

IV. INDONESIA

A. Government Regulation of the Republic of Indonesia

Number 36 Year 1980

RE

Social Welfare for the Disabled

**THE MINISTRY OF
SOCIAL AFFAIRS**

*GOVERNMENT REGULATION
OF THE REPUBLIC OF
INDONESIA*

NUMBER 36 YEAR 1980

RE

*SOCIAL WELFARE FOR THE
DISABLED*

Duplicated by:

THE DIRECTORATE FOR
REHABILITATION OF THE
DISABLED

THE DIRECTORATE GENERAL OF
REHABILITATION AND SOCIAL
SERVICES

THE MINISTRY OF SOCIAL AFFAIRS
OF THE REPUBLIC OF
INDONESIA

1982

* Unofficial translation provided by the Directorate for Rehabilitation of the Disabled, Ministry for Social Affairs, Government of Indonesia, to ESCAP for the purpose of inclusion in this publication.

**GOVERNMENT REGULATION
OF THE REPUBLIC OF INDONESIA**

NUMBER 36 YEAR 1980
RE
SOCIAL WELFARE FOR THE DISABLED
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

- a. that social welfare for the disabled constituting the social welfare in general should be integrally performed with the national development;
- b. that the disabled as citizens are entitled to enjoy the social welfare as referred to in Article 1 of Law Number 6 Year 1974;
- c. that the social welfare for the disabled should be further arranged as referred to in Articles 4, 6, 7 and 10 of Law Number 6 Year 1974; Article 5 and 8, paragraphs (1), (2) and (5) of Law Number 9 year 1960; Article 8 paragraph (3) of Law Number 7 Year 1967; Articles 2, 10, and 12 of Law Number 3 year 1966; Articles 10 and 17 paragraph (1) of Law Number 14 Year 1969.
- d. that due to the abovementioned matters, the social welfare for the disabled should be arranged with a Government Regulation;

In view of:

1. Article 5 paragraph (2) of the 1945 Constitution;
2. Law Number 34 Year 1947 re War Accident;
3. Law Number 1 Year 1951 re Declaration on the Effectiveness of Labour Law Year 1948 Number 12 of the Republic of Indonesia throughout Indonesia (State Gazette Year 1951 Number 2);
4. Law Number 2 Year 1951 re Declaration on the Effectiveness of Law on Accident Year 1947 Number 33 of the Republic of Indonesia throughout Indonesia (State Gazette Year 1951 Number 3);
5. Law Number 12 Year 1954 re Declaration on the Effectiveness of Law Number 4 Year 1950 of the former Republic of Indonesia re principles of Education and Teaching at schools throughout Indonesia (State Gazette Year 1954 Number 38, Supplement to State Gazette Number 550);
6. Law Number 2 Year 1959 re Stipulation on Law on Emergency Number 19 Year 1950 re Regulation on the Granting of Pension and Benefit to Army soldiers (State Gazette Year 1950 Number 28) as later on amended and lastly by virtue of Law on Emergency Number 5 Year 1954 (State Gazette Year 1954 Number 50) as Law (State Gazette Year 1954 Number 4);
7. Law Number 9 Year 1960 re Principles of Health (State Gazette Year 1960 Number 131, Supplement to State Gazette Number 2068) referring to Law Number 3 Year 1966 re Mental Health (State Gazette Year 1966 Number 23, Supplement to State Gazette Number 2805);
8. Law Number 6 Year 1966 re Granting of Pension, Benefit of Pension nature and Benefit to Military Volunteers (State Gazette Year 1966 Number 33, Supplement to State Gazette Number 2811);
9. Law Number 7 Year 1967 re Veterans of the Republic of Indonesia (State Gazette Year 1967 Number 17, Supplement to State Gazette Number 2826);

10. Law Number 14 Year 1969 re Principal Provisions on Manpower (State Gazette Year 1969 Number 55, Supplement to State Gazette Number 2912);
 11. Law Number 1 Year 1970 re Occupational Safety (State Gazette Year 1970 Number 1, Supplement to State Gazette Number 2918);
 12. Law Number 6 Year 1974 re Principal Provisions on Social Welfare (State Gazette Year 1974 Number 53, Supplement to State Gazette Number 3039);
 13. Law Number 8 Year 1974 re Principles of Personnel Affairs (State Gazette Year 1974 Number 55, Supplement to State Gazette Number 3041);
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HAS DECIDED:

To Stipulate: GOVERNMENT REGULATION RE SOCIAL WELFARE FOR THE DISABLED

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Government Regulation the meaning of:

1. Disabled shall be any person according to medicine declared having physical and/or mental handicap which consequently becomes an obstacle or obstruction for him to perform activities properly, namely:
 - a. The physically disabled;
 - b. The blinds;
 - c. The mentally disturbed/retarded people;
 - d. The deafs/mutes;
 - e. The disabled due to chronic diseases.
2. Rehabilitation shall be a refunctionalization and development process to allow the disabled to perform their social function properly/normally in social life.
3. Social fund shall be temporary fund granted to the disabled with the purpose of improving their life normally.
4. The institution for the rehabilitation of the disabled shall be the Social Welfare Organization functioning to give social rehabilitation to the disabled.
5. Minister shall be the Minister responsible in the social welfare sector.

Article 2

The rehabilitation of the disabled has an objective to remedy and develop physical, mental and social ability of the disabled in order that they can function in the society in accordance with their ability, talent, education and experience.

Article 3

The social welfare for the disabled shall cover medical, social rehabilitation, social fund, further distribution and development.

CHAPTER II

MEDICAL REHABILITATION

Article 4

1. The medical rehabilitation shall cover the efforts to remedy/cure the health of the disabled, substitute instruments and/or body aids.
2. The costs of the medical rehabilitation as referred to in paragraph (1) for the poor disabled shall be paid/borne by the Government.

Article 5

1. Implementor of the rehabilitation as referred to in Article 4 shall be further arranged by the Minister responsible for the health sector.
 2. The implementation of the medical rehabilitation as referred to in paragraph (1), especially for members of the Armed Forces of the Republic of Indonesia or those equivalent shall be arranged by the Minister responsible for the security and defense sector by observing technical directives from the Minister responsible for the health sector.
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CHAPTER III

SOCIAL REHABILITATION

Article 6

The social rehabilitation for the disabled shall cover:

- a. social guidance;
- b. fulfillment of major necessities;
- c. provision of skill/trade;
- d. education;
- e. granting of aid/fund/facility;
- f. further development.

Article 7

The social guidance shall cover:

- a. giving social guidance to the disabled within and outside the institution for the rehabilitation of the disabled;
- b. giving social guidance to the social agencies dealing with the social rehabilitation for the disabled;
- c. giving social guidance and extension to the society in the social rehabilitation for the disabled.

Article 8

The fulfillment of major necessities shall cover the efforts to obtain:

- a. fulfillment of needs for food;
- b. fulfillment of needs for clothes;
- c. fulfillment of needs for housing;
- d. health service;
- e. educational service;
- f. job opportunities.

Article 9

The provision of skill/trade shall cover efforts to aim at:

- a. self-adjustment;
- b. personal integrity;
- c. development of personal character in a reasonable and responsible way.

Article 10

The educational efforts shall cover the efforts to render facilities so as to obtain formal and non formal education.

Article 11

The assistance/facilities shall cover the efforts:

- a. to employ the disabled in any Government and private agency;
- b. to give capital fund or facilities necessary for commercial undertaking.

Article 12

The further development shall cover the efforts to maintain and improve the ability level of the disabled in the framework of increasing their social welfare.

Article 13

1. The implementation of social rehabilitation as referred to in this chapter, except for members of the Armed Forces of the Republic of Indonesia or those equivalent shall be further arranged by the Minister.

2. The implementation of social rehabilitation as referred to in paragraph (1), especially for members of the Armed Forces of the Republic of Indonesia or those equivalent shall be further regulated by the Minister responsible for the security and defense sector by observing the Minister's technical directives.

CHAPTER IV

SOCIAL FUND

Article 14

The social fund shall be given to the disabled in order that they can increase/improve their social welfare level.

Article 15

The social fund as referred to in Article 14 can be given to:

- a. the poor disabled not yet obtaining service from any institution for the rehabilitation of the disabled;
- b. the poor family constituting dependants of the disabled receiving social service from any institution for the rehabilitation of the disabled;
- c. the poor disabled having been rehabilitated or had a certain skill but not yet employed.

Article 16

The form, amount, procedure and implementation of the social fund provision as referred to in Article 14 shall be further arranged by the Minister by observing the Government's financial condition.

CHAPTER V

**ESTABLISHMENT OF INSTITUTION
FOR THE REHABILITATION OF THE DISABLED**

Article 17

1. The institution for the rehabilitation of the disabled can be established by the Government or any social agency.
2. The social agency which can establish institution for the rehabilitation of the disabled as referred to in paragraph (1) shall be the social agency constituting a corporate body and having been approved by the Minister.

3. The establishment procedure and conditions of the institutions as referred to in paragraph (1) shall be further arranged by the Minister.
 4. The establishment of institution for the rehabilitation of the disabled, especially for members of the Armed Forces of the Republic of Indonesia shall be arranged by the Minister responsible for the security and defense sector by observing the institution conditions/requirements stipulated by the Minister.
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CHAPTER VI

EMPLOYMENT

Article 18

1. The disabled having been rehabilitated or able to perform a job can be employed in a certain work field in accordance with their talent, education, ability and available job opportunity.
2. The employment as referred to in paragraph (1) shall be:
 - a. employment in any Government or private agency;
 - b. reactivation/reemployment in the initial/former agency in accordance with their ability;
 - c. self-employment or return to their family.

Article 19

The employment procedure and conditions as referred to in Article 18 paragraph (2) letters a and b shall be further arranged by the Minister responsible for the manpower sector.

Article 20

1. The employment procedure and conditions as referred to in Article 18 paragraph (2) letter c shall be arranged by the Minister.
2. In implementing the employment as referred to in paragraph (1) the Minister can supply work equipment.

Article 21

The employment in any Government agency as referred to in Article 18 paragraph (2) letter a especially for members of the Armed Forces of the Republic of Indonesia or those equivalent shall be performed by the Minister responsible for the security and defense sector by observing directives of the Minister responsible for the manpower sector.

Article 22

If the disabled employed in a certain work field as referred to in Article 18 reject, the fund as referred to in Chapter IV shall be ceased.

PARTICIPATION OF THE SOCIETY

Article 23

The society shall be given great opportunities to perform any social welfare undertaking for the disabled.

Article 24

Any social agency performing the social welfare undertaking for the disabled can be given a subsidy.

Article 25

The form, amount, procedure and implementation of the subsidy provision as referred to in Article 24 shall be arranged by the Minister.

Article 26

The supervision over the social welfare undertaking for the disabled performed by the society shall be carried out by the Minister in accordance with the prevailing legislative regulations.

COORDINATION

Article 27

1. Any policy in the sector of social welfare undertaking for the disabled shall be stipulated by the Minister based on the policy outlined by the Government.
2. In stipulating a policy, the Minister shall be assisted by a coordinating board of which the composition, tasks and competence shall be arranged in a Decree of the President.

TRANSITIONAL AND CONCLUDING PROVISIONS

Article 28

Any existing provisions arranging the social welfare undertaking shall remain effective as long as not contradictory to this Government Regulation.

Article 29

This Government Regulation shall come into force as of the date of promulgation. For public knowledge, it is instructed to promulgate this Government Regulation by inserting it in the State Gazette of the Republic of Indonesia.

Stipulated at Jakarta

On October 29, 1980

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

SOEHARTO

B. Act of the Republic of Indonesia Number 4, of 1997, Concerning Disabled People

**BY THE GRACE OF GOD ALMIGHTY
THE PRESIDENT OF THE REPUBLIC OF
INDONESIA**

Considering:

- a. that the aim of the implementation of national development is to achieve a just and prosperous Indonesian society, based on Pancasila (The Five Basic Principles As State Philosophy Of The Republic Of Indonesia) and the 1945 Constitution be it noted that disabled people are also citizens of Indonesia who have equal status, rights, obligations and roles.
- b. the trend that the population of disabled is rising, therefore, the promotion efforts of social welfare for the disabled should be improved.
- c. that to achieve the equalization of rights, obligations and roles as mentioned above, it is deemed necessary to lay down a basic law, and to improve social welfare efforts of the disabled in all aspects of life by a written act.

In View Of:

Article 5 (1) and Article 20 (1) of the 1945 Constitution:

**BY APPROVAL OF
THE HOUSE OF REPRESENTATIVES
OF THE REPUBLIC OF INDONESIA
IT HAS BEEN DECIDED:**

To sanction:

THE ACT CONCERNING DISABLED PEOPLE

CHAPTER I

GENERAL PROVISION

Article 1

Definitions used in the Act:

1. Disabled people are people with physical and/or mental deficiencies so that they can't ordinarily do their social function. They are:
 - a. the physically disabled
 - b. the mentally disabled
 - c. the physically and the mentally disabled
2. Degree of disability is a condition showing the gradation of disability of anyone.
3. Equalization of opportunity is an attempt to enable disabled people are unable to fully participate in all aspects of life.
4. Accessibility is an accessible facility provided for the disabled in order to achieve the equalization of opportunity in all aspects of life.
5. Rehabilitation is the process of refunctionalization and development of disabled people in order to be able to do their normal social function in society.
6. Social assistance is a stimulant given to the disadvantaged disabled incidently in order to improve their social welfare standard.
7. Social welfare standard maintenance is protection and service efforts to the disabled conducted continuously in order for them to achieve a normal living standard.

CHAPTER II

FOUNDATIONS, PRINCIPLES AND OBJECTIVES

Article 2

Efforts to improve the social welfare of disabled people are based on Pancasila (The Five Basic Principles As State Philosophy Of The Republic Of Indonesia) and the 1945 Constitution.

Article 3

As meant in Article 2, the efforts are based on the principles of faith and devotion to the One Almighty God, the principle of benefits, the principle of family system, the principle of justice and equity, the principle of balancing of consciousness, the principle of self reliance and the principle of knowledge and technology.

Article 4

As meant in Article 2 mentioned above, the aim of empowerment efforts for disabled people is to help them achieve their self reliance and social welfare.

CHAPTER III

RIGHTS AND OBLIGATIONS

Article 5

Every disabled person has equal rights and opportunities in all aspects of life.

Article 6

Every disabled person has the right to obtain:

1. Education in all units, programmes, types and levels of education.
2. Employment and to standard of living, befitting for human beings according to their disabilities, their education and their abilities.
3. Equal treatment to participate in national development and to enjoy its output.
4. Accessibility for their life independence
5. Rehabilitation, social assistance and social welfare standard maintenance; and
6. Equal rights to encourage talents, abilities and social life, especially for children with disabilities living in their family environment and community.

Article 7

1. Every disabled people has equal obligations to life in the community and nation.
2. As mentioned in clause (1), the obligations are conducted according to their disabilities, their education level and their abilities.

Article 8

Government and/or society is obliged to make efforts to realize the rights of disabled people.

CHAPTER IV

EQUALIZATION OF OPPORTUNITY

Article 9

Every disabled person has equal opportunity in all aspects of life.

Article 10

1. The equalization of the opportunity for disabled people in all aspects of life is conducted by providing accessibilities.
2. The accessibilities are intended to provide a supportive situation environment to the disabled in order for them to fully participate in their society.
3. As meant in clause (1) and clause (2), the providing of accessibilities, shall be comprehensively, integratedly and continuously established by Government and/or society.

Article 11

Every disabled person has equal opportunities to obtain education at all units, programmes, types and levels of education according to their disabilities.

Article 12

Every educational institution shall give equal treatment and opportunities to the disabled students at all units, programmes, types and levels of education according to their disabilities and abilities as well.

Article 13

Every disabled person shall have equal opportunities to obtain employment according to their disabilities.

Article 14

State and private companies shall give equal treatment and opportunities to the disabled by employing them at the companies according to their disabilities education, and abilities. The quota shall be adapted to the number of employees existing and/or qualification of the company.

Article 15

As meant in Article 10, 12, and 14, the provision shall be explained by the further State Regulation.

CHAPTER V

EFFORTS

Article 16

Government and/or society shall conduct:

1. Rehabilitation efforts,
2. Social assistance efforts, and
3. Social welfare standard maintenance efforts.

Article 17

The aim of rehabilitation activities are directed to refunctionalization and to develop the physical, mental and social abilities of disabled people in order to conduct their social function normally according to their talents, abilities, education and experience.

Article 18

1. The rehabilitation activities shall be conducted in all State and/or private facilities.
2. As meant at clause (1) the rehabilitation activities include medical rehabilitation, educational, vocational and social training.
3. As meant at clause (1) and clause (2), provision concerning the implementation of rehabilitation activities shall be explained by the further State Regulation.

Article 19

Social assistance shall be directed to help the disabled improve their social welfare standard.

Article 20

1. As meant in article 19, social assistance shall be given to:
 - a. the disadvantaged, disabled who have been rehabilitated, but remain jobless.
 - b. the disadvantaged disabled who have been rehabilitated, have skills, but remain jobless.

2. As meant in clause (1), provision concerning type, number and procedures of implementation of giving social assistance shall be explained by the further State Regulations.

Article 21

Social welfare standard maintenance shall be directed to give services and protection to the disabled in order to keep their normal standard of living.

Article 22

1. As meant in Article 21, the social welfare standard maintenance shall be given to people with unrehabilitated disabilities and fully dependent others.
2. As meant in clause (1), provision concerning the type, procedures and conditions of social welfare standard maintenance shall be explained by the further State Regulations.

CHAPTER VI

THE DEVELOPMENT AND ROLES OF THE COMMUNITY

Article 23

1. Government and society shall develop leave in efforts to improve the social welfare standard of disabled people.
2. As meant in clause (1), the development covers all activities in all aspects of life.

Article 24

Government shall develop all efforts to improve the social welfare of disabled people by sanctioning policies, coordinating, giving information, guiding, and giving permission for monitoring.

Article 25

1. Society shall develop all efforts to improve the social welfare of disabled people.
2. Society has a great opportunity to participate in efforts to improve the social welfare of disabled people.

Article 26

As meant in Article 24 and 25, provision concerning the development and role of society shall be explained in the further State Regulations.

Article 27

1. Government shall give award to companies employing the disabled.
 2. Award shall also be given to institutions, community and/or personally having good actions on efforts to improve the social welfare of disabled people.
 3. (3) As meant at the clause (1) and (2) provision concerning with giving award shall be explained in the further State Regulations.
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CHAPTER VII

COURT PUNISHMENTS

Article 28

1. Whoever goes against the Article 14 of this Act, shall be punished with a maximum imprisonment of 6 (six) months and/or a maximum fine of Rp. 200,000,000, (Two hundred millions Rupiah) fine.
 2. As meant in clause (1) the punishment is considered as the against.
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CHAPTER VIII

ADMINISTRATIVE PUNISHMENT

Article 29

1. Whoever chooses not to provide accessibilities as meant in Article 10 and/or not to give equal treatment and opportunities to the disabled students at all units, programmes, types and levels of education, as meant in Article 12, shall receive an administrative punishment.
 2. Manifestation, kinds and procedures of the administrative punishment as meant in the clause (1) shall be explained in the further State Regulations.
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CHAPTER IX

TRANSITIONAL PROVISIONS

Article 30

Since this act promulgated all statutory arrangements, concerning with the disabled before remain valid as long as it is not contrary and/or to be altered or to be changed based on this Act.

CLOSING PROVISIONS

Article 31

This Act comes into effect at the date of its promulgation. In order that every one may take cognizance of it, it is ordered to publish this Act in the State Gazette of the Republic Of Indonesia.

Done at: JAKARTA.

On: February 28th 1997.

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

signed

SOEHARTO

Promulgated in Jakarta

on February 28th 1997

MINISTER/STAT SECRETARY OF

THE REPUBLIC OF INDONESIA

signed

MOERDIONO

THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 9 OF
THE YEAR 1997.

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THE SECRETARIAT OF THE CABINET

OF THE REPUBLIC OF INDONESIA,

Head Of Bureau For Legislation.

signed

Lambock V. Nahattands.