

Legal Protections Against Discrimination in Healthcare for Children with Special Needs in Indonesia

Ely Yulian^{1,*} and *Tina Amelia*¹

¹ Faculty of Law, Borobudur University, Indonesia

Abstract. Human rights may be defined as the basic rights that every human being is presumed to possess from the moment of birth. It is the responsibility of the government to protect its citizens, a responsibility that encompasses the protection of all, including children. This obligation extends to all children, regardless of their specific circumstances, including those with special needs, who are often referred to as children with disabilities. This study addresses two research questions, namely: how the legal framework in Indonesia regulates the protection of children with special needs in healthcare services and how is the law enforcement regarding cases of discrimination in healthcare services against children with special needs in Indonesia. This normative juridical research employs both a statutory approach and an analytical approach. The outcome of this research is that the legislation and regulatory framework governing the fulfilment of the rights of children with special needs, including health services, has resulted in the establishment of legal entitlements, benefits, and certainty. However, in practice, the fulfilment of the rights of children with special needs to obtain health services without discrimination has not been implemented in accordance with the relevant legislation.

Keywords: Legal Protection; Children with Special Needs; Discrimination in Healthcare Service

1 Introduction

Human rights may be defined as the basic rights that every human being is presumed to possess from the moment of birth. These rights cannot be violated by any individual or entity at their discretion, as the protection and respect for these fundamental entitlements are essential for ensuring the dignity of all members of society. In essence, these rights are bestowed upon humanity by God Almighty and will always be inextricably linked to the life and existence of humanity itself.[1] The doctrine of human rights is now universally accepted as a moral, political, and legal framework and as a guideline for the construction of a more peaceful world, free from fear, oppression, and unfair treatment. Consequently, as a fundamental principle of legal systems, the protection of human rights is regarded as an indispensable feature of any such system. Indeed, these human rights guarantees must also

* Corresponding Author: ely.yulian@gmail.com

be incorporated into the constitutional framework of a constitutional democracy, and are regarded as the most essential component of the constitution.[2]

It is imperative that children receive protection and that their rights are fulfilled, irrespective of whether they are raised in an environment that is typically conducive to their development or in one that is characterized by disabilities, which are commonly referred to as disabilities. One of the fundamental rights of children is the right to health. Good health is essential for children to grow and develop physically and psychologically. A healthy body and mind facilitate concentration and focus, which in turn enable children with disabilities to engage in educational activities in accordance with their age-appropriate capabilities.[3]

It is a well-established fact that not all children are born into circumstances that afford them optimal health. A considerable number of children are born with disabilities, whether physical, social, or mental and intellectual impairments. In addition to those born with disabilities, there are also cases where children are born without disabilities but subsequently encounter obstacles or disorders during their lives that lead to disabilities. Such children are frequently designated as children with special needs.[4]

A variety of issues commonly affect children with special needs. It is not uncommon for these children to receive inadequate attention from their families, particularly from their immediate caregivers, namely their parents. The perception of having a child with special needs is often viewed as a burden, disgrace, disaster, or curse, which can lead parents to choose to conceal their children's existence or even entrust them to third parties. Children with disabilities should not be subjected to discriminatory practices, as every child is entitled to the assurance of their basic necessities being met, particularly in the context of healthcare, which includes access to adequate healthcare and treatment for their recovery. The government has enacted a series of regulations pertaining to the protection of children, with particular attention paid to the needs of those with special requirements or disabilities. The protection of children with disabilities extends to their legal status, encompassing their mental, physical, social well-being, and welfare.[5]

The enactment of legal protections for children with special needs in Indonesia is an imperative and immediate necessity. Children with special needs frequently encounter obstacles that impede their ability to access fundamental rights, including the rights to education, health, and protection from discrimination. It is not merely crucial to guarantee these children adequate legal protection; it is equally important to foster an inclusive atmosphere that can facilitate their full potential development. The extant regulations and policies in Indonesia do not provide comprehensive assurance of effective protection for children with special needs.

Children with special needs in Indonesia encounter numerous obstacles in their pursuit of legal entitlements. A significant challenge is the lack of public awareness and comprehension of the entitlements of children with special needs. This frequently results in discriminatory and stigmatizing attitudes towards them. Furthermore, restricted access to suitable facilities and services, including inclusive education and specialized healthcare, represents a substantial obstacle. Additionally, the dearth of training and awareness among educators and health professionals serves to exacerbate this situation[6]. Therefore, this study addresses two research questions, namely: how the legal framework in Indonesia regulates the protection of children with special needs in healthcare services and how is the law enforcement regarding cases of discrimination in healthcare services against children with special needs in Indonesia.

2 Methods

The normative juridical method is a legal research approach that focuses on the examination of legal norms, as set forth in written laws and regulations, legal doctrines, and court

decisions.[7] This normative juridical research employs both a statutory approach and an analytical approach.[8] The primary legal materials include national legislation, such as Law No. 35 of 2014 on Child Protection and Law No. 8 of 2016 on Persons with Disabilities, as well as international conventions that Indonesia has ratified, such as the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD). The aforementioned primary legal material was subjected to qualitative analysis, employing systematic interpretation and theological interpretation as the analytical methods.[9]

3 Discussion and Analysis

3.1 The Legal Framework of The Protection of Children with Special Needs in Healthcare Services in Indonesia

Human rights are a set of rights that are intrinsic to the nature of human existence as creatures of God Almighty. They are a gift from God that must be respected, upheld and protected by the state, law, government and every person for the sake of humility and the protection of human dignity.[10] The rights of humans are universal and inalienable. The term "universal" signifies that despite the inherent diversity of human characteristics, including skin color, gender, language, culture and nationality, each individual is endowed with these fundamental rights. "Inalienable" denotes that irrespective of the extent or manner of mistreatment an individual may have endured, their inherent humanity remains intact, and thus, these rights remain inviolable. In other words, human rights are intrinsic to the human condition.[11]

It is the responsibility of the government to protect its citizens, a responsibility that encompasses the protection of all, including children. This obligation extends to all children, regardless of their specific circumstances, including those with special needs, who are often referred to as children with disabilities. The aforementioned protection can thus be seen as an expression of the well-being of children, who are regarded as the future generation of the nation and, as a result, deserve particular consideration. The fulfilment of children's rights is closely intertwined with the satisfaction of their needs, particularly for those classified as having special needs, whether physical, mental, or emotional disabilities. It is therefore evident that the fulfilment of these needs necessitates the input of a number of different sectors, as well as that of families.[4]

In accordance with Article 28I, paragraph (2) of the 1945 Constitution, all individuals are entitled to immunity from discriminatory treatment on any basis and are entitled to protection against discriminatory treatment. This article can be considered one of the fundamental constitutional grounds for the pursuit of equal opportunities, a goal that remains a significant challenge for individuals with disabilities.[12] This article serves to provide a foundation for the laws and regulations that follow, establishing the imperative of ensuring equality for persons with disabilities, including children, in accordance with the tenets set forth in this Constitution.

On the other side, The Constitution of the Republic of Indonesia Year 1945, in Article 28A, stipulates that human rights include the right to life and the right to defend life. This is reiterated in Article 28H of the Constitution of the Republic of Indonesia Year 1945, which asserts that every person has the right to live prosperously in body and mind, to reside in a good and healthy environment, and to receive health services. As the custodian of human rights, the state is obliged to fulfil the health rights of its citizens.[13]

The issue of health is of paramount importance to the advancement of any country, as it is fundamental to the fulfilment of the inherent right to a healthy life of all its citizens, including those with disabilities. One crucial aspect of guaranteeing the rights to health,

particularly for individuals with disabilities (an umbrella term encompassing those with sensory limitations or bodily function impairments), is to address the disparities and neglect they frequently encounter in comparison to other groups, which can be defined as discriminatory practices.

The assurance of health is a fundamental tenet of the human rights guarantees enshrined in Indonesian legislation, which affords all Indonesian citizens the aforementioned rights. The concept of human rights encompasses the fundamental and inherent protections afforded to citizens. The objective of this policy is to guarantee the provision of equitable and impartial healthcare services for all by utilizing a premium-based system that is analogous to the standard practices observed in the domain of health insurance.[14] Every child, including those with special needs, has the right to receive healthcare services and social security that cater to their physical, mental, spiritual, and social needs. This is explicitly stated in Article 8 of Law Number 23 Year 2002 concerning Child Protection.

According to Article 1 Paragraph (1) of Law Number 8 Year 2016 concerning Persons with Disabilities, a person with disabilities is defined as an individual who experiences long-term physical, sensory, mental, or intellectual impairments that hinder their interaction with the environment and prevent them from fully participating on an equal basis with others. This definition emerged following Indonesia's ratification of the Convention on the Rights of Persons with Disabilities (CRPD) on October 18, 2011, which specifically addresses the rights to care for persons with disabilities.[15] Furthermore, According to Article 12 of Law Number 8 Year 2016 concerning Persons with Disabilities, it is stated that the right to health for persons with disabilities is to receive equal and accessible health services that are safe and of high quality.

This is consistent with Article 8 of Law Number 35 Year 2014 concerning Child Protection, which asserts that every child has the right to receive health services and social security in accordance with their physical, mental, spiritual, and social needs. These entitlements are extended to children with special needs through government initiatives aimed at guaranteeing their access to health services without discrimination on the basis of physical, mental, spiritual, or social distinctions.[16] The respect for persons with disabilities is an important aspect of national development. The systematic development of persons with disabilities represents a form of global commitment to the Sustainable Development Goals (SDGs), with the objective of ensuring that no individual is left behind in the national development system. This commitment has been made by 193 countries, including Indonesia, which was ratified in 2017 and will remain in effect until 2030.[17]

Based on the existing legislation and legal instruments, the rights of children with special needs, which include the right to life, survival, and health, are as follows:

1. Article 7 of Law No. 4 Year 1979 concerning Child Welfare states that children with special needs have the right to receive special services to achieve growth and development to the extent of their abilities.
2. Article 54 of Law No. 39 Year 1999 concerning Human Rights states that children with special needs have the right to receive special care and state-funded assistance to ensure their livelihood.
3. Article 12 of Law No. 35 Year 2014 concerning Amendments to Law No. 23 Year 2002 concerning Child Protection states that children with special needs have the right to receive rehabilitation, social assistance, and maintenance of their social welfare standards.
4. Article 5 paragraph 3 of Law No. 8 Year 2016 concerning Persons with Disabilities states that children with special needs have the right to:
 - a. Receives special protection from discrimination, neglect, abuse, exploitation, violence, and sexual crimes;
 - b. Receives care and nurturing from their families for optimal growth and development;

- c. Humane treatment according to their dignity and rights as children;
 - d. Has their special needs fulfilled; and
 - e. Equal treatment with other children to achieve social integration and individual development.
5. Article 25 of the Convention on the Rights of Persons with Disabilities states that persons with disabilities have the right to enjoy the highest attainable standard of health without discrimination based on their disabilities.
 6. Article 23 of the Convention on the Rights of the Child states that children with special needs have the right to special care, and the state will promote and ensure the provision of such care based on available resources.

The concept of law is a human-made construct comprising norms that prescribe behavioral guidelines, reflecting human aspirations regarding the structuring and direction of society. Furthermore, society not only seeks to see justice established and its interests served by law, but also desires regulations that ensure certainty in their interactions with each other. Accordingly, as postulated by Gustav Radbruch, the concept of justice as an ideal, as espoused by Aristotle, necessitates a dimension of finality or utility. In order to complement the concepts of justice and finality, legal certainty is a necessary component. Accordingly, as postulated by Gustav Radbruch, the concept of law is comprised of three fundamental aspects: justice, finality/utility, and legal certainty.[18] The legal framework in Indonesia regarding the protection of children with special needs in healthcare services reflects principles of justice, utility, and legal certainty. These principles collectively ensure that these children receive equitable healthcare services that cater to their specific needs, maximize societal benefits, and provide a clear and enforceable legal foundation for their protection and well-being.

Law based on the value of justice demands equal treatment for everyone, which can be referred to as equality of rights within society.[19] The legal framework is designed to uphold the principles of distributive justice by ensuring that children with special needs receive adequate healthcare services that cater to their specific physical, mental, spiritual, and social needs. To illustrate, Article 7 of Law No. 4 of the Year 1979 underscores the entitlement of children with special needs to receive tailored services that facilitate their growth and development. This guarantees that these children are not at a disadvantage due to their disabilities and are provided with the opportunity to live a dignified life and access essential healthcare on par with other children.

The value of the law is contingent upon its utility and expediency in facilitating the fulfillment of societal needs and the promotion of collective welfare.[20] Furthermore, the legal framework emphasizes the utility or benefit derived from the protection of the rights of children with special needs in healthcare services. By guaranteeing these children access to healthcare, Indonesia is acknowledging the societal benefit of fostering their full potential. This is consistent with the utilitarian principle that policies and legislation should aim to enhance the collective happiness and well-being of society. The provision of healthcare services that are tailored to the specific needs of children with disabilities not only benefits the children directly, but also contributes to the creation of a more inclusive and equitable society.

The concept of legal certainty places a premium on the continued existence of the regulatory framework in question. In evaluating the merits of a given regulatory measure, it is essential to consider not only the value of justice but also the value of the benefits it offers. This value of benefit, however, must be considered in a manner that is not solely driven by the desire to prioritize legal certainty.[21] It is of the utmost importance that the rights and entitlements of children with special needs in healthcare services are clearly defined and enforceable under Indonesian law, and that there is legal certainty in this regard. The various legal provisions, such as those found in Law No. 39 of the Year 1999 and Law No. 8 of the

Year 2016, provide a clear legal framework that delineates the responsibilities of healthcare providers, parents, and government agencies in safeguarding these rights. This clarity reduces ambiguity and ensures consistent application of laws, thereby promoting confidence in the legal system's ability to protect and uphold the rights of vulnerable children.

3.2 The Law Enforcement Regarding Cases of Discrimination in Healthcare Services Against Children with Special Needs in Indonesia

Indonesia's commitment to protecting the rights of children, including those with special needs, is rooted in a robust legal framework. Article 1, paragraph 2 of Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection, mandates that all activities related to children must prioritize their rights, aiming to ensure their ability to live, grow, and develop with dignity, free from violence and discrimination. This framework aligns with Indonesia's ratification of international legal instruments, such as the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), which underscore the principles of non-discrimination and the protection of children's rights, particularly those with disabilities.

The implementation of international legal instruments protecting the rights of children with special needs in Indonesia is governed by various laws ratified by the Indonesian government. Among these instruments is the Convention on the Rights of the Child (CRC), ratified through Presidential Decree No. 36 of 1990. The Convention on the Rights of the Child (CRC) establishes fundamental rights for all children, including those with special needs, emphasizing principles of non-discrimination and ensuring their well-being.[22] Article 23 of the Convention on the Rights of the Child (CRC) specifically addresses the rights of children with disabilities to access specialized care and support to maximize their potential.

In addition to the Convention on the Rights of the Child (CRC), Indonesia has also ratified the Convention on the Rights of Persons with Disabilities (CRPD) through Law No. 19 of 2011. The Convention on the Rights of Persons with Disabilities (CRPD) focuses on social inclusion, accessibility, and non-discrimination for persons with disabilities. Article 7 of the Convention on the Rights of Persons with Disabilities (CRPD) highlights the need to protect persons with disabilities from discrimination and ensure their full participation in society on an equal basis with others. The implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in Indonesia aims to change perceptions and eliminate discriminatory practices to uphold the rights of persons with disabilities as equal members of society.[23]

The implementation of these international legal frameworks in Indonesia faces challenges. Despite existing regulations, their enforcement is inconsistent and varies across regions and levels of government. This is compounded by social attitudes and educational shortcomings in addressing the specific needs of these individuals within communities and institutions.[24] Furthermore, substantial efforts are needed to effectively implement these rights. Enhancing facilities for persons with disabilities, training educators to cater to their needs, and improving other specialized services are crucial steps toward providing effective protection and support for individuals with specific needs. Schools and other public institutions must be equipped and prepared to support the diverse needs of these individuals, ensuring inclusive education and access to necessary services.[25]

The purpose of the law is to safeguard the interests of individuals, and thus the law must be enforced in order to protect those interests. The implementation of the law is a normal process, but there are instances where the law is violated. In such cases, the law that has been violated must be enforced. Law enforcement represents an endeavor to ensure that the law, in both its narrow formal and broad material senses, serves as a guiding principle for conduct

in all legal matters, both for the individuals and entities subject to the law and for the law enforcement officials tasked with upholding the rule of law and ensuring its effective functioning within society and the state.[26] The term law enforcement is used to describe the actions taken by the relevant authorities with the aim of ensuring that the principles of justice, legal certainty and social benefit are upheld. It encompasses the process of implementing the ideas and concepts of law in a way that meets the expectations of the general public. It is a multifaceted process that involves a range of activities and stakeholders.[27]

The primary challenge in law enforcement processes is to ensure effectiveness while considering the social implications.[28] It is not possible to evaluate the success of law enforcement processes on the basis of vague criteria such as the number of individuals affected, the number of cases resolved, the frequency of enforcement activities, and other factors. The factors that influence law enforcement can be broadly classified into five categories: legal factors, enforcement factors, supporting facilities, social factors and cultural factors.[29] Law serves the purposes of justice, legal certainty, and utility. As previously mentioned, the legislation governing the rights of children with special needs in healthcare services has fulfilled justice, legal certainty, and utility for these children.

Law enforcement factors play a crucial role in ensuring the fulfillment of rights for children with special needs in healthcare services. Effective enforcement requires committed law enforcement agencies that prioritize the protection of vulnerable groups, including children with disabilities. These agencies are tasked with investigating complaints of discrimination or neglect in healthcare settings, ensuring that healthcare providers adhere to non-discriminatory practices and provide adequate services tailored to the specific needs of children with disabilities. Training programs for law enforcement personnel are essential to enhance their understanding of disability rights and equip them with the skills to handle cases sensitively and effectively.

Moreover, collaboration between law enforcement, healthcare authorities, and advocacy groups is vital to monitor compliance with legal standards and address systemic issues that may hinder access to healthcare for children with special needs. By actively promoting and enforcing these rights, law enforcement contributes significantly to creating an inclusive healthcare environment where every child, regardless of their abilities, receives equitable and dignified healthcare services.

The provision of adequate support facilities and resources is of paramount importance for the enforcement of legislation designed to safeguard the rights of children with special needs in the context of healthcare services. Such facilities must be equipped with specialized units and trained personnel to cater to the diverse needs of their patients, which may include physical therapy and psychological counselling. Furthermore, educational materials and guidelines guarantee equitable treatment, with ongoing training programmers for healthcare professionals. The collaboration of healthcare institutions, government agencies, non-governmental organizations and community groups is of paramount importance in the advocacy of inclusive policies and the enhancement of healthcare access for children with disabilities. In conclusion, these resources are vital for guaranteeing adherence to legal standards and establishing environments in which all children are able to access dignified and bespoke healthcare services.[3]

The notion of a rule of law being applied within a given society can be conceived of in relation to the degree of its awareness and compliance with statutory regulations.[30] This concept, which may also be termed 'compliance', encompasses the extent to which the population as a whole is aware of the legal framework within which they operate and the extent to which they abide by it. It is not uncommon for children with special needs to be subjected to discriminatory treatment within their communities. Such individuals are frequently subjected to maltreatment, including ridicule from their peers and marginalization

by society at large. They are often regarded as lacking capabilities and therefore deemed unworthy of respect.[4] The discriminatory treatment and stigma directed towards children with special needs can result in a lack of self-confidence among their parents or guardians, as well as among the children themselves, thereby impeding the fulfillment of their rights, particularly in the context of accessing quality health services.

The role of culture in the development of society is significant; as such, law enforcers must ensure that the laws they create are not in conflict with the prevailing culture.[29] This is essential for the increase of public obedience to the rule of law. In order to address the cultural factors involved in the enforcement of laws related to children with special needs in healthcare services, it is necessary to demonstrate sensitivity to the diverse cultural contexts in question. It is of the utmost importance to promote awareness, education and dialogue within communities about disability rights and healthcare access. The implementation of collaborative initiatives that demonstrate respect for cultural diversity, coupled with the promotion of inclusive policies, can facilitate the reduction of cultural disparities and guarantee that all children, irrespective of their abilities, are able to access equitable and dignified healthcare services.

In light of the legal enforcement factors elucidated by Soerjono Soekanto, the fulfilment of children's rights to healthcare services without discrimination encounters obstacles stemming from societal and cultural influences. The general public is frequently lacking in understanding of the fact that children with special needs are also entitled to full access to healthcare services without discrimination. A lack of public awareness of the rights of children with special needs may impede the implementation of legal provisions designed to safeguard those rights. Cultural norms and social perceptions within communities can influence attitudes towards children with special needs, which may result in stigma or discrimination that impedes efforts to provide inclusive and equitable healthcare services. Conversely, cultural factors influence the healthcare preferences and practices observed within a given society. The prevalence of traditional beliefs or alternative medical practices may influence family decisions regarding the pursuit of conventional medical care for children with special needs. Cultures that emphasize alternative treatments or specific spiritual beliefs may present obstacles to accessing modern healthcare services that meet the needs of their members.

The most effective way to address these issues is through a comprehensive approach that integrates public education, advocacy, and cultural integration into healthcare policies. There is a necessity for the dissemination of information and awareness regarding the rights of children with special needs through the implementation of public campaigns and educational programmes involving local communities. Concurrently, healthcare providers must demonstrate cultural sensitivity to comprehend and honor local beliefs and practices while advocating for evidence-based, inclusive medical practices.

4 Conclusion

The regulatory framework addressing the provision of healthcare services for children with special needs in Indonesia has effectively met the criteria of justice, utility, and legal certainty. The laws and regulations explicitly ensure that these children receive fair and equitable treatment, thereby upholding the principle of justice that advocates for equal rights and opportunities for all individuals, including those with disabilities. Moreover, by emphasizing the utility or societal benefit derived from supporting these children's healthcare needs, the legal framework reflects a commitment to maximizing their well-being and integration into society. Furthermore, legal certainty is established through clear and enforceable provisions that outline the rights and responsibilities of stakeholders, including healthcare providers, parents, and governmental bodies. This clarity minimizes ambiguity and ensures consistent

application of laws, fostering confidence in the legal system's ability to protect and uphold the rights of children with special needs.

One of the primary challenges in law enforcement processes is to ensure that they are effective, whilst also considering the social implications of such processes. It is not feasible to assess the efficacy of law enforcement processes based on ambiguous criteria such as the number of individuals impacted, the number of cases resolved, the frequency of enforcement activities, and other variables. The factors that influence law enforcement may be broadly classified into five categories: legal factors, enforcement factors, supporting facilities, social factors and cultural factors. The fulfilment of children's rights to healthcare services without discrimination is impeded by obstacles stemming from societal and cultural influences, particularly in light of the legal enforcement factors.

References

- [1] B. Waluyo, *Penegakan Hukum di Indonesia*. Jakarta: Sinar Grafika, 2016.
- [2] J. Assiddiqie, *Pengantar Ilmu Hukum Tata Negara*. Jakarta: Rajawali Pers, 2015.
- [3] F. N. Eleanora and N. Insani, "Urgensi Pemenuhan Hak Anak Berkebutuhan Khusus (Penyandang Disabilitas) Dalam Bidang Kesehatan," *J. Huk. Pelita*, vol. 3, no. 2, pp. 111–119, 2022.
- [4] Komalawati, Veronica, Yohana Evelyn, and L. Siahaan, "Pemenuhan Hak Atas Kesehatan Bagi Anak Berkebutuhan Khusus Dalam Perspektif Hukum Keluarga Di Indonesia," *Aktualita*, vol. 21, no. 1, pp. 1–9, 2020.
- [5] R. Saraswati, *Hukum Perlindungan Anak Di Indonesia*. Bandung: Citra Aditya Bakti, 2015.
- [6] D. S. Hanifah, A. B. Haer, S. Widuri, and M. B. Santoso, "Tantangan Anak Berkebutuhan Khusus (ABK) Dalam Menjalani Pendidikan Inklusi Di Tingkat Sekolah Dasar," *J. Penelit. dan Pengabd. Kpd. Masy.*, vol. 2, no. 3, p. 473, 2022.
- [7] J. Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif*. Malang: Banyumedia Publishing, 2013.
- [8] Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi*. Jakarta: Kencana, 2019.
- [9] S. Mertokusumo, *Mengenal Hukum Suatu Pengantar (Edisi Revisi)*. Yogyakarta: Maha Karya Pustaka, 2019.
- [10] F. Arifin, *Hak Asasi Manusia Teori, Perkembangan Dan Pengaturan*. Yogyakarta: Thafa Media, 2019.
- [11] R. K. M. Smith *et al.*, *Hukum Hak Asasi Manusia*. Bantul: PUSHAM UII, 2015.
- [12] A. H. Widjaja, W. Wijayanti, and R. Yulistiyaputri, "Perlindungan Hak Penyandang Disabilitas dalam Memperoleh Pekerjaan dan Penghidupan yang Layak bagi Kemanusiaan," *J. Konstitusi*, vol. 17, no. 1, p. 197, 2020.
- [13] R. D. Ardiyantini, "Implementasi Program Jaminan Kesehatan Khusus Terpadu dalam Upaya Perlindungan dan Pemenuhan Hak Kesehatan Penyandang Disabilitas," *J. Soc. Dev. Stud.*, vol. 2, no. 1, pp. 67–79, 2021.
- [14] S. Suprpto and A. A. Malik, "Implementasi Kebijakan Diskresi Pada Pelayanan Kesehatan Badan Penyelenggara Jaminan Kesehatan (BPJS)," *J. Ilm. Kesehat. Sandi Husada*, vol. 8, no. 1, pp. 1–8, 2019.
- [15] Fricky Ndaumanu Kementrian Hukum Dan HAM RI, "Hak Penyandang Disabilitas Antara Tanggung Jawab Dan Pelaksanaan Oleh Pemerintah Daerah," *J. HAM*, vol. 11, no. 1, 2020.
- [16] M. Astri, "Pemenuhan Hak-Hak Anak Berkebutuhan Khusus dalam Perspektif Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas : Studi kasus di Desa Sonoageng Kecamatan Prambon Kabupaten Nganjuk," *SAKINA J. Fam. Stud.*, vol. Vol, 3, no. 2, p. 2, 2019.

- [17] Erissa, Dhea, and D. Widinarsih, "Akses Penyandang Disabilitas Terhadap Pekerjaan: Kajian Literatur," *J. Pembang. Mns.*, vol. 3, no. 1, 2022.
- [18] B. L. Tanya, Y. N. Simanjutak, and M. Y. Hage., *Teori Hukum: Strategi Tertib Manusia Lintas Ruang Dan Generasi*. Yogyakarta: Genta Publishing, 2018.
- [19] S. Dirdjosisworo, *Pengantar Ilmu Hukum*. Jakarta: Rajawali Pers, 2017.
- [20] B. H. Bix, "Radbruch's Formula and Conceptual Analysis," *Am. J. Jurisprud.*, vol. 56, no. 1, pp. 45–57, 2011.
- [21] S. Rahardjo, *Ilmu Hukum*. Bandung: PT Citra Aditya Bakti, 2014.
- [22] A. Daly and P. Leviner, "UN Convention on the Rights of the Child, Article 2 and Discrimination on the basis of Childhood: The CRC Paradox?," *SSRN Electron. J.*, 2022.
- [23] E. Farida, A. P. Prabandari, and Rahayu, "International human rights instruments and Indonesian legal protection for persons with disabilities," *Indian J. Forensic Med. Toxicol.*, vol. 14, no. 4, pp. 4482–4486, 2020.
- [24] N. Khaila and P. Sagala, "Analysis of the Implementation of Inclusive Learning in Preventing Discrimination in Children With Special Needs," *Int. J. Students Educ.*, vol. 2, no. 1, pp. 131–137, 2024.
- [25] M. B. Khofi, "Review of Non-Discrimination Law in Education in Indonesia: Analysis Based on the Convention on the Rights of the Child," *Rechtsvinding*, vol. 2, no. 2, pp. 59–66, Aug. 2024.
- [26] G. R. Muhammad, "Penegakan Hukum di Indonesia," *J. Al-Himayah*, vol. 4, no. 1, pp. 142–159, 2020.
- [27] D. Shant, *Konsep Penegakan Hukum*. Yogyakarta: Liberty, 2004.
- [28] J. A. Wardiansyah, Z. Lessy, and H. B. Dalvi, "Effects of Societal Stereotype Against Children With Special Needs," *Al-Bidayah J. Pendidik. dasar Islam*, vol. 13, no. 2, pp. 273–296, 2021.
- [29] S. Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. Jakarta: Raja Grafindo Persada, 2007.
- [30] Z. Ali, *Sosiologi Hukum*. Jakarta: Sinar Grafika, 2016.