

Fulfillment of The Rights of Accessibility to Population and Civil Registration for People with Disabilities

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Abstrak. Tujuan penelitian ini yaitu untuk mengetahui kedudukan hukum KTP sebagai identitas utama dalam pemenuhan hak penyandang disabilitas, termasuk hak dasar dalam mendapatkan layanan kesehatan dan hak atas pendidikan. Selain itu juga bertujuan untuk menjabarkan inovasi yang dijalankan oleh Dinas Kependudukan dan Pencatatan Sipil dalam mendorong pelayanan publik terhadap penyandang disabilitas. Penelitian ini menggunakan metode empiris dengan pendekatan perundang-undangan dan pendekatan konsep. Kesimpulan dalam penelitian ini adalah kedudukan hukum KTP sebagai identitas utama dalam pemenuhan hak asasi warga Negara telah disahkan melalui Perpres No. 83 Tahun 2021. Hal ini menyebabkan setiap warga negara Indonesia wajib memiliki nomor KTP untuk mengakses pelayanan publik yang berujung pada pemenuhan hak konstitusional warga negara. SIMALEO BERGERAK, PELANGI di Kecamatan, dan PELAYAN SEKSI adalah bentuk-bentuk inovasi yang dilakukan oleh Negara untuk membantu warga negara (termasuk penyandang disabilitas) agar memperoleh nomor KTP. Sehingga Negara dapat melaksanakan kewajibannya dalam pemenuhan hak konstitusional penyandang disabilitas.

Kata kunci: Aksesibilitas; Disabilitas; NIK

Abstract. The objective of this study is to discover the legal position of the National ID number functioning as the primary identity that forms the basis for fulfilling citizens' rights, including fundamental rights to health services and education for persons with disabilities. Also, to determine the innovation implemented by the Dinas Adminduk of Palu City to encourage public service fulfillment for persons with disabilities. This research is empirical legal research with statutory and conceptual approaches. This research concludes that the legal position of the National ID number functioning as the primary identity that forms the basis for fulfilling citizens' rights has been legalized in the Regulation of The President of The Republic of Indonesia Number 83 Year 2021. This causes every Indonesian citizen to be mandatory to have an ID number to access public services, which leads to the fulfillment of the constitutional rights of citizens. SIMALEO BERGERAK, PELANGI in the District, and PELAYAN SEKSI are the innovations developed to help the citizens, especially persons with disabilities, to have an ID number. Therefore, the obligation to fulfill the constitutional rights of persons with disabilities can be carried out by the State.

Keywords: Accessibility; Disabilities; ID Number

INTRODUCTION

According to the World Report on Disability (2011), In the world, 15 out of 100 persons have a handicap, while 2 to 4 out of 100 have severe condition of disabilities.¹ With rising life expectancy comes an increase in the number of persons with disabilities, especially if they are living with inadequate health services. The occurrence of disability can also be caused by certain diseases and health conditions, such as natural disasters, accidents, and others. The worldwide concern for the rights of people with disabilities is reflected in Resolution Number A/61/106 United Nations General Assembly on the Convention on the Rights of Persons with Disabilities (CRPD) of 13 December 2006. It states that it will take steps to ensure that the convention is followed, raise public awareness of disability, and assist in promoting the dignity, rights, and well-being of persons with disabilities. Accordingly, December 3 was declared as The International Day of Persons with Disabilities (from now on mentioned as IDPWD) in 1992 by the United Nations General Assembly. The IDPWD warning also aims to raise awareness about the benefits of integrating people with disabilities into all aspects of political life, including social, economic, and cultural aspects. The theme for the 2022

¹ World Health Organization and World Bank, "World Report on Disability 2011" (World Health Organization, 2011), <https://apps.who.int/iris/handle/10665/44575>.

IDPWD is “Not All Disabilities Are Visible,” and it will be celebrated worldwide on Saturday, 3 December 2022.

The Indonesian government has substantially increased understanding and awareness of persons with disabilities. Indonesia ratified the CRPD into a Law in 2011 as a consequence of being a signatory country to the CRPD. The Government of Indonesia’s commitment and seriousness in respecting, protecting, and fulfilling the rights of persons with disabilities is expected to improve their well-being everywhere.² Indonesia also implements Law Number 8 of 2016 concerning Persons with Disabilities³ to replace the 1997 Law. The current law follows the human rights perspective and is more compassionate for persons with disabilities. The topic is still regarded as a social issue for which policy should be implemented to conduct its rights in terms of social security, social rehabilitation, social assistance, and improvement of social welfare. Persons with disabilities should get the same opportunity to develop themselves through independence as dignified humans. According to Indonesian law, a person with a disability is defined as anyone with physical, intellectual, mental, and/or sensory limitations when interacting with the environment over time and may face barriers and difficulties in participating fully and effectively with other citizens who have equal rights.⁴ The variety of persons with disabilities includes physical, intellectual, mental, and/or sensory disabilities, which can be experienced singly, multiple, or multiple over a long period determined by medical personnel adhering to the regulation set forth by the law.

An identification number serves as the national identity of an Indonesian citizen, and its regulation is mandated by laws and legislation. Its existence began when the Ministry of Home Affairs-launched the program in February 2011. The beginning of the government program to issue E-KTP had several considerations, especially the benefits that could be obtained: a single identity cannot be faked, cannot be duplicated, and can be helpful in elections or local elections, even online. In addition, the data is supported by the storage of ten fingerprints. However, the data stored in the chip on the E-KTP is only two but has the intention of reducing costs compared to other additional biometrics, the shape of the fingerprint will always be the same and will not change even if it is scratched or injured, more accurate because everyone has different fingerprints even for twins because every human being is unique and different. In particular, the KTP number must also be used by citizens who want to access public services.⁵ The mandatory utilization of ID numbers to access public services also had been legalized by the State on 9 September 2021.⁶

Palu City is one of the thriving areas in the Eastern part of Indonesia; this city has officially become an administrative city based on Law No. 4 of 1994 concerning the Establishment in Level II Municipality of Palu. Currently, Palu has a population of 377,030 people spread over eight sub-districts. The name “Palu City” appeared in national and international news headlines when it became one of the locations for natural disasters on 28 September 2018. This research is crucial to be carried out in Palu City because of the massive natural disaster in 2018 and in the midst of the COVID-19 pandemic, persons with disabilities have become susceptible populations that the State must safeguard. Academics and non-academics must always maintain attention to them. Therefore, the objectives of this research are:

1. The legal position of the National ID number functioned as the primary identity that forms the basis for fulfilling citizens’ rights, including fundamental rights to health services and the request for education for persons with disabilities.
2. The innovation by the Department of Population and Civil Registration in Palu City encourages public service fulfillment for persons with disabilities.

² “11uu019.Pdf,” accessed September 23, 2022, <https://www.bphn.go.id/data/documents/11uu019.pdf>.

³ “UU No. 8 Tahun 2016 Tentang Penyandang Disabilitas [JDIH BPK RI],” accessed September 24, 2022, <https://peraturan.bpk.go.id/Home/Details/37251/uu-no-8-tahun-2016>.

⁴ Republic of Indonesia, “Law No. 8 of 2016 concerning Persons with Disabilities [JDIH BPK RI],” accessed September 23, 2022, <https://peraturan.bpk.go.id/Home/Details/37251/uu-no-8-tahun-2016>.

⁵ “Cerita Dibalik E-KTP,” *Communication* (blog), accessed September 24, 2022, <https://communication.binus.ac.id/2019/01/03/cerita-dibalik-e-ktp/>.

⁶ “Perpres Nomor 83 Tahun 2021.Pdf,” accessed July 27, 2022, https://jdih.setkab.go.id/PUUdoc/176529/Perpres_Nomor_83_Tahun_2021.pdf.

METHOD

This study on empirical legal research investigates the law as a real-life practice, which is considered an unspoken social sign that people encounter in their daily lives. It investigates the law as an actual behavior, as an unwritten social symptom that people encounter on a daily basis. This research was conducted using conceptual and statutory approaches. The study gathers data from government institutions, in this case, the Palu City Population and Civil Registration Office and the Palu City Social Service. The data obtained from the two institutions are then analyzed qualitatively to be used in concluding the research objectives.

RESULT AND DISCUSSION

The Functions of National ID Numbers for Persons with disabilities

Quoted from Cambridge Dictionary, the term “disability” refers to a state of being that results from an illness, injury, or condition that hinders an individual’s ability to perform activities that are typically carried out by others. This condition is usually long-term or permanent in nature.⁷ The term “disability” itself seems to be used as a substitute for the word “disabled person,” which has a negative sense of value and seems discriminatory. The term disability is based on the fact that every human being is created differently, so there is only a difference, not a disability or an abnormality. The World Health Organization (from now on abbreviated WHO) in The International Classification of Impairment, Disability, and Handicaps states that there are three definitions related to “disability,” namely “impairment,” “disability,” and “handicap.”⁸ Impairment is the abnormality of a psychological, physiological, or anatomical structure or function. Disability is a limitation of the ability to perform an activity in a way or within limits considered regular for people. Handicap is a loss for certain individuals due to a disability, which limits or hinders the performance of a common role. But this also depends on age, gender, and social or cultural factors.⁹

In legal views, Article 1 CRPD and Indonesia’s Law both stipulated persons with disabilities as “everyone who experiences physical, intellectual, mental, and/or sensory limitations in the long term who in interacting with the environment can experience obstacles and difficulties to participate fully and effectively with other citizens based on equal rights.”¹⁰ Also, Article 4 paragraph (1) of the 2016 Law no. 8 of 2016 describes the variety of them, first, people with physical disabilities (impaired movement function, including amputation, paralyzed or stiff, paraplegic, cerebral palsy due to stroke or leprosy), and people that suffer from dwarfism. Second, people with intellectual disabilities, (impaired thinking function due to below-average intelligence levels, including slow learning, mental disabilities, and Down Syndrome). Third, people with mental disabilities, namely disturbances in the process of thought, emotion, and behavior, including ((a) psychosocial, (schizophrenia, bipolar, depression, anxiety, and personality disorders); (b) developmental disabilities that affect social interaction skills, including autism and hyperactivity). Fourth, people with sensory disabilities, namely the disruption of one of the functions of the five senses, including visual, hearing, and/or speech disabilities.¹¹

Persons with disabilities possess equal constitutional rights to those without disabilities as citizens. This is evidenced by the normative arrangements in laws and regulations that do not differentiate between persons with disabilities and non-disabled persons. For example, the rule in Law Number 23 of 2006 (from now on abbreviated as *Adminduk* Law). There is no single norm in the Law that distinguishes between Citizens of Indonesia who have disabilities and other citizens. The regulation of rights in Indonesian law includes the right to live; to have a family and continue descendants; to self-development; to obtain justice; to personal liberty; freedom to security; to

⁷ “Disability,” accessed August 17, 2022, <https://dictionary.cambridge.org/dictionary/english/disability>.

⁸ World Health Organization, *International Classification of Impairments, Disabilities, and Handicaps* (Geneva: World Health Organization, 1980), https://apps.who.int/iris/bitstream/handle/10665/41003/9241541261_eng.pdf.

⁹ *Ibid.*

¹⁰ Republic of Indonesia, “Law No. 8 of 2016 concerning Persons with Disabilities [JDIH BPK RI].”

¹¹ *Ibid.*

welfare; to participate in government; women's rights; children's rights.¹² All forms of these rights belong to every citizen whose citizenship status is proven through a population identification number. Thus, the ownership of population identification numbers is crucial to respect, fulfill, and protect the rights of citizens in Indonesia. In Palu City, ID numbers are required for every citizen to be able to access public services.¹³ This is in line with the purpose of state-building in the Western European context which is why people formed a modern state.

National ID numbers play a pivotal role in fulfilling the rights of Indonesian citizens, including those with disabilities, because, in public services, the Indonesian legal state provides services based on an ID card number. It is used for various needs such as public transportation, buying fuel, registering for public office, etc. In short, the ownership of national ID numbers guarantees the provision of public services for Indonesian citizens without exception. In reality, for persons with disabilities, the acquirement process for national ID numbers can be pretty complicated. This is due to their physical and/or mental challenges when dealing with state institutions. Therefore, a comprehensive solution is needed so that persons with disabilities can obtain public services that are preceded by ownership of an ID card number. This solution can be implemented by the state and the person with a disability and their family.

The Form of Population and Civil Registration Innovation for Persons with disabilities

The Population and Civil Registration Office of Palu City implements various innovations to fulfill fundamental rights in population accessibility. For instance, by using the SIMALEO BERGERAK application, carrying out mobile services for recording marriages in churches, temples, and places where non-Muslim weddings are held, there is also a door-to-door service for people who have died, as well as mobile population administration for vulnerable people, including persons with disabilities. In addition, it also implemented integrated services (PELANGI in the District) in 8 sub-districts throughout the city of Palu. This is because the number of persons with disabilities is spread across all sub-districts in Palu City. Accordingly, all the services must be implemented in the whole area of Palu City.

All of these innovations have been practiced since 2021 and have positively impacted the fulfillment of population accessibility rights without exception for persons with disabilities. Their families have begun to realize the importance of having an ID number because it is used as the basis for accessing various other rights needed by the member of their family, such as education (special schools/*SLB*) and the right to health (access to therapy and medical aids such as canes and wheelchairs). So that the family has taken an active role in managing documents for persons with disabilities ranging from birth certificates to death certificates, which then helps persons with disabilities to obtain their fundamental rights following the Constitution and laws in Indonesia. Previously, the family of persons with disabilities did not need to take care of the documents because disability care was entirely centered on the family without direct State involvement. This continues for generations until there is a collective awareness that the State also plays a role in fulfilling the rights of them and other human beings; in which accessibility also falls under this understanding.

There are at least four principles of accessibility:¹⁴

1. **USEFULNESS:** all individuals should have the capability to access and utilize public spaces or buildings that are generally available in a given setting;
2. **EASY:** everyone can reach all public places in a building;
3. **SAFETY:** When designing a constructed setting, it is crucial to consider the safety of every individual;

¹² Tenang Haryanto et al., "PENGATURAN TENTANG HAK ASASI MANUSIA BERDASARKAN UNDANG-UNDANG DASAR 1945 SEBELUM DAN SETELAH AMANDEMEN," *Jurnal Dinamika Hukum* 8, no. 2 (October 20, 2013), <https://doi.org/10.20884/1.jdh.2008.8.2.54>.

¹³ DUKCAPIL, "Kemendagri Dorong Pemda Tuntaskan Penerbitan Dokumen Kependudukan Bagi Disabilitas," accessed August 17, 2022, <https://dukcapil.kemendagri.go.id/berita/baca/1061/kemendagri-dorong-pemda-tuntaskan-penerbitan-dokumen-kependudukan-bagi-disabilitas>.

¹⁴ Sugi Rahayu, Utami Dewi, and Marita Ahdiyana *, "Pelayanan Publik Bidang Transportasi Bagi Difabel Di Daerah Istimewa Yogyakarta," *SOCIA: Jurnal Ilmu-Ilmu Sosial* 10, no. 2 (2013), <https://doi.org/10.21831/socia.v10i2.5347>.

4. INDEPENDENCE: It is necessary that every person can independently reach or enter all public places or buildings in a given environment without requiring assistance from others.

These principles were used by the Department of Population and Civil Registration and the Department of Social Service in Palu City in designing their programs and implementing public service for the citizen. Presently, 421 persons with disabilities reside in Palu City; out of this number, 235 people have ID numbers (equal to 55%). There are several reasons why not all of them have it, namely the distance factor when the domicile area of the person with a disability is quite far from the sub-district office and/or other public service offices, the absence of family members who understand the flow of the population document processing process, or the family itself does not want to take care of the official document because they do not see the benefits of it within their family. These reasons caused the State to actively promote the accessibility of persons with disabilities, starting from the family level. Consequently, the Population and Civil Registration Office implemented programs named *SIMALEO BERGERAK*, *PELANGI* in the District, and special service innovations for the elderly, disabled, and sick persons. The explanations for each program are outlined below:

1. *SIMALEO BERGERAK* (abbreviation of *Sistem Mobile Pelayanan Dokumen Kependudukan Bersih, Gratis, dan Praktis*). This program provides mobile services for legally documenting marriages in churches, temples, or at the place of the wedding ceremony for non-Muslim citizens, door-to-door service for people who died, as well as mobile administration for vulnerable people (including persons with disabilities). The Population and Civil Registration Office officers visit the places where weddings are officiated and document the whole process. By the end, the newlyweds had already held their new documentation. This service benefits non-Muslim citizens because they no longer need to travel to the City area to acquire new citizen documents after their wedding. Other benefits are also felt by the residents who have recently lost their family members of death. This program allows the Population and Civil Registration Office to produce Death Certificates more efficiently. The family of persons with disabilities widely utilizes the mobile administration service to get their IDs because, in this service, the officers visit families that do not have an ID card number to record and issue their ID cards.



Picture by Population and Civil Registration Office, Palu City.

2. *PELANGI* in the District (abbreviation of *Pelayanan Terintegrasi* in the District). This program is integrated into every District Office in the Palu City area. There is a counter for the officers from the Population and Civil Registration Office of Palu City in each District Office, which residents can use in each of these Districts. This shortens the range of mileage that citizens must pass if they are going to manage their residence documents. They no longer need to come to the Population and Civil Registration Office of Palu City and queue up with service users from all over Palu City. They only need to go to their respective District Offices with the required documents, and the entire process is enough to be completed at the District Offices.

This service benefits persons with disabilities, especially those with limited mobility and/or who live far from the Office of Population and Civil Registration of Palu City. Families with disabilities

generally use this service to record ID card (*KTP*) data, such as fingerprints and eye retina scans. After recording the data, the Population and Civil Registration Office of Palu City can process the issuance of the identity card to the person with a disability to obtain their rights as other citizens.



Picture by Population and Civil Registration Office, Palu City.

3. **PELAYAN SEKSI** (abbreviation of *Pelayanan Khusus Disabilitas dan Sakit*). This particular service is provided expressly for persons with disabilities and patients. In this program, persons with disabilities and patients are visited directly by the officers. Sometimes, the Officers need to record civil registration documents for hospitalized patients because their civil registration data is required to support their treatment by the hospital. As Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates the fulfillment of the basic rights of citizens, which encompasses the aforementioned statement. Therefore, this service is essential for fulfilling the constitutional rights of citizens, where the ID Number issued by the Population and Civil Registry Office of the City of Palu is the primary tool for its fulfillment.



Picture by Population and Civil Registration Office, Palu City.

The civil registration data taken from the people is used, among others, for public services and budget allocations¹⁵, including for citizens with disabilities. As an extension of the state in fulfilling the right of accessibility through the issuance of ID cards and other civil registration documents,

¹⁵ Republic of Indonesia, “UU No. 24 Tahun 2013 tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan [JDIH BPK RI],” accessed September 24, 2022, <https://peraturan.bpk.go.id/Home/Details/38985/uu-no-24-tahun-2013>.

Adminduk Office of Palu City is at the forefront of ensuring the implementation of the mandate of the constitution and laws in respecting, protecting, and fulfilling the constitutional rights of Indonesian citizens.¹⁶ As citizens, persons with disabilities should receive equal treatment before the law and the government as regulated by Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.¹⁷ Moreover, because persons with disabilities are part of a vulnerable group that requires a distinctive policy for their physical, intellectual, and/or mental challenges, the State should provide solutions so that their constitutional rights are still fulfilled following universal human rights principles. The enforcement, protection, and promotion of human rights have become the commitment of the State, government, and people of Indonesia manifested in the form of institutional and constitutional empowerment.¹⁸ The Population and Civil Registration Office of Palu City carry out this noble task through various services that have helped persons with disabilities in their daily lives.

Palu City has multiple factors that facilitate the realization of accessibility rights for individuals with disabilities regarding Population and Civil Registration. The legal norm factor (there have been normative arrangements based on the Law, Presidential Regulation, and Regional Regulation), and the implementing apparatus factor (a collaboration between departments within the City Government environment). Palu), and community awareness factors (families with disabilities take the initiative to register their family members to get a NIK). At the same time, the inhibiting factors in fulfilling the accessibility rights of the Population and Civil Registration for Persons with Disabilities in Palu City are data factors that have not been integrated between *OPD* and related agencies and misinformation factors (families with disabilities do not know that their family members also have the same rights as other citizens including the right of residence).

CONCLUSION

1. Legal position of the National ID number functioning as the central identity that forms the basis for fulfilling citizens' rights has been legalized in the Regulation of The President of The Republic of Indonesia Number 83 Year 2021 concerning the Inclusion and Utilization of Residential Number and/or Taxpayer Number in Public Service. This causes every Indonesian citizen to mandatory to have an ID number to access public services, which leads to the fulfillment of the constitutional rights of citizens.
2. Innovations such as SIMALEO BERGERAK, PELANGI in the District, and PELAYAN SEKSI have been created to assist the general public, particularly individuals with disabilities, in obtaining an identification number. As a result, the State can fulfill the constitutional rights of individuals with disabilities.

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¹⁶ Herma Yanti, "Gagasan Constitutional Complaint Sebagai Kewenangan Baru Mahkamah Konstitusi Dalam Perlindungan Hak Konstitusional," *Wajah Hukum* 2, no. 2 (November 1, 2018): 185–98, <https://doi.org/10.33087/wjh.v2i2.40>.

¹⁷ *Op. Cit.*

¹⁸ Sigit Somadiyono and Nella Octaviany Siregar, "Perlindungan Hak Asasi Manusia Terhadap Narapidana Narkotika Sebagai Warga Binaan Pemasarakat Menurut Undang-Undang Nomor 12 Tahun 1995 Tentang Pemasarakatan," *Wajah Hukum* 3, no. 2 (October 19, 2019): 192–99, <https://doi.org/10.33087/wjh.v3i2.69>.

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