

THE RIAU ISLANDS PROVINCE GOVERNMENT'S COMMITMENTS ON THE PERSONS WITH DISABILITIES PROTECTION FROM NATIONAL AND INTERNATIONAL LAW PERSPECTIVES

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Abstract

This study aims to review the commitments of the Riau Islands Province in enforcing the PwD rights mandated by the Convention on the Rights of Persons with Disabilities (CRPD) and Law No. 8 of 2016 concerning Persons with Disabilities (PwD Law). This study adopts normative legal research by using secondary data, and examining it based on the content analysis. The study finds and concludes that PERDA KEPRI on PwD has incorporates the principles, purposes and rights under the CRPD. However, it is different from the current PwD Law because it does not specify the rights of women and children with disabilities, yet it remains to be valid because it is permitted by Article 150 of the current PwD Law. The commitments of the Riau Islands Province are also realized by concrete actions of KEPRI local governments, NGOs and communities by providing various assistance and activities for PwD.

Keywords: *Persons with Disabilities, Human Rights, Riau Islands Province*

A. Introduction

The World Health Organization (WHO) reported that “over 1 billion people are estimated to experience disability”. Persons with Disabilities (PwD) are categorized a vulnerable group because of their health condition (e.g., cerebral palsy, down syndrome and depression) and personal and environmental factors (e.g., negative attitudes, inaccessible transportation and public buildings, and limited social supports)¹. PwD faces various challenges in exercising their rights in the sense that the rights of PwD are frequently violated and stigmatized and discriminated. Hence, disability constitutes a human rights issue and to ensure the protection and enforcement of the PwD rights, the United Nations adopted in 2006 the Convention on the Rights of Persons with Disabilities (CRPD) which aims “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”. As part of international community and member of the United Nations (UN), Indonesia is also committed to respect, protect, and fulfill the rights of Persons with

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¹ World Health Organization, “Disability,” World Health Organization, 2022, <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>.

Disabilities (PwD) by ratifying the CRPD through Law No. 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities. Consequently, the Indonesian government is obliged to realize the rights in the Convention through the adjustments of its laws and regulations to ensure the fulfillment of the rights of PwD in all aspects of life.

Since human rights are universal, and they cannot be reduced, restricted, blocked, or eliminated by anyone, including the state. They must be respected, protected, and fulfilled by the state and its elements at the central and local government levels. At the national level, the 1945 Constitution of Indonesia explicitly provides provisions pertaining to human rights which are deemed for all citizens, including Persons with Disabilities (PwD). Article 1 (1) of Law No. 8 of 2016 concerning Persons with Disabilities (PwD Law) defines PwD are ‘any person who has long-term physical, mental, intellectual and/or sensory impairments who may face various challenges and barriers in their interaction with their surroundings to be able to fully, and effectively participate together with other citizens on the basis of equal rights’. PwD Law categorizes PwD into 4 (four) groups as follows:

1. Physical disabilities mean person with mobility functions impairment, including, among others, amputation, acute flaccid paralysis or paralyzed, paraplegia, cerebral palsy (CP), stroke-related paralysis, leprosy-related paralysis, and dwarfism.
2. Person with intellectual disabilities means a person with intellectual impairment due to below-average level of intelligence, among others are learning difficulties, mental deficiency, and down syndrome.
3. Person with “mental disabilities” means a person with impairment in the mental, emotional, and behavioral functions, among others:
 - a. Psychosocial disabilities, among others schizophrenia, bipolar, depression, anxiety, and personality disorder; and
 - b. Developmental disabilities that affect their social interaction capacity, among others are autism and hyperactive.
4. Persons with sensory disabilities means a person with impairment in one of the five senses, among others are visual disability, hearing disability, and/or speech disability”.

Due to various challenges and barriers in their interactions with other individuals, Article 41 of Law No.39 of 1999 concerning Human Rights explicitly stipulates that the special treatments are given to PwD.

In addition to the laws relating to PwD at international and national level, the local government level must also provide protection and special treatments for PwD as they are mandated by international and national legal instruments. In this regard, the Riau Islands Province issued a Regulation No. 3 of 2012 concerning Protection and Empowerment of People with

Disabilities. The Social Service (*Dinas Sosial/Dinsos*) of the Riau Islands Provincial (*Provinsi Kepulauan Riau/KEPRI*) recorded the number of PwD in KEPRI in 2019 are 1.846 people as shown by Table 1.

Table 1. Number of PwD in KEPRI in 2019

City/Regency	Number
Tanjungpinang	287
Bintan	269
Batam	555
Anambas	50
Lingga	181
Natuna	218
Karimun	286
Total	1846

Source: Batamnews, 2019²

Although God has created humans on this earth with the same position, it is humans themselves who create differences, both from attitudes, behaviors and treatments. This distinction is very influential and is felt by those who experience limitations physically and/or mentally whether they are born or disabled due to accidents or nutritional limitations.

Academic research conducted must have value, and must show its originality. To make it easier, the authors took samples of two previous studies that had the similar problem with the research conducted by the authors for comparison as mentioned; Law Enforcement Officials who still consider persons with disabilities as a weak group, That the 2016 Law on Persons with Disabilities has been legally enacted since it was promulgated 2 years ago, although it has not been followed by regulations implementation, namely Government Regulation (*Peraturan pemerintah*)³. Also, another research found that protection of the rights of persons with disabilities is a constitutional right as referred to in Article 28H paragraph (2) of the 1945 Constitution, so that protection of persons with disabilities at the regional level is very important to be included in regional regulations so that they can provide legal certainty.⁴

B. Identified Problems

Problems faced by PwD mostly arise from the lack of understanding and awareness of the government and community regarding PwD and their existence as citizens. Society and even their families feel that disability is a disgrace and a shame, thus their families cover up their existence. PwD need

² batamnews, "Dinsos Data 1846 Penyandang Disabilitas Se-Kepri," batamnews, 2019, <https://www.batamnews.co.id/berita-50935-dinsos-data-1846-penyandang-disabilitas-sekepri.html>.

³ Priamsari, RR Putri A. "Hukum yang berkeadilan bagi penyandang disabilitas." *Masalah-Masalah Hukum* 48, no. 2 (2019): 215-223.

⁴ Ridlwan, Zulkarnain. "Perlindungan Hak-hak Konstitusional Penyandang Disabilitas (Rights of Persons with Disabilities)." *Fiat Justisia: Jurnal Ilmu Hukum* 7, no. 2 (2013).

education and work as well as proper social access to give them opportunities to contribute to their community. Hence, it become imperative to ascertain whether national laws, particularly regional regulations provide such opportunities, protection and special treatments to PwD.

Similar to other social beings, PwD have potentials, thus they must be given opportunities to participate optimally in all aspects of life. They even have great potentials to become change of social agents for development and to make various excellent achievements at the local, national, and international levels. It is unfortunate that the rights of PwD are frequently ignored and even violated.⁵ For instance, none of laws and regulations that specifically govern that PwD as victims of crime may be used as a basis for increasing the sentences of perpetrators to ensure legal protection for PwD.⁶ Women and children with disabilities are a group that has a high risk of facing discriminatory treatment and criminalization due to their physical limitations and the inherent identity. Hence, they become very vulnerable to becoming objects of violence. There are many challenges faced by PwD, yet this study limits to review the commitments of the Riau Islands Province Government on the Protection of Persons with Disabilities which are mandated by national and international laws. Accordingly, this study questions the compliances of the international and national legal instruments on PwD in the Riau Islands Province.

C. Research Methods

Legal research methods aim to provide guidelines, procedures for researchers to study, analyze, understand on how to conduct a legal research.⁷ Legal research is a scientific activity, which is based on certain methods, systematics and thoughts, which aims to study one or several certain legal phenomena, by analyzing them.⁸ In this conjunction, this study adopts a normative legal research⁹ which emphasizes on the use of library materials (secondary data) such as laws and regulations, articles, books, etc.¹⁰ It adopts a statutory approach¹¹ because the objects of this study are international, national and local legal instruments (primary legal materials), namely the Convention on the Rights of Persons with Disabilities (CRPD) which was ratified through Law No. 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities, the 1945

⁵ Rorif Desvyati, "Penerapan Indikator Kota Layak Anak Di Kota Tanjungpinang," *Journal of Law and Policy Transformation* 2, no. 1 (2017): 89–112.

⁶ Puguh Ari Wijayanto, "Upaya Perlindungan Hukum Terhadap Kaum Difabel Sebagai Korban Tindak Pidana" (Universitas Atma Jaya Yogyakarta, 2013).

⁷ Ishaq, *Metode Penelitian Hukum Dan Penulisan Skripsi, Tesis, Serta Disertasi* (Bandung: Alfabeta, 2017).

⁸ Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2010).

⁹ Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Press, 1998).

¹⁰ Johnny Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2006).

¹¹ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2006).

Constitution, Law No. 39 of 1999 concerning Human Rights, Law No. 8 of 2016 concerning Persons with Disabilities and the Riau Islands Province Regional Regulation No. 3 of 2012 concerning the Protection and Empowerment of Persons with Disabilities. The secondary legal materials used by this study are the relevant journal articles, books and website sources.

Since legal research is a series of activities that include several stages to achieve clear objectives that can be accounted for, both in terms of methodology, substance and results.¹² This study uses qualitative analysis (content analysis approach) by utilizing the following stages, namely 1) collecting the secondary data, 2) comparing and contrasting the data, 3) making a summary of the compared data, 4) analyzing the compared data based on their contents by describing, confirming and reviewing them (descriptive approach),¹³ 5) drawing conclusions out of the analyses. It presents the fin descriptive, namely by legal regulations.

D. Research Findings and Discussions

1. The Compliances of the International Legal Instruments on PwD in the Riau Islands Province

World Health Organization (WHO) defines “disability as a condition of limited ability to carry out activities within the limits that are considered normal”. It provides 3 categories of disability, namely:

- a. Impairment is an abnormal condition or loss of psychological or anatomical structure or function;
- b. Disability, inability or limitation as a result of an impairment to perform activities in a way that is considered normal for humans;
- c. Handicap, which is an adverse condition for a person due to an impairment disability that prevents him/her from fulfilling a normal role (in the context of age, gender, and cultural factors) for the person concerned.¹⁴

Sudibyo Markus who evaluated the rights of persons with disabilities to work for ILO (International Labor Organization) noted that there are 3 aspects of protection for PwD, namely¹⁵:

- a. Philosophical aspect. It is important to pay attention to the protection of PwD in order to fulfill his/her dignity as a

¹² Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2020).

¹³ Mukti Fajar Nur Dewata and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris* (Malang: Bayumedia Publishing, 2005).

¹⁴ Sugiono, Ilhamuddin, and Arief Rahmawan, “Klasterisasi Mahasiswa Difabel Indonesia Berdasarkan Background Histories Dan Studying Performance,” *Indonesian Journal of Disability Studies* 1, no. 1 (2014): 20–26.

¹⁵ Zulkarnain Ridlwan, “Perlindungan Hak-Hak Konstitusional Penyandang Disabilitas (Rights of Persons with Disabilities),” *Fiat Justisia: Jurnal Ilmu Hukum* 7, no. 2 (2013): 231–43, <https://doi.org/https://doi.org/10.25041/fiatjustisia.v7no2.382>.

- human being. Accordingly, PwD must be treated humanely without any discrimination. 2.
- b. Juridical aspect. To guarantee that PwD is given special protection pertaining to his/her rights and positions and to protect them from discriminatory attitudes, it is imperative to establish strict and specific legal instruments. The guarantees and protections referred to in Indonesia have been included in the state Constitution Article 28 H paragraph (2) and Article 28 I of the 1945 Constitution.
 - c. Sociological aspect. Protection for PwD is in line with Pancasila, the ideology of Indonesia. It is in particular stated in the Second Principle of Pancasila, namely “A just and civilized humanity. Formal protection efforts are certainly not adequate if they are not accompanied by supporting facilities to realize this equality. Accordingly, the government is required to optimize its budget and to provide adequate facilities and infrastructure for PwD, especially regarding access to education. employment opportunities and other social access in order to create independence and equality for PwD.

By virtue of the evaluation above, it is obvious that the government has an obligation to protect and to fulfill the rights of PwD. The obligation of the government in this regard is not only to focus on protection from violations by the state or other entities, but also to protect PwD from the threat of neglect or other exploitation. In relation to the obligation to fulfill, the government must take legislative, administrative, juridical and practical actions to fulfill the rights of PwD as mandated by the Constitution and related laws and regulations. Although it is the State ratifies the CRPD and the Central Government enacted the laws relevant to the protection of PwD rights, it does not mean that the local government has no contributions in the protection and respect the said rights. In fact, the roles and functions of local government is very important to enforce the relevant laws to protect, respect and fulfill the rights of PwD at the local level. There is a strong linkage between human rights and local government since it has a primary function to make policies and decisions relating to education, housing, health, environment and law and order at local level. The implementation of human rights can only be optimally realized when the local government gives optimal supports through the local laws and policies and as well as provide means and infrastructures.

As previously mentioned, that the CRPD constitute a milestone in improving the protection and promotion of the rights of PwD since it affirms the general rights and specifications of PwD and as well as to regulate the mandate and obligations of the state party in fulfilling the rights of PwD, including “adjustment of national policies,

realization of a disability inclusive environment, provision of reasonable accommodation and accessibility in various sectors, both physical and non-physical”.¹⁶ It is undeniable that local government is the level closest to the daily needs of citizens, including PwD since they are part of citizens, hence the international legal instrument relevant to PwD, i.e. the CRPD must also be reflected and adapted by the local government in its local laws and policies. Table 2 shows the alignment of the CRPD with the Riau Islands Province Regulation No. 3 of 2012 concerning Protection and Empowerment of People with Disabilities (PERDA KEPRI on PwD).

Table 2. The Alignment of the CRPD and PERDA KEPRI on PwD

Description	CRPD	PERDA KEPRI on PwD
Principles	a. Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons; b. Non-discrimination; c. Full and effective participation and inclusion in society; d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; e. Equality of opportunity; f. Accessibility; g. Equality between men and women; h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.	a. Faith and devotion to God Almighty; b. Humanity; c. Non-benefit discrimination; d. Kinship; e. Justice; f. Equality and equity; g. Balance; h. Harmony in life; i. Protection; j. Law; k. Independence; l. The best interests of persons with disability, science and technology, and respect for adat customs (Article 2).

¹⁶ Hilmi Ardani Nasution and Marwandianto, “Memilih Dan Dipilih, Hak Politik Penyandang Disabilitas Dalam Kontestasi Pemilihan Umum: Studi Daerah Istimewa Yogyakarta,” *Jurnal HAM* 10, no. 2 (2019): 161–78, <https://doi.org/http://dx.doi.org/10.30641/ham.2019.10.161-178>.

Purposes	To promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” (Article 1)	The fulfillment of protection and empowerment of persons with disabilities aims to realize the independence and welfare of persons with disabilities by giving respect and equality of position, rights, obligations and roles of persons with disabilities in all aspects life and livelihood for the realization of social security and quality the lives of persons with disabilities, as well as increasing awareness and responsibility of the business world and the community in implementing institutional and sustainable protection of persons with disabilities (Article 3).
Types of rights	<p>a. The civil and political rights for persons with disabilities which include “accessibility, recognition before the law and legal capacity, access to justice, participation in public life (including the right to vote)”.</p> <p>b. The economic, social, and cultural rights of persons with disabilities, the CRPD contains “respect for the family, right to education, right to health, habilitation and rehabilitation, work and employment, and adequate standard of living and social protection”.</p>	Persons with disabilities have the same rights and opportunities in terms of: <ul style="list-style-type: none"> a. Education; b. Health; c. Sport; d. Art and culture; e. Employment; f. Business/entrepreneurship; g. Public service; h. Political; i. Legal aid; and j. Information (Article 9).

Table 2 shows that PERDA KEPRI on PwD has incorporates the principles, purposes and rights under the CRPD. PERDA explicitly

states in its Consideration that Law No.19 of 2011 concerning the Ratification of Convention on the Rights of Persons with Disabilities obliges the ratifying state to make adjustments to their laws and regulations. Based on this Consideration, it integrates, adapts and adds specific principles, purposes and the PwD's rights to accommodate the characteristics of the Riau Islands Province. For example, the principle of "faith and devotion to God Almighty and respect for *adat* customs (customary laws)" are foreign to the CRPD. They exist in the PERDA because all of people in this province embrace religions or beliefs and remain to perform their customs (Malay customs) in their daily engagements. It is apparent that PERDA adopts the local wisdoms as its principles in providing protection, respecting and enforcing the rights of PwD. Although both the CRPD and PERDA have similar purposes, the PERDA elaborates the purposes of the CRPD and incorporates the term "obligations". It is clear that PERDA does not only provide the rights but also imposes obligations on PwD. The addition of the word "obligations" reflects that PERDA aims to balance the rights and obligations of PwD in their daily life engagements. Different from the CRPD which classifies the rights of PwD into the civil, political, economic, social, and cultural rights, the PERDA does not make such a classification. Yet, the rights for PwD under the CRPD have been adopted by the PERDA.

2. **The Compliance of the National Legal Instruments on PwD in the Riau Islands Province**

PwD have fundamental rights like humans in general, but there are special rights or treatment that they must receive as an effort to protect them from vulnerability and the possibility of various human rights violations. The rights of PwD are governed by the following national and regional laws, namely:

- a. The 1945 Constitution, especially Article 28 H paragraph (2) in conjunction with Article 28 I paragraph (2) of the 1945 Constitution.
- b. Law No. 39 of 1999 concerning Human Rights, especially Article 5 paragraph (3) in conjunction with Article 42 paragraph (2) of Law No.39 of 1999 and Law No. 8 of 2016 concerning Persons with Disabilities.
- c. Government Regulation No.52 of 2019 concerning the Implementation of Social Welfare for Persons with Disabilities, Government Regulation No. 70 of 2019 concerning Planning, Implementation, and Evaluation of Respecting, Protecting, and Fulfilling the Rights of Persons with Disabilities, and Government Regulation No. 13 of 2020 concerning Adequate Accommodation for Students with Disabilities.
- d. Regional regulations, for example the Riau Islands Province Regional Regulation No. 3 of 2012 concerning

the Protection and Empowerment of Persons with Disabilities.

The PwD Law imposes obligations on every local government to provide adequate accommodation, medical aids, concessions, habilitation and rehabilitation, special public services and disability service units.¹⁷ The question is whether PERDA KEPRI includes the said rights. The answer to this question is answered by Table 3 which shows the alignment of the PERDA KEPRI as a local governmental regulation for the Riau Islands Province with the PwD Law as a national legal instrument on PwD.

Table 3. The Alignment of PERDA KEPRI with the National PwD Law Pertaining to the PwD Rights

Types of rights	PwD Law	PERDA KEPRI
	a. Rights of PwD under Article 5 paragraph (1) which contains 22 types of rights, including: (1) the right to life; (2) free from stigma; (3) privacy; (4) justice and legal protection; (5) education; (6) employment, entrepreneurship and cooperatives; (7) health; (8) politics; (9) religious; (10) sports; (11) culture and tourism; (12) social welfare; (13) accessibility; (14) public services; (15) protection from disasters; (16) habilitation and rehabilitation; (17) concessions; (18) data collection; (19) living independently and being involved in society; (20) to	Persons with disabilities have the same rights and opportunities in terms of: <ol style="list-style-type: none"> a. Education; b. Health; c. Sport; d. Art and culture; e. Employment; f. Attempted; g. Public service; h. Political; i. Legal aid; and j. Information. (Article 9)

¹⁷ R. R. Putri A. Priamsari, "Hukum Yang Berkeadilan Bagi Penyandang Disabilitas," *Masalah-Masalah Hukum* 48, no. 2 (2019): 215–23, <https://doi.org/https://doi.org/10.14710/mmh.48.2.2019.215-223>.

	<p>express, communicate and obtain information; (21) change place and nationality; (22) free from acts of discrimination, neglect, torture and exploitation.</p>	
	<p>b. The rights of women with disabilities consist 26 types of rights under Article 5 paragraph (1) and paragraph (2). Apart from the 22 types of rights under Article 5 paragraph (1), Article 5 paragraph (2) provides additional 4 rights, namely (1) right to reproductive health; (2) to accept or refuse the use of contraceptives; (3) to get more protection from layered discrimination treatment; (4) to get more protection from acts of violence, including sexual exploitation violence.</p>	
	<p>c. Rights of children with disabilities have 29 types of rights other than the rights contained in Article 5 paragraph (1). They are as follow: (1) to get special protection from discrimination, neglect, harassment, exploitation and sexual violence and crime; (2) to get care</p>	

	<p>and care for a substitute family or family for optimal growth and development; (3) to have their interests protected in decision-making; (4) to treat children humanely in accordance with the dignity and rights of the child; (5) to meet special needs; (6) equal treatment with other children to achieve social integration and individual development; and (7) to get social assistance.</p>	
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Based on the rights of PwD presented in Table 3, it is obvious that the PERDA KEPRI does not specify the rights of women and children with disabilities as those under the PwD Law. This happens because the issuance of PERDA KEPRI was in 2012 which referred to the former law on PwD, namely Law Number 4 of 1997 concerning Handicapped Persons. Yet, the PERDA KEPRI remains to be valid since Article 150 of the current PwD Law mentions that all implementing regulations of the former PwD Law shall remain valid to the extent that they are not conflicting with provisions in the current PwD Law. PERDA KEPRI asserts the engagement of all stakeholders in enforcing the rights of PwD. The obligations and responsibilities impose on local governments, legal entities or business entities, communities, and families or parents of PwDas it is described by Article 5,6, 7 and 8 of the PERDA KEPRI. To be more precise about the said articles, Table 4 shows their substances.

Table 4. The Obligations and Responsibilities of Stakeholders on the PwD Rights

Local Government (Article 5)	Legal Entities or Business Entities (Article 6)	Communities (Article 7)	Families or Parents of PwD (Article 8)
Responsibilities	Obligations and	(1) The community has	The legal

<p>and Responsibilities of Local Governments include:</p> <ol style="list-style-type: none"> a. Implement policies for the protection of persons with disabilities determined by local governments; b. Establish policies, programs, and activities for the protection of persons with disabilities; c. Cooperate in the implementation of the protection of persons with disabilities; d. Provide support for facilities and infrastructure for the protection of persons with disabilities; e. Allocate budget for the implementation of the protection of persons with disabilities in accordance 	<p>responsibilities of legal entities and business entities in providing protection to persons with disabilities as partners of the Regional Government in implementing the protection of persons with disabilities.</p>	<p>obligations and responsibilities through participation, as follows:</p> <ol style="list-style-type: none"> a. Provide protection to persons with disabilities; b. Participate in the implementation of protection for persons with disabilities; and c. Provide data and information and/or report to local government officials and/or law enforcement officers in the event of a violation of the implementation of the protection of persons with disabilities. <p>(2) Community participation is a conscious effort by utilizing existing capabilities in the context of realizing independence and welfare for persons with disabilities based on the provisions of laws and regulations.</p> <p>(3) Community participation as referred to in paragraph (1) is carried out through the following activities:</p> <ol style="list-style-type: none"> a. Providing advice and consideration to local governments; 	<p>obligations of the family and/or parents to have full responsibility as a family member [of PwD].</p>
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<p>with the regional financial capacity;</p> <p>f. Assist and facilitate district/city local governments in overcoming problems in the implementation of the fulfillment of the rights of persons with disabilities;</p> <p>and</p> <p>g. Fostering and supervising the implementation of the protection of persons with disabilities.</p> <p>h. Further provisions regarding the obligations and responsibilities of local governments for the protection of persons with disabilities are regulated by a Governor Regulation.</p>		<p>b. Providing accessibility for persons with disabilities;</p> <p>c. Establishment of facilities and implementation of rehabilitation for persons with disabilities;</p> <p>d. Procurement and provision of expert or social assistance to implement or assist in implementing improvements social welfare for persons with disabilities;</p> <p>e. Providing assistance in the form of material, financial and services for persons with disabilities;</p> <p>f. Providing equal opportunities and treatment for persons with disabilities in all aspects of life and livelihood;</p> <p>g. Providing employment or business opportunities;</p> <p>h. Other activities that support the implementation of the fulfillment of the rights of persons with disabilities in accordance with</p>	
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		<p>the provisions of laws and regulations; and</p> <p>i. Procurement of facilities and infrastructure for persons with disabilities.</p> <p>(4) Community participation as referred to in paragraph (1) may be carried out by individuals, groups, legal entities, foundations, business entities and/or community institutions.</p>	
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Source: The Riau Islands Province Regional Regulation No. 3 of 2012 concerning the Protection and Empowerment of Persons with Disabilities

PERDA KEPRI have been enforced by the stakeholders. For example, on 14 April 2022 the Department of Community and Village Empowerment, Population and Civil Registration (*Dinas Pemberdayaan Masyarakat dan Desa Dukcapil*) of the Riau Islands Province conducts the Simultaneous Movement for Population Administration Services for PwD.¹⁸ "This activity follows up on the circular letter of the Director General of Population and Civil Registration of the Indonesian Ministry of Home Affairs dated March 28, 2022, regarding the follow-up to the joint movement for administrative services for persons with disabilities." The activities consist of "Data Collection, Recording and Issuance of Population Documents to Build Inclusive Communities in the Riau Islands Province and the entire Sumatra Region".¹⁹ The Indonesian Professional Social Workers Association (*Ikatan Pekerja Sosial Profesional Indonesia/IPSPI*) of Riau Islands Province together with the Riau Islands Provincial Social Service and the Ministry of Social Affairs held social assistance activities for people with disabilities in Riau Islands Province in September 2021. This social assistance

¹⁸ Dinas Pemberdayaan Masyarakat dan Desa, Kependudukan dan Pencatatan Sipil Provinsi Kepulauan Riau, "Kepri Siap Sukseskan Pelayanan Adminduk Bagi Penyandang Disabilitas," Dinas Pemberdayaan Masyarakat dan Desa Kependudukan dan Pencatatan Sipil Provinsi Kepulauan Riau, 2022, <https://pmddukcapil.kepriprov.go.id/2022/04/16/kepri-siap-sukseskan-pelayanan-adminduk-bagi-penyandang-disabilitas/>.

¹⁹ Ibid.

activity is to provide assistive devices for PwD (blind, deaf or mentally retarded persons).²⁰ The Lingga Police Chief, AKBP Fadli Agus, accompanied by the Communication Forum for Families of Persons with Disabilities (*Forum Komunikasi Keluarga Penyandang Disabilitas/FKKPD*) on 4 November 2022 provide the material supports to a person with a physical disability since birth in Dabo Lama Village, Singkep District, Lingga Regency.²¹ The Office for the Protection of Women and Children (PPA) of Riau Islands Province in Tanjungpinang City from 14-21 October 2022 provided special services and protections to a girl with a disability who was sexually abused by her own father.²²

E. Conclusions

PERDA KEPRI on PwD has incorporates the principles, purposes and rights under the CRPD. Nevertheless, it integrates, adapts and adds specific principles, purposes and the PwD's rights to accommodate the characteristics of the Riau Islands Province. Both the CRPD and PERDA KEPRI have similar purposes, but the PERDA KEPRI also imposes obligations on PwD to balance the rights and obligations of PwD in their daily life engagements. Different from the CRPD, the PERDA KEPRI does classify the rights of PwD into the civil, political, economic, social, and cultural rights. However, the rights for PwD under the CRPD have been adopted by the PERDA.

The current PwD Law is different from the PERDA KEPRI because the later does not specify the rights of women and children with disabilities as those under the PwD Law. This happens because the issuance of PERDA KEPRI was referred to the former law on PwD. However, this PERDA remains to be valid because the current PwD Law declares that all implementing regulations of the former PwD Law shall remain valid to the extent that they are not conflicting with provisions in the current PwD Law.

The commitments of the Riau Islands Province to protect, respect and enforce the rights of PwD are not only manifested in its written law which is complied with the national and international legal instruments, but it also realizes its local law on PwD concretely. In practices, not only the KEPRI local government but also local NGOs and communities have worked together to implement the PERDA KEPRI by providing various assistance and activities for PwD.

²⁰ Tobari, "IPSPI Kepri Gelar Asistensi Sosial Bagi Penyandang Disabilitas," InfoPublik, 2021, <https://infopublik.id/kategori/nusantara/568499/ipspi-kepri-gelar-asistensi-sosial-bagi-penyandang-disabilitas>.

²¹ TBNews, "Kapolres Lingga Berikan Bantuan Sosial Dan Santunan Kepada Penyandang Disabilitas Dalam Rangka Program Jum'at Berkah," TBNews, 2022, <https://tribrataneews.kepri.polri.go.id/2022/11/04/kapolres-lingga-berikan-bantuan-sosial-dan-santunan-kepada-penyandang-disabilitas-dalam-rangka-program-jumat-berkah/>.

²² Harry Suryadi Putra, "PPA Kepri Terus Dampingi FVA, Gadis Disabilitas Yang Hamil Diperkosa Ayah Kandung," batamnews, 2022, <https://www.batamnews.co.id/berita-93694-ppa-kepri-terus-dampingi-fva-gadis-disabilitas-yang-hamil-diperkosa-ayah-kandung.html>.

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