

Contentious Belonging

The Place of Minorities in Indonesia



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5 Changing laws, changing attitudes: the place of people with disability in Indonesia

Thushara Dibley and Antoni Tsaputra

'My parents never treated me any differently to my brothers and sisters. I was given the same responsibilities as my siblings and the same opportunities [...] And [being brought up like that] was so useful for my sense of independence. As I became an adult, I was able to do things on my own without having to bother anyone else.'

– Dewi

Dewi was born with a physical impairment and raised by a family who believed she was able to participate fully in the day-to-day activities of the family and the community. With the encouragement and support of her family, Dewi completed her education and is now the leader of the local branch of the Indonesian Association of Women with Disabilities, where she campaigns for the rights of other Indonesians with disability. By creating the conditions for Dewi to be educated and by supporting and encouraging her independence, her family challenged how most Indonesians think of people with disability—as being highly dependent, to be pitied and needing charity.

Stories like Dewi's are part of the reason that disability activists in Indonesia have campaigned so energetically for changes to how disability is conceptualised, legislated and funded by government organisations. For decades, being disabled in Indonesia, as in many other parts of the world, was seen as an impediment, a source of pity and a driver of acts of charity. This 'welfare' approach to disability was premised on the understanding that the source of the problem faced by people with disability was their impairments, and that support for people with disability was best delivered in the form of rehabilitation to 'fix' their impairments or

through payments or other forms of charity. Over the course of the 1990s, the work of disability activists in the global north contributed to a significant shift in how disability was conceptualised, and therefore how support for people with disability was best delivered. The social model of disability, which places the onus of the problem not on the individual living with disability but rather on the social structures that make it difficult for those with disability to participate in society, has become the foundation for how disability is understood globally and, in turn, for how policy related to people with disability is formulated. Ensuring that the principles of the social model are put into practice in Indonesia lies at the heart of why disability activists have remained so persistent in their pursuit of legislative and policy change.

Their efforts have not been in vain. Over the last two decades, people living with disability in Indonesia have witnessed a significant shift in how disability is discussed and positioned within public debate. At the most fundamental level, the vocabulary available to talk about people with disability has changed. The word *cacat*—literally meaning ‘deformity’ or ‘defect’—is no longer accepted, being replaced with *disabilitas* or *difabel*—‘disability’ or ‘diffability’ (Suharto, Kuipers and Dorsett 2016). From a policy perspective, the government has signed and ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and it has passed a new national law on disability based on this convention, Law No. 8/2016 on People with Disabilities. Eleven provincial governments have passed regulations on disability based on the UN convention and at least seven cities and districts have done the same. Overall, Indonesia has introduced a wide range of frameworks, protocols and laws at the national and local levels that affect people with disability.

The changes to disability policy in Indonesia are the result of a combination of changing norms and expectations at the transnational level, together with successful lobbying at the local level. Much progress has depended upon the ability of domestic actors within Indonesia to make a case to the Indonesian state that aligning itself with the normative international shift in favour of disabled persons’ rights is important and valuable. Norms are widely defined as a standard of behaviour for states that share a particular identity (Katzenstein 1996). Norms about the treatment and place of people with disability have experienced a major shift over the last two decades. Beginning with the campaign for the development of the CRPD, through to the signing and ratification of this convention by over 150 countries, the ways in which disability are defined and the opportunities available for people with disability to make a case for their rights have changed markedly. This process of change has been felt worldwide, including in Indonesia, which signed the convention in 2007 and ratified it in 2011.

In this chapter, we examine the role of activists in bringing about these changes, with a particular focus on how activists have maintained pressure on the government since the passing of the Disability Law. We demonstrate that while activists have been deeply committed to ensuring that the national legislation related to disability reflects the changing international norms, policy-makers have shown considerable resistance to applying these ideas. Pragmatism and the notion that people with disability require welfare and charitable assistance have prevailed throughout the process of implementing the Disability Law, despite the concerted efforts of activists to challenge these ideas.

THE CHANGING PLACE OF DISABILITY IN INDONESIA

People living with disability in Indonesia face a range of unique challenges. Despite the absence of a single reliable source of data (Kusumastuti, Pradanasari and Ratnawati 2014; Priebe and Howell 2014), reports indicate that the prevalence of disability in Indonesia is between 10 and 15 per cent, which is in line with the global disability rate according to the World Health Organization’s 2011 ‘World report on disability’ (Adioetomo, Mont and Irwanto 2014).¹ People with disability are less likely to attend school due to physical and attitudinal barriers and the problematic implementation of the principles of inclusive education. They face more challenges in accessing employment because employers are either unwilling or unable to accommodate their needs. As discussed by Afrianty in Chapter 6 of this volume, people with disability also face challenges in participating fully in family and community life due to prevailing stereotypes and social stigmatisation. The lack of accessible infrastructure is another major impediment to their full participation in society (Adioetomo, Mont and Irwanto 2014). Nevertheless, there have been significant changes over the last two decades in how disability is conceptualised, how activism for disability is organised and, in turn, how the position of people with disability is reflected in government policy in Indonesia. These changes have happened at a slow but steady pace, and demonstrate how shifts in international conceptualisations of, funding for and commitment to disability have translated in the Indonesian context.

The language used to describe people with disability reflects contemporary understandings of the place of people with disability within a

1 The rate varies depending on the institution. For example, the 2010 census reported that the disability prevalence rate in Indonesia was 4.2 per cent of the total population, whereas the national Basic Health Research (Riset Kesehatan Dasar, Riskesdas) conducted by the Ministry of Health in 2007 indicated that the overall rate was 11.1 per cent (Priebe and Howell 2014).

given social context. Scholars of disability have long made the case for thinking critically about the kind of language that is used to describe people with disability, arguing that inappropriate language choices contribute to their marginalisation (Bolt 2005; Corbett 2013). In Indonesia, similar debates have occurred within activist and policy-making circles, contributing to an evolution of the language used to describe disability.² In the early days of independence, the word *cacat*, or 'defect', was used to describe disability, reflecting a social belief that people with disabilities were worth less as humans (Suharto, Kuipers and Dorsett 2016; Thohari 2012). During Sukarno's presidency (1945–67), a more common phrase was 'people with a physical or mental deficit' (*orang yang dalam kekurangan jasmani atau rohani*), reflecting a tendency for that regime to use euphemisms to soften the meanings of a range of different words (Suharto, Kuipers and Dorsett 2016). Suharto's New Order (1966–98) saw the proliferation of euphemisms to describe disability, including the use of the prefix *tuna* (*tuna netra* for 'blind', *tuna rungu* for 'deaf' and so on), *terganggu* (disturbed), *penderita cacat* (suffering from a deformity) and *penyandang cacat* (person with a deformity). These terms were used widely in various policy documents and laws but were not accepted by many disability activists (Suharto, Kuipers and Dorsett 2016).

The end of the New Order was a time for renewed debate on the terminology relating to disability. This period aligned with shifts in conceptualisations of disability globally. The growing popularity of the social model of disability—the idea that disability is a consequence of social structures and infrastructure that cannot accommodate people unless they are able-bodied—was reflected in a push to use the term *difabel*. Derived from the English phrase 'differently abled', this term was meant to reflect the range of capabilities that people living with disability possessed (Suharto, Kuipers and Dorsett 2016; Irwanto and Thohari 2017). *Difabel* became increasingly popular among activists in Yogyakarta and other parts of central Java, but among the network of disability advocates and policy-makers based in Jakarta, the more commonly used term was *penyandang disabilitas* (people with disabilities), which was introduced when the government of Indonesia ratified the CRPD through Law No. 19/2011 (Priebe and Howell 2014).

The difference in views about terminology between the activists based in central Java and the disability advocates in Jakarta reflected broader

2 Debates about language and terminology are also important to other Indonesian social movements. In this volume, see Chapter 11 by Setijadi for a discussion of the term *pribumi*, Chapter 7 by Wieringa and Chapter 8 by Wijaya for commentary on LGBT terms, and Chapter 13 by Manurung for a discussion on how to talk about the Orang Rimba.

trends in disability activism that were emerging at this time. During the New Order, the key organisations involved in disability activism were Jakarta-based peak bodies established by the regime (Dibley, forthcoming). Other kinds of organisations that existed during this period were rehabilitation centres and religious groups (Irwanto and Thohari 2017). The primary focus of these organisations was on meeting the welfare needs of people with disability. For the peak disability bodies, this meant seeking funding from the government for people with disability. Similarly, rehabilitation and religious organisations were focused on treatment, housing and other welfare issues (Irwanto and Thohari 2017).

Much like the transnational activism that contributed to changing perspectives towards lesbian, gay, bisexual and transgender (LGBT) communities in Indonesia (see Chapter 8 by Wijaya, this volume), changing international ideas about disability contributed to reshaping attitudes towards disability. In the late 1990s, the global disability movement itself began to change focus, shifting to a more rights-based approach to thinking about disability grounded in the social model (Kanter 2003; Kayess and French 2008). The global shift towards the social model of disability meant there was greater scope to think about people with disability as individuals with rights that needed to be fulfilled, rather than as individuals with problems who needed to be helped. This global change slowly began to influence disability activism in Indonesia.³ The formation of Dria Manunggal in Yogyakarta, a non-government organisation influenced by the global discourse on disability, and the ideas and approaches used by NGOs and activists in other sectors, was a pivotal point in the development of a more rights-based approach to the treatment of disability issues in Indonesia. Volunteers at Dria Manunggal went on to develop a range of other disability NGOs in Yogyakarta and other parts of central Java in the early post-authoritarian years. These organisations focused on such themes as employment, access to justice and women's issues, and used approaches that were more in line with the international discourse and agendas on disability rights (Dibley, forthcoming).

This broad shift in focus from welfare to rights was reflected in changes to policy. In 1997, at around the time the disability movement in Indonesia was moving towards a more rights-based approach, the New Order government agreed to the formation of its first national disability law, Law No. 4/1997 on People with Defects (*Penyandang Cacat*). Prior to the passing of this law, there was no single law dealing solely with disability. The rights of people with disability were broadly addressed in the 1945

3 See Chapter 6 of this volume by Afrianty for a discussion of how these changes influenced ideas about disability specifically within the framework of Islamic education.

Constitution, which ascribed rights to all citizens to establish a family, to have their basic needs met and to have access to education, employment, health and social protection. A series of laws enacted in 1992 (Laws 13, 14, 15 and 21) addressed accessibility issues for people with disability across all modes of transport. In addition, a ministerial decree passed in 1986, a Ministry of Education circular letter passed in 1989 and a government regulation passed in 1991 addressed how the education system was to accommodate children with disability (Priebe and Howell 2014). In this context, the passing of the 1997 law was a significant step forward, despite its charity-based focus in which the fulfilment of disability rights was limited to social welfare such as social security and rehabilitation.

As the debates within the international domain evolved, this law quickly became outdated. In December 2006, the UN General Assembly adopted the CRPD, which formally grounded the social model of disability in international law and created an international platform for the campaign for disability rights (Kanter 2003; Kayess and French 2008; Palacios 2015). Indonesia signed the convention in 2007 and ratified it in 2011. As a signatory to the convention, the government of Indonesia was then in a position where it had to adjust its policies related to disability, many of which directly contradicted the central tenets of the CRPD. As Edwards (2014: 4) has pointed out, the terminology used in Law No. 4/1997 continued to portray people with disability as needing support and assistance, as opposed to being entitled to 'actionable rights'. As a further example, in the domain of education, the 1997 law reinforced 'the kind of segregated education that is discouraged under the CRPD' (Edwards 2014: 5). These inconsistencies provided the foundation for a lengthy campaign by disability activists for the government to develop a law in line with the international convention.

The campaign for a new disability law was driven primarily by activists based in Jakarta. A network called the Working Group on the Disability Law (Kelompok Kerja Undang-Undang Disabilitas, more commonly referred to as Pokja) was instrumental in driving the campaign for this law. Members of Pokja worked with the National Commission for Human Rights to develop a draft law based on the CRPD. Supported by activists around the country, the campaign lasted for four years and culminated in the passing of a new national disability law, Law No. 8/2016 on People with Disabilities, in May 2016.

IMPLEMENTING THE LAW

Disability activists have played an important role in driving the Indonesian government's adoption of international disability norms. During

the process of drafting and campaigning for a new disability law, activists were able to benefit from the government's lack of knowledge about disability to push strongly for the elements they thought were important. Fajri Nursyamsi, a member of Pokja, explained that because most policy-makers had very little understanding of disability issues, activists were able to have a significant influence on the content of the law (interview, 28 February 2018). This same lack of knowledge on the part of government officials, however, had proved to be more of an impediment during the process of implementing the law. This comes as no surprise because, as Lindsey observes in Chapter 3 of this book, human rights laws in Indonesia are often aspirational in character.

In the case of the Disability Law, a lack of understanding of some of the key principles of the CRPD and a preference for expediency over accuracy on the part of the government have generated significant obstacles in the implementation of the law to date. Activists continue to hold the government accountable to the commitments it has made, but they have faced an uphill battle to overturn policy-makers' assumptions about how disability-related issues should be funded and who should be responsible for overseeing them. These difficulties are illustrated by the challenges faced in three areas: persuading the government to embrace a multi-sectoral approach to the implementation of the Disability Law; implementing the disability card proposed in the national law; and campaigning to implement the law outside Jakarta.

A multi-sectoral approach

A key illustration of the challenges activists have faced so far is the protracted process of developing the implementing regulations for the 2016 Disability Law. In Indonesia, a law requires subsidiary regulations, introduced at the ministerial level, in order for its various parts to be fully implemented. These regulations are linked to the relevant ministry's budget, which is an integral part of enacting the law. Implementing regulations also have a timeframe during which they have to be enacted. In the case of the Disability Law, the activists involved in the drafting of the law (the members of Pokja) believed that to properly implement the law, 18 implementing regulations were required: 15 government regulations (*peraturan pemerintah*, PP), two presidential regulations and one ministerial regulation (Nugrahenyantara 2016). The 15 government regulations involved 10 ministries: the Ministry of National Development Planning (Bappenas), the Ministry of Law and Human Rights, the Ministry of Research, Technology and Higher Education, the Ministry of Education and Culture, the Ministry of Manpower and Transmigration, the Ministry of Administrative and Bureaucratic Reform, the Ministry of Tourism,

the Ministry of Social Affairs, the Ministry of Public Works and Public Housing and the Ministry of Finance. One of the presidential regulations concerned the development of the National Disability Commission and the other related to government departments offering incentives to provide public facilities that met the needs of people with disabilities.

The law itself did not specify which ministries were to be involved in the implementation of the law, but a key goal for disability activists was to ensure that the new law would create a framework that addressed disability as a multi-sectoral issue. Throughout Indonesia's history, disability issues have been within the domain of the Ministry of Social Affairs, which has been responsible for providing rehabilitation services and social protection programs for people with disability. In order to reflect the key principles of the CRPD, activists campaigned hard for the new disability law to provide a framework that would make it possible for a much broader range of ministries to be involved in the management of disability-related issues. For example, Pokja opposed the final draft of the disability law prepared by Commission VIII of the House of Representatives (Dewan Perwakilan Rakyat, DPR), in which the Ministry of Social Affairs was again positioned as the single focal point for disability. Pokja saw this as a step back from approaching disability as a multi-sectoral issue (Soekanwo et al. 2015).

The activists' efforts were not reflected in the final wording of the law, which named only the Ministry of Social Affairs. They responded to this development by closely analysing the final version of the law, and attributing a relevant ministry any time 'the government' was referenced as being responsible for some element of implementing the law. After going through this process, the activists were able to identify what they considered to be the 18 implementing regulations required to fully enact the law (interview, Fajri Nursyamsi, 28 February 2018). Table 5.1 provides an overview of these implementing regulations. As is evident from the table, the law's scope extends far beyond the traditional responsibilities of the Ministry of Social Affairs, and involves a range of different ministries.

In late July 2017 the government announced that it would enact a single government regulation to cover the implementation of the law and that this regulation would be managed by the Ministry of Social Affairs (Nursyamsi 2017a). Government officials provided three reasons for their decision. First, the decision to streamline the number of regulations was in line with President Joko Widodo's more general 'deregulation' policy, which sought to simplify government processes and reduce red tape. Second, the other ministries identified as being responsible for the regulations had limited budgets. Finally, the bureaucrats argued that passing a single regulation would be quicker and more efficient than passing 18 regulations.

Table 5.1 Overview of implementing regulations for Law No. 8/2018 on People with Disabilities

Type & focus of implementing regulation	Proposed ministry
Government regulation (peraturan pemerintah, PP)	
1 Planning, implementation & evaluation	Bappenas
2 Suitable accommodation for people with disabilities in judicial processes	Ministry of Law & Human Rights
3 Mechanism for administrative sanctions for higher-education institutions that do not establish a disability service unit	Ministry of Research, Technology & Higher Education
4 Suitable accommodation for students with disability	Ministry of Education & Culture
5 Mechanism for administrative sanctions for schools & education providers that do not provide suitable accommodation for students with disability	Ministry of Education & Culture
6 National & local government incentives for private enterprises that employ people with disability	Ministry of Manpower & Transmigration
7 Disability Service Units	Ministry of Admin. & Bureaucratic Reform
8 National & local government incentives for hospitality & tourism industries that provide disability-friendly & accessible travel services	Ministry of Tourism
9 Social rehabilitation, social security, social empowerment & social protection	Ministry of Social Affairs
10 Accessible housing for people with disability	Ministry of Public Works & Public Housing
11 Accessible public services for people with disability	Ministry of Public Works & Public Housing
12 Management & participation of people with disability in disaster risk reduction	Ministry of Public Works & Public Housing
13 Habilitation & rehabilitation services	Ministry of Social Affairs
14 Concessions for people with disability	Ministry of Finance
15 Provision of incentives by national & local governments to private enterprises that provide concessions for people with disability	Ministry of Finance
Presidential regulation (peraturan presiden)	
16 Organisation, structure & membership of National Disability Commission (Komisi Nasional Disabilitas)	Office of the President
17 National & local government incentives for providers of public facilities & utilities that meet the needs of people with disability	Office of the President
Ministerial regulation (peraturan menteri)	
18 Production of disability cards (<i>kartu penyandang disabilitas</i>)	Ministry of Social Affairs

Source: Kelompok Kerja Undang-Undang Disabilitas (Pokja).

The Pokja activists interpreted the government's decision differently. They argued that the underlying reason for this approach was that the other ministries still did not understand the relevance and importance of a multi-sectoral approach to addressing disability, and had not taken ownership of the government regulations related to their ministerial functions. The ministries named in the list of 15 government regulations had made no effort to budget for their allocated tasks, with the exception of the Ministry of Social Affairs. Under these circumstances, and with increasing pressure to begin implementing the law, the most expedient path for the government was to pass just a single government regulation that related to the ministry that most policy-makers knew had traditionally been responsible for disability issues (interview, Fajri Nursyamsi, 28 February 2018).

Disability advocates responded strongly to this decision, mobilising quickly to reject what they called the 'one-size-fits-all government regulation' (*PP sapu jagat*). In August 2017, they established the People's Coalition to 'Reject the One-Size-Fits-All Government Regulation' (Koalisi Masyarakat 'Tolak PP Sapu Jagat') and held a press conference at which they voiced their opposition to the decision. Their key argument was that rolling what should have been 18 government regulations into a single regulation went against the 'spirit of the formation of the Disability Law, which was firm in its commitment to include a range of government sectors' (Nursyamsi 2017b). Fajri Nursyamsi outlined the position of the Pokja activists in a blog post in which he argued that political will rather than budgeting issues was the real obstacle for most ministries. He also disputed the claim that passing a single government regulation would be quicker, on the grounds that the Ministry of Social Affairs would not necessarily be able to improve the awareness or understanding of other ministries about the roles they would inevitably have to play to implement the law as it was written (Nursyamsi 2017b). He also claimed that by stepping away from the commitment to multi-sectorality, the government was breaking a promise it had made during Jokowi's election campaign to reframe disability issues as a human rights issue (Dibley 2014, 2016; Nursyamsi 2017b).

Building on the ideas presented in Nursyamsi's blog post, Bappenas proposed an alternative that involved having eight government regulations. Due to the unofficial coordinating role played by Bappenas in pushing for this idea, four ministries (in addition to the Ministry of Social Affairs) confirmed their readiness to prepare government regulations in their respective domains. These were Bappenas, the Ministry of Education and Culture, the Ministry of Law and Human Rights and the Ministry of Public Works and Public Housing. The Ministry of Finance and the Ministry of Manpower and Transmigration remained silent on their position

(Gerak Inklusi 2018). In early 2018, activists were optimistic that, although the three-year deadline for implementing the law was rapidly approaching, this development would soon lead to some concrete changes.

Much to the disappointment of disability activists, the government's lack of awareness of and commitment to the principles underlying the CRPD became apparent yet again in mid-2018. On 3 May 2018, President Joko Widodo issued Presidential Decree No. 9/2018 on the Government Regulations Formulation Program, which approved 43 draft government regulations for processing and enactment within a year of the decree. In this decree, only four of the eight draft government regulations on disability were included, and of these, two were the responsibility of the Ministry of Social Affairs. The other four draft government regulations, which according to activists were more likely to contribute to positive change for people with disability, were not included. Pokja criticised the government's decision and demanded a revision to the decree to include all eight draft government regulations, and their enactment as quickly as possible. They also demanded more active participation of people with disability in the formulation of future government regulations related to the Disability Law (Solider 2018).

The challenges that activists have faced in convincing policy-makers to adopt a multi-sectoral approach to dealing with disability reflect both the slow pace at which new ideas come to be deeply understood and the political place of disability in the Indonesian context. It is clear that although policy-makers were willing to enact a law based on the principles in the CRPD, there were considerable limits to their understanding of what those principles meant in practice. Activists have consistently tried to translate these international norms for policy-makers, but in the absence of a broader culture of seeing people with disability as having rights (rather than needing assistance) and in the context of a government having to spread its energy across a range of different issues, policy-makers continue to fall back on the default position of treating disability as an issue of rehabilitation and welfare.

Another important factor limiting the government's willingness to put the more complex and potentially expensive elements of the law into practice is the limited political value of doing so. Disability, unlike many other social issues in Indonesia, is not a highly politically contentious issue. Although people with disability can be found across Indonesia, unlike many of the other minority groups discussed in this book, they have historically been hidden from public view and considered to be the responsibility of their families. As such, for the general population, the issue of disability is a low priority and the changes that disability activists demand do not challenge any mainstream religious or political practices. Consequently there are limited benefits to policy-makers and

politicians in investing time and resources in making significant change in this domain.

Disability card

The persistence of the welfare approach to thinking about disability among government officials is also reflected in the implementation of the disability card mandated by the Disability Law. Article 22 of the law stipulates that the Ministry of Social Affairs is to issue a card to people with a disability after undertaking a national data-collection process. To date, this card is yet to be officially issued (anonymous interview, Ministry of Social Affairs official, August 2018). Progress has stalled in part because the card itself is controversial, with some in the activist community believing it to be a tool for empowerment and others seeing it as a mechanism for further discrimination. Adding further complexity to the situation is the fact that other types of disability cards have recently been released by the Ministry of Social Affairs and by a number of local governments. The conflicting views among activists about the suitability of the disability card, coupled with the enthusiasm that policy-makers have for such a concept, indicate that there is a lack of consensus around the norms underpinning this idea.

The Disability Law itself provides very limited information about the disability card and how it is to be implemented. Beyond stating that the card is to be linked to a national data-collection process, the law provides no further details, with much of the information about eligibility and the function of the card being set out in Ministerial Regulation No. 21/2017 on the Production of Disability Cards (Jogloabang 2017). The release of this ministerial regulation in November 2017 was met with criticism and demands for its revision by Pokja activists due to inconsistencies that made it difficult for people with disability to access the card (Rakyatku News 2018). For example, Article 7 of the ministerial regulation requires people with disability to register at their local Social Affairs offices, which are mainly located in the district capitals. This makes it difficult for people living outside the capital to register without spending considerable money on transportation (Solider 2018). The Ministry of Social Affairs continues to deliberate on its response to these criticisms (anonymous interview, Ministry of Social Affairs official, August 2018).

These criticisms aside, the concept of the disability card itself has been a source of controversy among disability activists. The key point of contention relates to whether the card is a form of discrimination or rather a pathway to access resources that can potentially empower people with disabilities. While neither the law nor the ministerial regulation indicates that the card would be linked to the provision of welfare benefits, some

disability activists believe this should be an important element of the card. Others believe the whole concept of the card is flawed, whether or not it includes provision for welfare payments. Bahrul Fuad, for example, has argued that a card used exclusively to identify citizens with disability goes against the principles of the social model and the CRPD. The deliberate differentiation of people with disability from other citizens contributes to what he calls the 'legalisation of stigma', while the provision of welfare payments will contribute to a sense of jealousy among those who do not have a disability (Fuad 2015).⁴ Other activists argue that while the differentiation of people with disability may be problematic, so few mechanisms are in place for people with disability to participate in society that any kind of support is welcome (interview, Risna Utami, 26 March 2018).

The Pokja activists' view was that the inclusion of the card in the law was an important part of ensuring that better data on disability were collected. Consistent data about disability in Indonesia are difficult to source, with different government bodies using different tools and measures to collate information about the rates, distributions and types of disability that exist in Indonesia (Cameron and Suarez 2017; Adioetomo, Mont and Irwanto 2014). Those involved in drafting the law thought that the disability card would provide an incentive for the government to undertake a more comprehensive national disability data-collection process (interview, Maulani Rotinsulu, 26 February 2018).

The situation has been made more complicated by the introduction of other forms of disability cards by both the Ministry of Social Affairs and district governments. In 2016, Khofifah Parawansa, the former minister of social affairs, launched a disability-inclusive card related to the ministry's conditional cash transfer scheme, the Family Hope Program (Program Keluarga Harapan, PKH). At the launch, the minister claimed that the PKH card was being introduced as part of the implementation of the new Disability Law and announced that 125,000 cards would be issued over the course of the following year (Tribunnews 2016). The PKH card in fact had no links to the Disability Law. It was conceived of before the law was drafted, and was launched before the ministerial regulation related to the

4 This concern about having one's minority status formally classified is consistent with the difficulties encountered by other minorities discussed in this book. See Chapter 4 of this book by Butt for a discussion of the classification difficulties faced by followers of a faith other than one of the five main religions, Chapter 11 by Setijadi for the difficulties faced by people who are singled out as being *pribumi* or *non-pribumi*, and Chapter 7 by Wieringa for the problems experienced by descendants of members of the Indonesian Communist Party (Partai Komunis Indonesia, PKI).

Disability Law card was formulated. The minister's reference to a connection between the PKH card and the Disability Law is best explained as an attempt to make it appear that the Ministry of Social Affairs was taking action related to the Disability Law.

Meanwhile, governments at the district level have also been developing disability cards. The Social Affairs offices in the districts of Sukoharjo and Banyuwangi, for example, created their own versions of the disability card and distributed them to people with disability in the local area (Fanani 2018; Jawa Pos 2018). They did this even though there are no provisions in the law or in the ministerial regulation that stipulate that local governments need to develop their own version of the card. The decisions by both the Ministry of Social Affairs and its counterparts at the district level to launch separate disability cards indicate that, even though the idea is controversial among activists, there is something appealing to policy-makers about the development of such a card.

Disability activism beyond Jakarta

The Disability Law has little bearing on the day-to-day lives of activists outside Jakarta. Their ability to contribute to the debates related to the implementation of the law is limited by their geographic distance from Jakarta, where the vast majority of the decisions are made. Nevertheless, the passing of the law has provided activists with a tool to leverage changes at the local level.

Each article in the law outlining a particular action that needs to be taken by a government body indicates that both the central government and local governments are responsible. However, regulations at the local level, called *peraturan daerah (perda)*, need to be in place for the provisions of the law to be implemented. The focus of disability activists in Jakarta has been on the government, presidential and ministerial regulations, leaving the work of campaigning for provincial and district regulations to their counterparts around the country. In some provinces activists have lobbied for provincial regulations related to disability to be put in place, but in others these regulations were enacted *before* the Disability Law was passed, meaning that they may need to be amended to align with the national law. A few of these regulations even still refer to and use the terminology in the former disability law, such as Provincial Regulation of Kepulauan Bangka Belitung No. 10/2010 on Protection and Social Welfare Services for People with Defects.

For activists outside Jakarta, the enactment of the Disability Law has provided what one person described as a 'weapon for advocacy' (focus group discussion, January 2018). The existence of a national law stipulating that local governments have an obligation to make changes in support

of people with disability offers activists a platform to lobby for change within their local areas, which many activists have taken up. The challenge, however, is considerable depending on the area. In some places, activists report that their local leaders are not even aware that a new national disability law has been enacted, which provides some indication of the level of work that will be required to ensure that the relevant local regulations are passed.

CONCLUSION: LAW, ACTIVISM AND DISABILITY IN INDONESIA

The implementation of the 2016 Disability Law has happened slowly, and while this is frustrating for disability advocates, it is neither surprising nor unusual in the Indonesian context. Observers of Indonesian law-making, and politics in general, are well aware that it is often much easier to pass a law than to implement it. Laws like the Disability Law that are driven by activists who are pushing for the implementation of international norms in domestic policy, can take an extended period of time to be fully implemented, and even then may not be implemented perfectly (Butt 2013).

One of the key challenges for disability activists has been to challenge policy-makers' view of disability as primarily a welfare issue. Activists have had to consistently make the case that, for Indonesia's treatment of people with disability to align with international norms, namely the CRPD and the social model, disability must become the responsibility of a range of different actors, which would all be required to make it easier for people with disability to participate actively in society. In the case of government regulations, there has been push and pull between activists and policy-makers around this key tension. The government's latest decision to implement just four regulations, two of which are the responsibility of the Ministry of Social Affairs, reinforces the idea that disability remains a welfare, rather than a rights, issue for the government.

The difficulties that activists have encountered in maintaining policy-makers' commitment to the principles underpinning the Disability Law also speak to the 'politics' of disability in Indonesia. Unlike other minority groups, such as groups representing the LGBT community or religious minorities, people with disability are advocating for an issue that is morally appealing but politically neutral. This contributed to the ease with which disability advocates were able to convince policy-makers to integrate key elements underpinning the CRPD into the Disability Law. But that same politically neutral position also means that as the implementation phase of the law begins, there are limited incentives for policy-makers to follow through on their promises.

The other major challenge ahead in the implementation of the Disability Law is the need for continuing political action at the local level all around the country. For the law to be fully implemented, provincial and district governments will have to pass their own regulations. As has been demonstrated at the national level, local activists will most likely need to play a central role in ensuring that these regulations are passed, and that they accurately reflect the principles of the law. The problem is that the ability of people with disability to advocate on their own behalf varies so greatly across the country. The skills and contacts that advocates at the national level have developed through their engagement with the national law do not necessarily translate into benefits for their counterparts outside Jakarta, and national disability organisations do not have the resources or skills to empower members in the branches. Therefore, what is likely to occur is an uneven distribution of change around the country, with no clear agenda by the government or activists to ensure that the rights of people with disability are met equally across the country.

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