



## **LEGAL PROTECTION AND THE PROBLEM OF ACCESSIBILITY FOR DIFFABLE: A Comparative Study between Islamic Law and Indonesian Law**

**Yayan Sopyan**

UIN Syarif Hidayatullah

yayan\_sopyan@uinjkt.ac.id

### **Abstract**

As a Nation of Laws, every citizen is guaranteed to their freedom, being admitted and protected to their dignity, and also possesses the same position in the presence of law. Indonesia acknowledges and protects the human rights of its citizens without differentiating their background as enshrined in the 1945 Constitution. Part of Indonesian citizens is diffable (different in ability) group and they are supposed to have the same rights, responsibility, and positions as others. However, they have physical and psychological limitations and are considered to have difficulties to access public facilities without giving them the proper access. Accessibility is an important role to actualize the parity of opportunities in every aspect of life. It is an easiness provided for diffable people to achieve the same chance. In Islam, the issue of diffability has been discussed too which is drawn from the Qur'an and Hadith as the major source of Sharia. This article aims to point out the intersection between Islamic law and Indonesian law in providing concerns towards diffable people to obtain their rights and to observe how the legal protection to accessibility for diffable has been implemented. It finds that in the normative order, both Islamic and Indonesian law have provided adequate attention and protection for diffable people. Nevertheless, the means to provide access for them is

yet to be optimal. The causes are: inconsistency to properly implement the law, incomplete facilities, and the unfriendly behavior and culture towards people with disabilities.

**Keywords:** Islamic Law, Indonesian Law, Diffable, Accessibility

### **Abstrak**

*Sebagai negara hukum, setiap warga dijamin kebebasannya, diakui dan dilindungi martabatnya, dan juga mendapat posisi dan derajat yang sama di depan hukum. Indonesiamengakuidanmelindungihakasasiwarganegaranya tanpa membedakan latar belakang mereka, sebagaimana tertuang dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Sebagian warga negara Indonesia adalah kelompok difabel (berbeda dalam kemampuan) dan mereka seharusnya memiliki hak, tanggung jawab, dan posisi yang sama dengan yang lain. Namun, mereka memiliki keterbatasan fisik dan psikologis dan dianggap memiliki kesulitan untuk mengakses fasilitas publik tanpa memberi mereka akses yang tepat. Dalam hal ini, aksesibilitas adalah peran penting untuk mengaktualisasikan kesempatan yang setara dalam setiap aspek kehidupan. Aksesibilitas inilah yang menjadi kemudahan yang disediakan bagi orang-orang difabel untuk mencapai kesempatan yang sama. Dalam Islam, masalah difabilitas telah dibahas juga yang diambil dari Al-Qur'an dan Hadits sebagai sumber utama Syariah. Artikel ini bertujuan untuk menunjukkan persimpangan antara hukum Islam dan hukum Indonesia dalam memberikan perhatian terhadap difabel untuk mendapatkan hak-hak mereka, dan untuk mengamati bagaimana perlindungan hukum terhadap aksesibilitas untuk difabel telah dilaksanakan. Artikel ini menemukan bahwa dalam tatanan normatif, hukum Islam dan Indonesia telah memberikan perhatian dan perlindungan yang memadai bagi kalangan difabel. Meski demikian, sarana untuk menyediakan akses bagi mereka*

*belum optimal. Penyebabnya adalah: ketidakkonsistenan untuk mengimplementasikan undang-undang dengan benar, fasilitas yang tidak lengkap, dan perilaku dan budaya yang tidak ramah terhadap para penyandang cacat.*

**Kata kunci:** *Hukum Islam, Hukum di Indonesia, difabel, aksesibilitas*

## **A. Introduction**

Humans have the same position in front of God,<sup>1</sup> own dignity attached to their humanity,<sup>2</sup> are equal one to another and being distinguished by their piousness only<sup>3</sup> as they are created by the same entity which is the soil<sup>4</sup> and also in the perfect form.<sup>5</sup> Therefore, not allowed to make fun of people<sup>6</sup> and divide them into “the perfect” and “disabled” groups. The human creation is God prerogative rights. He is the only One knows the wisdom behind it. Any form of His creations is part of His perfect power and also it is a destiny that cannot be denied. The “deformed” people are indeed not a “failed product of God”, yet they are a group of people who are different from “normal” people in general. So, there is no reason of being disabled to lose dignity and opportunities as well as be a reason for not equalizing them with other citizens in all areas of life, whether political, economic, social, and cultural aspects.

It was written clearly in the Quran (Surah Abasa) about how Prophet Muhammad turned his face away and was glum to Abdullah Ibn Ummi Maktum, Allah reprimanded him hardly.

- 1 Bahanun, Hasan, dan Rabiatul Awwaliyah, *Pendidikan Multikulutrual dalam Menanggulangi Narasi Islamisme di Indonesia*, (Jurnal Pendidikan Agama Islam, UIN Sunan Ampel Surabaya, Year 2017 p. 224,
- 2 Ubaidillah dan Abdul Razak (Editor), *Demokrasi, Hak Asasi Manusia dan Masyarakat Madani*, (Jakarta : ICCE UIN Syarif Hidayatullah Jakarta, 2007) p. 252
- 3 Al-Qur'an Surat Al-Hujarat:13
- 4 Al-Qur'an Surat Annisa:1
- 5 Al-Qur'an Surat Attin: 4
- 6 Al-Qur'an Surat Al-Hujarat:11

Some similar hadith (the Prophet's words) statements also explained similar case as the diffability is a serious concern in Islamic view. Unfortunately, the further elaboration of this verse lacks serious attention from the scholars to deeply observe it and implement it as detailed rules. For instance, in classical fiqh (Islamic Jurisprudence), if there is discussion about disability, then it is only peripheral, less comprehensive, so it does not provide clear legal products.<sup>7</sup>

In the perspective of National Law, the government attempts to provide serious attention to diffable people. Based on the 1945 Constitution of Republic of Indonesia (the 4<sup>th</sup> amendment) in article 28H subsection (2) "*Each person has the right to facilities and special treatment to get the same opportunities and advantages to reach equality and justice.*" Human rights are the rights given to everyone as they are human. Mankind possess them because it is given by God as a noble dignity to be a human being and it's not presented by society or Indonesian law.<sup>8</sup> Hence, it is supposed to be respected, upheld, and protected by the state, government law and everyone for the sake of honour and protection of human dignity.<sup>9</sup> The spirit of the 1945 Constitution of Republic of Indonesia to safeguard disable people is yet to be optimally implemented. There are still some numbers of laws and regulations which do not favour diffable people, and the state's efforts in providing guarantees to them to have accessibility without obstacles, including giving an understanding to the whole community about the importance of providing accessibility to people with disabilities are still limited.

The concerns to diffable people are not always directly proportional to the ideal idea as there are still some parties who still look "one-sided" to their existence. Because of these attitudes, people with disabilities have become vulnerable and marginalized groups in every society. Efforts are being

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7 Rof'ah (ed), *Fikih (ramah) Difabel*, (Yogyakarta: Q Media, 2015) p. vi

8 Ubaidillah dan Abdul Razak (Editor), *Demokrasi, Hak Asasi Manusia dan Masyarakat Madani*, (Jakarta : ICCE UIN Syarif Hidayatullah Jakarta, 2007) p. 252

9 Pasal 1 Undang-undang Nomor 39 tahun 1999 Tentang Hak Azasi Manusia.

made both nationally and internationally, the human rights movement and economic development have also improved, yet, this group of people is still in the last line to be able to enjoy it.<sup>10</sup> Some of them still depend on assistance and compassion of others. They still hardly obtain the opportunity and treatment to be able to act by following their conditions.<sup>11</sup>

Actually, almost every individual will/have experienced to be disabled in their life phase. For example, the older people are likely to experience difficulties related to their physical and social functions. In addition, the majority of extended families have at least one member who has a disability.<sup>12</sup> Based on this phenomenon, it can be observed that there is a gap between *law in book* and *law in action* or between *ius contitutum* and *ius contitutum* in the two legal systems that need to be taken into account. This paper becomes an important matter if it is seen that the real problem of disability is essential in our daily life, but it does not get much attention. Hence, this article aims to compare the provision of accessibility for diffable in Islamic law and Indonesia law in order to understand the intersection between the two laws that can be utilized to safeguard the accessibility rights of the diffable group especially when it comes to accessing public facilities and rituals in Islam.

## **B. Searching the Meaning of Disability**

The term “diffable” has been enhanced significantly over the years from the use of stereotype terms into the sensitive term of human rights. The given name, term, and nickname to disabled group have followed the development of knowledge and awareness of “normal” people towards them.

In ancient Greece, a disabled person was considered a curse, tragedy or unluckiness which could be easily placed

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10 Andrew Byrnes, *Disability From Exclusion to Equity: Realizing The Rights of Persons With Disabilities*, United Nation, Geneve, p. 1

11 Rahayu Repindowaty Harahap dan Bustanuddin, *Perlindungan Hukum Terhadap Penyandang Disabilitas Menurut Conventuon on The Rights of Person With Disabilities*, Jurnal Inovatif Vol. VIII Nomor I Januari 2015, p. 17

12 Syafi'ie, M., “Pemenuhan Aksesibilitas Bagi Penyandang Disabilitas”. *Jurnal Inklusi*. vol. 1,2 ,(2014).

as a sinner and deserved to be punished. It was due to the perspective of primordial people based on their medical perception in which the term “disability” was considered as an individual problem caused by functional limitation and physical or mental abnormality<sup>13</sup>. They unconsciously called the disabled people by their disability which later it became their label. Some calls and nicknames were intended to them such as, “the crooked” because their back was bent, “the blind” for those who had sight problems, or “the stump” for those who did not have legs and/or hands, “the stammer” for those who couldn’t speak,” the Deaf” for those who could not hear, and “the crazy” for those who had mental disabilities. As the time passed by, in Indonesia, these terms underwent significantly with the refinement of words by using the word “tuna”, for instance, “tuna rungu” to those who do not hear, “tuna wicara” to those who cannot speak, “tuna netra” to those who cannot see, or “tuna grahita” to those who have mental problems.

Then there is a shifting of terminology to new perceptions that “disability” is seen more as a social and political conflict. It is considered that problem of disability cannot be arbitrarily become a problem of medical authorities who judge someone as “disabled” but “disability” itself is a struggle in society. So, the term “disabled” becomes a construction which is determined as a forced obscurity to be true.<sup>14</sup>

The term alteration is continuously developed by some language absorption from English to Indonesian, namely by using the word “disable” which means disabled,<sup>15</sup> being disfigure, to be crippled,<sup>16</sup> or individuals who have physical

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13 Rof'ah, *Mengikis Bias Normalisme dalam Fiqih : Upaya Menuju Fiqih (Ramah) Difabel?* In Rof'ah (ed). **Fikih (ramah) Difabel**, (Yogyakarta : Q Media, 2015) hal *Fikih (ramah) Difabel*, (Yogyakarta : Q Media, 2015) p. 2-3.

14 Rof'ah, *Mengikis Bias Normalisme dalam Fiqih : Upaya Menuju Fiqih (Ramah) Difabel?* In Rof'ah (ed). **Fikih (ramah) Difabel**, (Yogyakarta : Q Media, 2015) hal *Fikih (ramah) Difabel*, (Yogyakarta : Q Media, 2015) p. 1.

15 Pusat Bahasa Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*,(Jakarta : Gramedia Pustaka Utama, 2008) p. 327

16 John M Echols dan Hassan Shadili, *Kamus Inggris-Indonesia*, (Jakarta : Gramedia, 2010) cet XXIX p. 184

or mental limitations. Some academics still object to the use of the word “disabled” as it still contains discrimination, therefore, they prefer to use the word “diffable” which stands for “different abilities”, meaning that they have different abilities.<sup>17</sup> This term means that someone can carry out different activities when compared with most people. The main purpose of this shifting term is described as an effort to eliminate all oppression, discrimination, social exclusion of diffable people.<sup>18</sup> Diffable problem is not a physical deficiency or disability but it is social oppression in terms that the social model for the diffable itself is a form of liberation as how society wrongly interpret, not their physical deficiencies.<sup>19</sup>

Even though it remains problematic, the use of certain terms is still acceptable in advocacy needs. The use of the word disability or disability indicates that there are still imbalance conditions and improvements in the society. There are still some unfulfilled rights that cause them not to be equal to majority of people.

The term diffable is currently used by activists of disability issues in the Yogyakarta and Java regions. Diffable is a combination of two words “differently able” or “different ability”. The purpose of this term is to distinguish that diffable is not defects or deficiencies, but it means to have different abilities, or do things differently. Therefore, the connotation is more positive than the word “crippled” or “disabled”.<sup>20</sup> Meanwhile, the term “people with disabilities” appears before the ratification of the UN Convention on the Rights of Persons with Disabilities (UN Convention on the Rights of People with Disability). Being absorbed from the word “Person with Disability” (PWD), the word “disabled” was used to replace the word “handicapped” with an Official Form in Law No. 19 of 2011. This law then was refined to become Law Number 8 of 2016 concerning Persons with Disabilities.<sup>21</sup>

Of all the descriptions above, the most important thing for the author is how the mention of their names can

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17 John M Echols dan Hassan Shadili, *Kamus Inggris-Indonesia*, (Jakarta : Gramedia, 2010) cet XXIX p. 184

18 Rof'ah, p. 9

19 Sakespeare, as quoted by Rof'ah, p. 13.

20 <https://www.kartunet.com/difabel-atau-disabilitas-8063/>

21 <https://www.kartunet.com/difabel-atau-disabilitas-8063/>

provide guarantees that their rights are protected and not marginalized. The marginalization will result in the non-fulfillment of their rights in all sectors of life.

### **C. The Objective Conditions of Diffable People in Indonesia**

According to the Central Statistics Agency, SAKERNAS 2011, the total population of Indonesia was 237,641,326 people with a population of working age was 171,755,077 people. Based on official data from the International Labor Organization (ILO), there were around 15% of the world's population or one billion people were those with disabilities. The number of people with disabilities throughout Indonesia according to SUSENAS in 2000 was 1,548,005 people, and in 2002 the number increased 6.97% to 1,655,912 people.<sup>22</sup> Whereas according to SUPAS 2015, there was 8.56 % of population of people with disabilities in Indonesia.<sup>23</sup> According to Data and Information Center of the Indonesian Ministry of Social Affairs in 2010, the number of dwellers with disabilities was 11,580,117 with a distribution of 3,474,035 visual disabilities, 3.010.830 physical disabilities, 2.547.626 hearing disabilities, 1,389,614 mental disabilities and 1,158,012 chronic disabilities. According to the Head of the Social Rehabilitation Sub-Directorate of Persons with Sensory Disabilities, the Ministry of Social Affairs, Erniyanto, it was said that almost half of the diffable group have a double disability.<sup>24</sup>

people with disabilities are in developing countries and live below the poverty line and often face limited access to health, education, training and decent work. More than 90%

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22 Uning Pratimaratri, *Jaminan Aksesibilitas Bagi Penyandang Catat Sebagai Perwujudan Perlindungan Hak Azasi Manusia*, dalam Muladi, *Hak Azasi Manusia: Hakekat, Konsep, dan Implikasinya dalam Perspektif Hukum dan Masyarakat*. (Bandung : Refika Aditama, 2009) print.III p. 254.

23 <https://ekspedisidifabel.wordpress.com/2018/02/25/membaca-data-disabilitas-indonesia-melalui-supas-2015-penyandang-disabilitas-atau-orang-dengan-beragam-kesulitan/>

24 <https://difabel.tempo.co/read/1266832/berapa-banyak-penyandang-disabilitas-di-indonesia-simak-data-ini/full&view=ok>



of children with disabilities in developing countries do not go to school (UNESCO), while only 1% of disabled women can read (UNDP). The ILO recognizes that data on the condition of disabled people in Indonesia is inaccurate. And this lack of accuracy becomes an obstacle to the implementation of actions and actions that should be obtained.

It is estimated that approximately 82% of people with disability are in developing countries and live in extreme poverty as well as frequently face limited access to health, education, training and decent works. According to UNESCO, of all children with disabilities in developing countries, more than 90% have no education, while 1% of disable women can read (UNDP data).<sup>25</sup> The ILO recognizes that data of disabled people condition in Indonesia is inaccurate. And this lack of accuracy becomes an obstacle to implement the proper actions and treatment toward those groups.<sup>26</sup>

#### **D. The Accessibility of Diffable People to Obtain Justice**

Accessibility comes from the English word “*accessibility*”, which means things can be entered or things that are easily achieved.<sup>27</sup> In the Great Dictionary of the Indonesian Language of the Language Center, ***accessibility*** means that things can enter, things can easily be achieved,<sup>28</sup> things can be used as access; things can be linked; linkages.<sup>29</sup> The means of accessibility on this paper is affordability or easiness of access for diffable people to develop themselves as a compensation for the limitations both physical and mental that exist in them.

Over the past decade, Indonesia has experienced steady progress in increasing per capita income and major progress in eradicating poverty. However, serious efforts are highly required to create equitable development by eradicating or minimizing poverty. The poverty rate is still relatively high and many regions of Indonesia are experiencing inequality,

25 [www.ilo.org/jakarta](http://www.ilo.org/jakarta)

26 [www.ilo.org/jakarta](http://www.ilo.org/jakarta)

27 John M Echols dan Hassan Shadily, *Kamus Ingris-Indonesia*, (Jakarta: Gramedia, 2010) xwt XXIX, p. 5

28 Pusat Bahasa Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*,(Jakarta : Gramedia Pustaka Utama, 2008) p. 30.

29 <https://kbbi.web.id/aksesibilitas>

especially for marginalized and vulnerable communities, including the diffable people. Persons with diffability are still socially isolated and facing discrimination in access to various services, such as health, education, employment, transportation, etc.<sup>30</sup> Based on the perspective of Law science, inequality and not being able to get access to justice is a serious problem, it cannot be tolerated, and it must be solved. According to Adriaan Bedner and Jacqueliene Vel,<sup>31</sup> access to justice will become factual if:

*“...People, notably poor and disadvantaged suffering from injustices have the ability to make their grievances by listened to and to obtain proper treatment of their grievances by state or non-state institutions leading to redress of those injustices on the basis of rules or principles of state law, religious law or customary law in accordance with the rule of law...”<sup>32</sup>*

Justice can be distinguished into two categories, first is legal justice (*legal justice*) and second, social justice (*social justice*).<sup>33</sup> Legal justice is defined as justice according to the existing laws and regulations, while social justice is defined as equality between humans related to social structures.<sup>34</sup>

30 [www.ilo.org/jakarta](http://www.ilo.org/jakarta)

31 Adriaan Bedner & Jacqueline A.C. Vel, *An Analytical Framework For Empirical Research On Access To Justice*, (Governance and Development, Faculty of Law, Leiden University, the Netherlands). article published in: *Law, Social Justice & Global Development (LGD) (An Electronic Law Journal)* on February “6 2011

32 Adriaan Bedner & Jacqueline A.C. Vel, *An Analytical Framework For Empirical Research On Access To Justice*, p. 7

33 Many people think that social justice is a new term, even though it is explicitly mentioned in Pancasila, sila to V: social justice for all Indonesian people. Or also in the Preamble to the 1945 Constitution paragraph 4: “... to promote public welfare, make the life of the nation worry, and to carry out the order of Lithuania based on independence, eternal peace and social justice ...” Joeni Arianto Kurniawan : *Legal Pluralism and Urgency of Socio-Legal Studies Towards the Study and Development of Law with Social Justice*, *Journal of Social Justice (Edition IV / 2014)*. ISSN 2087-2976.

34 Joeni Arianto Kurniawan, *Pluralisme Hukum dan Urgensi Kajian Socio-Legal Menuju Studi dan Pengembangan Hukum Yang Berkeadilan*

In law enforcement, the fulfillment of justice only comes from legal justice, although it is not enough and requires social justice. The aspect of social justice is closely related to the issue of access to justice determined by the social structure. Thus, to achieve justice, the legal review process can no longer use a positivistic approach which insinuates legal studies in a doctrinal-normative manner but it is broadened its spectrum to social studies outside of legal science.

The rules and attention by the government are inevitably required by diffable people to obtain good access in their lives, such as acquiring decent jobs and justice. While for the community, having awareness towards diffable groups to receive the same rights and positions, having empathy and care, being respectful to help them is a commendable act as a citizen, and this is a part of civil society. The society are supposed to ensure the respect, promotion, protection and fulfilment of human rights of people with disability to actualize their better standard of living that is higher quality, fair, physically prosperous, independent, and dignified.

Accessibility to people with disabilities in Indonesia has yet to be fully embodied as stated in the explanation of Law No. 4 of 1997 concerning Disabled Persons, that protection efforts are inadequate beside the prediction of increase of people with disabilities in the future.<sup>35</sup>

### **E. Who Has the Obligation to Provide Access to Diffable People?**

As regulated in Act of Law No 8 of 2016 concerning Persons with Disabilities, it was stated that the State must be present to build disabled-friendly facilities as well as protecting and guaranteeing the implementation of human rights are the duty and responsibility of each individual, community and state. If the person is not capable, then it is

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*Sosial*, Jurnal Keadilan Sosial ( IV edition/2014). ISSN 2087-2976.

35 Uning Pratimaratri, *Jaminan Aksesibilitas Bagi Penyandang Catat Sebagai Perwujudan Perlindungan Hak Azasi Manusia*, dalam Muladi, *Hak Azasi Manusia: Hakekat, Konsep, dan Implikasinya dalam Perspektif Hukum dan Masyarakat*. (Bandung : Refika Aditama, 2009) print.III P. 260.

the responsibility of the community, and if the community is unable to do so, then it is the responsibility of the organization. This means that the state becomes the *last report* of the system in fulfilling human rights.<sup>36</sup> A country is considered successful if it is able to fulfill and protect the rights of its citizens properly.<sup>37</sup>

For example in Islamic Law, the Jum'ah prayer is mandatory for diffable men if there are people assisting them, voluntarily or being paid.<sup>38</sup> It is the responsibility of community and the government to provide volunteers to assist them in going to mosque or facilitate them with *Guiding Block* to the mosque entrance, ablution center, toilets and also the specialised stairs. Additionally, the assistance for those with hearing disability, the mosque should support them with interpreter or running text on LCD projector to show the Jumuaah speech.<sup>39</sup> According to School of Thought of Syafi'i (Madzhab Syafi'i) as most of Indonesian Muslims implement it, the jumuaah speech is considered mandatory to be followed and also is a pillar of Jumah prayer based on the rules of Ushul Fiqh: *an order to do something is the order to carry out its intermediaries*.<sup>40</sup>

This statement means that if performing Friday prayers there must be a speech and the core of the sermon is "*wasiat bi at-ttaqwa*" or religious advice and it should be well understood by all worshipers. In order for diffable people understand the contents of Friday speech, the means to understand them must be available. The pilgrims' obligation to listen to the sermon and prohibit other activities (Insat) to all worshipers should be excluded to the interpreters, as their position is to assist the diffable people.

36 Lembaga Bahsul Masail (LBM) PBNU, *Fiqh Penguatan Penyandang Disabilitas*, (Jakarta : Lembaga Bahsul Masail PBNU, 2018) p. 53

37 Masdar F. Mas'udi, *Syariah Konstitusi : UUD 1945 Perspektif Islam*, (Jakarta P3M : 2010) p. 205.

38 Muhyiddin Syarif An-Nawawi, *Al-Majmu' Syarh al-Muhadzab* (Jedah : Maktabah Al-Irsyad, tt) vol IV, p. 352.

39 Lembaga Bahsul Masail (LBM) PBNU, *Fiqh Penguatan Penyandang Disabilitas*, (Jakarta : Lembaga Bahsul Masail PBNU, 2018) p. 92- 95

40 Muhammad Khitob. *Qurotul ain sarh al waroqot*. (Jakarta : Darul kutub islamiyah. 2011) p. 51

Likewise with people having other type of diffabilities, mosques must be able to provide access to use wheelchairs or stairs made specifically for wheelchairs, and the size of the mosque doors that allow wheelchairs to enter. If the cleanliness of mosques is taken into account, there are actually several alternative solutions that can be offered, namely: first, a place/tool to clean the wheelchair before entering the mosque, so that the dirts attached to the wheels can be cleaned beforehand; second, the mosque provides a special wheelchair for inside the mosque, so that the diffable persons can change the wheelchairs once they enter the mosques. When the mosques committees fail to support them with these facilities, it becomes obstacle for diffable people to worship or study the religious knowledge inside the mosque. As a result, people with disabilities will naturally be discriminated and excluded due to the lack of access to public space and the scientific information caused by deficiencies that are not their faults.<sup>41</sup>

## **F. Indonesian Law and Diffability Issues**

Generally, there are 3 groups of laws and regulations governing disability issues and accessibility of persons with disabilities for justice and equality: first, Legislation friendly for diffable groups is legislation and laws that implicitly and technically regulates how diffable people obtain the access. This law has the attempt to provide legal protection for the position, rights, obligations and role of persons with disabilities, which are:

- a. Law No. 39 of 1999 concerning Human Rights, articles 41, 42 and 54. Article 41 paragraph (1) every citizen has the rights to social security needed to live properly for his personal development as a whole. Paragraph (2) every person with a disability, an elderly person, a pregnant woman and children, is entitled to special facilities and treatment. Article 42, “every citizen who is elderly, physically handicapped and/or mentally registered has the right to receive special care, education, training and assistance

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41 Lembaga Bahsul Masail (LBM) PBNU, *Fiqh Penguatan Penyandang Disabilitas*, (Jakarta : Lembaga Bahsul Masail PBNU, 2018) p. 114

or state funds, to guarantee a decent life in accordance with his human dignity, increase self-confidence, and adaptability in life social, national and state. Article 54, “every child who is physically and mentally disabled is entitled to receive care, education, training and special assistance at the expense of the state, to guarantee that their lives are in accordance with human dignity, increase self-confidence, and be able to adapt in the life of society, nation and state.

b. Law No. 25/2009 on Public Services, the article 29 states that public service providers must provide special services to persons with disabilities in accordance with regulations. Included in public services are:

1. Law No. 13 of 1992 on railways, article 35 paragraph Undang-undang No 13 tahun 1992 Tentang Perkeretaapian, paragraph (1) *persons with disabilities and/or sick people are entitled to receive services in the form of special treatment in the field of railroad transportation.*
2. Law No. 19 of 2011 concerning ratification of convention on the rights of persons with disabilities, especially article 12 which regulated the equality of rights and recognition of diffable people legally wherever they stay and the obligation of state administrators is to make easily accessible public service infrastructure diffable people.
3. Law No. 14 of 1992 concerning the Road Traffic and Transportation, article 49 *“people with disabilities are entitled to receive services in the form of special treatment in the field of traffic and road transportation.”*
4. Law No. 15 of 1992 on Aviation, article 42 paragraph (1) *“persons with disabilities and sick people are entitled to receive services in the form of special treatment in commercial air transportation.”*
5. Law No. 28/2002 regarding the Buildings, article 27 (2) *“the ease of connection to, from, and inside buildings as referred to in paragraph (1) includes the availability of facilities and easy, safe and comfortable accessibility to all people including the disabled group and elderly men.*

*Additionally, article 31 stated “provision of facilities and accessibility for persons with disabilities and elderly as referred to in article 27 paragraph (2) is a must for all buildings, except for houses”.*

- c. Law No. 23 of 2002 concerning Protection of Children, *“the state and government are obliged and responsible to respect and guarantee the human rights of every child without discrimination of ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status of children, child birth order, and physical and/or mental conditions.”*
- d. Law No. 143 of 2003 about employment, on article 5 it was written that *“the state guarantees all workers to have equal opportunities without discrimination to obtain decent work and livelihoods”*. The same opportunity is also given to people with disabilities. Besides, the Law No. 4/1997 regarding Persons with Disabilities and Government Regulation 43/1998 concerning Efforts to Improve Social Welfare of Persons with Disabilities (1997/1998) specifically regulate people with disabilities. Article 14 stipulates a 1 percent quota for the employment of diffable persons in government and private companies. Article 5 states that *“every person with a disability has equal rights and opportunities in all aspects of life”*. Meanwhile, the article 6 lists various rights for persons with disabilities such as education, employment, equal treatment, accessibility, and rehabilitation.
- e. Law No. 20 of 2003 about Education, article 5 (2) *“citizens who have physical, emotional, mental, intellectual, and/or social disabilities are entitled to obtain special education.”*
- f. Minister of Manpower and Transmigration Regulation No. KEP-205/MEN/1999 on article 7 states that *“persons with disabilities are entitled to vocational training certificates”*.

Second, legislations that explicitly regulate the rules for diffable groups, for instance:

- a. Law No 6 of 1974 regarding the Basic Social Welfare provisions. The article 1 states that *“every citizen is entitled to the best possible level of social welfare and is obliged to participate in social welfare efforts as much as possible.”*

- b. Law No. 23 of 1992 concerning Health. The article 4 states that *“everyone has the same rights to obtain optimal health status.”*

Third, legislations that are discriminative and stand with diffable groups, such as:

- a. Law No. 1 of 1974 about Marriage, article 4 paragraph (2) *“the court will only give permission to the husband to have more than one wife if: (a) the wife cannot fulfill her obligations as a wife (b) the wife has a disability or incurable disease ( c) the wife cannot give birth to offspring.”*

Additionally, on article 39 paragraphs (2) *“concerning matters that can be used as reasons for divorce are: (e) one of the parties has a disability or illness that results in being unable to carry out his obligations as a husband/wife”.*

- b. In the Book of Criminal Law on article 1 number (26) states that those who can provide information about the interests of prosecution and justice regarding a criminal case are those who see, hear, and experience it themselves. When witnesses are the diffable persons who have double disabilities, based on the provisions of the Criminal Procedure Code they are not included in the definition to be able to provide information or testimony in a clear and detailed manner and their testimony is considered doubtful. In the Criminal Procedure Code No. 178 only regulates the special rights for deaf and mute witnesses (including those who cannot write) to obtain the interpreter/translator and the rights to acquire all questions or reprimands in writing for the silent and/or deaf witnesses who can write.

Based on the above, there is some legislation that is discriminative towards diffable people in Indonesia. This legislation was enacted long before the state amended the 1945 Constitution which now guarantees the rights of accessibility for diffable people as mandated by the international human rights instruments mentioned above.

## **G. Islamic Law and Diffability Issues**

One day, Prophet Muhammad held an important meeting at Al-Aqram (home of the Messenger of Allah) with



the leaders of the Quraysh tribe, the aim was to invite them to convert to Islam. Important figures present at the forum were Walid bin Mughirah, Uthbah bin Robi'ah, Abu Jahal bin Hisham, Umayyah bin Kholaf, and Ubay bin Kholaf.<sup>42</sup> The Prophet considered that if these figures converted to Islam, it would accelerate the spread of Islam because of their influences to the community. But then, a diffable person name Abdullah bin Ummi Maktum who had sight problem came over.<sup>43</sup>

As he could not see, he asked the Prophet "*Ya Rasulallah, please guide me*". However, the Prophet did not respond, turned away and showed that he did not like him. His showed attitudes because of the meeting with noble people of Quraish tribes and also was afraid if his respond to him would humiliate these people who considered that diffable people were imperfect and sinful. Ibn Ummi Maktum then asked, "*Ya Rasulallah, can you please read the Quran for me?*", yet, the Prophet still did not respond. He then questioned again "*Do I interrupt you?*"<sup>44</sup> As Rasulallah still had no response, Ibn Ummi Maktum feel dejected and left the Al Arqom sadly as he felt being ignored. After that meeting, no Quraish leader was interested in reverting to Islam. The prophet then realised that he had done huge mistake to ignore and offend Ibn Ummi Maktum who requested him to teach about Islam. Then, the Prophet searched Ibn Ummi Maktum to apologise. On his way, Allah sent a verse to reprimand the Prophet's attitude by stating "*He (Muhammad) was surly and turned his face away because a blind man had*

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42 Jamaluuddin Abu al-Farj Abd al-Rahman ibn Ali ibn Muhammad al-Jauzi, *Tafsir Zaadul Masir fi Ilmi at-Tafsir*, (Bairut : Darul Fikr, 1990) vol IV p. 399. See, abi Ja'far Muhammad bin Jabir at-Thabari, *Tafsir At-Thabari*, (Kairo : Daar al-Salam, 2007) vol. 24 p. 217. See, Nashr Al-Diin Abu Said Abdullah ibn Umar ibn Muhammad al-Syairaziy al-Baidhawi, *Anwar al-Tanzil wa Asroor al-Ta'wil*, (Bairut : Dar Ihya al-Turats, 1418 H). vol V P. 286

43 Nama asli Ibn Ummi Maktum adalah Abdullah ibn Syuraih ibn Malik ibn Rabi'ah al-Fihriy dari Bani Amr bani Luay. Dalam Abu Muhammad al-Husaini Mas'ud ibn Muhammad in La-Farra al-Baghawi, *Ma'alim al-Tanzil fi Tafsir al-Qur'an*, (Bairut: Dar Ihya al-Turats al-Arabi, 1420 H), vol VIII P. 332

44 Narrated by At-Turmudzi Hadis Number, 2651.

*come to him. You know, maybe he wants to cleanse himself (from sin), or he wants to learn something. Then the teaching benefits him. As for those who feel themselves to be sufficient, then you serve it...*" (Surah Abasa 1-6). Being aware of his mistake, the Prophet asked his companions to search for Ibn Ummi Maktum to come over. Once he came in, the Prophet welcomed him well and said "Welcome to the person who made me being reminded by Allah".<sup>45</sup> He then opened his turban and invited Ibn Umm Maktum to sit on it. It made Ibn Ummi Maktum became happy.<sup>46</sup> Ibn Ummi Maktum was a relative of Siti Khadijah, his first wife. He was also a muezzin, just like Bilal bin Rabah and also the first diffable person to join the war as a black flag holder. He then died as a martyr in the war of al-Qodasiyah.<sup>47</sup>

The case of Ibn Ummi Maktum became the tipping point of Islamic society toward the diffable people in which 14 centuries ago, Islam has taught its believers to provide the rights and needs of diffable groups. Rasulullah emphasised that diffable did not influence the perfection of a human in front of Allah as long as they have strong beliefs. He also taught that being diffable was not punishments from God but it was a remission of sins they had committed. As explained in a Hadith "*no Muslim is impaled by a thorn or anything more, except Allah records his goodness and removes his sin.*" (HR Bukhari).<sup>48</sup> According to the scholars, it was a reward of

45 Ala'uddin Ali ibn Muhammad Ibn Ibrahim ibn Umar al-Syaihi, *Lubab al-Ta'wil fi Ma'ani al-Tanzil*, (Bairut: Dar al Kutub al-ilmiyah, 1415 H) vol IV p. 394

46 Abi Abullah Muhammad ibn Ahmad al-Anshari Al-Qurthubi, *al-Jami li ahkamil Qur'an*, ((Kairo : Darul Hadits) Juz IX hal 211. Lihat juga Wahbah al-Zuhaili, *Tafsir Al-Munir*, (Bairut : Darul Fikr, 1991) Juz XXX hal. 60 Compare with Ismail ibn Katsir, *Fafsir al-Qur'an al-Adziim*, (Dar Ihya al-kitaab al-Arabiyah, without year of publication), Vol IV P. 470.

47 Alamuddin Ali ibn Muhammad ibn Ibraahim ibn Umar al-Syaihiy Abu al Hasan, *Lubab aTa'wil fii Ma'aani al-Tanziiil*, (Bairut: Daar al-Kitab al-Ilmiyah, 11415 H), Juz IV hal.394. the war took place in the 14th year of Hijriyah in the Caliphate of Umar bin Khattab against the Persian forces.

48 Ibn al-Hasan Nuruddin Muhammad Abdul Hadi as-Sindi, *Shahih Al-Bukhari*, (Bairut : Daar al-Kitaab allmiyyah :1998) Juz IV, p. 3. Hadis number. 5642.

pain given to a Muslim and some other scholars said that the rewards come from the patience.<sup>49</sup>

During his life, Ibn Umami Maktum was ever asked by Rasulullah to be the leader of Mecca city when he was not in town.<sup>50</sup> He gave his great trust to diffable person. Rasulullah also believed that “limitation” owned by Ibn Umami Maktum did not obstruct his duty and responsibility. He also wanted to teach the Islamic community that diffable people were not supposed to be marginalised because they also had potential that can contribute and benefit others.

Another example was a story of Prophet Companions named Julaibib. Julaibib had a small body (midget) and ugly. Some people of Madinah were not happy with the presence of Julaibib, but the Prophet befriended with him, cared and lifted his dignity. Rasulullah said: “*Verily this Julaibib is part of me and I am part of him.*” He even proposed a beautiful girl to Julaibib.<sup>51</sup> In the marriage of Julaibib to his wife, the Prophet prayed:

*“Dear God, please bestow on both of them goodness, and do not make their lives difficult.”<sup>52</sup>*

The attitude of the Prophet was a real picture of how the principle of inclusion or equality for persons with disabilities must be applied. He advocated and concreted actions in order to educate his people about the importance of accepting, prospering and empowering people with

49 Zainuddin Muhammad Abdurrauf bin Taj a;-Arifin Ali bin Zainal Abidiin Al-Hadady, *Faidh Al Qadir Syarh Al-Jaami al-shogir*, (Mesir: al Maktabah al-Tijariyah al-Kubro, 1356 H). Vol, p. 634.

50 The Prophet appointed Abdullah ibn Umami Maktum to be Mayor of Medina when the Prophet left 13 cities, including during the Qararahu al-Kudr war, Bahraan, Uhud, Hamrau al-Asad, Banu al-Nadir Khandaq, Banu Quraidzah, Banu Lahyan, Gabah, Al-Fath and Hunain. In Ahmad bin Ali al-Maqrizi, Taqiyuddin Abu al-Abbas, Rasa’il al-Maqriziy, (Darul Hadis, 1999), p. 133.

51 Abu al-Fada’ Ismail ibn Umar ibn Katsir al-Quraisy, *Tafsir al-Qur’an al-Adzim*, (Bairut: Daar Thabi’ah wa al-Tauzi’, 1999) Vol VI p. 422. See, Abu Abdillah Ahmad bin Muhammad bin Hanbal ibn Hilal ibn asad al-Syaibaani, *Musnad al-Imam Ahmad bin Hanbal*, (Muassasah al-Risalah, 2001) hadis Number 12393. vol XIX p. 385

52 Musnad Al-Imam Ahmad bin Hanbal, Hadis Number. 19784

disabilities. The dignity of the diffable people was elevated and honored in Islam. Rasulullah also reminded that Allah did not consider how the form of human body and likeness, but He saw their hearts. In Islam, people with disabilities should not be seen as a “failed product of God”, but they are different looks who also have the same rights and obligations as other normal humans. Rasulullah was truly presented as enlightenment for those who have limitations and increased their confidence. The Prophet has protected the rights of persons with disabilities and eliminated discrimination based on diffability, which was prevalent before the advent of Islam.

The Surah Abasa commemorates the physical limitations of someone who truly devoted himself to God is far more noble than someone who is strong and but have no desire to believe in Allah. This verse also gives a substantial message that Muslims should not harass, insult and make subornation of diffable people in the living system.

Mentioning disability of a diffable person is immodesty because it can hurt their feelings, except in certain cases which are benefit for themselves. Al-Baidhowi in his interpretation states that the mention of the disabled with “blind” for example is allowed with the aim (1) as a notification to the general public to give an understanding of the limitations of persons with disabilities, and (2) as an indication that people with disabilities have more rights to be treated nicely.<sup>53</sup> Unfortunately, the strong message given by Rasulullah are not well understood and implemented in detail both theoretically and practically. For example there are still few scholars who discussed the diffable case. Even if so, it is only partial and superficial, although the case itself is a complex problem.<sup>54</sup> In a practical setting, there are still many legal issues that have not been thoroughly discussed, including the appearance of a new fiqh that is pro on the accessibility of diffable people. So that in most mosques in Indonesia it is very difficult for diffable groups to enter the mosque to worship, because of the problem of accessibility that is not prepared.

53 Al-Baidhawī, Vol VIII p. 332

54 Abdullah Fikri, *Resensi Buku Fiih (Ramah) Difabel*. on Jurnal Inklusi, Vol 2 No. 1 Januari-Juni 2015.

## **H. Seeing Accessibility of Diffable People through *Law in Action***

In reality, the diffable people still face difficulties to access public facilities, political role, access to employment, legal protection, access to education, information and also health services. The road traffic facilities and public transportation equipment in Indonesia are not easily accessible to people with disabilities and other special needs such as pregnant women and elder people.<sup>55</sup> From the description above, it seems very clear that legal regulations in Indonesian law are not fully in favor diffabel groups, especially For Moslem diffabel, where they need access to the mosque for worship. In the implementation of Islamic law in the field, there are still very few mosques that are friendly to disabled groups, both access to the mosque, treating them, as well as their needs in accessing their knowledge according to the level or type of diffability they assume.

There are several steps that must be corrected for the realization of the fulfillment of the rights of persons with disabilities in their accessibility. *First*, make regulations that are more concerned with people with disabilities, and are followed up with more technical regulations so that it is clear who does what and whose responsibilities? *Second*, there must be a very serious effort to educate and disseminate to the general public about the value of principles, responsibility, respect, empathy, caring, and willing to help people with disabilities. *Third*, there must be an attempt to re-actuality the understanding of fiqh, from the fiqh paradigm “for normal humans in general” - where the way of thinking is very common for normal people, and for those who are not normal to use *rukhsah* (legal exceptions) - to be “diffable-friendly fiqh” more responsive and pro-disabled people who prioritize their rights to access worship and knowledge.

The public facilities in Jakarta, for example, the Regional Regulation of Jakarta No.10 of 2011 concerning

55 Uning Pratimaratri, *Jaminan Aksesibilitas Bagi Penyandang Catat Sebagai Perwujudan Perlindungan Hak Azasi Manusia*, dalam Muladi, *Hak Azasi Manusia : Hakekat, Konsep, dan Implikasinya dalam Perspektif Hukum dan Masyarakat*. (Bandung : Refika Aditama, 2009) Print .III p. 260.

Protection of Persons with Disabilities is a response to Law No.19 of 2011 about the Ratification of the Convention on the rights of persons with disabilities which was held on 18th October 2011. However, in the order of its application, it is yet to be fully implemented. The facts illustrate clearly how the infrastructure of providing physical accessibility for persons with disabilities is still very limited and not well maintained. In this factor, many thought that the law enforcement referred by Soerjono was administrative law enforcement and so on. In fact, Soerjono has emphasised that law enforcement is carried out by an agency. In this case, Regional Regulation No. 10/2011 only explained about the two agencies that really “*busy*” in carrying out this regional regulation, which are the Governor as the head of the region, and the Social Service as the organizer of this regional regulation. Many parties should have been involved in implementing this Regional Regulation, but almost 80% of duties are charged to the Social Service institution, even though each Regional Work Unit (SKPD) has its own portion.<sup>56</sup> For instance in pedestrian infrastructure, it should be the responsibility of the Jakarta Transportation Agency and is not the responsibility of the Social Service. The Social Service is only as a leading sector to assist other SKPD. This law also did not specify which agency must provide facilities for persons with disabilities in Jakarta. This confusion and lack of clarity has resulted in more works for the Social Service to provide some facilities needed by diffable groups.<sup>57</sup>

Another case is on the street such as unmaintained guiding blocks. Some buiding blocks have flatted to its surrounding and make it difficult for diffable people especially the blind persons (*tuna netra*) to use them. The guiding blocks (coloured in yellow) are facilities provided by Government of Jakarta to assist the blind people in their daily life. More over, there are also other problems such as the ramp (the inclined

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56 Sandra Fitriyana, *Efektivitas Peraturan Daerah Nomor 10 Tahun 2011 Tentang Perlindungan Penyandang Disabilitas Untuk Penyediaan Aksesibilitas Fisik di Kota DKI Jakarta*, Skripsi Program Studi Ilmu Hukum Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, 2018, P. 47

57 Sandra Fitriyana, P. 47

plane) for people with wheelchairs is still limited and the wheel where the elevator button is rather high and difficult to reach by diffable persons using a wheelchair. Additionally, the difficulties on taking train as their daily transportation where the special doors for wheelchairs passengers are always closed due to the frequent use by normal people. Also, the toilet specifically designed for diffable people are used often by non disable persons with no ashame.<sup>58</sup>

The accessibility of diffable people in education remains a huge problem as the ability of Government in supporting facilities for these groups of people is still limited factually in which 80% of the school is managed by private parties and 20% by state government.<sup>59</sup>

In the economic sector, people with disabilities are classified as more vulnerable to poverty in each country, whether measured by traditional economic indicators such as GDP or, more broadly, in non-monetary financial aspects such as living standards, education, health and living conditions. Nearly 785 million women and men with disabilities are of working age, but the majority of them do not work. Those who work generally have a smaller income than non-disabled workers in the informal economy with little or no social protection.<sup>60</sup> Persons with disabilities are often excluded from education, vocational training and employment opportunities.<sup>61</sup> They also have problems to indentify the money because the Rupiah does not have a “*Blind Code*”. In the world of banking, a blind person cannot independently carry out transactions because they are considered incompetent in law. Therefore, they must authorise other people who are legalised by a notary to perform the financial transactions.<sup>62</sup>

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58 Sandra Fitriyana, p. 48

59 Uning Pratimaratri, *Jaminan Aksesibilitas Bagi Penyandang Catat Sebagai Perwujudan Perlindungan Hak Azasi Manusia*, dalam Muladi, *Hak Azasi Manusia : Hakekat, Konsep, dan Implikasinya dalam Perspektif Hukum dan Masyarakat*. (Bandung : Refika Aditama, 2009) Print.III p. 260.

60 [www.ilo.org/jakarta](http://www.ilo.org/jakarta)

61 [www.ilo.org/jakarta](http://www.ilo.org/jakarta)

62 Uning Pratimaratri, *Jaminan Aksesibilitas Bagi Penyandang Catat Sebagai Perwujudan Perlindungan Hak Azasi Manusia*, dalam Muladi,

The society must be well educated as many of them do not know and realise the rights of people with disabilities. The government has not optimally socialized the regulations and even prefers to use legal fiction, which assume that the public already knows the regulations when they are enacted. Practically, there are still many people who have no idea about the function and meaning of the tools or symbols labelled on some public facilities. For instance, the yellow guiding blocks on the pedestrian line that is still wrongly used by many people. Lots of street vendors (such as those in Tanah Abang market) re-occupy the pedestrian path, and annexing the yellow line that should be intended for diffable people. Similar case is also shown in front of Kebayoran Station where the street vendors use these yellow guiding blocks as their barrier to their street shops. Or the use of the shoulders or pedestrian as a business space for small people, such as in front of Kebayoran Station, many pedestrians who use this pedestrian without knowing what exactly the purpose of the pedestrian is made and use the guiding block as a barrier to their selling place. A street vendor name Suryo (50 years old) told “... *this yellow line is the limit for us not to take too much area of pedestrian path.*”<sup>63</sup>

The matter that must be disseminated to the community is the attitude of willingness to help those with disabilities. One of the obstacles to assist the diffable people might be “*kemahraman*” which is the degree of being able to touch/hold someone. In Islam, “*kemahraman*” is one of the strength taught on how to maintain relationships between genders without marriage in order to safeguard someone from the negative things.<sup>64</sup> However, for some urgent conditions, it needs to be ruled out when it comes to helping diffable people. This is also in line with what was conveyed by Ibn Hajar al-Asqalani that “there is a chapter explaining whether a man may treat women and women treat men. As for the

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*Hak Azasi Manusia : Hakekat, Konsep, dan Implikasinya dalam Perspektif Hukum dan Masyarakat.* (Bandung : Refika Aditama, 2009) print .III P. 261 .

63 Sandra Fitriyana, p. 51

64 Lembaga Bahsul Masa'il ...P. 109



law of this problem, it is allowed to treat other genders due to emergencies.”<sup>65</sup> In this context, the emergency itself must be measured according to the level of need, that is, when seeing, touching, and guiding.

## **I. Conclusion**

Generally, both Islamic Law and Indonesian Law have provided adequate legal protection for persons with disabilities, but in the order of its application, there are still many shortcomings that need to be improved so that the diffable people could obtain proper accessibilities. Based on the observation of legal aspect both structure and culture, it has not fully supported the realization of the independence and welfare of diffable, so there are still many provisions in the legislation that cannot be implemented. Therefore, the affirmative actions are extremely essential.

Affirmative action is needed to actualise the equal opportunities in all aspects of life and livelihood for diffable people. It is an attempt to provide public awareness of the rights of diffable persons and their obligation to play an active role in social interaction in a healthy and reasonable manner.

There are several ways to carry out affirmative actions, which are; first, the pattern of awareness given to diffable persons about their rights and obligations, legal implementation both regional and central levels and also law advocating to fight for their rights. Second, - -this is the most difficult part--, is the cultural pattern of the synergistic socialization of those aspects. The difficulty lies in the internalization of values that requires a continuous and simultaneous civilization strategy by involving communities that have been awakened. The solution is to educate, raise awareness and empower the community for active participation and take part in realizing accessibility for diffable people. The community empowerment is an effort realized by the partiality principle those who are weak and weakened, so that they have a bargaining position to be able to solve problems and change their conditions and position.

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65 Ibn Haraj al-Asqolani, *Fath al-Baari, Syarh Shahih al-Bukhaari* (Baerut : Darul Ma'rifah, 1379 Hijriyah) Vol X p. 136.

The existence of several laws and regulations governing the diffable persons is only a starting point in order to achieve equal opportunities in their aspects of life. It also benefits to attain the independence and welfare. The means to achieve them for diffable people are a shared responsibility between the government, family, communities and the diffable people themselves. This would not have been possible without a supporting social structure.

Finally, being respect for diffable issues is a “new culture” that needs to be continuously socialized to the public until they are accustomed to and it becomes a culture. Dissemination to the community will not get significant obstacles because of a sense of care, respect, or empathy for people with needs in accordance with the noble values of Indonesian religions and cultures.

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