

REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

NUMBER 52 OF 2019

ON

SOCIAL WELFARE IMPLEMENTATION

FOR PERSONS WITH DISABILITIES

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that to implement the provisions of Article 96 of Law Number 8 of 2016 on Persons with Disabilities, it is necessary to issue a Government Regulation on Social Welfare Implementation for Persons with Disabilities;

Observing : 1. Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 8 of 2016 on Persons with Disabilities (State Gazette of the Republic of Indonesia of 2016 Number 69, Supplement to the State Gazette of the Republic of Indonesia Number 5871);

HAS DECIDED:

To issue : GOVERNMENT REGULATION ON SOCIAL WELFARE IMPLEMENTATION FOR PERSONS WITH DISABILITIES.

CHAPTER 1
GENERAL PROVISIONS

Article 1

In this Government Regulation:

1. Social Welfare means a condition for the fulfilment of the material, spiritual, and social needs of citizens in order to live a decent life and be able to develop themselves, so as to carry out their social functions.
2. Persons with Disabilities mean any person with long-term physical, intellectual, mental, and/or sensory limitations who may, in interacting with the environment, experience any barriers and difficulties to fully and effectively participate with other citizens on the basis of equal rights.
3. Accessibility means any convenience provided to Persons with Disabilities in order to realize the equal opportunities.
4. Social Rehabilitation for Persons with Disabilities hereinafter referred to as Social Rehabilitation means a process of refunctionalization and development to enable Persons with Disabilities to be able to carry out their social functions reasonably in society.
5. Social Protection for Persons with Disabilities hereinafter referred to as Social Protection means all efforts directed at preventing and addressing the risks of social shocks and vulnerabilities so that the survival of Persons with Disabilities can be met in accordance with minimal basic needs.
6. Empowerment means an effort to strengthen the existence of Persons with Disabilities in the form of climate growth and potential development so that they will be able to grow and develop into tough and independent individuals or a group of Persons with Disabilities.
7. Social Security for Persons with Disabilities hereinafter referred to as Social Security means an institutionalized

scheme to ensure that all Persons with Disabilities are able to meet the basic needs of their decent lives.

8. Institutions in the Field of Social Welfare for Persons with Disabilities hereinafter referred to as Institutions mean institutions to carry out Social Rehabilitation carried out either by the central government, local governments, or the society.
9. Social Welfare Institutions (*Lembaga Kesejahteraan Sosial*), hereinafter abbreviated as LKS, mean social organizations or social associations that carry out the implementation of social welfare formed by the society, both incorporated and unincorporated.
10. Central Government hereinafter referred to as the Government means the President of the Republic of Indonesia holding the power of the government of the Republic of Indonesia assisted by the Vice President and the ministers as referred to in the 1945 Constitution of the Republic of Indonesia.
11. Local Governments mean the regional heads as an element of the Local Governance organizing the execution of government affairs which is the authority of the autonomous regions.
12. Minister means the minister administering the governance in the social affairs.

Article 2

Social Welfare implementation for Persons with Disabilities aims to:

- a. meet the basic needs of Persons with Disabilities;
- b. ensure the implementation of the social functions of Persons with Disabilities;
- b. improve dignified Social Welfare for Persons with Disabilities; and
- c. create a society of inclusion.

Article 3

The Social Welfare implementation for Persons with

Disabilities as referred to in Article 2 must consider the variety, needs, and degree of vulnerability of Persons with Disabilities.

Article 4

- (1) The Minister, ministers/leaders of related institutions, governors, and regents/mayors are obligated to undertake the Social Welfare implementation for Persons with Disabilities.
- (2) The Social Welfare implementation as referred to in section (1) includes:
 - a. Social Rehabilitation;
 - b. Social Security;
 - c. social Empowerment; and
 - d. Social Protection.

Article 5

- (1) The Minister, ministers/leaders of related institutions, governors, and regents/mayors are obligated to ensure access for Persons with Disabilities to obtain Social Rehabilitation, Social Security, social Empowerment, and Social Protection.
- (2) The access as referred to in section (1) must be beneficial for Persons with Disabilities.

CHAPTER II

SOCIAL REHABILITATION

Part One

General

Article 6

Social Rehabilitation as referred to in Article 4 section (2) point a is intended to restore and develop the ability of Persons with Disabilities who experience social dysfunction in order to reasonably carry out their social functions.

Article 7

The targets of Social Rehabilitation are aimed at:

- a. Persons with Disabilities;
- b. families of Persons with Disabilities;
- c. groups of Persons with Disabilities; and/or
- d. communities of Persons with Disabilities.

Article 8

- (1) Social Rehabilitation aimed at the targets as referred to in Article 7 is carried out persuasively, motivatedly, and coercively.
- (2) Social Rehabilitation as referred to in section (1) is carried out by families, society, and Institutions.

Article 9

- (1) Social Rehabilitation carried out persuasively as referred to in Article 8 section (1) is in the form of invitations, recommendations, and appeals so that Persons with Disabilities or groups of Persons with Disabilities are willing to be involved in Social Rehabilitation.
- (2) Social Rehabilitation carried out motivationally as referred to in Article 8 section (1) is in the form of encouragement, motivation, praise, and/or appreciation so that Persons with Disabilities or groups of Persons with Disabilities are involved in Social Rehabilitation.
- (3) Social Rehabilitation carried out coercively as referred to in Article 8 section (1) is in the form of coercive actions by professional social workers against Persons with Disabilities under certain conditions in the Social Rehabilitation process.
- (4) Coercive actions as referred to in section (3) are taken as the last effort in the best interest of Persons with Disabilities by taking into account the variety of disabilities, the needs and degrees of vulnerability of Persons with Disabilities, as well as respect for human rights.

Article 10

- (1) Social Rehabilitation as referred to in Article 6 consists of:
 - a. basic Social Rehabilitation; and
 - b. advanced Social Rehabilitation.
- (2) Basic Social Rehabilitation as referred to in section (1) point a is an effort made to restore the social functioning of Persons with Disabilities, families of Persons with Disabilities, groups of Persons with Disabilities, and/or communities of Persons with Disabilities carried out inside and outside the institution.
- (3) Advanced Social Rehabilitation as referred to in section (1) point b is an effort made to develop the social functioning of Persons with Disabilities, families of Persons with Disabilities, groups of Persons with Disabilities, and/or communities of Persons with Disabilities carried out inside and outside:
 - a. vocational rehabilitation center;
 - b. integrated social rehabilitation center;
 - c. social rehabilitation unit; and
 - d. social rehabilitation sub-unit.

Article 11

- (1) Basic Social Rehabilitation as referred to in Article 10 section (1) point a becomes the responsibility of the governors and regents/mayors.
- (2) Advanced Social Rehabilitation as referred to in Article 10 section (1) point b becomes the responsibility of the Minister.

Article 12

Basic or advanced Social Rehabilitation as referred to in Article 10 section (1) is provided in accordance with the needs of Persons with Disabilities based on the assessment of professional social workers.

Article 13

- (1) Social Rehabilitation is provided to Persons with Disabilities who have been registered in the national data on Persons with Disabilities.
- (2) In the event that a Person with a Disability to be granted Social Rehabilitation has not been registered in the national data of Persons with Disabilities as referred to in section (1), Social Rehabilitation may be provided in conjunction with the registration process in the national data of Persons with Disabilities.
- (3) Registration as referred to in section (2) is carried out in accordance with the provisions of legislation.

Part Two

Form of Social Rehabilitation

Article 14

- (1) Social Rehabilitation is carried out in the form of:
 - a. motivation and psychosocial diagnosis;
 - b. care and fostering;
 - c. vocational training and entrepreneurship coaching;
 - d. spiritual mental guidance;
 - e. physical guidance;
 - f. social guidance and psychosocial counselling;
 - g. Accessibility services;
 - h. social assistance;
 - i. resocialization guidance;
 - j. further guidance; and/or
 - k. reference.
- (2) In addition to the form as referred to in section (1), Social Rehabilitation may be in the form of:
 - a. physical therapy;
 - b. spiritual mental therapy;
 - c. psychosocial therapy;
 - d. therapy for sustainable livelihoods;
 - e. support for the fulfilment of the needs of a decent life;

- f. Accessibility support; and/or
 - g. other forms that support the social functioning of Persons with Disabilities.
- (3) Other forms that support the social functioning of Persons with Disabilities as referred to in section (2) point g are determined by the Minister by taking into account the development of science and technology and based on the results of the assessment of the needs of Social Rehabilitation.

Article 15

- (1) Psychosocial motivation and diagnosis as referred to in Article 14 section (1) point a is an effort made to prepare Persons with Disabilities to participate in Social Rehabilitation and understand the psychosocial problems of Persons with Disabilities.
- (2) Motivation as referred to in section (1) is carried out by inviting, encouraging, and directing Persons with Disabilities to be willing to participate in the Social Rehabilitation process.
- (3) The motivation as referred to in section (2) is carried out by a professional social worker or a group of fellow Persons with Disabilities.
- (4) The psychosocial diagnosis as referred to in section (1) is carried out after carrying out an assessment of the physical, psychological, social, spiritual, and cultural aspects of Persons with Disabilities and the group of Persons with Disabilities.
- (5) The psychosocial diagnosis as referred to in section (4) is carried out by a professional social worker.
- (6) Psychosocial motivation and diagnosis as referred to in section (1) is carried out on basic Social Rehabilitation and advanced Social Rehabilitation.

Article 16

- (1) Care and fostering as referred to in Article 14 section (1) point b is an effort to maintain, protect, care for, and nurture Persons with Disabilities.

- (2) The care and fostering as referred to in section (1) is carried out by providing special protection.
- (3) The care and fostering as referred to in section (2) is carried out by the family of the Person with Disabilities or a substitute family accompanied by a professional social worker.
- (4) The care and fostering as referred to in section (1) is carried out on basic Social Rehabilitation and advanced Social Rehabilitation.

Article 17

- (1) Vocational training and entrepreneurship coaching as referred to in Article 14 section (1) point c is an effort to provide skills to Persons with Disabilities to be able to live independently and/or productively.
- (2) Vocational training and entrepreneurship coaching as referred to in section (1) is carried out by developing and channeling interests, talents, potentials, and creating productive activities, as well as developing relationships.
- (3) Vocational training and entrepreneurship coaching as referred to in section (2) is carried out by instructors and/or training personnel based on the results of the assessment of the interests, talents, potentials, needs, and plans of the Persons with Disabilities concerned.
- (4) Vocational training and entrepreneurship coaching as referred to in section (1) is carried out on advanced Social Rehabilitation.

Article 18

- (1) Spiritual mental guidance as referred to in Article 14 section (1) point d is an activity to strengthen the self-acceptance of Persons with Disabilities for their condition of disability.
- (2) Spiritual mental guidance as referred to in section (1) is in the form of providing knowledge about the faith in accordance with the religion or belief adopted.
- (3) Spiritual mental guidance as referred to in section (2) is carried out by a spiritual mental guide.

- (4) Spiritual mental guidance as referred to in section (1) is carried out on basic Social Rehabilitation.

Article 19

- (1) Physical guidance as referred to in Article 14 section (1) point e is an activity carried out so that Persons with Disabilities can carry out daily activities.
- (2) Physical guidance as referred to in section (1) is carried out by increasing the willingness and ability to behave in a healthy manner as well as training daily life skills and providing assistive devices.
- (3) Physical guidance as referred to in section (2) is carried out by a professional social worker.
- (4) Physical guidance as referred to in section (1) is carried out on basic Social Rehabilitation.

Article 20

- (1) Social guidance and psychosocial counselling as referred to in Article 14 section (1) point f are activities to foster self-confidence and self-adjustment ability of Persons with Disabilities within the environment, family, and society.
- (2) Social guidance and psychosocial counselling as referred to in section (1) is carried out by means of consultations, family meetings, and involvement in public activities.
- (3) Social guidance and psychosocial counselling as referred to in section (2) is carried out by professional social workers.
- (4) Social guidance and psychosocial counselling as referred to in section (2) may involve fellow Persons with Disabilities.
- (5) Social guidance and psychosocial counselling as referred to in section (1) is carried out on basic Social Rehabilitation.

Article 21

- (1) Accessibility services as referred to in Article 14 section

- (1) point g is the provision of facilities for Persons with Disabilities in Social Rehabilitation in order to realize equal rights and opportunities.
- (2) Accessibility services as referred to in section (1) is carried out by means of structuring the physical and nonphysical environment.
- (3) Accessibility services as referred to in section (2) is carried out by the Minister, ministers/leaders of related institutions, governors, and regents/mayors.
- (4) Accessibility services as referred to in section (1) is carried out on basic Social Rehabilitation and advanced Social Rehabilitation.

Article 22

- (1) Social assistance as referred to in Article 14 section (1) point h is an effort aimed at Persons with Disabilities who experience social shocks and vulnerabilities in order to live reasonably.
- (2) Social assistance as referred to in section (1) is carried out by providing assistance in the form of money, goods, or services.
- (3) Social assistance as referred to in section (2) is carried out by the Minister, ministers/leaders of related institutions, governors, and regents/mayors.
- (4) Social assistance as referred to in section (1) is carried out on basic Social Rehabilitation and advanced Social Rehabilitation.

Article 23

- (1) Resocialization guidance as referred to in Article 14 section (1) point i is an activity to prepare Persons with Disabilities and groups of Persons with Disabilities to be able to fully participate in society.
- (2) Resocialization guidance as referred to in section (1) is carried out by implementing:
 - a. guidance on the readiness of Persons with Disabilities and groups of Persons with Disabilities;

- b. guidance on the readiness of families of Persons with Disabilities and the society;
 - c. social guidance on social life; and
 - d. stabilization and distribution.
- (3) Resocialization guidance as referred to in section (2) is carried out by a professional social worker.
- (4) Resocialization guidance as referred to in section (1) is carried out on advanced Social Rehabilitation.

Article 24

- (1) Further guidance as referred to in Article 14 section (1) point j is an activity to monitor, evaluate, and strengthen the independence of Persons with Disabilities.
- (2) Further guidance as referred to in section (1) is carried out by:
- a. monitoring health developments and changes in the behavior of Persons with Disabilities;
 - b. monitoring the activities of Persons with Disabilities in the families of Persons with Disabilities or substitute families and the community of Persons with Disabilities;
 - c. conducting family consultations on obstacles that occur and efforts to deal with them;
 - d. monitoring the support or role of community leaders and environment; and/or
 - e. monitoring the development of Persons with Disabilities in work or entrepreneurship.
- (3) Further guidance as referred to in section (2) is carried out by a professional social worker.
- (4) Further guidance as referred to in section (1) is carried out on advanced Social Rehabilitation.

Article 25

- (1) The reference as referred to in Article 14 section (1) point k is a transfer of services to another party so that Persons with Disabilities obtain advanced services and/or services as needed.

- (2) The reference as referred to in section (1) is made by:
 - a. identifying the problems and needs of Persons with Disabilities;
 - b. identifying reference services that are appropriate to the problems and needs of Persons with Disabilities; and
 - c. contacting and handing them over to the reference institution.
- (3) The reference as referred to in section (2) is made by a professional social worker.
- (4) The reference as referred to in section (1) is carried out on basic Social Rehabilitation and advanced Social Rehabilitation.

Article 26

- (1) Physical therapy as referred to in Article 14 section (2) point a is intended to optimize, maintain, and prevent damage or impairment of physical functioning of Persons with Disabilities.
- (2) Physical therapy as referred to in section (1) is carried out by means of therapeutic exercises, massage, traditional massage and electronic therapy, support of assistive devices, and psychosocial training and support for Persons with Disabilities.
- (3) Physical therapy as referred to in section (2) is carried out by the therapists in accordance with their competence.
- (4) Physical therapy as referred to in section (1) is carried out on advanced Social Rehabilitation.

Article 27

- (1) Spiritual mental therapy as referred to in Article 14 section (2) point b is a therapy that uses moral, spiritual, and religious values to harmonize the mind, body, and spirit of Persons with Disabilities in an effort to overcome anxiety and depression.
- (2) Spiritual mental therapy as referred to in section (1) is intended to help Persons with Disabilities find meaning in life, overcome anxiety, and depression.

- (3) Spiritual mental therapy as referred to in section (2) is carried out by means of meditation, music therapy, religious worship, and/or therapy that emphasizes harmony with nature.
- (4) Spiritual mental therapy as referred to in section (3) is conducted by religious leaders, professional social workers, and/or other professionals.
- (5) Spiritual mental therapy as referred to in section (1) is carried out on advanced Social Rehabilitation.

Article 28

- (1) Psychosocial therapy as referred to in Article 14 section (2) point c is a collection of therapies to overcome problems that arise in the interaction of Persons with Disabilities with their social environment, either families, groups, communities or society.
- (2) Psychosocial therapy as referred to in section (1) is intended to strengthen and mobilize the potential of Persons with Disabilities and improve self-management skills in their social environment.
- (3) Psychosocial therapy as referred to in section (1) is carried out by conducting various therapies to overcome problems related to cognition, psychic, and social aspects.
- (4) Psychosocial therapy as referred to in section (3) is carried out by professional social workers and/or other professionals.
- (5) Psychosocial therapy as referred to in section (1) is carried out on advanced Social Rehabilitation.

Article 29

- (1) Therapy for sustainable livelihoods as referred to in Article 14 section (2) point d is a variety of activities to increase life productivity and maintain ownership of assets of Persons with Disabilities.
- (2) Therapy for sustainable livelihoods as referred to in section (1) is carried out by improving skills in the work

and/or entrepreneurial environment and its social environment and providing mobility support assistance for Persons with Disabilities.

- (3) Therapy for sustainable livelihoods as referred to in section (2) is carried out by professional social workers and/or other professionals.
- (4) Therapy for sustainable livelihoods as referred to in section (1) is carried out on advanced Social Rehabilitation.

Article 30

- (1) Support for the fulfilment of decent living needs as referred to in Article 14 section (2) point e is an effort to help meet the standard needs of single workers/labourers with disabilities to be able to live physically fit in 1 (one) month.
- (2) Support for the fulfillment of the decent living needs as referred to in section (1) is carried out by:
 - a. providing opportunities for single workers/labourers with disabilities to earn income in accordance with the standards for fulfilling the right to a decent life;
 - b. improving skills and competitiveness for Persons with Disabilities in order to earn a higher income; and
 - c. providing advocacy to employers to meet the standards for fulfilling the right to a decent life.
- (3) Support for the fulfilment of decent living needs as referred to in section (2) is carried out by the Minister and/or ministers/leaders of related institutions.
- (4) Support for the fulfilment of decent living needs as referred to in section (1) is carried out on advanced Social Rehabilitation.

Article 31

- (1) Accessibility support as referred to in Article 14 section (2) point f is an effort to help Persons with Disabilities gain equal access to equipment, public services, and physical and nonphysical environments.

- (2) Accessibility support as referred to in section (1) is carried out by means of dissemination, facilitation, and social advocacy to stakeholders.
- (3) Accessibility support as referred to in section (2) is carried out by the ministers/leaders of the related institutions.
- (4) Accessibility support as referred to in section (1) is carried out on advanced Social Rehabilitation.

Article 32

Further provisions regarding the form of Social Rehabilitation as referred to in Article 15 to Article 31 are regulated by a Ministerial Regulation.

Part Three

Stages of Social Rehabilitation

Article 33

- (1) Social Rehabilitation is carried out in the following stages:
 - a. initial approach;
 - b. disclosure and understanding of the problem;
 - c. preparation of a problem-solving plan;
 - d. problem solving;
 - e. resocialization;
 - f. termination; and
 - g. further guidance.
- (2) The stages in the form of preparing a problem-solving plan and problem-solving as referred to in section (1) point c and point d are carried out in accordance with the form of Social Rehabilitation based on the assessment results of professional social workers.

Article 34

- (1) The initial approach as referred to in Article 33 section (1) point a is an activity consisting of:
 - a. dissemination and consultation;

- b. identification;
 - c. motivation;
 - d. selection; and
 - e. acceptance.
- (2) Dissemination and consultation as referred to in section (1) point a are in the form of efforts to establish cooperation in the form of conveying information about the Institution in order to obtain data support, sources, and find out the feasibility of programs that support Social Rehabilitation services.
 - (3) Identification as referred to in section (1) point b is an effort to recognize and understand the needs of Persons with Disabilities.
 - (4) The motivation as referred to in section (1) point c is an effort to grow awareness and interest of Persons with Disabilities and family support to participate in Social Rehabilitation.
 - (5) Selection as referred to in section (1) point d is an effort to select and determine Persons with Disabilities.
 - (6) Persons with Disabilities who have passed the selection are designated as service recipients.
 - (7) Acceptance as referred to in section (1) point e is an activity of registration and placement of Persons with Disabilities in Social Rehabilitation services.

Article 35

- (1) Disclosure and understanding of problems as referred to in Article 33 section (1) point b is an assessment activity to collect, analyze and formulate problems, needs, potentials, and resources that can be utilized in Social Rehabilitation services.
- (2) The disclosure and understanding of the problem as referred to in section (1) consist of:
 - a. preparation;
 - b. collection of data and information;
 - c. analysis; and
 - d. conference case.

- (3) The preparation as referred to in section (2) point a is an effort to establish a relationship between the professional social workers and the Persons with Disabilities.
- (4) The collection of data and information as referred to in section (2) point b is an effort to obtain data and information of the Persons with Disabilities.
- (5) Analysis as referred to in section (2) point c is an activity of interpreting data and information in order to find problems and needs of Persons with Disabilities.
- (6) The conference case as referred to in section (2) point d is an activity to identify the problem and find out the needs of the Persons with Disabilities.

Article 36

- (1) The preparation of a problem-solving plan as referred to in Article 33 section (1) point c is an activity of determining a service plan for the Persons with Disabilities.
- (2) The preparation of a problem-solving plan as referred to in section (1) includes:
 - a. make a priority scale of the needs of the Persons with Disabilities;
 - b. determine the form and timing of involvement of Persons with Disabilities and their support groups;
 - c. determine the type of service and reference in accordance with the needs of the Persons with Disabilities; and
 - d. make an agreement on the schedule for the implementation of problem solving.
- (3) In the preparation of a problem-solving plan as referred to in section (2), the service provider seeks the active involvement of the Persons with Disabilities and their families.

Article 37

Problem solving as referred to in Article 33 section (1) point d is a stage of problem solving based on a problem-solving plan for Persons with Disabilities.

Article 38

Resocialization as referred to in Article 33 section (1) point e is an effort to prepare for the return of Persons with Disabilities to their families and society.

Article 39

- (1) Termination as referred to in Article 33 section (1) point f is the stage of termination of Social Rehabilitation services.
- (2) The termination as referred to in section (1) includes:
 - a. evaluation of the implementation of Social Rehabilitation services;
 - b. further guidance plan; and
 - c. visits to family and parties related to the life of the Persons with Disabilities.

Article 40

- (1) Further guidance as referred to in Article 33 section (1) point g is an activity to strengthen the independence of Persons with Disabilities after obtaining Social Rehabilitation services.
- (2) Further guidance as referred to in section (1) may be given to Persons with Disabilities who have not achieved the expected social functioning condition.
- (3) In the event that the Persons with Disabilities have achieved the expected social functioning condition, a final termination is made.

CHAPTER III

SOCIAL SECURITY

Article 41

Social Security as referred to in Article 4 section (2) point b is intended to guarantee Persons with Disabilities who experience problems of social and economic disability so that their basic needs are fulfilled.

Article 42

Social Security are aimed at Persons with Disabilities:

- a. who are poor; or
- b. who have no income.

Article 43

- (1) Social Security as referred to in Article 41 is provided in the forms of Social Welfare insurance, sustainable direct assistance, and special assistance.
- (2) Social Security as referred to in section (1) is provided by the Minister, ministers/leaders of related institutions, governors, and regents/mayors.
- (3) Social Welfare insurance, sustainable direct assistance, and special assistance as referred to in section (1) are provided based on national data on Persons with Disabilities.
- (4) The national data on Persons with Disabilities as referred to in section (3) is integrated with the integrated data on the treatment of the poor and the underprivileged.

Article 44

- (1) Social Welfare insurance as referred to in Article 43 section (1) is provided in the form of Social Security contribution assistance.
- (2) Social Security contribution assistance as referred to in section (1) is carried out in accordance with the provisions of legislation regarding the national social security system.

Article 45

- (1) Sustainable direct assistance as referred to in Article 43 section (1) is given to Persons with Disabilities who are poor or have no income whose living needs depend entirely on others.
- (2) Sustainable direct assistance as referred to in section (1) is provided in the form of:

- a. cash for Persons with Disabilities residing in the family and society; or
 - b. services for Persons with Disabilities who are in social institutions.
- (3) Sustainable direct assistance as referred to in section (1) may be provided continuously for life.
 - (4) The provision of sustainable direct assistance as referred to in section (1) to section (3) is carried out in accordance with the financial capabilities of the state.
 - (5) The provision of sustainable direct assistance as referred to in section (1) to section (3) is carried out in accordance with the provisions of legislation.

Article 46

- (1) Special assistance as referred to in Article 43 section (1) includes:
 - a. training;
 - b. counselling;
 - c. temporary care; or
 - d. other related assistance.
- (2) Training as referred to in section (1) point a is in the form of:
 - a. life skills training; or
 - b. occupational therapy.
- (3) Counselling as referred to in section (1) point b is an effort to increase the self-confidence of Persons with Disabilities in order to accept their condition, evaluate weaknesses, and learn to overcome them so as to improve social functioning.
- (4) Temporary care as referred to in section (1) point c is an effort to maintain, care for, and protect Persons with temporary Disabilities.
- (5) Other related assistances as referred to in section (1) point d consist of health care, provision of assistive devices, and/or education in accordance with the provisions of legislation.
- (6) Further provisions regarding the terms and procedures

for providing special assistance as referred to in section (1) point a to point c are regulated by a Ministerial Regulation.

CHAPTER IV SOCIAL EMPOWERMENT

Part One

General

Article 47

Social empowerment as referred to in Article 4 section (2) point c for Persons with Disabilities is intended to empower Persons with Disabilities to be able to fulfil their needs independently.

Article 48

- (1) Social empowerment targets are aimed at Persons with Disabilities, families of Persons with Disabilities, and groups of Persons with Disabilities.
- (2) Social empowerment as referred to in section (1) is given as needed based on the assessment results of professional social workers.
- (3) Social empowerment as referred to in section (1) is carried out based on national data on Persons with Disabilities.

Article 49

Social empowerment as referred to in Article 47 is carried out by the Minister, ministers/leaders of related institutions, governors, and regents/mayors through:

- a. increasing of willingness and ability;
- b. exploration of potential and resources;
- c. exploration of basic values;
- d. grant of access; and/or
- e. provision of business assistance.

Article 50

The increasing of willingness and ability as referred to in Article 49 point a is carried out by:

- a. increasing desire and provision of responsibility for Persons with Disabilities;
- b. improving competency through education, training, technical guidance, and/or skills for Persons with Disabilities; and
- c. increasing the role and participation of Persons with Disabilities in social, political, economic, cultural, and religious development.

Article 51

Exploration of potential and resources as referred to in Article 49 point b is carried out by:

- a. identifying potential and resources of Persons with Disabilities conducted by professional social workers, social welfare workers, or social volunteers; and
- b. assessing the potential and resources of Persons with Disabilities conducted by professional social workers or social welfare workers.

Article 52

The exploration of the basic value as referred to in Article 49 point c is carried out through:

- a. research related to the basic values of living in the society to encourage public participation in the empowerment of Persons with Disabilities; and
- b. dialogue and discussion with local communities related to increasing understanding of the implementation of Social Welfare of Persons with Disabilities.

Article 53

The grant of access as referred to in Article 49 point d is carried out by providing access in the fields of:

- a. education;
- b. health;

- c. social;
- d. employment; and/or
- e. economy.

Article 54

The provision of business assistance as referred to in Article 49 point e is carried out by providing:

- a. access/support to financial institutions;
- b. technical guidance on financial management and marketing; and/or
- b. technical guidance on financial administration.

HASIL RAPAT 18 NOVEMBER 2022

Part Three

Forms

Article 55

Social empowerment as referred to in Article 47 is given in the form of:

- a. diagnosis and provision of motivation;
- b. training and assistance;
- c. provision of stimulants;
- d. increased access to marketing of business results;
- e. institutional and partnership strengthening; and
- f. further guidance.

Article 56

- (1) The diagnosis as referred to in Article 55 point a is made by drawing conclusions from the results of the assessment.
- (2) The provision of motivation as referred to in Article 55 point a is carried out by providing guidance and motivation to support climate growth and the development of the potential of Persons with Disabilities.

Article 57

- (1) The training as referred to in Article 55 point b is carried

out by providing:

- a. skills;
 - b. access to internships in the company; and/or
 - c. technical guidance on business development and use of technology in accordance with the interests and potential of resources.
- (2) The assistance as referred to in Article 55 point b is carried out by providing:
- a. psychosocial assistance; and/or
 - b. work assistance.
- (3) The training and assistance as referred to in section (1) and section (2) are in accordance with the needs of Persons with Disabilities and considering the assessment results of professional social workers in order to meet the needs independently.

Article 58

The provision of stimulants as referred to in Article 55 point c is carried out by assisting business capital in the form of money, goods, and/or access to production and marketing on easy and temporary conditions until the Persons with Disabilities are independent.

Article 59

Increased access to marketing of business results as referred to in Article 55 point d is carried out by:

- a. facilitating the exhibition of superior products;
- b. marketing management guidance and/or training;
- c. facilitating access to market information;
- d. introducing /promoting domestic products;
- e. disseminating new ideas and inventions and ease of affairs of intellectual property rights;
- f. exhibition product demonstration; and/or
- g. providing ease of product distribution channels.

Article 60

The institutional and partnership strengthening as referred to

in Article 55 point e is carried out by:

- a. providing guidance and training in organizational management;
- b. building inter-institutional networks and partnerships to strengthen social Empowerment;
- c. advocating role of institutions and partnerships;
- d. providing dissemination to institutions, the business world, and partners to build the spirit of cooperation and social partnership; and/or
- e. supervising and evaluating.

Article 61

Further guidance as referred to in Article 55 point f is carried out by:

- a. providing consulting services;
- b. monitoring and evaluating business development; and
- c. providing guidance and strengthening.

CHAPTER V

SOCIAL PROTECTION

Article 62

The Social Protection as referred to in Article 4 section (2) point d is intended to prevent and address the risks of social shocks and vulnerabilities of Persons with Disabilities, families of Persons with Disabilities, groups of Persons with Disabilities, and/or communities of Persons with Disabilities so that their survival can be met in accordance with minimal basic needs.

Article 63

Social Protection targets are aimed at Persons with Disabilities, families of Persons with Disabilities, groups of Persons with Disabilities, and/or communities of Persons with Disabilities that are in a state of instability that occurs suddenly as a result of situations of social, economic, political, catastrophic, and natural phenomena crises.

Article 64

The Social Protection as referred to in Article 62 is carried out by the Minister, ministers/leaders of related institutions, governors, and regents/mayors through:

- a. social assistance;
- b. social advocacy; and/or
- c. legal aid.

Article 65

- (1) The social assistance as referred to in Article 64 point a is provided to Persons with Disabilities, families of Persons with Disabilities, groups of Persons with Disabilities, and/or communities of Persons with Disabilities who experience social risks in order to continue to live reasonably.
- (2) The social assistance as referred to in section (1) is temporary and/or sustainable in the form of:
 - a. direct assistance;
 - b. provision of accessibility; and/or
 - c. institutional strengthening.
- (3) The social assistance as referred to in section (2) is provided by taking into account the specific needs of women, children, and the elderly.

Article 66

- (1) Temporary social assistance as referred to in Article 65 section (2) is provided at the time of social risk until the situation stabilizes.
- (2) Sustainable social assistance as referred to in Article 65 section (2) is provided after the temporary assistance is declared complete.
- (3) Sustainable social assistance as referred to in section (2) is provided until the fulfilment of basic needs is at least reasonably determined by the Minister on the recommendation of the governor or regent/mayor in accordance with his or her authority.

- (4) The provision of sustainable social assistance as referred to in section (3) is in accordance with the financial capabilities of the state.

Article 67

The form of direct assistance as referred to in Article 65 section (2) point a is in the form of:

- a. clothing, food, and housing;
- b. healthcare;
- c. educational services;
- d. provision of temporary shelter;
- e. psychosocial therapy services in the refuge house;
- f. cash;
- g. a special room or special booth for married couples;
- h. waiver of the cost of handling population and ownership documents;
- i. provision of soup kitchens, clean water, and healthy sanitation;
- j. assistive devices; and/or
- k. provision of funerals.

Article 68

The form of providing accessibility as referred to in Article 65 section (2) point b is carried out by:

- a. making reference;
- b. establishing a network of partnerships;
- d. providing facilities; and/or
- e. providing information.

Article 69

The form of institutional strengthening as referred to in Article 65 section (2) point c is carried out by:

- a. providing means and infrastructure support;
- b. supervising and evaluating the implementation of the duties and functions of the institution;
- c. carrying out the system development;

- d. providing guidance and development of human resources; and/or
- e. developing leadership and institutional capacity.

Article 70

The social assistance as referred to in Article 65 section (2) can be provided directly or through LKS.

Article 71

- (1) The social advocacy for Persons with Disabilities as referred to in Article 64 point b is intended to protect and defend Persons with Disabilities, families of Persons with Disabilities, groups of Persons with Disabilities, and/or communities of Persons with Disabilities whose rights are violated.
- (2) The social advocacy as referred to in section (1) is given in the form of awareness of rights and obligations, defense, and fulfilment of rights.
- (3) The awareness of rights and obligations as referred to in section (2) is carried out through:
 - a. counselling;
 - b. provision of information; and/or
 - c. dissemination.
- (4) The defense as referred to in section (2) is carried out through:
 - a. assistance in the fulfilment of rights; and/or
 - b. guidance.
- (5) The fulfilment of rights as referred to in section (2) is carried out through:
 - a. provision of special services; and/or
 - b. restoration of violated rights.

Article 72

- (1) Legal aid as referred to in Article 64 point c is held to represent the interests of Persons with Disabilities facing legal problems in the defense of rights, both in and out of the court.

- (2) Legal aid as referred to in section (1) is carried out in accordance with the provisions of legislation.

CHAPTER VI PUBLIC PARTICIPATION

Article 73

- (1) The public may participate in the implementation of Social Welfare for Persons with Disabilities.
- (2) Public participation as referred to in section (1) may be carried out by:
 - a. individuals;
 - b. family;
 - c. groups;
 - d. religious organizations;
 - e. social organizations;
 - f. nongovernmental organizations;
 - g. professional organizations;
 - h. business entities; and
 - i. LKS.

Article 74

The forms of public participation as referred to in Article 73 include:

- a. carrying out the implementation of public-based Social Welfare;
- b. facilitating or opening access to the participation of Persons with Disabilities in the process of social and cultural interaction in the society;
- c. providing access for Persons with Disabilities to work in the formal sector and productive economic enterprises of the society;
- d. disseminating and increasing the understanding of implementation of Social Welfare for Persons with Disabilities to the society;
- e. providing means and infrastructure in the society that are easily accessible and friendly to Persons with Disabilities;

- f. providing financial support and services in the implementation of Social Welfare for Persons with Disabilities;
- g. organizing training and counselling to shape the character of Persons with Disabilities, families, and communities within Persons with Disabilities environment; and/or
- h. monitoring the implementation of Social Welfare for Persons with Disabilities.

CHAPTER VII GUIDANCE AND SUPERVISION

Article 75

- (1) The Minister, ministers/leaders of related institutions, governors, and regents/mayors are responsible for carrying out guidance and supervision in the implementation of Social Welfare for Persons with Disabilities in accordance with their respective authority.
- (2) Guidance and supervision in the implementation of Social Welfare for Persons with Disabilities as referred to in section (1) are carried out in accordance with the provisions of legislation.

CHAPTER VIII FUNDING

Article 76

Funding for the implementation of Social Welfare for Persons with Disabilities comes from:

- a. State Budget;
- b. Local Budget; and
- c. other legitimate and non-binding sources of funding in accordance with the provisions of legislation.

CHAPTER IX
CLOSING PROVISIONS

Article 77

At the time this Government Regulation comes into force, Government Regulation Number 43 of 1998 on Efforts to Improve Social Welfare of Persons with Disabilities (State Gazette of the Republic of Indonesia of 1998 Number 70, Supplement to the State Gazette of the Republic of Indonesia Number 3754), is repealed and declared ineffective.

Article 78

At the time this Government Regulation comes into force, the implementing regulations of Government Regulation Number 43 of 1998 on Efforts to Improve the Social Welfare of Persons with Disabilities (State Gazette of the Republic of Indonesia of 1998 Number 70, Supplement to the State Gazette of the Republic of Indonesia Number 3754), remain in effect as long as they do not conflict with this Government Regulation.

Article 79

This Government Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Government Regulation by its placement in the State Gazette of the Republic of Indonesia.

Issued in Jakarta
on 26 July 2019

PRESIDENT OF THE REPUBLIC
OF INDONESIA,

signed

JOKO WIDODO

Promulgated in Jakarta
on 31 July 2019

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2019 NUMBER 138

Jakarta, 14 December 2022

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION AD INTERIM,



DHAHANA PUTRA

ELUCIDATION
OF
REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
NUMBER 52 OF 2019
ON
SOCIAL WELFARE IMPLEMENTATION FOR PERSONS WITH DISABILITIES

I. GENERAL

The Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia respects and upholds human dignity. Human rights as basic rights that are inherent in human nature are universal, need to be protected, respected, and maintained, so that the protection and human rights of vulnerable groups, especially persons with disabilities must be realized. The government's commitment to respect, promote, protect, and fulfill the rights of Persons With Disabilities is expected to improve the welfare of Persons with disabilities.

The government's commitment is realized by the promulgation of Law Number 8 of 2016 on Persons with Disabilities. After the promulgation of Law Number 8 of 2016 on Persons With Disabilities, it is necessary to prepare implementing regulations in the form of government regulations, one of which is Article 96 which mandates Social Rehabilitation, Social Security, Social Empowerment, and Social Protection regulated in a Government Regulation. The Social Welfare implementation for persons with disabilities aims to meet the basic needs of persons with disabilities, ensure the implementation of social functions of persons with disabilities, promote dignified Social Welfare for persons with disabilities, and create a society of inclusion.

The implementation of Social Welfare for persons with disabilities is carried out through Social Rehabilitation, Social Security, Social Empowerment, and Social Protection by taking into account the variety, needs, and degree of vulnerability of Persons with Disabilities. The government and

local governments are obligated to organize social welfare for Persons with Disabilities, by opening the widest opportunity for the society to participate in the implementation of Social Welfare for Persons with Disabilities.

This Government Regulation regulates Social Rehabilitation, Social Security, social Empowerment, and Social Protection, public participation, guidance and supervision as well as funding.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Sufficiently clear.

Article 3

The term "variety of disabilities" means that:

- a. Persons with physical Disabilities mean disturbances to motion functions due to, among others, amputation, paralyzed, paraplegia, cerebral palsy (CP), strokes, leprosy, and midgets.
- b. Persons with intellectual Disabilities mean disturbances to thinking function due to below-average intelligence such as slow learning, mental disability, and down syndrome.
- c. Persons with mental Disabilities mean disturbances to thinking function, emotions and behaviors psychosocial and growth disability which affect ability to interact socially.
- d. Persons with sensory Disabilities mean malfunction of sensorial organs such as blind, deaf, and/or mute.

The term "the needs of persons with disabilities" means the need for persons with disabilities to be able to live independently, to participate fully socially, to achieve a life that is physically and mentally well, fair, prosperous.

The term "vulnerability of Persons with Disabilities" means a situation that places Persons with Disabilities in certain conditions so that they are prioritized to obtain the fulfillment of Social Welfare Rights. Persons with Disabilities who are in a vulnerable position, among others:

- a. women and children of Persons with Disabilities;
- b. migrant labourers and former migrant labourers of Persons with Disabilities;
- c. Persons with double or multiple Disabilities having 2 (two) or more varieties of disabilities, such as deaf-mute and blind-deaf;
- d. Persons with Disabilities affected by conflicts;
- e. Persons with Disabilities affected by disasters;
- f. Persons with Disabilities experiencing social exclusion;
- g. Persons with Disabilities domiciled at the location with geographic conditions uneasily accessed;
- h. Persons with Disabilities in customary law society;
- i. Persons with Disabilities in community effected by natural resource management;
- j. elderly Persons with Disabilities; and
- k. Persons with Disabilities experiencing gender-based harassment.

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

The term “group of Persons with Disabilities” means organization or association whose members consist of Persons with Disabilities.

Point d

The term “community of Persons with Disabilities” means a group of Person with Disabilities who are lived in certain region.

Article 8

Sufficiently clear.

Article 9

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term “under certain conditions” means conditions that endanger and threaten the lives of Persons with Disabilities and/or other people.

Section (4)

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Section (1)

Sufficiently clear.

Section (2)

The term “special protection” means protection from discrimination, neglect, harassment, exploitation, as well as sexual violence.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 17

Section (1)

Sufficiently clear.

Section (2)

The term “vocational training and entrepreneurship coaching” includes workshops, courses, and skills training.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Section (1)

Sufficiently clear.

Section (2)

The term “services” includes consultations, assistance, and therapy.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 23

Section (1)

Sufficiently clear.

Section (2)

Point a

Guidance on the readiness of Persons with Disabilities and groups of Persons with Disabilities is carried out through evaluation of the development of Persons with Disabilities, guidance and motivation for Persons with Disabilities to return to the family and society.

Point b

Guidance on the readiness of families of Persons with Disabilities and the society is carried out through evaluation of the development of Persons with disabilities, guidance and motivation for Persons with Disabilities and their families, social counseling for the society in their environment, and preparing job opportunities for Persons with Disabilities.

Point c

Social guidance on social life is carried out through motivational guidance to Persons with Disabilities individually and in groups, practical training in daily life in the society, counseling to the society, meetings with the pillars of the public participation.

Point d

Social guidance on social life is carried out through motivational guidance to Persons with Disabilities individually and in groups, practical training in daily life in the society, counseling to the society, meetings with the pillars of the public participation.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Section (1)

The term “services as needed” includes reference to health care, education, employment, and legal aid.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Section (1)

The term “assets of Person with Disabilities” includes:

- a. individual assets in the form of knowledge, skills, ability to work and good health conditions;
- b. social assets in the form of status in society, access to extended family and other social networks;
- c. natural assets in the form of availability of natural resources;
- d. physical assets in the form of assets owned by individuals such as land, houses, shelters and/or assets owned by the Government or the society such as infrastructure, communication networks and other physical assets in accordance with the provisions of legislation; and
- e. financial assets in the form of income, access to credit, and other financial assets in accordance with the provisions of legislation.

Section (2)

The term "improving skills in the work" means basic technical skills that are required to be possessed by Persons of Disabilities in producing goods or services in the work.

The term "mobility support assistance for Persons with Disabilities" means that it can be in the form of assistive devices, money, or assistance to provide an ease for Persons with Disabilities in carrying out their roles in the world of work.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

Sufficiently clear.

Article 38

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Section (1)

The term “independence” means independence on having life decisions.

Section (2)

The term “social functioning” means acceptance of Persons with Disabilities in society and environment and ability to carry out their social functions in society.

Section (3)

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Point a

Sufficiently clear.

Point b

The term “who have no income” means Persons with Disabilities who are not working, unable to do business, and/or unable to meet their economic needs independently.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Section (1)

The term “whose living needs depend entirely on others” includes Persons with severe Disabilities and Persons with multiple Disabilities.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 46

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

The term “health care” includes:

- a. administering medicines;
- b. ongoing therapy;
- c. assistance;
- d. nutritional intake; and/or
- e. post mortem service.

The term “assistive devices” includes:

- a. health assistive devices;
- b. mobility assistive devices; or
- c. independent assistive devices.

Section (6)

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Point a

The term “increasing of willingness and ability” means an effort to grow and develop motivation and opportunities to develop self-potential for Persons with Disabilities.

Point b

The term “exploration of potential and resources” means an effort to assess the ability or potential of resources needed for self-development of Persons with Disabilities.

Point c

The term “exploration of basic values” means an effort to identify, grow, and develop the values of respect, promotion, protection and fulfillment of the rights of Persons with Disabilities.

Point d

The term “grant of access” means an effort to provide facilities for Persons with Disabilities to realize equal opportunities in developing their abilities or potentials.

Point e

The term “provision of business assistance” means assistance provided by the Government or Local Government to Persons with Disabilities in order to strengthen and improve socio-economic capabilities.

Article 50

Sufficiently clear.

Article 51

Point a

Sufficiently clear.

Point b

The term “resources” includes human resources, Accessibility, means and infrastructures and/or funding.

Article 52

Sufficiently clear.

Article 53

Sufficiently clear.

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Section (1)

The term “social risk” means an incident or event that has the potential to cause shocks and social vulnerabilities borne by a person, family, group, and/or society as a result of social crises, economic crises, political crises, natural phenomena and disasters which, if social assistance is not provided, will deteriorate and cannot be recovered to live in normal conditions.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 66

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Sufficiently clear.

Article 71

Sufficiently clear.

Article 72

Sufficiently clear.

Article 73

Sufficiently clear.

Article 74

Sufficiently clear.

Article 75

Sufficiently clear.

Article 76

Sufficiently clear.

Article 77

Sufficiently clear.

Article 78

Sufficiently clear.

Article 79

Sufficiently clear.