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**COMFORT ZONE OF PEOPLE WITH DISABILITIES IN
SOCIAL EMPOWERMENT ASPECT BY LOCAL
GOVERNMENTS REVIEWING FROM LAW NUMBER 8
OF 2016 ON PERSONS WITH DISABILITIES**

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ABSTRACT

Based on the theory of the welfare state law, the State of Indonesia is a welfare law state which requires that the state is constitutionally responsible for the welfare of the general public without distinguishing normal citizens and citizens with special needs (disabled), regulated in the constitution which is the responsibility of the Central Government and Regional Governments. In the implementation of rights for people with disabilities, there are still many limitations due to a lot of factors, both internal factors (from the government) and external factors (from the family or society). Not only these two factors, personal factor also greatly influences the implementation or failure of the implementation of the rights of people with disabilities, so much that it creates a comfort zone for people with disabilities. By using a normative juridical approach and empirical juridical approach, researching the law within the scope of library research and field studies and using qualitative research specifications, the data analysis that the author did was qualitative data analysis-juridical analysis based on the nature of descriptive research, using primary and secondary data types. Secondary data includes primary legal materials, secondary legal materials, tertiary legal materials. The results showed that there were not a few people with disabilities who depend on their welfare to the Government with little effort to be independent and feel insecure with one weakness so they cover up their strengths and did not explore other advantages that could be found in themselves. Nowadays, we also often see people with disabilities who work as beggars and those who work as scavengers on the grounds that those professions are easier to do, and it is difficult to find work with their conditions.

Keywords: Comfort Zone; People with Disabilities; Local Government

INTRODUCTION

Community is one of the important elements in a country. Participation in the implementation of government programs is one of the obligations of the people in a country. In addition to having obligations and responsibilities, society also has rights that must be protected and fulfilled by the state, which we know are human rights.

Human Rights categorizes actors into two, first is rights holders, that are individuals/groups, both citizens and non-citizens; and second, the duty bearer or the

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state. The state in this context is defined as every person who is given the attribution of authority to do something and/or not to do something on behalf of the state (Riyadi, 2018). The state of Indonesia is a legal state, which has a government system based on a constitution (basic law), which can be considered as a part of a welfare law state. The state of welfare law (State of material law) has a duty to guarantee the rights of every citizen. In accordance with the preamble of the 1945 Constitution, Paragraph IV, which reads "...and to promote public welfare, educate the nation's life...".(Siallagan, 2016; Simamora, 2014)

A prosperous society is one of the goals and dreams of a country. In its mission to achieve public welfare, the Government needs to guarantee or fulfill the rights of every citizen. However, in order to achieve that, Indonesia's government must comply with the applicable rules. The focus of the state in implementing the goals of the state should be on the development and excellence of its human resources as well as being able to improve and maintain the developments.(Suroso et al., 2021) In the development of a region, it must not only engaged in physical development but also in non-physical or social development.(Henryk, 2013) Therefore, development should have a balance between physical and non-physical development. Non-physical or social development includes human development, economy, health, and education. (Permana, 2013)

Non-physical development is very important for the development of a country. Take human development for an example, a country will always develop and progress if its human development is optimal and creates good quality human resources and can improve the level of social welfare.(Pudjianto & Syawie, 2015) Like economic development during Suharto period, the government favored conglomerates. Now it has been changed into siding with people, using the name "people's economy", means it has a direct target for community empowerment.(Prasojo, 2004) The development which is supposed to achieve the four state goals as stated in the Preamble to the 1945 Constitution, turns out that the community has not been reached much, so that the welfare and intelligence of the community have not been realized, which only means that it has not shown any community empowerment.(Purba et al., 2021)

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This illustrates that the Government has a positive responsibility to the community in terms of empowerment, where to be able to reach the community, even to remote areas, a regional autonomy household system needs to be implemented.(Jati, 2016) However, the fulfillment of rights carried out by the Government has limitations in accordance with the authorities regulated by laws and regulations, and the limitations of the Government in fulfilling community empowerment rights in various fields. (A. Dewi, 2018) Attachment to the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government. In the division of concurrent Government affairs related to basic services, it is stated that Social Welfare is a Government affair which is the authority of the Provincial Government and Regency / City Government.(Sudrajat, 2022)

Currently, the Government has implemented several programs related to empowerment for the community, but many people with disabilities are depending on Government programs and there are still many people with disabilities who are in their comfort zone.(Arimbawa et al., 2022; Mukrimah et al., 2018) This is the author's focal point where people with disabilities should be independent and not dependent on the Government, or they should get out of their comfort zone and take advantage of opportunities by participating in social empowerment programs provided by the Government so that they can run their lives independently.

METHODOLOGY

Research method in this article was descriptive qualitative research.(Gunawan, 2013) The approach method used was normative juridical and empirical juridical, using primary data and secondary data by covering primary, secondary, and tertiary legal materials.(Benuf & Azhar, 2020) The data collection methods that the author used were library research (using documents) and field studies (observation). By using a normative juridical approach and an empirical juridical approach, the author examined the law within the scope of library research and field studies and using qualitative research

specifications. Qualitative data analysis-juridical analysis was used in data analysis based on the nature of descriptive research.(Gunawan, 2013)

RESULTS AND DISCUSSION

1. Paradigm of People with Disabilities

Tabularasa theory. John Locke and Francis Bacon in the 17th century: Humans are born like unwritten paper.(Muri'ah & Wardan, 2020) Refers to the epistemological view that a human being is born without an innate mental content, in other words "empty", and all sources of knowledge are obtained little by little through the experience and perception of his senses to the world outside of himself.(Holik, 2012; Sulasmi et al., 2019) However, the problem is that there are variety of human abilities and characteristics. There are those who are lucky to be born without both physical and mental deficiencies, there are also those who are not so lucky.(Kustawan & Meimulyani, 2013) *The World Health Organization (WHO)/World Health Organization* estimates that about 15% of the world's population (7 billion people) live with some form of physical limitation, 2-4% of whom experience difficulties in carrying out daily activities. To this date, the number of people with disabilities worldwide has increased due to the aging of the world's population and the rapid spread of chronic diseases, as well as improvements in the methods used to measure the degree of physical disability.(A. A. I. A. A. Dewi, 2018; Sholihah, 2016)

Nobody asks to be disabled. However, being disabled doesn't mean you can't do anything. There are many individuals who, despite being disabled, can be such lights for other friends with special needs. The term special needs is explicitly addressed to children who are considered to have abnormalities/deviations from the average condition of normal children in general, in terms of physical, mental and social behavior characteristics. Based on this understanding, children who are categorized as in need in the physical aspect, including abnormalities in the sense of sight (blindness), hearing impairment (deaf), speech impairment (speech) and limb function disorders (impaired).

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Children who have needs in the mental aspect include children who have more mental abilities (super normal) who are known as gifted children or superior children and those who have very low mental abilities (abnormal) are known as mentally retarded. Children who have abnormalities in the social aspect are children who have difficulty in adjusting their behavior to the surrounding environment. Children who are included in this group are known as tuna barrels.

Everyone has the potential to become disabled, someone can become disabled not only because of abnormalities in the womb, but disability can also occur in children, adolescents, adults, to the elderly. Everyone can experience road accidents, work accidents, or become victims of natural disasters. This can cause a person to become disabled.(Hamidi, 2016) The above statement can be used as a lesson that, every society in a country, whether normal or with disabilities, still has the same dignity and rights, where humans can suddenly be one of people with disabilities if something happens to them and causes the loss of one of the functions of their body.

Difabel (Indonesian language), disability, or personal limitations can be physical, cognitive, mental, sensory, emotional, developmental or some combination of these. Difabel or Disability is a term that includes interference, activity limitations, and participation restrictions. The term disability may not be familiar among some people, disability is a new term to replace “*crippled*” because the term crippled has a negative connotation for people with disabilities as if legal subjects are seen as less empowered, therefore the term crippled is best to be changed into disability.(Itasari, 2020; Shaleh, 2018)

Total data population of Indonesia based on the results of the synchronization in 2020 population census and population administration from the Directorate General of Population and Civil Registration (Ditjen Dukcapil) of the Ministry of Home Affairs, was 271,349,889 people, of which 163,795 people or 0.06% are people with various types of disabilities. From the data on the Information System for People with Disabilities (SIMPDP), we can also find out the percentage of people with disabilities who have work, which is 25.3% of 163,795 people, the total number of people with disabilities.

The calculation of the data above illustrates that in Indonesia, having people with disabilities as citizens, the fulfillment of their rights must be prioritized, not only the fulfillment of rights but also given training in order to develop their abilities to meet the needs of living independently. The data above also shows that, it has reached 25.3% of people with disabilities in Indonesia who work, so that the implementation of community empowerment can be considered to be growing.

The existence of people with disabilities is often overlooked. People with disabilities become an inferior group and become second-class society in Indonesia. This is the beginning of discrimination in society, this discrimination is even carried out by the family itself, for example by isolating family members with disabilities at home, limiting their social relations with the outside environment, and making them appear helpless.

The World Health Organization (WHO) classifies disability into 3 categories, which are:

- a. Impairment, is an abnormal condition or loss of psychological, physiological or anatomical structure or function. For example, blindness, deafness, paralysis, amputation of limbs, mental disorders or abnormal vision.
- b. Disability, is the inability or limitation to perform activities in a way that is considered normal by humans as a result of impairment.
- c. Handicap, is a condition that harms a person due to Impairment and Disability, which limits or prevents the normal fulfillment of roles (depending on age, gender and socio-cultural factors) for the person concerned.

The World Health Organization (WHO) classification of disability into 3 categories is a reference for the Government in carrying out the fulfillment of rights and program implementation for people with disabilities in Indonesia, as well as a reference for the Government in categorizing people with disabilities in Indonesia.

However, basically if humans see something that is not appropriate or different from the way it should be, there will be differences that are either intentionally shown or not intentionally shown, which can be called discrimination.

Then the principle of non-discrimination is very important in human rights. Discrimination takes two forms, including:

- 1) Direct discrimination, which is when a person is either directly or indirectly treated differently. For example, the requirement to become President uses ethnicity.
- 2) Indirect discrimination, which is when the practical impact of laws and/or policies is a form of discrimination even if it is not shown for the purpose of discrimination. For example, the construction of facilities that do not consider whether people with disabilities can access or not.(Riyadi, 2018)

People with disabilities have the same rights as normal human beings. These rights have been regulated by laws and regulations which the Government is obliged to fulfill. The impact of discrimination, either directly or indirectly, can change the way everyone around disabled people think, it will even disturb the mentality of people with disabilities themselves, resulting in lack of confidence or feeling excluded.

2. Government Roles and Programs

The state has prioritized people with disabilities in fulfilling their rights in the aspect of social empowerment, the fulfillment of these rights requires different specificities. The fulfillment of the rights of people with disabilities by the state or its implementers, in this case the Government, has been regulated in several laws and regulations. Law Number 39 of 1999 concerning Human Rights Article 42 states "Every citizen who is elderly, physically disabled and or mentally disabled has the right to receive special care, education, training and assistance at state expense, to ensure a decent life, in accordance with human dignity, increasing self-confidence and the ability to participate in society, nation and state."

Social government affairs are mandatory government affairs related to basic services, which are as important as education and health in their implementation. Regional autonomy is very influential on the implementation of concurrent government affairs, with a household system so that the implementation of government affairs can be in accordance with regional or regional conditions in each region. Regarding government affairs, as attached to the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government. In its distribution, it states that Social Welfare is a Government affair which is the authority of the Provincial Government and Regency / City Government.

Social empowerment is one of many Government affairs in social sector. The Government and Regional Governments have their own authorities, which have been regulated in the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, as follows:

- a. Central Government
 - 1) Determination of location and social empowerment of remote indigenous communities (KAT).
 - 2) Issuance of cross-provincial donation collection permits.
 - 3) Fostering potential sources of social welfare.
 - 4) Determination of location and social empowerment of remote indigenous communities (KAT).
 - 5) Issuance of cross-provincial donation collection permits.
 - 6) Fostering potential sources of social welfare.
- b. Provincial Government
 - 1) Issuance of permits for collecting donations across regencies/cities within 1 (one) provincial area.
 - 2) Empowerment of potential sources of provincial social welfare
- c. District/City Local Government
 - 1) Remote Indigenous Community Social Empowerment (KAT).
 - 2) Issuance of donation collection permits within the regency/city area.

- 3) Development of potential sources of social welfare for districts/cities.
- 4) Fostering a family welfare consultancy institution (LK3) whose area of activity is in the district/city area.

It is very clear that it has been established regulations regarding the authority of the Government and Regional Government, that is Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government. Empowerment is one of the points of regional authority so that people with disabilities can be reached in every area, even remote ones. Coordination between the Government and Regional Governments in the implementation of social welfare rights is regulated in Article 31 of the Law of the Republic of Indonesia Number 11 of 2009 concerning Social Welfare in which the form of that coordination is in planning, implementing, and controlling of social welfare implementation.

Fulfillment of social welfare rights between normal citizens and people with disabilities is the same, they have the rights of social rehabilitation, social security, social empowerment, and social protection. Law Number 8 of 2016 concerning People with Disabilities concerning Social Welfare Rights for People with Disabilities is regulated in Article 17 which reads as follows: "Social welfare rights for People with Disabilities include the right to social rehabilitation, social security, social empowerment, and social protection." Those four scopes are very important for the lives of people with disabilities, but here the author will discuss one of them, which is social empowerment. Social empowerment is discussed in several regulations. Social empowerment for normal people and people with disabilities is basically the same, it only differs in its implementation which is more specialized.

Article 94 of Law Number 8 of 2016 concerning People with Disabilities, mentions the forms of social empowerment, as follows:

- (1) The social empowerment as referred to in Article 91 is carried out by the Government and Regional Government through:
 - a. increased will and ability;
 - b. potential and resource exploration;

- c. excavation of basic values;
 - d. granting access; and/or
 - e. business assistance.
- (2) The social empowerment as referred to in paragraph (1) is provided in the form of:
- a. diagnosis and motivation;
 - b. training and mentoring;
 - c. giving stimulants;
 - d. increasing access to marketing of business results;
 - e. institutional strengthening and partnerships; and
 - f. further guidance.

The forms of empowerment in Law Number 8 of 2016 concerning People with Disabilities are carried out by the Government and Regional Governments in accordance with their own authorities. In this case, several aspects of life such as the economy and human resources can encourage or hinder the implementation of the fulfillment of rights in the aspect of social empowerment. Article 47 Government Regulation of the Republic of Indonesia Number 52 of 2019 concerning the Implementation of Social Welfare for People with Disabilities, explains that the Social Empowerment as referred in Article 4 paragraph (2) letter c for People with Disabilities is intended to empower People with Disabilities to be able to meet their needs independently.

The goal of social empowerment itself has been ensured so that people with disabilities are able to meet their needs to live independently, not depending on other people or the government. Article 48 to Article 61 of Government Regulation of the Republic of Indonesia Number 52 of 2019 concerning the Implementation of Social Welfare for People with Disabilities, explains about Social Empowerment in terms of targets, forms and implementation of social empowerment by the Government and Regional Governments.

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Indonesia is an archipelagic country with thirty-three provinces, one example that the author will discuss is the implementation of social empowerment in Banten Province. It is known that the population in Banten Province is 11,904,562 people (source: Central Statistics Agency 2020) and the number of people with disabilities in Banten Province reaches 3,539 people (source: Information System for People with Disabilities) and seen in data from the Banten Province Social Service that people with disabilities reached 27,539 people. It is important to know that the data collection of people with disabilities includes children with disabilities.

"Regarding social empowerment, the city's Social Service also employs people with disabilities, who work according to their abilities," said Head of Disability Section Duratun Cholish, Serang City Social Service, "there are also people with disabilities who open businesses that are provided with assistance by the government." he continued. There are several courses organized by Serang City Social Service such as sewing, carbide welding, catering, screen printing, which after the courses and training can hopefully help people with disabilities open up their own businesses.

Mrs. Siti Aminah, S.KM., Head of the Social Rehabilitation Division for Children and the Elderly, Serang District Social Service explained that "Serang District Social Service has a discourse to seek cooperation with Cooperatives regarding the development of people with disabilities' businesses." Not only that, according to him, "There are some People with Disabilities who are the backbone of their family, so that companies can provide Corporate Social Responsibility (CSR) not only food but trainings that can develop their skills."

In addition, there are assistants from the Ministry of Social Affairs called Social Welfare Personnel for People with Disabilities (TKSPD). Serang District Social Service has 3 assistants, two of whom are people with disabilities and elderly so practically there is only 1 active social assistant.

"Every year there are skills course where they facilitie up to 20 people, there are 3 training/courses; sewing, cellphone service, and catering, once a year within a month

and after completion, we can see their progress who took part in the training." said Mr. Abdu Sucipto as Implementer at the Disability Section, Banten Province Social Service. By all the interviews that the author had conducted with related parties, it can be concluded that the Regional Government of Banten Province has carried out the government affairs in social section that is social empowerment aspect. However, apart from activities organized by local governments, a lot of people with disabilities are comfortable with their jobs as beggars or only depending on activities from the government.

Meanwhile, we know that the activities carried out by the Government are not only related to social empowerment but also social rehabilitation, social security and social protection in which the activities or programs carried out have the same goal, that is people with disabilities are able to live independently in the future and each program has its own capacity. The government hopes that people with disabilities can live independently by applying the knowledge they had gained through training or assistance and get decent jobs so they can fulfill their needs.

3. Comfort Zone on Social Empowerment of People with Disabilities

Community empowerment is often difficult to distinguish from community development because it refers to overlapping meanings in its use in society. In this study, community empowerment and community development are intended as community empowerment that is deliberately carried out by the Government to facilitate local communities in planning, deciding and managing their resources so that in the end they have the ability and independence economically, ecologically and economically sustainable. Therefore, community empowerment is essentially related closely to sustainable development which requires the prerequisites for the sustainability of the community's economic independence,

Community empowerment is a concept of economic development that encapsulates community values to build a new paradigm in development that is people-centered, participatory, empowered and sustainable (Chamber, 1995). The Chamber further explained that the concept of development with a community empowerment

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model is not only to meet the basic needs of the community but rather as an effort to find alternatives for local economic growth. Community empowerment as an alternative strategy in development has developed in various literatures and thoughts even though in reality it has not been maximally implemented.

Community empowerment is needed when people are considered apathetic or ignorant, always dependent on their rulers or leaders, marginalized, or for whatever reasons which in the end people only act as objects in political life and in the state administration system. Not only apathetic or ignorant people who need empowerment, people with disabilities also need empowerment because they have deficiencies or inability to live their lives. However, there are also people with disabilities who feel stupid and always depend on the government to live their lives.

The physical disability of people with disabilities affects not only themselves, but also their families. Many of the family members who take care of their family members with disabilities have to take time off from work or out of their jobs because of their responsibilities to care for the disabled family members. Moreover, the administrators and families of people with disabilities experience far greater financial problems than other members of the community. In various parts of the world, the rights of people with disabilities are often not fulfilled and protected. Over time, people with disabilities will also enter a productive age, where people with mild disabilities are able to explore other abilities they have without fixating on their shortcomings. There are also people with disabilities who are the backbone of the family, who are required to be able to meet their personal and family needs, but it is not easy for them to get decent work.

Society assumes that people with a disabilities will not be able to work as effectively as other employees who are not disabled. So for job providers, providing jobs for people with disabilities is the same as pushing companies to the brink of bankruptcy because they have to be willing to provide some tools to make it easier for people with disabilities to support their activities. The problems people with disabilities have to face are not limited to being labeled as different people with physical disadvantages but also related to the social welfare they face. The statement above explains the importance of

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the role of the Government and Regional Government in implementing empowerment for people with disabilities so that people with disabilities can live independently with their business and abilities to meet their life needs.

One of the ways to empower people with disabilities is to empower them to develop their abilities through intensive coaching and training, so that they will have the provision to live independently without depending on others. Empowerment for people with disabilities is an effort to help them ease their burden in achieving their welfare. Empowering people with disabilities is needed to increase their dignity who are already in a weak condition. It is also a process of enabling and preparing them to become independent and improve themselves by relying on their abilities so that they can get out of the trap of poverty and underdevelopment. The results showed that there were people with disabilities over the age of 18 who beg on the streets to expect some money for mercy. In addition, the researcher found that people with disabilities over the age of 18 who began to enter the productive stage (people with mild disabilities) were only at home, so they only became a burden for their family.

This concludes that it is not only the role of the Government and Local Government but also the role of family, environment and even the role of people with disabilities themselves are needed for the advancement of their welfare. The government in carrying out empowerment activities does not necessarily meet and fulfill all the needs of people with disabilities equally. Positive responsibility in which the Government is obliged to participate in meeting the needs of the people in need, it cannot be denied that the state or the Government has limited capabilities in carrying out government affairs. Therefore, if people with disabilities continue to depend on the Government or remain in their comfort zone where they find it easy to do all the work that relies on their shortcomings or without having to work hard, then it does not guarantee their life.

People with disabilities must get out of their comfort zone, try to find talents, skills or other abilities they have, not rely on their shortcomings and also not make their shortcomings an obstacle in carrying out activities. They must be able to be independent without having to depend continuously on the Government to meet their needs.

CONCLUSION

It can be seen that the Banten Provincial Government, especially the Social Service in the Banten Province area, is trying to make people with disabilities in Banten Province get their right to social welfare. However, there are still many limitations in carrying out these obligations. Communities in surrounding environment also need to change their point of view and assumptions about people with disabilities, that not all people with disabilities are unable to do productive things. Employers do not need to worry about providing jobs for people with disabilities, because if they are given training prior to work and are able to master the existing jobs, the company will not go bankrupt.

The government's limitations in carrying out empowerment activities are a benchmark and motivation for people with disabilities to be more independent, not dependent on the government and get out of their comfort zone as a society with disabilities. People with disabilities must be able to be independent and confident in doing a business or other work without feeling that their shortcomings are a barrier. The inhibiting factor for the implementation of the fulfillment of the rights of people with disabilities in the aspect of social empowerment by the Regional Government is that several aspects of life such as the economy and human resources can encourage or hinder the implementation of the fulfillment of rights in the aspect of social empowerment.

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