

NAVIGATING SUCCESSFUL POLICY REFORM

Securing Legal Recognition for the Rights of Persons with Disabilities in Indonesia

Joni Yulianto, Adi Suryadini and Elisabeth Jackson



Securing Legal Recognition for the Rights of Persons with Disabilities in Indonesia
Navigating Successful Policy Reform
Case Study No. 3 | November 2023

Joni Yulianto, Adi Suryadini and Elisabeth Jackson

All rights reserved. No part of this publication may be reproduced in any form or by any means without the written permission of The Asia Foundation.

This case study is independently produced by La Trobe University, with support from the Australian Government and The Asia Foundation. The views expressed in this publication are those of the authors and do not necessarily represent those of The Asia Foundation or the Australian Government.

CASE STUDY NO. 3 | NOV 2023

NAVIGATING SUCCESSFUL POLICY REFORM

Securing Legal Recognition for the Rights of Persons with Disabilities in Indonesia

Joni Yulianto, Adi Suryadini and Elisabeth Jackson

Table of Contents

Series Introduction	v
Acknowledgements	viii
Acronyms	ix
Summary	1
The Development Challenge	4
The Protagonists	6
The Reform Experience	9
Impact of the Reform	18
Ways of Working and Relevance of Development Entrepreneurship	22
List of References	27
List of Interviews	30
Annex	31

Series Introduction

This paper is part of the ‘Navigating Successful Policy Reform’ series undertaken by Coalitions for Change and the Institute for Human Security and Social Change at La Trobe University. It is one of three case studies¹ exploring developmental policy reforms in Indonesia, Kenya and Vanuatu that demonstrate politically smart and learning-oriented ways of working to achieve change in challenging political contexts. In particular, the cases investigate whether those reform stories bear similarities to the development entrepreneurship model that has been highly successful within the Philippines.

The development entrepreneurship model emerged from experiences of various Philippine economic policy reforms dating back to the early 1990s, including in telecommunications, civil aviation, sea transport, tobacco and alcohol tax, land governance and other areas (Fabella and Faustino, 2011). Around 2010, some, including the Governance Advisor at the Australian embassy, wondered if the model was applicable to other types of development challenges. Out of those discussions, two developments emerged. One was a publication of [Room for Maneuver: Social Sector Policy Reform in the Philippines](#) (Fabella et al., 2014). One of the volume’s lead editors was Adrian Leftwich, a of the founder of the [Developmental Leadership Program](#), a research initiative that explores how leadership, power and political processes drive or block processes of social change.

The second was the creation of the Coalitions for Change Program (2011-2024), a partnership between the Australian Government and The Asia Foundation in the Philippines. The Asia Foundation uses the development entrepreneurship model to implement the program, identifying twelve principles focused around three strategic questions to increase the likelihood that development interventions make a difference. The table below summarises the model:²

Strategic question 1: Which reform will improve outcomes?

To answer this, the model suggests looking for reforms with these three criteria:

(1) impact	the likelihood the reform will change the incentives and behaviour of organisations and individuals that will lead to better outcomes for people and society
(2) sustainability	the likelihood the reform will continue beyond the time-bound intervention or without additional donor support
(3) political feasibility	the likelihood the reform will be introduced given existing political realities

¹ The three cases are: introduction of single-use plastics ban in Kenya; securing reserved seats for women in Vanuatu’s municipal councils; and passing of the Disability Law in Indonesia.

² <https://developmententrepreneurship.org/about/>.

Strategic question 2: How will the reform be identified and introduced?

To answer this, the model suggests using the five principles of entrepreneurial logic:

(4) just start	begin with who you are, what you have, and who you know
(5) make small bets to learn by doing	test and act to see what might work, adjust based on those tests, then eventually make larger bets
(6) expect and exploit surprises	the ability and courage to recognise and act on unexpected opportunities
(7) build coalitions and networks	the ability and willingness to identify individuals and organisations who can help
(8) influence the future with action	a mindset that the future cannot be predicted but can be influenced through action

Strategic question 3: Who will do it?

To answer this, the model suggests collaborating with leaders who exhibit these four behaviours:

(9) grit	the willingness to persevere with limited resources
(10) confidence	the willingness and courage to tackle large problems
(11) humility	the willingness to listen to others, to be challenged, to admit mistakes, and to let others take credit
(12) autonomy	the strong desire to be self-directed, take initiative, and change the status quo

For Coalitions for Change, the outcome of using the model has been positive. As of July 2023, Coalitions for Change and Philippine leaders have helped successfully introduce 94 policy reforms. The reforms cover a wide range of areas including electoral reform, gender and disability inclusion, disaster risk reduction, education, mobility, Internet broadband and others (Sidel and Faustino, 2019).

Development entrepreneurship has built a significant following in international development, as well as in policy reform in the Philippines (Booth and Faustino, 2014 and Green, 2015). An online training course on *Development Entrepreneurship* has run since 2021, attended primarily but not only by Filipinos, with the goal of exposing developmentally-minded reformers to ideas and stories of how change can be achieved. Yet there has been an open question about the extent

to which this model of developmental change applies outside of the Philippines or not. Does the development entrepreneurship model work elsewhere? The answers to this question are pertinent for the Australian Government's aid program – and other development partners – who are interested in supporting locally-led reforms.

Through a partnership between the Institute for Human Security and Social Change and Coalitions for Change, these case studies explore instances of developmental policy reform in settings outside of the Philippines, detailing the reform experience and reflecting on the relevance of the development entrepreneurship model. The cases were identified through an initial literature scan to longlist examples of successful developmental policy reform and key informant interviews with international development experts who have backgrounds in supporting locally-led, adaptive reforms that 'think and work politically.' From this longlist, the cases were interrogated further through literature review and a small number of initial interviews to determine whether they appeared to be a good fit with the development entrepreneurship model. Ultimately, four reform stories were selected for case studies, with three proceeding. The three case studies are: securing reserved seats for women in Vanuatu's municipal councils, banning single-use plastic bags in Kenya and passing of the Disability Law in Indonesia.

The three cases reveal a number of shared features across contexts that provide important learning about how developmental policy reform can be achieved. They demonstrate the potential relevance of the development entrepreneurship model outside of the Philippines alone and the similar ways in which reform leaders in multiple contexts navigate their environments. While in each case study different development entrepreneurship principles emerge as more or less relevant, in all of them there are resonances, suggesting that the model indeed has potential outside of the Philippines context. Notably, all of the shortlisted cases of reform occurred in democratic settings, raising questions about the applicability of the development entrepreneurship model in other political contexts. This is yet to be explored.

This case study was developed through review of relevant academic and grey literatures, as well as interviews with key stakeholders centrally involved in the reform securing legal recognition of the rights of persons with disabilities in Indonesia. In particular, the personal accounts of key disability activists was central to unpacking the reform story and strategies used to achieve change. The accounts of reform that are captured here thus tell the stories from the point of view of those directly involved in reforms. These are not disinterested voices – but they are critical to understanding the detailed process and *ways of working* that enabled reforms to be achieved. Revealing these ways of working is the primary aim of the case studies in this series and opens up the possibility for greater learning across contexts about how change happens, as well as about the roles external actors can play (or not) in supporting such reforms.

Dr. Lisa Denney
Deputy Director and Senior Research Fellow
Institute for Human Security and Social Change

Acknowledgements

We would like to express our sincere thanks to the individuals and institutions who assisted us in this study. We are particularly grateful to the interviewees who generously gave their time and shared their knowledge and insights. This study was funded by *Coalitions for Change*, a partnership between the Australian Government and The Asia Foundation in the Philippines. The paper has benefited from peer review by Lisa Denney, Chris Roche, and the *Coalitions for Change* team, including Sam Chittick, Rene Sanapo, and Jaime Faustino. Responsibility for any errors lies with the authors alone.



Acronyms

Bappenas	Badan Perencanaan dan Pembangunan Nasional, National Development and Planning Agency
BILiC	Bandung Independent Living Centre
CBM	Christian Blind Mission
DFAT	Australian Department of Foreign Affairs and Trade
DNPCI	Dewan Nasional Penyandang Cacat Indonesia, Indonesian National Council of Disabled Persons
Dria Manunggal	Institute for Diffable Research, Empowerment, and Development
FORMASI Disabilitas	Forum Masyarakat Pemantau untuk Indonesia Inklusi Disabilitas, Community Monitoring Forum for a Disability Inclusive Indonesia
Gerkatin	Gerakan untuk Kesejahteraan Tuna Rungu Indonesia, Indonesian Association for the Welfare of the Deaf
HWPCI/HWDI	Himpunan Wanita Penyandang Cacat Indonesia (later renamed Himpunan Wanita Disabilitas Indonesia), Indonesian Association of Women with Disabilities
Komnas HAM	Komisi Nasional Hak Asasi Manusia, National Commission on Human Rights
Konas Difabel	Konsorsium Nasional Hak-Hak Difabel, National Consortium for Diffable Rights
LBH Disabilitas	Lembaga Bantuan Hukum Disabilitas, Disability Legal Aid Institute
LBH Jakarta	Lembaga Bantuan Hukum Jakarta, Jakarta Legal Aid Institute
OHANA	Organisasi Harapan Nusantara, Archipelago Hope Organisation
OPD	Organizations of Persons with Disabilities
PAN	Partai Amanat Nasional, National Mandate Party

Partai Gerindra	Partai Gerakan Indonesia Raya, Greater Indonesia Movement Party
PDIP	Partai Demokrasi Indonesia Perjuangan, Indonesian Democratic Party of Struggle
Pertuni	Persatuan Tunanetra Indonesia, Indonesian Blind Association
PJS	Perhimpunan Jiwa Sehat, Mental Health Association
PKB	Partai Kebangkitan Bangsa, National Awakening Party
PKS	Partai Keadilan Sejahtera, Prosperous Justice Party
PPCI/PPDI	Persatuan Penyandang Cacat Indonesia (later renamed Persatuan Penyandang Disabilitas Indonesia), Indonesian Association of Persons with Disabilities
PPRBM	Pusat Pengembangan Rehabilitasi Berbasis Masyarakat, Centre for the Development of Community Based Rehabilitation
PSHK	Pusat Studi Hukum dan Kebijakan, Centre for Law and Policy Studies
PPUA	Pusat Pemilihan Umum Akses, Centre for Accessible General Elections
SIGAB	Sasana Inklusi dan Gerakan Advokasi Difabel (formerly Sasana Integrasi dan Advokasi Difabel), Centre for Inclusion and Diffable Advocacy Movement
SAPDA	Sentra Advokasi Perempuan Difabel dan Anak, Centre for Diffable Women and Children's Advocacy
SEHATI Sukoharjo	Perkumpulan Difabel SEHATI Sukoharjo, Sukoharjo 'One Heart' Diffable Association
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities

Summary

Persons with disabilities in Indonesia face a range of challenges, including poverty, discrimination and widespread barriers to accessing and using facilities and services.

These impact on their levels of education, health, employment and political rights, among others. Until 2016, the Indonesian government took a medical and charity-based approach to addressing these challenges, focused on providing medical treatment, rehabilitation, care homes, vocational training and 'special' education for persons with disabilities.

The passing of Law No. 8 of 2016 on Persons with Disabilities represents a significant change in Indonesia's legal and policy framework on disability, from a medical and charity-based approach to a human rights-based paradigm. This change was the result of sustained campaigning by an increasingly large number of disability activists and Organizations of Persons with Disabilities (OPDs). Beginning in the late-1990s, disability activists increasingly drew on global discussions about disability rights to advocate for greater legal protection of the rights of persons with disabilities. This advocacy gained momentum in the early 2000s as disability activists urged the Indonesian government to sign and ratify the United Nations Convention on the Rights of

Persons with Disabilities (UNCRPD). The shift in global discourse on disability coincided with the opening up of Indonesian politics after over 32 years of authoritarian rule. Successive governments sought to be more responsive and accountable to citizens, including persons with disabilities. New grassroots OPDs focused on issues such as access to justice, women's rights, and employment also emerged during this time.

Indonesia's ratification of the UNCRPD in 2011 provided the Indonesian disability movement with the leverage they needed to push for legal reform. A small number of OPDs submitted a draft for a new disability law which took a rights-based perspective to the parliament for consideration. They then established a working group to refine and improve the draft, including through consultations with the broader disability community. Members of the working group also lobbied parliament to list approval of the disability law as a priority for the final year of its term in 2014. However, despite support for it, the parliament's full agenda meant that it was not able to pass the law before the end of 2014.

Following the 2014 elections, disability activists worked to build support for the law among new members of parliament. They drew on their personal networks with individual politicians from different parties, urging them to fulfill their parties' campaign promises to strengthen protection of disability rights. From within parliament, MP Ledia Hanifa from the Prosperous Justice Party (PKS) was a key champion of the reform, who was motivated by her personal experiences with persons with disabilities. She worked with other like-minded parliamentarians to shepherd the draft law through the legislative process.

The reform was driven by a small group of disability activists and OPDs whose vision coalesced around the need for a fundamental change in how persons with disabilities are treated under Indonesian law, and in practice. At the national level, seasoned disability activist Ariani Soekanwo was the chair of the working group, which included representation from several of the major national OPDs. They were backed by a coalition of around 50 local OPDs from across the country under the National Consortium for Diffable Rights (Konas Difabel). Key activists from this coalition worked closely with the working group to ensure that the interests and concerns of local OPDs were reflected in the law. They also used their own political connections to lobby members of parliament. When the formal process for approving the law threatened to stall in 2015, this coalition took to the streets of Jakarta to pressure parliament to pass the law.

Although the reform was driven by Indonesian disability activists and organizations, a number of international donors provided support throughout the process, including funding and convening of events. This enabled the disability activists to undertake broader consultations at both national and local levels and fund a secretariat for the coalition.

The 2016 Disability Law is widely seen as a turning point for the fulfillment of disability rights in Indonesia. It provides a legal basis on which more than 23 million Indonesians with disabilities can claim their rights. This is already having concrete impacts in several areas, including challenging discrimination in employment and improving access to reasonable accommodation in the justice sector. Importantly, the reform process has opened up space for disability activists to engage in policy discussions at the national and local levels and contributed to the strengthening and consolidation of the disability movement.

The campaign for the 2016 Disability Law reflects a number of the principles of Development Entrepreneurship. Chief among these is the ability of the disability activists to recognize and take advantage of opportunities afforded by the political context and build a broad coalition of actors within and outside of parliament which brought together the right set of skills, knowledge, networks and numbers. Throughout the reform process, disability activists adjusted their strategies and tactics as new challenges emerged, making educated guesses about what might work based on their past experience.

Both the disability activists and members of parliament involved in the coalition recognized the importance of listening to and being willing to be challenged by each other. The disability activists were motivated by a strong desire to change the status quo. They acted on their own initiative, driving change in the direction that they wanted and in ways that they saw as most effective. The 10-year process of achieving the reform demonstrates the resilience and strong commitment of the activists to achieving their vision for a new disability law.

The case study also extends the Development Entrepreneurship principles in two important ways. First, a significant feature of the campaign for the 2016 Disability Law was a coalition approach to reform. This highlights that Development Entrepreneurship principles can be embodied by collectives as well as individual reform leaders. Second, an important part of the coalition's approach was to shift the narrative about disability from a medical and charity approach in which persons with disabilities are seen as having 'deficits' to a rights-based model in which persons with disabilities are seen as having fundamental human rights which the state has an obligation to fulfil. The success of the reform is therefore at least in part about enshrining new social norms in law.

The Development Challenge

Indonesia is home to just over 23 million persons with disabilities, or around 9% of the population (Siyaranamual and Larasati, 2020).

Persons with disabilities in Indonesia face a range of challenges. For example, poverty rates among households with a person with a disability are around 50% higher than for households without persons with disabilities (Rahayu Kusumastuti et al., 2018). Persons with disabilities also experience physical, institutional, communication, and attitudinal barriers to accessing and using public facilities and services. These impact on their levels of education, health, employment and political rights, among others. For example, over half of children with disabilities do not attend junior secondary school, and 75% do not attend senior high school. Persons with disabilities also have much lower rates of participation in the workforce and tend to be concentrated in lower quality or more vulnerable employment. Recent figures show that only around one third of persons with disabilities are in the workforce, compared to almost 70% of those without disabilities and the vast majority are employed in the

informal sector (Hastuti et al., 2020; see also Cameron and Contreras Suarez, 2017).

For disability activists, the root cause of these issues was the view that persons with disabilities had impairments which required medical treatment and rehabilitation and were objects of charity in need of help from others. This view was reflected in government policies and programs that focused on providing medical treatment, care homes, vocational training, and special education for persons with disabilities and in the designation of the Ministry of Social Affairs as the focal point for disability issues (Irwanto and Thohari, 2017). These policies had the effect of segregating and excluding persons with disabilities from social, economic and political life and positioning them as the recipients of government development programs rather than as citizens who could contribute to their communities.

In the late 1990s, the global discourse on disability shifted from a medical and charity perspective to a human rights perspective. Rather than being objects of government aid and benevolence, the rights-based perspective emphasizes that persons with disabilities are rightsholders, to whom governments have an obligation to fulfill their fundamental human rights. In practical terms, this rights-based perspective requires that governments remove the barriers that persons with disabilities experience because of their impairment and provide them with support and accommodation so they can enjoy their rights on an equal basis with others.

While the 1997 Disability Law mandated equality and non-discrimination in education, employment, and public services among others, in practice very little changed. This was in part because the principles and provisions of the law were never translated into implementing regulations. As a result, discriminatory laws continued to limit equal participation of persons with disabilities. Employees in the public service were required to be 'physically and mentally healthy', which was defined as 'not having a disability'. The same condition was imposed on candidates for political office. In the education sector, persons with disabilities continued to be routinely denied access to schools and universities on the basis of their disability or – if they were admitted – experienced systematic discrimination and bullying. For disability activists, legal recognition of disability rights was therefore fundamental for addressing discrimination, exclusion and inequality and enabling persons with disabilities to actively contribute to social, economic and political life.

The Protagonists

The key protagonists of the reform were a small group of activists with a disability from established, national-level OPDs. They were supported by a larger network of disability activists from newer, grassroots OPDs across the country.

Disability activists and Organizations of Persons with Disabilities

Disability activist Ariani Soekanwo

Senior disability activist Ariani Soekanwo played a key role in driving the passing of the disability law. Now in her late-70s, she brought many years of experience in advocating for disability rights to the reform. While a student of anthropology at Yogyakarta's Gadjah Mada University in the 1960s, Ariani helped establish one of the first national Organizations of Persons with Disabilities, the Indonesian Blind Association (Pertuni). She also co-founded the Indonesian Association of Women with Disabilities (HWDI) in 1997 (Ramadhan, 2017). In the early 2000s, as Indonesia's political system opened up, Ariani actively lobbied the Electoral Commission to ensure that persons with disabilities could fully participate in exercising their right to vote.

Despite these achievements, Ariani is modest. Reflecting on her role in the establishment of

the Working Group of the Draft Disability Law, she said,

“ I was the Director of the Centre for Accessible General elections [PPUA], so I guess I had my own authority, even though we were all members of the Indonesian Association of Persons with Disabilities [PPDI], I had my own authority I suppose.

She is equally humble in describing her role in pushing for the reform:

“ We needed the law, so we had to finish it. It wasn't just me; everyone knew we had to do it. They all just got in there and worked really hard on it (interview with Ariani Soekanwo, 14 September 2023).

The Working Group on the Draft Disability Law

The Working Group on the Draft Disability Law was established in 2013 to help steer the draft law through the process of parliamentary approval. The group included activists with a disability from the major national OPDs:

- ◇ Ariani Soekanwo, representing the Centre for Accessible General Elections (PPUA),
- ◇ Maulani Rotinsulu, representing the Indonesian Association of Women with Disabilities (HWDI),
- ◇ Mahmud Fasa, representing the Indonesian Association of Persons with Disabilities (PPDI),
- ◇ Aprizar Zakaria, representing the Indonesian Association for the Welfare of the Deaf (Gerkatin),
- ◇ Aria Indrawati, representing the Indonesian Blind Association (PERTUNI), and
- ◇ Yeni Rosa Damayanti, representing the Mental Health Association (PJS).

The working group members brought different expertise, skills and networks to the process. Yeni Rosa Damayanti had good contacts within political parties:

“It was a real advantage that Yeni was active politically. She was very good at building communication with people in the inner circles of the parties (interview with Ariani Soekanwo, 14 September 2023).

Fajri Nursyamsi, a researcher with expertise in legal drafting from the Centre for Law and Policy Studies (PSHK) who is himself a person with a disability, was a close adviser to the working group. His skills were critical to the team's ability to develop a draft law that was legally sound and incorporated input from the broader disability community.

From the outset the working group members were clear about their goal of seeing the law passed, as Ariani Soekanwo reflected:

“Through our meetings we came to a common view, a shared determination. There were no strong differences of opinion. It was fairly easy to resolve any differences, even though we are all very determined people, very tough. If you're not tough, nothing happens, right?

The group's passion for the reform saw them through the highs and lows:

“We cried, we were angry, we were annoyed, they [the members of parliament] were annoyed. That's the nature of this kind of struggle (interview with Ariani Soekanwo, 14 September 2023).

The National Consortium for Diffable Rights and its networks

The National Consortium for Diffable Rights (Konas Difabel) and its networks throughout Java and in other provinces played a critical role in generating wider support for the law within the disability community. A small group of activists with a disability from key organisations within this consortium helped lead consultations on the substance of the draft law with local OPDs and worked closely with the working group to ensure that the interests of the wider disability community were reflected in the draft law. They also used their own political networks to influence members of parliament from different political parties to support the passing of the law.

Members of parliament

Ledia Hanifa

Within parliament, Ledia Hanifa was a key champion of the reform. First elected in 2009 as the Prosperous Justice Party (PKS) Member of Parliament for Bandung and Cimahi, her backroom meetings and influencing of fellow members of parliament played a crucial role in building political support for the draft law. As Ariani Soekanwo reflected, Ledia is still known as the 'Mother of the Disability Law' (interview with Ariani Soekanwo, 14 September 2023).

Ledia's motivation stemmed from her personal experience with disability within her family and wider social circle, including a cousin with a vision impairment. As she explained:

“ My cousin didn't like to use a cane at home, so we were always taught to make sure there was nothing in her way, in case she tripped (interview with Ledia Hanifa, 17 September 2023).

These and other experiences made her realize the importance of addressing the barriers for persons with disabilities at a policy level, rather than an individual level. She recollected:

“ When I first got into parliament in 2009, I visited a psychiatric hospital in Manado. I was so shocked. It was like a jail ... That's what made me think, 'Allah must have a purpose for me here [in the parliament]' (interview with Ledia Hanifa, 17 September 2023).

Ledia's appointment as Deputy Chair to Commission VIII on Religious and Social Affairs, Women's Empowerment and Child Protection in 2013 gave her an opportunity to act, as Fajri Nursyamsi recalled,

“ Ledia was the champion, the channel for communication... she had a vision, and she wanted to take action on this issue (interview with Fajri Nursyamsi, 19 September 2023).

Ledia credits her persistence with helping push through the reform when it threatened to stall:

“ You really have to nag people, tell them 'This is how it's going to be'. I was like a mother nagging her children to do their homework (interview with Ledia Hanifa, 17 September 2023).

Members of Commission VIII

Other important supporters of the law within Commission VIII included Rieke Diah Pitaloka (Indonesian Democratic Party of Struggle Member for Bandung and West Bandung), Desy Ratnasari (National Mandate Party Member for Sukabumi), Rahayu Saraswati Dhirakanya Djojohadikusumo (Great Indonesia Movement Party Member for Wonogiri, Karanganyar, and Sragen) and Arzeti Bilbina (National Awakening Party Member for Surabaya and Sidoarjo). Several of their parties – including the Great Indonesia Movement Party and the Indonesian Democratic Party of Struggle – expressed support for disability rights during their campaigns for the 2014 parliamentary and presidential elections.

The Reform Experience

A Shift in Disability Activism

In the late 1990s, Indonesian disability activists increasingly drew on global ideas around disability rights to advocate for better protection of disability rights (Dibley and Tsaputra, 2019a; Marutama, Tsaputra and Pradipta, 2023). A number of OPDs, including the Indonesian National Council of Disabled Persons (DNPCI), the Indonesian Association of Disabled Persons (PPCI), and the Institute for Diffable Research, Empowerment, and Development (Dria Manunggal) lobbied the government for a new disability law which would bring together a range of disability rights previously addressed through separate laws. One of the founders of Dria Manunggal, Setyo Adi Purwanta, submitted a draft disability law to the government which drew on a rights-based perspective (Dibley, 2019). However, although Law No. 4 of 1997 incorporated elements of this approach, it largely emphasized the medical and charity model (Edwards, 2014; Marutama, Tsaputra and Pradipta, 2023). Dissatisfaction among disability activists with the 1997 law was an important motivation in the push for a new disability law that comprehensively guaranteed disability rights.

The emergence of global ideas around disability rights in the late 1990s coincided with a reinvigoration of democracy after 32 years of authoritarian rule under former president Soeharto. Successive post-Soeharto governments sought to be more responsive and accountable to citizens, including persons with disabilities, and to demonstrate to the international community that they were a democratic nation which upheld human rights (Dibley and Tsaputra, 2019a; Dibley, 2019). This meant that discussion of rights – suppressed by the previous regime – became politically acceptable (Wardana and Dewi, 2017). This gave disability activists scope to continue their campaign to raise public awareness of their rights (Dibley, 2019; interview with Ariani Soekanwo, 14 September 2023).

The opening up of civic space at this time also saw a large number of new civil society organisations formed, including new local OPDs focused on issues such as access to justice, women's rights, and employment (Dibley and Tsaputra, 2019a; Dibley, 2019). This included the Centre for Inclusion and Diffable Advocacy Movement (SIGAB),

the Centre for Diffable Women and Children's Advocacy (SAPDA), and the Centre for the Development of Community Based Rehabilitation (PPRBM). A number of these organisations were based in the city of Yogyakarta in Central Java, which subsequently developed into a vibrant centre for disability activism.

The new OPDs differed from many of the national-level OPDs, which promoted the interests of persons with specific disabilities or access and inclusion within particular sectors. In contrast, the new local OPDs included activists with different disabilities and focused on advocating for comprehensive rights for persons with disabilities. A key element of their advocacy strategy was reclaiming the terminology of disability. They coined the term 'difabel' (differently abled) to replace stigmatising terms such as 'cacat' (defective), 'tuna' (loss), 'kelainan' (abnormal) and 'penderita' (person who suffers from) which emphasize deficits (Suharto, Kuipers and Dorsett, 2016). An important practical strategy for the new OPDs was building networks with other local OPDs, including those in other provinces. They also took a more grassroots and locally-led approach to advocacy. Rather than advocating for policy change as the starting point, these organisations worked with service providers and communities to improve services for persons with disabilities and promote social inclusion. They then used these practical examples of inclusion to influence local government policy.

However, the issue of a rights-based disability law remained firmly on the agenda. As Hari Kurniawan, the founder of the Disability

Legal Aid Institute (LBH Disabilitas) in East Java, explained, although local governments were committed to protecting disability rights, the lack of a national rights-based law meant that they had no basis – or incentive – to make policy change (interview with Hari Kurniawan, 14 September 2023). Replacing the 1997 law was therefore essential for making progress on disability rights.

A Local Movement to Embrace a Global Commitment

Global discussions around the UNCRPD between 2002 and 2006 provided the Indonesian disability movement with additional leverage to advocate for reform (interview with Hari Kurniawan, 14 September 2023). These discussions focused on changing the paradigm on disability from one that treated persons with disabilities as 'objects' of charity requiring medical treatment or assistance, to 'subjects' with rights requiring fulfilment. In the lead up to the UN's adoption of the CRPD in December 2006, activists continued to push the Indonesian government to sign the Convention.

Following Indonesia's signing of the UNCRPD in 2007, OPDs and disability activists actively campaigned to raise awareness of the UNCRPD and push for Indonesia to ratify it (Tim Konvensi Disabilitas Indonesia, 2017). In 2010, a group of OPDs from Yogyakarta and several other provinces formed the National Consortium for Diffable Rights (Konas Difabel), chaired by Risnawati Utami, the founder of the Archipelago Hope Organisation (OHANA). According to Edy Supriyanto, the Director of Sukoharjo 'One Heart' Diffable Association (SEHATI Sukoharjo) and a member of the

Consortium, the Consortium was important in sending a unified message from the disability community in different regions calling on the government to ratify the Convention (interview with Edy Supriyanto, 16 September 2023). To this end, the Consortium organized workshops, media briefings and formal briefings with different ministries to emphasize the urgency of ratifying the UNCRPD and amending the 1997 disability law. This advocacy led to Indonesia passing the UNCRPD into national law in 2011 (Law No. 19 of 2011).

Getting the New Law on the National Agenda

The ratification of the UNCRPD meant that the government was now obliged to pass a national law to operationalize it in national regulations. Activists' focus therefore shifted to pushing for a new disability law to replace the 1997 law.

Although a revision of the disability law was included in the list of laws to be considered by the 2009-2014 parliament, very little action had been taken. With the parliament's term due to end in 2014, several actors took steps to get the law on the parliaments' list of priority legislation. In 2013, the Ministry of Social Affairs started preparing a draft law and an academic paper outlining the significance and rationale for the law. At the same time, the National Commission on Human Rights (Komnas HAM) had also been working on a draft law and academic paper (Nainggolan et al., 2016: 15-16), although the Ministry of Social Affairs was not aware of this. According to Ariani Soekanwo, one of the Commissioners of the National

Commission on Human Rights, Sandra Moniaga, suggested to her that OPDs also prepare their own draft of the law (interview with Ariani Soekanwo, 14 September 2023). In response, activists from the Centre for Accessible General Elections (PPUA) and the Indonesian Association of Persons with Disabilities (PPDI) asked Saharudin Daming, a blind academic and former member of the National Commission on Human Rights, to prepare an initial draft. This draft was prepared within a month and submitted to parliament alongside the Commission's own version of the draft law in June 2013.

Mobilizing Resources

Although the submission of the initial drafts signaled to parliament that key stakeholders saw the law as a priority, disability activists understood that they would need to continue to lobby parliament to ensure that the disability law made it onto the priority list and that their concerns were addressed in the final version of the law. To this end, national-level OPDs – led by Ariani Soekanwo – established a Working Group on the Draft Disability Law which included PPUA and PPDI as well as representatives from the Indonesian Association for Women with Disabilities (HWDI), Mental Health Association (PJS), Indonesian Blind Association (Pertuni) and Indonesian Association for the Welfare of the Deaf (Gerkatin). As Ariani Soekanwo recalled, “We only had limited money. We set up the secretariat at PPUA's office, with our staff providing support” (interview with Ariani Soekanwo, 14 September 2023).

The members of the working group also realized that to influence the direction of the new law they needed technical expertise in Indonesian law and legislative drafting as well as funding for consultations and advocacy. They sought support from a number of development projects and donor agencies. Disability activist Cucu Saidah, who worked for the Australia-Indonesia Partnership for Justice (AIPJ) at the time, connected the working group to the Jakarta Legal Aid Institute (LBH Jakarta) and the Center for Law and Policy Studies (PSHK). These two organizations had previously supported a network of OPDs to develop a shadow report on Indonesia's implementation of the UNCRPD for submission to the UNCRPD Committee. Fajri Nursyamsi, a researcher at PSHK, and Tigor Hutapea, a lawyer from LBH Jakarta, were assigned to support the working group. Fajri Nursyamsi's key task was to refine the initial draft that the working group had submitted. His analysis of the three draft laws – presented to the working group – was that the working group's version was closest to the ideal set out in the UNCRPD. But it was far too long and detailed and did not yet incorporate input from the disability community.

Broad Consultation and Consolidation of the Coalition

Alongside AIPJ, other donors, including Disability Rights Fund, Humanity and Inclusion (formerly Handicap International), The Asia Foundation (through the Australian-funded Peduli program), and Christian Blind Mission (CBM) also contributed funds

and hosted activities. Support from these donors enabled the working group to fund the secretariat, convene meetings to consult with members of parliament and experts, and hold other activities to support the advocacy process. Importantly, it also enabled the working group to organize workshops and consultations on the draft law with OPDs at local and national levels. According to disability activist Cucu Saidah, who worked for AIPJ at the time:

“ Lots of discussion was happening at the national level. Some representatives from local organizations were invited to these discussions, but they didn't know as much, and they had less opportunity to be heard. It was important that these organizations were able to participate equally in the process of drafting the law, so their views counted (interview with Cucu Saidah, 14 September 2023).

Cucu reached out to her connections in local OPDs SIGAB and SAPDA to link them to the discussions taking place on the law at the national level. These two organizations – together with PPRBM – then worked through the National Consortium for Diffable Rights (Konas Difabel) network to share the draft law with local OPDs in Java and other parts of Indonesia and organize consultation meetings to seek input.³ Local OPDs were keen to ensure that their practical experience working on issues such as access to justice, inclusion in development planning, and protection for persons with disabilities during disasters and humanitarian emergencies informed the law (interview with Hari Kurniawan, 14 September 2023; interview with Edy Supriyanto, 16 September 2023).

³ This approach also helped address some of the practical challenges that local organizations face in participating in events held in the capital Jakarta, including lack of funding for travel.

For Fajri Nursyamsi, these consultations were critical in developing a strong draft law that accommodated the aspirations of the whole coalition (interview with Fajri Nursyamsi, 19 September 2023). However, this consultation strategy was also important in helping build broader momentum within the disability community and further consolidating OPD networks at the local level. As he reflected:

“*My experience of going out to the regions, getting to know the OPD networks, it was the first time I felt that an issue I had worked on had such strong power behind it. There was strong international support, there was strong support from the national coalition and – as I found out – there was such a strong network of disability organizations in the regions (interview with Fajri Nursyamsi, 19 September 2023).*”

Fajri collated the input from the national and local consultations and brought it back to the working group to be discussed. He used this to help refine the working group’s draft.

With a strong interest in the outcome of the law, several activists representing the local OPDs worked alongside members of the working group, including Jonna Damanik from the Indonesian Blind Association (Pertuni), Joni Yulianto from SIGAB, Hari Kurniawan from the Disability Legal Aid Institute (LBH Disabilitas) and Cucu Saidah from AIPJ. This group played an important role in ensuring that the interests of local OPDs continued to be represented as the draft law developed. In particular, local OPDs wanted to ensure that the focus on rights, rather than charity, remained central. This sometimes resulted in differences of opinion with the working group on certain issues (interview with Hari

Kurniawan, 14 September 2023; interview with Edy Supriyanto, 16 September 2023).

Victory and Disappointment

At the same time that consultations with national and local OPDs were taking place, the working group was also lobbying members of parliament from different political parties for support. Ariani Soekanwo recollected that there was no outright objection to disability rights. Rather, many members of parliament simply did not understand the need for the law and therefore did not see it as a priority. A senior member of parliament reportedly said: “There is no law that discriminates against persons with disabilities, so why are you asking for a disability law?” (interview with Ariani Soekanwo, 14 September 2023).

A key target for the working groups’ advocacy was the parliament’s Legislative Board. This body is responsible for developing a five-year list of legislation to be passed, establishing annual priority legislation, and preparing draft laws, among others. In an important win for the coalition, in December 2013, the working group was able to convince the Legislative Board to list the disability law as a priority for 2014, which the parliament then approved (Hanifa, 2016: 154). Two months later, the working group submitted a refined draft of the law which incorporated the input from consultations with national and local OPDs and other experts. They called on the parliament to put this version of the draft law forward as a parliamentary initiative. The draft law was given to Commission VIII on Religious and Social Affairs, Women’s Empowerment and Child Protection for consideration.

There it came into the hands of Ledia Hanifa, the Prosperous Justice Party (PKS) Member for Bandung and Cimahi, who was to become a key champion of the reform. After significant lobbying from the working group, the Commission agreed to use the working group's version as the basis for developing a formal draft.

With the parliament's term set to end in October 2014, there was considerable pressure to take action. A working committee, headed by Ledia Hanifa, was formed, and worked quickly to develop the formal draft and academic paper. At the end of September 2014, this draft was accepted in the plenary session of parliament as a parliamentary initiative (interview with Fajri Nursyamsi, 19 September 2023; Hanifa, 2016: 154). However, with a full agenda for its final session in October, the parliament was not able to approve the law before its term ended (Nainggolan et al., 2016, 24). While this was a significant disappointment for the disability community, it also strengthened their resolve to see the law passed.

Influencing Parliament

Although the 2009-2014 parliament had identified the draft disability law as a priority, renewed work was needed to ensure that it remained on the agenda for the new parliament and that it reflected the interests of the disability community. As Fajri Nursyamsi recollected:

“

I remember the advocacy strategy changed somewhat [at the end of 2014]. In 2013 we had friends in the Legislative Board, so we'd go to them. But not everyone was re-elected, some of our champions were gone.

To identify new champions, we mapped out those in the new parliament who we thought would support us. None of the new members of parliament identified as persons with disabilities, but several had family members or relatives with disabilities. It was easier to get these people to understand why the law was important (interview with Fajri Nursyamsi, 19 September 2023).

The working group and disability activists had good reason to be optimistic about the law being passed. During election campaigning in early 2014, several political parties had expressed support for disability rights, including the Great Indonesia Movement Party (Gerindra) and the Prosperous Justice Party (PKS). Newly elected president Joko Widodo, running for the Indonesian Democratic Party of Struggle (PDIP), had also signed a charter named after national hero known for his work with persons with disabilities which promised to acknowledge, fulfill, and protect the rights of persons with disabilities ('Rieke jamin', 2014; Hakim, 2014; interview with Hari Kurniawan, 14 September 2023).

For the 2014-2019 parliamentary term, Ledia Hanifa was appointed as the Deputy Chair of Commission VIII. Rieke Diah Pitaloka, the Indonesian Democratic Party of Struggle (PDIP) Member for Bandung and West Bandung and an important supporter of the reform — and of social welfare issues more broadly — was also a member of this commission. Alongside these two politicians, the working group was also able to secure support from several new members of parliament who were also members of Commission VIII, including Desy Ratnasari (National Mandate Party Member for

Sukabumi), Rahayu Saraswati Dhirakanya Djojohadikusumo (Great Indonesia Movement Party Member for Wonogiri, Karanganyar, and Sragen) and Arzeti Bilbina (National Awakening Party Member for Surabaya and Sidoarjo) (interview with Ariani Soekanwo, 14 September 2023).

The broader disability network was critical in helping secure support from these individuals. They used their political networks to lobby members of parliament from different political parties, as Hari Kurniawan recollects:

“ Lots of us in the network had connections with members of parliament from different parties. Some of the new members of parliament were former NGO activists. We used these connections...Those of us who had connections lobbied each of the parties in turn, explaining to them how important and urgent it was, that we needed to shift from the charity and medical model to a social and human rights model (interview with Hari Kurniawan, 14 September 2023).

Ledia Hanifa's position as Deputy Chair of Commission VIII meant that she was able to carry over discussion of the draft disability law into the new parliament. The Commission was considering a number of draft laws at the time, as Ledia explained:

“ We [the deputy chairs] were dividing them up between us, and I asked if I could take on the disability law. They said I should take on one of the other laws, but I told them I wanted the disability law. I wanted to get it passed.

An important early task was rebuilding support for the law, particularly among new members of parliament from the different political parties. Part of Ledia's strategy was to emphasize that the law was not politically controversial. Another was to educate fellow politicians about the challenges that persons with disabilities faced in having their rights fulfilled. As she recollected, “I used the first 3 months of the new term to invite different groups [of OPDs and disability activists] to meet with us, so the members of the Commission could better understand the issues and challenges” (interview with Ledia Hanifa, 17 September 2023).

Formal Consultation with Ministries

With political support secured, the draft law entered the formal process of consultation with government ministries, during which ministries provided feedback on technical issues and suggested changes to the draft law. A key concern for the working group was for disability to be seen as a multi-sectoral issue, rather than only the mandate of the Ministry of Social Affairs. But Ledia reflected that it was often difficult to get ministries which did not typically engage on disability issues to understand why the law was important and what role their ministry needed to play in ensuring the services they delivered were accessible and inclusive. This meant it was sometimes difficult to get attention from senior officials. She recalled: “I often had to tell delegations from the different ministries to send more senior people to the meetings. We needed the decision makers within the ministries, not staff with no authority” (interview with Ledia Hanifa, 17 September 2023). Again, Ledia's strategy was to educate

these ministries about the challenges and issues for persons with disabilities and emphasize their obligation to address these. Eventually, this strategy was successful in convincing the ministries to support the provisions outlined in the law.

For the working group, this was a tense time. The formal consultation process was closed, so they were not able to monitor how the draft was developing. As Fajri recollected: “We knew that discussion of the draft was taking place, but we had no idea about what changes were being made”. As it turned out, several important points which the working group and disability activists had been concerned to include in the draft law were changed, including the naming of the Ministry of Social Affairs as the lead ministry for disability issues, and issues of legal capacity of persons with disabilities, among others. However, given that the majority of the articles in the law reflected the working group’s position, disability activists accepted these as a pragmatic compromise (interview with Fajri Nursyamsi, 19 September 2023; interview with Hari Kurniawan, 14 September 2023).

The Final Push

As the end of the new parliament’s first year in office approached, the disability community grew impatient with the lack of progress. The working group organized a public demonstration for 18 August 2015, the day after Indonesian Independence Day. Around 200 persons with disabilities took to the streets of central Jakarta, dressed in the traditional clothing of their regions.

The ‘Disability Cultural Carnival’ sent the message that just as Indonesia’s diverse regions and cultures make up the one nation, so persons with disabilities are an integral part of the country’s diversity. More practically, the event urged the parliament to accelerate approval of the draft law.

The demonstration attracted significant attention from the public as well as from national media outlets. Members of parliament also took notice. They invited the working group to meet with them in the parliament building that very day. The working group submitted a petition, signed by 10,000 people, calling on the parliament to pass the disability law. As a result, members of parliament agreed to speed up the process and finalize the draft law (interview with Fajri Nursyamsi, 19 September 2023). As Ledia Hanifa reflected, “We needed this kind of pressure from OPDs. The members of Commission VIII were on the same page about how important it was to pass the law, but we needed the leaders of the parliament to see the strength of public demand” (interview with Ledia Hanifa, 17 September 2023).

The disability law was finally approved during the plenary session in March 2016, and signed in the following month as Law No. 8 of 2016 on Persons with Disabilities. For Fajri Nursyamsi, the leadership of the disability community was one of the key reasons for its success:

“

The most important lesson is that the reform was led by those most affected by it, namely persons with disabilities. They were the ones who fought for it, they are the ones who will use it, and they are the ones who will be most impacted. The deeper lesson here is that advocacy really needs to be genuine in the

sense of being led by those with the greatest interest in the outcome (interview with Fajri Nursyamsi, 19 September 2023).

Following the introduction of the law, members of the working group and other activists worked closely with relevant ministries to develop implementing regulations which outline specific provisions, roles and responsibilities, providing a basis for government planning and budgeting. These cover areas such as reasonable accommodation in education, access to justice, social welfare, employment, housing, public services, and disasters and emergencies.

While most disability activists agree that the law does not fully reflect all their aspirations, it is nonetheless a significant collective achievement for the disability community. As Ariani Soekanwo reflected, “Compared to other laws proposed by civil society, the disability law was passed very quickly, in just under three years. We should be proud that we finally have our new law” (interview with Ariani Soekanwo, 14 September 2023).

Impact of the Reform

Disability activists interviewed for this study – and others in Indonesia’s disability movement - see the 2016 Disability Law as a landmark for the fulfillment of disability rights in Indonesia.

Specifically, they cite the law’s explicit adoption of the social and human rights model of disability and the provision of comprehensive recognition and protection of disability rights as significant progress.

One important impact of the law is that it has helped draw attention to disability issues. Greater media coverage of disability issues has raised public awareness. Persons with disabilities have also gained greater visibility in politics, with the appointment of disability activist Hari Kurniawan to the National Commission on Human Rights and Deaf social entrepreneur Angkie Yudistia to a strategic position in the Presidential Staff Office. Persons with disabilities are also contesting national elections: in the 2019 elections, 40 persons with disabilities stood for office (Kramer, Dibley and Tsaputra, 2022). These developments signal an important shift in public perceptions of persons with disabilities, from objects of pity to leaders representing their communities.

More broadly, the impact of the law can be seen in three key areas: the provision of a comprehensive legal basis for disability rights, which is beginning to have an impact on access and inclusion across a range of sectors; the opening up of space for disability activists to engage in policy dialogue; and the strengthening of the disability movement, particularly at the local level.

While the disability activists interviewed for this study acknowledged the positive changes that have occurred since the passing of the law, they also emphasized that there was still ongoing work for the disability movement, as Hari Kurniawan says:

“ *The disability community seems to be satisfied with the existence of the law. But there needs to be ongoing advocacy to make sure it’s implemented. They’re not doing that, there is still a kind of euphoria. We need to continue to develop our soft advocacy. It’s not just making noise in the streets.*

It's not just meeting with the government, taking a photo and that's it. This is an ongoing struggle. Soft advocacy is about building networks in parliament to communicate our aspirations and even becoming members of parliament (interview with Hari Kurniawan, 14 September 2023).

A key focus is ensuring that the rights outlined in the law translate into real improvements in the lives of persons with disabilities. There is currently limited data at both national and subnational levels on these tangible impacts. This is in part because not enough time has passed for changes to be evident, particularly given that implementing regulations for the law were only issued in 2019-2021. The COVID-19 pandemic also had a significant impact on income and employment for persons with disabilities and their households, with flow on effects for health, education and other aspects of well being (Salim and Yulianto, 2020; Siyaranamual and Larasati, 2020; Yulaswati et al., 2021). This has subsequently improved somewhat, in part due to an increase in social protection coverage among persons with disabilities (Satriana, Huda and Hidayati, 2022).

Importantly, in the years since the passing of the law, the disability community has worked with government agencies to put in place mechanisms to monitor the impacts of the law on the lives of persons with disabilities by improving the collection of data. At the national level, for example, the Community Monitoring Forum for a Disability Inclusive Indonesia (FORMASI Disabilitas), a network of disability organizations and individuals, has published a comprehensive report outlining progress and remaining gaps in the fulfillment of disability rights (FORMASI

Disabilitas, 2022). Disability activists have also collaborated with Indonesia's Ministry of National Development Planning and the Presidential Staff Office to develop a comprehensive set of indicators to track the impact of the legal changes introduced by the (Salim and Yulianto, 2021). These indicators have been officially adopted by the Ministry of National Development Planning, although mechanisms for collecting data are still being finalized.

A Legal Basis for Disability Rights

The 2016 Disability Law provides a legal basis on which persons with disabilities can claim their rights, as Ariani Soekanwo explained:

“ *The law is a resource we can use to campaign. For example, in relation to the accessibility of housing for wheelchair users. Before, if we said the door needs to be wider or this room is too narrow, we were told we're too demanding. But now we can say, "Here are the regulations. The door needs to be this wide" and so on. So it's not the person with a disability asking for something, it's in the regulations. You're speaking with the power of the law. And when the law speaks, there's nothing they can say (interview with Ariani Soekanwo, September 2023).*

Fajri Nursyamsi also recognizes the impact of the law on persons with disabilities' ability to claim their rights:

“ *The law has given persons with disabilities more confidence to defend their rights and increased their awareness of their rights. I can't say that everyone has read the law, but I think our success has been infectious. It has made persons with disabilities at the local level more confident about engaging with the government*

and advocating their case (interview with Fajri Nursyamsi, 19 September 2023).

This newfound confidence is apparent in recent legal challenges against discrimination in employment. In 2019, for example, a teacher with a visual impairment from Central Java who was deemed unfit for a government teaching position because of his disability was able to have the decision overturned by the Supreme Court. A Ministry of Finance employee with a psychosocial disability who was dismissed in 2021 was also able to have the decision overturned by the High Administrative Court in Jakarta. In both cases the court's decisions referred to the 2016 Disability Law. Both also received significant media attention, building greater awareness of the rights of persons with disabilities (Afrianty, 2022; see also Dibley and Tsaputra, 2019b).

The Disability Law is also being used to improve access to justice for persons with disabilities. For example, both the Supreme Court and the Attorney General's Office have issued regulations on reasonable accommodation and the Supreme Court has initiated an inclusive courts program involving 125 courts nationwide. This has resulted in significant improvements to the physical accessibility of court buildings, provision of accessible information on legal proceedings, and training for court personnel in understanding and meeting the needs of persons with disabilities (SAPDA, 2022). Juniati Effendi from the Indonesian Association for the Welfare of the Deaf (Gerkatin) believes the changes are already evident in how the justice sector responds to the needs of persons with disability:

“

The courts and the police are now starting to become disability friendly. They have started asking for sign language interpreters when they hold press conferences or when a Deaf person appears in court. There used to be a view that having a sign language interpreter in court disrupted the legal process. But now it's changed. Now there must be an interpreter there if the person is Deaf. It's the same with the police (interview with Juniati Effendi, 14 September 2023).

New Relationships and Ways of Working

The Disability Law has also opened up greater space for disability activists and OPDs to engage in policy dialogue and development planning at both the national and subnational levels (interview with Edy Supriyanto, 16 September 2023; Tim Konvensi Disabilitas Indonesia, 2017). Advocacy around the Disability Law itself forced politicians and government agencies to learn more about disability and its complexity. Since the law was passed, disability activists and OPDs have continued to work closely with these actors to develop implementing regulations, policies and plans for disability inclusion. These relationships have been particularly productive where national government agencies and local governments have been open to – and interested in – engaging with disability activists and OPDs and drawing on their knowledge to inform policy and practice. As a result, in some ministries and governments, activists have developed strong institutional relationships which go beyond individual champions. These ministries and governments have also adopted new ways of working which emphasize more meaningful involvement of those affected by plans and policies.

Collaboration between OPDs and the National Development Planning Agency (Bappenas), for example, has been instrumental in integrating disability rights across all development sectors, including through a new National Disability Action Plan which is now flowing to subnational levels of government. In many provinces, disability activists and local OPDs have been intensively engaged with provincial and district governments in the development of local disability action plans. As a result, as of 2021, 20% of Indonesia's regions (provinces, cities and municipalities) have regulations on the protection and fulfillment of disability rights (Yulaswati et al., 2021). These developments indicate a willingness on the part of government to ensure the law is practically applied.

The new relationships and ways of working are at least as important – if not more so – than the law itself, as Fajri Nursyamsi argued:

“*In my view the greatest success was not in the substance of the law but in the spaces it created for interaction, for getting to know each other and sharing values between persons with disabilities and those without disabilities. Beyond the legislative and policy reform what has been created is communities and interactions (interview with Fajri Nursyamsi, 19 September 2023).*

Strengthening of the Disability Movement

Finally, disability activists interviewed for this study agreed that the campaign for the Disability Law had contributed to strengthening and consolidating the

disability movement. Prior to this, there was a significant gap between OPDs at the national level and OPDs at the subnational level, with limited communication or coordinated advocacy efforts. Local OPDs were also not connected to each other (interview with Cucu Saidah, 14 September 2023). However, the Disability Law provided a common goal, which united and energized OPDs from across the country (interview with Fajri Nursyamsi, 19 September 2023; interview with the Edy Supriyanto, 16 September 2023). This has strengthened connections between OPDs as well as making disability activists and leaders more visible, as Cucu Saidah explained:

“*From the point of view of the movement, I think [the Disability Law] has had a wider impact in that grassroots disability leaders have become more visible, and they are more connected to each other. I think that's been one of the most extraordinary impacts (interview with Cucu Saidah, 14 September 2023).*

Ways of Working and Relevance of Development Entrepreneurship

The passage of Indonesia's 2016 Disability Law was possible due to the determined advocacy of a tightly networked group of OPDs and disability activists across Indonesia.

Critical to their success was their ability to adjust their political strategy as the reform progressed through its different stages. They utilized personal connections to influence bodies within the parliament and key individuals from different political parties. At the same time, they built a broader coalition among national and local OPDs which demonstrated to the parliament that the reform had significant public support.

The passage of the law is an instance of a group of determined activists who are usually excluded from decision-making claiming their rights and inserting themselves into Indonesia's highest levels of government.

Although there were differences of opinion on some issues, at a fundamental level the coalition had a unified vision for what it wanted to achieve, namely recognition of the rights of persons with disabilities. The OPDs and activists involved did not have a clear blueprint from the outset but rather took advantage of moments of opportunity as they arose and learned by doing to achieve their goal. Many of the ways of working are aligned with the model of development entrepreneurship, as set out below (see summary table in Annex 1).

Strategic question 1: Which reform will improve outcomes?

Political Feasibility

Indonesian disability activists chose the right time to push for a new disability law. They recognized that discussions of disability rights at a global level – and the post-Soeharto political environment – provided them with a platform to advocate for their rights at a national level. Indonesia's signing and ratification of the UNCRPD also signaled to activists that the government was committed to ensuring disability rights. This was reinforced by campaign promises made by several of the major political parties, and by successful presidential candidate Joko Widodo during the 2014 election campaign.

Activists also chose and proactively cultivated the right individuals to support the reform. During the drafting of the new law, activists developed strategic relationships with parliament members who were sympathetic to their goals and had the authority to make sure the law passed. While the law was being discussed by the parliament behind closed doors, activists ensured it remained 'front of mind' by taking to the streets. These decisions demonstrate disability activists' ability to understand and navigate the political environment and the intricacies of parliament's decision-making processes.

Impact

The Disability Law provides a basis on which disability activities can advocate for legal and policy changes which have a concrete impact on persons with disabilities' access to services and their rights to employment, access to

justice, and protection in disasters among many others. The impact of the law has been evident at both national and subnational levels, with national implementing regulations and local regulations setting out legal entitlements for persons with disabilities. These have provided a legal basis for holding government to account, with the law being used to support a number of legal challenges against discriminatory practices.

Sustainability

Disability activists worked to enshrine disability rights in national law to provide a strong legal basis for lasting changes in policy and practice. Many of these changes have been formalized in implementing regulations. These are changing the way development planning takes place at a local level, and facilitating the introduction of new processes and procedures for how persons with disabilities engage with the justice system, among others. The mobilisation of OPDs from across the country behind the law has also contributed to a movement-wide commitment to ensuring that the provisions in the law are fully implemented.

Strategic question 2: How will the reform be identified and introduced?

Just Start

Disability activists consistently demonstrated a determination and willingness to take initiative to realize their vision for legal recognition of disability rights. This included taking action to develop a draft law on disability ahead of the passing of the 1997 disability law. This initiative was again evident following the ratification of the

UNCRPD, when activists took the step of preparing an alternative draft of the law. Throughout the campaign, activists started with who they knew, drawing on their personal connections with politicians in different political parties to secure support for the law and continuing to build connections with members of parliament and government agencies as the reform progressed.

Small Bets and Learning by Doing

Disability activists learned valuable lessons from past advocacy which they used to develop strategies for influencing parliament and consolidating support for the new law. While the 'big bet' on the 1997 law had been partially successful, it had also highlighted the need for activists to have skills in engaging in the policy and legislative process. This lesson was further reinforced by activists' experiences in advocacy and campaigning on disability rights and accessibility throughout the early 2000s. When the time came for drafting the national law, activists sought out individuals from organisations with expertise in legal drafting to fill the gaps in their skills and knowledge. They also made sure to cultivate allies within parliament and national government ministries to generate broad support for the law.

Expect and Exploit Surprises

The activists involved understood the need to adjust to changes in the situation. When the law was not passed before the end of the 2009-2014 parliament's term, they responded by developing a new strategy for identifying champions within the new parliament. Similarly, when the reform threatened to stall, activists recognized this

as an opportunity to change tactics, taking to the streets and putting together a petition to show the parliament that the draft law had significant public support.

Build Coalitions and Networks

This was a key feature of the reform process. Disability activists and OPDs strategically built a broad reform coalition which involved national and local OPDs, members of parliament and government agencies. The members of this coalition brought together different skills and played complementary roles. As Chair of the working group, Ariani Soekanwo brought experience and leadership skills. Fajri Nursyamsi brought technical skills in legal drafting, while national and local OPDs brought knowledge and lived experience of the issues and challenges that persons with disabilities face to inform the substance of the law. Individuals within the working group and the broader OPD coalition had political connections which were critical to securing support for the law. Ledia Hanifa's ability to influence other politicians and her authority as Deputy Chair of Commission VIII ensured that the law progressed through the formal process of approval.

Future Can Be Influenced With Action

Key members of the coalition firmly believed that change to the law required them to act. They made educated guesses – drawing on their practical experience – about what approaches might work to influence change, and adapted what they did in response to what they were learning.

Strategic question 3: Who will do it?

Grit

Disability activists demonstrated resilience in the face of challenges and setbacks. Although activists were disappointed that the 1997 disability law continued to take a medical and charity approach to disability, they nonetheless continued to advocate for accessibility and inclusiveness. This ensured that disability rights stayed on the agenda such that when the right time arrived, they were well placed to take advantage of the opportunity.

When discussion of the draft law was disrupted by the end of the parliament's term and the 2014 election, activists demonstrated resilience, working diligently to build relationships with newly elected members of parliament replacing those whose support they had already secured. Members of the working group and MP Ledia Hanifa also showed determination and persistence in continuing to lobby and influence politicians and staff from government ministries, even when faced with indifference.

Autonomy

Disability activists were motivated by a strong desire to change the status quo. They acted on their own initiative, driving change in the direction that they wanted and in ways that they saw as most effective.

Confidence

Disability activists' confidence grew over the course of 10 years as they developed greater advocacy experience. Broader shifts in the global discourse on disability and in Indonesia's own political environment gave them the courage to take on a significant legal reform.

Humility

The members of the working group recognised the importance of listening to OPDs at both the national and local levels to draw on their experience to inform the law. The members of the working group listened to and were willing to be challenged by each other and by representatives of local OPDs. Members of parliament who championed the law acknowledged the expertise that members of the working group and others brought to the substance of the law and fought on their behalf for key provisions.

Interestingly, and in contrast to other case studies in this series, the Indonesian reform experience demonstrates that these leadership traits – often ascribed to individuals – can also be ascribed to collectives. In this case, the qualities of grit, autonomy, confidence and humility were demonstrated by the coalition of OPDs and activists, as well as by particular leaders within it. This extends the development entrepreneurship model, suggesting that the principles may apply to inclusive coalitions and not just more exclusive reform teams.

The Indonesia case also extends the development entrepreneurship model by highlighting the importance of shifts in social norms as both an objective of policy

reform and a consequence. This is evident in the coalition's focus on changing the narrative about disability from a medical and charity perspective in which persons with disabilities are seen as having 'deficits' to a rights-based model in which persons with disabilities are seen as having fundamental human rights which the state has an obligation to fulfil. It can also be seen in the reclaiming of disability terminology within parts of the disability movement. This suggests that change in social norms should be considered as part of the impact of reform efforts.

List of References

Afrianty, D. (2020). The role of disabled people's organisations in promoting the CRPD in Indonesia. In E. Kakoullis and K. Johnson (Eds), *Recognising human rights in different cultural contexts*, (pp. 333-352). Palgrave Macmillan.

Afrianty, D. (2022, December 5). Indonesian courts rule to protect the work rights of people with disability. *Indonesia at Melbourne*, <https://indonesiaatmelbourne.unimelb.edu.au/indonesian-courts-rule-to-protect-the-work-rights-of-people-with-disability/>

Cameron, L. and Contreras Suarez, D. (2017, August). *Disability in Indonesia: What can we learn from the data?* Australia Indonesia Partnership for Economic Governance. https://www.monash.edu/_data/assets/pdf_file/0003/1107138/Disability-in-Indonesia.pdf

Dibley, T. (2019). Democratization and disability activism in Indonesia. In T. Dibley and M. Ford (Eds), *Activists in transition: Progressive politics in democratic Indonesia*, (pp. 171-186). Cornell University Press.

Dibley, T. and Tsaputra, A. (2019a). Changing laws, changing attitudes: the place of people with disability in Indonesia. In G. Fealy and R. Ricci (Eds), *Contentious belonging: The place of minorities in Indonesia*, (pp. 77-94). ISEAS Publishing.

Dibley, T. and Tsaputra, A. (2019b, December 2). Research: changing Indonesian officials' attitudes on disability issues takes time. *The Conversation*. <https://theconversation.com/research-changing-indonesian-officials-attitudes-on-disability-issues-takes-time-124884>

Edwards, N.J. (2014). Disability rights in Indonesia? Problems with ratification of the United Nations Convention on the Rights of Persons with Disabilities. *Australian Journal of Asian Law*, 15 (1), 1-15.

FORMASI Disabilitas. (2022). *Laporan catatan tahunan 2016 - 2021: Lima tahun pemenuhan hak-hak penyandang disabilitas di Indonesia* [2016-2021 progress report: Five years of fulfilling the rights of persons with disabilities in Indonesia]. FORMASI Disabilitas. <https://drive.google.com/file/d/1En7wBICp3QMLGx4AuNWxeYWIMQ45vplr/view>

Hakim, L. (2014, October 22). Jokowi diharapkan implementasi Piagam Suharso perjuangkan difabel [Jokowi expected to implement Suharso Charter championing diffables]. *Antara Jogja*. <https://jogja.antaranews.com/berita/326560/jokowi-diharapkan-implementasikan-piagam-suharso-perjuangkan-difabel>

- Hanifa, L. (2016). *Dari disabilitas pembangunan menuju pembangunan disabilitas* [From development of persons with disabilities to development by persons with disabilities]. Beebooks. <https://fraksi.pks.id/app/uploads/2023/06/Buku-Disabilitas-EDIT-FINAL.pdf>
- Hastuti, R. K. D., Pramana, R. P. and Sadaly, H. (2020). *Kendala mewujudkan pembangunan inklusif penyandang disabilitas* [Barriers to realising inclusive development for persons with disabilities]. SMERU Research Institute. https://smeru.or.id/sites/default/files/publication/wp_disabilitas_in_0.pdf
- Irwanto and Thohari, S. (2017). Understanding CRPD Implementation in Indonesia. In L. C. Derrick and T. K. Reuter (Eds), *Making disability rights real in Southeast Asia: Implementing the UN convention on the rights of persons with disabilities in ASEAN*, (pp. 95–118). Lexington Books.
- Kramer, E., Dibley, T, and Tsaputra, A. (2022). Choosing from the citizens' toolbox: disability activists as political candidates in Indonesia's 2019 general elections. *Disability & Society*, doi:10.1080/09687599.2022.2060800.
- Marutama, A., Tsaputra, A. and Pradipta, L. (2023). The influence of disability models in Indonesian past and present: Disability rights law-making and policy-making. In S. Robinson and K. R. Fisher, (Eds.), *Research handbook on disability policy*, (pp. 202-216). Edward Elgar.
- Nainggolan, Y. A.P., Widodo, R., Felani, M., Sari, E. N., Abdillah, B., Iqbal, D. M. (2016). *Rekam jejak kontribusi Komnas HAM dalam pembentukan Undang-Undang No.8 tahun 2016 tentang Penyandang Disabilitas* [A record of the National Commission on Human Rights' contribution to the formation of Law No. 8 of 2016 on Persons with Disabilities]. Komisi Nasional Hak Asasi Manusia.
- Rahayu Kusumastuti, S., Larasati, D., Siyaranamual, M., Huda, K., Kidd, S., Gelders, B. (2018). *The future of the social protection system in Indonesia: Social protection for all*. Tim Nasional Percepatan Penanggulangan Kemiskinan. <https://www.tnp2k.go.id/download/33117200829-TNP2K%20The%20Future%20of%20Social%20Protection-Full%20Report-EN.pdf>
- Ramadhan, N.S. (2017, August 1). Romansa seorang ibu melawan diskriminasi disabilitas [The romance of a woman opposing disability discrimination]. *Media Ekspedisi Difabel*. <https://ekspedisidifabel.wordpress.com/2017/08/01/romansa-seorang-ibu-melawan-diskriminasi-disabilitas/>
- Rieke jamin Jokowi-JK akan jalankan 9 piagam rakyat bila terpilih [Rieke promises Jokowi-JK will implement people's charters if elected]. (2014, July 3). *detikNews*. <https://news.detik.com/berita/d-2626399/riek-jamin-jokowi-jk-akan-jalankan-9-piagam-rakyat-bila-terpilih>
- Salim, I. and Yulianto, M.J. (Eds.). (2020). *Yang bergerak dan yang terpapar di masa pandemi: Suara disabilitas dari Indonesia: Laporan asesmen cepat dampak covid-19 bagi penyandang disabilitas* [Those who are active and those who are exposed in the pandemic era: Disability voices from Indonesia: Rapid assessment report of the impact of COVID-19 on persons with disabilities]. Jaringan DPO Respon COVID-19 Inklusif.

- Salim, I. and Yulianto, M.J. (2021). *Memantau pemenuhan hak-hak disabilitas* [Monitoring fulfillment of disability rights]. Staf Ahli Menteri Bidang Sosial dan Penanggulangan Kemiskinan, Kementerian Perencanaan Pembangunan Nasional/Bappenas. https://drive.google.com/file/d/1_beGbk-d1QdtAcQWfApE_kY_Kvov5XqE/view
- SAPDA. (2022). *Hasil pemantauan pengadilan inklusif dampingan SAPDA 2022* [2022 Results of monitoring of inclusive courts assisted by SAPDA]. SAPDA and AIPJ 2. <https://sapdajogja.org/2023/08/download-hasil-monitoring-2021-2022/>
- Satriana, S., Huda, K. and Hidayati, D. (2022). *Satu tahun dalam pandemi: Dampak sosial ekonomi COVID-19 dan akses perlindungan sosial penyandang disabilitas di Indonesia* [One year in a pandemic: Socio-economic impacts of COVID-19 and access to social protection for persons with disabilities in Indonesia]. Direktorat Penanggulangan Kemiskinan dan Pemberdayaan Masyarakat, Badan Perencanaan Pembangunan Nasional Republik Indonesia. <https://www.dfat.gov.au/sites/default/files/satu-tahun-pandemi-studi-disabilitas.pdf>
- Siyaranamual, M. and Larasati, D. (2020). Disability situation analysis: Challenges and barriers for people with disability in Indonesia. Tim Nasional Percepatan Penanggulangan Kemiskinan. [https://www.tnp2k.go.id/download/39050Disability Situation Analysis.pdf](https://www.tnp2k.go.id/download/39050Disability%20Situation%20Analysis.pdf)
- Suharto, Kuipers, P. and Dorsett, P. (2016). Disability terminology and the emergence of 'diffability' in Indonesia. *Disability & Society*, 31 (5), 693-712.
- Tim Konvensi Disabilitas Indonesia. (2017). *Laporan bayangan Indonesia: Implementasi Konvensi Hak-hak Penyandang Disabilitas di Indonesia* [Indonesia shadow report: Implementation of the Convention on the Rights of Persons with Disabilities in Indonesia].
- Wardana, A. and Dewi, N. P. Y.P. (2017). Moving away from paternalism: The new law on disability in Indonesia. *Asia-Pacific Journal on Human Rights and the Law*, 18 (2), 172-195.
- Yulaswati, V., Nursyamsi, F., Ramadhan, M. N., Palani, H., Yazid, E. K. (2021). *Tinjauan peningkatan akses dan taraf hidup penyandang disabilitas Indonesia: Aspek sosio-ekonomi dan yuridis* [Review of improving access and living standards of persons with disabilities in Indonesia: Socio-economic and judicial aspects]. Staf Ahli Menteri Bidang Sosial dan Penanggulangan Kemiskinan, Kementerian Perencanaan Pembangunan Nasional/Bappenas.

List of Interviews

NAME	POSITION	DATE
Hari Kurniawan	Commissioner of the National Human Rights Commission, founder and director of the Disability Legal Aid Institute (LBH Disabilitas) and member of the National Consortium for Diffable Rights (Konas Difabel)	13 September 2023
Juniati Effendi	Deputy Director of the Indonesian Association for the Welfare of the Deaf (Gerkatin)	14 September 2023
Ariani Soekanwo	Director of the Centre for Accessible General Elections (PPUA) and Chair of the Working Group on the Draft Disability Law	14 September 2023
Cucu Saidah	Disability inclusion adviser for CBM and co-founder of Bandung Independent Living Centre (BILiC) and Jakarta Barrier Free Tourism	14 September 2023
Edy Supriyanto	Director of Sukoharjo 'One Heart' Diffable Association (SEHATI Sukoharjo) and member of the National Consortium for Diffable Rights (Konas Difabel)	16 September 2023
Ledia Hanifa	Prosperous Justice Party Member of Parliament for Bandung and Cimahi (2009-2014, 2014-2019, 2019-2024); Deputy Chair of Commission VIII on Religious and Social Affairs, Women's Empowerment and Child Protection in 2013-2015	17 September 2023
Fajri Nursyamsi	Deputy Director of the Centre for Law and Policy Studies (PSHK) and key adviser to the Working Group on the Draft Disability Law	19 September 2023

Annex: Development Entrepreneurship Principles

Strategic question 1: Which reform will improve outcomes?

Impact

The new law provides a comprehensive legal basis on which persons with disabilities can claim their rights and is already having tangible impacts on access and inclusion across a range of sectors.

Sustainability

Disability activists saw the enactment of a law which took a rights-based approach as a critical foundation for the achievement of sustainable change in the way persons with disabilities are treated under Indonesian law and as a basis on which they could advocate for practical changes.

Political feasibility

Indonesia's signing and ratification of the UNCRPD signalled to activists that the government was committed to ensuring disability rights. This was reinforced by campaign promises made by several of the major political parties – and by successful presidential candidate Joko Widodo – during the campaign for the 2014 election. During the drafting of the new law, activists developed strategic relationships with parliament members who were sympathetic to their goals and had the authority to make sure the law passed.

Strategic question 2: How will the reform be identified and introduced?*Use the five principles of entrepreneurial logic***Just start**

Disability activists consistently demonstrated a determination and willingness to take initiative to realize their vision for legal recognition of disability rights. Throughout the campaign, activists started with who they knew, drawing on their personal connections with politicians in the different political parties to secure political support for the law and continuing to build connections with members of parliament and government agencies as the reform progressed.

Small bets and learning by doing

The experience of the 1997 Disability Law provided a valuable lesson to the disability movement about the need for activists to have skills in engaging in the policy and legislative process. In the campaign for a new disability law, activists sought links with individuals with expertise in legal drafting to fill the gaps in their skills and knowledge.

They also made sure to cultivate allies within the parliament and national government ministries to generate broad political support.

Expect and exploit surprises

The activists involved in the campaign understood the need to adjust to changes in the situation. When the law was not passed before the end of the 2009-2014 parliament's term, they responded by developing a new strategy for identifying champions within the new parliament. Similarly, when the reform threatened to stall, activists recognized this as an opportunity to change tactics, taking to the streets and putting together a petition to show the parliament that the draft law had significant public support.

Build coalitions and networks

Disability activists and OPDs strategically built a broad reform coalition which involved national and local OPDs, members of parliament and government agencies. The members of this coalition brought together different skills including technical skills and political knowledge and networks.

Future can be influenced with action

Key members of the coalition firmly believed that change to the law required them to act. They made educated guesses - drawing on their practical experience - about what approaches might work to influence change, and adapted what they did in response to what they were learning.

Strategic question 3: Who will do it?*Leaders who exhibit four behaviours***Grit**

Disability activists demonstrated a strong commitment over a 10-year period (and beyond) to achieving their vision for a new disability law. When discussion of the draft law was disrupted by the end of the parliament's term and the 2014 election, activists demonstrated resilience, working diligently to build relationships with newly elected members of parliament replacing those whose support they had already secured.

Autonomy

Disability activists were motivated by a strong desire to change the status quo. They acted on their own initiative, driving change in the direction that they wanted and in ways that they saw as most effective.

Confidence

Disability activists' confidence grew over the course of 10 years as they developed greater advocacy experience. Broader shifts in the global discourse on disability and in Indonesia's own political environment gave them the courage to take on a significant legal reform.

Humility

The working group recognised the importance of listening to OPDs at both the national and local levels. They listened to and were willing to be challenged by each other and by representatives of local OPDs. Members of parliament who championed the law acknowledged the expertise that members of the working group and others brought to the substance of the law.

