AN ANALYSIS OF THE ROLE OF THE INTERNATIONAL LABOUR ORGANIZATION IN THE DISCRIMINATION OF PEOPLE WITH DISABILITIES IN INDONESIA DURING 2015-2020

UNDERGRADUATE THESIS

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STATEMENT OF ACADEMIC INTEGRITY

STATEMENT OF ACADEMIC INTEGRITY

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No other materials are used other than those contained. I have read and understood the university's rules and procedures regarding plagiarism.

Making false statements is considered a violation of academic integrity.

November 1st 2023



Erdy Richard Umboh

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LIST OF ABBREVIATION

BPS	: Badan Pusat Statistik
BUMN	: Badan Usaha Milik Negara
BWI	: Better Work Indonesia
CPNS	: Calon Pegawai Negeri Sipil
CRPD	: Convention on the Rights People with Disabilities
DPO	: Disabled People Organization
HAM	: Hak Asasi Manusia
IR	: International Relation
KEMNAKER	: Kementrian Ketenagakerjaan
LSM	: Lembaga Swadaya Masyarakat
MoU	: Memorandum of Understanding
PPDI	: Persatuan Penyandang Disabilitas Indonesia
PROPEL	: Promoting Rights and opportunities for People with Disabilities in Employment through Legislation
UN	: United Nations
UNDP	: United Nations Development Programme
WHO	: World Health Organization

ABSTRACT

This thesis discusses an analysis of the role of the International Labour Organization in the discrimination of People with Disabilities in Indonesia during the period of 2015-2020. The aim of this research was to determine what the ILO in Indonesia did for People with Disabilities in regard to employment issues during this time frame. The problems of People with Disabilities in the professional world are complex to the point that the Indonesian Government needs assistance from the International Organization (ILO) to overcome them. To conduct this research, the author used the theory of international organization by Clive Archer, where the Indonesian Government considered the role of the ILO important in the overcoming of the problems of People with Disabilities in the world of work. The author also used the concept of the Role of International Organizations to determine how the ILO performed during this time period and what has been done. The method used to write this research is a qualitative research method which uses books and scientific journals as writing sources. From the research results, it is evident that, during 2015-2020, the ILO had an important role in providing support and assistance to Indonesia in the overcoming of the problems of People with Disabilities in the world of work.

Keywords: International Labour Organization, People with Disabilities, World of Work.

CHAPTER I

INTRODUCTION

1.1 Background

It cannot be denied that the number of problems occurring in the economic world continues to increase. The high number of applicants and the minimal availability of job opportunities makes the situation in many countries, including Indonesia, a serious problem. If there were a lot of job opportunities in Indonesia there might be fewer problems, but in reality job opportunities in Indonesia are still very limited. This causes a lot of poverty in Indonesia, and one group particularly affected is people with disabilities. When discussing economic, political, and social issues, there will, of course, be the involvement of human welfare or society in the country being discussed. The level of human welfare can be seen from the status of work, and so work becomes a significant matter to be discussed. Work, according to Wiltshire, refers to the occurrence of activities (Wiltshire, 2016).), the time and effort spent, and the rewards earned. Rewards here can be in the form of money or in other forms. For this reason, the determination of whether Indonesian people are prosperous or not can be observed from the unemployment rate of the Indonesian people in the last 5 years.

In the last 5 years, Indonesia has experienced ups and downs in the unemployment rate, especially for disabled unemployment. In 2015 the percentage of unemployed people was 6.18%, which was the highest percentage compared to 2015-2020, because in 2015 there were still many forms of discrimination against people with disabilities, such as a lack of job opportunities for them and also a lack

of equality in the job recruitment process. The large number of unemployed people in Indonesia as well as the number of people with disabilities, coupled with a lack of adequate skills and abilities, has resulted in increasing levels of unemployment. However, this situation is often misused by irresponsible individuals in the work or social sphere, as the author has mentioned above, by discriminating against those who have disabilities, especially physical ones. There are still many companies that will sort and select workers and to avoid recruiting people with disabilities. For example, government companies, BUMN, BUMD, and private companies (Emaliana and Manuaba, 2022). This contributed to the percentage of unemployed people with disabilities in 2015 being the highest compared to other years (Badan Pusat Statistik, 2020).

Data on workers with disabilities in Indonesia can be compared to Singapore. Based on data from SG Enable (2023), according to data from the Singapore government, in 2021 and 2022, approximately 31.4% of residents with disabilities between the ages of 15 to 64 were employed. Additionally, 3.0% were unemployed and actively seeking employment, while the remaining 65.7% were not participating in the workforce. Many of those individuals mentioned poor health or disability as the primary reason for not being in the labor force. The data shows that the percentage of people with disabilities who are unemployed is higher than in Singapore.

The International Labor Organization (ILO) is a non-state actor in the study of International Relations. The ILO is an international organization that focuses on the field of work, and the focus of this study is the role the ILO played in regards to discrimination against people with disabilities in the world of work in Indonesia.

As a new phenomenon that has attracted international attention, this case illustrates that the current condition of the international system requires the role and cooperation of *non-state actors* in various aspects of social, political, and economic life. The ILO is an International Organization that focuses on handling issues related to the world of work, including marginalized people such as mothers and children and people with disabilities. In Indonesia it is not only government agencies, such as the Ministry of Manpower (Kemnaker), that focus on problems in the world of work, but also an international organization that stands under the auspices of the United Nations, namely the ILO. The ILO seeks to encourage the creation of employment opportunities for people with disabilities and non-disabled persons, both women and men, to obtain decent, free, fair and safe work (ILO).

To deal with the high unemployment rate in Indonesia for people with disabilities, the Indonesian government cooperates with the ILO. The form of cooperation can be seen from the legal framework and policies on people with disabilities adopted by the ILO's organizational countries. In some countries, these policies are in the form of laws or regulations that require employers to create special employment opportunities for People with Disabilities, in this case a quota for people with disabilities who want to work (International Labour Organization). The government has begun to carry out various steps to support the implementation of these policies and laws. Such measures include financial support to employers, which is intended as an incentive to ensure that employing people with disabilities does not incur additional costs or other problems for employers, and support services to ensure that relevant technical advice is provided and that any issues raised are resolved immediately. Some employers directly recruit people with

disabilities, while others are more careful when it comes to recruiting people with disabilities. Companies are more likely to offer trial work to gain work experience before deciding to hire, as this is required by law. Employers are required to provide work-related support to ensure that people with disabilities can carry out their work effectively (International Labour Organization).

In this research, Archer's theory can provide an in-depth analytical framework to understand the dynamic role of international organizations such as the ILO in social and human rights issues, including the rights of people with disabilities. It also provides a strong theoretical context to illustrate how the ILO should play a role in addressing discrimination against workers with disabilities. Thus, researchers can recommend steps that need to be taken by the ILO or the Indonesian government based on this in-depth theoretical analysis.

The results of the collaboration between the Indonesian government and the ILO are evident in the data on the percentage of unemployed disabled people, which has decreased. In 2016, the number of them who were unemployed in Indonesia began to decline compared to the previous year to 5.61%. Then it dropped drastically in 2019 to reach 5.28% (Statistik, 2019) Finally, in 2020, the number of disabled workers reached 7.67 million people or 5.98% of the total working population (Ahdiat, 2022). This is concrete evidence of the positive outcomes of the cooperation between the international organization and the government.

Given this background, the author will discuss the role of international organizations in regards to people with disabilities in the world of work in Indonesia. Therefore, the author has titled this study: "An Analysis of the Role of

the International Labour Organization in the Discrimination of People With Disabilities in Indonesia during 2015-2020".

1.2 Research Question

Based on the background that has been described, the formulated problem is: What was the ILO's role in handling discrimination cases for People with Disabilities in the Employment World in Indonesia for the 2015-2020 period?

1.3 Research Objectives

This research aims to describe the role of the International Labor Organization (ILO) and explain the importance of the influence of international organizations in the case of this study. The following are the research objectives of this study:

1. To describe the operational role of the ILO as a non-state actor in providing assistance in handling work for people with disabilities in Indonesia.
2. To explain the importance of the influence of international organization assistance in the handling of issues of people with disabilities in the working world of a country.

1.4 Research Scope

The 2015-2020 time period was chosen because of the very significant rise and fall in unemployment rates according to data from the Central Statistics Agency. This data then becomes a reference source that can be used to continue this research. Of the choices of international organizations, the ILO was chosen because

of its role in making policies and working with the Indonesian government to overcome employment problems in accordance with the ILO's focus.

This research will focus on the role of the International Labor Organization (ILO) in dealing with and overcoming the problems of people with disabilities in the workforce during the period of 2015-2020. This research will be useful academically and practically. The focus of the research period is 2015-2020 to obtain comprehensive and reliable data. Analyzing a specific time frame with sufficient and relevant data allows for a more in-depth and accurate analysis of ILO activities and outcomes. By focusing on a specific time frame, the researcher can narrow their scope and analyze the impact of ILO interventions during these years.

1.5 Literature Review

For this study, the author used several main references. The studies outlined in the following paragraphs include research on the topic of the role of international organizations, especially the role of the ILO as a non-state actor, and research on problems in the world of work.

The first journal is entitled "The Role of the ILO (International Labor Organization) in the Protection of Labor for TKW (Women Workers) in Malaysia" by Handy Effendi. In this study, Handy discussed the frequent occurrence of torture of TKW, which has accelerated in the last 10 years. Indonesian migrant workers who are located outside the country, especially migrant workers who work in Malaysia, often experience problems, such as abuse, sexual harassment and others. Handy also explained the indifference of the attitude of the Indonesian government to immediately address the problem. Thus, an approach is needed to make Indonesia

more responsive to dealing with such problems. One such approach is becoming a member of the ILO. In contrast to this study, Handy focused more on the role of the ILO in handling labor standards in the Malaysian government to eliminate violence in the world of work. This differs from the subject of this study as the author emphasizes the position of the ILO as an organization that has the authority to regulate and collaborate with the Indonesian government to better accommodate Indonesian people with disabilities in the workplace.

The second journal has the title "The Role of the ILO (International Labor Organization) in Handling Work Accidents in the Garment Industry in a Bangladesh Case Study of the 2013 Rana Plaza Tragedy" and was written by Harri Tambuari Tambun. In this journal, Harri Tambuari Tambun discusses problems related to work accidents that are often experienced by workers. Tambun explained how the ILO attempted to deal with these problems. The journal details the worst disaster that occurred during this time which was the collapse of a garment factory building in Savar City, Bangladesh. As a result of this incident, 1135 employees died and more than 3000 employees were injured due to falling building debris. The incident has gone down in history as the worst factory disaster with origins in garment manufacturing in Bangladesh and is also the worst disaster of industrial origins in modern times. Harri Tambuari Tambun stated that the ILO sent a high mission to Bangladesh as a reaction to the collapse of the Rana Plaza building. A major objective was to determine a goal to be carried out based on the urgency of the incident by considering the number of victims and the level of destruction caused by the incident. Based on this objective, a tripartite joint statement was formed which was issued by tripartite colleagues and the ILO on 4 May 2013.

Through this joint statement, the ILO and the tripartite bodies identified the core issue of the case and formulated a concept of activity (action plan) with the aim of strengthening labor supervision, increasing understanding of occupational health and safety and employee rights, and rehabilitating and upgrading skill nurseries for employees with disabilities resulting from work accidents. The concept of the activity received support from the European Union as an important importer of Bangladeshi garment commodities. The research conducted by Harri Tambuari Tambun differs from the author's research, in that Harri focused on discussing the role of the ILO in issues of workplace accidents that occur in Bangladesh, while the author of this present study is focused on cases of discrimination experienced by people with disabilities in Indonesia in the workplace.

The third journal is entitled “ILO Legal Protection against Child Labor Under International Law” and was written by Tengku Azlanshah Alsani. In his journal, Tengku stated that child labor is an act of children carrying out types of work that have a character or seriousness that can interfere with learning, security, health and development. Tengku questioned the role of the ILO, which is an international labor organization, in protecting children from labor based on international law and ILO conventions. The difference between the research conducted by Tengku and the research conducted by the author lies in the efforts undertaken by the ILO. In the research that the author conducted, the focus is on the role of the ILO in regards to people with disabilities, while the research conducted by Tengku focused on the ILO convention itself – what concrete actions the ILO takes to stop the employment of minors. In contrast to Tengku who explained the role of the ILO in terms of the legal force of the ILO convention itself,

this author is more concerned with examining the role of the ILO as an initiator and facilitator for people with disabilities in Indonesia workplaces.

This fourth journal was written by Fitria Budi Widya Hanny and has the title 'The Role of International Labor Organization (ILO) Through PROPEL Project (Promoting Rights and Opportunities for People with Disabilities In Employment Through Legislation) - Indonesia, Penja Kepposatan Indonesia'. This journal discusses the role of the ILO through the PROPEL project in Indonesia. The author stated that the ILO is the main actor in dealing with the circumstances of people with disabilities in Indonesia. However, it is also highlighted that there are internal and external barriers that occur because of the idea in Indonesia that disability is shameful and should not be exposed.

The final journal, written by Budi Ardianto and Mochammad Farisi, is entitled 'Legal Protection for Persons with Disabilities in Finding Work Based on the International Covenant on Economic Social and Cultural Rights 1966 and Law Number 13 of 2003 concerning Manpower'. This journal discusses international and national law for people with disabilities and the effectiveness of these laws in the realm of work. The authors argued that the law is sufficient to protect people with disabilities, be it national or international law. However, several regulations have not explained how people with disabilities can find work, thus job opportunities for people with disabilities must be expanded immediately.

1.6 Research Framework

This research uses the function of International Organizations theory. This theory explains that that we have to know how the international system works. The system requires input to produce output. And in the international system, input can be requests from international actors such as peace, prosperity, welfare, and others. Then these requests are aggregated by these actors together, either bilaterally, multilaterally, or in forums and finally produce something as output. International organizations are a pattern of cooperation that crosses national boundaries, based on an organizational structure that has a clear scope and carries out functions on an ongoing basis to achieve mutually agreed goals, both between the government and other governments, as well as fellow non-governmental groups in different countries (Rudy, 2009). International organizations have and carry out a number of important roles, namely providing a means of cooperation between countries in various fields where this cooperation provides benefits for most or all of its members. In addition to the place where decisions regarding this cooperation are made, it also provides administrative tools to translate decisions into action. International organizations also provide various communication channels between countries' governments so that they can be explored and will make access easier if problems arise (Bennet, 1995). According to Clive Archer, there are 9 functions that can be used to understand the role and function of international organizations (Archer, Role and Function International Organization, 2001). The 9 functions is :

1. Articulation and aggregation. The first function of international organizations is as a tool for countries to articulate and aggregate their

national interests. This aggregation and articulation of interests is usually carried out in international discussion or negotiation forums.

2. Norms International organizations have played an important role in the international world which has helped create new values and norms in international relations.
3. Recruitment International organizations have quite an important function in recruiting members and participating in the international political system.
4. Socialization This means gaining individual loyalty from all members of the system. The organization will encourage its members to act in a cooperative manner and not damage existing norms.
5. Rule makers. The international system does not have formal rule makers such as governments, therefore regulations are made by themselves. Regulations can be in the form of old customs that have been accepted and in the form of agreements between countries.
6. Implementation of regulations. Regulations that have been made will be submitted and implemented by the state. International organizations often only observe the implementation of regulations by states.
7. Ratification of regulations. The next function of international organizations is to ratify regulations in the international system.
8. Information International organizations also function to collect information, disseminate information and provide information.
9. Operations International organizations carry out operational functions like governments such as providing aid and technical services.

However, in this research, the author will also use 5 of the 9 existing functions, namely aggregation and articulations, socialization, operations, rule makers, and implementation of regulation (Archer, Role And Function International Organization, 2001). This is because the 5 functions used are the functions that are most relevant to the topic being discussed, namely the role of the ILO in discrimination against people with disabilities. This will be explained in more detail in the analysis in Chapter 3.

With these approaches, the author will be able to answer the research question because the subject of his research focuses on the role of the ILO, which is an international organization, in making policies and collaborating with the Indonesian government to overcome the problems in labor issues in accordance with what is the focus of the ILO.

1.7 Provisional Argument

This research is important because it relates to the theory of International Relations due to its discussion of the function of the International Labor Organization (ILO), which is a specialized organization and has an important role in providing support and assistance for Indonesia in overcoming the problems of People with Disabilities in the world of work. There are numerous people with disabilities in the workplace and discrimination is becoming increasingly prevalent among workers, especially for people with disabilities. The ILO has *collaborated* with Indonesia. This collaboration has been to solve the problem of inequality experienced by people with disabilities in the workplace. The presence of the ILO provides a solution for people with disabilities, especially in the world of work in

Indonesia, both in the form implementation of their functions as the author has explained in the theoretical framework which the author takes five of the nine functions of international organizations according to Clive Archer, namely the function as a aggregation and articulation, as a socialization, as a rule maker, the function as a rule implementer and the function as operational to complete the analysis of this research.

1.8 Research Method

1.8.1 Type of the Research

Data for a study can be collected from various sources. Data sources are secondary data. For this reason, the types and sources of data in this study are secondary data as supporting data or complementary data from primary data. The data included in secondary data, includes data obtained from literature, such as books, articles, journals, briefs and electronic news. The secondary data in this study is literature both written and in electronic media that discusses the ILO and people with disabilities in Indonesia.

1.8.2 Subject and Object of the Research

Researchers determine research subjects based on the problems to be studied, which here is the role played by the ILO in the handling of cases of discrimination in the workplace against people with disabilities in Indonesia. This means that the subject of this research is the International Labor Organization (ILO) and the object is the role played by the ILO in the handling of cases of discrimination in the workplace against people with disabilities in Indonesia.

1.8.3 Method of Data Collection

Data for a study can be collected from various sources. In this research author used secondary data. For this reason, the types and sources of data in this study are secondary data as supporting data or complementary data from primary data. Data considered secondary data include data obtained from literature, such as books, articles, journals, briefs and electronic news. The secondary data in this study is literature both written and in electronic media that discusses the ILO and people with disabilities in Indonesia.

1.8.4 Process of the Research

The author chose data based on sources that can be accounted for. Data was observed to make it easier to understand and, from this process, the author took the important and accurate points and data. Data was selected carefully to ensure it was related to the topic in order to be able to answer the formulated problem formulation and complete the analysis.

1.9 Chapter Structure

This research has been divided into 4 chapters consisting of various sub-chapters. The chapters are as follows:

A. CHAPTER I : INTRODUCTION

This chapter is the initial part of the research. It consists of the background, research question, research purpose, research significance, research scope, literature review, theoretical framework, research method and research process.

B. CHAPTER II : THE ILO AS AN INTERNATIONAL ORGANIZATION AND THE FORM OF DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES

This chapter will discuss the origins of the ILO's founding, the ILO's objectives, the ILO's presence in Indonesia and the discrimination of People with Disabilities in the employment world in Indonesia.

C. CHAPTER III : THE ROLE OF THE ILO IN HANDLING DISCRIMINATION OF PEOPLE WITH DISABILITIES IN THE WORLD OF EMPLOYMENT IN INDONESIA USING THE THEORY OF INTERNATIONAL ORGANIZATION

This chapter will discuss the ILO's role in dealing with discrimination against people with disabilities, especially in the workplace in Indonesia, using International Organization theoryThe discussion starts from the success of the ILO in implementing its role based on international organization theory, supported by several factors including collaboration with the Indonesian government. Also discussed is the ILO's success in carrying out its duties in fighting for the rights of People with Disabilities in the world of employment in Indonesia, as well as details specifically regarding the implementation of the theory of the role of international organizations. The discussion ends with the successes, obstacles and shortcomings of the ILO in handling cases of discrimination against people with disabilities.

D. CHAPTER IV : CONCLUSION

This chapter briefly reviews the International Organization attachment, then focuses on the use of the role of International Organizations and ends with the

success of the ILO itself. In this chapter, the author also makes suggestions for future research.

CHAPTER II

ILO AS AN INTERNATIONAL ORGANIZATION AND A FORM OF DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES

2.1. International Labour Organization and Its Role

The International Labour Organization (ILO) is a tripartite body. The United Nations (UN), which focuses on labor issues, and the ILO headquarters are located in Geneva. This organization has 180 member countries and is unique among other UN agencies in that its tripartite structure places governments, organizations, employers and trade/labor unions in an equal position in determining programs and policy-making processes. The ILO was formed under the Treaty of Versailles in 1919 marked by the end of the First World War and reflects the belief that peace can be achieved through cooperation which can be achieved when forming an international organization, which in this case is the formation of the ILO. The ILO's founders are committed to fighting injustice, suffering and poverty (ILO, International Labour Organization, n.d.).

The ILO seeks to achieve three main objectives (ILO, Sekilas Tentang ILO), namely: realize fundamental principles and rights at work, create opportunities for women and men to obtain decent jobs, and increase the reach and effectiveness of social protection for all. In order to realize the goals of the ILO, the following things are carried out:

a. Formulating international policies and programs to promote human rights, improving working conditions and expanding employment opportunities;

b. Creating international labour standards – supported by a unique system to monitor their implementation – which serve as a guideline for international authorities in implementing policies;

c. Creating an extensive program of international technical cooperation formulated and implemented in active partnership with constituents to help countries implement these policies effectively; and

d. Training, education, research, and publication to support these efforts.

In order to realize the goals of the ILO, which focuses on employment issues, it is necessary to have a special program to ensure the smooth running of the ILO's goals. The program issued by the ILO on disability is PROPEL which aims to improve the rights of people with disabilities in the world of work. Thus, people with disabilities who have a desire to work will be given training so that they have the skills and expertise to maximize job opportunities for them. In the planning stage, PROPEL in Indonesia has established relationships with multiple partners. Partners from PROPEL-Indonesia include the Ministry of Social Affairs, the Ministry of Manpower and Transmigration, Workers' and Employers' Organizations, Organizations of Persons with Disabilities, Universities, and Mass Media (Press, Promoting Rights and opportunities for People with Disabilities in Employment through, 2016). This indirectly explains that the partnerships that PROPEL-Indonesia has established are not only with the government, but also with organizations and the mass media. The ILO hopes for progress through the creation of PROPEL- Indonesia. The goals of PROPEL-Indonesia include creating better job opportunities for men and women with disabilities, through creating an enabling

legal and policy environment, increasing skills opportunities and development measures to eliminate discrimination.

The aim of PROPEL-Indonesia is not only to discuss the creation of better job opportunities for men and women with disabilities, but for people with disabilities to gain skills and education through programs from PROPEL-Indonesia, such as through training for people with disabilities so that they have qualified skills to compete in the world of work. In addition, by increasing the skills of people with disabilities, they will be able to actively influence the national economy through losses in competitiveness, productivity, and income which is also the hope of the PROPEL-Indonesia program itself. In addition, the aim of PROPEL-Indonesia is to eliminate discrimination in the employment world. The main essence of the PROPEL-Indonesia program is the elimination of discrimination and the existence of equality between people with disabilities and non-disabled people in the world of work for both men and women (ILO, PROPEL, 2016).

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2.2 ILO In Indonesia

The slowdown in the movement of the economy has had an impact on Indonesia's employment sector. The Central Statistics Agency (BPS) noted that within one year the disability unemployment rate in Indonesia had increased by 300 thousand people. Head of BPS said the number of unemployed people with disabilities in February 2016 had increased compared to August 2015, amounting to 210 thousand people. Meanwhile, compared to February 2016, there were an increase of 300 thousand people. Based on BPS data, disability unemployment for

undergraduate (S1) graduates in February 2016 was 5.34 percent compared to February 2017 which was only 4.31 percent. Likewise, diploma graduates experienced an increase in unemployment from 5.87 percent in 2018 to 7.49 percent in 2019. And unemployment for vocational school graduates increased from 7.21 percent to 9.05 percent in 2020. Meanwhile for elementary, middle and high school education levels. SMA experienced a decline, respectively from 3.69 percent to 3.61 percent, 7.44 percent to 7.14 percent, and 9.10 percent to 8.17 percent (Badan Pusat Statistik, 2020) . 13 Apart from the problem of disability unemployment, the population and a very large area, Indonesia is very at risk of the emergence of disabilities. This is due to natural conditions that are prone to disasters, social situations that are prone to conflict, high levels of poverty and accident rates as well as poor health services which then result in low levels of public health.

The ILO cooperates with the Indonesian government to support technical assistance, capacity building, advocacy, formulation, policy, and dissemination of workers' issues including workers with disabilities in Indonesia. A cooperative relationship is a relationship between workers and employers that occurs after an agreement is entered into by workers and employers in which workers state their willingness to receive wages and employers state their willingness to employ workers by paying wages (RI, 2022).

International cooperation is a meeting place for the interests of various countries and nations that cannot be fulfilled within their own country. International cooperation is also an aspect of international relations. The main issue of international cooperation is based on the extent to which mutual benefits will be obtained through cooperation in order to support the conception of unilateral and

competitive interest actions(Dougherty, 2000). Indonesia has been part of the ILO since 1950, and cooperation between Indonesia and the ILO has been carried out through 3 (three) activities, namely the implementation of international labor standards, attendance at ILO meetings or forums, and technical cooperation through programs/projects ILO (KEMLU, 2022).

International cooperation is formed due to international interactions covering various fields, such as political ideology, economics, social, environmental, cultural, protection and security. International cooperation can also be defined as a series of relationships that are not based on violence or coercion and have been legally authorized. This is what the ILO and the Indonesian government are currently undertaking. There are several forms of cooperation that have been carried out to date, such as the Vocational Rehabilitation for Persons with Disabilities in Indonesia program, efforts made by the ILO to promote the right to employment opportunities for persons with disabilities in Indonesia through a program called PROPEL (Promoting Rights and Opportunities for Persons with Disabilities in Employment through Legislation), empowering groups of people with disabilities, realizing access to special facilities and infrastructure for persons with disabilities, and finally the ILO and the government carrying out monitoring in the world of work. Indonesia also succeeded in ratifying the CRPD through Law No. 19 of 2011 which ratified and enforced the Disability Law No. 8 of 2016. Revision of the Law was carried out making the articles contained within it clearer on what sanctions would be and that sanctions would only be given to individuals who violate the rights of persons with disabilities. As previously explained, after the enactment of this law, the Indonesian government appears to be more confident

that it will be able to overcome the problems that occur in handling discrimination cases, especially among people with disabilities in Indonesia (UI, 2017).

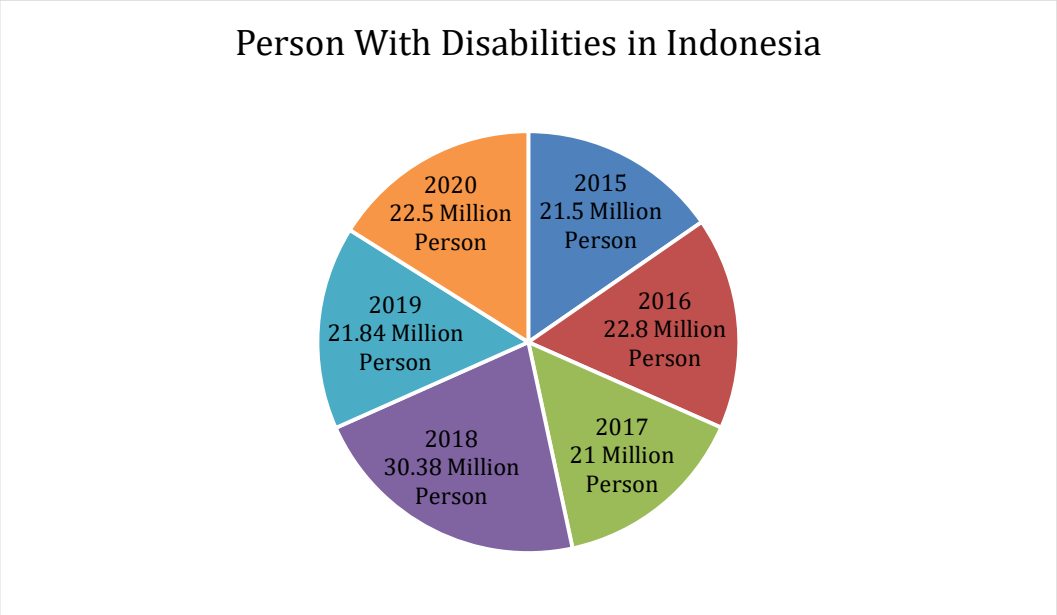
The Government of Indonesia is committed to promoting equal employment opportunities for people with disabilities. In addition to the signing of a memorandum of understanding (MOU) between the Ministry of Manpower (Kemnaker) and the Ministry of State-Owned Enterprises on Placement and Training for Persons with Disabilities in state-owned companies (ILO, ILO Jakarta Special Edition., n.d.) .), in December 2015, the government opened job opportunities as civil servants (PNS) for people with disabilities. This initiative aimed to show the government's caring attitude and also to inspire more companies in the private sector to do the same. The ILO has a concept to achieve a desired process, namely social dialogue, which is defined as negotiation, consultation or simply an exchange of ideas between representatives of employers, workers and the government. Social dialogue can include relations between workers and management, with or without direct government involvement. Social dialogue is a flexible means by which employers and trade unions manage change and achieve economic and social targets.

2.3 Discrimination of People with Disabilities in The Employment World in Indonesia

Indonesia is one of the countries at risk for the emergence of people with disabilities. This is caused by several factors such as Indonesia's geographical conditions which are prone to disasters, social situations which are prone to conflict, high levels of poverty, and low levels of public health caused by a lack of health

services. These all trigger the emergence of physical conditions of disability. It is necessary to have adequate data regarding the population of people with disabilities based on the type of disability and the needs needed. This data provides a basis for formulating and making it easier for the government to plan for the fulfilment of the rights and needs of people with disabilities to improve their welfare. The following is an attachment of data on the number of people with disabilities for 2015-2020.

Graphic 1 Person With Disabilities in Indonesia



Source: (Central Statistic Agency, 2020)

Along with the changing times, the world is paying increasingly more attention to aspects of people's lives, by precipitating aspects of respect for human rights. In terms of human rights, People with Disabilities have equal rights with other people. Even so, complaints are still often felt because People with

Disabilities are considered not independent. Even though the Government of Indonesia has made special regulations for Persons with Disabilities, as stipulated in Law No. 8 of 2016, there are still many levels of discrimination experienced by people with disabilities in the employment world, Various reports from organizations such as the International Labor Organization (ILO) and Human Rights Watch have highlighted specific instances of discrimination and challenges faced by people with disabilities in the Indonesian job market (Watch, 2016). Here's an example:

1. Limited Access to Education and Skills Development: People with disabilities in Indonesia often face barriers to accessing quality education and vocational training. This lack of educational opportunities can hinder their ability to acquire the skills needed for competitive employment. In many cases, schools and training facilities may not be accessible to individuals with physical disabilities.

2. Stereotyping and Prejudice: There is a prevalent societal bias against people with disabilities in Indonesia, which can lead to negative stereotypes and assumptions about their capabilities. This bias can manifest in employers' attitudes, leading to discrimination during the hiring process.

3. Lack of Reasonable Accommodations: Employers in Indonesia may not always provide reasonable accommodations for employees with disabilities,

as required by law. This can include physical modifications to the workplace, assistive technologies, or flexible work arrangements. Without these accommodations, people with disabilities may struggle to perform their job effectively.

4. Low Employment Rate: People with disabilities in Indonesia have a lower employment rate compared to the general population. They often encounter difficulties in securing stable and well-paying jobs, contributing to their economic vulnerability.

5. Wage Disparities: When employed, individuals with disabilities may face wage disparities. They might earn less than their non-disabled counterparts for similar work, perpetuating economic inequality.

6. Limited Legal Protections: While Indonesia has made efforts to protect the rights of people with disabilities through legislation such as the 2016 Law on Persons with Disabilities, implementation and enforcement of these laws can be inconsistent, leaving individuals with disabilities vulnerable to discrimination.

7. Stigma and Isolation: Discrimination can lead to social isolation and stigma, which further marginalizes people with disabilities. This isolation can affect their psychological well-being and overall quality of life.

Efforts are being made by both government and non-governmental organizations in Indonesia to address these challenges and promote the inclusion of people with disabilities in the workforce. However, the issues of discrimination and inequality persist, and ongoing advocacy is necessary to improve the employment prospects and rights of individuals with disabilities in the country.

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CHAPTER III

THE ROLE OF THE ILO IN HANDLING DISCRIMINATION OF PEOPLE WITH DISABILITIES IN THE WORLD OF EMPLOYMENT IN INDONESIA USING THE THEORY OF INTERNATIONAL ORGANIZATION

3. 1 The Role of the ILO in Handling Discrimination in Indonesia using the Function International Organization Theory

In reality, problems related to discrimination against people with disabilities in Indonesia cannot be separated from domestic issues. There are many conflicts that people with disabilities often experience in Indonesia, such as physical discrimination, a lack of equality in the job recruitment process, a lack of job opportunities, and not receiving proper treatment. As we know, people with disabilities in Indonesia also need decent work to reduce unemployment, but their fate has not improved. This is because many companies do not support the rights of people with disabilities, plus there is inequality and discrimination in the recruitment process (DJHAM, 2015).

It is expected that international organizations can ease the burden of a country by providing assistance to help resolve conflicts. International organizations have an important task: they directly help countries expand their capacity to take the steps that have been agreed upon. The presence of international organizations such as the ILO (International Labor Organization) in Indonesia is very helpful because with the presence of this organization the country's concern about conflict is

reduced. The ILO (International Labor Organization) fulfils a country's wishes to deal with conflicts related to discrimination in the world of work. In this case, the discrimination is against people with disabilities in the world of work in Indonesia. The ILO has been collaborating, deliberating, negotiating and exchanging information in order to find a solution. According to Clive Archer's understanding, there are nine functions that can be used to find out whether an international organization is working in accordance with the role and function of an international organization. In this analysis, there are five functions that the author uses from Clive Archer's understanding, namely aggregation and articulation, socialization , operational, implementing regulations and rule makers (Archer, Role and Function of International Organizations, 2001).

3.1.1 Aggregation and Articulation

The first function of international organizations is as a tool for countries to articulate and aggregate their national interests. This aggregation and articulation of interests is usually carried out in discussion forums or international negotiations (Archer, Role And Function International Organization, 2001). In this analysis, what was implemented was that the ILO. First The ILO together with the Indonesian Government actively monitors the continued fulfillment of the rights of persons with disabilities in the world of work. In carrying out this monitoring, in accordance with what is explained in the ILO Guidebook on Management of Persons with Disabilities in the Workplace in the Assessment and Rehabilitation sub-chapter, it is explained that monitoring the suitability of the social security system helps persons with disabilities with the aim of maintaining employment and returning to work (ILO, Mendorong Hak dan Peluang bagi Para Penyandang

Disabilitas Dalam Pekerjaan, 2016). Apart from that, cooperation between the ILO and the Indonesian government, namely the Ministry of Manpower, has created harmonious industrial relations and social protection for all, through social security programs/activities. In this case, the Indonesian Government asks for assistance and input from the ILO to create harmonious industrial relations between workers with disabilities and employers in Indonesia. Second, the policy and main role and activities of the ILO in Indonesia are to encourage equality, consider government priorities, end exploitation in the workplace, produce work programs to minimize shortages in the workplace, improve livelihoods, and carry out social discussions to increase economic development. The real form of the ILO in carrying out cooperation with the Indonesian government can be seen from the policy of the Ministry of Social Affairs which has implemented one of the ILO programs, namely implementing Vocational Rehabilitation for Persons with Disabilities in Indonesia (ILO). Vocational Rehabilitation is a continuous and structured rehabilitation method that provides services (activity education, activity training, and activity placement) to enable people with disabilities to get a job. and the last held discussions or negotiations with Indonesia where the ILO created a forum for the implementation of the Sustainable Development Goals and through the forum provided by the ILO, the Ministry of Manpower and the Ministry of BUMN agreed to collaborate. Organized by the ILO, this Forum is dedicated to Indonesian entrepreneurs to discuss and share experiences in exploiting the untapped market and potential of people with disabilities. For this reason, this Forum aims to increase awareness and understanding of state-owned enterprises and private companies regarding the benefits of employing people with disabilities. This forum is a follow-

up to a similar business forum held in December 2015. In the framework of the signing carried out by the Ministry of Manpower and the Ministry of BUMN, it shows that the Indonesian Government is committed to promoting equal employment opportunities for people with disabilities. Apart from the Ministry of Manpower and the Ministry of BUMN which signed the MoU on Job Training and Placement of Workers with Disabilities, five other BUMNs also signed the agreement in Jakarta. The list of five state-owned companies consists of PT Bank Rakyat Indonesia (Persero), PT Kereta Api Indonesia (Persero), PT Pertamina (Persero), PT Perusahaan Perusahaan Perusahaan PerusahaanELerang Negara (Persero), and PT Telkom Indonesia (Persero). The signing of the MoU was witnessed by the President's Special Staff, Diaz Hendropriyono and Angkie Yudistia, the Director General of Social Rehabilitation of the Ministry of Social Affairs, high-ranking officials from the Ministry of Manpower and the Ministry of BUMN, the Chair of PPDI, and the Chair of the Indonesian Human Capital Forum (PasarDana.ID, 2020).

3.1.2 Socialization

Socialization means to gain individual loyalty from all members of the system. The organization will encourage its members to act in a cooperative manner and not damage existing norms (Archer, Role and Function International Organization, 2001). In this analysis, according to this function, it is implemented that socialization regarding the rights of persons with disabilities in the world of work is one of the keys to realizing respect, protection and fulfillment of the rights of persons with disabilities in the world of work. However, so far the government

rarely carries out outreach or seminars about the rights of people with disabilities, so that the rights of people with disabilities are still discriminated against in the world of work. Realizing this, the ILO, the Indonesian Government and the Indonesian DPO carried out independent outreach programs to various state-owned companies (BUMN) and private companies regarding the employment system for people with disabilities. These outreach activities were not only directed at company leaders, but also at people with disabilities. This is done to encourage and increase awareness of people with disabilities regarding their rights that must be fought for. However, the outreach carried out by the ILO and DPO in Indonesia towards people with disabilities is still lacking, because there are still people with disabilities who are not yet aware of their rights, in fact some people with disabilities do not know about the existence and forms of struggle for DPOs in Indonesia, especially for people with disabilities in Indonesia (ILO, 2015).

3.1.3 Operations

Based on their operational function, international organizations carry out operational functions like governments such as providing aid and technical services (Archer, Role And Function International Organization, 2001). An international organization is a tool or means that can be used by its members to achieve a certain goal by aligning the actions of the members that will be carried out to achieve that goal (Archer, International Organization 3rd Edition, 2001). In analysis of operational functions, the ILO carries out its operational functions by providing technical assistance and services where the ILO has created and provided media, training centers, recruitment and placement agents through PROPEL-Indonesia

(ILO, Mendorong Hak dan Peluang bagi Para Penyandang Disabilitas Dalam Pekerjaan, 2016). The creation of the ILO and PPDI collaboration with the aim of fighting for the rights of people with disabilities in Indonesia is considered as having been quite successful in uniting groups of people with disabilities based on their type of disability. All Indonesian groups of people with disabilities support the collaboration between the ILO and PPDI, because PPDI is the bridge for all organizations. In advocating for the rights of people with disabilities, PPDI and its network organization DPD PPDI (PPDI Regional Representative Council) have received support from various organizations of people with disabilities (DPO) at the national or local level.

Another effort by the ILO-government of Indonesia is in the conducting of pre-employment training for people with disabilities to encourage and improve their knowledge regarding the importance of participating in the world of work. This can be seen from the disability training organized by Rumah Ramah Disabilitas. In this activity, dozens of people with disabilities were invited to take part in various activities, ranging from listening to seminars with competent speakers to participating in digital marketing training to fashion design This aims to create skilled and quality abilities among people with disabilities. Thus, it can be seen that, the ILO and DPOs in Indonesia received support from the government of Indonesia to conduct pre-employment education and training for people with disabilities (ILO, 2015).

3.1.4 Implementation of regulations

Based on its function as implementing regulations, the regulations that have been made will be submitted and implemented by the state. International organizations often only observe the implementation of regulations by states (Archer, Role and Function International Organization, 2001). In this analysis, the implementation of regulations where the regulations that have been made will be submitted and implemented by the state and then international organizations will only make observations. This is proven by how the ILO as an international organization works by observing Indonesia as a country that accepts regulations to allow people with disabilities to work. An example of this competition is PROPEL-Indonesia which seeks to increase awareness of the rights of people with disabilities and many more (Organization, 2016).

3.1.5 Rule Makers

In the rule-making function, it is explained that the international system does not have formal rule-makers such as governments, therefore regulations are made by themselves. Regulations can be in the form of old customs that have been accepted and in the form of agreements between countries (Archer, Role And Function International Organization, 2001). In this analysis the ILO also plays an important role where the ILO created PROPEL-Indonesia to increase the general public's awareness of the issue where people with disabilities cannot work, so that with this regulation, people with disabilities can also have the opportunity to work regardless of their disability (ILO, PROPEL, 2016). the ILO, the government of Indonesia and the DPO of Indonesia carried out an independent outreach program

to various state-owned companies (BUMN) and the private sector regarding the employment system for people with disabilities. These socialization activities were carried out not only for company leaders, but also for people with disabilities. This is done to encourage and increase the awareness of people with disabilities of their own rights that must be fought for. However, even with the socialization carried out by the ILO and DPOs in Indonesia, awareness of people with disabilities of their own rights is still lacking. Some don't even know about the existence and form of the struggle of DPOs in Indonesia, especially for people with disabilities in regional areas. Implementation of the theory of international organizations as an arena is also evident in the employment world program of the ILO and the government of Indonesia which deals with para workers with disabilities in the employment world. One of these programs is manifested in the form of special access for persons with disabilities. For example, companies provide parking spaces for people with disabilities right in front of the office or company, to make it easier for people with disabilities to enter office buildings (KASONGAN, 2020).

3.2 The ILO Success in Empowering People with Disabilities in the Employment World in Indonesia

Empowerment of people with disabilities by the ILO can be applied using Archer's theory. Clive Archer views international organizations, including the ILO, as actors that must fight for equality and human rights for people with disabilities. Through this approach, people with disabilities can gain the necessary skills to enter the job market, increase their competitiveness, and feel more confident in seeking employment. Based on this, the ILO can fight for equality rights, access to

education and health services, and fair and equal treatment for persons with disabilities in all aspects of life.

The ILO's success in dealing with people with disabilities in the employment world in Indonesia using the International Organization theory can be demonstrated through the form of cooperation that the ILO has carried out with the Indonesian Government. Even though Indonesia is still in the early stages of implementing the law on Persons with Disabilities, the Indonesian Government supports the ILO program for Persons with Disabilities in employment issues in Indonesia, one of which is BWI (Better Work Indonesia).

Better Work Indonesia is part of the Better Work Global Program and is one of the ILO's projects that aims to improve compliance with labour standards and increasing competitiveness in the apparel industry through mentoring and training services for people with disabilities tailored to the needs of each factory. The background to the establishment of the BWI program is a goal focussed on the welfare of people with disabilities by honing their skills. The BWI program started in 2011 with a focus on geographic areas in JABODETABEK, including Purwakarta, Subang and Karawang. So far, there are 71 garment companies registered in the BWI program and more than 100 factories that already know about this program in Indonesia. BWI has now entered the 2nd phase of implementing its program and expanding its scope of work in West Java and Central Java.

Simon Field, as the BWI program manager, stated that the BWI program is a form of collaboration between the ILO, the government, employers, workers as well as international buyers to increase compliance with labour standards and

continuous improvement for the garment industry in Indonesia (ILO, Peluncuran Program Better Work Indonesia Tahap 2., 2013).

BWI is concrete proof that the ILO has successfully implemented a program and received support from the government of Indonesia. BWI encourages garment companies to provide employment opportunities for people with disabilities. This is manifested in the form of providing human resources (HR) with disabilities who have standard garment industry competencies. For this reason, BWI provides a "Sewing Machine Operator" Training scholarship for 40 Persons with Disabilities who meet the requirements and pass the selection to attend training. These people will later be recommended to work in garment factories (BWI, 2014). BWI's success is not only visible from one period, but many as sewing machine operator training is also implemented in several organizations, one of these being the Cheshire Foundation Indonesia. The chairman of PPDI, Gufron Syakaril, explained that the sewing training has been implemented until now with the aim that people with disabilities who do not have activities can hone their abilities and produce a work or known as "craft". These handicrafts will be sold through an online shop, or a bazaar held on certain occasions. For example, bazaars are held on the Day of Persons with Disabilities, which is December 3, when there is always a commemoration. The proceeds from the sale are divided in two, with a certain percentage going to the foundation and a certain percentage going to the people with disabilities who made the handicrafts.

Referring to the role in international organizations theory, the International Organization is used by its member countries to achieve certain goals based on the interests of the country. Making the people of Indonesia more prosperous is a goal

Indonesia, and people with disabilities are part of the Indonesian people. Thus, one of the goals of the government of Indonesia in the welfare of its people has been to establish a program with the ILO, as outlined above, namely implementing the Better Work Indonesia program for the purposes of the interests of the Indonesian state. (Pakpahan, 2018).

3.3 Factors Inhibiting the ILO from carrying out its Role

As previously explained, the ILO has succeeded in implementing theories and concepts of the role of international organizations, especially in dealing with cases of discrimination against people with disabilities in the world of work in Indonesia. However, what is called success cannot, of course, be separated from the obstacles in its implementation. In implementing its programs, the ILO experienced obstacles when trying to optimize the sustainability of its programs for people with disabilities in the world of work. In other words, the ILO faced obstacles when fighting for the rights to employment opportunities for people with disabilities in Indonesia. There were internal and external inhibiting factors experienced by the ILO in implementing work programs to minimize the level of discrimination for people with disabilities in employment world (Yulianti Rajagukguk and Saiman Pakpahan, 2018).

Internal obstacles originate from one's self and their closest circle, namely the family. Obstacles originating from the individual relate to self-confidence. Most people with disabilities consider themselves abnormal. This assumption makes them insecure. Some people with disabilities think that they are unfit to work and socialize with other humans.

The external obstacles faced by the ILO originated from the community, entrepreneurs, and government institutions. In this case, Indonesian society is considered an obstacle because there are still many people who do not understand what disability is, and society makes it difficult for people with disabilities to be accepted as "normal". Discrimination and negative stigma from society towards people with disabilities makes people with disabilities feel like they are marginalized.

There is also another external factor, namely entrepreneurs. There are still many employers who do not employ people with disabilities. Even though Law No. 8 of 2016 and government regulations related to employing people with disabilities in companies have been widely socialized to business actors in Indonesia, the obstacles and shortcomings are very visible here: funding. The ILO has regular donors from several countries who are concerned about this employment issue; however, the problem is the high level of disability unemployment in Indonesia which ultimately requires the ILO and the Indonesian government to provide more funds. The funds that have been collected by the ILO and the Indonesian government are not enough to finance people with disabilities who are not working to have a decent living welfare.

For this reason, the author further advises all elements in Indonesia, especially the ILO, that there is still a deficiency and obstacle for this international organization to provide strict sanctions against perpetrators of discrimination against people with disabilities, from the smallest scope, namely the family, to the biggest, namely the government. The author believes that providing strict sanctions

against perpetrators of discrimination will minimize the level of discrimination faced by people with disabilities, both in the workplace and in their social lives.

BAB IV

CONCLUSION

4.1 Conclusion

The ILO's efforts in ensuring the rights of people with disabilities in the workplace have been carried out systematically and in accordance with the theory function of the roles of international organizations in every stage of employment recruitment in Indonesia. These efforts have been carried out starting from making policies (conventions), outreach programs, and job skills training, to evaluating how many companies have employed people with disabilities. The cooperation carried out by the ILO and the Indonesian government has undergone quite significant changes in terms of respect, protection and fulfilment of the rights of people with disabilities in Indonesia in relation to the workplace. Initially there were no regulations specifically regarding employment or people with disabilities; however, as the number of cases of discrimination felt by people with disabilities when looking for work increased, the Indonesian government passed law no. 11 of 2016 concerning persons with disabilities.

The results of this analysis indicate that the ILO has shown a caring attitude towards people with disabilities. The strategy implemented by the ILO was to collaborate with Indonesian government institutions in accordance with the theory of the role of international organizations along with five functions. namely aggregation and articulation, socialization , operational, implementing regulations and rule makers, the ILO together with the Indonesian government succeeded in socializing the rights of people with disabilities in the employment world.

Cooperation was created between the ILO and PPDI with the aim of fighting for the rights of people with disabilities through cooperation and empowering groups of people with disabilities. As well as supporting this the collaboration carried out between the ILO and the Indonesian government, facilities and infrastructure were designed for people with disabilities. ILO has succeeded in collaborating with the Indonesian government through the Ministry of Social Affairs, including forming vocational rehabilitation facilities for people with disabilities in Indonesia.

These approaches are elements that prioritize cooperation between countries and non-state actors, namely international organizations. These approaches have included organizing groups of people with disabilities (PPDI as a mediator), collaborating with national level institutions, conducting pre-employment training for people with disabilities, conducting outreach programs with employers, and monitoring aspects of respecting, protecting and fulfilling the rights of people with disabilities in the workplace. In addition, the ILO has succeeded in increasing the participation of people with disabilities in seeking work.

With this, it can be concluded that the ILO is included in the category of international organization based on the role and function of its international organization. This can be proven by the existence of five functions of international organizations according to Clive Archer which the author uses, namely aggregation and articulation, socialization , operational, implementing regulations and rule makers. It is these three functions that categorize the ILO as an international organization based on several movements carried out by the ILO itself.

Nonetheless, there is still much for the ILO to do in terms of the prevention of acts of discrimination experienced by people with disabilities in the workplace.

Efforts thus far have not been implemented optimally in accordance with what expected by the ILO. However, importantly, current efforts to socialize the rights people with disabilities in the workplace are not the sole responsibility of advocacy in streets, as they have already entered the official regulations that have been set into law.

4.2 Recommendation

Based on the conclusions of this analysis, the author has some suggestions or recommendations. Firstly, for the government, it is hoped that the government will be more cooperative in conducting socialization so that entrepreneurs who opens job vacancies are better facilitated. The government and employers must be aware that the rights of people with disabilities to get a job are in accordance with the convention (CRPD) that has been ratified by the Government of Indonesia. For people with disabilities, it is hoped that they are more aware of their rights and open up without having to feel different from non-disabled people.

For the ILO, it is hoped that there will be more intensive socialization regarding efforts to respect, protect and fulfil the rights of people with disabilities, especially those who are in regional areas. Greater cooperation with Indonesian government agencies and DPOs is expected, in order to minimize cases of discrimination against people with disabilities in Indonesia in the world of work.

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