strategic steps to protect and fulfil the rights of persons with disabilities through the development of a Village Inclusion Policy. In addition to being able to accelerate the fulfilment of the rights of persons with disabilities, especially in rural areas, this policy is expected to accelerate the improvement of the welfare of persons with disabilities through increased accessibility and participation in rural development. The study begins by reviewing the implementation of regulations and policies related to the protection and fulfilment of the rights of persons with disabilities generally. It then analysis the possibility of further developing the Inclusion Village Policy, drawing upon a policy review, focus group discussion, and in-depth interviews with relevant stakeholders. The results of this study illustrate the strategic value of this policy as well as the various factors that encourage and inhibit the fulfilment of the rights of persons with disabilities.

Keywords: persons with disabilities, village inclusion, policy

A. Introduction

The Convention on the Rights of Persons with Disabilities (CRPD) which contains the rights of persons with disabilities was issued by the UN General Assembly on December 13, 2006 through Resolution No. A / 61/106. CRPD Article 1 on the Rights of Persons with Disabilities states that "Persons with disabilities include those who have physical, mental, intellectual, or sensory limitations for a long time where when faced with various obstacles, this may preclude full participation and others." In Indonesia their numbers are quite significant. According to the 2015 inter-census population survey (SUPAS), almost 9 percent of the population aged two years and over have moderate or severe disabilities, and the 2014 IFLS survey found that more than 10 percent of the population aged 15 years and over had difficulty with basic activities in everyday

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life.² In fact, evidence shows that, throughout the life cycle, people with disabilities in Indonesia consistently have lower levels of education, lower health, fewer economic opportunities and less access to public services than people without disabilities.³

Therefore, it is normal and appropriate for the Government of Indonesia to sign a CRPD which shows the nation's commitment to promote, protect and guarantee the equal rights and fundamental freedoms for all persons with disabilities, and respect for the dignity of persons with disabilities as an inherent part (inherent dignity). The commitment was further reinforced by the Government by enacting Law No. 8 of 2016 concerning Disabled Persons whose contents explicitly recognize that the respect, protection and fulfillment of the rights of persons with disabilities is a State obligation. It is recognized that people with disabilities have experienced a lot of discrimination so that the implementation of the rights of persons with disabilities has not yet been fulfilled.⁴ Even according to Human Rights National Commission's records, the general condition of persons with disabilities in Indonesia is still disappointing. They face various forms of human rights violations such as acts of discrimination, stigmatization, harassment, expulsion, ridicule, assault, rape, violence to acts of murder.⁵

This discrimination cannot be separated from the stigmatization and public perception of people with disabilities as a result and influence of various theories and systems that develop in society in "positioning" and seeing people with disabilities. So efforts to protect and fulfill the rights of persons with disabilities must always be encouraged and fought for while at the same time stigmatization and wrong perceptions of persons with disabilities can be reduced and eliminated. WHO also recognizes that the response to disability has changed since the 1970s, which is largely driven by the self-organizing of persons with disabilities, and by a growing tendency to see disability as a human rights issue.⁶

However, it was realized that the human rights approach to people with disabilities was not the only model in society. Therefore, although the Government of Indonesia has ratified the CRPD convention and has even enacted the Law on Persons with Disabilities (Law No.8 of 2016), more needs to be done to ensure the rights of persons with disabilities are protected and fulfilled. One of them is by making and developing policies at the regional and village levels in all regions in Indonesia. In this context, this paper intends to analyze the need for an inclusive village policy to be developed to encourage the acceleration of the protection and fulfillment of the rights of persons with disabilities. Specifically, this study will examine the extent of the implementation of regulations and policies on the protection and fulfillment of the rights of persons with disabilities in Yogyakarta Province and the importance of developing inclusive village policies. In this case,

² Dyah Larasati et.al., "Policy Brief: Inclusive Social Protection for Persons with Disability in Indonesia", TNP2K-Australian Government, January, 2019, p.1.

³ *Ibid.*

⁴ See: General Explanation Section of Law No. 8 of 2016.

⁵ HR National Commission, *Position Paper: Encourage Endorsement "Optional Protocol to the Convention on the Rights of Persons with Disabilities"* (OP CRPD) in the Framework of Fulfilling Human Rights of Persons with Disabilities, 2016. p.3.

⁶ WHO, *World Report on Disability*, 2011. p.3.

at the provincial and district level, there has been enacted local regulations on the Protection and Fulfillment of the Rights of Persons with Disabilities.

Therefore it is necessary to evaluate how and to what extent these regulations and policies are implemented and what the obstacles are. On the other hand, inclusive village policies are considered strategic because they empower persons with disabilities as the main actors of change and participate in rural community development.⁷ Moreover, the development orientation in Indonesia is currently "centered" in rural areas⁸; it should be the right momentum for the development of inclusive village policies. The Development of inclusive villages is also intended as a means for Government officials and the community to develop a true and positive understanding of persons with disabilities while interacting, gathering and working together. This is in line with the principle of village regulation as mandated by Law Number 6 of 2014 concerning Villages, including legal certainty, orderly governance, public order discipline, openness, professionalism, accountability, effectiveness and efficiency, local wisdom, diversity and participation.

Reviewing from the human rights model, this article was compiled to see how the implementation of CRPD in Indonesia and what strategic steps must be taken to develop inclusive villages as a means of protecting and fulfilling the rights of persons with disabilities especially in Yogyakarta Province.

B. Disability Model and Human Rights

Disability is defined for the purpose of understanding various compelling issues in the fields of health science, sociology, economics, human rights, rehabilitation and social welfare, vocational training, employment and education. The meaning of disability is attractive to policymakers and disability analysts because it has fundamental implications for the feasibility of a program for the community, for the scope of legislation, and for the way disability prevalence is measured. However, theoretical understanding of disability remains largely difficult to understand. In disability and social science research, there is still no consensus on what is meant by disability. However, each disability model can bring useful perspectives on disability in certain contexts.⁹ From the perspective of sociological system theory, for example, individuals are connected to a particular system by means of a specific codification of the system that describes certain meanings to certain individual conditions (health-illness, work-disability abilities, etc.).¹⁰

There is no single difference that can seizure and express the phenomenon of disability as a totality. None of these evaluations and descriptions of disabilities can be considered more

⁷ See: SIGAB, "Sharing Experience: Developing of Inclusion Village Stub", *Presentation Slide*, 2019.

⁸ Consideration Section of Law No. 6 of 2014 concerning Villages states that in the constitutional journey of the Republic of Indonesia, the Village has developed in various forms so that it needs to be protected and empowered to be strong, advanced, independent, and democratic so that it can create a strong foundation in carrying out governance and development towards a just society and prosperous.

⁹ Sophie Mitra, "The Capability Approach and Disability", 16(4) *Journal of Disability Policy Studies*, 2006, p. 236.

¹⁰ Dimitris Michailakis, "The Systems Theory Concept of Disability: One is not born a disabled person, one is observed to be one", article in *Disability & Society*, Vol. 18, No. 2, 2003, p. 213–214.

important than others, or reduced to another or compared to each other. The following table shows the differences about disabilities used in different systems and the different expressions made by each.¹¹

Table 1. System Diversity on Disabilities

PERSPECTIVES	OBSERVATION OF DISABILITY AS
Medical system	Diseases, defects, malfunctions, impairments, treatment
Economic system	Lack of economic resources, inability to pay, poverty
Labour market system	Working disability, inability to engage in gainful activity
Legal system	Legal incapacity, lack of rights/duties
Rehabilitation system	Support/correction of functional incapacities
Education system	Learning difficulties, low education level
Art system	Ugliness, defective body

Source: Michailakis, 2003

Therefore, seeing the disability phenomenon as part of the issue of human rights is only one of the perspectives developed in society. Marno Retief and Rantsoa Letšosa¹² classify 9 (nine) most dominant disability models, namely: (1) The moral and/or religious model: Disability as an act of God; (2) The medical model: Disability as a disease; (3) The social model: Disability as a socially constructed phenomenon; (4) The identity model: Disability as an identity; (5) The human rights model: Disability as a human rights issue; (6) The cultural model: Disability as culture; (7) The charity model: Disability as victimhood; (8) The economic model: Disability as a challenge to productivity; dan (9) The limits model: Disability as embodied experience. The classification shows that the phenomenon of disability raises a variety of perspectives that will affect the perceptions and ideas of every person with a disability. But in Indonesia, at least the medical model, social model, and disability rights model are commonly known models, both in the study and the disability movement; and the medical model has the most important reference in public policy and social life.¹³

Biomedical knowledge, as the most dominant knowledge that becomes a reference of disability regulators, influences social and political systems in various livelihood sectors: policy, art, architecture, inter-group relations, the media (mainstream and social media) and so on.¹⁴ While the social model sees that disability is not a stand-alone problem; the problem is the way people

¹¹ *Ibid.*, p. 223.

¹² Retief, M. & Letšosa, R., 2018, 'Models of disability: A brief overview', *HTS Teologiese Studies/ Theological Studies* 74(1), a4738. <https://doi.org/10.4102/hts.v74i1.4738>

¹³ Ishak Salim, "Out from Disability Hegemony (A Study of Political Knowledge in Indonesia Diffable Activism)", *Dissertation Summary*, Postgraduate Program of Political Science - Gadjah Mada University, 2019, p. 8-9.

¹⁴ *Ibid.*

create or interpret disabilities. This way of thinking has forced the development of a social model of disability, which has continued to influence the discourse about disability for some time. The social disability model conceptualizes disability arising from the interaction of a person's functional status with the physical, cultural, and policy environment.¹⁵ So in the perspective of social inclusion, at least people with disabilities face several obstacles in interacting with the community and the environment namely:¹⁶ institutional barriers, communication barriers, and attitudinal barriers, physical and environmental barriers.

Meanwhile the human rights disability model does not emerge spontaneously, but instead develops in a series of thought based on a rights-based approach.¹⁷ Degener¹⁸ argues that the human rights model is an improvement in the social disability model and CRPD is a means to implement it. But according to him there are some important differences between the two models as shown in Table 2 below.

Table 2. Differentiation of Social Model and Human Rights Model for Disability

Disability as a Social Construction	Disability as Human Rights Issue
helps people to understand the underlying social factors that shape our understanding of disability	moves beyond explanation, offering a theoretical framework for disability policy that emphasizes the human dignity of PWDs
stressing on the social aspect alone	incorporates both first and second generation human rights, in the sense that 'it encompasses both sets of human rights, civil and political as well as economic, social and cultural rights'
mostly fails to appreciate the reality of pain and suffering in the lives of some PWDs	respects the fact that some PWDs are indeed confronted by such challenging life situations and argues that such factors should be taken into account in the development of relevant social justice theories
does not pay adequate attention to the importance of identity politics,	offers room for minority and cultural identification'
mostly critical of public health policies that advocate the prevention of impairment	recognizes the fact that properly formulated prevention policy may be regarded as an instance of human rights protection for PWDs
can helpfully explain why so many PWDs are living in poverty	offers constructive proposals for improving the life situation of PWDs

Source: Degener, 2017

¹⁵ Anonim, "Understanding Disability - Theoretical and Legal Perspective", *Book Chapter*, p. 36.

¹⁶ The Three Millennium Development Goal Fund, "Report of the Disability and Social Inclusion Workshop", 16 - 17 of October and 23 - 24 of October 2015, p. 6-8.

¹⁷ Mary Ann Jackson, "Models of Disability and Human Rights: Informing the Improvement of Built Environment Accessibility for People with Disability at Neighborhood Scale?" *Laws* 2018, 7, 10; doi:10.3390/laws7010010

¹⁸ Degener T. (2017) A New Human Rights Model of Disability. In: Della Fina V., Cera R., Palmisano G. (eds) The United Nations Convention on the Rights of Persons with Disabilities. Springer, Cham.

While UNESCO¹⁹ identified that the social and rights-based disability model states that: (1) Disability is the result of a person's interactions with the community; (2) Disability does not lie in individuals; (3) Society creates barriers and hence paralyzes individual participation; (4) Under the social model, society must change so that individual barriers are removed and disabilities are removed.

According to Degener, CRPD is a good example and evidence of the linkages and dependencies of 2 sets of human rights, namely Civil & Political and Economic-Socio-Cultural rights. Some provisions regarding rights cannot be clearly allocated to just one category. For example the right to be considered as an individual before the law (Article 12 of the CRPD) is a right that is usually considered a civil and political right (Article 16 of the ICCPR and Article 6 of the UDHR). However Article 12 paragraph 3 of the CRPD states the steps of support that persons with disabilities might need to carry out their legal capacity. These support measures are recognized as social services that will enter the field of economic, social and cultural rights.²⁰

Normatively Indonesia has ratified the CRPD with Law No. 19 of 2011 and revoked the Disability Act of 1997 with Law No. 8 of 2016 concerning Disabled Persons who have a more rights-based approach. However, the challenges faced are still quite heavy because the medical conception is still firmly rooted in society and policy makers. The rights of persons with disabilities are important, but the basic problem now is the perspective of disability is still stored in the subconscious in many people, including in the bureaucrats. Even medical or biomedical knowledge is a way of thinking that is practiced by institutions and health experts through a set of knowledge that is continuously socialized and used by medical personnel through their respective institutions. Even the medicalization of subjects considered to have disabilities spreads to social aspects such as education.²¹ One of them emerge to the concept of "special education" such as a school for children with special needs intended for children with disabilities.

In the midst of these challenges, it was realized that the human rights approach to disability was not enough to be carried out by strengthening the juridical basis alone, but rather it must be simultaneous with efforts to change the society's way of thinking in seeing people with disabilities. Regulations and policies taken are not enough to recognize and guarantee the fulfillment of the rights of persons with disabilities, but are also able to "touch" public awareness to change their perception. This means that in principle strengthening the legal foundation must be accompanied by programs that lead to changes in mindset in the field of human rights (including disability issues). This is what has been done by the Norwegian Center for Human Rights (NCHR) since 2002 and the Australia-Indonesia Partnership for Justice (AIPJ) in 2011-2015 in Indonesia which develops cooperation programs in the Law and Human Rights sector in Indonesia and focuses on developing and improving systems, processes and capacities, including human resources.²²

¹⁹ UNESCO, *Instrument of Inclusive City Assessment*, Jakarta: 2017, p. 12.

²⁰ *Ibid.*, p. 45-46.

²¹ Ishak Salim, *op.cit.*, p. 12.

²² Nicola COLBRAN, "Sense and Simplicity in Legal and Human Rights Co-Operation: A Case Study of Indonesia", *Asian Journal of Law and Society*, Volume 2, Issue 01, May 2015, p. 197.

Meanwhile, for the Critical Disability Theory, the relationship between law and disability is a complex combination of two social constructions - 'law' and 'disability'. Critical disability jurisprudence identifies 2 (two) things: (1) sources of oppression that are open and veiled in law and legal institutions and, through that presentation, seek to free persons with disabilities from oppression; and (2) the potential positive role of law and trying to create law, using existing laws and asking legal institutions in the struggle for the release of persons with disabilities which is the reason for the Critical Disability Theory itself.²³

Therefore, the development of inclusive village policies on the one hand is a necessity, but on the other hand it faces many challenges. Indeed, this policy is believed to accelerate the process of fulfilling the rights of persons with disabilities at the village level, but the challenge is its influence in encouraging the acceleration of changes in the mindset or perspective of rural communities towards persons with disabilities. Referring to the theory of critical disability, the existence of legal rules including Village Regulations that guarantee the fulfillment of the rights of persons with disabilities, must always be criticized in order to function effectively. On the other hand, Nicola Colbran²⁴ noted that it is difficult to measure "success" in legal and human rights cooperation because change is largely slow and largely intangible. Cooperation in these sectors always involves changing attitudes and culture, and involves deep-rooted political and financial interests. These two sectors are basically about reform and reform is often political.

In the midst of the challenges of the perspective of disability that is still embedded in the "subconscious" of many people, it is realized that a human rights-based approach to disability is not enough to do by strengthening the juridical basis alone. The development of inclusive village policies must be carried out with a comprehensive approach. The juridical approach must be placed only as an effort to strengthen other programs.

C. Implementation of the Disability Protection Policy

The CRPD is the Convention on Persons with Disabilities which is the most rapidly negotiated, and since its adoption, the CRPD has received impressive global support. This has the potential to make the CRPD the first Convention in the 21st Century, as well as the first UN legal instrument that can be upheld and can be implemented for people with disabilities. CRPD offers 2 (two) perspectives: (1) protection of rights which prohibits the rejection of basic rights, such as: the expression of opinions, thoughts, religion, and political participation; and (2) provision of an adequate standard of living.²⁵

However the Convention must be seen as a process that must be implemented in stages. Clearly, the legislation process will differ according to the relevant domestic legal system. His intention was to combine the principles of International Human Rights with the principles and norms of the national constitution that would raise international standards. In this case, there is

²³ David L. Hosking, "Critical Disability Theory", A paper presented at the 4th Biennial Disability Studies Conference at Lancaster University, UK, Sept. 2-4, 2008, p. 16.

²⁴ *Ibid.*, *op.cit* 199

²⁵ See Michael A. Stein, 'A quick overview of the United Nations convention on the rights of persons with disabilities and its implications for Americans with disabilities', *Mental & Physical Disability Law Reporter* 31 (2007), 679-83.

concern that pressure to ratify and a tendency to maintain national law could jeopardize the quality of the process and its end result.²⁶ The CRPD's influence on Indonesia includes: (1) Discrimination against any person with a disability is a violation of dignity; (2) Involvement of persons with disabilities in all decision making processes regarding government policies and programs, other than disability; (3) Accessibility for persons with disabilities related to the physical, social, economic, cultural, health, education and information and communication environment and other fundamental freedoms.²⁷

When referring to several problems that occur, it seems that the implementation of CRPD has not been optimally implemented. Due to still find facts on the ground that the absence of involvement of persons with disabilities in social life and in the development process. At least there are 6 (six) problems that hamper the involvement of persons with disabilities in the development process, namely: (1) systematic constraints; (2) lack of budget; (3) weak of law enforcement; (4) lack of public awareness of people with disabilities; (5) data overlapping (showed by the existence of problems relating to differences in data about persons with disabilities); and (6) stigmatization and discrimination for persons with disabilities.

Meanwhile, after the enactment of Law No. 8 of 2016 concerning Disability (Disability Law), one of the important issues is the recognition of the rights of Persons with Disabilities using a broad approach. However, in its implementation, in addition to stigmatization barriers, there are still perceptions of the inability of persons with disabilities to do work, and tend to be objects of charitable activities and discriminatory treatment. This is in accordance with the *ratio legis* of the Disability Law which sociologically still understands people with disabilities as vulnerable, backward and / or poor communities. Thus the problems felt by persons with disabilities do not only relate to problems in the legal context, but there are non-juridical aspects of all stakeholders that are directly related to persons with disabilities, particularly with regard to the paradigm used to implement the policies to be used.

Then, are the laws and regulations governing disability able to guarantee the fulfillment of the rights of persons with disabilities? From the study conducted with relevant stakeholders, interesting facts emerged including:²⁸ there are still a number of provisions that are not in accordance with the Convention on the Rights of Persons with Disabilities (CRPD), the operational regulations for the Disability Law are still incomplete, there are a number of rights mentioned in Law No. 8 of 2016 that have unclear implementation, and bargaining position of Disable People Organization (DPO) which is weak in policy making process. Other issues relating to the implementation of policies for persons with disabilities are the existence of egocentric from each of the relevant stakeholders, the existence of disharmony or conflict of legal norms, including between Ministries / Institutions dealing with persons with disabilities.

²⁶ Arie Rimmerman, *Social Inclusion of People with Disabilities (National and International Perspectives)*, Cambridge University Press, 2013, p. 131.

²⁷ Udoyono Basuki, Human Rights Protection on the Indonesia Law State: Study of Ratification of the Convention of Disability Rights, *Sosio-Religia*, Vol. 10, No. 1, February 2012, p. 4.

²⁸ Summarized from the result of FGD that was attended by DPO representatives, government officers, Disability Committee member, NGO, and academia, at May 16, 2019.

Therefore, the realization of the principle of equal rights and opportunities for persons with disabilities needs to be supported by a legal framework that is used as guidance in implementing the program at the central, regional and village levels. CRPD and Law No. 8 of 2016 concerning Disabled Persons has given authority to the Regional Government to plan, organize and evaluate the implementation of Respect, Protection and Compliance of Persons with Disabilities. While Law No. 6 of 2014 concerning Villages also gives authority to the Village to carry out Village development aimed at improving the welfare and quality of life of the Village community by setting priorities, programs, activities, and Village Development needs. One of them includes improving the quality and access to basic services as well as regulating the priority of using village funds. Village Ministry Regulation No. 16 of 2018 stipulates that one of the priority programs for empowering rural communities is the management of empowerment activities for persons with disabilities.

Referring to this, policies in the form of Village Regulations concerning Participation of Persons with Disabilities in Village Development and Protection and Fulfillment of Rights of Persons with Disabilities have been established in 2 (two) Villages in Yogyakarta Special Region, namely in Sendangtirto Village, Sleman Regency and Village Sidorejo, Kulon Progo Regency. As for the *ratio legis* of the village regulation include: (1) that persons with disabilities are part of citizens who have equal rights and obligations, dignity, and have an equal role and position in development; (2) that in the life of the community, it is necessary to strengthen efforts to fulfill and protect the rights of persons with disabilities.

The concept that underlies the formation of village regulations should be based on the principles of good regulation formation (*algemene beginselen van behoorlijk regelgeving*) according to I.C. van der Vlies²⁹, which consists of 2 (two) parts, namely (1) formal principles, which include: the principle of clear objectives (*beginsel van duidelijke doelstelling*), the principle of appropriate institutions (*beginsel van het juiste orgaan*), the principle of the need for regulation (*het noodzakelijkheids beginsel*), the principle of implementation (*het beginsel van uitvoerbaarheid*) and the principle of consensus (*het noodzakelijkheids beginsel*); and (2) the principles of material, including: principles of terminology and correct systematics, principles of identifiability, principles of equal treatment in law, principles of legal certainty and principles of law enforcement according to individual circumstances.

In connection with the existence of Village Regulations in Sendangtirto Village, Sleman Regency and in Sidorejo Village, Kulonprogo Regency, the following analysis was conducted on the those regulations using a content analysis approach with the ROCCIPI³⁰ parameter.

²⁹ Maria Farida, *Legislation Science*, Second book, Yogyakarta: Kanisius, 2007, p. 226

³⁰ ROCCIPI is abbreviation of Rule, Opportunity, Capacity, Communication, Interest, and Ideology. See: J. Arscheidt, et.al, *Law Making for Development -Explorations into the Theory and Practice of International Legislative Projects*, Leiden University Press, 2008

**Table 3. ROCCIPI Analysis of Disability Village Regulations
in Sendangtirto and Sidorejo Villages**

No	Indicator	Review	Explanation
1	<i>Rule</i>	The regulations have been based on the Disability Law, the Local Government Law and the Village Law and there is a need to harmonize the substance and definition	The stipulative definition must be equated with the law that becomes the reference
2	Opportunity	Village regulations need to be harmonized with the Disability Law relating to the Rights of Persons with Disabilities, also covering: women with disabilities and children with disabilities	
3	Capacity	Village regulations need to be adjusted to the conditions and factual needs that exist in the village	Synchronization needs to be done considering that the Village Regulation must be able to strengthen the capacity of village government officials with regard to Participation of Persons with Disabilities in Village Development
4	Communication	Harmonization and synchronization of the substance of the Village Regulation concerning the Participation of Persons with Disabilities in Village Development with the Disability Law	
4	Interest	Clearer and more specific arrangements are needed in the Village Regulation, bearing in mind the actors associated with the Participation of Persons with Disabilities in Village Development namely: avoiding conflicts of interest between relevant stakeholders	In its implementation it is necessary to adjust to Ministerial Regulations regarding the use of priority village funds, one of which is to empower community members with disabilities
5	Process	The process of fulfilling the rights of persons with disabilities is carried out through the Village Development Planning Consultation (<i>Musrenbangdes</i>) by setting priorities, programs,	This is needed to adjust with funding from the state budget, local government budget and non-governmental organizations

		activities, and village development needs	
6	Ideology	Alignment of village officials in realizing the fulfillment of the rights of persons with disabilities in accordance with existing laws and regulations	This is needed to internalize the principles of fulfilling the rights of persons with disabilities.

D. Disability and Urgency of the Development of Inclusive Village Policies

Article 78 Paragraph (1) of Law Number 6 Year 2014 concerning Villages states that "Village development aims to improve the welfare of the Village community and the quality of human life and poverty alleviation through meeting basic needs, building village facilities and infrastructure, developing local economic potential, and sustainable use of natural resources and the environment ". In this case the village is believed to improve the welfare of its citizens. Therefore, the role of the village government and villagers is needed, without discriminating against women, children, the poor, vulnerable groups, including persons with disabilities; both involvement in the stages of planning, implementation, until the accountability of village development. Therefore it must be criticized whether the involvement of village communities, especially persons with disabilities, has been realized. General facts show that negative stigma and discriminatory treatment are still often felt by people with disabilities.³¹

Of course, that case needs to be highlighted by village government because village development will be success if it is supported by all parties. Article 67 paragraph 2 (d) of Village Regulation mentions that village has obligation to improve village citizen empowerment. On the other hand, article 68 paragraph 2 (e) mentions that village citizens have obligation to participate in any village activities. Both enactments emphasize that Village Government has to be active in involving their citizen, and citizen needs to open themselves to participate actively.

Fact shows that persons with disabilities are spread to all regions in Indonesia, include in villages. More than 70.000 villages in Indonesia where persons with disabilities live there. Because of that one of important component in making inclusive village is strengthening and empowering persons with disabilities. Legally, there is Local Government Regulation No.4 of 2012 about Protection and Fulfilment the Rights of Persons with Disabilities. Article 3 of the regulation emphasize that the rights of persons with disabilities consist of the rights in the field of education, employment, health, social, art, culture, sport, politic, law, disaster management, living place, and accessibility. According to that regulation, local government's officers (include village officials) should have strong effort to protect persons with disabilities rights in their regions.

Of course, realization of inclusive village policy needs enough resources, whether about the readiness of the human sources (every related actor), or the readiness of funds. From funding resources side, there is Village Minister Regulation No. 16 of 2018 about Priority to Use Village

³¹ It was said by Anggiasari Puji Aryatie from SAMA SETARA, at FGD session abot "Study towards Policy of Fulfilment the Rights of People with Disability in Yogyakarta Province", Faculty of Law Univ. of Atma Jaya Yogyakarta, 16 May 2019.

Fund 2019 which mentions that every kind priorities of village fund use to improve quality of life, welfare, and to tackle poverty and improve public service in village level. The use of that village fund is done to all of village citizens, include for persons with disabilities in that villages. This thing is spilled in Article 10 paragraph 2 (f) that village society empowerment which is prioritized to basic social service activity in education, health, poor people empowerment, women and children empowerment, and persons with disabilities.

Concerning with involvement of person with disabilities in policy making process, Bonni Kartareja³² from CIQAL (one of DPO in Yogyakarta) said that they already involved in policy arrangement in Bantul, Kulonprogo, and Sleman Regency related to person with disabilities rights fulfilment. This thing was done in order to give guarantee that person with disabilities rights could be protected and that they are always involved in any activities. So next assignment is to make sure that those policies are really implemented also in village level.

Recently, Sleman Regency Government also enacted Regulation No.1 of 2018 about Management of Protection and Rights Fulfilment of Persons with Disabilities. *Ratio legis* of this regulation is confession that persons with disabilities are part of Indonesia citizen that also has equal rights and obligations and equal dignity and prestige. However, they have not fully obtained the rights and opportunities equally in many fields, such as education, employment, health care, social, politic, law, etc. Then Sendangtirto Village Government, Sleman Regency made village regulation about persons with disabilities. That village regulation makes impacts such as: build access of person with disabilities to public facilities like mosque, and developing engagement.

In the meantime, in Kulonprogo Regency, after Kulonprogo Regency Regulation No 3 of 2016 about Management of Persons with disabilities Protection was enacted, lately in some village government officers begin to provide people with mental disorder by making mental disorders handling team. To control it, local government along with SIGAB (DPO organization) made agreement/MoU about disabilities that still applicable until today. It is based on the fact that some of persons with disabilities become burden to their families so villages' government feel responsible to help them. Leader of Village sees that the most important things to be done is fulfilment the rights of persons with disabilities.³³

Meanwhile in Bantul, there have not many movements about protection towards person with disabilities rights, although the most of persons with disabilities is in Bantul.³⁴ Bantul Regency Government has also enacted Bantul Regency Regulation No. 11 of 2015 about Fulfilment of Persons with Disabilities Rights. Lack of public information and lack of activeness from the government officers and Bantul society make that regulation becomes less effective. That thing makes Bantul Regency become left behind compare with Kulonprogo, Sleman, and even Gunung Kidul regency; so it can't be denied if issues about disabilities and its service have not

³² Said by Bonnie Kartareja, CIQAL, at FGD session "*Study towards Policy of Fulfilment the Rights of People with Disability in Yogyakarta Province*", Faculty of Law Univ. of Atma Jaya Yogyakarta, 16 May 2019.

³³ Said by Sutrisno, Sidorejo's village leader, at FGD session "*Study towards Policy of Fulfilment the Rights of People with Disability in Yogyakarta Province*", Faculty of Law Univ. of Atma Jaya Yogyakarta, 16 May 2019.

³⁴ <https://jogja.tribunnews.com/2018/03/02/jumlah-penyandang-disabilitas-di-bantul-tertinggi-di-diy> , accessed on 26 July 2019.

managed well.³⁵ Issues in Bantul happened because of so many factors such as: problems in local government level; Bantul society economic condition that lower than other regencies; geographic problems in Bantul Regency because some government offices that separated away and not easy to be accessed by person with disabilities. Those problems make Bantul Regency still need assistance to manage the gap that exists. For example, in education field, there are still disabilities students which got denied to learn at some schools.³⁶ There are so many schools that have not understand that they have obligation to accept those children as their students. This happens because there are still a lot of stigma that children with disabilities should learn and go to school for children with “special needs”. Even head of village and sub-district leader also have not understood about what and how they give reasonable service to persons with disabilities.³⁷

In Sleman Regency the accessibility side tends to be more seen from many public facilities that were built to become accessible for persons with disabilities. Persons with disabilities participations are also relatively better. This thing also related to cooperation and coordination among government’s institutions. Generally, there are many persons with disabilities get involve in many activities. SIGAB as one of organization that focus on persons with disabilities always encourage them to be always able to follow programs related with inclusive village.³⁸ Hope for the future, with the existence of inclusive village, could be seen what programs that have been done by each of Head of Village and could be continued by the new leader of village.³⁹

Village needs to have companion to accompany the persons with disabilities. Village leader in Sendangtirto has already invited persons with disabilities in some meeting sessions such as discussion of village development plan (*Musrembangdes*). Obstacles that exist are persons with disabilities could not identify what things that become their needs. In this village, companion is really needed. On the other hands, there are still some parents who feel shame of their disable children, so those children are kept away from outside world.⁴⁰ This thing become a particular obstacle for village government officers. Another challenge is how to encourage persons with disabilities get involve to become Village apparatus.

Related to inclusive village improvement above, Combine Resource Institution (CRI) that once cooperated with Sasana Integrasi dan Advokasi Difabel (SIGAB) in helping Inclusion Village

³⁵ Stated by Sholih Muhdlor from SAPDA, at FGD session “*Study towards Policy of Fulfilment the Rights of People with Disability in Yogyakarta Province*”, Faculty of Law Univ. of Atma Jaya Yogyakarta, 16 May 2019.

³⁶ Stated by M. Syafi’ie, PUSHAM UII, at FGD session “*Study towards Policy of Fulfilment the Rights of People with Disability in Yogyakarta Province*”, Faculty of Law Univ. of Atma Jaya Yogyakarta, 16 May 2019.

³⁷ Stated by Ragil Risyanti, PLD UIN, at FGD session “*Study towards Policy of Fulfilment the Rights of People with Disability in Yogyakarta Province*”, Faculty of Law Univ. of Atma Jaya Yogyakarta, 16 May 2019.

³⁸ Stated by Kuni Fatonah, at FGD session “*Study towards Policy of Fulfilment the Rights of People with Disability in Yogyakarta Province*”, Faculty of Law Univ. of Atma Jaya Yogyakarta, 16 May 2019.

³⁹ *Ibid.*

⁴⁰ Herman Padiyanto, Kepala Desa Sendangtirto, FGD “*Kajian Terhadap Kebijakan Pemenuhan Hak-Hak Penyandang Disabilitas di Daerah Istimewa Yogyakarta*”, Fakultas Hukum Universitas Atma Jaya Yogyakarta, 16 Mei 2019

Initiative Program, notes that at least there are some follow-up strategies recommended which are:⁴¹

First, disabilities group empowerment as one of strategy to grow confident in order to make them capable to be involved in village strategic spaces. It is also need to be done with building inclusive awareness in village and supra village government. When the awareness has been built, involving disabilities group in village planning and development plan in village discussion is a must. *Second*, Village Information System Team (SID) in some villages have not mastered all of the application function. Its capacity must be strengthened continuously by using learning module that already exist. The existence of SID team in village level also needs Village Leader's Decree as their legal basis. By having this Decree, it will be a legitimation and simultaneously to challenge SID team to be responsible for their works. *Third*, to integrating the Inclusion Village Initiative Program more broadly, then follow-up audience is needed to specify and guide the follow up of the program. Government institutions will always become the key of SID integration with region information system in order to strengthen inclusive planning and development quality. Lately phenomenon, label of "inclusion village" mostly used by many villages. But, it is stopped only on livelihood matters and basic service like health and education. Whereas in the realization, inclusive concept should reach all of society living aspects. With accurate, accessible data and information supports, inclusive idea which is started by using SID application, hopefully it could be realized and provide benefits and significant impact to the society.

E. Conclusion

After UNCRPD ratification by Law No. 19 of 2011, legislation acceleration in Yogyakarta Province in responding global duties to protect and fulfil rights of person with dissabilites in Indonesia, relatively to happen quickly. Although Law about Person with Dissabilites was just enacted in 2016, Yogyakarta Local Government has made Regional Regulation No. 4 of 2012. After that followed by Bantul Local Regulation No. 11 of 2015; Kulon Progo Local Regulation No. 3 of 2016; Gunung Kidul Local Regulation No. 9 of 2016; and Sleman Local Regulation No.1 of 2018. The existence of regulations above have given enough strength to persons with disabilities to demand for protection and fulfillment of their rights. However, synchronization and harmonization of law are still needed to be done regarding the emergence of Law No.8 of 2016. On the other hands, from evaluation result which is done by involving the associated stakeholder, regulation and policies implementation of protection and rights fulfilment towards person with disabilities still have not optimally accomplished yet. Strong political will is still needed from policy makers to realize it include political budget. Meanwhile, through Inclusion Village Initiative Program which is initiated by SIGAB, was proven that implementation of protection and rights fulfilment policy could be accelerated. Some villages even have spilled it in Village Regulation as their legal basis. This thing needs to be always encouraged and improved so that Inclusive Village Regulation does not stop on just regulation arrangement, but the impacts really could be felt by the persons with disabilities in villages.

⁴¹ <http://bitra.or.id/2012/2017/02/02/sistem-informasi-desi-sid-untuk-merintis-desi-inklusi/> accessed on 5 May 2019

However, there are still many obstacles could be found. Stigmatization towards persons with disabilities (as the impact of bio-medic knowledge distribution) which finally impact to discrimination, still hard to be solved. Besides that, strengthen of disabilities group capacity in villages is still also needed so their participation quality could always be improved. Inclusive Village Regulation apparently is a strategic move and relevant with SDGs program and also could accelerate goal achievement which is written in UNCRPD.

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