

State Responsibility for Inclusive Consumer Protection of Persons with Disabilities

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Abstract

Consumer protection is an integral part of the state's responsibility to ensure the fulfillment of citizens' rights. However, consumers with disabilities often face unequal treatment in accessing safe, appropriate, and reliable products, services, and information. This article aims to examine the extent to which the state plays a role in ensuring inclusive consumer protection policies for persons with disabilities, particularly from a human rights perspective. Using a normative juridical approach and an analysis of both national policies and international standards, such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), this study finds that consumer protection for persons with disabilities in Indonesia remains fragmented and is not yet grounded in the principle of substantive justice. The state is therefore required not only to regulate in general terms but also to take active measures through affirmative actions and supervision of business actors to ensure the provision of accessible products and services. Furthermore, enhancing consumer literacy for persons with disabilities demands stronger state intervention through rights-based affirmative policies. This article recommends the strengthening of technical regulations, the establishment of an integrated monitoring mechanism, and the formulation of inclusive service standards to promote equitable and non-discriminatory consumer protection.

Keywords: consumer protection; human rights; inclusive policy; persons with disabilities; state responsibility

Abstrak

Pelindungan konsumen merupakan bagian integral dari tanggung jawab negara dalam menjamin pemenuhan hak-hak warga negara. Namun, kelompok konsumen penyandang disabilitas sering kali tidak memperoleh perlakuan yang setara dalam mengakses produk, layanan, maupun informasi yang aman dan layak. Artikel ini bertujuan untuk mengkaji sejauh mana negara hadir dalam menjamin inklusivitas kebijakan pelindungan konsumen bagi penyandang disabilitas, khususnya dalam perspektif hak asasi manusia. Dengan menggunakan pendekatan yuridis normatif dan analisis terhadap kebijakan nasional serta standar internasional seperti United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), artikel ini menemukan bahwa

pelindungan terhadap konsumen disabilitas di Indonesia masih bersifat fragmentaris dan belum berbasis pada prinsip keadilan substantif. Negara dituntut untuk tidak hanya mengatur secara umum, tetapi juga aktif melakukan afirmasi dan pengawasan terhadap pelaku usaha agar menyediakan produk dan layanan yang aksesibel. Selain itu, literasi konsumen disabilitas juga memerlukan intervensi negara yang lebih serius melalui kebijakan afirmatif berbasis hak. Artikel ini merekomendasikan penguatan regulasi teknis, pengawasan terpadu, serta penyusunan standar layanan inklusif untuk mendorong pelindungan konsumen yang berkeadilan dan tidak diskriminatif.

Kata kunci: hak asasi; kebijakan inklusif; pelindungan konsumen; penyandang disabilitas; peran negara

I. Introduction

The concept of a modern rule-of-law¹ state obliges the government not only to establish legal certainty and uphold human rights but also to ensure that no individual is left behind to receive equal protection, including in their capacity as consumers. In an increasingly complex society shaped by rapid technological progress and digital transformation,² consumer protection must go beyond the assurance of product quality and service reliability. It must also encompass access, safety, fairness, and dignity in the consumption process. Within this framework, the issue of consumer protection for persons with disabilities emerges as a critical area requiring rigorous scholarly attention.

Persons with disabilities represent a segment of the population who face specific challenges³ in conducting everyday activities, including participating as consumers in the market. However, they often remain marginalized in socio-economic

interactions. The discrimination they face is not always explicit or overt; more commonly, it is embedded within service designs that exclude them, transactional systems that ignore their realities, and informational structures that fail to accommodate diverse needs. This inequality is frequently a direct consequence of public policy⁴ that lacks inclusive intent and the failure of oversight mechanisms to ensure businesses uphold accessibility and fairness in consumer experiences.

This condition reflects a serious gap between the ideal of a just legal order and the realities of consumer protection on the ground. For consumers with disabilities, this gap manifests through the lack of targeted protections and the minimal presence of affirmative measures that address their particular vulnerabilities. States often restrict their role to creating general regulations without pursuing technical and practical strategies to meet the differentiated needs of consumers with disabilities.⁵

- 1 E.R. Toule, "Rule of Law and Rule of Ethic in Law Enforcement in Indonesia," *SASI* 28, no. 1 (March 2022): 54, <https://doi.org/10.47268/sasi.v28i1.752>.
- 2 N.P. Hidayah et al., "Artificial Intelligence and Quality of Composition Verdicts in Indonesia: Lessons from New Zealand," *Journal of Human Rights, Culture and Legal System* 4, no. 1 (February 2024): 101, <https://doi.org/10.53955/jhcls.v4i1.175>.
- 3 N.F. Quraisya and I.D. Rafiqi, "Legal Protection for Persons with Disabilities Due to Work Accidents After the Job Creation Law," *Hang Tuah Law Journal* 7, no. 2 (October 2023): 190, <https://doi.org/10.30649/htlj.v7i2.162>.
- 4 E.T. Anomsari and S.W. Mursalim, "Mainstreaming Disability: Challenges and Strategies Toward Equality and Decent Work in Indonesia," *Soshum: Jurnal Sosial dan Humaniora* 10, no. 1 (March 2020): 4, <https://doi.org/10.31940/soshum.v10i1.1444>.
- 5 N. Hidayah and I.B. Santoso, "Position of Workers with Disabilities According to the Juridical Review of

Such passivity not only contravenes constitutional obligations but also undermines the core principles of inclusive human development.

Inclusive consumer protection should be an integral component of a national legal system grounded in human rights. This approach requires the state to act beyond the declaratory function of enacting legislation. It demands that public policies be implemented in ways that actively ensure equal access, equitable treatment, and infrastructure support for full and dignified participation in economic activities. Persons with disabilities should not be viewed as passive recipients of social aid,⁶ but as equal rights holders whose participation in the market must be respected and facilitated.

In recent years, awareness of disability rights in Indonesia has indeed shown progress,⁷ particularly with the enactment of Law Number 8 of 2016 on Persons with Disabilities and the ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). These legal instruments signal the country's formal commitment to the promotion of rights for persons with disabilities.⁸ However, the application of these principles to consumer protection remains limited. There continues to be a lack of technical regulations, service standards, and complaint mechanisms that reflect the realities of consumers with disabilities. Consequently, individuals with disabilities remain structurally disadvantaged in accessing fair and equitable consumer services.

In the digital age, the challenges become even more multifaceted. Many digital platforms, such as e-commerce services, online banking systems,

and consumer complaint mechanisms, are not designed with universal accessibility principles in mind. Visual, auditory, or cognitive impairments often result in individuals being unable to read product descriptions, understand service terms, or comprehend their rights and remedies as consumers. In such an environment, consumers with disabilities⁹ are not only excluded from full market participation but are also at higher risk of fraud, exploitation, and systemic neglect. Yet, access to digital goods and services is now inseparable from the right to economic participation and social inclusion.

These exclusions reflect a broader failure of the state to fulfill its constitutional responsibility to ensure fair and inclusive legal protections. The inability of consumers with disabilities to access essential services is not only a social inequality but also a legal injustice that breaches their human rights. In a rule of law state, justice is not merely a matter of formal equality but of substantive justice offering different treatment where necessary to achieve genuinely equal outcomes. The principle of substantive justice should be the foundation for state policies that aim to build an inclusive consumer protection framework.

This issue is also significant in the post-reform context of Indonesia, where the law is expected to play a central role in fostering a democratic society that respects pluralism and diversity. As such, the state must facilitate participatory spaces where all citizens, including persons with disabilities, can shape the laws and policies that affect their daily lives. Unfortunately, in many policy-making processes, the voices of persons with disabilities

the Manpower Act and the Employment Creation Act," *Awang Long Law Review* 5, no. 1 (November 2022): 75, <https://doi.org/10.56301/awl.v5i1.535>.

6 A. Suparman, *Etika Bisnis dan Tanggung Jawab Sosial*, (Yogyakarta: Pustaka Pelajar, 2020), 34.

7 M.D. Putri et al., "Disability Law and Human Rights: Theory and Policy," *Disability & Society* 40, no. 5 (October 2024): 1436, <https://doi.org/10.1080/09687599.2024.2411148>.

8 A. Sodiqin, "Ambigiusitas Perlindungan Hukum Penyandang Disabilitas dalam Perundang-Undangan di Indonesia," *Jurnal Legislasi Indonesia* 18, no. 1 (March 2021): 35, <https://doi.org/10.54629/jli.v18i1.707>.

9 G. Martanti, "Perlindungan Konsumen bagi Penyandang Disabilitas pada Sektor Perdagangan Online Berbasis Aplikasi Marketplace," *Jurnal USM Law Review* 6, no. 1 (April 2023): 246, <https://doi.org/10.26623/julr.v6i1.6387>.

remain underrepresented or absent. This reflects that inclusiveness is not yet a central tenet in public governance, and efforts to consult with affected communities remain tokenistic rather than transformative.

Moreover, it is essential to recognize that inclusive consumer protection is not merely a matter of social equity,¹⁰ but also a strategy for sustainable development. Empowering consumers with disabilities through access to suitable products and services enables their economic participation, improves social cohesion, and contributes to national economic resilience. A state that fails to uphold the rights of consumers with disabilities is not only in breach of legal and ethical duties but also neglecting a critical dimension of development. Inclusive practices are not a burden but an investment in a just and productive society.

It is also important to underscore that most consumer protection regimes—both globally and within Indonesia continue to operate under a “one-size-fits-all” framework that fails to reflect the lived experiences of marginalized groups. Legal instruments and enforcement mechanisms are often blind to structural inequalities, rendering them ineffective for those with specific access needs. Persons with disabilities may be aware of their consumer rights in abstract,¹¹ but in practice, those rights are rendered meaningless if the systems in place are not accessible to them.

There are several writings that discuss

consumer protection for persons with disabilities, such as the article titled “Consumer Protection for Persons with Disabilities in Online Application-Based Marketplace Trading¹² written by Gelora Martanti in the USM Law Review journal. This article specifically focuses on persons with disabilities who conduct transactions in marketplaces; therefore, it differs from the present study discussed above. Another study by Ana Maria Tri Anggraini, titled “Protection of Consumers with Disabilities in the Public Services Sector (Legal Comparative with Australia)¹³ in the Journal of Consumer Sciences, also presents a different focus. It examines the protection of persons with disabilities in the public service sector, whereas the present study explores how the state can protect consumers with disabilities from a broader perspective. Lastly, Jihan Maisarah et al in their study “The Responsibility of Restaurant Business Actors for Providing Accessibility to Consumers with Disabilities,”¹⁴ in the Tatohi Journal of Law, specifically discuss the responsibility of restaurant business actors to fulfill the rights of consumers with disabilities. Therefore, it focuses solely on the form of accountability of business actors related to persons with disabilities in a restaurant setting, which distinguishes it from the broader approach adopted in this article.

This article, therefore, seeks to examine the role of the state in ensuring inclusive consumer protection for persons with disabilities through a human rights-based lens. The central question that

10 R.S. Dewi, D. Dwiatmanto, and S. Surjanti, “Comparison of Consumer Protection Laws Between Indonesia, the Philippines, and South Korea in Achieving Justice,” *SASI* 30, no. 2 (June 2024): 178, <https://doi.org/10.47268/sasi.v30i2.2048>.

11 M.F. Dahlan, Wiranti, H.T. Irwanto, and N.K. Kadir, “Menegakkan Kesetaraan: Perlindungan Hukum Bagi Penumpang Difabel pada Transportasi Laut,” *UNES Law Review* 7, no. 3 (March 2025): 1220, <https://reviewunes.com/index.php/law/article/view/2408/1984>.

12 G. Martanti, “Perlindungan Konsumen bagi Penyandang Disabilitas pada Sektor Perdagangan Online Berbasis Aplikasi Marketplace,” *Jurnal USM Law Review* 6, no. 1 (April 2023): 245, <https://doi.org/10.26623/julr.v6i1.6387>.

13 A.M.T. Anggraini and M.I. Notoprayitno, “Protection of Consumers with Disabilities in the Public Services Sector (Legal Comparative with Australia),” (2023). *Journal of Consumer Sciences* 8, no. 1 (January 2023): 5, <https://doi.org/10.29244/jcs.8.1.1-14>.

14 J. Maisarah, S.S. Kuahaty, and T.L. Pesulima, “Tanggung Jawab Pelaku Usaha Restoran Atas Penyediaan Aksesibilitas Bagi Konsumen Penyandang Disabilitas,” *TATOHI: Jurnal Ilmu Hukum* 2, no. 9 (November 2022): 25, <https://doi.org/10.47268/tatohi.v2i9.1432>.

guides this discussion is whether existing policies adequately reflect the lived realities of consumers with disabilities and how the state can develop stronger, more effective mechanisms to affirm their rights. Using a normative juridical method¹⁵ and analyzing both national policy instruments and international legal standards, this article explores the extent to which current frameworks align with the imperatives of equality, accessibility, and human dignity.

What sets this study apart is its integrated approach, one that does not treat legal formalism as sufficient but incorporates human rights principles and the concept of substantive justice into the analysis. This article challenges the normative orientation of consumer protection laws that assume homogeneity among consumers, and instead highlights the need for differentiated treatment to correct structural exclusion. Furthermore, this study places strong emphasis on the state's active role in initiating, monitoring, and enforcing affirmative interventions within the marketplace, as well as advancing rights-based literacy and access for consumers with disabilities.

By addressing this issue, the article contributes to the broader discourse on inclusive governance and social justice. It invites scholars, policymakers, and practitioners to reconsider the design and implementation of consumer protection policies through the lens of disability rights and inclusive legal development. The aim is not merely to critique existing shortcomings but to reframe the conceptual foundations of consumer protection in ways that ensure justice for all particularly those whose voices have historically been ignored or silenced.

II. Methods

This research adopts a normative legal approach to examine the role of the state in ensuring consumer protection for persons with disabilities within a human rights framework. Normative legal research focuses on analyzing legal materials as primary sources, with the aim of evaluating the

consistency between existing legal norms and the principles of justice and human rights. This method is appropriate for exploring legal responsibilities and normative gaps related to inclusive consumer protection, especially where regulatory frameworks may fall short in addressing the needs of vulnerable groups. Two primary approaches are employed in this study: the statutory approach and the conceptual approach. The statutory approach is used to analyze national legislation governing consumer protection and the rights of persons with disabilities. These include, among others, Law Number 8 of 1999 on Consumer Protection and Law Number 8 of 2016 on Persons with Disabilities, along with their implementing regulations and sector-specific policies in digital commerce, public services, and financial transactions. In addition, the research refers to international legal instruments, especially the UNCRPD, which Indonesia has ratified. This convention provides essential standards on equality, accessibility, and non-discrimination that must be reflected in domestic legal systems. The conceptual approach is applied to interpret key legal ideas and doctrines such as human rights, substantive justice, inclusive policymaking, affirmative measures, and the legal role of the state. By employing this approach, the study constructs a theoretical framework that bridges legal doctrine with social realities, allowing for a more contextual and critical analysis of how consumer protection should accommodate diverse needs.

Data for this research is gathered through a literature study. The sources include primary legal materials (laws and international conventions), secondary materials (government documents, policy papers, institutional reports), and tertiary sources (academic literature, legal textbooks, journal articles, and publications from civil society organizations focused on disability and consumer rights). These documents are selected based on their relevance, legal authority, and analytical value to the subject matter.

III. Human Rights Framework in Consumer Protection for Persons with Disabilities

The marginalization of persons with disabilities in consumer relations must be viewed not merely as a failure of market mechanisms but as an outcome of systemic legal and policy neglect.¹⁶ Their exclusion from full participation as consumers stems from an environment that has long normalized able-bodied standards in the design of products, services, infrastructure, and even regulatory frameworks. A truly inclusive legal system must acknowledge this historical exclusion and respond with structural reforms rooted in human rights principles.

Understanding consumer protection as a human rights issue entails moving beyond transactional frameworks and embracing a model that emphasizes empowerment, dignity, and participation. Consumer law, when viewed through the human rights lens, is no longer just about dispute resolution or product safety, it becomes a mechanism for fulfilling the social contract between the state and its citizens.¹⁷ In this context, the failure to accommodate the needs of persons with disabilities is not just a regulatory oversight; it constitutes a breach of the state's obligations under both national and international human rights law.

In line with the UNCRPD, states are expected not only to refrain from discrimination but to take active steps to eliminate it.¹⁸ This includes removing barriers be they physical, communicative, informational, attitudinal, or legal that prevent persons with disabilities from enjoying their rights on an equal basis with others. Article 12 of the UNCRPD on equal recognition before the law

reaffirms that persons with disabilities must be recognized as full legal actors in all areas of life, including commercial and consumer transactions. This reinforces the notion that consumer protection must be recalibrated to reflect the actual diversity of needs and capacities among the population.

Within the Indonesian legal system, the generality of current consumer protection law reflects a model of formal equality that fails to accommodate differentiated needs. While the language of Law No. 8/1999 recognizes various consumer rights¹⁹, including the right to safety, information, redress, and education, these provisions do not contain any directive to adapt or translate these rights into actionable mechanisms for consumers with disabilities.²⁰ For example, the right to information is meaningless for consumers with visual impairments if product labels, contracts, and website content are not made available in Braille, audio formats, or screen-reader-compatible digital formats. Similarly, the right to redress cannot be effectively exercised if complaint mechanisms are inaccessible or if legal aid providers are untrained in disability-sensitive procedures.

The importance of a disability-inclusive consumer policy also lies in the broader framework of social justice and democratic governance. Consumer law operates at the intersection of rights and responsibilities—both of the individual and of the institution that serve them. When persons with disabilities are unable to make informed choices or seek redress due to systemic exclusion, their citizenship is weakened, and the very idea of an equal and inclusive democracy is compromised. Moreover, economic rights are deeply intertwined with social

16 R.R.P.A. Priamsari, "Hukum yang Berkeadilan bagi Penyandang Disabilitas," *Masalah-Masalah Hukum* 48, no. 2 (April 2019): 218, <https://doi.org/10.14710/mmh.48.2.2019.215-223>.

17 A. Azhari, "Legal Review of Consumer Law Protection on Personal Data on Digital Platform," *Indonesia Private Law Review* 2, no. 1 (March 2021): 62, <https://doi.org/10.25041/iplr.v2i1.2189>.

18 A.A.C. Situmorang and W. Kusuma, "Convention on the Rights of Persons with Disabilities: Upaya Pemenuhan HAM terhadap Akses Pekerja Disabilitas?," *Uti Possidetis: Journal of International Law* 4, no. 2 (June 2023): 168, <https://doi.org/10.22437/up.v4i2.23674>.

19 R. Handayani, *Hukum Perlindungan Konsumen*, (Jakarta: Prenadamedia Group, 2020), 28.

20 A.A.H. Putri and A. Halim, "Kebijakan Hukum Terhadap Hak-Hak Disabilitas dalam Layanan Jasa Keuangan di Indonesia," *Al-Mashlahah Jurnal Hukum Islam dan Pranata Sosial* 10, no. 1 (2023): 3, <https://repository.upnvj.ac.id/23133/>.

and cultural rights; the denial of consumer rights to persons with disabilities often perpetuates poverty, dependency, and social isolation.

International best practices suggest that inclusive consumer protection frameworks are those that are grounded in the principle of universal design and anticipate diversity from the outset.²¹ Countries that have successfully implemented inclusive consumer laws typically mandate accessibility as a legal standard across various sectors, establish enforcement mechanisms to ensure compliance, and support private actors in adopting inclusive practices. Legal systems that embrace intersectionality are better equipped to address overlapping vulnerabilities, such as those faced by disabled women, older persons with disabilities, or persons with intellectual and psychosocial disabilities who may face compounded discrimination in consumer settings.²²

It is equally important to highlight the role of legal culture in shaping how consumer rights are interpreted and implemented. In many jurisdictions, including Indonesia, there remains a predominant culture of viewing disability as a matter of charity or welfare rather than rights and agency. This cultural lens influences not only how laws are drafted but also how they are enforced, adjudicated, and experienced. Legal professionals, judges, and policymakers may lack the necessary training or sensitivity to recognize when a legal norm, neutral on its face, produces discriminatory effects against persons with disabilities.

Transforming this legal culture requires deliberate investment in education, legal reform, and capacity building. Legal education must integrate disability rights into the core curriculum,

and continuing education should be mandatory for those working in regulatory bodies, consumer protection agencies, and judiciary institutions. Only then can legal actors begin to identify the implicit biases and systemic gaps that continue to disadvantage persons with disabilities.²³

Moreover, the principle of participation enshrined in Article 4(3) of the UNCRPD requires that persons with disabilities be involved in all stages of policy and law-making processes that affect them. This participatory approach ensures that laws are not only responsive but also reflective of lived realities. In the realm of consumer protection, this means involving disabled persons and their representative organizations in the design of complaint systems, accessibility audits, product labeling guidelines, and consumer education programs. Participation must be meaningful, not tokenistic, and supported by appropriate accommodations, such as accessible formats of documents, sign language interpretation, and inclusive meeting procedures.

Legal empowerment also requires the development of accessible legal information and assistance. Many persons with disabilities face difficulties in understanding their rights or navigating legal processes due to the complexity of the legal system and the inaccessibility of legal services. The state must invest in disability-sensitive legal aid, community outreach, and technology-based tools to enhance awareness and support. This is particularly crucial for individuals in rural or marginalized communities, where access to justice is already limited and compounded by poverty or lack of infrastructure.

In practical terms, realizing the human rights of consumers with disabilities requires a

21 W.S. Widiarty and A. Tehupeiry, "The Role of Business Law in Improving Consumer Protection in the Digital Age," *Journal of Law and Sustainable Development* 12, no. 2 (February 2024): 14, <https://doi.org/10.55908/sdgs.v12i2.3137>.

22 F. Esposito and M. Grochowski, "The Consumer Benchmark, Vulnerability, and the Contract Terms Transparency: A Plea for Reconsideration," *European Review of Contract Law* 18, no. 1 (April 2022): 28, <https://ssrn.com/abstract=4109474>.

23 R. Philona and N. Listyaningrum, "Implementasi Aksesibilitas Bagi Penyandang Disabilitas di Kota Mataram," *Jatiswara* 36, no. 1 (March 2021): 38, <https://doi.org/10.29303/jtsw.v36i1.274>.

comprehensive legislative and institutional reform agenda.²⁴ First, the existing Consumer Protection Law must be amended to include explicit references to persons with disabilities and incorporate accessibility standards into its operative clauses. Second, the national consumer protection strategy must be revised to align with the principles of the UNCRPD, particularly concerning equality, non-discrimination, accessibility, and participation. Third, regulatory authorities must be mandated and resourced to monitor and enforce compliance with disability-inclusive standards in all consumer-related sectors.

Beyond law and policy, a shift in public consciousness is needed. Public campaigns should emphasize the rights of consumers with disabilities, challenge stereotypes, and promote inclusive values. Businesses must be encouraged²⁵ and incentivized to adopt inclusive practices not just as a legal obligation but as a matter of corporate responsibility and social justice. Highlighting the economic potential of inclusive consumer bases can also motivate the private sector to innovate and adapt.

To achieve substantive equality in consumer protection²⁶ for persons with disabilities, it is crucial to address the intersecting barriers that arise from socio-economic status, geographic location, and type of disability. Persons with disabilities living in rural or remote areas often face compounded challenges due to limited infrastructure, lower levels of education, and reduced access to technology. These factors exacerbate exclusion and require tailored policy responses that go beyond universal legal standards. For instance, mobile outreach

programs and decentralized complaint mechanisms could help bridge the gap in service access for these populations.

Furthermore, the role of technology in enhancing accessibility cannot be overstated. The advancement of digital platforms offers both opportunities and challenges for consumers with disabilities. While e-commerce and online services can increase convenience,²⁷ they may also inadvertently exclude those who lack digital literacy or access to assistive technologies. Governments must therefore invest in digital inclusion programs and promote the development of accessible digital environments in compliance with international accessibility guidelines such as the Web Content Accessibility Guidelines (WCAG).

Another important consideration is the engagement of the private sector as active partners in disability-inclusive consumer protection²⁸. Businesses should be encouraged to implement universal design principles in their product development, marketing strategies, and service delivery. Beyond compliance, companies that adopt inclusive business models can tap into a growing market segment and contribute to changing societal attitudes toward disability. Public-private partnerships and incentives such as tax breaks or certification programs can motivate businesses to innovate and prioritize accessibility.

The judiciary and dispute resolution mechanisms also play a critical role in enforcing consumer rights for persons with disabilities. Specialized training for judges, mediators, and

24 L. Series, "Disability and Human Rights," in *Routledge Handbook of Disability Studies*, 2nd ed., Ed. N. Watson and S. Vehmas, (New York: Routledge, 2019), 6, <https://www.ncbi.nlm.nih.gov/books/NBK558160/>.

25 A. Maharani and A.D. Dzikra, "Fungsi Perlindungan Konsumen dan Peran Lembaga Perlindungan Konsumen di Indonesia: Perlindungan, Konsumen dan Pelaku Usaha (Literature Review)," *Jurnal Ekonomi Manajemen Sistem Informasi* 2, no. 6 (July 2021): 667, <https://doi.org/10.31933/jemsi.v2i6.607>.

26 N. Fibrianti et al., "Legal Culture and Legal Consciousness of Consumers: The Influence on Regulation and Enforcement of Consumer Protection Laws," *Journal of Indonesian Legal Studies* 8, no. 2 (November 2023): 1267, <https://doi.org/10.15294/jils.v8i2.69336>.

27 M.A. Safriawan, "Legal Aspects of E-Commerce in the Law on Electronic Information and Transactions," *Focus Journal Law Review* 4, no. 1 (May 2024): 18, <https://doi.org/10.62795/fjl.v4i1.257>.

28 A.P.A. Santoso, E. Sulistyowati, and T. Wisudawati, *Hukum Perlindungan Konsumen (Suatu Pendekatan Praktis dan Aplikatif)*, (Yogyakarta: Pustaka Baru Press, 2022), 22.

consumer protection officials can enhance their capacity to handle disability-related issues sensitively and effectively.²⁹ Establishing accessible, affordable, and timely avenues for complaint and redress is essential to ensure that rights are not merely theoretical but practically enforceable. In addition, alternative dispute resolution (ADR) mechanisms should be adapted to accommodate the specific needs of consumers with disabilities, including accessible communication and procedural accommodations. Finally, continuous monitoring and evaluation of policies and practices related to consumer protection for persons with disabilities is necessary to ensure accountability and progress. This includes the collection and analysis of disaggregated data on disability in consumer contexts,³⁰ which can inform evidence-based policymaking. The involvement of disabled persons' organizations in monitoring processes is vital to provide independent oversight and feedback. Transparent reporting and public dissemination of findings can help maintain momentum and foster trust between stakeholders.

In conclusion, consumer protection for persons with disabilities is an essential component of the broader struggle for equality and human rights. It is not an optional add-on but a fundamental requirement of justice in a modern democratic state. By adopting a rights-based and inclusive approach, Indonesia can transform its consumer protection framework into a powerful tool for social inclusion, legal empowerment, and economic participation for all.

IV. State Responsibility and Affirmative Inclusive Policies

The responsibility of the state in protecting consumers with disabilities cannot be discharged through rhetorical commitments or fragmented policy initiatives. Rather, it requires a holistic and coherent approach anchored in the constitutional mandate to promote the welfare of all citizens³¹ and uphold human dignity. The state's obligation to act is not a matter of discretion, but a legal and moral imperative grounded in national laws and international human rights standards, particularly those articulated in the UNCRPD.

In the current regulatory landscape of Indonesia, however, the absence of binding norms on accessibility within consumer law highlights the limitations of a passive regulatory role. Many service providers and business actors continue to treat accessibility as an optional corporate social responsibility, rather than a legal obligation. This is exacerbated by a lack of enforcement mechanisms, under-resourced consumer protection bodies, and limited public awareness of disability rights. As a result, the realization of consumer rights for persons with disabilities remains aspirational rather than actualized.

To move beyond this inertia, the state must take affirmative and sustained actions to build an inclusive consumer ecosystem. This involves not only crafting disability-sensitive laws³² and regulations but also ensuring their effective implementation through robust institutional support. One key strategy is to embed accessibility and inclusion principles into national consumer protection plans

29 E. Budianto and D.A. Wulandari, "Critical Study of Criminal Aspects of Law Number 8 of 1999 Concerning Consumer Protection," *Journal of Law and Legal Reform* 1, no. 2 (January 2020): 342, <https://doi.org/10.15294/jllr.v1i2.36623>.

30 T. Hardy and S. McCrystal, "The Importance of Competition and Consumer Law in Regulating Gig Work and Beyond," *Journal of Industrial Relations* 64, no. 5 (January 2022): 34, <https://doi.org/10.1177/00221856211068868>.

31 K. Dimyati et al., "Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis," *Heliyon* 7, no. 8 (August 2021): 45, <https://doi.org/10.1016/j.heliyon.2021.e07865>.

32 U. Fikriyah, "Legal Protection of Right of Education for Persons with Disability in Indonesia and Islamic Law: Legal Protection of Education Right for Person with Disability in Indonesia Compared to Islamic View," *Proceedings, International Conference on Diversity and Disability Inclusion in Muslim Societies (ICDDIMS)*, Jakarta, 21–22 November 2017, 125.

and sectoral regulations. Ministries and agencies responsible for trade, communications, finance, and transportation must integrate accessibility mandates into licensing requirements, inspection protocols, service standards, and procurement criteria. Without such mainstreaming, disability rights will continue to be siloed within social policy frameworks³³ and fail to penetrate the economic and regulatory spheres where consumer protection is most directly situated.

Affirmative inclusive policies must also address the intersectional nature of exclusion. Persons with disabilities are not a homogeneous group;³⁴ they experience varied and intersecting forms of disadvantage based on gender, age, socioeconomic status, rural-urban divide, and type of disability. Therefore, inclusive policy design must be sensitive to these multiple dimensions and avoid one-size-fits-all approaches. For instance, while sign language interpretation may benefit deaf consumers, it does not address the needs of those with intellectual or psychosocial disabilities who may require simplified information and supported decision-making structures.³⁵ The state must invest in disability-disaggregated data to inform policy development, monitoring, and evaluation in consumer protection initiatives.

In addition to legislative reform, institutional innovation is crucial. The state should establish independent bodies or ombudsman units with

specific mandates to handle consumer complaints from persons with disabilities. These bodies must be equipped with accessible communication channels, staff trained in disability sensitivity,³⁶ and the authority to impose corrective measures on non-compliant service providers. Moreover, legal aid services must be extended and adapted to cater to the needs of consumers with disabilities, including through mobile units, online platforms with assistive technology, and partnerships with community-based organizations.

The use of public procurement as a tool for promoting accessibility is another powerful avenue for state action. Governments are among the largest purchasers of goods and services; by making accessibility a requirement in public tenders and contracts, the state can set a market-wide precedent and encourage private sector compliance. For example, government contracts for digital platforms or call centers could mandate conformance with international accessibility standards, such as WCAG, and failure to comply could lead to disqualification or penalties.

Education and awareness-building also form an essential component of affirmative state responsibility.³⁷ The state must lead public campaigns that normalize disability inclusion and highlight the rights of consumers with disabilities.³⁸ These campaigns should be co-developed with persons with disabilities and disseminated through

33 A. Mulyawan, “Challenges and Opportunities in Implementing Disability Rights: Policy Evaluation and Access to Welfare for Persons with Disabilities,” *International Journal of Law and Society* 2, no. 1 (November 2024): 18, <https://doi.org/10.62951/ijls.v2i1.236>.

34 N.P.R. Yuliartini, N.M.C. Darayani, and K.C. Pratiwi, “Legal Protection for Persons with Disabilities in Indonesia in the Perspective of Human Rights,” *Proceedings*, The 5th International Conference on Law, Social Sciences and Education (ICLSSE), Bali, 1 June 2023, 49.

35 K. Vornholt et al., “Disability and Employment-Overview and Highlights,” *European Journal of Work and Organizational Psychology* 27, no. 1 (2018): 48, <https://doi.org/10.1080/1359432X.2017.1387536>.

36 J. Heymann, “Needless Barriers: Despite Advances, Equal Rights for People with Disabilities Still Lag Far Behind,” *Global Social Policy* 23, no. 1 (April 2023): 187, <https://doi.org/10.1177/14680181221146029>.

37 J. Heymann, E. Wong, and W. Waisath, “A Comparative Overview of Disability-Related Employment Laws and Policies in 193 Countries,” *Journal of Disability Policy Studies* 33, no.1 (January 2022): 25, <https://doi.org/10.1177/10442073211006396>.

38 Angharad E. Beckett and Anna Lawson, “International Journal of Disability and Social Justice: Introduction and Aspiration,” *International Journal of Disability and Social Justice* 1, no. 1 (November 2021): 1, <https://doi.org/10.13169/intljosdissocjus.1.1.0005>.

accessible formats³⁹ across various media, including television, radio, print, and social media. Schools, universities, and vocational training centers should include disability rights and inclusive consumer practices in their curricula to cultivate a culture of respect and inclusion from an early age.

The role of local governments should not be underestimated in this context. Decentralization offers opportunities for responsive and localized policy innovation. Municipal governments can enact local regulations that enhance consumer accessibility in markets, public facilities, and local businesses. They can also collaborate with Disabled Persons' Organizations (DPOs) to conduct accessibility audits, establish inclusive information centers, and monitor service quality. Such grassroots-level engagement ensures that national policies are not only implemented but also adapted to local contexts and realities.

Furthermore, the judiciary and dispute resolution mechanisms must be equipped to handle cases involving discrimination or inaccessibility in consumer transactions.⁴⁰ Judges, mediators, and legal practitioners must be trained to recognize disability rights violations and apply human rights principles in their adjudication. Procedural accommodations must also be institutionalized, such as allowing for testimony through assistive devices or providing simplified legal documents.

From a normative perspective, the integration of disability rights into consumer protection aligns with the transformative model of equality.⁴¹ This model requires the state to dismantle systemic barriers and institutionalize inclusive practices, not merely to ensure individual entitlements but to reshape the

structures that produce inequality in the first place. By adopting this model, the state acknowledges that equality cannot be achieved solely through neutral rules but demands differential treatment to rectify imbalances of power, opportunity, and access.

The state's role as a catalyst also involves fostering an inclusive private sector. In addition to regulation and incentives, the state can create platforms for dialogue between business actors and the disability community to share best practices, identify challenges, and co-create solutions. Chambers of commerce, trade associations, and business incubators should be encouraged to integrate disability inclusion into their programs and promote inclusive entrepreneurship. Public recognition and awards for inclusive businesses can serve as powerful motivators for others to follow suit.

Finally, the monitoring and evaluation of inclusive consumer protection policies require clear indicators, transparent reporting, and participatory oversight. Disability-inclusive performance benchmarks should be incorporated into national development plans,⁴² consumer protection strategies, and human rights action plans. Annual reports should include specific sections on progress made toward improving accessibility, addressing complaints from consumers with disabilities, and promoting inclusive service delivery.

All of these measures require not just policy intent, but political will. Governments must allocate adequate budgetary resources, mobilize inter-sectoral coordination, and create space for civil society participation. The disability rights movement has long advocated for "nothing about

39 T. Lorenzo and H. Kathard, "Negotiating Violence in Contexts of Poverty in South Africa: An Empirical Study of Disabled Women's Stories," in *Disability, Gender and Violence over the Life Course: Global Perspectives and Human Rights Approaches*, ed. Sonali Shah and Caroline Bradbury-Jones (London: Routledge, 2018).

40 Y. Qamariyanti et al., "The Legal Protection for Persons with Disabilities: Examining the Effectiveness of Protection and Enforcement Efforts," *Strata Law Review* 2, no. 2 (September 2024): 117, <https://doi.org/10.59631/slrv2i2.232>.

41 Y. Covo, "Inverse Integration and the Relational Deficit of Disability Rights Law," *Columbia Law Review* 124, no. 3 (April 2024): 23, <https://ssrn.com/abstract=4799567>.

42 L. Series, "The Development of Disability Rights under International Law: From Charity to Human Rights," *Disability & Society* 30, no. 10 (July 2015): 1590, <https://doi.org/10.1080/09687599.2015.1066975>.

us without us,” and this ethos must underpin every aspect of inclusive consumer policy development. When the state aligns itself with this vision, it not only fulfills its legal obligations but also strengthens its legitimacy as a guardian of justice and equality.

It is also essential for the state to build the capacity of public officials and business actors to understand and implement the principles of inclusion and accessibility. Continuous training and education on the rights of persons with disabilities,⁴³ as well as awareness of their specific needs, should be an integral part of human resource development programs in both the public and private sectors. This ensures that service providers not only comply with regulations formally but are also capable of delivering services that are welcoming and responsive to the needs of persons with disabilities.

Moreover, strengthening strategic partnerships between the government, disability organizations, academics, and the private sector is key to creating innovative and sustainable solutions. Such collaboration enables effective exchange of knowledge, experience, and resources in designing and implementing inclusive policies. For example, the development of affordable and accessible assistive technologies can be a tangible outcome of cross-sector synergy supported by affirmative government policies.

Finally, the state must ensure that the consumer rights of persons with disabilities are also protected in the rapidly expanding digital context.⁴⁴ As online transactions and digital platforms increasingly become the primary medium for consumer services, digital accessibility becomes a crucial aspect that must be firmly regulated. The government needs to establish clear technical standards and effective oversight mechanisms to ensure that digital technologies do not become barriers to the full participation of persons with disabilities in modern consumer activities.

In conclusion, the responsibility of the state in promoting affirmative and inclusive consumer policies goes far beyond drafting laws or issuing general regulations. It requires a transformative approach that reimagines the relationship between the state, the market, and marginalized communities. Through proactive, sustained, and participatory measures, the state can ensure that persons with disabilities are not left behind in consumer experiences but are empowered to participate fully, fairly, and with dignity. The path to inclusive consumer protection is a test of a nation’s commitment to democracy, justice, and the fundamental equality of all its people.

V. Closing

A. Conclusion

The protection of consumers with disabilities is not merely a matter of policy preference but a constitutional and international human rights obligation of the state. As legal subjects, persons with disabilities are entitled to the same rights, choices, and protections as other consumers. However, the persistent legal, institutional, and systemic barriers they face in accessing goods and services on an equal footing reveal significant shortcomings in the current consumer protection frameworks.

Indonesia’s legal architecture, while containing general provisions on consumer rights and disability rights, remains fragmented and poorly integrated. The lack of coherence between the Consumer Protection Law and the Disability Law has created a normative gap that exposes persons with disabilities to exclusion and inequality. The prevailing model of formal equality also fails to address the structural disadvantages experienced by persons with disabilities, thus requiring a shift toward a model of substantive justice and affirmative inclusion.

The state’s role must therefore be

43 C. Raj, “The Lost Promise of Disability Rights,” *Michigan Law Review* 119 (2021): 933, <https://repository.law.umich.edu/mlr/vol119/iss5/3>.

44 K. Soldatić and S. Grech, “Unchaining Disability Law: Global Considerations, Limitations and Possibilities in the Global South and East,” *AJIL Unbound* 116 (March 2022): 76, <https://doi.org/10.1017/aju.2022.11>.

comprehensive—acting as a regulator that enforces accessibility standards, a facilitator that provides the tools and knowledge necessary for inclusive services, and a catalyst that promotes cultural change and institutional reform grounded in the principles of equality, dignity, and participation. Inclusive public procurement, adaptive consumer education, and participatory policymaking are key measures that can turn legal commitments into lived realities. Ultimately, the legitimacy of a rule of law state depends on its capacity to protect its most vulnerable citizens. Inclusive consumer protection is thus not only a measure of legal strength but also of democratic maturity.

B. Recommendations

To translate these commitments into concrete action, the government needs to strengthen institutional coordination and monitoring mechanisms for accessibility compliance. Consumer complaint systems should be made fully accessible to persons with disabilities through diverse communication channels and assistive technologies. Regular training on inclusion and accessibility for service providers is also essential to ensure that the principles of equality and dignity are reflected in everyday practice.

Furthermore, collaboration with disability organizations must be institutionalized to ensure that policymaking and implementation are informed by the lived experiences and expertise of the disability community. Through sustained political commitment, legal innovation, and active engagement with these organizations, Indonesia can move toward a truly inclusive and equitable consumer protection regime that empowers persons with disabilities to participate fully, fairly, and with dignity in all aspects of economic and social life.

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