

## KORESPONDENSI

**Judul** : THE CORPORATE SOCIAL RESPONSIBILITY POLICY IN THE  
FULFILLMENT OF FACILITIES FOR WORKERS WITH DISABILITY  
**Jurnal** : International Journal of Research In Business and Social Science  
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3	Article Revision	17 September 2022	9-14
4	Online Publish	26 September 2022	15



I Wayan Gde Wiryawan &lt;gdewiryawan1976@gmail.com&gt;

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# The Corporate Social Responsibility Policy in the Fulfillment of Facilities for Workers with Disability

**I Wayan Gde Wiryawan**

*Corresponding Author: Faculty of Law, Universitas Mahasaraswati Denpasar, Bali, Indonesia*

*Email: gdewiryawan@unmas.ac.id*

## Abstract

*The issue of people with disabilities or people who have different abilities is now known as "diffable" (differently abled people) or now known as "disability" is a problem that on a practical level rarely gets the attention from the government, companies and community. In fact, the international community really appreciates and respects the protection of the human rights of persons with disabilities. This can be seen in the Convention on the Rights of Persons with Disabilities which is an international agreement on the protection of the rights of persons with disabilities. This international agreement was adopted on 13 December 2006 at the United Nations Headquarters in New York, and opened for signature on 30 March 2007. Indonesia itself has signed the Convention on the Rights of Persons with Disabilities on 30 March 2007 and ratified on 30 November 2011. The implication is that the state is obliged to guarantee the fulfillment of the right of people with disabilities to find work. The rights for persons with disabilities do not only end there, but also include the right to have a work area that is friendly to persons with disabilities. To fulfill these rights, companies are expected to implement corporate social responsibility policies. The corporate social responsibility is a business commitment to act ethically, operate legally and contribute to economic development along with improving the quality of life of its workforce. In this study, it will be discussed about how the formulation of corporate social responsibility in the laws and regulations in Indonesia and how to fulfill facilities for disabled workers within the framework of corporate social responsibility policies.*

**Key words:** *corporate social responsibility, disability, rights, labor*

**JEL classification:** O15, P36

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## Introduction

The attention of people around the world has looked at people with disabilities as people who must get the same treatment as society in general, the world's attention to people with disabilities is stated in Resolution Number A/61/106 of the United Nations General Assembly regarding the Convention on the Rights of

Persons with Disabilities (Convention on the Rights of Persons with Disabilities). The international community values and respects the protection of the human rights of persons with disabilities (Malik et al., 2021; Itasari & Mangku, 2021). This can be seen in the Convention on the Rights of Persons with Disabilities which is an international agreement on the protection of the rights of persons with disabilities. This international treaty was adopted on 13 December 2006 at United Nations Headquarters in New York, and opened for signature on 30 March 2007. The international convention was signed by 82 signatories to the Convention, 44 signatories to the Optional Protocol, and 1 ratification of the Convention. The highest number of signatories to the UN Convention in history on its opening day. The Convention on the rights of persons with disabilities is the first comprehensive human rights treaty of the 21st century and is the first human rights convention open for signature by regional integration organizations (Winzer & Mazurek, 2017; Pertiwi & Margaretha, 2022).

In the Convention on the Right of Persons with Disabilities (CRPD) in 2007 in New York, United States, countries in the world agreed that people with disabilities are people who have physical, mental, intellectual, or sensory limitations in the long term (Márton et al., 2013). In addition, in interacting with the environment, there can be obstacles that make it difficult to participate fully and effectively. The emphasis on the meaning of disability in this concept is that there is a long-lasting functional impairment and causes limited participation in society. Indonesia itself has signed the Convention on the Rights of Persons with Disabilities on March 30, 2007 and ratified on November 30, 2011. As a nation that always places recognition of human dignity as human rights, the recognition and guarantee of human rights are laid down in Article 28 I paragraph (4) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). Every Indonesian citizen (WNI) gets recognition in equal rights and obligations. Every citizen has the same opportunity in terms of work to earn a decent living. Every citizen in question including a person with a disability. Persons with disabilities are people who experience physical, intellectual, mental, and or sensory limitations for a long period of time; therefore, a person with a disability will experience obstacles and difficulties in interacting with the environment.

Idris (2021) define disability can manifest as physical or cognitive problems, stemming from various genetic factors, accidents, external circumstances, or advanced age. Furthermore, according to Ayuningtyas et al. (2022), disability refers to people with a lack of work capacity or the inability to work, someone who was born with a disease, or people with other conditions that are usually age-related and can affect anyone. The definition of persons with disabilities in Indonesian laws and regulations are:

- a. According to UN Resolution Number 61/106 dated December 13, 2006, persons with disabilities are individuals who are unable to provide for themselves, in whole or in part, the normal individual needs and/or social life, as a result of their disability, whether congenital or not in terms of their physical or mental abilities.
- b. In Law number 39 of 1999 concerning Human Rights, persons with disabilities are a vulnerable group of people who are entitled to more treatment and protection with regard to their specificity.
- c. In law number 11 of 2009 concerning social welfare, persons with disabilities are classified as part of a society that has a life that is not humanely appropriate and has criteria for social problems.
- d. In Law number 19 of 2011 concerning the Ratification of the Rights of Persons with Disabilities, persons with disabilities are people who have physical, mental, intellectual or sensory limitations for a long period of time who in interacting with the environment and public attitudes may encounter obstacles that make it difficult to participate fully and effectively on the basis of equal rights.
- e. In Law Number 4 of 1997 concerning Persons with Disabilities, persons with disabilities are any person who has physical and/or mental disabilities that interfere with or are obstacles for them to perform properly, consisting of persons with physical disabilities, mental disabilities, and physically and mentally disabled.
- f. In Law number 8 of 2016 concerning Persons with Disabilities states that persons with disabilities are any person who experiences physical, intellectual, mental, and/or sensory limitations for a long period of time who in interacting with the environment may experience obstacles and difficulties to participate actively, fully and effectively with other citizens based on equal rights.

Disabilities." Based on the title and what has been described in this introduction, it can be clearly seen that the problems that are the subject of discussion in this paper are regarding the formulation of corporate social responsibility in the laws and regulations in Indonesia and the fulfillment of facilities for disabled workers within the framework of corporate social responsibility policies.

## Literature Review

(Mohon tambahkan literature review 3-4 paragraf)

John Elkington in 1997 through his book "Cannibals with Fork, the Triple Bottom Line of Twentieth Century Business" developed the triple bottom line concept in terms of economic prosperity, environmental quality and social justice. Elkington gives the view that companies that want to be sustainable must pay attention to the "3Ps". In addition to pursuing profit, companies must also pay attention to and be involved in fulfilling the welfare of the community (people) and actively contribute in preserving the environment (planet) (Wibisono 2007). CSR is a form of corporate responsibility to the environment for social care and environmental responsibility without neglecting the ability of the company. The implementation of this obligation must pay attention to and respect the cultural traditions of the community around the location of the business activity (Disemadi, H. S., & Prananingtyas, P., 2020).

Corporate Social Responsibility (CSR) strategies in line with the triple bottom line (economic, social, and environmental goals) (Velte, P., 2021). Chuck Williams states that: "The purpose of companies implementing CSR is to provide the best benefits to stakeholders by fulfilling economic, legal, ethical and policy responsibilities. The responsibilities include the following:

1. Economic responsibility. The main motive of the company is to make a profit. Profit is the foundation of the company. Companies must have economic added value as a prerequisite for companies to survive and develop.
2. Legal liability. Companies must obey the law. In the process of making a profit, the company must not violate the policies and laws that have been set by the government.
3. Ethical responsibility. The company has an obligation to carry out good, true, and fair business practices. Community norms need to be a reference for the company's organizational behavior. The key word: be ethical.
4. Philanthropic responsibilities. In addition to the company must earn profits, obey the law and behave ethically, companies are required to be able to make a contribution that can be felt directly by the community. The goal is to improve the quality of life for all. The owners and employees who work in the company have a dual responsibility, namely to the company and to the public which is now known as non-fiduciary responsibility" (Napitupulu, 2001).

Persons with disabilities are a diverse group of people, including persons with disabilities who have physical disabilities, mental disabilities or a combination of physical and mental disabilities. The condition of persons with disabilities may have little impact on their ability to participate in society, or even have a large impact that requires support and assistance from others (International Labor Officer, 2006). Law Number 8 of 2016 concerning Persons with Disabilities defines that Persons with disabilities are any person who experiences physical, intellectual, mental, and/or sensory limitations for a long period of time who in interacting with the environment may experience obstacles and difficulties to participate fully and effectively with the environment. There is also a negative stigma from society regarding persons with disabilities as a family disgrace or curse, thus hiding their existence and giving discriminatory treatment. The discrimination experienced by persons with disabilities include:

- 1) Attitude discrimination occurs when persons with disabilities are socially excluded due to a feeling of discomfort and neglect of the general public (not persons with disabilities). This form of discrimination can be in the form of negative language or expressions by the general public that demean persons

with disabilities. Another form that may occur is that they are excluded from the community because usually people still underestimate the ability of people with disabilities to achieve something, including doing a job.

- 2) Environmental discrimination occurs when public services, buildings and transportation are not designed by considering access for people with disabilities.
- 3) Institutional discrimination occurs when existing laws clearly discriminate against or obscure the rights of persons with disabilities, making them second-class people without the right to vote, own land, go to school, have a family, and have children (Australia Indonesia Partnership of Justice, 2014).

The World Health Organization (WHO) states disabilities is a condition where a person experiences limitations due to a physical disability, making it difficult to access all public facilities and infrastructure (Rahmayuni, Y., Usman, J., & Rahim, S., 2021). In protecting people with disabilities from various forms of discrimination, especially discrimination in finding work and in the work environment, various policies within the framework of corporate social responsibility are needed.

## Methodology

This paper is a normative juridical scientific paper, in which the writing uses a literature study with secondary data focusing on finding references to the theory of calming the formation of corporate social responsibility for persons with disabilities. Literature review as a secondary basis comes from literary sources obtained from books, documents, scientific journals, articles that are strengthened by legal sources originating from legislation, doctrine, jurisprudence including dictionaries as scientific translators of standard words. After the library sources have been collected, an assessment is carried out in the discussion to obtain answers to the problems before drawing a conclusion as an answer to the problems raised. From these conclusions, recommendations can be made.

## Results and Discussion

Human Resources is an important organ in the company. In its implementation, human resources have 9 scope strategies including: work, planning, recruitment and selection, performance management, human resource development, reward management, employee relations, employee downsizing and orderliness (Soelistijo, 2013; Muda, 2014; Sembiring, 2016; Aryanto et al., 2015). The nine scopes of these strategies have a relationship with each other that will build harmony within a company; therefore, the company can run well to achieve the goals of the company itself.

The source of human resources is how the ability of humans is needed based on the position, type of work, workload, ability of workers and competitiveness between workers. These points are also affected by the physical condition of the workers, even though human rights place humans as equal before the law and government, still the paradigm of the quality and quantity of performance of a person with a disability and a non-disabled person cannot be placed in an equal position in the certain sectors. People with disabilities have fundamental rights like humans in general. People with disabilities receive special treatment which is intended as an effort to protect against vulnerability to various human rights violations. Law Number 19 of 2011 concerning the Convention on the Rights of Persons with Disabilities, Article 1 states that the purpose of this convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

The Minister of Manpower explained that the total number of people with disabilities in Indonesia is around 21 million people. Of this amount, approximately 11 million people are included in the age of the workforce and 96.31 percent of them have worked in various sectors of work. The informal sector is the field that most people with disabilities are interested in. This proves that people with disabilities have skills and competencies in life even though they have physical limitations. People with disabilities are part of Indonesian society, as Indonesian citizens and citizens with disabilities have equal rights, obligations, opportunities and roles in all aspects of life. In the business world, the existence of Corporate Social

A company must be able to provide job facilities. The facilities provided must be friendly to people with disabilities in order to make the work easier. These results are in satisfying work and do not make the company lose money.

4. The ease of providing opportunities for persons with disabilities to develop careers in work. Persons with disabilities have the right to choose the work they want, including through self-employment, developing partnerships and starting their own business. All of this needs to be balanced with the provision of skills to develop the quality and creativity of the products produced to suit market demands, including other entrepreneurial skills. Another thing that is no less important is the easy access to the capital for persons with disabilities.

The absence of discrimination in the workplace can be indicated by, among others, the absence of termination of employment on the grounds of disability; accessibility (physical or non-physical) in place; a work environment that is safe and comfortable and free from all forms of harassment; an equal pay system in which disabled employees are not paid less than non-disabled employees for the same position; opportunities to access technical expertise, continuing skills and career development programs.

## Conclusions

Corporate social responsibility is a company's long-term commitment to improving the quality of the company's environment both internally and externally. The company's corporate social responsibility is applied in activities that touch social aspects, education, skills training and economic aspects. The formulation of corporate social responsibility in Indonesia is strictly regulated in Law Number 25 of 2007 concerning Investment, Law Number 40 of 2007 concerning Limited Liability Companies, Law Number 23 of 1997 concerning Environmental Management, Law Number 4 of 2007 2009 concerning Minerals and Coal and Law Number 22 Year 2001 concerning Oil and Gas. In the implementation of corporate social responsibility for workers with disabilities, the employers are required to provide supporting facilities for disabled workers, fulfillment of facilities for workers with disabilities. Within the framework of corporate social responsibility, the policies carried out by employers are to provide types of work that are in accordance with the abilities of disabled workers, provide facilities for people with disabilities that are easily accessible to work with disabilities both physically and non-physically, provide facilities for people with disabilities to get opportunities to develop careers with the same opportunities as other non-disabled workers.

Indonesia already has laws and regulations that oblige entrepreneurs in corporate social responsibility to ensure continuity and provide equal employment opportunities to persons with disabilities based on the concept of human rights equality. It only applies to entrepreneurs who carry out business activities in sectors that are in direct contact with nature; therefore, the government should start adopting western country laws that have required corporate social responsibility to all business sectors to be able to absorb disabled workers in more capacities, with the broader placements and types of work. This action will greatly assist the government in poverty alleviation and human empowerment programs based on equal human rights. Talking about the fulfillment of facilities for disabled workers, specific and detailed rules regarding the form, type and standard of facilities for disabled workers cannot be found in existing laws and regulations; therefore, the company will formulate its own types and forms of facilities used in the company. It will be very helpful for the employers if it has been determined by the state in a legal regulation regarding the type, form and standard of assistance facilities for disabled workers.

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# The corporate social responsibility policy in the fulfillment of facilities for workers with disability

I Wayan Gde Wiryawan

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## ABSTRACT

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