



## Legal Protection for Persons with Disabilities in Palangka Raya

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**Abstract:** *The background of this thesis is the implementation of the right to accessibility for public facilities in Palangka Raya City based on Law Number 8 of 2016 concerning Persons with Disabilities. This study uses a qualitative approach involving primary and secondary data. Primary data was collected through interviews with relevant parties, such as persons with disabilities and local governments. Secondary data was obtained through document and literature studies. The results of the study indicate that the implementation of the right to accessibility for public facilities in Palangka Raya City still faces several obstacles. One significant obstacle is the lack of public awareness and understanding of the importance of accessibility for persons with disabilities. This has resulted in a lack of attention in the planning and construction of disability-friendly public facilities. In order to improve the implementation of the fulfillment of the right to accessibility in public facilities, several recommendations are proposed. First, the Palangka Raya City government needs to increase public awareness through more intensive educational campaigns. Second, adequate budget allocation must be prioritized for the construction and maintenance of accessibility facilities. Third, clear regulations and strict law enforcement must be consistently applied. Fourth, the active involvement of persons with disabilities in planning and evaluation is a crucial step to ensure better fulfillment of the right to accessibility. With better implementation and support from the government and the community, it is hoped that the fulfillment of the right to accessibility in public facilities in Palangka Raya City will improve, creating an inclusive environment, and providing equal opportunities for persons with disabilities.*

**Keywords :** *Disability, Accessibility*

## Introduction

People with disabilities also have rights and obligations as provided by law so that they can fulfill their social duties including getting legal protection, special attention must be given to them for this purpose, because they are like ordinary citizens in their actions, thoughts, feelings and ideologies, which they can also carry, like other people in general<sup>1</sup>. As for what is meant by people with disabilities based on Article 1 number 1 of Law Number 8 of 2016 concerning People with Disabilities, it states:

“Penyandang Disabilitas adalah setiap orang yang mengalami keterbatasan fisik, intelektual, mental, dan/atau sensorik dalam jangka waktu lama yang dalam berinteraksi dengan lingkungan dapat mengalami hambatan dan kesulitan untuk berpartisipasi secara penuh dan efektif dengan warga negara lainnya berdasarkan kesamaan hak”.

People with disabilities often receive different treatment. Therefore, the government gives them the constitutional ability to ensure that they no longer face gaps in political participation and social life, restrictions, backwardness, marginalization and exclusion, through Article 28H Paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states: "Everyone has the right to receive facilities and special treatment to obtain the same opportunities and benefits in order to achieve equality and justice."<sup>2</sup> Apart from that, the provision of legal protection for every citizen is constitutionally regulated in the provisions of Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states "Everyone has the right to recognition, guarantees, protection and certainty of fair law and equal treatment before the law."

A nation of value is one that respects, honors, fulfills, and protects every citizen without exception. Issues related to people with disabilities or differences in ability, often referred to as "handicaps," or nowadays, "disability," are issues rarely addressed by the government and society.

The Unitary State of the Republic of Indonesia is a state based on Pancasila and the 1945 Constitution, which respects and upholds human dignity. Therefore, it is

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<sup>1</sup> I Putu Sumardika, I Wayan Wesna Astara dan I Nyoman Utama, Pelaksanaan Perlindungan Hukum bagi Penyandang Disabilitas dalam Mendapatkan Pelayanan Publik di Kabupaten Tabanan, Jurnal Analogi Hukum, Volume 3, Nomor 2, 2021. CC-BY-SA 4.0 License. hlm 170-176

<sup>2</sup> Majda El Muhtaj, *Dimensi-Dimensi HAM Mengurai Hak Ekonomi, Sosial dan Budaya*, Raja GrafindoPersada, Jakarta, 2008, hlm. 273.

necessary to increase the protection and advancement of the human rights of vulnerable groups, particularly people with disabilities.

Especially in developing countries like Indonesia, there is still a perceived neglect of the rights of people with disabilities. This neglect is caused by several factors, including socio-cultural factors, economic factors, and weak policies and law enforcement in providing protection that favors the disabled community. People with disabilities who are unemployed or do not have access to education are more likely to have adequate employment, public services, and education than those without disabilities.<sup>3</sup>

The issue of "disability" and "disability" has been structurally defined as "disability" by societies and governments in various parts of the Third World. This is inseparable from the socio-cultural aspects of each country's society. Culture is created through customs, rituals, myths, symbols, and institutions prevalent in society, such as religion and mass media. Each of these forms shapes beliefs and attitudes that directly influence the existence of people with disabilities or are seen as forms of oppression against them.<sup>4</sup> Culture has shaped the image of people and countries in which "disability" is "impairment," so that people with disabilities are automatically identified with pity, disability, and abnormality. This is an example of a social norm used to distinguish people with disabilities within a social classification system that encompasses their access to education, housing, transportation, health care, and family life in general.<sup>5</sup>

Another important aspect that is difficult for people with disabilities to access is participation in society, including participation in decision-making and political processes. It is clear that all the barriers faced by people with disabilities, both attitudinal and physical barriers, are part of the cultural formation or "image" of Indonesian society regarding disability issues.

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<sup>3</sup> Jazim Hamidi, *Perlindungan Hukum terhadap Disabilitas dalam Memenuhi Hak Mendapatkan Pendidikan dan Pekerjaan*, Jurnal: Jurnal Hukum Ius Quia Iustum, Vol 23, No 4, 2016. hlm 1 653-671

<sup>4</sup> Budiyo, Muhtadi, Ade Arief Firmansyah, *Dekonstruksi Urusan Pemerintahan Konkuren dalam Undang-Undang Pemerintahan Daerah*, Kanun Jurnal Ilmu Hukum No. 67 Th XVII, 2015, hlm. 419-432

<sup>5</sup> James I. Charlton, *Nothing About Us Without Us, Disability Oppression and Empowerment*, University of California Press Barkeley and Los Angeles, California. 1998.

Equality before the law and equal human rights are constitutional rights for all citizens, including persons with disabilities. However, in reality, persons with disabilities often experience discrimination in exercising their rights, such as restrictions, obstacles, difficulties, reductions, or waivers of rights. Therefore, the state exists to implement these constitutional rights through the ratification of Law Number 8 of 2016 concerning Persons with Disabilities.

The existence of Law Number 8 of 2016 concerning Persons with Disabilities is a new paradigm to guarantee and protect the rights of persons with disabilities. In Law Number 4 of 1997 where persons with disabilities were only considered as objects so that it was no longer in accordance with the paradigm of the needs of persons with disabilities, however, there was progress in the recognition of persons with disabilities as the enactment of the new Law was determined as a subject. The purpose of the formation of Law Number 8 of 2016 concerning Persons with Disabilities, as stated in Article 3 letter a, states "Realizing Respect, promotion, Protection, and Fulfillment of human rights and basic freedoms of Persons with Disabilities in full and equal".

The central and regional governments must implement all provisions of these laws and regulations, including the provision of support services and infrastructure. However, the response to these regulations has been suboptimal, as not all regions have regulations governing disability.

### **Fulfillment Of The Right To Accessibility To Public Facilities For Persons With Disabilities**

The Unitary State of the Republic of Indonesia guarantees the survival of every citizen, including persons with disabilities who have legal standing and have the same human rights as Indonesian citizens and as an inseparable part of Indonesian citizens and society is a mandate and gift from God Almighty, to live progress and develop in a just and dignified manner. In addition, Indonesia has ratified the International Convention on the Rights of Persons with Disabilities (convention on the right of person with disabilities) which has been conventioned in Law Number 19 of 2011 concerning the Convention on the Rights of Persons with Disabilities.

In order to realize equal opportunities for people with disabilities in all areas of life, efforts have been made to guarantee legal protection related to the status, rights, duties and roles of people with disabilities, this is as regulated in the constitution and

laws related to people with disabilities as stated in law number 8 of 2016. In addition, it is also spread in various other laws and regulations, including: other regulations on employment issues, state education, health, social welfare, roads and transportation, railways, services, air transportation. These laws and regulations guarantee the comfort (accessibility) of people with disabilities.<sup>6</sup>

As for what is meant by accessibility is as regulated in Article 1 number 8 of Law Number 8 of 2016, which states: "Accessibility is the convenience provided for Persons with Disabilities to realize Equal Opportunities". Such as persons with disabilities to access public buildings and facilities easily and equally with other individuals. Accessibility involves the design, construction, and adjustment of the physical environment to ensure that people with various types of physical disabilities can participate fully in everyday life.

The importance of providing accessibility to people with disabilities lies in their ability to access and use public facilities independently and without hindrance. Public facilities that do not address physical accessibility can become barriers for people with physical disabilities in their daily lives, including education, employment, transportation, and participation in social activities.

As for the right to accessibility for people with disabilities as regulated in Article 18 of Law Number 8 of 2016, it states:

Accessibility Rights for Persons with Disabilities include the right:

- a. have access to public facilities; and
- b. have reasonable accommodation as a form of accessibility for individuals.

In efforts to ensure accessibility for people with disabilities, governments, public institutions, and relevant stakeholders need to adopt a universal design approach. Universal design involves designing and constructing physical environments that are accessible, usable, and enjoyable for individuals with a wide range of abilities and limitations.

Governments, public institutions, and society as a whole have a responsibility to ensure the fulfillment of these rights. This requires heightened awareness, education, oversight, and concrete steps to create an inclusive environment and

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<sup>6</sup> Muladi, *Hak Asasi Manusia Hakekat Konsep Implikasi Dalam Perspektif Hukum Dan Masyarakat*, PT. Refika Aditama, Bandung, 2005, hlm.255

eliminate barriers that hinder the accessibility of public facilities for people with physical disabilities.

However, in reality, the fulfillment of accessibility rights for people with disabilities still receives less attention from the government, especially in the regions. There is a significant lack of attention, such as from the Palangka Raya city government, regarding the right to accessibility of public facilities for people with disabilities, as stated by Endang Suroso, a person with disabilities.

The unfulfilled right to accessibility in public facilities can occur in several situations. The following is an example of the unfulfilled right to accessibility, especially in Palangka Raya City: public facilities such as culinary spots on Yos Sudarso Street do not provide Disability-Friendly Toilet Facilities. Toilets that are not specifically designed for the needs of people with disabilities can be a barrier for them. Lack of sufficient space, inadequate handrails, or difficult access can prevent people with disabilities from using toilet facilities comfortably and safely.<sup>7</sup>

This is certainly a concern for local governments, as accessibility to public facilities is a fundamental right for people with disabilities to fully participate in daily life. Inattention to the physical accessibility of buildings and public facilities can hinder the mobility and independence of people with disabilities.

People with physical disabilities have guaranteed rights to access public facilities. These rights aim to ensure that people with physical disabilities can access and use public facilities on an equal basis with others. The following are some rights that need to be considered, as outlined by the author from several people with disabilities, including:

1. Right to physical access: Persons with physical disabilities have the right to physical access to public buildings and facilities. This includes adequate access, such as ramps, elevators, safe stairs, wide entrances, and accessible toilets. The purpose of this right is to ensure that persons with physical disabilities can participate in social, economic, and cultural life without physical barriers. The government and relevant stakeholders must ensure that public facilities are designed and

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<sup>7</sup> Hasil Wawancara dengan Endang Suroso (Disabilitas Fisik) tanggal 10 Juni 2025

constructed with the accessibility needs of persons with physical disabilities in mind.<sup>8</sup>

2. Right to transportation: Persons with physical disabilities have the right to access public transportation with adequate accessibility. This includes accessibility in modes of transportation such as buses, trains, taxis, and pedestrian paths. Transportation facilities must be designed with the needs and physical limitations of persons with disabilities in mind, such as providing dedicated wheelchair spaces, safe access to vehicles, and clear information about the accessibility of transportation facilities. Furthermore, it is important to provide adequate alternative transportation services for persons with physical disabilities who cannot use public transportation.
3. Right to access information: Persons with physical disabilities have the right to obtain information in accessible formats. This includes providing information in alternative formats, such as braille text, audio materials, or information in sign language. Lack of access to information is also a serious problem. Furthermore, persons with disabilities often do not receive sufficient information about the accessibility of public facilities at events held there. This makes it difficult for them to participate in these activities.<sup>9</sup> Governments and public institutions must ensure that the information they provide is accessible to people with physical disabilities. Furthermore, it is important to provide the necessary assistance or support for people with physical disabilities in obtaining information.
4. Right to participation: Persons with physical disabilities have the right to participate fully in community life. This includes the right to attend events, meetings, cultural, sporting, and social activities held in public facilities. Public facilities should be designed and arranged so that they are easily accessible and usable by persons with physical disabilities. It is also important to ensure that these activities provide the necessary support or assistance for persons with physical disabilities in their participation.

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<sup>8</sup> Hasil Wawancara dengan Elly (Disabilitas Fisik) tanggal 12 Juni 2025

<sup>9</sup> Hasil Wawancara perwakilan dengan Disabilitas Kecamatan Kereng Bangkirai Kota Palangka Raya tanggal 30 Mei 2025

5. Right to involvement in decision-making: Persons with physical disabilities have the right to be involved in decision-making regarding policies and programs that affect their lives. Governments and public institutions must involve persons with physical disabilities in the planning, implementation, and evaluation of policies or programs related to the accessibility of public facilities. This involves listening to the voices and perspectives of persons with physical disabilities and providing them with opportunities to actively participate in decision-making processes.<sup>10</sup>

The government has a responsibility to create an inclusive and welcoming environment for all its citizens, including people with disabilities, as mandated by Law Number 8 of 2016, which includes providing easy and equal access to public facilities such as buildings, roads, transportation, workplaces, education, and health services. It is crucial for the government to adopt a proactive approach.<sup>11</sup>

Some steps that can be taken include:

1. Accessibility assessment: Conduct a comprehensive assessment of the accessibility of existing public facilities in the city. This includes identifying physical barriers, such as steep stairs or the absence of disability-friendly facilities, as well as non-physical barriers, such as a lack of accessible information or inadequate services.

2. Planning and implementation: Develop a concrete action plan to improve the accessibility of public facilities. This includes repairing and modifying existing facilities to comply with applicable accessibility standards, such as installing accessible ramps, elevators, or walkways. Furthermore, planning should consider accessibility in the construction of new facilities.

3. Involvement of persons with disabilities: Actively involve persons with disabilities in the planning, implementation, and evaluation of accessibility policies. Listening to their experiences and input can help understand specific needs and identify effective solutions.

4. Awareness-raising: Conduct awareness campaigns to increase public understanding and knowledge about the accessibility rights of persons with disabilities and the importance of creating inclusive environments. Training can also be provided

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<sup>10</sup> Hasil Wawancara dengan Joko Sabanio (Disabilitas Fisik) tanggal 11 Juni 2025

<sup>11</sup> Moh Kusnardi dan Harmaily Ibrahim, *Hukum Tata Negara Indonesia*, Sinar Bakti, Jakarta, 1998, hlm.102



to government officials, public facility workers, and the general public on good accessibility practices.

5. Collaboration with stakeholders: Work with organizations and advocacy groups for persons with disabilities, as well as engage the private sector and civil society to create joint solutions and strengthen the implementation of accessibility in public facilities.

By taking these steps, the government can improve the accessibility of public facilities for people with disabilities, ensure fairness, and fulfill their rights to full participation in society. This allows people with disabilities to develop their potential.

### **Legal Protection for the Fulfillment of the Rights of Persons with Disabilities**

It can be said that almost all aspects of social life are regulated by law, whether in the social, cultural, economic, or political spheres. This raises the demand that the laws created should not only be practical, efficient, and effective, but should also aim to create an order that society perceives as just and in accordance with their understanding of their dignity as human beings.<sup>12</sup>

The presence of law in a developing society is a process that must be undertaken by society to make it a means of carrying out its role effectively, this is seen functionally to change and build society in order to achieve a better quality of life, therefore the major changes that occur in law and in society are a logical consequence of development.

Law, as a system that regulates social life, is not something that stands alone. In national life, laws are created to guarantee, safeguard, and protect a number of interests within society, which are not always aligned. However, laws are necessary to ensure that these interests are maintained and protected.

The existence of law is essential in the life of society, which is essentially inseparable from the function of law itself in providing legal protection for the community. The foundation of legal protection is Pancasila as the ideological and philosophical basis of the State. With the foundation of Pancasila, the principle of legal protection for the Indonesian people is the principle of recognition and protection of

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<sup>12</sup> Franz Magnis Suseno. 1994. *Etika Politik Prinsip-prinsip Moral Dasar Kenegaraan Modern*. Jakarta, PT. Gramedia, hlm. 112

human dignity and honor that is based on Pancasila and the principle of a state based on law based on Pancasila.<sup>13</sup>

Indonesia as a country of law, this is emphasized in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states "Indonesia is a country of law", meaning that the law applies to all Indonesian people without exception, including people with disabilities, who cannot be ignored. Whatever the reason, they must be included in the development of the nation's life.

J.P. Fitzgerald, Fitzgerald explained that the law aims to integrate and coordinate various interests in society, by limiting these various interests, because in a traffic of interests, protection of certain interests can only be done by limiting interests on the other side.<sup>14</sup>

Furthermore, Philipus M. Hadjon, stated that legal protection is a subjective condition that states the presence of a necessity in a number of legal subjects to immediately obtain a number of resources, for the sake of the continued existence of legal subjects who are guaranteed and protected by law, so that their power is organized in the political and economic decision-making process, especially in the distribution of resources, both at the individual and structural levels. So that legal protection can be divided into two types, namely:

1. Preventive legal protection, which involves preventing a dispute from occurring, provides the public with the opportunity to raise objections or express opinions before a government decision (policy) becomes final.

2. Repressive protection aims to resolve a dispute that has already occurred, and can be provided through a judicial body.<sup>15</sup>

Based on M. Hadjon's opinion, the concept of legal protection can be understood as the rights of persons with disabilities being a subjective condition that must be created to ensure the continued fulfillment of their rights. Persons with disabilities are guaranteed and protected by law so that their organized presence in

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<sup>13</sup> Philipus M.Hadjon. 1987. *Perlindungan Hukum Bagi Rakyat di Indonesia Sebuah Studi Tentang Prinsip-Prinsipnya, Penanganannya Oleh Pengadilan Dalam lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi*. Penerbit Peradaban. Surabaya. hal. 18

<sup>14</sup> Satjipto Rahardjo. 2000. *Ilmu Hukum*, PT. Citra Aditya Bakti, Bandung, hal. 53.

<sup>15</sup> Philipus M.Hajon. 1987. *ibid.* hal. 2

the political and economic decision-making process can play a role in the implementation of development.

However, the most important thing in providing legal protection is through preventive legal protection, namely providing a means through the creation of a policy that strictly regulates the rights of people with disabilities and implementing it well. As with the presence of a policy that applies to people with disabilities, of course, in the process of making it, people with disabilities must be involved so that accessibility facilities can be felt comfortably. The mechanism of preventive legal protection in juridical terms, especially those related to the process and mechanism of policy making that have an impact on people with disabilities, has been legalized in the form of a law, namely with the enactment of Law No. 12 of 2011 concerning the Formation of Legislation. Article 96 paragraph (1) states: "The public has the right to provide input verbally and/or in writing in the Formation of Legislation".

If we look closely at the granting of the right to participate in the formation of these laws and regulations, it is merely lip service or merely giving false hope to people with disabilities, because their right is only to provide suggestions or input and there is no guarantee that their wishes will be fulfilled.

The involvement of local governments in the implementation and protection of law through the fulfillment of the rights of persons with disabilities is regulated in Law Number 8 of 2016. One of the fundamental rights is the right to accessibility to public and social spaces, the aim of this law is to respect, protect and realize the rights of persons with disabilities.<sup>16</sup> It contains Article 153, which regulates the rights of persons with disabilities, according to Article 11, Chapter III (Articles 5 to 26). This law places greater emphasis on strengthening the principle of equality and improving a more dignified standard of living, so that persons with disabilities can avoid behavior that demeans human dignity.

This step represents the first attempt by the central and regional governments to realize the rights of persons with disabilities. The government must continue to support each region in providing support services for persons with disabilities so that their rights can be fully realized through regional regulations (Perda) in each region.

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<sup>16</sup> Undang-Undang Nomor 8 Tahun 2016

These Perda are an expression of the Disability Law and the government as the decision-maker. Perda are legal products that aim to regulate communal life, maintain security and public order in each region, and thus serve as a means of communication between regional heads and the local community. Therefore, every important decision affecting the regional budget (APBD) must involve the community. In this case, it concerns the rights of persons with disabilities. Therefore, the involvement of persons with disabilities as stakeholders is crucial.<sup>17</sup>

In providing legal protection for the community, especially for people with disabilities, the Palangka Raya City Regional Government, especially in carrying out its duties to plan, evaluate and listen to the wishes of people with disabilities to express their rights to equal rights with other citizens, this is the legal basis for laws and regional regulations.

The Palangka Raya City Government already has Mayoral Regulation Number 29 of 2024 specifically regulating the rights of persons with disabilities, which means that the Palangka Raya City Government's efforts to implement the rights of persons with disabilities are still very limited.<sup>18</sup> The rights of persons with disabilities will strengthen the protection of their rights, particularly regarding the right to access public facilities in Palangka Raya City. The rights of persons with disabilities regarding accessibility to public facilities have not yet been fully realized. Yet, the existence of public facilities is a very important space and infrastructure. The availability of public facilities is a crucial part of activities, considering that almost all members of society carry out various activities outside the home, from school, work, markets, and other activities.<sup>19</sup> Therefore, the provision of adequate public facilities is one of the basic needs of the community, especially people with disabilities, so that they can carry out activities easily and smoothly.

When it comes to providing adequate public and community facilities, people with special needs must be given safe and convenient access so they can enjoy comfort and convenience in their activities. Because everyone has the right to use all facilities and infrastructure, including people with disabilities who work outside the

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<sup>17</sup> Jane Kartika Propiona, 'Implementasi Aksesibilitas Fasilitas Publik Bagi Penyandang Disabilitas', *Jurnal Analisa Sosiologi*, 10 (2021), 1–18. <https://jurnal.uns.ac.id/jas/article/view/47635>

<sup>18</sup> Hasil Wawancara dengan Elly (Disabilitas Fisik) tanggal 12 Juni 2025

<sup>19</sup> Ibid

home, the government and the private sector are obligated to provide access for people with disabilities.

## **Conclusion**

The Palangka Raya city government's efforts to ensure equitable access to public facilities for people with disabilities are currently underfunded. This is due to the lack of policies governing accessibility standards in the planning, design, and construction of public facilities, and the lack of involvement of persons with disabilities in decision-making processes related to public facility accessibility. The public needs to understand that everyone has the same right to access and use public facilities without barriers. Training and certification for architects, engineers, and related professionals can also improve the understanding and application of inclusive design practices. By considering physical accessibility in the planning, design, and construction of public facilities, we can create a more inclusive society, where all individuals, including persons with physical disabilities, can participate fully and equally in social, economic, and cultural life.

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