

**Disability in the Labor Market:
Learning from Indonesia in Implementing Affirmative Policies for
Persons with Disabilities**

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Abstract

The Indonesian government implemented an affirmative policy for persons with disabilities in the field of employment, through the application of a quota system. However, the performance of affirmative policies for persons with disabilities has not shown encouraging results. This indicates a problem in its execution. This research is intended to identify the variables that influence the implementation of affirmative policies. The locus of this study concentrates in Special Capital Region of Jakarta (DKI Jakarta province). The research data was collected through document review and in-depth interviews with 13 key informants from people with disabilities, government workers, and other stakeholders. The research data is then processed based on qualitative analysis procedures. The findings of this study are that the implementation of affirmative policies for persons with disabilities in the field of employment in DKI Jakarta Province, Indonesia has not been effective. The level of application of the affirmative policy is influenced by a number of factors which can be partly explained based on the grindle concept. However, the grindle concept regarding site of decision making is irrelevant in implementing affirmative policies for persons with disabilities at the research locus.

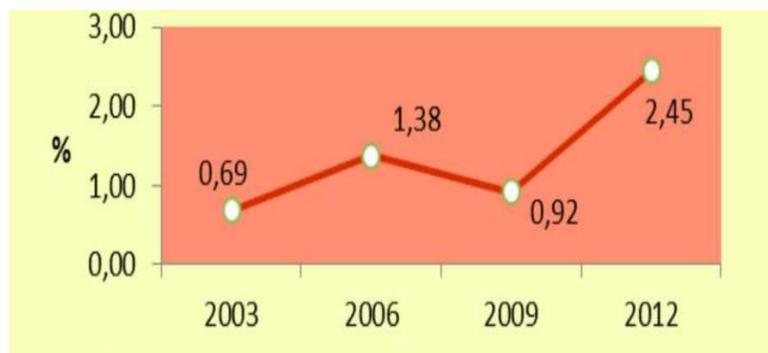
Keywords: disability, Indonesia, affirmative policy, employment

1. INTRODUCTION

The World Health Organization (WHO) estimates that by 2018 the number of persons with disabilities will reach 15 percent of the world's population or around one billion people. Of the total of persons with disabilities, 76-85% are in developing countries with poor conditions. Indonesia, a developing country with a very large population, is included in this category.

The Indonesian Ministry of Health (2014) states that the number of people with disabilities in Indonesia has increased quite dramatically. From only 0.69% in 2003 to 2.45% in 2012. The development of the percentage of persons with disabilities can be seen in the following figure 1:

Figure 1. Percentage of Persons with Disability in Indonesia, 2003-2012



Source: Ministry of Health of the Republic of Indonesia, 2014

As citizens, as stated in the Convention on the Right of Person with Disability issued by the General Assembly of the United Nations, persons with disabilities in Indonesia also have equal rights including obtaining protection and social services in the context of independence. However, the results of the PROPEL Indonesia study reveal that discrimination and lack of government attention are still received by persons with disabilities. This condition results in people with disabilities being unable to contribute in various fields of life, including the economy (ILO, 2012). This causes a high unemployment rate among persons with disabilities, reaching 74.4% of all persons with disabilities in Indonesia (Marjuki in Irwanto, 2010).

To overcome this problem the Government of Indonesia then passed an affirmative policy for persons with disabilities, through the issuance of Law No. 4 of 1997 concerning Persons with Disabilities. As the operationalization of the policy, the Government issued Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia Number KEP-205 / MEN / 1999 concerning Work Training and Disabled Personnel Placement. The main substance stipulated in the affirmative policy for persons with disabilities is that companies must allocate 1% of their workforce to persons with disabilities. Violations of the quota provisions are considered as criminal acts with the threat of imprisonment for a maximum of 6 (six) months and / or a maximum fine of Rp. 200,000,000 (two hundred million rupiah).

Furthermore, in carrying out the affirmative policy, the Government of Indonesia positioned the Regional Government as the policy applicator. As stated in the Circular of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 01.KP.01.15.2002 concerning Placement of Persons with Disabilities in the Company, the main task of the regional government is to provide socialization of various affirmative policies, corporate data collection and reporting the results of the data to Central government.

However, since the enactment of the Circular Letter of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 01.KP.01.15.2002, the performance of the affirmative policy for persons with disabilities has not shown exceptional results. As stated by Nasucha (2004), that out of 804 companies in Central Java, they can only be able to absorb around 0.0034% the number of workers with disabilities. On a national scale, these conditions are not much different. This is indicated by data from the Ministry of Manpower and Transmigration and the Ministry of Social Affairs, that the number of job seekers with disabilities up to 2010 reached 11,580,117 people (Ministry of Manpower and Transmigration, 2013).

The performance of the affirmative policy in the field of employment for persons with disabilities indicates there is a problem in its implementation. This is in line with the views of experts in the field of public policy, that the performance of a policy is strongly influenced by various things that occur at the stage of enactment of the policy (Grindle, 1980; Mazmanian and Sabatier, 1983; Edward III, 1984; Goggin, 1990; Dunn, 2014).

Research on the performance of affirmative policies in the field of employment for persons with disabilities is thus very important. This is because the purpose of the research is to identify the variables that influence the implementation of the affirmative policy. Furthermore, the results of this study are expected to contribute both academically and practically. Practical contributions are aimed at improving affirmative policies at the local and national levels. Whereas academic contributions are recognized by important variables that influence the level of realization of affirmative policies, especially those related to the field of employment and disability. In reality, researches about the implementation of affirmative policies for persons with disabilities are still rare in the public administration literature. Most studies on disability and employment focus more on assessing the effectiveness of affirmative policies (Nasucha, 2004). The research conducted by the ILO (2017) does not even come to review the effectiveness of policies. The ILO research is only on mapping the condition of persons with disabilities in the Indonesian labor market using Sakernas 2016.

International-level researches also generally focus more on the participation of persons with disabilities in the labor market (Perry, 2002; Bennett, 2009; Vornholt, et al, 2018;). Some of them then discuss the factors that hinder the involvement of persons with disabilities (Longmore, 2003). Other studies focus on approaches used in increasing the participation of persons with disabilities (Hasegawa, 2007; Thronton, 1998; Garbat, 2013). Meanwhile, researches conducted by Dutta, Gervev, Chan, Chou and Ditchman (2008), DeLeire (2000), Jolls and Prescott (2004), Hotchkiss (2004), Nazarof (2015) and Garbat (2013) focus more on the impact of affirmative policy on the level of employment among the disability community.

Furthermore, research on the implementation of affirmative policies in the field of employment for persons with disabilities is also in line with the spirit to help realize social justice (Svara & Brunet, 2005; Frederickson, 2015).

The locus of this study is the Province of the Special Capital Region of Jakarta (DKI Jakarta Province). The selection of the DKI Jakarta Province as a research locus is based on a number of considerations which include: (1) The number of persons with disabilities in DKI Jakarta is relatively large. In 2018, the number of persons with disabilities reached 5411 people. Referring to the ILO report (2017), even this number is very unlikely to reflect the actual number of persons with disabilities. Many people with disabilities are not properly recorded by the local government. However, persons with disabilities that are accepted to work in companies in DKI Jakarta are also relatively larger in number when compared to other regions, namely 812 people in 2018. This figure is 29% of the total persons with disabilities who are placed in companies throughout the territory of Indonesia. (2) Many companies choose DKI Jakarta as the place to set up their place of business or head office. In 2013, there were 1240 companies in DKI Jakarta. This amount reflects the still strong appeal of DKI Jakarta for entrepreneurs, despite a decline compared to 2011 which amounted to 1451 companies. (3) Jakarta's achievements in employment. In 2018, DKI Jakarta gets an award in the field of employment from the Central Government. There are 4 categories of awards received by DKI Jakarta in the field of employment, namely: winner for the main indicators of Best Labor Social Security, winner for the main indicators of the best Labor Productivity, winner for the main categories of Best Employment Opportunities, and second best for Medium Employment Affairs.

1.1. Affirmative action policy in the field of employment for persons with disabilities

Disability has quite diverse definitions (Mitra, 2006). There are some groups of people who view disability as a disease or injury (Scotch & Schriener, 1997). Smart (2001) defines disability as a function that is lost from an individual and the impact of this loss. Meanwhile WHO (2011) states "the disability is the umbrella term for impairments, activity limitations and participation" and that individual's contextual factors (environmental and personal factors) " (p.4). These various definitions, then, have implications for the diversity of affirmative strategies applied to increase the participation of persons with disabilities in the labor market (Hasegawa, 2007).

Affirmative policies in the field of employment can be interpreted as discriminatory actions (Bertens, 2000) to address the problem of inequality in the workplace because of discrimination that harms a group of people (Tladi, 2001; Roose, 2010). But this affirmative policy is a positive discriminatory action or so-called "positive discrimination" (Bertens, 2000). It is said to be positive because this discriminatory action is intended to create equal opportunities for the parties that are victims of discriminations. Other experts call it "reverse discrimination" (Sullivan, 2004; Cox, 2010).

There are various models of affirmative policy in the field of employment that are applied to countries in the world. However, almost all of them have the same goal, namely helping in employment, activation and professional rehabilitation. The model includes the quota system, a system based on civil rights, and an anti-discrimination system (Garbat, 2013; Hasegawa, 2007)

The main purpose of the quota system is to force employers to employ persons with disabilities in the open labor market (Garbat, 2013). In this quota system, the laws and regulations of a country require the employer to hire persons with disabilities to a certain proportion. The amount of quota varies in each country, Greece, places a limit of 8%, Italy is 7%, France and Poland are 6% and Germany is 5%. However, this regulation is only required for companies that have a certain number of employees. In Russia for example, this rule is imposed on companies that have as many as 100 or more employees, whilst in Spain and Turkey 50 employees and some other countries stipulate for a minimum number of 15-25 people.

The implementation of the quota system in a number of countries shows mixed results. In South Korea, the forwarding of the quota system shows improvements in employment conditions for people with disabilities, and there has been an increase in satisfaction among workers with disabilities (Nazarof, 2015). A different result was expressed by Garbat (2013), that the application of a quota system in European countries has not brought adequate results.

Meanwhile, the affirmative policy model based on civil rights has a different essence. The main objective of this model is to empower people with disabilities through guaranteeing their human rights as human beings (Garbat, 2013). Basic human rights to work and be treated equally without discrimination. Communities, including employees, must understand that persons with disabilities also have equal opportunities in the labor market and are able to work efficiently. Unfortunately, this model works more on an economy that is already excellent and can easily absorb the workforce among persons with disabilities (Garbat, 2013).

The third affirmative policy model is a model based on an anti-discrimination system. This affirmative model is relatively newer than the previous two models and has been applied in a number of countries in Europe, such as Sweden, Norway and Germany. Although this model does not emphasize sanctions for policy violators, it is considered to have a better impact than the quota system (Hartman, 2011).

Out of the three affirmative policy models, the quota system is the affirmative policy model that is most widely applied in countries around the world. The implication of enacting the quota system is that employers must prepare facilities and infrastructures so that workers with disabilities are able to carry out their duties. Some of the things that must be adapted are the work environment, equipments, and facilitating them to be able to access the equipments, work plans may also require further adjustments.

An important element that must exist so that the quota system can run is a penalty system that will be given if the company does not comply with this quota rule. In addition, providing an instrument that can ensure the sentence is being carried out properly and the mechanism for achieving it are a must.

In enforced norms or regulations that are binding all employment providers, implementation will depend on how much the penalty or punishment is given if they do not follow these rules. Unfortunately, in some countries, the sanctions are not strictly defined and imposed. Take Spain and Portugal as examples, there are no regulations and punishments for violating this system. Meanwhile, several other countries provide penalties in the form of an additional tax of 0.5%.

1.2. Implementation of affirmative policy as a political and administrative process

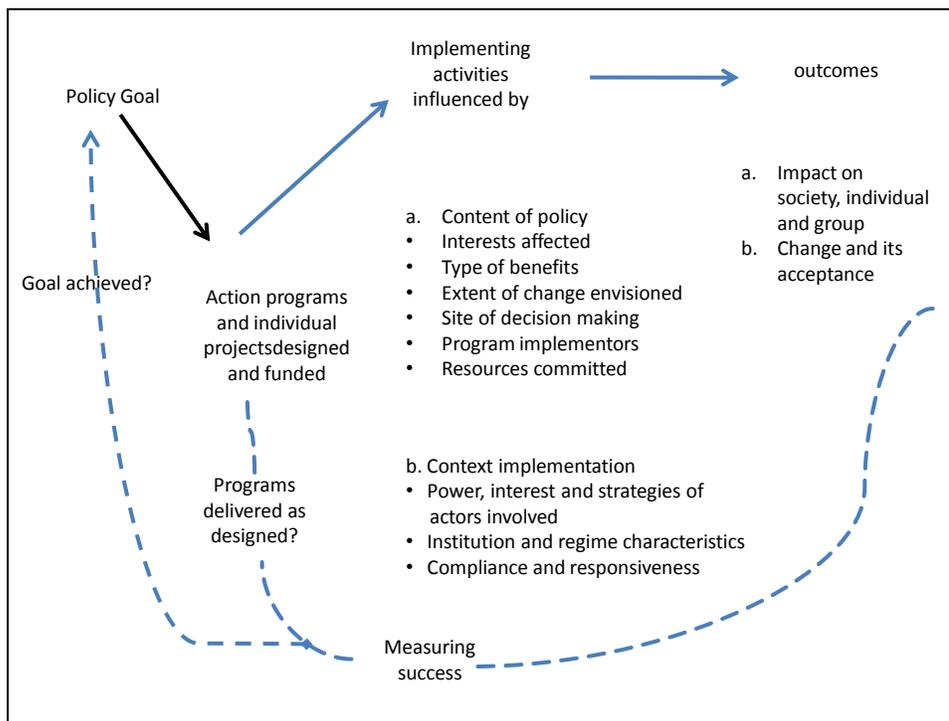
Implementation is an important part of the overall policy process (Dye 1978; Dunn, 2014; Anderson, 1979). Implementation is a bridge between policy and the outcome of the policy (Howlet and Ramesh, 1995; Dunn, 2014; Radin, 2013).

Many experts have developed the concept of policy implementation (Van Meter and Van Horn, 1975; Grindle, 1980; Pressman and Wildavsky, 1984, Edward III, 1984). But because the reality of the participation

of persons with disabilities in the labor market is more political and administrative (Hahn, 1985, Longmore, 2003), the implementation concept developed by Grindle (1980) will explain better as to what happened at the research locus.

Grindle (1980) introduced an implementation model as a political and administrative process. The model describes the decision-making process carried out by various actors, where the final result is determined by both the program material that has been achieved and through the interaction of decision makers in the administrative political context. The political process can be seen through a decision-making process that involves various policy actors, while the administrative process is seen through a general process of administrative actions that can be observed at a certain program level. The model for applying the policy can be seen in the following figure:

Figure 2. Grindle's Model of Policy Implementation



Source: Grindle (1980) page 11

Grindle classifies various aspects that affect the level of policy implementation into two categories, namely Content of Policy and Context of Policy. Content of Policy contains the following aspects:

- (a) Interest Affected. Interest affected relates to various interests that will be affected by the implementation of the policy. This indicator argues that a policy in its enactment must involve many interests.
- (b) Type of Benefits. *Content of policy* seeks to show or explain that in a policy there must be several types of benefits that show the positive impact generated by the execution of the policy to be implemented.
- (c) Extent of Change Envision. Every policy has a target that it intends and wants to achieve. *Content of policy* that is explained in this point is how much the changes that policy makers intend or want to attain through a policy implementation must have a clear scale.
- (d) Site of Decision Making. The position of the policy maker will greatly determine the success of the policy itself. This is related to the power and authority carried out by the decision making of a policy that will be implemented.
- (e) Program Implementor. The success of a program will greatly depend on the ability and competence of the implementor, namely the actors involved in running the programs that have been prepared.

- (f) Resources Committed. The implementation of a policy must also be supported by the resources deployed in supporting it so that it can run as planned.
- The second factor is context of policy. Aspects contained in the context of the policy consist of:
- (a) Power, Interest, and Strategy of Actor Involved. In a policy, it is also necessary to take strength or power, interests, and strategies used by the actors involved into account when facilitating the implementation of a policy. If these factors are not taken into consideration it is very likely that the program that will be implemented will not reach its expected end results.
 - (b) Institution and Regime Characteristic. The environment in which a policy is enacted also affects the success of the implementation of the policy.
 - (c) Compliance and Responsiveness. Another thing that is considered important in the process of implementing a policy is the compliance and response of the executors.

The context of implementation considers institutional roles and strategies rather than the actors involved. These two factors must be measured as a condition to see the application of policies in achieving the final result, namely the desired impact and the level of change in the policy implementation process. This approach is relevant to use in analyzing the process of enacting affirmative policies for persons with disabilities in the field of employment.

2. RESEARCH METHODOLOGY

This research uses the implementation theory developed by Grindel (1980). Based on this theory, further analysis is carried out on the process of enacting affirmative policies in the field of employment for persons with disabilities in the DKI Jakarta Province. In addition, there are also factors that influence the implementation of affirmative policies, based on the content and context of the policy.

Furthermore, to meet the needs of research data, primary and secondary data were collected. Primary data is data collected through an in-depth interview process with 13 key informants. Key informants are decided using the snowball sampling technique. In this technique, the first key informant is selected based on the purposive sampling technique, while the next key informant is determined based on the references from the previous one. The key informants of the research came from ILO, Academics, member of the legislature, the Ministry of Labor, social ministries, Jakarta Provincial Government employment services, DKI Jakarta Transportation Council, Bank Mandiri, Bank Rakyat Indonesia, PT Telkom, PT Paliija, the community and persons with disabilities. Secondary data is obtained from report documents issued by government agencies that manage employment, social ministries and BPS.

The results of interviews and secondary data are then processed based on qualitative analysis procedures. In this case, all data from the interviews are then transcribed into text so that they can be processed further. The next stage is coding. At this stage, a number of words or phrases are formulated as codes or categories that are needed for grouping data that has the same content. After the coding is complete, all data sources are then analyzed so it can be identified which data that can be grouped in predetermined categories. The outcomes of this stage are that each category contains various relevant data from all sources. Other data that is not included in any category are then discarded. Thus, at this stage there is also a reduction in research data. The next stage is the triangulation analysis of each category. After the triangulation analysis, the preparation of the report begins with forming a connection between one category and another. After that, the narrative is formulated by following the pattern of relationships between categories that have been formed before. The final stage of the analysis process is drawing conclusions. In this case the conclusions contain concise information about the implementation of affirmative policies in the field of employment for persons with disabilities in DKI Jakarta Province and the factors that influence the implementation of affirmative policies.

3. FINDING AND DISCUSSION

3.1. Implementation of affirmative labor policy in DKI Jakarta Province

This research reveals that the implementation of affirmative labor policies for people with disabilities in the DKI Jakarta province are yet to be effective. The 1% quota obligation for companies to accept persons with disabilities is not followed by most companies in the DKI Jakarta province. Data documents issued by the DKI Jakarta provincial government address only a few companies that have implemented affirmative policies for persons with disabilities, such as Carrefour, Indomaret, Bank Mandiri,

PT. Retailing Indonesia Uniqlo and BPJS. The results of this study also confirm Nasucha's study (2004). As such, there have not been many significant changes to the application of affirmative employment policies for persons with disabilities until now.

The large number of companies in DKI Jakarta province that do not comply with the 1% quota provision for workers with disabilities, should have implications for sanctions received by these companies. However, the provincial government of DKI Jakarta and the Central Government have never given such punishment. All informants who commented on this penalty agreed that the central and regional governments would never impose sanctions on companies that violated the 1% quota provision for disabled workers. There is even the impression that the government is hesitant to impose penalizations on companies that violate these. As a respondent from the provincial government of DKI Jakarta stated:

"More sanctions will harm persons with disabilities. Companies may be afraid of getting punishments, then employ people with disabilities. But not long after that, the company could unilaterally dismiss these workers".

Affirmative policy in the field of employment for disability invitees also requires local governments to conduct socialization regarding the provisions of 1% quota and sanctions for companies that violate these requirements. However, the task of socializing this affirmative policy has not been carried out maximally by both the central government and the provincial government of DKI Jakarta. This is as stated by the respondents from the Ministry of Manpower. This assessment is also in line with the view of the company, that the socialization of affirmative policies for persons with disabilities is not well implemented.

3.2. Variables that affect the implementability of affirmative policies in the employment sector for persons with disabilities

3.2.1. Interest affected

The company is the party that is most affected by the affirmative policy for persons with disabilities. The business' interests are to get profits, so they try to get workers according to the competencies they need. Meanwhile, for companies, the quota system can reduce their profits. In this case, several informants from the corporate considered that employing persons with disabilities would increase the cost of accommodation for them.

In addition to the factor of increasing company costs for accommodation with persons with disabilities, there is also a growing perception that if the company employs people with disabilities, it can reduce the image of a perfect corporation. In this case, a respondent from a national banking company stated:

"For recruitments of front desk staff or tellers, the bank usually chooses an attractive, or perfect in appearance. In addition, employees at work are required to be mobile, because of the nature of some types of services that require validation from superiors."

The corporate's concern about the company's image is also strengthened by the statements of an informant from the DKI Jakarta Provincial Government. The speaker conveyed his experience when interviewing a bakery company who dismissed an employee with disabilities. The worker was dismissed as an employee after the supervisor knows the condition of his hearing disorder. The basis for consideration of the dismissal was the assessment from the supervisor that the existence of persons with disabilities would reduce consumer's confidence in the quality of the company's bread.

The company's interests in large profits make most companies in Jakarta reluctant to implement a 1% quota of workers for persons with disabilities. Some informants stated that even in several corporates that accept persons with disabilities, consideration of competency is still used in accepting workers with disabilities. Persons with disabilities continue through the same process with other applicants who are physically normal. This as stated by a key informant from persons with disabilities, "I can be accepted to work at Bank Tabungan Negara purely because of the results of competing with other applicants. Competition for the type of work that is truly in accordance with the competencies that I have, namely Information Technology".

3.2.2. Type of benefits

The benefit of this affirmative policy is that it is easier for people with disabilities to get jobs with a lower level of competition. However, there are still very few people with disabilities who can enjoy this policy. Some informants stated that apart from being a factor in the company's disobedience to quota policies,

the attitude of persons with disabilities also affected the implementation of affirmative policies. Persons with disabilities prefer to interact with fellow disabled persons rather than interacting with other community members outside theirs. This condition indirectly contributes to the preferences of persons with disabilities who prefer to work in the informal sector, while this affirmative policy focuses on the formal sector. Interviews with persons with disabilities show that the formal system with strict working hours, uniforms or certain dress codes, makes them feel uncomfortable and depressed. The need to communicate and collaborate with employees who, according to them, have physical conditions that are not the same as theirs, is also a pretty hard thing to do every day.

Meanwhile, the fulfillment of the 1% quota obligation for workers with disabilities was also not offset by the receipt of significant profits for the company. The central government and provincial governments of DKI Jakarta do not provide special rewards for companies that adhere to affirmative policies. In this case, the government has indeed given an award certificate for corporates that have employed persons with disabilities. However, the award was not enough to motivate businesses to move towards fulfilling the 1% quota obligation. This is very different from conditions in a number of countries in Europe. In these countries, the government provides attractive rewards for companies that employ disabled workers, in the form of subsidies and tax incentives for persons with disabilities (Garbat, 2013; Angelov and Eliason, 2018)

3.2.3. Extent of change envision

The 1% quota of workers with disabilities is difficult to put into practice by both the companies that are owned by the government and the private sector. The difficulty of implementation is related to recruitment practices that have been institutionalized for years. The intended recruitment process prioritizes people with the best capabilities among job seekers in the company. This is as stated by an informant from the Mitratel company:

“Our company does not question the conditions of job seekers regarding their disability or non-stability. For corporates, the main factor used as a consideration for someone to be accepted as an employee is the competence that is in accordance with the needs of the company.”

With the basis of recruitment based on competence, the company will not be burdened when the government promotes disabled job seekers. But when the acceptance of persons with disabilities - to become employees - is defined as a corporate obligation, then this becomes a problem for the company. Obligations with the quota system are considered reducing the opportunity for companies to obtain reliable employees.

Changes in the company's recruitment system as an implication of the implementation of affirmative policies, also received obstacles from the business' value about its image. Large corporations generally maintain a positive image of the company in the public sphere. For companies, a positive image is one of the company's assets that allows companies to be able to benefit and maintain the sustainability of these capabilities.

3.2.4. Site of decision making

Law No. 13 of 2003 concerning employment, Law No. 39 of 1999 concerning Human Rights, and Law No. 4 of 1997 concerning Disabled Persons are products of legislation established by legislative and executive institutions at the central level. Derivative policies formulated at the ministry and regional government level are also determined by government institutions with considerable authority to ensure that affirmative policies for persons with disabilities can be implemented properly. So, from the aspect of the policy makers, those policies should work well and will be able to bring significant benefits for disabled persons. But in reality, the site of decision making does not have a positive effect on the enactment of affirmative policies for persons with disabilities in the DKI Jakarta province.

3.2.5. Program Implementor

The executors of affirmative policies are employees of public institutions in the provincial government of DKI Jakarta who are in charge of the duties and functions of employment. In these agency - as stated in the Governor of DKI Jakarta Regulation No. 162 of 2015 - there are a number of employees who have a relevant role with affirmative policies of persons with disabilities, including introductory work, industrial relations mediators and labor inspectors. However, their capacity is inadequate for the implementation of the affirmative policy. Workers were more troubled by routine activities within the scope of employment and transmigration. The burden of duties and functions, then makes the executors' attention in implementing affirmative policy for persons with disabilities relatively small. In this case, an informant from the

Department of Manpower and Transmigration said, "... Yes, we are not only dealing with disability matters, our task is very much to serve the employment of the people of DKI Jakarta".

Furthermore, the authority of these employees is also inadequate to deal with large companies, some of which are on multinational levels. Their presence is often undervalued by the company. In this connection, informants from the provincial government of DKI Jakarta stated,

"If there is an invitation regarding disability workers, companies are only represented to workers who do not have the authority in decision making at the company. Even when there are visits from government agencies to companies for related purposes, it is only found by company officials who have a maximum position at the level of supervisor. "

3.2.6. Resources committed

The enactment of a policy must also be aided by the resources deployed to support the implementation as planned. Respondents from the provincial government of DKI Jakarta stated that funds for the implementation of affirmative policies in the DKI Jakarta province are still lacking. Most of the available funds are oriented only to job trainings. Meanwhile funds for dissemination, coordination, monitoring and evaluation of the implementation of affirmative policies for persons with disabilities are relatively small. Even for many cases, policy executors must provide their personal budgets in the context of policy coordination and evaluation.

3.2.7. Power, interest, and strategy of actor involved

The central government and the regional government of DKI Jakarta have the same interest in making affirmative policies work well. They also have the authority to force companies to comply with the one percent quota system of workers who are a part of persons with disabilities. However, the government has never used its forced power against companies in the DKI province. Government sources stated that there were concerns that the use of the company's implementation did not provide benefits for persons with disabilities. Therefore, the strategy that has been maintained until now is to intensify affirmative policy socialization to companies in the DKI Jakarta province. In addition, the government also opened agreements with a number of companies to ensure that there were job openings for persons with disabilities in these businesses. The vacancies were then opened during the annual employment expo event organized by the government, namely the Ministry of Manpower.

Meanwhile, most companies in DKI Jakarta are still reluctant to implement affirmative employment policies for persons with disabilities. The reduced consideration of profits, the image of the company and the increasing cost of accommodation are some of the things that made these companies reluctant to accept persons with disabilities to work with them. Their non-compliance is also exacerbated by the attitude of the government that does not give any punishments to companies that violate affirmative policies, even though the government's authority to impose sanctions is based on clear rules.

3.2.8. Institution and regime characteristic

The results of Nasucha's study (2004) reveal that the Indonesian government regime has not been responsive to the welfare of persons with disabilities. Health and education of persons with disabilities have not received adequate attention from the central and regional governments. The attitude of government institutions towards persons with disabilities is also apparent in relation to their employment. This was reflected in the viewpoint of the informant from well-known universities in Indonesia, he stated:

"Government policies regarding the employment of persons with disabilities do not take into account the supply aspect of the workforce who graduated from universities. If the regulation is applied to the public sector, with a total of 4.500,000 civil servants, 1 % is around 67,500 people. With the economic condition of persons with disabilities who are 80 % below the poverty line, it is not possible to pursue higher education, which is relatively expensive in Indonesia. Thus, it will be difficult to find 67,500 people with disabilities who meet the qualifications of the job that they are applying for. Thus the implementation of quotas without taking appropriate education development into consideration will only be a policy that cannot be applied."

In implementing affirmative policies in the field of employment for persons with disabilities, the government is also faced with coordination issues. The problem of coordination includes vertical coordination between the central and regional governments and horizontal coordination between government agencies at the same level. This caused the handling of employment issues of persons with

disabilities to be not well coordinated. The problem of coordination between these government agencies is even in the formation of units that are abandoned by the legislation. As stated by a legislative member:

"The Government Regulation of the Republic of Indonesia Number 43 of 1998 concerning Efforts to Increase Disabled Social Welfare mandates the government to establish a Coordination and Control Institution for the Improvement of Disabled Social Welfare. This institution is planned in the form of a Non Structural Institution, which is led by a Minister whose members consist of elements of the Government, employers, experts, community leaders, and organizations engaged in the social sector. However, these institutions were never truly formed to carry out their functions."

3.2.9. *Compliance and responsiveness*

Several informants stated that the level of company compliance with affirmative labor policies for persons with disabilities was relatively very low. Since the affirmative policy was established in 1997, not many companies in DKI Jakarta Province have accepted workers with disability. Even people with disabilities who are employed are generally hired for types of technical work that do not require higher education levels, such as sales promotion girl, telemarketing, tailors, and others.

Based on the provisions of the policy, companies that violate can be subject to sanctions. However, the central government and regional governments have never punished these companies for violating the policy. The steps taken by the government to date have been more on socialization and appeals to employ persons with disabilities even if only with a trial level. The absence of sanctions greatly influences the implementation of affirmative employment policies for people with disabilities. As stated by Hartman (2011) that affirmative policy will be effective if it is balanced with imposing the appropriate sanctions.

4. CONCLUSION AND RECOMENDATION

Implementation of affirmative policies for persons with disabilities in the field of employment in DKI Jakarta Province, Indonesia has not been effective. There are still few companies that follow the affirmative policy, and even then it is not in accordance with the quota provision of 1% of the total workforce in the company.

The level of implementation of affirmative policy is influenced by a number of factors that can be classified into content of policy and context of policy as conceptualized by Grindle (1980). Factors including content of policy include corporate interests, type of benefits, Extent of Change Envision, implementor programs, and committed resources. In this case, companies are disrupted by a 1% quota system for workers with disabilities. They do not see the benefits obtained by following the affirmative policy. In fact, companies feel they have to sacrifice the quality of their workforce, company image and the cost of providing facilities and infrastructure when hiring workers with disabilities. On the other hand, this policy is also not supported by the capacity of government officials and budgets at both the central government and regional government levels. The factors that include the context of policy include Power, Interest, and Strategy of Actor Involved, Institution and Regime Characteristic, and Compliance and Responsiveness. In this case, it is clear that the company has more power than the policy implementers, so they can avoid liability easily. Meanwhile, the government did not dare to take action to impose punishments on companies that did not implement affirmative policy provisions.

Site of Decision Making is a factor which in the Grindle concept is considered as an important factor in policy implementation, but has no influence in the case of implementing this affirmative policy. The affirmative policy formulator is the legislature that has high authority. However, this authority is not able to encourage the implementation of affirmative policies for persons with disabilities to be better.

As a recommendation for the Indonesian government, the government should begin to utilize more progressive rewards and sanctions in the implementation of affirmative policies for persons with disabilities in the field of employment. Awards that benefit companies such as tax incentives and salary subsidies are important to companies that adhere to affirmative policies. That being said, sanctions also need to be applied to those who do not want to comply with the policy. In addition, the government also needs to increase the participation of related parties, namely companies, persons with disabilities and the environment in implementing the policy.

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