

REGULATION THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

NUMBER 75 OF 2020

ON

HABILITATION AND REHABILITATION SERVICES

FOR PERSONS WITH DISABILITIES

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that to implement the provisions of Article 113 of Law Number 8 of 2016 on Persons with Disabilities, it is necessary to issue a Government Regulation on Habilitation and Rehabilitation Services 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 HABILITATION AND REHABILITATION SERVICES FOR PERSONS WITH DISABILITIES.

CHAPTER 1
GENERAL PROVISIONS

Article 1

In this Government Regulation:

1. Habilitation means the process of services provided to a person who has a disability from birth to ensure that persons with disabilities achieve and develop independence according to their specific abilities so that they can be active and participate fully in all aspects of life.
2. Rehabilitation means the process of services provided to a person who has a disability not from birth to restore and maintain function and develop independence, so as to be able to carry out activities and participate fully in all aspects of life.
3. 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.
4. Social Worker means someone who has the knowledge, skills, and values of social work practice and has earned a certificate of competence.
5. Health Personnel means any person who devotes themselves to the field of health and has knowledge and/or skills through education in the field of health which for a certain type requires authority to carry out health efforts.
6. Educators mean educational personnel who are qualified as teachers, lecturers, counsellors, learning assistants, trainers, tutors, instructors, facilitators, and other designations that are in accordance with their specificity, as well as participating in organizing education.
7. Assistive Devices mean any equipment that functions to be designed for Persons with Disabilities in performing their daily activities independently.

8. Health Aids mean any equipment that optimizes the functions of the human body parts on the recommendation of medical personnel.
9. 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.
10. Minister means the minister administering the governance in the social affairs.

Article 2

Habilitation and Rehabilitation for Persons with Disabilities aim to:

- a. achieve, maintain, and develop the independence, physical, mental, social abilities, and skills of Persons with Disabilities maximally; and
- b. provide opportunities to participate and engage in all aspects of life.

Article 3

The scope of Habilitation and Rehabilitation service arrangements includes:

- a. handling of Habilitation and Rehabilitation;
- b. institutions of Habilitation and Rehabilitation;
- c. standards for Habilitation and Rehabilitation;
- d. coaching and supervision;
- e. complaints; and
- f. funding.

CHAPTER II

HANDLING OF HABILITATION AND REHABILITATION

Part One

General

Article 4

- (1) Handling of Habilitation and Rehabilitation is carried out comprehensively and multisectorally.

- (2) Comprehensive handling as referred to in section (1) is a series of comprehensive handling involving various aspects in an integrated manner in accordance with the types of Persons with Disabilities.
- (3) Multisectoral handling as referred to in section (1) is carried out by ministries/institutions related to Habilitation and Rehabilitation services.

Article 5

Habilitation and Rehabilitation for Persons with Disability serve as a means of:

- a. life skills education and training;
- b. in dealing with disabilities conditions; and
- c. preparing Persons with Disabilities to live independently in society.

Article 6

- (1) Means of life skills education and training as referred to in Article 5 point a are carried out by developing the knowledge and abilities of Persons with Disabilities so that they can live independently.
- (2) Means of dealing with disabilities conditions as referred to in Article 5 point b are carried out by preparing Persons with Disabilities in overcoming functional barriers and obstacles in their environment to carry out activities and participate fully in the social life of the society.
- (3) The means to prepare Persons with Disabilities to live independently in society as referred to in Article 5 point c are carried out by developing or restoring, maintaining, and improving life abilities and skills.

Article 7

Habilitation and Rehabilitation is carried out through:

- a. awareness to families and the whole society for the elimination of stigma and other discrimination against Persons with Disabilities;

- b. providing accessibility to the provision of appropriate accommodations, Assistive Devices, Health Aids, needed health services, personal assistant, and decision-making support; and/or
- c. providing opportunities for Persons with Disabilities and their families to participate fully in all aspects of life in society.

Article 8

Handling of Habilitation and Rehabilitation for Persons with Disabilities is carried out in the form of Habilitation and Rehabilitation services in:

- a. family and society; and
- b. institution.

Article 9

Habilitation and Rehabilitation Services for Persons with Disabilities as referred to in Article 8 are required to consider:

- a. participation of Persons with Disabilities;
- b. special needs of women and children;
- c. empowerment of Persons with Disabilities;
- d. partnerships with society;
- e. fairness and equality;
- f. sustainability; and
- g. willingness of Persons with Disabilities.

Article 10

- (1) Habilitation and Rehabilitation Services as referred to in Article 8 are supported by services to parents or guardians.
- (2) Support services to parents or guardians as referred to in section (1) to facilitate families or guardians in order to be able to:
 - a. accept the presence of Persons with Disabilities in the family; and
 - b. nurture and educate Persons with Disabilities.

Part Two
Habilitation Services

Article 11

- (1) The form of Habilitation services in families, society, and institutions as referred to in Article 8 consists of:
 - a. early detection;
 - b. early intervention;
 - c. psychosocial support;
 - d. provision of Assistive Devices and/or Health Aids;
 - e. provision of information and communication; and/or
 - f. referral system.
- (2) The implementation of Habilitation services involves parents or guardians.

Article 12

- (1) Habilitation services in the form of early detection as referred to in Article 11 section (1) point a are carried out by identifying limitations or delays in the stages of child growth and development.
- (2) Habilitation services in the form of early detection as referred to in section (1) are carried out by Health Personnel and/or other personnel who are educated and trained.

Article 13

- (1) Habilitation services in the form of early intervention as referred to in Article 11 section (1) point b are carried out at least through:
 - a. medical approach;
 - b. psychological approach;
 - c. social approach; and/or
 - d. educational approach.
- (2) Early intervention as referred to in section (1) is carried out by:
 - a. Social Workers;
 - b. Health Personnel;

- c. psychologists; and/or
- d. other educated and trained personnel.

Article 14

- (1) Habilitation Services in the form of psychosocial support as referred to in Article 11 section (1) point c are carried out by providing counselling, accepting, recognizing, providing growth and development support, forming self-concept, and providing self-motivation for Persons with Disabilities.
- (2) Psychosocial support as referred to in section (1) is carried out by:
 - a. Social Workers;
 - b. Health Personnel;
 - c. psychologists;
 - d. Educators; and/or
 - e. peer groups.

Article 15

- (1) Habilitation Services in the form of providing Assistive Devices and/or Health Aids as referred to in Article 11 section (1) point d are carried out by providing Assistive Devices and/or Health Aids in accordance with the needs and types of Persons with Disabilities.
- (2) Assistive Devices and/or Health Aids in accordance with the needs and types of Persons with Disabilities as referred to in section (1) are provided based on the assessment results of professionals or other personnel who are educated and trained.
- (3) Governors and regents/mayors provide Assistive Devices and/or Health Aids in accordance with the provisions of legislation.

Article 16

- (1) Habilitation services in the form of providing information and communication as referred to in Article 11 section (1) point e are carried out by providing information and

communication media in accordance with the needs and types of Persons with Disabilities.

- (2) The provision of information and communication as referred to in section (1) is carried out by the ministry administering government affairs in the field of communication and information, the governors, and the regents/mayors.

Article 17

- (1) Habilitation services in the form of a referral system as referred to in Article 11 section (1) point f are carried out through multisectoral referral services.
- (2) Referral services that are multisectoral as referred to in section (1) are carried out through:
 - a. medical services;
 - b. education; and/or
 - c. social protection.
- (3) Referral services as referred to in section (1) are the responsibility of the Habilitation service institution.
- (4) Referral services as referred to in section (1) are provided according to the needs and types of Persons with Disabilities.
- (5) In carrying out Habilitation services in the form of a referral system as referred to in section (1), the Minister coordinates with the minister administering government affairs in the field of education and the minister administering government affairs in the field of health.
- (6) The referral system as referred to in section (1) can be carried out by the mechanism of an integrated referral service system.

Article 18

Further provisions regarding procedures for providing Habilitation services as referred to in Article 11 to Article 17 are regulated by a Ministerial Regulation and regulations of the minister administering government affairs in the field of health in accordance with their respective authority.

Part Three
Rehabilitation Services

Article 19

- (1) The form of Rehabilitation Services in family, society, and institutions as referred to in Article 8 consists of:
 - a. capacity building;
 - b. involvement;
 - c. psychosocial support;
 - d. provision of Assistive Devices and/or Health Aids; and/or
 - e. referral system.
- (2) The form of Rehabilitation services as referred to in section (1) is carried out based on the assessment of professionals or other personnel who are educated and trained with the consent of Persons with Disabilities.
- (3) Rehabilitation services involve parents or guardians, husbands or wives, and other family members and/or communities.

Article 20

- (1) Rehabilitation Services in the form of capacity building as referred to in Article 19 section (1) point a are carried out by providing:
 - a. training;
 - b. guidance; and/or
 - c. assistance.
- (2) The training as referred to in section (1) point a is carried out by providing the ability to restore and maintain the independence of Persons with Disabilities.
- (3) Guidance as referred to in section (1) point b is carried out by providing direction to overcome the difficulties experienced by Persons with Disabilities.
- (4) Assistance as referred to in section (1) point c is carried out to ensure that Persons with Disabilities have sustainable independence.

- (5) Rehabilitation services in the form of capacity building as referred to in section (1) are carried out by professionals or other personnel who are educated and trained.

Article 21

- (1) Rehabilitation services in the form of involvement as referred to in Article 19 section (1) point b are carried out by involving Persons with Disabilities in the social life of the society.
- (2) Rehabilitation services in the form of involvement as referred to in section (1) are carried out by parents or guardians, husbands or wives, other family members, assistant, and/or the society.

Article 22

- (1) Rehabilitation services in the form of psychosocial support as referred to in Article 19 section (1) point c are carried out by providing counselling, accepting, recognizing, forming self-concept, and providing self-motivation for Persons with Disabilities.
- (2) Psychosocial support as referred to in section (1) is carried out by:
 - a. Social Worker;
 - b. Health Personnel;
 - c. psychologists;
 - d. Educators; and/or
 - e. peer groups.

Article 23

- (1) Rehabilitation services in the form of providing Assistive Devices and/or Health Aids as referred to in Article 19 section (1) point d are carried out by providing Assistive Devices and/or Health Aids in accordance with the needs and types of Persons with Disabilities.
- (2) Assistive Devices and/or Health Aids in accordance with the needs and types of Persons with Disabilities as referred to in section (1) are provided based on the

assessment results of professionals or other personnel who are educated and trained.

- (3) Governors and regents/mayors provide Assistive Devices and/or Health Aids in accordance with the provisions of legislation.

Article 24

- (1) Rehabilitation services in the form of a referral system as referred to in Article 19 section (1) point e are carried out through multisectoral referral services.
- (2) Multisectoral Referral services as referred to in section (1) are carried out through:
 - a. medical services;
 - b. education;
 - c. training;
 - d. social protection; and/or
 - e. advanced referral services.
- (3) Referral services as referred to in section (1) are the responsibility of the Rehabilitation service institution.
- (4) The referral services as referred to in section (1) are provided according to the needs and types of Persons with Disabilities.
- (5) In carrying out Rehabilitation services in the form of a referral system as referred to in section (1), the Minister coordinates with the minister administering government affairs in the field of education, the minister administering government affairs in the field of health, and the minister administering government affairs in the field of manpower.
- (6) The referral system as referred to in section (1) can be carried out by an integrated referral service system mechanism.

Article 25

Further provisions regarding the procedures for providing Rehabilitation services as referred to in Article 19 to Article 24 are regulated by a Ministerial Regulation, regulations of the

minister administering government affairs in the field of health, and regulations of the minister administering government affairs in the field of manpower in accordance with their respective authority.

CHAPTER III INSTITUTIONS OF HABILITATION AND REHABILITATION

Article 26

- (1) The Habilitation and Rehabilitation Services are organized by the Habilitation and Rehabilitation service institutions owned by the ministries/institutions, Local Governments, and the society.
- (2) Habilitation and Rehabilitation service institutions owned by ministries/institutions and Local Governments as referred to in section (1) are run in accordance with the provisions of legislation.
- (3) Habilitation and Rehabilitation service institutions owned by society as referred to in section (1) are at least in the form of:
 - a. health care facilities; and
 - b. social welfare institutions.

Article 27

The establishment and organizing of the Habilitation and Rehabilitation Service institution in the form of health care facilities as referred to in Article 26 section (3) point a is carried out in accordance with the provisions of legislation.

Article 28

- (1) Habilitation and Rehabilitation service institutions in the form of social welfare institutions as referred to in Article 26 section (3) point b are required to have an operational permit.
- (2) To obtain an operational permit as referred to in section (1), the social welfare institution must:

- a. be incorporated;
 - b. have an institutional organizational structure;
 - c. have competent human resources for Persons with Disabilities;
 - d. have facilities and infrastructure;
 - e. have Habilitation and Rehabilitation service standards;
 - f. have fund management and fund accountability; and
 - g. be open-ended.
- (3) The operational permit referred to in section (1) is granted by:
- a. Minister, for social welfare institutions of which target is more than 1 (one) province;
 - b. governor, for social welfare institutions of which targets are in 1 (one) province; or
 - c. regent/mayor, for social welfare institutions of which targets are in 1 (one) regency/city.
- (4) The permit application process as referred to in section (3) is carried out quickly, easily, and at a low cost.
- (5) The operational permit as referred to in section (1) is valid for 4 (four) years.
- (6) The operational permit as referred to in section (5) may be extended based on the results of the evaluation
- (7) Social welfare institutions as referred to in section (1) that do not have an operational permit are subject to administrative sanctions.
- (8) Administrative sanctions as referred to in section (7) are in the form of:
- a. verbal warnings;
 - b. written warnings; or
 - c. dissolution.
- (9) Further provisions regarding procedures for granting permits and imposing administrative sanctions as referred to in section (3) and section (8) are regulated by a Ministerial Regulation.

CHAPTER IV
STANDARDS OF HABILITATION
AND REHABILITATION SERVICES

Article 29

- (1) Habilitation and Rehabilitation Services in health facilities owned by ministry administering government affairs in the fields of health, local government, and the society are carried out in accordance with standards.
- (2) The standards as referred to in section (1) are implemented in accordance with the provisions of legislation.

Article 30

- (1) The standards of Habilitation and Rehabilitation services in the technical implementation units of the social sector owned by the ministry administering governance in the social affairs and provincial governments and social welfare institutions include:
 - a. approval of the recipients of the services concerned;
 - b. explanation of the rights and obligations of the recipient of the service/guardian/custodian;
 - c. provision of a mechanism for complaints and their handling;
 - d. the term of service;
 - e. provision of services comprehensively;
 - f. treatment that respects the dignity of the recipient of the service; and
 - g. attention to the special needs of women and children.
- (2) Further provisions regarding the standards of Habilitation and Rehabilitation services as referred to in section (1) are regulated by a Ministerial Regulation.

CHAPTER V
COACHING AND SUPERVISION

Article 31

- (1) Ministers, ministers/leaders of related institutions, governors, and regents/mayors are responsible for carrying out guidance and supervision in the implementation of Habilitation and Rehabilitation services in accordance with their respective authority.
- (2) Coaching and supervision in the implementation of Habilitation and Rehabilitation services as referred to in section (1) are carried out in accordance with the provisions of legislation.

CHAPTER VI
COMPLAINTS

Article 32

- (1) Persons with Disabilities who receive Habilitation and Rehabilitation services may file complaints to the Minister, ministers/leaders of related institutions, governors, and regents/mayors.
- (2) Complaints as referred to in section (1) are carried out through a mechanism complaint system that is connected to related ministries/institutions in handling Habilitation and Rehabilitation services.
- (3) The system as referred to in section (2) is a national information system in accordance with the provisions of legislation.
- (4) Complaints as referred to in section (1) may also come from the society.

Article 33

Minister, ministers/leaders of related institutions, governors, and regents/mayors in accordance with their respective authority respond to complaints not later than 14 (fourteen) days since the complaint has been received in accordance with the provisions of legislation.

CHAPTER VII
FUNDING

Article 34

- (1) Funding for services provision of Habilitation and Rehabilitation is sourced from:
 - a. State Budget;
 - b. local budget; and
 - c. other legitimate and non-binding sources of funds accordance with the provisions of legislation.
- (2) Funding as referred to in section (1) point a and point b is in accordance with the financial capabilities of the state.

CHAPTER VIII
CLOSING PROVISION

Article 35

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 15 December 2020

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

JOKO WIDODO

Promulgated in Jakarta
on 16 December 2020

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

signed

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2020 NUMBER 292

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 75 OF 2020
ON
HABILITATION AND REHABILITATION SERVICES
FOR PERSONS WITH DISABILITIES

I. GENERAL

The Habilitation and Rehabilitation Services are intended to facilitate Persons with Disabilities to have the right self-concept according to their various disabilities, avoiding the declining condition of Persons with Disabilities both physically, psychologically, and socially. In addition, the preparation of Persons with Disabilities to be able to enter formal and non-formal education levels, as well as the preparation of Persons with Disabilities to be able to carry out activities and fully participate in society in an inclusive manner.

Habilitation is also intended so that Persons with Disabilities have the basic abilities of children needed for growth and development in carrying out daily life according to the specific variety of disabilities. Meanwhile, Rehabilitation is also intended so that Persons with Disabilities can accept and adapt to the conditions of disability experienced, restore the basic functions and abilities needed to carry out daily life according to their various disabilities, can use Assistive Devices and improve social interaction skills, and develop independence.

The content materials regulated in this Government Regulation include the handling of Habilitation and Rehabilitation, institutional Habilitation and Rehabilitation, standards of Habilitation and Rehabilitation services, guidance and supervision, complaints, and funding. Related to the handling of Habilitation and Rehabilitation for

Persons with Disabilities is carried out in the form of Habilitation and Rehabilitation services in the family and society as well as Habilitation and Rehabilitation services in institutions. Related to institutions, the Habilitation and Rehabilitation services are organized by the Habilitation and Rehabilitation service institutions owned by the Government, Local Governments, and the society. Habilitation and Rehabilitation services institutions owned by society in the form of social welfare institutions must have an operational license.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Sufficiently clear.

Article 3

Sufficiently clear.

Article 4

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "ministries/institutions related to" means includes ministries administering government affairs in the field of health, ministries administering government affairs in the field of education, and ministries administering government affairs in the field of manpower.

Article 5

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Point a

Sufficiently clear.

Point b

The term "personal assistant" means a person who can provide assistance and aid to Persons with Disabilities to be able to carry out activities and participate fully in the society.

The term "decision-making support" means a person who is an expert in their field who can provide explanation and understanding for Persons with Disabilities to make decisions.

Point c

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Point a

The term "participation of Persons with Disabilities" includes expressing an opinion or making a decision to accept or refuse Habilitation and Rehabilitation services.

Point b

The term "special needs of women and children" includes reproductive and sexual health rights, vulnerability, and the needs of children's growth and development.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

The term "sustainability" means the comprehensive handling of the Habilitation and Rehabilitation process which covers medical rehabilitation, social rehabilitation, vocational rehabilitation, to the distribution of work for Persons with Disabilities.

Point g

The term "willingness of Persons with Disabilities" means without coercion.

Article 10

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Section (1)

Sufficiently clear.

Section (2)

The term "other personnel who are educated and trained" includes health cadres and social volunteers.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Section (1)

The term "information and communication media" is among others writing in braille, sign language interpreters, and/or deaf sign language teachers.

Section (2)

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Section (1)

Sufficiently clear.

Section (2)

The term "professionals" is among others Social Workers, therapists, medical rehabilitation specialists, and others.

The term "consent of Persons with Disabilities" means the consent of Persons with Disabilities who will receive services and can be represented by a parent or guardian if the Person with Disabilities is still the age of a child. If the Person with Disabilities is not the age of a child but has difficulty in making decisions, then they are entitled to assistance in decision making.

Section (3)

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Section (1)

The term "accepting" means a condition of which parents, biological siblings and Persons with Disabilities can accept the existing state of disability and not as a burden.

Section (2)

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Section (1)

Point a

The term "recipients of the service" means Persons with Disabilities who receive Habilitation and Rehabilitation services.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

The term "comprehensive" means to cooperate with health, educational, employment, and social institutions.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Section (1)

Sufficiently clear.

Section (2)

The term "complaint system" is among others online public complaints and/or through complaints units.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.