

## CHAPTER FOUR

### DISCUSSION

#### A. Disability in the Special Region of Yogyakarta

##### 1. General Description of the Special Region of Yogyakarta

The Special Region of Yogyakarta (In Javanese: *Dhaérah Istiméwa Ngayogyakarta*) is a provincial-level special region on Indonesia, which was developed as an integration between *Negara Kesultanan Yogyakarta* and *Negara Kadipaten Paku Alaman*.<sup>39</sup>

###### a. Geographic Location

The Special Region of Yogyakarta is located in the southern part of the island of Java and is bordered by the Central Java Province and the Indian Ocean. Geographically, the Special Region of Yogyakarta is also bordered by six regencies in Central Java Province, which are:

- 1) Northeast Border : Klaten Regency and Sukoharjo Regency
- 2) East and South-East Border : Wonogiri Regency
- 3) West Border : Purworejo Regency
- 4) Northwest Border : Magelang Regency
- 5) North Border : Boyolali Regency

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<sup>39</sup> [https://id.wikipedia.org/wiki/Daerah\\_Istimewa\\_Yogyakarta](https://id.wikipedia.org/wiki/Daerah_Istimewa_Yogyakarta) accessed on November 1<sup>st</sup>, 2018 at 10 PM

The Special Region of Yogyakarta is located between 7°.33'-8°.12' South Latitude and 110°.00' - 110°.50' East Longitude. Its area comprises of 3.185,80 km<sup>2</sup> or 0,17% of the total area of Indonesia (1.860.359,67 km<sup>2</sup>).

The Special Region of Yogyakarta is also the smallest province after the Special Capital Region of Jakarta. This region consists of several regencies and cities, including:

- 1) Yogyakarta City : 32,50 km<sup>2</sup> (1,02%)
- 2) Bantul Regency : 506,85 km<sup>2</sup> (15,91%)
- 3) Kulon Progo Regency : 586,27 km<sup>2</sup> (18,40%)
- 4) Gunungkidul Regency : 1.485,36 km<sup>2</sup> (46,63%)
- 5) Sleman Regency : 574,82 km<sup>2</sup> (18,04%)<sup>40</sup>

b. Administrative Divisions

As mentioned above, the Special Region of Yogyakarta consists of four regencies and one city. Administratively, it is further broken down into 78 districts and 438 villages with details as follows:

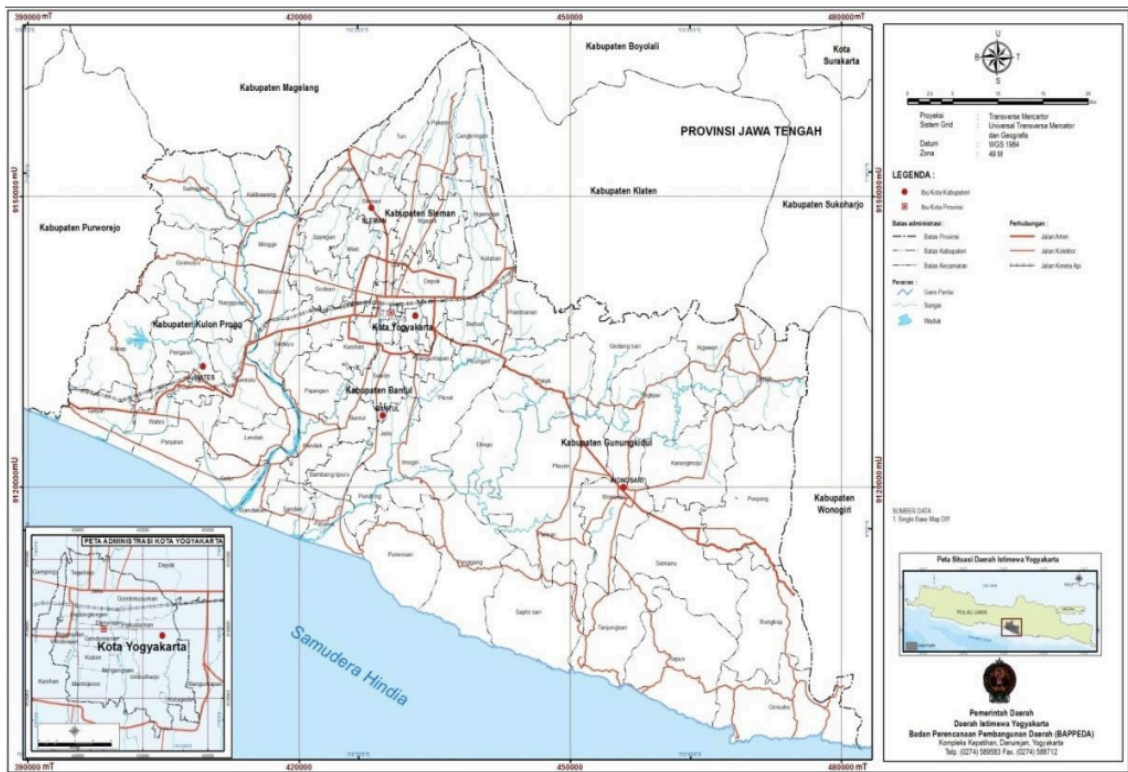
- 1) Yogyakarta City : 14 districts and 45 villages
- 2) Bantul Regency : 17 districts and 75 villages
- 3) Kulon Progo Regency : 12 districts and 88 villages
- 4) Gunungkidul Regency : 18 districts and 144 villages

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<sup>40</sup> National Development Planning Agency, "RKPD DI Yogyakarta 2016", 2016, [https://www.bappenas.go.id/files/rpjmd\\_dan\\_rkpd\\_provinsi/DI%20Yogyakarta/RKPD%20DI%20Yogyakarta%202016.pdf](https://www.bappenas.go.id/files/rpjmd_dan_rkpd_provinsi/DI%20Yogyakarta/RKPD%20DI%20Yogyakarta%202016.pdf) accessed on November 1<sup>st</sup>, 2018 at 9PM

5) Sleman Regency : 17 districts and 86 villages<sup>41</sup>

Figure 4.1. Map of the Special Region of Yogyakarta



Source: Special Region of Yogyakarta Regional Development Work Plan

2016

The map above provides an illustration of the administrative divisions in the Special Region of Yogyakarta.

<sup>41</sup> Division of Integrated Data Processing and Statistical Dissemination, 2014, *Daerah Istimewa Yogyakarta in Figures 2014*, Yogyakarta, BPS - Statistics of D.I. Yogyakarta Province (ISSN 0215 – 2185)

c. Population

Based on the result of the population projections from SP2010, it is recorded that the population of Special Region of Yogyakarta in 2013 is 3.594.854 people, with male population makes up 49,40% of the population and female population by 50,60%. By regions, the percentage of people living in the urban areas comprises of 66,09% and people living in suburban areas make up 33,91% of the total population. The data also shows that there was 0,76% increase in population from 2010 to 2013.

The total area of the Special Region of Yogyakarta is 3.185,80 km<sup>2</sup>, which makes its population density to be 1.128 people/km<sup>2</sup>. The highest density is located in Yogyakarta City. With an area makes up only about one percent of the total area of the Special Region of Yogyakarta, there are 12.241 people/km<sup>2</sup> in Yogyakarta City. Meanwhile, Gunungkidul Regency has the vastest area reaching 46,63% of the total regional area but only has 467 people/km<sup>2</sup> which makes it the region with the lowest population density.<sup>42</sup>

Below is the table that shows the growth of the population in each region in the Special Region of Yogyakarta from the year 2011 to 2016.

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<sup>42</sup> *Ibid*

**Table 4.1. Total Population in each Regency in the Special Region of  
Yogyakarta**

Regency/City	Total of the Population Based on Regions					
	2011	2012	2013	2014	2015	2016
<b>Special Region of Yogyakarta</b>	3.509.997	3.552.462	3.594.854	3.637.116	3.679.176	3.720.912
<b>Yogyakarta City</b>	392.506	397.594	402.679	407.667	412.704	417.744
<b>Bantul Regency</b>	922.104	934.674	947.072	959.445	972.511	983.527
<b>Kulon Progo Regency</b>	394.200	398.672	403.179	407.709	412.198	416.683
<b>Gunungkidul Regency</b>	685.003	692.579	700.191	707.794	715.282	722.479
<b>Sleman Regency</b>	1.116.184	1.128.943	1.141.733	115.4501	1.167.481	1.180.479

**Source: Regional Secretariat Administration Bureau of Special Region of  
Yogyakarta**

## **2. Data of Persons with Disability in the Special Region of Yogyakarta**

The total population of the Special Region of Yogyakarta shown above is based on only people who have registered and have been recorded in the government database. Among those numbers are persons with disabilities. The table below from Regional Secretariat Administration Bureau of the Special Region of Yogyakarta, listed in details the number of persons with disabilities in the region as well as their specific regency of residence and their type of disability.

**TOTAL OF PERSONS WITH DISABILITIES IN SPECIAL REGION OF YOGYAKARTA IN FIRST HALF OF 2016**

**Table 4.2. Number of Persons with Disabilities in the Special Region of Yogyakarta in the First Half of 2016**

Regency/City	Physical			Blind			Deaf/Mute			Mental			Physical & Mental			Others			Total		
	M	F	M+F	M	F	M+F	M	F	M+F	M	F	M+F	M	F	M+F	M	F	M+F	M	F	M+F
<b>Yogyakarta City</b>	154	144	<b>298</b>	70	50	<b>120</b>	132	111	<b>243</b>	95	82	<b>177</b>	25	21	<b>46</b>	213	179	<b>392</b>	689	587	<b>1.276</b>
<b>Bantul Regency</b>	231	174	<b>405</b>	129	114	<b>243</b>	175	164	<b>339</b>	252	203	<b>455</b>	58	58	<b>116</b>	111	112	<b>223</b>	956	825	<b>1.781</b>
<b>Kulon Progo Regency</b>	154	119	<b>273</b>	83	66	<b>149</b>	100	84	<b>184</b>	173	168	<b>341</b>	39	47	<b>86</b>	45	30	<b>75</b>	594	514	<b>1.108</b>
<b>Gunungkidul Regency</b>	1.162	1.148	<b>2.310</b>	94	90	<b>184</b>	145	133	<b>278</b>	208	179	<b>387</b>	66	54	<b>120</b>	41	33	<b>74</b>	1.716	1.637	<b>3.353</b>
<b>Sleman Regency</b>	212	174	<b>386</b>	119	115	<b>234</b>	149	139	<b>288</b>	283	257	<b>540</b>	83	87	<b>170</b>	113	87	<b>200</b>	959	859	<b>1.818</b>
<b>Total</b>	1.913	1.759	<b>3.672</b>	495	435	<b>930</b>	701	631	<b>1.332</b>	1.011	889	<b>1.900</b>	271	267	<b>538</b>	523	441	<b>964</b>	4.914	4.422	<b>9.336</b>

**Source: Regional Secretariat Administration Bureau of Special Region of Yogyakarta**

**Table 4.3. Number of Persons with Disabilities in the Special Region of Yogyakarta in the First Half of 2017**

Regency/City	Physical			Blind			Deaf/Mute			Mental			Physical & Mental			Others			Total		
	M	F	M+F	M	F	M+F	M	F	M+F	M	F	M+F	M	F	M+F	M	F	M+F			
<b>Yogyakarta City</b>	200	180	<b>380</b>	96	73	<b>169</b>	167	142	<b>309</b>	181	133	<b>314</b>	52	43	<b>95</b>	227	199	<b>426</b>	923	770	<b>1.693</b>
<b>Bantul Regency</b>	233	177	<b>410</b>	132	114	<b>246</b>	176	175	<b>351</b>	277	211	<b>488</b>	65	65	<b>130</b>	119	132	<b>251</b>	1.002	874	<b>1.876</b>
<b>Kulon Progo Regency</b>	157	115	<b>272</b>	84	62	<b>146</b>	96	86	<b>182</b>	187	180	<b>367</b>	42	48	<b>90</b>	47	31	<b>78</b>	613	522	<b>1.135</b>
<b>Gunungkidul Regency</b>	1.081	1.084	<b>2.165</b>	88	92	<b>180</b>	143	130	<b>273</b>	207	177	<b>384</b>	70	48	<b>118</b>	39	32	<b>71</b>	1.628	1.563	<b>3.191</b>
<b>Sleman Regency</b>	208	164	<b>372</b>	115	102	<b>217</b>	167	142	<b>309</b>	261	230	<b>491</b>	81	83	<b>164</b>	124	99	<b>223</b>	956	820	<b>1.776</b>
<b>Total</b>	1.879	1.720	<b>3.599</b>	515	443	<b>958</b>	749	675	<b>1.424</b>	1.113	931	<b>2.044</b>	310	287	<b>597</b>	556	493	<b>1.049</b>	5.122	4.549	<b>9.671</b>

Source: Regional Secretariat Administration Bureau of Special Region of Yogyakarta

TOTAL OF PERSONS WITH DISABILITIES IN SPECIAL REGION OF YOGYAKARTA IN FIRST HALF OF 2017



**TOTAL OF PERSONS WITH DISABILITIES IN SPECIAL REGION OF YOGYAKARTA IN FIRST HALF OF 2018**

**Table 4.4. Number of Persons with Disabilities in the Special Region of Yogyakarta in the First Half of 2018**

Regency/City	Physical			Blind			Deaf/Mute			Mental			Physical & Mental			Others			Total		
	M	F	M+F	M	F	M+F	M	F	M+F	M	F	M+F	M	F	M+F	M	F	M+F	M	F	M+F
<b>Yogyakarta City</b>	188	177	365	92	70	162	164	141	305	173	133	306	54	36	90	219	198	417	890	755	1.645
<b>Bantul Regency</b>	239	170	409	121	109	230	186	180	366	262	195	457	70	71	141	122	147	269	1.000	872	1.872
<b>Kulon Progo Regency</b>	155	110	265	83	62	145	95	84	179	192	187	379	41	47	88	46	32	78	612	522	1.134
<b>Gunungkidul Regency</b>	1.017	1.042	2.059	90	97	187	144	137	281	270	225	495	82	61	143	41	40	81	1.644	1.602	3.246
<b>Sleman Regency</b>	216	178	394	114	102	216	176	145	321	273	236	509	83	90	173	135	96	231	997	847	1.844
<b>Total</b>	1.815	1.677	3.492	500	440	940	765	687	1.452	1.170	976	2.146	330	305	635	563	513	1.076	5.143	4.598	9.741

**Source: Regional Secretariat Administration Bureau of Special Region of Yogyakarta**

By comparing the data on the total number of persons with disabilities and the latest data on the total population of Special Region of Yogyakarta, we can observe that persons with disabilities make up 0,0027% of the total population of Special Region of Yogyakarta.

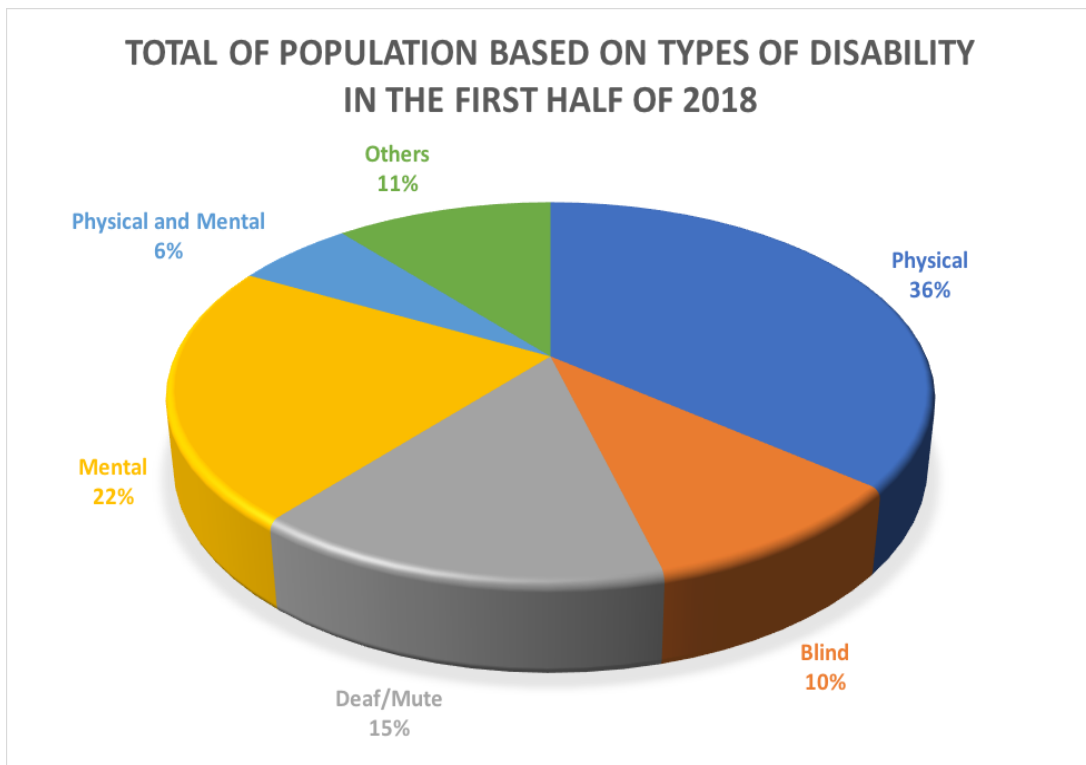
The tables above only shown the data of persons with disabilities from the last three years. The table above indicates that the number of persons with disabilities keeps increasing each year. In the first semester of 2016, there are total of 9.336 persons with disabilities. In the following year, in the first semester of 2017, the numbers increased to 9.671 which means that there is 335 addition to the previous year. The recent data shows that in the first semester of 2018, the total number of persons with disabilities in the Special Region of Yogyakarta has become 9.741 people.

Although the recorded data shows those figures, it is also possible that the numbers are actually bigger, as not everyone with disabilities is registered in the database of the government, due to some factors such as shame or lack of information and accessibility.<sup>43</sup>

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<sup>43</sup> Kependudukan Provinsi Daerah Istimewa Yogyakarta, “Jumlah Penduduk Daerah Istimewa Yogyakarta Menurut Disabilitas”, <http://kependudukan.jogjaprov.go.id/olah.php?module=statistik&periode=5&jenisdata=penduduk&berdasarkan=disabilitas&prop=34&kab=&kec> accessed on November 2<sup>nd</sup>, 2018 at 9 PM

**Figure 4.2. Total of Population Based on the Types of Disability**

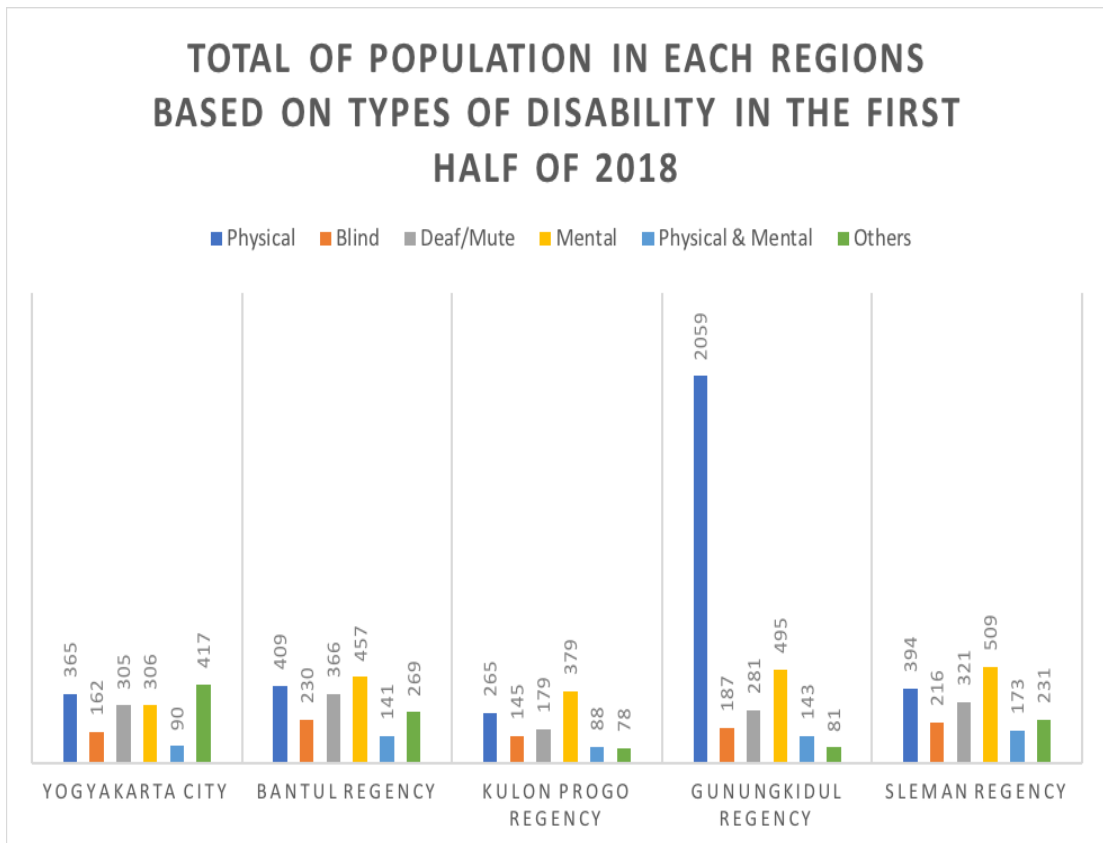


**Source: Regional Secretariat Administration Bureau of Special Region of Yogyakarta**

The data in the first half of 2018 shows that there are 9.741 persons with disabilities in the Special Region of Yogyakarta which consists of different types of disabilities. The largest portion of the population made up of those with physical impairment (36%), followed by persons with mental disabilities with 22% of the total population. Considering the fact that the number of persons with intellectual disabilities is also included those with persons with mental disabilities, it can be seen that the total numbers of persons with intellectual

disabilities in Special Region of Yogyakarta are actually the second largest population.

**Figure 4.3. Total of Population in Each Region Based on Types of Disability**



**Source: Regional Secretariat Administration Bureau of Special Region of Yogyakarta**

The chart above is based on the data of the first half of 2018, it shows that Gunungkidul Regency is the region with the highest number of persons with physical disabilities, with the total number of 2.059 people. Meanwhile, Sleman Regency holds the highest number of persons with physical and mental disabilities with a total of 509 and 173.

## **B. The Protection of Persons with Intellectual Disabilities in the Special Region of Yogyakarta**

### **1. Regulations Concerning Persons with Disabilities**

At the global level, there is United Nations Convention on the Rights of Persons with Disabilities (CPRD), which is a convention on the rights of persons with disabilities which has been ratified by Indonesia in the Law Number 19 of 2011 on the Ratification of CPRD. The Convention on the Rights of Persons with Disabilities (CPRD) is a human rights instrument applied both internationally and nationally in order to respect, fulfil and protect the rights of persons with disabilities and also as the development tool and human rights instrument. The purpose of this convention is to promote, protect and guarantee the equality of the fundamental rights and freedoms of persons with disabilities, as well as to respect the dignity of persons with disabilities as the inherent dignity.<sup>44</sup>

The reason why Indonesia ratified the CRPD is based on Indonesia's obligation as a party who has signed the convention in ensuring the protection of human rights and fundamental rights and freedoms for persons with disability without discrimination. Also, as mentioned before, one of the elements of state based on the rule of law

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<sup>44</sup> Explanation of the Law Number 19 of 2011 on the Ratification of Convention on The Rights of Persons with Disabilities (CRPD)

is the existence of a guarantee for human rights for all of its citizens, including to the rights of persons with disabilities.<sup>45</sup>

According to Abdul Latief in his article, “*Perlindungan HAM dalam Negara Hukum*”, state based on the rule of law itself has meaning as a state which puts the organizing power of his governance based on law. The distinctive nature of state based on the rule of law is the existence of a guarantee to protect human rights which have become the basis of the authority of the state and placed to the law, so the exercise of this authority is under the power of the law.<sup>46</sup>

By ratifying CPRD, Indonesia has demonstrated its responsibility as a part of the world community in advancing and protecting human rights for all, including the rights of persons with disability. In order for the CPRD to be fully applied in Indonesia, it has to be implemented in every province by making it into regional regulations. The Special Region of Yogyakarta is one of the provinces that has put this as a regional regulation in order to provide to the protection of the rights of persons with disability.

On Article 18 paragraph (6) of the 1945 Constitution, it is stated that the regional authorities shall have the authority to adopt the regional regulations and other regulations to implement autonomy and the duty of assistance. Based on this article, the Special Region of Yogyakarta

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<sup>45</sup> Donal A. Rumokoy *et al.*, 2001, *Dimensi-dimensi Pemikiran Hukum Administrasi Negara*, Yogyakarta, UII Press, p. 7

<sup>46</sup> Eko Riyadi and Supriyanto, 2007, *Mengurai Kompleksitas Hak Asasi Manusia: Kajian Multi Perspektif*, Yogyakarta, PUSHAM UII, p. 132

Province has made Regional Regulation of Special Region of Yogyakarta Province Number 4 of 2012 on the Protection and the Fulfilment of the Rights of Persons with Disabilities. While other regencies and cities have also made their own regional regulations; Bantul with its Regional Regulation of Bantul Regency Number 11 of 2015 on the Fulfilment of the Rights of Persons with Disabilities, Gunungkidul with Regional Regulation of Gunungkidul Regency Number 9 of 2016 on the Implementation of the Protection and Fulfilment of Persons with Disabilities, Kulon Progo with Regional Regulation of Kulon Progo Regency Number 3 of 2016 on the Implementation of the Protection of Persons with Disabilities, and Sleman with Regional Regulation of Sleman Regency Number 1 of 2018 on the Implementation of the Protection and Fulfilment of the Rights of Persons with Disabilities.

## **2. Rights of Persons with Disabilities**

Persons with disabilities basically shall have the same rights as normal people. They shall have rights on education, rights on employment, rights on health, rights on law and so on. What makes their rights different is that in some cases they have particular needs that are different from normal people. Based on the Regional Regulation of the Special Region of Yogyakarta Province Number 4 of 2012 on the

Protection and the Fulfilment of the Rights of Persons with Disabilities, it is stated that the rights of persons with disabilities are:

a. Right on education

The right to obtain a basic education is the right of every citizen, including persons with disabilities. This is stated in the 1945 Constitution, and the fulfilment of it is a great appreciation for human rights.<sup>47</sup> As set forth in Article 5 of Regional Regulation of the Special Region of Yogyakarta Province Number 4 of 2012 on the Protection and the Fulfilment of the Rights of Persons with Disabilities; the persons with disabilities are entitled to obtain proper education on every level. It is also explained that the management of education mentioned before shall be carried out by the local governments such as regency and city governmental institution as well as the society. The management of education for persons with disability is implemented through two methods, Special Education System and Inclusive Education System.

Article 7 paragraph (1) of the Regional Regulation of Special Region of Yogyakarta Province Number 4 of 2012 on the Protection and the Fulfilment of the Rights of Persons with Disabilities provides an explanation on what constitutes Special Education System.

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<sup>47</sup> Emmanuel Sujatmoko, "Hak Warga Negara Dalam Memperoleh Pendidikan", *Jurnal Konstitusi, Volume 7 Number 1* (February, 2010) (ISSN 1829-7706)



Special education system is defined as an education system that only provides services to students with disabilities with special curricula and specific learning method that is mentored or taken care of by special educators and special learning place.<sup>48</sup> Special Education System is implemented through *Pendidikan Luar Biasa (PLB)* in the form of *Sekolah Luar Biasa (SLB)*. SLB has several types based on its speciality; SLB-A is for visually impaired students, SLB-B is for deaf or mute students, SLB-C is for intellectually impaired students, SLB-D is for physically impaired students, SLB-E is for mentally impaired students and SLB-G is for multiple impaired students.

According to Hildegun Olsen, inclusive education is a school that need to accommodate all children regardless of physical, intellectual, social-emotional, linguistic problem or other conditions. This must include children with disabilities and gifted children. It includes also homeless children and child of laborers who came from a remote area or are a nomad, children from ethnic minority, linguistic or cultural populations as well as children from disadvantaged areas or groups or marginalized society.<sup>49</sup>

While Article 7 paragraph (2) of Regional Regulation of the Special Region of Yogyakarta Province Number 4 of 2012 on the

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<sup>48</sup> Regional Regulation of Special Region of Yogyakarta Province Number 4 of 2012 on Protection and the Fulfillment of the Rights of Persons with Disabilities

<sup>49</sup> Tarmansyah, 2007, *Inklusi Pendidikan Untuk Semua*, Jakarta, DEPDIKNAS, p. 82

Protection and the Fulfilment of the Rights of Persons with Disabilities explained that an Inclusive Education System is an educational system that gives a role to all learners in a surrounding and common learning process without discriminating on the basis of social, political, economic, ethnic, religion/belief, group, sex, physical or mental condition; so as the school provides a miniature of society.<sup>50</sup>

Thus, it can be concluded that an Inclusive Education System is an educational system where all students with special needs are welcome to enrol and study in regular classes at a local school, where they are able to merge into society and learn together with their peers, while still deserving a support in their education based on their needs.

b. Right on employment

The rights on employment is embodied in Article 27 paragraph (2) of the 1945 Constitution which states that “Every citizen shall have the right to work and to earn a humane livelihood”. According to this article, all citizen of Indonesia, with no exception of persons with disability, have the right to have a job. They have the right to earn their living as well as enhancing their dignity, pride, self-esteem as well as for supporting the continuity of their life

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<sup>50</sup> Regional Regulation of Special Region of Yogyakarta Province Number 4 of 2012 on Protection and the Fulfillment of the Rights of Persons with Disabilities

through such jobs. The article also implies that it's the responsibility of the government to create jobs to reduce unemployment. The availability of jobs is part of the unity of the whole development program.<sup>51</sup>

The rights of employment, entrepreneurship and union for persons with disabilities covers the rights to:

- 1) Obtain jobs held by the government, regional government, or private sector without any discrimination;
- 2) Receiving the same salary as workers who do not have any disability in the same type of work and responsibility;
- 3) Obtain decent accommodation at work;
- 4) Not being dismissed for reasons of disability;
- 5) Receiving the program back to work;
- 6) Having a fair, proportional and dignified work placement;
- 7) Receiving the opportunity to develop a career and paths and all the normative rights inherent in it; and
- 8) Advancing the business, have their own jobs, entrepreneurship, union development, and start their own business

c. Right on health

As stated in Article 28H paragraph (1) that “every person shall have the right to ..... healthy environment, and shall have the right to obtain medical care”. The 1945 Constitution states that the

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<sup>51</sup> Maimun, 2007, *Hukum Ketenagakerjaan*, Jakarta, PT. Pradnya Paramita, p. 43

right to health is a fundamental right for all of citizens of Indonesia, as the basic philosophy of guaranteeing the right to health as human rights is the *raison d'être* of human dignity.<sup>52</sup>

Article 41 of Regional Regulation of the Special Region of Yogyakarta Province Number 4 of 2012 on the Protection and the Fulfilment of the Rights of Persons with Disabilities also states that the persons with disabilities are also entitled to the right on obtaining proper medical care based on their conditions and needs without any discrimination. The rights on health of persons of disabilities also include the right to get education on reproduction from the regency/city government, or any institutions that are responsible in the health sector.

In order to protect and fulfil the state's obligations in implementing the protection of human rights on the right of health, the efforts should fulfil several principles such as availability of health services, accessibility, acceptance and quality.<sup>53</sup> There are also some principles to be followed for the state in exercising its obligations to provide the right to health through government policy.

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<sup>52</sup> Majda El Muhtaj, 2008, *Dimensi-Dimensi HAM: Mengurai Hak Ekonomi, Sosial, dan Budaya*, Jakarta, Rajawali, p. 152

<sup>53</sup> Dedi Afandi, "Hak Atas Kesehatan Dalam Perpektif HAM", *Jurnal Ilmu Kedokteran*, Jilid 2 Nomor 1 (March, 2008) (ISSN 1978-662X)

It has to respect the right to health, protect the right to health and fulfil the right to health.<sup>54</sup>

The right to health does not mean the right for everyone to be healthy. It also does not mean that the government must provide expensive health care facilities and services beyond the government's ability, but rather to demand the government and the public officials to make various policies and work plans that lead to the availability and affordability of health care facilities for all, including persons with disabilities as soon as possible.

d. Right on social affairs

State has the obligation to develop a social security system for all of its citizen and empowers people who are weak and incapable to facilitate at least basic human dignity. State is also responsible in providing health care facilities and proper public service facilities. All of them are stated in Article 34 of 1945 Constitution, which covers all Indonesian citizen including persons with disabilities.

Article 90 of the Law Number 8 of 2016 on Persons with Disabilities mentioned that every persons with disabilities have the same right and opportunity as other citizens to obtain social rehabilitation, social security, social empowerment and social

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<sup>54</sup> Fheriyal Sri Isriawaty, "Tanggung Jawab Negara Dalam Pemenuhan Hak Atas Kesehatan Masyarakat Berdasarkan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945", *Jurnal Ilmu Hukum Legal Opinion Edisi 2, Volume 3*, (2015) (ISSN 2527-9505)

protection. The Government and Regional Government must guarantee access for persons with disabilities to obtain those rights above-mentioned. The same thing is also mentioned in Article 58 of Regional Regulation of Special Region of Yogyakarta Province Number 4 of 2012 on the Protection and the Fulfilment of the Rights of Persons with Disabilities.

e. Right on art, culture and sports

As stated in Article 68 of Regional Regulation of Special Region of Yogyakarta Province Number 4 of 2012 on the Protection and the Fulfilment of the Rights of Persons with Disabilities: every persons with disabilities has the same rights and opportunity to carry out activities and enjoy art, culture and sports in an accessible way.

The Government and Regional government are also obliged to develop a sports system that can accommodate persons with disability, which includes educational sports, recreational sports and sports achievements according to the types of disabilities. The Government is also obliged to foster and develop sports for persons with disabilities that are carried out and directed to improve health, confidence, and sports achievements.

In Article 69 it is stated that the regional government, reGENCY or city government and society shall recognize, respect and support the development of the identities of sign language, braille

symbols and specific cultures of persons with disabilities that are used in daily life.

The Government and Regional Government are also obliged to guarantee accessibility for persons with disabilities to get cultural and tourism services through decent information or tour guide who has the ability to describe attractions.

f. Right on politic

Article 72 of the Regional Regulation of the Special Region of Yogyakarta Province Number 4 of 2012 on Protection and the Fulfilment of the Rights of Persons with Disabilities states that every persons with disability has the same rights and opportunities in expressing opinions both verbally, in writing and in sign language.

In Article 73, it is stated that every persons with disability has the right to establish and participate in an organization. Meanwhile, Article 13 of the Law Number 8 of 2016 on Persons with Disabilities mentions that the right on politic include rights to choose and be elected in public office, channel political aspirations, choose political parties or individual in general election, establish and join a persons with disabilities organization to represent them at local, national and international level; as well as actively participate in the election system at all stages, obtain accessibility to facilities and infrastructure where elections are held and obtain political education.

g. Right on law

In Article 27 paragraph (1) of 1945 Constitution affirms that all citizens shall be equal before the law and the government. All citizens are also required to respect the law and the government, with no exceptions. Therefore, every Indonesian citizen has equality in the eyes of the law and does not discriminate in enforcing the law. This also includes persons with disabilities. But it is obvious that they need more assistance in fulfilling their right on law.

Article 79 of the Regional Regulation of the Special Region of Yogyakarta Province Number 4 of 2012 on the Protection and the Fulfilment of the Rights of Persons with Disabilities stated that the Regional Government and Regency Government or City Government shall cooperate with certain Legal Aid Institutions to provide legal assistance services to persons with disabilities who are involved in legal matters. The Regional Government and Regency Government or City Government must also provide facilities and infrastructure needed by persons with disabilities involved in legal matters.

h. Right on disaster management

Article 80 of the Regional Regulation of Special Region of Yogyakarta Province Number 4 of 2012 on the Protection and the Fulfilment of the Rights of Persons with Disabilities states that every person with disability has the right and obligation to participate in



every stage of the disaster management process which includes pre-disaster, during emergency response and post-disaster. Meanwhile, Article 81 states that persons with disabilities have the right to get priority access to services and service facilities in each stage of the disaster management process according to their needs.

As stated in Article 20 of the Law Number 8 of 2016 on Persons with Disabilities, the right on disaster management can be in the forms of rights to:

- 1) Get easily accessible information to disasters;
- 2) Get knowledge about disaster risk reduction;
- 3) Get priority in the process of rescuing and evacuation in disaster situations;
- 4) Obtain facilities for rescuing and evacuation that are easily accessed; and
- 5) Get priority, facilities and means that are easily accessible at the evacuation site

i. Right on housing or shelter

Persons with disabilities are also entitled to own decent and proper housing or shelter. The Government and Regional Government are obliged to facilitate access for persons with disabilities to obtain a decent housing or shelter. It is regulated in Article 88 of Regional Regulation of Special Region of Yogyakarta

Province Number 4 of 2012 on Protection and the Fulfilment of the Rights of Persons with Disabilities.

To support this statement, it can be seen in Article 28H paragraph (1) of the 1945 Constitution which states that “every person shall have the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care”.

j. Right on accessibility

It is stated in Article 89 of Regional Regulation of Special Region of Yogyakarta Province Number 4 of 2012 on the Protection and the Fulfilment of the Rights of Persons with Disabilities that the Regional Government, Regency and City Government and the society are obliged to realize and facilitate the realization of the accessibility of public facilities for persons with disabilities in accordance with their authority. Public facilities include public buildings and facilities, public roads and public transportation.

The right on accessibility is also reflected in Article 28H paragraph (2) of the 1945 Constitution which states that “Every person shall have the right to receive facilitation and special treatment to have the same opportunity and benefit in order to achieve equality and fairness”.

Furthermore, facilities for persons with disability can also be found in regulations governing labour issues, national education,

health, social welfare, traffic, shipping and aviation. The regulation guarantees equal opportunities for persons with disabilities in the fields that are their scope, and in order to provide convenience in any field without discrimination.<sup>55</sup>

### **C. Implementation of the Protection of Persons with Intellectual Disabilities in the Special Region of Yogyakarta**

#### **1. Efforts Taken by the Government of the Special Region of Yogyakarta to Protect Persons with Intellectual Disabilities**

The provincial government actually has taken some steps to protect and accommodate the rights of persons with disabilities in Special Region of Yogyakarta. However, it seems that it still lacking on covering the needs of persons with intellectual disabilities, both from the protection and also in accommodation of their rights.

As explained by Subroto from the Social Office of Special Region of Yogyakarta Province, from the perspective of science or education, the types of disabilities do vary and the differences are clear, therefore segregation of data and services for them also differ depending on the type of the disability itself. But at the Social Office, services and treatments to protect and accommodate the rights of persons with disability are all the same and are not differentiated from one another.

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<sup>55</sup> Uning Pratimarati, 2009, *Jaminan Aksesibilitas Bagi Penyandang Cacat*, Bandung, PT. Rafika Aditama, p. 255

From the point of view of Social Office, persons with intellectual disabilities are divided into two groups, namely productive and unproductive. This unproductive intellectual disability group is also divided into different groups, namely the unproductive intellectual disability groups with double handicaps which make it a severe disability group, and of course its services are different from potential unproductive intellectual disability groups whose talents and interests can be developed. Empowering talents and interests are carried out through the Technical Implementation Unit / *Unit Pelayanan Teknis (UPT)*, associations, institutions, and others.

On the attachment of the Law Number 23 of 2014 on Local Government, it is written the division of authorities of the government. The provincial government has the authority to carry out disability empowerment including persons with intellectual disability. Empowerment is carried out with the Technical Implementation Unit / *Unit Pelayanan Teknis (UPT)* through the Integrated Rehabilitation Center for Persons with Disabilities / *Balai Rehabilitasi Terpadu Penyandang Disabilitas (BRTPD)*. While the regency and city governments can empower through institutions outside the association and institution.

Whereas severe disability groups who do not have the potential to be empowered, they receive assistance in the form of funds from the Ministry of Social Affairs through the Social Assistance Program for

Persons with Severe Disabilities in the amount of as much as Rp 300.000,- every month. In the past, the Social Assistance Program for Persons with Severe Disabilities was held by the Directorate of Persons with Disabilities, and is now being transferred to the Family Hope Program / *Program Keluarga Harapan (PKH)*.

In addition to the groups mentioned above, there are also groups who are not categorized as severe disabilities where their talents and interests cannot be empowered or cannot be developed. In this circumstance, they are assisted through Disability Assistance Programs in the form of basic necessity given to their parents, even then it cannot be done every month, only once every year.

Aside of making regulations related to disabilities, there are some tangible efforts that the government have undertaken to protect and accommodate the rights of persons with intellectual disabilities in Special Region of Yogyakarta, as explained by Subroto as the Head of Social Rehabilitation for Persons with Disability Division.

The Social Office of Special Region of Yogyakarta has made several gatherings and training programs as one of the tangible examples of efforts to protect and accommodate the rights of persons with disabilities in Special Region of Yogyakarta. In the past gathering and training had been held based on the type of disability, but unfortunately the enthusiasm of the persons with disabilities and the society was very lacking, many people did not come for various reasons such as distance,

difficulties in transportation and other personal reasons. Since then, all gatherings and training organized by the government have been aimed at all types of disabilities whose implementation is in accordance with the location or area, the contents of the gathering and training are motivational guidance, providing information about what programs are available in each regency or city, and various information about the disabled and their rights.

There is also an empowerment program organized by the Social Office of Special Region of Yogyakarta which is carried out in the form of skills training, in the Special Region of Yogyakarta itself the form of training is still only light skills such as sewing, making batik, making brick and so on. This empowerment program is also intended for potential disability groups whose level of education is either in junior high or high school.

Subroto as the Head of Social Rehabilitation for Persons with Disability Division also acknowledges that the options for empowering persons with intellectual disabilities in the Special Region of Yogyakarta are still very limited, therefore until now, there are no special programs aimed at persons with intellectual disabilities in both the provincial and regency or city government. The maximum effort that has been made by the government is limited to gathering and training to parents of persons with intellectual disabilities on how to develop their children's potential and interests. Provincial and regency or city

governments also do not facilitate specific assistance for persons with intellectual disabilities.

In addition to the gathering and training, the Social Office of Special Region of Yogyakarta also held a socialization on disability targeted to the wider community, in the hope of providing information on disability and increasing awareness of the potential, interests and talents of persons with disabilities. One example of this form of socialization is the International Disability Day celebration that falls on the 3<sup>rd</sup> of December. This socialization is only for entertainment purpose. The Social Office of Special Region of Yogyakarta also conducts socialization through its official website that displays the results of the programs that have been carried out.

Based on the National Socio-Economic Survey 2012, Special Region of Yogyakarta is in the second place of the province with the highest number of persons with disabilities in Indonesia.<sup>56</sup> This makes Special Region of Yogyakarta put extra attention to this matter, the most obvious action is by enacting Regional Regulation Number 4 of 2012 on the Protection and the Fulfilment of Rights of Persons with Disabilities.

The tangible example of the implementation of this regulation is reflected in the effort of local government in making this province to be

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<sup>56</sup> Ministry of Health of Indonesia, "Bulletin of Persons with Disabilities in Indonesia", Indonesia, 2014, <http://www.depkes.go.id/download.php?file=download/pusdatin/buletin/buletin-disabilitas.pdf> accessed on January 8th, 2019 at 12 AM

a friendly-to-disabilities province in the form of easy access in public places and also public services. Beside the public access, there is also empowerment programs made by the government for persons with disabilities to train their skills. In the educational field, the government of the Special Region of Yogyakarta also made some inclusive schools in its regions.

Another example of the execution of this regional regulation with Governor Regulation Number 31 of 2013 on Disabilities Committee is the establishment of Disabilities Committee which has been effectively enacted since 2015 to handle several cases and criticize policies or implementation of programs in fulfilling and protecting the rights of persons with disabilities in the Special Region of Yogyakarta. Until the end of 2016, the Special Region of Yogyakarta is the only province in Indonesia that has already established this committee.

From the tangible example mentioned above, it can be assumed that Special Region of Yogyakarta has done everything to protect and accommodate the rights of persons with disabilities. But in reality, there are still some problems occurring in each field. Firstly, the main problem is due to a lack of budget given to the matter of persons with disabilities which leads to the failure of implementation of the regulations that have been applied. Secondly, the impact of the lack of budget leads to the lack of decent facilities and infrastructure according to the needs of persons with disabilities.



## 2. Analysis on the Implementation of the Protection of Persons with Intellectual Disabilities

Below is the table of comparison of the rights of persons with disabilities listed in United Nations Convention of the Rights of Persons with Disabilities (CRPD), the Law Number 8 of 2016 on Persons with Disabilities and the Regional Regulation of Special Region of Yogyakarta Province Number 4 of 2012 on Protection and the Fulfilment of Rights of Persons with Disabilities.

**Table 4.5. Comparison of Rights of Persons with Disabilities in CRPD, Law Number 8 of 2016 and the Regional Regulation of Special Region of Yogyakarta Number 4 of 2012**

No.	The Rights of Persons with Disabilities	Convention on the Rights of Persons with Disabilities (CRPD)	Law Number 8 of 2016	Regional Regulation of Special Region of Yogyakarta Province Number 4 of 2012
<b>1.</b>	<b>Civil and Political Rights</b>			
	Rights on life	V	V	
	Rights on free from stigma	V	V	V
	Rights on justice and legal protection	V	V	V
	Rights on privacy	V	V	
	Political rights	V	V	V
	Religious rights	V	V	
	Right to express,	V	V	V

	communicate and obtain information			
	Citizenship rights	V	V	
	Right on free from discrimination, neglect, torture and exploitation	V	V	V
<b>2.</b>	<b>Economic, Social and Cultural Rights</b>			
	Rights on education	V	V	V
	Rights on employment	V	V	V
	Rights on health	V	V	V
	Rights on culture and tourism	V	V	V
	Rights on social welfare	V	V	V
	Rights on public service		V	V
	Rights to live independently and be involved in the community	V	V	V
<b>3.</b>	<b>Other Special Rights</b>			
	Rights on entrepreneurship and cooperative		V	V
	Rights on accessibility	V	V	V
	Rights on protection from disasters	V	V	V
	Rights on rehabilitation	V	V	V
	Rights on data collection		V	V

	Rights on sports		V	V
<b>4.</b>	<b>Rights of Women with Disabilities</b>			
	Rights on reproductive health	V	V	
	Right to accept or reject the use of contraception	V	V	
	Rights to get extra protection from layered acts of discrimination	V	V	
	Rights to get extra protection from acts of violence, including sexual violence and exploitation	V	V	
<b>5.</b>	<b>Rights of Children with Disabilities</b>			
	Rights to get special protection from discrimination, neglect, harassment, exploitation and sexual violence	V	V	
	Rights to get care from a family or substitute family for optimal growth and development	V	V	
	Rights to be protected for their interests in decision making	V	V	
	Rights on treatment in	V	V	V

	accordance with the dignity and rights of children			
	Fulfilment of special needs	V	V	
	Rights to get equal treatment with other children	V	V	V
	Rights to get social assistance	V	V	

From the table above, it can be seen that there are several rights mentioned and not mentioned in the United Nations Convention on the Rights of Persons with Disabilities (CRPD) that are also mentioned in the Law Number 8 of 2016 on Persons with Disabilities and the Regional Regulation of Special Region of Yogyakarta Number 4 of 2012 on Protection and the Fulfilment of Rights of Persons with Disabilities. If compared, the substance of Regional Regulation of Special Region of Yogyakarta Number 4 of 2012 on Protection and the Fulfilment of Rights of Persons with Disabilities is still lacking in some aspects. The most obvious shortfall is in the matter of rights of women with disabilities and rights of children with disabilities, the effort to protect and accommodate their rights are not specified in the regional regulation.

As explained by Risnawati Utami, Regional Regulation Number 4 of 2012 on Protection and the Fulfilment of the Rights of Persons with Disabilities shows that the efforts of the government to protect and

accommodate the fulfilment of the rights of persons with intellectual disabilities are indeed unnoticeable and the participation has not yet emerged in the area of development. This is due to various reasons, first is because the government itself does not know how to involve persons with intellectual disabilities in the development programs. Unlike the central government, regional governments are less exposed to information on how to optimize persons with intellectual disabilities in developing concepts and policies.<sup>57</sup>

The second is the lack of direct participation of persons with disabilities, which is caused by various factors. From the internal factors are families who are embarrassed by family members who have an intellectual disability because in Indonesia there are still many stigmas on intellectual disability which is brought about by the past sins of the family. This view is caused by a lack of socialization regarding disability in society. Though it has been proven scientifically that the most common causes of intellectual disability are genetic conditions, problems during pregnancy, birth, and common health problems<sup>58</sup>

Recent research shows that the presence of children with intellectual disabilities in the family does not always cause negative things. The presence of children with intellectual disabilities can help parents and siblings to be able to solve problems more creatively,

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<sup>57</sup> From an interview with Risnawati Utami, Executive Director and Founder of OHANA (Organisasi Harapan Nusantara Indonesia), Friday, November 2<sup>nd</sup> 2018

<sup>58</sup> Algozzine B, Ysseldyke J, 2006, *Teaching Students with Mental Retardation: A Practical Guide for Every Teacher*, California, Corwin Press, p. 25

siblings of children with intellectual disabilities can better appreciate the values of difference, and better understand the differences between humans.<sup>59</sup>

Another opinion from Ro'fah, in order for the regulation to be fully implemented to all types of disabilities, advocacy and pressure groups are needed, while the pressure group itself means groups that accompany groups that pressure the government to continue the mandate of the regulation and implement it.<sup>60</sup> The issue of representation is the problem in the Special Region of Yogyakarta. It is because the majority of disability groups are still dominated by sensory disability groups, persons with intellectual disabilities do not have individuals or groups advocating for the interests of this group to ensure the implementation of this law.

Meanwhile, in other countries, such as United States of America, Australia and New Zealand, there are many persons with intellectual disabilities who self-advocate their interests and rights. If the right approach is found, the importance of persons with intellectual disabilities in development programs and their participation can still be more optimized.

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<sup>59</sup> Stephanie Cindy, Shanty Sudarji, "Gambaran Proses Penerimaan Saudara Kandung Penyandang Disabilitas Intelektual", *Jurnal Psikologi Ulayat*, Volume 5 Number 1 (2018) (ISSN: 2580 1228 (online) DOI 10.24854/jpu12018-129)

<sup>60</sup> From an interview with Ro'fah, Researcher and Policy Development on Disabilities Universitas UIN Sunan Kalijaga, Monday, November 12<sup>th</sup> 2018

Actually, the existence of regional regulations is more than enough, what makes it worse is the implementation. Between the regulations and their implementation, it is common that there is still a large gap between them. Besides, it can also be seen from the lack of socialization of existing regulations and lack of involvement of persons with intellectual disabilities, such as families, teachers or figures from persons with intellectual disabilities. They are important elements who understand the need and therefore their role has potentials to be optimized.<sup>61</sup>

As stated in Article 5 of the Regional Regulation Number 4 of 2012 on Protection and the Fulfilment of the Rights of Persons with Disabilities, the rights of persons with disabilities are organized through two methods, namely Special Education System and Inclusive Education System. As explained that Special School is a special school for the preparation of inclusive education, not as permanent schools. The effort of this implementation is not that good.

Inclusive education has several requirements to be followed by persons with intellectual disabilities. The basic requirements are cognitive aspects and abilities and other supporting requirements are social and cultural aspects. For inclusive education with a higher level,

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<sup>61</sup> From an interview with Ro'fah, Researcher and Policy Development on Disabilities Universitas UIN Sunan Kalijaga, Monday, November 12<sup>th</sup> 2018

persons with intellectual disabilities must have cognitive abilities in order to be able to enjoy education in the inclusive school itself.

Intellectual disability itself has three categories, ranging from mild to severe. Individuals with mild level categories have an IQ range of 50-55 to around 70, have reading and arithmetic skills up to grades 3-6 of elementary school. Individuals in the moderate level group have IQ levels 35-40 to 50-55 able to learn simple communication, simple hand skills, basic self-care, at this level children can still be guided and trained to be able to function in the social environment. At the severe level, individuals usually have an IQ range of 20-25 to 35-40, and are usually able to walk but have specific disabilities. At this stage, a person can still understand speech and give a response but does not experience progress in reading and arithmetic abilities.<sup>62</sup>

It is indeed defined that intellectual disability, formerly known as mental retardation, is a disruption during the period of development.<sup>63</sup> Intellectual disability is characterized by lack of general mental abilities like reasoning, problem-solving, abstract thinking, planning, academic, and learning from experience. The result of the lack of this ability is impaired in adapting so that the individual fails to meet the standards of

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<sup>62</sup> Lisnawati, L., Shahib, M. N and Wijayanegara, H, "Analisis Keberhasilan Terapi Bermain Terhadap Perkembangan Potensi Kecerdasan Anak Retardasi Mental Sedang Usia 7-12 Tahun", *Majalah Kedokteran Bandung / Bandung Medical Journal, Volume 46 Number 2* (2014) (DOI: 10.15395/mkb.v46n2.277)

<sup>63</sup> Medina J, "Intellectual Disability (Mental Retardation) Symptoms", *PsychCentral*, 2016, <https://psychcentral.com/disorders/mental-retardation-symptoms/> accessed on October 20<sup>th</sup>, 2018 at 8 PM



personal independence and social responsibility in one or more aspects of daily life, including communication, social participation, academic or employment, or self-reliance.<sup>64</sup> Examples of persons with intellectual disabilities are down syndrome and autism. But not all of the intelligence or cognitive aspects of persons with intellectual disabilities are on an intellectual scale which is usually the standard for disabled divisions in Indonesia.

According to Ro'fah, it is seen in individuals with autism that their inclusion integration process is quite good. It can be seen that the majority of children in inclusive schools are children with autism. There is also a special school for autistic children in the Special Region of Yogyakarta, although the number is still limited compared to the needs.<sup>65</sup>

There are quite a lot of school options for persons with intellectual disabilities in Special Region of Yogyakarta, but if they are seen from their own quality, they cannot be considered as good. Our education system has not been able to accommodate and cannot be innovative to accommodate the needs of children with intellectual disabilities such as down syndrome and autism who have communication barriers and abstract descriptions.

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<sup>64</sup> American Psychiatric Association (APA), 2013, *Diagnostic and Statistical Manual of Mental Disorders (5<sup>th</sup> Edition)*, Washington, American Psychiatric Publishing, p. 33

<sup>65</sup> From an interview with Ro'fah, Researcher and Policy Development on Disabilities Universitas UIN Sunan Kalijaga, Monday, November 12<sup>th</sup> 2018

According to data from the Education, Youth and Sports Office of Special Region of Yogyakarta, the region now has 132 Special Teaching Teachers / *Guru Pendamping Khusus (GPK)* in order to realize inclusive education for approximately 400 schools. 132 GPK were also taken from Special School teachers.<sup>66</sup> This shows that in fact every Education Office in all of regency and city already has an Inclusive Working Group, the quality of their performance depends on their own system. Funding and budgeting are one of the many obstacles encountered in increasing the number of Special Teaching Teachers.

Based on the interview with Sipora Purwanti as the Coordinator of Advocacy and Networking of *Sasana Inklusi dan Gerakan Advokasi Difabel Indonesia (SIGAB)*, there are some obstacles in fulfilling the rights to law and politics of persons with disabilities. These obstacles are divided into three things, namely:<sup>67</sup>

a. Legal Substance

The legal substance in Indonesia itself still discriminates against persons with disabilities and many are clashing from one regulation to another. The existing regulations are also sometimes not sustainable and have double or unclear meanings. For example, in Article 4 paragraph (2) of the Law Number 1 of 1974 on Marriage

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<sup>66</sup> Bernas, Yogyakarta, "Hak-Hak Siswa Penyandang Disabilitas di DIY Belum Terpenuhi", May 3<sup>rd</sup> 2018, <https://www.bernas.id/63336--hak-hak-siswa-penyandang-disabilitas-di-diy-belum-terpenuhi.html> accessed on October 30<sup>th</sup>, 2018 at 2 PM

<sup>67</sup> From an interview with Sipora Purwanti, Coordinator of Advocacy and Networking Sasana Inklusi dan Gerakan Advokasi Difabel Indonesia (SIGAB), Tuesday, November 13<sup>th</sup> 2018

states that there are three reasons that can be used as a basis for filing for divorce. The three reasons are: First, because the wife cannot carry out her obligations as a wife. Second, because the wife gets a disability or an incurable disease. Third, because the wife cannot give birth. This article is discriminative towards women because the potential for being disabled is very likely to be experienced by any women.

b. Legal System

This is related to procedural law, legal procedures and also steps to enter the realm of law that is still full of discrimination and intimidation. This is also related to how the legal process works whether it cares about persons with disabilities, for example, the need for translators for several types of disability.

c. Accessibility

This obstacle is in the form of infrastructure, information and reasonable accommodation that has not been feasible and are not fulfilled properly. The government still sees accessibility only to answer persons with disabilities needs, even though infrastructure development that is friendly to persons with disabilities is an investment that can prevent someone from becoming injured or disabled. Reasonable accommodation itself is an indicator of whether persons with disabilities when in law can communicate and

provide information and defence properly, such as the need for translators, expert witnesses and clinical examinations.

SIGAB itself is a non-governmental organization focusing in advocacy for persons with disabilities in 3 areas, namely legal assistance, assistance for rehabilitation and translator assistance. Since 2013 until 2018 it has handled more than 50 cases up to *inkracht* coming from Special Region of Yogyakarta and Central Java. The cases themselves consist of various cases, ranging from torture, rape, inheritance, neglect and others.

Many legal protections to guarantee the equal rights of persons with disabilities exist and are sufficient, but the provision of access for persons with intellectual; disabilities in Indonesia has not been fully realized. Discriminatory treatment is still often felt by persons with intellectual disabilities. Persons with intellectual disabilities cannot get equal access like other people in the fields of social, education, politics, legal protection, access to information communication and transportation. It happens because persons with intellectual disabilities are still underestimated by the government.

In terms of policy it is already quite good, but on the implementation level, it is still lacking. Also, there is still many officials who discriminate persons with disabilities, their perceptions and

paradigms are still far from expectations, that there must be equality in treatment towards persons with disabilities with other people.<sup>68</sup>

Based on the interview from the respondents, there are still some problems with the implementation of protection of persons with intellectual disabilities in Special Region of Yogyakarta Province. Some of them are the lack of budget accommodates to fulfil the rights of persons with intellectual disabilities, lack of awareness of what is intellectual disability, lack of facilities and infrastructure to accommodate their rights, lack of representation from the persons with intellectual disabilities in advocating their rights, and the last is the fact that government still underestimates the ability of persons with intellectual disabilities in excelling their life based on their potential and talent. The most obvious problem that can be seen from the regional regulations is on the problem of the protection of women and children with intellectual disabilities.

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<sup>68</sup> Udiyo Basuki, “Perlindungan HAM dalam Negara Hukum Indonesia: Studi Ratifikasi Konvensi Hak-hak Disabilitas (Convention on The Rights of Persons with Disabilities)”, *Jurnal Sosio-Religia*, Volume 1 Number 1 (February, 2012) (ISSN: 1412-2367)