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From Legal Recognition to Enforcement: Comparative Protection of Workers with Disabilities in Indonesia and Malaysia

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Abstract

Ensuring equal employment opportunities for persons with disabilities remains a major challenge in many countries, including Indonesia and Malaysia, despite the existence of international standards such as the International Labour Organization (ILO) Convention No. 159 and the United Nations Convention on the Rights of Persons with Disabilities (CRPD). This study examines the regulation and effectiveness of employment protection for workers with disabilities in both countries, particularly regarding the principles of non-discrimination, reasonable accommodation, and access to legal remedies. This research adopts a normative legal approach using statutory, conceptual, and comparative methods. The analysis is based on primary legal materials, including Law No. 8 of 2016 on Persons with Disabilities and Law No. 13 of 2003 on Manpower in Indonesia, as well as the Persons with Disabilities Act 2008 and the Employment Act 1955 in Malaysia, together with international instruments such as the CRPD and ILO Convention No. 159. These materials are analyzed through comparative legal analysis and norm synchronization to evaluate the coherence, enforceability, and institutional mechanisms of disability employment protection in both countries. The findings show that Indonesia demonstrates stronger formal commitments, particularly through constitutional guarantees and a mandatory employment quota for persons with disabilities. However, its effectiveness is limited by regulatory fragmentation, the absence of technical standards for reasonable accommodation, and weak enforcement mechanisms. In contrast, Malaysia lacks a legally binding quota system but provides stronger administrative enforcement and dispute resolution mechanisms, enabling more operational protection in practice. This study contributes to the literature on comparative disability employment law in Southeast Asia by demonstrating that the effectiveness of disability protection depends not only on the existence of legal norms or international treaty ratification but also on regulatory coherence and enforceable institutional mechanisms. The findings highlight the need for regulatory harmonization, stronger enforcement systems, and clear standards for reasonable workplace accommodation to improve the protection of workers with disabilities.

INTRODUCTION

Protecting the rights of workers with disabilities constitutes an essential component of the broader framework of human rights protection. Internationally, the right to work for persons with disabilities has been recognized through several legal instruments developed by the International Labour Organization (ILO) and the United Nations.[1] One of the most important instruments is the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), which establishes the international foundation for ensuring equal employment opportunities for persons with disabilities.[2] The Convention defines persons with disabilities as individuals whose physical or mental impairments substantially reduce their prospects of obtaining, maintaining, or advancing in employment. It further emphasizes the principles of equal opportunity, non-discrimination, and the integration of persons with disabilities into employment policies and services.[3] In addition, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) prohibits discrimination in employment on various grounds, including disability.

The development of international protection for workers with disabilities was further strengthened by the adoption of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Article 27 of the CRPD explicitly recognizes the right of persons with disabilities to work on an equal basis with others, including the opportunity to gain a living through freely chosen employment in an open, inclusive, and accessible labor market.[4] These international instruments serve as important benchmarks for assessing the effectiveness of national legal systems in protecting the employment rights of persons with disabilities. However, despite the existence of these normative guarantees, structural barriers and discrimination against workers with disabilities remain prevalent in many countries, particularly in developing economies. According to the International Labour Organization, approximately 82% of persons with disabilities in developing countries live in poverty and face limited access to employment opportunities.[5]

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[1] G. Ananian, S.; Dellaferrera, "A Study on the Employment and Wage Outcomes of People with Disabilities" (Geneva, 2024).
[2] Committee on the Rights of Persons with Disabilities, "Concluding Observations on the Initial Report of Indonesia," 2022.
[3] Prima Muliadi, Tengku Erwinsyahbana, and Lubis Mhd Teguh Syuhada, "Pengawasan Kewenangan Diskresi Kepolisian Terhadap Penghentian Penyidikan Tindak Pidana Berdasarkan Keadilan Restoratif Di Kepolisian Daerah Sumatera Utara," *IURIS STUDIA: Jurnal Kajian Hukum* 5 (2024): 58–70.
[4] Rhivent M. M. Samatara, Dani R. Pinasang;, and Natalia L. Lengkong, "Hak Pekerjaan Bagi Penyandang Disabilitas Dalam Perspektif Hak Asasi," *Lex Administratum* 9, no. 1 (2021): 1–19.
[5] Dini Erissa, Devi; Widinarsih, "Akses Penyandang Disabilitas Terhadap Pekerjaan: Kajian Literatur," *Jurnal Pembangunan Manusia* 3, no. 1 (2022): 432–45.

In Indonesia, although the legal framework for protecting the rights of persons with disabilities has been established through Law No. 8 of 2016 on Persons with Disabilities, Law No. 13 of 2003 on Manpower, and the ratification of the CRPD through Law No. 19 of 2011, the implementation of these norms continues to face significant challenges.[6] Data from the Indonesian Central Bureau of Statistics (BPS) in 2022 shows that out of approximately 16.5 million persons with disabilities of working age, only 7.6 million are employed, indicating a substantial gap in labor participation. Furthermore, only 1.73% of companies in Indonesia employ workers with disabilities, demonstrating that the legal recognition of disability rights has not yet been fully translated into effective employment inclusion.[7] Structural discrimination, limited workplace accessibility, and persistent social stigma continue to hinder the participation of persons with disabilities in the labor market.

A similar situation can be observed in Malaysia. Although Malaysia enacted the Persons with Disabilities Act 2008, which guarantees equal access to employment and public services for persons with disabilities, the implementation of these rights remains limited. The Malaysian government introduced a policy requiring the civil service sector to allocate 1% of positions for persons with disabilities, yet the target has not been consistently achieved. Studies estimate that the underemployment of persons with disabilities in Malaysia may result in economic losses ranging from USD 1.68 to USD 2.38 billion in potential GDP contributions. These empirical conditions indicate that the existence of legal norms alone does not necessarily ensure effective protection of employment rights for persons with disabilities.[8]

Several previous studies have examined the protection of employment rights for persons with disabilities. In Indonesia, Muttaqi (2024)[9] and Bumn (2010)[10] analyzed legal protection mechanisms for workers with disabilities and concluded that although the regulatory framework appears adequate, enforcement remains weak and fragmented.

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[6] Farid Wajdi & Ahmad Tholabi Kharlie, "Perlindungan Hukum Bagi Pekerja Disabilitas Di Indonesia: Perspektif Perlindungan Hukum Satjipto Rahardjo," *Staatsrecht: Jurnal Hukum Kenegaraan Dan Politik Islam* 42, no. 3 (2026): 542–56.

[7] Muhamad Ngizzul Muttaqi, "Ketenagakerjaan Penyandang Disabilitas Merupakan Permasalahan Sosial Yang Perlu Diperhatikan Pemerintah Indonesia," *224-234* 5, no. 3 (2024): 1–32.

[8] Government of Malaysia, "Employment (Amendment) Act 2022" (2022).

[9] Ria Tri Vinata, "Konstruksi Archipelagic State Principle Dalam Pembangunan Hukum Laut Internasional," *Jurnal Ilmiah Hukum DE'JURE: Kajian Ilmiah Hukum* 4, no. 2 (2022): 322–45, https://doi.org/10.35706/dejure.v4i2.6461.

[10] D I Bumn, "Pemenuhan Hak Penyandang Disabilitas Dalam Mendapatkan Pekerjaan Di Bumn 1," *Law Reform* 15, no. 1 (2019): 225–38.

Similarly, Dahlan and Anggoro (2021)[11] and Rohan et al (2025)[12] explored the right to work for persons with disabilities in the public sector using social and medical models of disability, highlighting the persistence of institutional barriers that limit employment opportunities. In the Malaysian context, studies on the implementation of the Persons with Disabilities Act 2008 indicate that while the law formally recognizes the rights of persons with disabilities, it lacks clear sanctions and enforcement mechanisms for cases of discrimination.[13]

Although these studies provide important insights, most of them focus on single-country analyses, examining the legal framework of disability employment rights either in Indonesia or in Malaysia separately. Comparative legal studies that systematically examine the effectiveness of disability employment protection between the two countries remain limited. This absence of comparative analysis creates a significant research gap, particularly considering that Indonesia and Malaysia share similar socio-economic characteristics as developing countries in Southeast Asia and have both ratified the CRPD. Despite these similarities, their legal systems differ substantially in terms of regulatory design, enforcement mechanisms, and institutional arrangements.

Therefore, a comparative legal analysis between Indonesia and Malaysia is essential for identifying regulatory strengths, weaknesses, and best practices in protecting workers with disabilities. Comparative analysis also allows for a deeper evaluation of whether the ratification of international conventions has been translated into effective national legal protection. In this context, examining the effectiveness of legal protection mechanisms particularly in relation to reasonable accommodation, enforcement structures, and redress mechanisms becomes crucial in understanding the actual implementation of disability employment rights.

The novelty of this study lies in its comprehensive comparative analysis of the effectiveness of legal protection for workers with disabilities in Indonesia and Malaysia, not only by examining statutory provisions but also by evaluating the coherence of legal norms, enforcement mechanisms, and dispute resolution systems within each country. By integrating international legal standards from the ILO and CRPD with national legal frameworks, this study aims to provide a deeper understanding of the regulatory effectiveness of disability employment protection in both jurisdictions.

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[11] Syahriza Alkohir Dahlan, Muhammad; Anggoro, "Hak Atas Pekerjaan Bagi Penyandang Disabilitas Di Sektor Publik," *Undang: Jurnal Hukum* 4, no. 1 (2021): 23–34.
[12] Rohan et al. Collier, "Comparative Analysis of Global Disability Rights Frameworks," *International Journal of Innovative Research in Computer Science & Technology* 13, no. 3 (2025): 1–21.
[13] Siti Nur et al., "The Drivers Force The Gig Workers Into Gig Economy : The Case Of Malaysia," *Journal of Business and Social Development* 11, no. 1 (2023): 1–12.

Based on the above background, this research addresses the following questions: 1) How are labor laws regulating workers with disabilities structured in Indonesia and Malaysia, 2) How effective are the legal protection mechanisms for workers with disabilities in Indonesia and Malaysia when assessed based on ILO and CRPD standards.

METHODS

This study employs normative legal research with a descriptive–comparative design. Normative legal research examines legal norms contained in legislation, legal doctrines, and scholarly works to evaluate the adequacy and effectiveness of legal protection frameworks. The descriptive–comparative design is used to systematically describe and compare the legal regulations governing workers with disabilities in Indonesia and Malaysia, particularly in relation to international standards established by the International Labour Organization (ILO) and the Convention on the Rights of Persons with Disabilities (CRPD).[14]

The study relies on secondary data in the form of legal materials, which are classified into three categories: primary, secondary, and tertiary legal materials. Primary legal materials consist of binding legal sources such as legislation and international conventions. In Indonesia, these include Law No. 8 of 2016 on Persons with Disabilities, Law No. 13 of 2003 on Manpower, and Law No. 19 of 2011 on the Ratification of the CRPD. In Malaysia, the primary sources include the Persons with Disabilities Act 2008 (Act 685), the Employment Act 1955 and its amendments, and related regulations. International instruments, particularly ILO Convention No. 159 and the CRPD, are used as normative benchmarks. Secondary legal materials include academic literature, journal articles, and research reports on disability rights and labor law, while tertiary materials consist of legal dictionaries and reference sources used to clarify legal concepts.[15]

This research applies three approaches: statutory, conceptual, and comparative. The statutory approach examines laws and regulations governing the protection of workers with disabilities in both countries. The conceptual approach analyzes key legal concepts such as the social model of disability, non-discrimination, reasonable accommodation, and legal protection theory. The comparative approach is used to identify similarities,

[14] Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2016).
[15] Ade Adhari; R.B. Sularto; Budi Gutami, "Kebijakan Hukum Pidana Terhadap Tindak Pidana Di Bidang Pertambangan Mineral Dan Batubara Dalam Undang-Undang Nomor 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batubara," *Jurnal Undip* 1, no. 7 (2013): 1–11, https://www.mendeley.com/catalogue/572d219f-4175-39c0-98c4-f41327e3e68d/?utm_source=desktop&utm_medium=1.19.8&utm_campaign=open_catalog&userDocumentId=%7B7791ba13-f2a3-43cb-bf55-841e5d6d3d10%7D.

differences, strengths, and weaknesses in the legal frameworks of Indonesia and Malaysia.

To ensure systematic comparison, the study employs five analytical indicators derived from international disability law standards, particularly ILO Convention No. 159 and Article 27 of the CRPD. These indicators include: (1) anti-discrimination protection; (2) employment quota policies; (3) reasonable accommodation obligations; (4) enforcement mechanisms; and (5) judicial and administrative remedies for victims of discrimination. These indicators function as parameters for evaluating the effectiveness of legal protection mechanisms in both countries.

Legal materials were collected through library research, including legislation, international instruments, academic literature, and policy documents. The data were analyzed qualitatively using legal interpretation and comparative analysis. Legal interpretation was used to examine the scope and meaning of legal provisions regulating workers with disabilities, while comparative analysis evaluated similarities and differences between Indonesian and Malaysian legal frameworks based on the predetermined indicators.[16]

In addition, this study applies norm synchronization analysis, both vertically and horizontally. Vertical synchronization examines the consistency between international legal standards and national legislation, whereas horizontal synchronization evaluates the coherence between domestic legal instruments within each country. The results of this analysis are used to assess the effectiveness of legal protection for workers with disabilities and to formulate recommendations for improving regulatory frameworks in both jurisdictions.

RESULTS AND DISCUSSION

1. Employment Law Regulations for Workers with Disabilities in Indonesia and Malaysia

Both Indonesia and Malaysia have established legal frameworks aimed at protecting the employment rights of persons with disabilities.[17] However, the structure, enforcement mechanisms, and practical effectiveness of these frameworks differ

[16] Abdulkadir Muhammad, "Hukum Dan Penelitian Hukum," *LAW REFORM* 8, no. 1 (2004): 134, https://doi.org/10.20961/hpe.v6i2.1769.
[17] Jazim Hamidi, "Perlindungan Hukum Terhadap Disabilitas Dalam Memenuhi Hak Mendapatkan Pendidikan Dan Pekerjaan," *Jurnal Hukum IUS QUIA IUSTUM* 23, no. 4 (2016): 652–71.

significantly, reflecting variations in legal traditions, policy priorities, and institutional capacity.[18]

In Indonesia, the protection of workers with disabilities is embedded in a multi-layered legal framework consisting of constitutional guarantees, general labor legislation, and disability-specific regulation. Article 27(2) of the 1945 Constitution guarantees every citizen the right to work and to a decent livelihood.[19] This principle is operationalized through Law No. 13 of 2003 on Manpower, which establishes the principle of equal opportunity and non-discrimination in employment.[20]

More specific protection is provided through Law No. 8 of 2016 on Persons with Disabilities, which represents a major reform in Indonesian disability law following the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) through Law No. 19 of 2011.[21] One of the most significant provisions of Law No. 8 of 2016 is the introduction of a mandatory employment quota, requiring government institutions and state-owned enterprises to employ at least 2% workers with disabilities, while private companies must employ at least 1%.[22]

From a normative perspective, this quota system reflects a strong commitment to affirmative action policies aimed at correcting structural inequality in the labor market. However, empirical evidence indicates that implementation remains weak.[23] According to data from Indonesia's Ministry of Manpower and the National Labour Force Survey (Sakernas), only around 0.28% of formal sector workers in Indonesia are persons with disabilities, far below the legally mandated quota. Several factors explain this gap, including limited employer awareness, lack of workplace accessibility, and weak enforcement mechanisms.[24]

Institutionally, Indonesia has attempted to strengthen implementation through the establishment of Disability Service Units (Unit Layanan Disabilitas – ULD) under Government Regulation No. 60 of 2020. These units are designed to facilitate job

[18] SH Parwoto Wignjosumarto, *Kiat Memahami Materi Peraturan Pemerintah Pengganti Undang-Undang (PERPPU) Nomor 2 Tahun 2022*, n.d.
[19] Indonesia Republik, "Undang-Undang Nomor 8 Tahun 2016 Tentang Penyandang Disabilitas" (2016).
[20] Republik Indonesia, "Undang-Undang Nomor 13 Tahun 2003" (2003).
[21] Republik Indonesia, "Undang-Undang Nomor 19 Tahun 2011 Tentang Pengesahan Convention on the Rights of Persons with Disabilities" (2011).
[22] Farizah Hanum Azmi, Ruzita; Ismail, "Malaysia's Disability Employment Policy: Moving Towards Inclusive Labour Market," *Asian Journal of Law and Society* 10, no. 2 (2023): 43–65.
[23] Karinina Anggita Farrisqi and Farid Pribadi, "Perlindungan Hak Penyandang Disabilitas Untuk Memperoleh Pekerjaan Dan Penghidupan Yang Layak," *Jurnal Pekerjaan Sosial* 4, no. 2 (2021): 149–55.
[24] United Nations, "Convention on the Rights of Persons with Disabilities" (New York, 2006).

placement, mediation, and advocacy for workers with disabilities.[25] Nevertheless, many regional governments have not yet established fully functioning ULDs due to limited administrative capacity and budget constraints.[26]

Malaysia, by contrast, regulates disability rights primarily through the Persons with Disabilities Act 2008 (Act 685). The Act adopts a definition of disability consistent with the CRPD and recognizes the right of persons with disabilities to access employment on an equal basis with others. The Act also introduces the principle of reasonable accommodation, requiring employers to make necessary adjustments to enable persons with disabilities to obtain and retain employment.[27] However, unlike Indonesia, Malaysia does not establish a legally binding employment quota in its primary legislation. Instead, the Malaysian government introduced a 1% employment target for persons with disabilities in the public sector through administrative circulars. In practice, this target has not been achieved. Government reports indicate that by 2024 persons with disabilities accounted for only approximately 0.3% of civil service employees, illustrating the limitations of a policy framework that lacks enforceable sanctions.[28]

. Despite this weakness, Malaysia has introduced important reforms through the Employment (Amendment) Act 2022, which strengthens labor protections including provisions related to workplace equality and dispute resolution. These amendments enable workers to file complaints with the Director-General of Labour, thereby creating a more accessible administrative enforcement mechanism compared to Indonesia's industrial relations court process.

2. Comparison of the Effectiveness of Legal Protection for Workers with Disabilities in Indonesia and Malaysia Based on ILO Standards

A comparative evaluation of the Indonesian and Malaysian legal frameworks can be conducted using international benchmarks derived from ILO Convention No. 159 and Article 27 of the CRPD, which emphasize five key elements: anti-discrimination protection, employment quotas or affirmative action, reasonable accommodation, enforcement mechanisms, and access to remedies.[29]

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[25] Indonesia Republik, "Peraturan Pemerintah Nomor 60 Tahun 2020 Tentang Unit Layanan Disabilitas Bidang Ketenagakerjaan" (2020).
[26] Republik, Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas.
[27] Government of Malaysia, "Persons with Disabilities Act 2008 (Act 685)" (2008).
[28] Azmi, Ruzita; Ismail, "Malaysia's Disability Employment Policy: Moving Towards Inclusive Labour Market."
[29] Ruzita Azmi, "Disability Law Reform in Malaysia: Lessons for ASEAN," *Singapore Journal of Legal Studies* 3, no. 1 (2022): 43–56.

a. Anti-Discrimination Protection

Both countries formally recognize the principle of equality in employment. However, the legal basis differs significantly.[30]

Indonesia's anti-discrimination protection is stronger at the constitutional level because the right to work is explicitly guaranteed in the Constitution. Moreover, Law No. 8 of 2016 explicitly prohibits discrimination against persons with disabilities in employment.

In contrast, Malaysia's Federal Constitution does not explicitly list disability as a prohibited ground of discrimination. This constitutional omission has been criticized by several scholars as a structural weakness in Malaysia's equality framework.

Nevertheless, Malaysia partially compensates for this limitation through statutory provisions in the Persons with Disabilities Act 2008 and labor law reforms. As a result, in practice, the difference between the two systems lies not primarily in the existence of norms but in their enforceability.[31]

b. Employment Quota and Affirmative Action

Indonesia demonstrates greater normative commitment to affirmative action through its legally binding employment quota system. In theory, this policy should significantly increase labor market participation among persons with disabilities.

However, empirical data indicates that the quota has not been effectively implemented. According to the International Labour Organization, the labor force participation rate of persons with disabilities in Indonesia remains significantly lower than that of the general population. Many employers view the quota as a formal obligation rather than a substantive inclusion policy.[32]

Malaysia, on the other hand, does not rely heavily on quotas but instead promotes employment inclusion through skills development programs and fiscal incentives. For example, employers who hire persons with disabilities may receive tax deductions under the Income Tax Act 1967. This incentive-based approach reflects Malaysia's broader policy preference for market-based regulatory instruments.

The comparison suggests that Indonesia adopts a regulatory approach emphasizing legal obligations, whereas Malaysia emphasizes incentive-based policy mechanisms. Each approach has advantages and limitations. While quotas may create stronger legal

[30] Nations, "Convention on the Rights of Persons with Disabilities."
[31] Committee on the Rights of Persons with Disabilities, "General Comment No. 6 (2018) on Equality and Non-Discrimination," 2018.
[32] Malaysia, Employment (Amendment) Act 2022.

pressure, incentive-based systems may be more acceptable to employers but risk weaker compliance.

c. Reasonable Accommodation

The concept of reasonable accommodation represents a key standard under the CRPD. In this area, Malaysia demonstrates relatively stronger regulatory clarity.

Malaysia's Employment Act amendments specify mechanisms through which workers can challenge unfair treatment and obtain compensation. This creates a clearer enforcement pathway for workers whose rights are violated.

Indonesia recognizes the principle of reasonable accommodation in Law No. 8 of 2016, but detailed technical standards for workplace adjustments are still lacking. As a result, employers often face uncertainty regarding the scope of their obligations. This regulatory ambiguity has been identified as one of the main barriers to effective implementation.[33]

d. Enforcement Mechanisms and Access to Remedies

Effective legal protection depends not only on substantive rights but also on the availability of accessible enforcement mechanisms.

Malaysia provides a relatively accessible administrative mechanism through the Director-General of Labour, allowing workers to file complaints without immediately resorting to formal litigation. This mechanism reduces procedural barriers and may facilitate faster dispute resolution.

Indonesia relies primarily on the Industrial Relations Court system, which involves multiple procedural stages including mediation and litigation. While this mechanism provides judicial oversight, it is often criticized for being time-consuming, costly, and difficult to access, particularly for vulnerable workers such as persons with disabilities.[34]

This difference illustrates how institutional design influences the practical effectiveness of legal protection.

e. Implementation Challenges and Structural Barriers

Beyond legal norms, the effectiveness of disability employment policies depends heavily on institutional capacity and socio-economic conditions.

Both countries face several common challenges, including:[35]

1) Limited accessibility in workplaces and public infrastructure
2) Employer stereotypes and discrimination

[33] Republik, Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas.
[34] Laode Monto Bauto, "Perspektif Agama Dan Kebudayaan Dalam Kehidupan Masyarakat Indonesia (Suatu Tinjauan Sosiologi Agama)," *Jurnal Pendidikan Ilmu Sosial* 23, no. 2 (2016): 11, https://doi.org/10.17509/jpis.v23i2.1616.
[35] Malaysia, Employment (Amendment) Act 2022.

3) Low levels of education and vocational training among persons with disabilities

According to the World Bank and ILO, the employment rate of persons with disabilities globally is significantly lower than that of non-disabled persons, often by more than 30 percentage points. Similar patterns can be observed in both Indonesia and Malaysia.

In Indonesia, the main challenge lies in weak enforcement of quota policies and limited monitoring mechanisms. Many companies do not report their employment of persons with disabilities, making it difficult for regulators to enforce compliance.

In Malaysia, the main challenge lies in the absence of legally binding obligations, particularly in the private sector. While various programs encourage inclusive employment, their voluntary nature limits their impact.[36]

f. Explaining the Differences Between the Two Systems

The differences between Indonesia and Malaysia can be explained by several structural factors.

First, legal tradition plays an important role. Indonesia's civil law system tends to emphasize detailed statutory regulation, which explains the existence of formal quota provisions. Malaysia's common law tradition, by contrast, relies more heavily on administrative discretion and incremental legal reform.[37]

Second, policy orientation differs. Indonesia's disability policy is strongly influenced by international human rights discourse following the ratification of the CRPD, leading to more explicit legislative commitments. Malaysia has adopted a more pragmatic policy approach focusing on administrative programs and economic incentives.

Third, institutional capacity influences implementation. Malaysia's centralized administrative enforcement structure allows labor authorities to resolve disputes more quickly, whereas Indonesia's more complex bureaucratic system can delay enforcement.

g. Implications for Legal Reform

The comparative findings indicate that both systems possess complementary strengths and weaknesses.

Indonesia demonstrates stronger normative commitment, particularly through its quota policy and explicit recognition of disability rights in national legislation. However, the effectiveness of these provisions is limited by weak enforcement mechanisms and the absence of detailed implementing regulations.[38]

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[36] R. Abduh, "Perspektif Kesejahteraan Tenagakerja Dengan Model Penetapan Upah Minimum Kabupaten/Kota," *Iuris Studia: Jurnal Kajian Hukum* 3, no. 1 (2022): 1–13.
[37] Disabilities, "Concluding Observations on the Initial Report of Indonesia."

Malaysia, on the other hand, demonstrates stronger institutional mechanisms for enforcement and dispute resolution, but its legal framework lacks strong binding obligations for employers, particularly in the private sector.[39]

Therefore, improving the effectiveness of disability employment protection in both countries requires combining regulatory commitment with effective enforcement mechanisms. Indonesia could strengthen its system by developing clearer technical standards for reasonable accommodation and improving monitoring of quota implementation. Malaysia, meanwhile, could enhance legal certainty by introducing stronger statutory obligations for inclusive employment in the private sector.[40]

CONCLUSION

This study comparatively examined the legal protection frameworks governing the employment rights of persons with disabilities in Indonesia and Malaysia using international benchmarks derived from ILO Convention No. 159 and Article 27 of the Convention on the Rights of Persons with Disabilities (CRPD). The analysis demonstrates that although both countries have established regulatory frameworks aimed at promoting equal employment opportunities for persons with disabilities, the effectiveness of these frameworks differs significantly in terms of normative coherence, enforcement mechanisms, and practical implementation.

The main finding of this research shows that Indonesia possesses stronger formal commitments at the normative level, particularly through the constitutional guarantee of the right to work, the enactment of Law No. 8 of 2016 concerning Persons with Disabilities, and the adoption of a legally binding employment quota system. However, the effectiveness of these regulations is weakened by several structural problems, including regulatory disharmony between disability law and general labor law, the absence of detailed technical standards for reasonable workplace accommodation, and limited enforcement mechanisms for disability-based discrimination. As a result, many legal provisions remain declarative and have not yet translated into effective protection for workers with disabilities in practice.

In contrast, Malaysia demonstrates relatively stronger institutional mechanisms for enforcement and dispute resolution, particularly through labor administration mechanisms under the Employment Act and its amendments. Although Malaysia lacks explicit constitutional recognition of disability rights and does not implement a binding

[39] Indonesia Republik, "Peraturan Pemerintah Nomor 52 Tahun 2019 Tentang Penyelenggaraan Kesejahteraan Sosial Bagi Penyandang Disabilitas" (2019).
[40] Azmi, "Disability Law Reform in Malaysia: Lessons for ASEAN."

quota system in the private sector, its regulatory framework provides more operational mechanisms for addressing workplace discrimination and resolving employment disputes. This indicates that the effectiveness of legal protection is not determined solely by the number of regulations or the ratification of international instruments, but also by the quality of institutional enforcement and the availability of accessible remedies for victims of discrimination.

From an academic perspective, this study contributes to the development of comparative disability employment law in Southeast Asia by demonstrating that the relationship between international legal commitments and national implementation is often non-linear. The findings highlight the importance of examining not only the existence of legal norms but also the institutional design, enforcement capacity, and policy instruments that shape the practical effectiveness of disability rights protection.

Based on these findings, several policy recommendations can be proposed to strengthen legal protection for workers with disabilities. First, regulatory harmonization is necessary in Indonesia to resolve inconsistencies between disability legislation and general labor law, particularly between Law No. 8 of 2016 and Law No. 13 of 2003. Second, governments should strengthen enforcement mechanisms by establishing more accessible complaint procedures and dispute resolution mechanisms specifically designed to address disability-based discrimination in employment. Third, both countries should develop clear and standardized guidelines for reasonable workplace accommodation, including technical standards and monitoring systems that ensure employers fulfill their obligations.

Ultimately, strengthening disability-inclusive employment policies requires an integrated approach combining clear legal norms, effective enforcement institutions, and supportive labor market policies. Through such reforms, both Indonesia and Malaysia can move closer to fulfilling their commitments to equal employment opportunities and inclusive labor markets for persons with disabilities.

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