

ENSURING THE EDUCATIONAL RIGHTS OF PERSONS WITH DISABILITIES: CHALLENGES AND SOLUTIONS IN ACHIEVING SOCIALLY JUST INCLUSIVE EDUCATION IN INDONESIA

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Abstract

People with disabilities are a group that has equal rights to access education, which is part of human rights. Although Indonesia has adopted various regulations that guarantee the right to education for people with disabilities, its implementation still faces numerous challenges, such as limited accessible infrastructure, a lack of educators with inclusive education competencies, and the persistence of social stigma within society. This study aims to analyse the fulfilment of the right to education for people with disabilities from the perspective of social justice, as well as the implications of inclusive education regulations within Indonesia's legal system. The research method used is doctrinal legal research, analysing primary and secondary legal materials related to the right to education for people with disabilities. The results show that, normatively, the regulatory framework for inclusive education in Indonesia provides strong guarantees for the fulfilment of the right to education for people with disabilities through various regulations, from the constitution to regional regulations. However, there remains a gap between regulation and implementation in practice. Therefore, concrete measures are needed to strengthen the implementation of inclusive education, such as enhancing the capacity of educators, providing more accessible infrastructure, strengthening monitoring mechanisms for inclusive education provision, and increasing the participation of society and disability organisations. These measures are crucial in realising an inclusive, non-discriminatory, and socially just education system for all citizens, in line with the principle of social justice upheld in Indonesia's constitution.

Keywords: *Inclusive Education; People with Disabilities; Right to Education; Social Justice; Regulatory Implementation.*

A. Introduction

People with disabilities, who are part of a vulnerable group, should receive more protection from the government.¹ The protection provided includes the right to education.² Essentially, people

¹ Catalina Devandas Aguilar, "Social Protection and Persons with Disabilities," *International Social Security Review* 70, no. 4 (2017): 45–65, <https://doi.org/10.1111/issr.12152>; Mizanur Rahman et al., "Exploring Access to Social Protection by Persons with Disabilities in Bangladesh," *Plos One* 20, no. 4 (2025): e0321887, <https://doi.org/10.1371/journal.pone.0321887>; Mary Crock, "The Protection of Vulnerable Groups," in *Research Handbook on Disasters and International Law* (Edward Elgar Publishing, 2016), <https://doi.org/10.4337/9781784717407.00029>.

² Andrea Broderick, "Equality of What? The Capability Approach and the Right to Education for Persons with Disabilities," *Social Inclusion* 6, no. 1 (2018): 29–39, <https://doi.org/10.17645/si.v6i1.1193>.

with disabilities are part of Indonesia's human resources and can contribute as citizens.³ Although they may have limitations, whether physical, emotional, mental, or intellectual, they still possess abilities and should have the same opportunities in various aspects of life. The government has even allocated 2% of job opportunities in both the public and private sectors, as regulated by law.⁴ The Constitution also guarantees the rights of people with disabilities, aiming to facilitate and provide special treatment to ensure equal opportunities for justice.⁵

The fulfilment of the rights of people with disabilities in Indonesia, according to Law No. 8 of 2016 on people with disabilities, includes the rights to life, freedom from stigma, privacy, politics, education, health, religion, accessibility, sports, public services, and more.⁶ This article specifically discusses the implications of fulfilling educational rights for people with disabilities. The author is interested in exploring the fulfilment of these rights in education because education is the initial step for people with disabilities to survive and compete for equal opportunities, particularly in obtaining future employment.

So far, people with disabilities have often been looked down upon, considered a group deserving of pity, labelled with negative stigma, and treated as objects for social welfare.⁷ They are also frequently seen as marginalised in social life due to their perceived imperfections. They should, however, be viewed as individuals who still possess strengths and have equal opportunities in all areas. Both the government and society can work together to help people with disabilities discover and develop their potential. The opportunity to meet the rights of people with disabilities

³ Aga Natalis and Helen Intania Surayda, "Overcoming Legal Barriers: Ensuring Justice for Persons with Disabilities Victimized by Sexual Violence," *Revista Direito e Sexualidade* 5, no. 1 (2024): 163–95, <https://doi.org/10.9771/rds.v5i1.58997>.

⁴ Winshery Tan and Dyah Putri Ramadhani, "Pemenuhan Hak Bekerja Bagi Penyandang Disabilitas Fisik Di Kota Batam," *Jurnal HAM* 11, no. 1 (2020): 27–37, <https://doi.org/10.30641/ham.2020.11.27-37>.

⁵ Rudy et al., "Implementation of Civil Rights Against Vulnerable Groups in the Legal and Constitutional System in Indonesia," *Hasanuddin Law Review* 8, no. 3 (2025): 299–309, <https://doi.org/10.20956/halrev.v8i3.4229>; I. Irmansyah et al., "Human Rights of Persons with Mental Illness in Indonesia: More Than Legislation Is Needed," *International Journal of Mental Health Systems* 3, no. 1 (2009): 14, <https://doi.org/10.1186/1752-4458-3-14>; Dewa Gede Sudika Mangku et al., "Legal Protection for People with Disabilities in Indonesia in the Perspective of Justice Theory," *Unnes Law Journal* 8, no. 2 (2022): 245–62, <https://doi.org/10.15294/ulj.v8i2.37283>.

⁶ Antoni Tsaputra and Gianfranco Giuntoli, "Indonesia's Disability Policy Reform Under the Jokowi Government: Progressive Legal Framework Versus Half-Hearted Inclusion," *International Quarterly for Asian Studies* 55, no. 2 (2024): 245–67, <https://doi.org/10.11588/iqas.2024.2.21081>; Yahya Ahmad Zein et al., "The Fulfilment of Right to Education for Persons with Disabilities: A Challenge in a Border Area," *Sriwijaya Law Review* 4, no. 2 (2020): 238–48, <https://doi.org/10.28946/slrev.Vol4.Iss2.402.pp%252525p>; Susiana and Wardah, "Pemenuhan Hak Penyandang Disabilitas Dalam Mendapatkan Pekerjaan Di BUMN," *Law Reform* 15, no. 2 (2019): 225–38, <https://doi.org/10.14710/lr.v15i2.26181>.

⁷ Sarah Parker Harris et al., "Equality through Difference: Policy Values, Human Rights, and Social Justice in the Employment Participation of People with Disabilities," in *Emerging Perspectives on Disability Studies*, ed. Matthew Wappett and Katrina Arndt (Palgrave Macmillan US, 2013), https://doi.org/10.1057/9781137371973_7; Andrew Jahoda et al., "Living with Stigma and the Self-Perceptions of People with Mild Intellectual Disabilities," *Journal of Social Issues* 66, no. 3 (2010): 521–34, <https://doi.org/10.1111/j.1540-4560.2010.01660.x>.

can be optimised if there is collaboration between the government and society, helping to avoid negative stigma.⁸

In education, people with disabilities have been given opportunities to receive teaching, either in special schools or in mainstream schools that are labelled as inclusive schools. The state provides equal opportunities for people with disabilities to access education from primary school to higher education. However, discrimination still occurs, such as cases of bullying, negative stigma as disabled children, and restrictions on accessing higher education due to health reasons. Some families even feel ashamed to have a disabled child.⁹

Although various regulations guarantee the right to education for people with disabilities, in practice, the implementation of inclusive education still faces various obstacles.¹⁰ Observations in several educational units indicate that inclusive school policies in some cases have not been followed by adequate preparedness, such as limited accessible facilities, the unavailability of adaptive curricula for students with disabilities, and a shortage of specialised teaching assistants. These conditions may create the impression that the inclusive education policy is applied administratively without accompanying preparation of an adequate educational system.

On the other hand, several studies also show that discrimination against people with disabilities still exists in access to higher education, for example, through administrative requirements that implicitly restrict certain potential students with disabilities.¹¹ This phenomenon

⁸ Shirli Werner, "Public Stigma and the Perception of Rights: Differences Between Intellectual and Physical Disabilities," *Research in Developmental Disabilities* 38 (March 2015): 262–71, <https://doi.org/10.1016/j.ridd.2014.12.030>; Sara Green et al., "Living Stigma: The Impact of Labeling, Stereotyping, Separation, Status Loss, and Discrimination in the Lives of Individuals with Disabilities and Their Families," *Sociological Inquiry* 75, no. 2 (2005): 197–215, <https://doi.org/10.1111/j.1475-682X.2005.00119.x>; Nicole Ditchman et al., "How Stigma Affects the Lives of People with Intellectual Disabilities: An Overview," in *Intellectual Disability and Stigma: Stepping Out from the Margins*, ed. Katrina Scior and Shirli Werner (Palgrave Macmillan UK, 2016), https://doi.org/10.1057/978-1-137-52499-7_3.

⁹ Eva Deuchert et al., "Disability Discrimination in Higher Education: Analyzing the Quality of Counseling Services," *Education Economics* 25, no. 6 (2017): 543–53, <https://doi.org/10.1080/09645292.2017.1325838>; José M. Fernández-Batanero et al., "Access and Participation of Students with Disabilities: The Challenge for Higher Education," *International Journal of Environmental Research and Public Health* 19, no. 19 (2022): 11918, <https://doi.org/10.3390/ijerph191911918>; Mubashir Gull et al., "A Systematic Review of Challenges Faced by Students with Disabilities in Higher Education," *Annals of Neurosciences*, July 7, 2025, 09727531251344705, <https://doi.org/10.1177/09727531251344705>.

¹⁰ Wahyu Diny Sujannah et al., "Advancing Inclusive Practices in Higher Education: Insights from Indonesia's Approach to Disability Support," *Cogent Social Sciences* 11, no. 1 (2025): 2593559, <https://doi.org/10.1080/23311886.2025.2593559>; Maya Indrasti and Faridah Jalil, "The Rule of Law for the Right to Inclusive Education in Indonesia," *Padjadjaran Jurnal Ilmu Hukum* 6, no. 3 (2019): 3, <https://doi.org/10.22304/pjih.v6n3.a9>.

¹¹ Gemma Goodall et al., "'Breaking a Vicious Cycle': The Reproduction of Ableism in Higher Education and Its Impact on Students with Disabilities," *Frontiers in Education* 9 (2024): 1504832, <https://doi.org/10.3389/feduc.2024.1504832>; Sheila Kusuma Wardani Amnesti et al., "Higher Education with Disabilities Policy: Ensuring Equality Inclusive Education in Indonesia, Singapore and United States," *Journal of Human Rights, Culture and Legal System* 3, no. 3 (2023): 412–40, <https://doi.org/10.53955/jhcls.v3i3.135>;

indicates a gap between the normative guarantees in the laws and the actual implementation of inclusive education. Therefore, the study of the implications of inclusive education regulations from a social justice perspective is important to understand the extent to which the existing legal framework can effectively guarantee the fulfilment of the educational rights of people with disabilities.

The method used in writing this article is doctrinal legal research, which delves into literature related to the fulfilment of the rights of people with disabilities. Doctrinal legal research has a broad scope, covering legal studies as a normative value system, as a conceptual scientific system, as a system of legal teachings, and as a positive legal system, as well as studies on legal systems as rules of legislation. The normative/doctrinal/dogmatic legal approach conceptualises law as rules that derive from values agreed upon generally, which are used as guidelines for life. The legal materials used in this article include primary and secondary legal materials. Primary legal materials are obtained from the constitution, laws, regional regulations, ministerial regulations, and judicial decisions related to the fulfilment of the rights of people with disabilities. Meanwhile, secondary legal materials come from journal articles, books, and references related to the fulfilment of educational rights for people with disabilities. These legal materials are then analysed thoroughly and comprehensively. The analysis is carried out qualitatively using legal interpretation methods and systematic analysis of legislation related to the fulfilment of educational rights for people with disabilities.

B. Normative Foundations and Legal Framework of Inclusive Education for Persons with Disabilities in Indonesia

The analysis results show that the framework for inclusive education regulations in Indonesia, in normative terms, has provided a strong guarantee for the fulfilment of educational rights for people with disabilities. This regulation is reflected in Pancasila, the constitution, laws, and regional regulations, which emphasise the principles of non-discrimination, equal opportunities, and the obligation of the state to provide adequate accommodations for students with disabilities. Therefore, in normative terms, the Indonesian legal system has adopted an inclusive education paradigm that aligns with human rights principles and social justice values.

Fernando Javier Polo Martínez and Frida Díaz Barriga Arceo, "Inclusion from the Experience of University Students with Disabilities at the National Autonomous University of Mexico (UNAM)," *Disability & Society* 40, no. 12 (2025): 3327–47, <https://doi.org/10.1080/09687599.2025.2479557>; Fernández-Batanero et al., "Access and Participation of Students with Disabilities: The Challenge for Higher Education."

The legal basis for fulfilling the educational rights of people with disabilities begins with Pancasila, particularly the second and fifth principles.¹² The second principle, which is humanitarian justice and civility, serves as the foundation for the rights of people with disabilities. The essence of the second principle is that Indonesia recognises the nature of humans as both individual and social beings in a harmonious, balanced, and equal manner. In striving to achieve the nation's goals, Indonesia must base its actions on the values of justice and existence contained within the second principle. Additionally, people within the country are subjects who, in fulfilling their needs, cannot do so alone but require the help of others. Therefore, people form a union in the form of a state, where the relationship between citizens and the state involves political power to achieve certain goals. The fifth principle also serves as the basis for people with disabilities, as social justice for all Indonesians reflects the role of the state in achieving social welfare. Welfare must be attained by all Indonesian citizens without exception, including people with disabilities. Social justice in the fifth principle is a systemic unity with the other principles.¹³

Next, the 1945 Constitution of the Republic of Indonesia does not explicitly mention the word "disability"; however, protection for people with disabilities is implied in Articles 28C and 28I. Article 28C, paragraph (1) reads: "Everyone has the right to develop themselves through the fulfilment of basic needs, to receive education, and to benefit from science and technology, arts, and culture, for the improvement of their quality of life and for the welfare of humanity." This article shows that everyone, including people with disabilities, has the right to education, both formal and special education, to improve their quality of life and live independently, even with limitations as persons with disabilities.¹⁴

¹² Nurul H. Rofiah et al., "Pesantren and Inclusion: Bridging Religion and Disability in Islamic Education in Indonesia," *African Journal of Disability* 14 (2025): 1741, <https://doi.org/10.4102/ajod.v14i0.1741>; Uswatul Fikriyah, "Legal Protection of Right of Education for Persons with Disability in Indonesia and Islamic Law. Legal Protection of Education Right for Person with Disability in Indonesia Compared to Islamic View," *Proceedings of the International Conference on Diversity and Disability Inclusion in Muslim Societies (ICDDIMS 2017)*, November 2017, 124–32, <https://doi.org/10.2991/icddims-17.2018.26>; Husnul Fauziyah and Muchtarom, "Actualization of Pancasila Values in the Context of Interaction of Persons with Disabilities in Trenggalek Inclusive Housing," 2023, 7–7, <https://proceeding.uns.ac.id/icsse/article/view/417>; Mangku et al., "Legal Protection for People with Disabilities in Indonesia in the Perspective of Justice Theory."

¹³ Indrasti and Jalil, "The Rule of Law for the Right to Inclusive Education in Indonesia"; Ridwan Arifin et al., "The International Law Principle for People with Disabilities: Analyzing Access to Justice," *Unnes Law Journal* 7, no. 2 (2021): 371–404, <https://doi.org/10.15294/ulj.v7i2.38701>; Ryan Tude, "Indonesian Unity for Equitable and Fair Health Policy," *Bhinneka Tunggal Ika: Pancasila Jurnal Internasional Berbahasa Indonesia* 2, no. 1 (2025): 76–93, <https://doi.org/10.52738/bti.v2i1.41>.

¹⁴ Diastama Anggita Ramadhan, "The Limitation of Voting Rights for People with Permanent Mental Disabilities in Indonesia: A Debate Between Reasonable and Unreasonable Rights," *Cogent Social Sciences* 7, no. 1 (2021): 1932032, <https://doi.org/10.1080/23311886.2021.1932032>.

Article 28E: “Everyone is free to embrace religion and worship according to their religion, choose education and teaching, choose a job, choose nationality, choose a place of residence within the country, and leave it, and has the right to return.” This article guarantees that every person, including those with disabilities, has the freedom to practice their religion, choose education, and obtain employment. This means that people with disabilities have the same opportunities to improve their quality of life independently.¹⁵

Internationally, the legal basis for the rights of persons with disabilities refers to the Convention on the Rights of Persons with Disabilities (CRPD), adopted by the United Nations in 2006.¹⁶ The CRPD is a convention that recognises and affirms that persons with disabilities have the same rights as other individuals in society.¹⁷ This convention prioritises the rights of people with disabilities as an inseparable part of human rights, with the primary aim of protecting, advancing, and guaranteeing the fulfilment of fundamental rights and freedoms for persons with disabilities worldwide. Recognition of their inherent dignity is the core principle of the CRPD. The convention urges member states to eliminate all forms of discrimination against persons with disabilities and ensure equal accessibility in various areas of life, including education, employment, healthcare, and social participation.

Indonesia, as part of the international community, ratified the CRPD through Law No. 19 of 2011 on the Ratification of the Convention on the Rights of Persons with Disabilities.¹⁸ This ratification signifies Indonesia’s commitment to implementing the principles contained in the

¹⁵ Agus Riwanto et al., “Access to Places of Worship for Persons with Disabilities in Indonesia: Law and Policy Completion,” *Cogent Social Sciences* 9, no. 2 (2023): 2243753, <https://doi.org/10.1080/23311886.2023.2243753>; Ristania Intan Permatasari et al., “Disabilities Concessions in Indonesia: Fundamental Problems and Solutions,” *Legality: Jurnal Ilmiah Hukum* 30, no. 2 (2022): 298–312, <https://doi.org/10.22219/ljih.v30i2.23814>.

¹⁶ Paul Harpur, “Embracing the New Disability Rights Paradigm: The Importance of the Convention on the Rights of Persons with Disabilities,” *Disability & Society* 27, no. 1 (2012): 1–14, <https://doi.org/10.1080/09687599.2012.631794>; William Sherlaw and Hervé Hudebine, “The United Nations Convention on the Rights of Persons with Disabilities: Opportunities and Tensions Within the Social Inclusion and Participation of Persons with Disabilities,” *Alter* 9, no. 1 (2015): 9–21, <https://doi.org/10.1016/j.alter.2014.08.001>; Tanja Bratan et al., “Implementation of the UN Convention on the Rights of Persons with Disabilities: A Comparison of Four European Countries with Regards to Assistive Technologies,” *Societies* 10, no. 4 (2020): 74, <https://doi.org/10.3390/soc10040074>.

¹⁷ Jo Durham et al., “The Convention on the Rights of Persons With Disabilities: A Foundation for Ethical Disability and Health Research in Developing Countries,” *American Journal of Public Health* 104, no. 11 (2014): 2037–43, <https://doi.org/10.2105/AJPH.2014.302006>; Teodor Mladenov, “The UN Convention on the Rights of Persons with Disabilities and Its Interpretation,” *Alter* 7, no. 1 (2013): 69–82, <https://doi.org/10.1016/j.alter.2012.08.010>.

¹⁸ Nicola J. Edwards, “Disability Rights in Indonesia? Problems with Ratification of the United Nations Convention on the Rights of Persons with Disabilities,” *Australian Journal of Asian Law* (Parkville, VIC) 15, no. 1 (2014): 1–16, [agispt.20152927](https://search.informit.org/doi/10.3316/agispt.20152927), <https://search.informit.org/doi/10.3316/agispt.20152927>; Dina Afrianty, “The Role of Disabled People’s Organisations in Promoting the CRPD in Indonesia,” in *Recognising Human Rights in Different Cultural Contexts: The United Nations Convention on the Rights of Persons with Disabilities (CRPD)*, ed. Emily Julia Kakoullis and Kelley Johnson (Springer Nature Singapore, 2020), https://doi.org/10.1007/978-981-15-0786-1_15.

convention into national policies, including the formation of regulations related to the rights of persons with disabilities. With the ratification of the CRPD, Indonesia has a legal obligation to harmonise national policies to align with the principles of equality and non-discrimination outlined in the convention.¹⁹ This aims to ensure that people with disabilities can fully enjoy their rights, particularly in accessing basic services such as education, healthcare, and employment, without barriers or discrimination.

In the context of education, the CRPD stresses the importance of inclusive education, which allows persons with disabilities to access quality education that meets their needs.²⁰ The state must ensure that the educational system not only accommodates students with disabilities but also creates an environment that supports them to learn and develop to the fullest. Therefore, the principle of inclusive education in the CRPD involves adapting curricula, teaching methodologies, educational facilities and infrastructure, and training for educators to handle the diverse needs of students, including those with disabilities. The state is also required to provide supporting facilities, such as physical accessibility and assistive technology, to ensure that no individual is left behind in education.

The importance of ratifying the CRPD also has implications for changes in Indonesia's domestic policies, including the development and updating of regulations that are more responsive to the rights of persons with disabilities. The state is expected to create more inclusive policies and provide equal opportunities for people with disabilities in all aspects of life, including in the education sector. Therefore, while the CRPD has outlined the rights of persons with disabilities in general, effective implementation at the national level is highly dependent on the government's commitment and efforts to integrate the principles of the convention into various policies and existing laws.²¹

¹⁹ Muhammad Lukman Hakim and Indah Dwi Qurbani, "Local Government Policy in the Fulfillment and Protection of the Rights of Persons with Disabilities," *Human Rights in the Global South (HRGS)* 4, no. 2 (2025): 165–94, <https://doi.org/10.56784/hrgs.v4i2.104>.

²⁰ Rachele Cera, "National Legislations on Inclusive Education and Special Educational Needs of People with Autism in the Perspective of Article 24 of the CRPD," in *Protecting the Rights of People with Autism in the Fields of Education and Employment: International, European and National Perspectives*, ed. Valentina Della Fina and Rachele Cera (Springer International Publishing, 2015), https://doi.org/10.1007/978-3-319-13791-9_4; Bronagh Byrne, "How Inclusive Is the Right to Inclusive Education? An Assessment of the UN Convention on the Rights of Persons with Disabilities' Concluding Observations," *International Journal of Inclusive Education* 26, no. 3 (2022): 301–18, <https://doi.org/10.1080/13603116.2019.1651411>.

²¹ Colin Caughey and Hanxu Liu, "Role of National Human Rights Institutions and Organizations of Persons with Disabilities in the National Monitoring of the CRPD," in *Handbook of Disability: Critical Thought and Social Change in a Globalizing World*, ed. Marcia H. Rioux et al. (Springer Nature Singapore, 2024), https://doi.org/10.1007/978-981-19-6056-7_31; Arie Rimmerman, ed., "The UN Convention of the Rights of Persons with Disabilities (CRPD) and Family Policies," in *Family Policy and Disability*, Cambridge Disability

The laws governing people with disabilities in Indonesia are clearly regulated in Law No. 8 of 2016 on Persons with Disabilities.²² This law provides a comprehensive legal framework to ensure the rights of people with disabilities in various areas of life, including education. The articles in this law not only define and explain the concept of disabilities but also detail the rights of people with disabilities, the objectives of these regulations, and the underlying principles. For example, in terms of education, the law emphasises the importance of equal rights for people with disabilities to receive quality education. This aims to create a more inclusive education system where people with disabilities have the same opportunities as others.

Article 10 of Law No. 8 of 2016 specifically regulates the rights of persons with disabilities in the field of education. The first right guaranteed is the right to receive quality education at all types, pathways, and levels of education, both inclusive and special. This reflects efforts to eliminate discrimination against people with disabilities in education and ensure that they can access education that meets their needs. Inclusive education, which allows people with disabilities to learn alongside non-disabled students in the same classroom, is one solution promoted by this law. Additionally, special education is still provided for people with disabilities who require a more specific approach tailored to their disability.²³

The second right listed in this article is the equal opportunity for people with disabilities to become educators or educational personnel in all types, pathways, and levels of education. This demonstrates a commitment to encouraging the active role of people with disabilities in education, not only as learners but also as teachers or educational staff. Therefore, people with disabilities can serve as role models and contribute valuable insights to improve the quality of education in Indonesia.

Furthermore, the third right stipulated in this law is the equal opportunity for people with disabilities to become organisers of quality education. People with disabilities not only have the right to access education but also to be involved in the planning and organisation of education. This means that people with disabilities can contribute to shaping policies that are more disability-friendly, ensuring that schools and educational institutions provide accessible facilities and programmes for everyone, without exception.

Law and Policy Series (Cambridge University Press, 2015), Cambridge Core, <https://doi.org/10.1017/CBO9781107278806.009>.

²² Afrianty, "The Role of Disabled People's Organisations in Promoting the CRPD in Indonesia"; Riwanto et al., "Access to Places of Worship for Persons with Disabilities in Indonesia: Law and Policy Completion"; Indrasti and Jalil, "The Rule of Law for the Right to Inclusive Education in Indonesia."

²³ Zein et al., "The Fulfilment of Right to Education for Persons with Disabilities: A Challenge in a Border Area."

The final right guaranteed in this article is the right to receive appropriate accommodations as students. These accommodations include various adjustments necessary to allow people with disabilities to follow the learning process optimally. For instance, for people with physical disabilities, accommodations may include ramps or lifts, while for sensory disabilities such as blindness, materials may be provided in Braille or audio formats. These accommodations are essential to ensure that people with disabilities are not hindered from participating in learning activities and to ensure they can develop according to their potential.

Regulations concerning persons with disabilities in Indonesia are not only contained in Law No. 8 of 2016 but are also elaborated further through various government regulations as a form of implementation of the law. Although specific regulations governing the implementation of education for persons with disabilities are still limited, this does not diminish the important role of ministry-level regulations and regional regulations in implementing inclusive education. In this context, various government regulations in other sectors still make a significant contribution to fulfilling the educational rights and other rights of people with disabilities, ultimately leading to the creation of an inclusive and disability-friendly educational environment.

One of the regulations supporting the broader rights of persons with disabilities is Government Regulation of the Republic of Indonesia No. 70 of 2019. This regulation governs the planning, implementation, and evaluation of respect, protection, and the fulfilment of the rights of persons with disabilities. Although the focus of this regulation extends beyond education, the implementation of the principles of respect and the fulfilment of the rights of persons with disabilities in various sectors certainly affects the quality of education received by persons with disabilities. Moreover, with the evaluation of these rights, the government is expected to improve existing policies and make education more inclusive.

Next, Government Regulation No. 13 of 2020 on Appropriate Accommodations for Students with Disabilities is one of the more specific regulations addressing the rights of people with disabilities in education. This regulation highlights the importance of providing appropriate accommodations for students with disabilities so that they can participate in educational activities optimally. These accommodations may include physical facilities such as ramps, accessible learning facilities, and curriculum adjustments to meet the specific needs of students. The implementation of this regulation is expected to reduce barriers that have existed for people with disabilities in accessing quality education.

Additionally, Government Regulation No. 39 of 2020 also regulates appropriate accommodations for persons with disabilities in the judicial process. Although this regulation is

not directly related to education, it shows that people with disabilities must receive equal treatment in various aspects of life, including the judicial system. When their basic rights are protected across different sectors, this has a positive impact on the implementation of inclusive education, where the rights of people with disabilities are recognised across all aspects of life, not just education.

Government Regulation No. 42 of 2020 on Accessibility to Housing, Public Services, and Protection from Disasters for Persons with Disabilities also plays a crucial role in creating an environment that supports people with disabilities. Good accessibility is not limited to education but also covers other areas of life, such as access to housing, public facilities, and protection in the event of disasters. With adequate access, persons with disabilities can live more independently, which will positively impact their educational process.

Equally important, Government Regulation No. 60 of 2020 regulates the Disability Service Units in Employment, which facilitates persons with disabilities in accessing employment services. This aligns with the objective of education to equip people with disabilities with skills that can be used to obtain decent work. With the existence of this service unit, persons with disabilities will receive training and support necessary for participating in the workforce, which is the ultimate goal of education itself.²⁴

Finally, Government Regulation No. 75 of 2020 regulates habilitation and rehabilitation services for persons with disabilities. These services are essential to help people with disabilities acquire the necessary skills to lead more independent lives. Habilitation and rehabilitation also support the educational process by providing care and support tailored to the specific needs of each individual with disabilities, which will ultimately help them achieve optimal educational outcomes.²⁵

The existence of these various regulations shows that the state has endeavoured to build a comprehensive policy framework for fulfilling the rights of persons with disabilities in various sectors. However, in the context of education, regulations concerning the implementation of inclusive education still require stronger and more integrated policies to ensure that the principles of equality and social justice for persons with disabilities can be realised more effectively in the national education system.

²⁴ Bryan Septian Manalu and Syamsul Hadi, "Legal Protection for Workers with Disabilities in the Workplace to Ensure Equality and Welfare in Indonesia," *Awang Long Law Review* 8, no. 1 (2025): 152–62, <https://doi.org/10.56301/awl.v8i1.1855>.

²⁵ Noverika Hikmatul Aini et al., "Fulfillment of the Rights of Habilitation and Rehabilitation of Persons with Disabilities Based on West Nusa Tenggara Provincial Regulation No. 4 of 2019 Concerning Protection and Fulfillment of the Rights of Persons with Disabilities by the West Lombok," *Lex Journal: Kajian Hukum Dan Keadilan* 5, no. 1 (2021): 262–80, <https://doi.org/10.25139/lex.v5i1.10215>.

One of the ministerial regulations concerning persons with disabilities is the Ministry of National Education Regulation of the Republic of Indonesia No. 70 of 2009 on Inclusive Education for Students with Disabilities and/or Exceptional Intelligence and Talents. Although this regulation does not use the term “disability”, it refers to “students with disabilities and/or exceptional intelligence and talents”. This regulation governs the implementation of inclusive education from primary school to higher education, both in public and private institutions.²⁶

Regulations concerning persons with disabilities in Indonesia are also reflected in various regional regulations established by provincial or district/city governments. This shows the commitment of local governments to ensure the fulfilment of the rights of persons with disabilities and their implementation in line with the principles of regional autonomy. Several regional regulations regulate the protection and fulfilment of the rights of persons with disabilities in various aspects of life, including education, health, employment, and accessibility to public facilities. One example of such a regulation at the provincial level is the Provincial Regulation of Central Java No. 2 of 2023 on the Protection and Fulfilment of the Rights of Persons with Disabilities. This regulation is designed to ensure that persons with disabilities in Central Java have rights equal to other citizens.

In addition to provincial regulations, several district/city governments in Central Java have also enacted local regulations concerning the protection and fulfilment of the rights of persons with disabilities. These regulations focus on various aspects, but all aim to create an inclusive and disability-friendly environment. For example, the Semarang City Regulation No. 9 of 2021 on Persons with Disabilities regulates various rights and obligations related to persons with disabilities in the city. This regulation covers aspects such as accessibility, appropriate accommodations, and health and education services for persons with disabilities residing in Semarang. This shows that large cities like Semarang are committed to creating an inclusive city for all its citizens, including persons with disabilities.

At the district level, some regions have also issued regulations that align with the principles of protection and fulfilment of the rights of persons with disabilities. For instance, the Magelang District Regulation No. 1 of 2021 on the Implementation of Respect, Protection, and Fulfilment of the Rights of Persons with Disabilities specifically regulates respect and protection for persons

²⁶ Nurul Hidayati Rofiah and Suhendri, “The Progress of Inclusive Education Toward Agenda 2030 in Indonesia,” in *Progress Toward Agenda 2030: A Mid Term Review of the Status of Inclusive Education in Global Contexts*, vol. 21, ed. Danielle Lane et al. (Emerald Publishing Limited, 2023), <https://doi.org/10.1108/S1479-363620230000021013>; Rita Oktadiana and Amika Wardana, “The Implementation of Inclusive Education Policy for Disabled Student in Indonesia,” *Proceedings of the International Conference on Special and Inclusive Education (ICSIE 2018)*, April 2019, 47–50, <https://doi.org/10.2991/icsie-18.2019.9>.

with disabilities in the region. This regulation involves various government agencies and the private sector to collaborate in providing the necessary services and facilities for persons with disabilities. Additionally, the Banyumas District Regulation No. 19 of 2014 on the Protection and Services for Persons with Disabilities serves as a reference in providing health, education, and social services tailored to the needs of persons with disabilities.

Other districts, such as Blora District with Regulation No. 13 of 2019 on Persons with Disabilities, Batang District with Regulation No. 6 of 2019 on Persons with Disabilities, and Kudus District with Regulation No. 10 of 2021 on the Protection and Fulfilment of the Rights of Persons with Disabilities, have also enacted similar regulations. Each of these regulations reflects serious attention to persons with disabilities and efforts to provide better services, from accessibility to social welfare. Additionally, districts such as Pati, Rembang, Cilacap, and Kendal also have their own local regulations that specifically address the needs of persons with disabilities, as outlined in Pati District Regulation No. 2 of 2022 on Persons with Disabilities and Rembang District Regulation No. 6 of 2022 on the Fulfilment of the Rights of Persons with Disabilities.

Each of these local regulations demonstrates that local governments play an active role in ensuring that persons with disabilities receive their full rights. Furthermore, the existence of these regulations provides a legal basis for society to participate in creating an inclusive environment. These regulations not only provide legal protection for persons with disabilities but also serve as a guide for government organisers and society to collaborate in achieving equal access for all layers of society.

In the context of education, the Provincial Regulation of Central Java No. 2 of 2023 explicitly regulates the fulfilment of educational rights for persons with disabilities, particularly in Articles 10 to 15. These provisions emphasise the obligation of local governments to implement inclusive and special education at every level of education. Additionally, local governments are required to provide appropriate accommodations for students with disabilities, including financial support, accessible facilities, competent educators, special guidance teachers, an adaptive curriculum, and an inclusive educational ecosystem.

Similar regulations can also be found in the Semarang City Regulation No. 9 of 2021 on Persons with Disabilities. Article 11 of this regulation stipulates that persons with disabilities have the right to receive quality education at all pathways, types, and levels of education in an inclusive manner. Additionally, persons with disabilities also have equal opportunities to become educators or educational staff, to be involved in providing quality education, and to receive appropriate accommodations according to their potential and needs.

C. Bridging the Gap: Challenges and Implementation Barriers in Inclusive Education for Persons with Disabilities in Indonesia

Although the regulatory framework for inclusive education has been compiled quite comprehensively, its implementation on the ground still faces significant obstacles. The regulations, as outlined in various laws and government regulations, provide a strong legal basis to ensure that inclusive education can be effectively implemented, with the goal that every child, including those with disabilities, can access equal and quality education. However, the analysis reveals a considerable gap between the legal norms established and the educational practices taking place in schools. One of the main obstacles to the implementation of inclusive education is the limited availability of accessible infrastructure and facilities. Many schools, particularly those in remote areas or with limited budgets, are unable to provide physical facilities that support the presence of students with disabilities.²⁷ For example, classrooms may not be equipped with accessibility features such as ramps for wheelchairs, appropriate toilets, or learning materials usable by students with visual or hearing impairments. These limitations make it difficult for students with disabilities to access education that meets their needs.

In addition to infrastructure issues, another factor affecting the implementation of inclusive education is the lack of educators with expertise in inclusive education. Although there are already specialised training and education programmes for teachers regarding inclusion, many educators are not fully prepared to face the challenges that arise in the teaching process of students with disabilities. The lack of understanding and skills in managing inclusive classrooms, as well as the lack of experience in adapting learning materials to meet the needs of various types of disabilities, becomes a significant barrier. In practice, many teachers feel inadequately trained to handle students with disabilities effectively, leading to suboptimal learning experiences. To address this, there needs to be an improvement in the quality of teacher training and efforts to provide competent human resources in the field of inclusive education.

Another obstacle is the inadequate provision of appropriate accommodations for students with disabilities. Accommodations in the context of inclusive education refer to various forms of support that enable students with disabilities to learn to their fullest potential. These accommodations could include extra time in exams, special seating arrangements, the use of assistive technology, or learning materials tailored to the student's needs. Unfortunately, in many

²⁷ Kifah Bani Odeh and L. M. Lach, "Barriers to, and Facilitators of, Education for Children with Disabilities Worldwide: A Descriptive Review," *Frontiers in Public Health* 11 (2024): 1294849, <https://doi.org/10.3389/fpubh.2023.1294849>.

schools, such accommodations are not adequately provided. This is due to budget limitations or a lack of awareness regarding the importance of these accommodations for the successful learning of students with disabilities. Without proper accommodations, students with disabilities are at risk of falling behind in their learning process, ultimately exacerbating the existing educational gap between them and non-disabled students.²⁸

In addition to these practical factors, there are also cultural barriers that are no less significant in the implementation of inclusive education, such as the social stigma against people with disabilities. Despite efforts to educate the public about the importance of inclusive education, the stigma present in society and in schools remains a major challenge. Many people, including parents, have not fully accepted or understood that people with disabilities have the same right to receive quality education. This stigma often manifests in the form of disbelief in the ability of students with disabilities to follow lessons well or the assumption that they will disrupt the smooth running of the teaching process. The inability to accept the presence of students with disabilities in the same classroom as other students can create psychological barriers for the students with disabilities, which in turn can affect their motivation and academic development. This also impacts teachers who may feel unsupported by their surrounding environment, hindering their efforts to provide inclusive education.

From a social justice perspective, fulfilling the educational rights of people with disabilities depends not only on the existence of regulations but also on the effectiveness of their implementation. Therefore, there is a need for strategies to strengthen inclusive education, which includes improving the capacity of educators through inclusive education training, providing accessible infrastructure and facilities, strengthening monitoring mechanisms for the implementation of inclusive schools, and increasing community and disability organisations' participation in supporting inclusive education. These efforts are crucial to ensure that the principle of social justice is not only normative but can be realised in practice within the national education system.

The analysis shows that the implementation of inclusive education still faces various structural and cultural challenges. One of the main challenges is the limited capacity of educators in understanding the inclusive education approach. In many cases, teachers in general schools have not received adequate training on teaching strategies for students with disabilities, so the learning

²⁸ Thanduxolo Albert Nomtshongwana and Aviwe Manyakaza, "Learning Barriers for Children with Disabilities in Inclusive Primary Schools in Chris Hani East District, South Africa," *International Journal of Inclusive Education*, December 4, 2025, 1–25, <https://doi.org/10.1080/13603116.2025.2596977>.

process is not fully able to accommodate diverse learning needs. This condition shows that strengthening teachers' competencies through continuous training is an important factor in realising inclusive and just education.

Moreover, the availability of accessible infrastructure also plays a vital role in supporting the implementation of inclusive education. Some educational institutions designated as inclusive schools still face limitations in facilities such as building accessibility, teaching aids, and assistive technologies for students with disabilities.²⁹ These limitations have the potential to hinder the learning process and reduce the opportunities for students with disabilities to participate optimally in educational activities. Therefore, providing accessible facilities should be a priority in education planning and budgeting by both central and local governments.

Furthermore, strengthening the monitoring mechanisms for the implementation of inclusive education is equally important. Monitoring is necessary to ensure that inclusive education policies are truly implemented by educational institutions in accordance with the relevant laws and regulations. Monitoring mechanisms can be carried out through periodic evaluations of the readiness of inclusive schools, covering aspects such as curriculum, availability of special education teachers, and the provision of appropriate accommodations for students with disabilities. Moreover, the participation of society and disability organisations also plays a strategic role in strengthening the implementation of inclusive education. Community involvement can be realised through various forms of support, such as policy advocacy, anti-stigma campaigns, and guidance for students with disabilities. The presence of disability organisations is also crucial as a partner to the government in ensuring that inclusive education policies truly reflect the real needs of people with disabilities.

Thus, fulfilling the educational rights of people with disabilities from a social justice perspective not only demands the existence of adequate regulations but also requires comprehensive implementation efforts through strengthening human resources capacity, providing accessible facilities, effective supervision, and active community participation. This approach is expected to realise an inclusive, non-discriminatory, and just education system for all citizens.

²⁹ C. Jonah Eleweke and Michael Rodda, "The Challenge of Enhancing Inclusive Education in Developing Countries," *International Journal of Inclusive Education* 6, no. 2 (2002): 113–26, <https://doi.org/10.1080/13603110110067190>.

D. Strengthening Inclusive Education in Indonesia: From Normative Commitments to Social Justice in Practice

From a social justice perspective, fulfilling the educational rights of people with disabilities does not only depend on the existence of regulations but also on the effectiveness of their implementation.³⁰ Therefore, there is a need for a strategy to strengthen inclusive education, which includes enhancing the capacity of educators through inclusive education training, providing accessible facilities and infrastructure, strengthening monitoring mechanisms for the operation of inclusive schools, and increasing the participation of the community and disability organisations in supporting inclusive education. These efforts are important to ensure that the principle of social justice is not merely normative but can be realised in practice within the national education system.

One important strategy to strengthen the implementation of inclusive education is to improve the capacity of educators through continuous inclusive education training. Educators play a central role in determining the success of providing education that is accessible to students with disabilities. However, in practice, many teachers in general education institutions still lack adequate competence in understanding the characteristics of students with disabilities and in applying adaptive and inclusive teaching methods.³¹ Therefore, there is a need for teacher training and development programmes specifically designed to improve understanding of inclusive education, differentiated learning strategies, and the use of media and teaching methods that can accommodate diverse learning needs. Through the enhancement of educators' capacity, it is hoped that the learning process in inclusive schools will become more effective, enabling students with disabilities to receive equal and meaningful learning opportunities within the national education system.

In addition to enhancing the capacity of educators, providing accessible facilities and infrastructure is also a key aspect in supporting inclusive education. Accessible facilities include various provisions that allow students with disabilities to access the educational environment safely, independently, and on equal terms with other students. These facilities include building accessibility such as ramps, handrails, disability-friendly toilets, as well as the availability of learning aids and assistive technologies to support the learning process. In practice, many educational institutions have not yet fully implemented disability-friendly facilities, which can

³⁰ Eta Lestari et al., "Inclusive Education, Disability, and Interfaith Justice: Legal and Religious Barriers in Plural Indonesian Society," *Contemporary Issues on Interfaith Law and Society* 4, no. 2 (2025): 265–88, <https://doi.org/10.15294/ciils.v4i2.32547>.

³¹ Sughra Darwish et al., "General Education Teachers' Perspectives on Challenges to the Inclusion of Students with Intellectual Disabilities in Qatar," *Education Sciences* 15, no. 7 (2025): 908, <https://doi.org/10.3390/educsci15070908>.

potentially hinder the participation of students with disabilities in learning activities. Therefore, providing accessible facilities must be a priority in education policy, through budget support, inclusive school planning, and strengthening regulations that require each educational institution to meet accessibility standards for people with disabilities. These efforts are crucial to ensure that the educational environment truly reflects the principles of equality and social justice for all students.

Next, monitoring is necessary to ensure that inclusive education policies are not only regulatory but are effectively implemented at the institutional level. Monitoring mechanisms can include periodic evaluations of inclusive schools' preparedness, from curriculum aspects, the availability of special education teachers, the provision of suitable accommodations, to the fulfilment of accessibility standards for students with disabilities. In this regard, local governments play a strategic role in guiding, monitoring, and evaluating inclusive schools. With effective and ongoing monitoring, inclusive education is expected to be carried out in accordance with the principles of equality, non-discrimination, and social justice within the national education system.

Increasing the participation of society and disability organisations is also a critical factor in supporting the success of inclusive education. Community participation can be realised through various forms of support, such as raising awareness about the importance of inclusive education, eliminating stigma towards people with disabilities, and actively contributing to creating an inclusive educational environment for all students. On the other hand, disability organisations have a strategic role as partners to the government in providing advocacy, support, and input for formulating and implementing inclusive education policies. Through the involvement of these organisations, educational policies are expected to be more responsive to the real needs of people with disabilities. Thus, the synergy between the government, educational institutions, the community, and disability organisations becomes an important element in achieving an inclusive, non-discriminatory, and socially just education system for all citizens.

Community efforts to create an inclusive environment can also be carried out through the use of digital media to expand educational access for people with disabilities. The development of information technology allows for the provision of more adaptive learning materials, such as using online learning platforms, accessibility-based learning applications, and digital media equipped with text, audio, and visual features that are friendly for various types of disabilities. By utilising digital media, the learning process can become more flexible, inclusive, and reach students with disabilities who previously faced limitations in accessing conventional education. Therefore, the synergy between the government, educational institutions, the community, disability organisations,

and the use of digital technology becomes an important element in realising an inclusive, non-discriminatory, and socially just education system for all citizens.

Fulfilling the educational rights of people with disabilities is a shared responsibility between the state and society. This aligns with the mandate of Pancasila, the 1945 Constitution of the Republic of Indonesia, and various laws and regulations that emphasise the importance of protection and the fulfilment of rights for vulnerable groups based on the principle of social justice. From the perspective of justice theory, the relationship between the state and its citizens can be understood through the concept of a triangular relationship of justice.³² First, the state has an obligation to ensure justice for its citizens by providing the rights that they are entitled to, including the right to education for people with disabilities. This concept is known as distributive justice, which is justice realised through state policies and actions that ensure the proportional fulfilment of citizens' rights. Second, citizens have an obligation to fulfil justice towards the state by adhering to applicable laws as a form of obedience to the agreed legal system, known as obedience justice. Third, justice also manifests in the relationship between citizens, which involves mutual respect and granting rights to fellow citizens fairly, known as commutative justice. In the context of inclusive education, these three dimensions of justice provide an important foundation for building collective awareness to ensure the fair and sustainable fulfilment of educational rights for people with disabilities.

The application of the concept of social justice for people with disabilities is a responsibility that is not only borne by the state but also by all layers of society. In this context, justice does not only relate to the equitable distribution of access to basic services, but also includes the right of people with disabilities to participate equally in social life, including in education. The state has the primary duty to provide a clear and firm legal framework to ensure equal opportunities for people with disabilities, so that they are no longer marginalised or viewed as inferior. This clear legal framework includes regulations that ensure the rights of people with disabilities are recognised, protected, and fulfilled fairly in various sectors, including education. Laws, government regulations, and more operational policies at the regional level should be issued with the goal of reducing all forms of discrimination and barriers faced by people with disabilities.

In Indonesia, for example, Law No. 8 of 2016 on Persons with Disabilities serves as an important legal foundation to guarantee the rights of persons with disabilities in all aspects of life,

³² Christie Hartley, "Disability and Justice," *Philosophy Compass* 6, no. 2 (2011): 120–32, <https://doi.org/10.1111/j.1747-9991.2010.00375.x>; Sen Amartya, "What Do We Want from a Theory of Justice?," in *Theories of Justice* (Routledge, 2017); Lawrence C. Becker, "Reciprocity, Justice, and Disability," *Ethics* 116, no. 1 (2005): 9–39, <https://doi.org/10.1086/453150>.

including education.³³ Furthermore, Law No. 20 of 2003 on the National Education System stipulates that every child, including persons with disabilities, is entitled to receive a proper education suited to their potential. Through the establishment of these regulations, the state seeks to ensure that there is no discrimination against persons with disabilities in accessing education. Even more specific regulations, such as Government Regulation No. 13 of 2020 on Reasonable Accommodation for Students with Disabilities, provide clear guidance on the obligation of educational institutions to provide adequate accommodations, such as accessible facilities and curriculum adjustments. On the other hand, the state's role in ensuring the implementation of this policy is also critical, both through strict supervision and the strengthening of educator capacity and the provision of adequate facilities.

However, the state's obligation to provide equal educational access to persons with disabilities would be of little meaning without the active participation of society. Society also holds significant responsibility in creating an inclusive environment that can provide a sense of safety and comfort for persons with disabilities to learn and develop. The attitude of respecting, protecting, and eliminating negative stigma towards persons with disabilities must become part of the values that live within society. At the family level, parents of persons with disabilities need to be encouraged to support their children in pursuing education without fear of rejection. In schools, teachers, school principals, and classmates must be taught not only to respect the presence of persons with disabilities but also to actively participate in creating an atmosphere that supports their success. Moreover, the wider community, including social institutions, the media, and community organisations, also plays an essential role in educating and raising public awareness about the importance of respecting the rights of persons with disabilities and eliminating all forms of discrimination. With this collective awareness, persons with disabilities will no longer be viewed as a marginalised group or a burden to society, but as citizens with equal rights and opportunities to participate in social life.

Additionally, the experiences of several countries in implementing inclusive education can provide valuable lessons for Indonesia. One example that can be used as a reference is the practice of inclusive education in Australia. The Australian government has adopted policies that emphasise the principle of equal access for students with disabilities through legal frameworks such as the

³³ Laurensius Arliman et al., "Legal Guarantees for Persons with Disabilities to Secure Decent Work: A Human Rights Perspective from Indonesia," *Jurnal Wawasan Yuridika* 8, no. 2 (2024): 94–111, <https://doi.org/10.25072/jwy.v8i2.4463>.

Disability Discrimination Act 1992 and the Disability Standards for Education 2005.³⁴ These regulations require educational institutions to provide reasonable accommodations, such as adjustments in teaching methods and the provision of physical facilities accessible to persons with disabilities. Furthermore, the Australian government also supports inclusive education by providing teaching assistants, assistive technologies, and integrated educational support services.³⁵ With this support, persons with disabilities can access education on equal terms with other students. This more concrete support ensures that students with disabilities are not only enrolled in schools but are also able to participate effectively in the learning process.

It is important to note that the success of implementing inclusive education in Australia does not only depend on having clear regulations but also on the government's strong commitment to providing the necessary resources. In addition, strengthening educator capacity through inclusive education training is key to ensuring the success of inclusive education. Sustainable support systems, including assistance from various organisations, also play a very important role in creating an educational environment that supports persons with disabilities. In this context, Australia's experience shows that successful inclusive education requires comprehensive policies, adequate resource support, and the active involvement of all parties, including the government, educational institutions, educators, and the broader community.³⁶

This experience provides important lessons for Indonesia in strengthening inclusive education policies. Although Indonesia already has fairly strong regulations, the implementation of inclusive education still requires improvements in terms of resources, educator training, and the provision of facilities that can be accessed by all students. Therefore, in addition to strengthening existing policies and regulations, the Indonesian government needs to improve coordination

³⁴ Elizabeth Dickson, "Barriers to Inclusion Embedded in the Disability Discrimination Act 1992 (Cth)," *Australian Journal of Education* 66, no. 3 (2022): 265–80, <https://doi.org/10.1177/00049441221127708>; Angela Page et al., "Making Reasonable Adjustments for Students With Disability in Australian Mainstream Classrooms: A Scoping Review," *Australasian Journal of Special and Inclusive Education* 48, no. 1 (2024): 46–63, Cambridge Core, <https://doi.org/10.1017/jsi.2024.1>; Kate de Bruin et al., "Performance of Australia's Disability Standards for Education 2005: A Policy Analysis and Evaluation," *International Journal of Inclusive Education* 28, no. 14 (2024): 3533–53, <https://doi.org/10.1080/13603116.2023.2221260>.

³⁵ John O'Rourke and John West, "Education Assistant Support in Inclusive Western Australian Classrooms: Trialling a Screening Tool in an Australian Context," *International Journal of Disability, Development and Education* 62, no. 5 (2015): 531–46, <https://doi.org/10.1080/1034912X.2015.1052376>; Terri Bourke et al., "Interpretations of Inclusive Education in Australian Policy: What's the Problem Represented to Be?," *International Journal of Inclusive Education*, July 12, 2025, 1–20, <https://doi.org/10.1080/13603116.2025.2532634>.

³⁶ Sarah J. Rheinberger et al., "Inclusive Transition to School for Children with Disability; a Scoping Review Applied to the Australian Context," *International Journal of Educational Research Open* 9 (December 2025): 100524, <https://doi.org/10.1016/j.ijedro.2025.100524>; Therese M. Cumming et al., "Australia at an Educational Crossroads: Special Schools and Inclusive Education," *Frontiers in Education* 9 (2024): 1422089, <https://doi.org/10.3389/educ.2024.1422089>.

between the central and regional governments to ensure that inclusive education can be effectively implemented throughout Indonesia. Active community involvement is also crucial to create an inclusive culture that values and supports persons with disabilities in accessing education on equal terms with others.

E. Conclusion

Based on the research conducted, it can be concluded that the regulatory framework for inclusive education in Indonesia, normatively, has provided a strong legal foundation in ensuring the fulfilment of the educational rights of persons with disabilities. Since Indonesia's independence, the principle of equal rights and non-discrimination has been reflected in various important national documents. Pancasila, as the state ideology, affirms the principle of just and civilised humanity, which should apply to all layers of society, including persons with disabilities. This is further emphasised in the 1945 Constitution of the Republic of Indonesia, which states that every citizen has the right to receive proper education without exception. Within this framework, the state has an obligation to provide equal opportunities to obtain quality education, including for persons with disabilities.

Law No. 8 of 2016 on Persons with Disabilities is one of the primary legal foundations that specifically regulates the rights of persons with disabilities, including in education. This law affirms the right of persons with disabilities to receive equal education, whether in the form of inclusive education or special education. Additionally, Law No. 20 of 2003 on the National Education System also regulates the right of all citizens, including persons with disabilities, to receive proper education. This law emphasises the importance of quality and accessible education for all students without discrimination. These regulations provide a strong basis for the implementation of inclusive education in Indonesia, asserting that every child has the right to receive education suited to their potential and needs.

Moreover, further regulations concerning inclusive education are reflected in various government regulations and regional regulations that specifically address the implementation of inclusive education. The Indonesian government has issued several regulations supporting the implementation of inclusive education, such as Government Regulation No. 70 of 2019 on Planning, Implementation, and Evaluation of Respect, Protection, and Fulfilment of the Rights of Persons with Disabilities, and Government Regulation No. 13 of 2020 on Reasonable Accommodation for Students with Disabilities. These regulations provide clear guidance for local governments and relevant agencies to provide accessible educational facilities for persons with

disabilities. These regulations also cover the need to provide appropriate accommodations for students with disabilities, both in the form of disability-friendly physical facilities and adjustments in teaching methods.

However, despite the strong regulatory framework, the implementation of inclusive education in Indonesia still faces various structural and cultural challenges. One of the main challenges is the limited capacity of educators who have the understanding and skills in inclusive education. Many educators have not received adequate training regarding the special needs of persons with disabilities, whether in teaching techniques or in managing inclusive classrooms. This results in difficulties in providing education that meets the needs and potential of each student with a disability. The lack of training for educators also creates a gap in the quality of education received by persons with disabilities compared to other students.

In addition, the availability of accessible facilities remains a major issue in the implementation of inclusive education in Indonesia. Although there are regulations concerning accessibility, such as Government Regulation No. 13 of 2020, in reality, not all schools have facilities that can be easily accessed by persons with disabilities. Schools in certain areas, particularly in rural or remote regions, often lack adequate facilities, such as ramps, lifts, or disability-friendly toilets. Even in some urban areas, many schools have not provided facilities that meet the accessibility standards for persons with disabilities. The lack of accessible facilities undoubtedly hampers the learning process and makes inclusive education merely a concept that cannot be realised on the ground.

In addition to structural issues, there are still cultural barriers that affect the implementation of inclusive education. Social stigma towards persons with disabilities often becomes the biggest obstacle in creating an inclusive environment in schools. Many people, including parents and even some educators, still hold negative views about persons with disabilities, believing that they cannot follow formal education alongside other children without disabilities. Such views lead to discrimination and marginalisation of persons with disabilities, both directly and indirectly, within the educational environment. In some cases, this stigma forces persons with disabilities to receive education in separate institutions, which ultimately creates a gap between them and other students.

Moreover, supervision of the implementation of inclusive education still needs to be strengthened. Despite the existence of various regulations, their implementation often does not meet expectations. This is due to the weakness of existing supervision mechanisms, both at the central and regional levels. Inadequate supervision leads to non-compliance with existing regulations, which in turn makes it difficult for persons with disabilities to access the proper

education. Therefore, it is important for the government to strengthen supervision and evaluation mechanisms for inclusive schools, to ensure that every school meets accessibility standards and provides education that is tailored to the needs of students with disabilities.

To overcome these challenges, the implementation of inclusive education needs to be strengthened through several strategic measures. First, improving the capacity of educators through more intensive and widespread inclusive education training. This training should cover an understanding of the special needs of persons with disabilities, as well as disability-friendly teaching methods, such as the use of assistive technology and curriculum adjustments. Second, the government needs to ensure the provision of accessible facilities in all schools, ensuring that existing facilities meet accessibility standards for persons with disabilities. Third, the supervision mechanism for inclusive schools must be strengthened with more seriousness, so that every school providing inclusive education can truly meet the required standards. Fourth, the participation of society and disability organisations must also be strengthened to promote the creation of an inclusive environment. The community must be engaged to understand the importance of inclusive education and support persons with disabilities in receiving proper education.

Through these efforts, it is expected that the fulfilment of educational rights for persons with disabilities can be realised more effectively within the framework of social justice. Therefore, the government needs to strengthen the integration of inclusive education policies through more operational regulations and enhanced coordination between the central and regional governments. This policy integration is crucial to create an inclusive and disability-friendly education system throughout Indonesia, both in urban and rural areas. Thus, inclusive education will not only be a dream but also a reality for all children, including those with disabilities.

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