

Analysis of the Legal Status of Employment Relationships and Legal Protection for Workers with Disabilities (Field Study: Micro, Small, and Medium-Sized Enterprises Cafe X and Y)

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ABSTRACT

This research aimed to analyze the legal status of employment relationships and the protection policies provided to workers with disabilities in two micro and small food and beverage (F&B) enterprises, namely Cafe X in Jakarta and Cafe Y in Bandung. The research focused on examining the validity requirements of employment agreements, the types of employment relationships established, and the protection of wages, working hours, and rest periods. This study employed an exploratory qualitative method, with data collected through in-depth interviews, observations, and reviews of relevant regulations and academic publications. The findings revealed that workers with intellectual disabilities at Cafe X were employed as part-time workers, with employment agreements represented by their parents in accordance with their legal right to appoint representatives. Although part-time employment arrangements are not specifically regulated under Indonesian labor law, the protections provided were aligned with the provisions applicable to fixed-term employment agreements (Perjanjian Kerja Waktu Tertentu or PKWT). At Cafe Y, workers with visual impairments were employed under PKWT arrangements and signed their employment agreements independently because they were legally competent under civil law. Wage protection at Cafe X exceeded the minimum hourly wage requirements, while wages at Cafe Y did not meet the regional minimum wage but remained compliant with micro, small, and medium enterprise (MSME) provisions under Government Regulation No. 36/2021. Both companies complied with statutory provisions regarding working hours and rest periods and provided reasonable accommodations tailored to workers' disability characteristics. This research highlighted the importance of adapting employment procedures for workers with disabilities and emphasized the need for clearer regulations governing part-time employment arrangements to address existing normative gaps.

INTRODUCTION

Every citizen has the right to receive protection in the fulfillment of human rights (HAM) (Ikwan et al., 2025; Marlina et al., 2022; Nampewo et al., 2022; Nst, 2025; Setiawan et al., 2026). Human rights are inherent to every individual and must always be respected, including the rights of vulnerable minority groups (Situmorang & Kusuma, 2023). Furthermore, vulnerable groups are those who frequently experience discriminatory treatment and whose rights are often not fully realized (Arie, 2022).

In relation to this issue, the State has guaranteed human rights protection for vulnerable groups. Article 5 paragraph (3) of Law No. 39 of 1999 concerning Human Rights states that “everyone belonging to a vulnerable community group has the right to receive more treatment and protection concerning their specificities.” Vulnerable groups include older persons, children, people living in poverty, pregnant women, and persons with disabilities. Among these groups, persons with disabilities refer to individuals who experience physical, intellectual, mental, and/or sensory limitations that may create barriers to performing activities effectively. Furthermore, through Law No. 19 of 2011 concerning the Ratification of the Convention on the Rights of Persons with Disabilities (CRPD), the term “persons with disabilities” was adopted as a replacement for previously used terms that carried negative and discriminatory connotations. This terminological shift occurred because previous terms associated with disability were often interpreted as referring to defects, damage, or deficiencies, which contributed to negative perceptions toward individuals with disabilities (Widinarsih, 2019). The CRPD defines persons with disabilities as individuals with long-term physical, mental, intellectual, or sensory impairments who, in interaction with environmental and attitudinal barriers, may experience obstacles that limit their full and effective participation in society on an equal basis with others (Murwaningsih & Wedjajati, 2021).

The categories of persons with disabilities in Indonesia are regulated under Law No. 8 of 2016 concerning Persons with Disabilities. Article 4 paragraph (1) of this regulation classifies persons with disabilities into: (a) persons with physical disabilities, (b) persons with intellectual disabilities, (c) persons with mental disabilities, and (d) persons with sensory disabilities. Furthermore, Article 4 paragraph (2) states that disabilities may occur individually, collectively, or in multiple forms for a long period of time, at least six months, and/or permanently, as determined by medical professionals in accordance with applicable laws and regulations.

In Indonesia, discrimination against persons with disabilities, particularly in the workplace, remains a significant issue (Mulyani, 2022). Although Article 27 paragraph (2) of the 1945 Constitution states that every citizen has the right to work and obtain a decent living, this right also applies to persons with disabilities who seek employment according to their interests and abilities (Wiraputra, 2021). Furthermore, Article 11 letter i of Law No. 8 of 2016 stipulates that every person with a disability has the right to receive fair and appropriate treatment in employment without discrimination. However, despite these legal provisions, Widjaja et al. (2020) reported that persons with disabilities continue to face difficulties in accessing employment opportunities. This condition occurs because the implementation of government policies concerning the employment rights of persons with disabilities has not been optimally and consistently implemented by various companies in Indonesia (Rosalina & Setyowati, 2024, as cited in Utami et al., 2025).

According to the latest data obtained from the Central Statistics Agency (BPS), the number of workers with disabilities in Indonesia remained relatively low. In 2023, the number of workers with disabilities reached 763,925 people, representing only 0.55% of the total national workforce. This figure increased slightly from 720,748 people (0.53%) in 2022; however, it remained considerably below the expected level (Ministry of Social Affairs of the Republic of Indonesia, 2024). Furthermore, Dhairrya and Herawati (2019, as cited in Utami et al., 2025) stated that social stigma remains a major barrier preventing persons with

disabilities from obtaining formal employment. Negative perceptions regarding the abilities of persons with disabilities in the workplace persist, including assumptions that they are weak or incapable of performing occupational responsibilities.

In response to this stigma, several community organizations concerned with disability empowerment have emerged to provide support through employment preparation and skills development programs. These organizations include the Association of Parents of Children with Down Syndrome (POTADS), the Wiyata Guna Bandung Center, and other similar institutions throughout Indonesia. According to Goldstein and Gressner in Kamil (2010:6), as cited in Sarah (2020), “training is a systematic effort to master skills, rules, concepts, or behavioral approaches that contribute to improved performance.” The purpose of training is to develop participants’ competencies. Within this context, vocational training is considered an appropriate form of training for persons with disabilities because it focuses on developing specific skills and knowledge required in particular fields of work (Sarah, 2020).

In addition to skills development, another important aspect that requires attention when persons with disabilities enter the workforce is the fulfillment of their rights and obligations as workers arising from employment relationships. Law No. 13 of 2003 concerning Manpower, hereinafter referred to as the Manpower Law, Article 1 number 15 defines an employment relationship as “a relationship between employers and workers/laborers based on employment agreements, which contains elements of work, wages, and orders.”

Based on this context, an employment relationship arises from an employment agreement between workers and employers. According to Dewi et al. (2024), employment agreements serve as the primary foundation underlying the establishment of employment relationships between workers and employers. Article 1313 of the Indonesian Civil Code states that an agreement is an act by which one or more persons bind themselves to one or more other persons. Furthermore, Alfarisi et al. (2023) explained that an agreement between two parties regarding a particular matter creates a legal relationship that generates rights and obligations, and failure to fulfill the agreement may result in legal consequences.

Regarding employment agreements, the legal capacity of persons with disabilities to enter into agreements requires careful consideration. Based on Article 1320 of the Civil Code, the requirements for the validity of an agreement include: (1) consent of the parties who bind themselves, (2) legal capacity to enter into an agreement, (3) a specific subject matter, and (4) a lawful cause. Furthermore, Article 52 paragraph (1) of Law No. 13 of 2003 concerning Manpower stipulates that the validity requirements of employment agreements include: (1) an agreement between the parties, (2) the legal capacity to perform legal acts, (3) the existence of agreed work, and (4) the agreed work must not conflict with public order, morality, or applicable laws and regulations.

Based on this context, if an agreement does not fulfill the required conditions, legal consequences may arise, as explained by Wahid et al. (2022) in their book *Serba-serbi Understanding Treaty Law in Indonesia*. An agreement may be requested for cancellation if: (1) it violates the subjective requirements for the validity of an agreement as stipulated in Article 1320 paragraphs (1) and (2) of the Civil Code, namely when the agreement is formed due to defects of consent (*wilsgebreke*), such as error, coercion, or fraud, or due to the incapacity (*onbekwaamheid*) of the parties, resulting in the agreement being voidable (*vernietigbaar*); or (2) it violates the objective requirements for the validity of an agreement

as stipulated in Article 1320 paragraphs (3) and (4), namely when the agreement lacks a specific object or contains an unlawful cause (*causa*) that contradicts statutory provisions, public order, or morality, resulting in the agreement being null and void (*nietig*). Similar legal consequences are also regulated in employment agreements under Article 52 paragraphs (2) and (3) of Law No. 13 of 2003 concerning Manpower, which state that employment agreements made in violation of the requirements referred to in paragraph (1) letters a and b may be canceled, while employment agreements that violate the requirements referred to in paragraph (1) letters c and d are null and void by operation of law.

Based on the normative relationship between the Civil Code and the Manpower Law, Alfari (2020) argues that Article 52 of Law No. 13 of 2003 concerning Manpower functions as a special regulation governing the validity requirements of employment agreements (*lex specialis*), while Article 1320 of the Civil Code regulates the general requirements for agreements (*lex generalis*).

Based on the explanation of employment agreements above, one of the legal requirements for an employment agreement is the legal capacity to enter into an agreement. Individuals who are considered legally incapable of making agreements include: (1) minors, (2) persons placed under guardianship, and (3) other individuals prohibited by law from entering into certain agreements.

The researcher argues that employment relationships involving employment agreements between persons with disabilities and companies require further examination. This is because one of the legal requirements of an employment agreement is the capacity to enter into an agreement. However, previous research conducted by Rosalinda (2020) stated that not all persons with disabilities can automatically be considered legally capable, and under certain circumstances, they may require representation by other legal subjects determined by law to perform legal acts. Article 32 of Law No. 8 of 2016 concerning Persons with Disabilities states that “persons with disabilities may be declared legally incapable based on a determination of the district court.”

Therefore, this study further examined policies regulating the protection of workers with disabilities in companies. The similarity between this research and previous studies lies in its discussion of fulfilling the employment rights of persons with disabilities. However, this study provides novelty by examining the legal status of employment relationships involving persons with disabilities, including the process of establishing employment agreements between persons with disabilities and companies based on the provisions of the Manpower Law and Government Regulation No. 35 of 2021. This research also contributes novelty through its specific problem scope and empirical focus.

The scope limitation of this study concerns persons with disabilities as the primary research subjects, including individuals with physical, sensory, intellectual, and mental disabilities who work in the food and beverage (F&B) industry sector, particularly at coffee shops Cafe X and Kopi Y. Furthermore, the employment protections examined in this study are limited to wage protection, working hours, and rest periods. Regarding these protections, the 1945 Constitution of the Republic of Indonesia, as cited in Wiraputra (2021), guarantees that every person has equal rights to obtain employment and a decent livelihood.

Based on the background described above, this study formulated the following research questions: What is the legal status of the employment relationship between workers with

disabilities and employers in Companies X and Y? What protection policies regarding wages, working hours, and rest periods are provided for workers with disabilities in Companies X and Y?

Based on the research background and problem formulation, the objectives of this study were to determine the legal status of employment relationships involving workers with disabilities in the companies and to identify both written and unwritten policies concerning wage protection, working hours, and rest periods for workers with disabilities. This study provides practical benefits for policymakers by offering empirical evidence regarding the implementation of employment agreements for workers with disabilities in micro, small, and medium-sized enterprises (MSMEs), which may support the development of clearer regulations on part-time employment and address existing normative gaps. For business owners, this research provides insights into best practices for accommodating workers with disabilities, including wage calculation mechanisms, working time arrangements, and reasonable accommodation. For social institutions and disability advocacy organizations, this study highlights the importance of vocational training and employment placement mechanisms aligned with labor regulations to support inclusive employment. Ultimately, this research contributes to promoting inclusive and non-discriminatory employment practices in Indonesia in accordance with constitutional principles of equality and human rights protection.

METHOD

This research employed an exploratory qualitative approach involving micro, small, and medium-sized enterprises (MSMEs) in Jakarta and Bandung within the food and beverage (F&B) sector, specifically café businesses that employed workers with disabilities. The research subjects consisted of two cafés: one located in Jakarta and one located in Bandung, selected based on the availability and willingness of relevant informants to participate in the study.

The qualitative approach was applied to explore and gain a deeper understanding of issues related to the protection of workers with disabilities. Considering the limitations of time, location, and available information sources, this approach was expected to generate findings aligned with the research questions and objectives.

Data were collected through primary and secondary sources. Primary data were obtained through interviews using interview guidelines, recording tools, and documentation in the form of interview transcripts and field notes (Deni Darmawan, 2021). Secondary data were collected from relevant sources, including books on labor law and human rights of workers with disabilities, research articles and journals discussing employment for persons with disabilities, recent news reports, data on the employment of workers with disabilities from the Central Statistics Agency (BPS), and other relevant documents.

RESULTS AND DISCUSSION

The legal status of the relationship between a disabled worker and an employer in the Company.

Legal Status of Employment Relations of Workers with Disabilities at Coffee Cafe X

Cafe X is one of the businesses in the food and beverage (F&B) industry that has been established since 2010. Currently, Cafe X has several branches located in Bogor, Bekasi, and

Yogyakarta. Of the three branches, there is one unique concept of Cafe X which is located in the city of South Jakarta. In this branch, Cafe X not only employs employees with non-disability conditions but also employees with disabilities as many as 7 (seven) people.

Based on the results of interviews with the management of Cafe X, they have been hiring people with disabilities since December 2023. Persons with disabilities who are employed are persons with disabilities with Down syndrome. According to the explanation of article 4 paragraph 1 letter b "What is meant by "Persons with intellectual disabilities" is the disruption of thought functions due to below-average intelligence levels, including slow learning, grahita disability and Down syndrome". Thus, the category of workers with disabilities who work at Cafe X is the category of intellectual disability.

The recruitment and placement process for workers with disabilities at Cafe X is not carried out openly, but is selected from the recommendations of POTADS as a training institution. This was conveyed by the management in the interview process. Furthermore, they said that the working relationship that occurred between Cafe X and Down syndrome workers was carried out by their parents.

According to the provisions of article 433 of the Criminal Code as reinterpreted in the Constitutional Court (MK) decision No. 93/PUU-XX/2022, "Every adult, who is always in a state of ignorance, brain pain or dark eye, is part of a person with mental and/or intellectual disabilities, can be placed under guardianship, even if he is sometimes capable of using his or her mind. An adult may also be placed under guardianship because of his extravagance." Guardianship is a legal effort to place an adult person as an immature person. Furthermore, guardianship is a legal process that aims to protect the rights of people who are considered incapable of acting independently, caused by various factors such as age, certain mental conditions, and physical limitations (Amanda et al., 2024).

Thus, workers with Down syndrome who in this case fall into the category of people with intellectual disabilities can be categorized as individuals who are placed under guardianship as long as there is a judicial determination as stated in article 434 of the Criminal Code, "All requests for guardianship must be submitted to the District Court in whose jurisdiction the person requested for guardianship resides". According to Amanda et al. (2024), people under guardianship are legal subjects who are incapable of law, unable to carry out their rights and obligations independently so they must be represented by guardians. However, in the context of Down syndrome workers who work at Cafe X, there is no court determination stating that they are under guardianship, so that the involvement of parents in the employment agreement process remains valid by attributing the right and legal protection of persons with disabilities to choose and appoint people to represent their interests in civil matters in and out of court in accordance with article 9 letter h of Law No. 8 of 2016 concerning Disabilities that states "The right to justice and legal protection for Persons with Disabilities includes the right to: to choose and appoint persons to represent their interests in civil matters in and out of court". Based on the above and determined by the parties represented in the employment agreement, the subjective and objective conditions for the legal terms of the agreement (capable, agreed, a certain thing and a halal cause) have been fulfilled according to article 52 paragraph (1) of the Labor Law, the legal conditions of the agreement, especially the employment agreement, are based on 1) made on the basis of the agreement of both parties, 2) the ability or ability to perform legal acts, c) the existence of the agreed work)

and d) the agreed work does not conflict with public order, decency, and applicable laws and regulations.

After the legal conditions of the employment agreement have been met, the down syndrome worker at Cafe X gets employment status. Based on the results of interviews with the management, Down syndrome workers at Cafe X work as part-time workers. According to the ILO, part-time employment relationships are classified as non-standard employment relationships, which are forms of employment relationships that are not the same as PKWT and PKWTT employment relationships. (International Labour Organization, 2015 as quoted in Izzati, 2021). Furthermore, Izzati (2021) stated that there are no legal rules for part-time employment relationships, so legal protection for part-time workers can be said to be non-existent at this time.

Nevertheless, Bahari and Rusdiana (2022) argue that part-time workers have similarities with PKWT workers, namely: a) Carrying out Duties and Responsibilities, b) Compliance with Company Regulations, c) Attendance and Discipline, d) Work Ethics, e) Occupational Safety and Health, and f) Productivity and Work Quality. Furthermore, the provisions of article 86 paragraph 1 of Law 13 of 2003 state "Every worker/laborer has the right to obtain protection for: a. occupational safety and health; b. morality and decency; and c. treatment that is in accordance with human dignity and religious values".

Based on these provisions, although there is no clear regulation related to part-time workers, the laws and regulations in Indonesia do not distinguish between part-time workers and full-time workers in terms of obtaining their rights. Therefore, it can be concluded that a job with a part-time work relationship scheme is the same as a PKWT employment relationship, the difference is the working time (Bahari & Rusdiana, 2022). Thus, the regulation of rights and obligations for Down syndrome workers who work as part-time workers can be equated with the provisions of PKWT workers.

Legal Status of Employment Relations of Workers with Disabilities at Cafe Y

Y Cafe is one part of the Atensi Creation Center (SKA) managed by the Wyata Guna Bandung orphanage. The orphanage is one of the work units under the Ministry of Social Affairs of the Republic of Indonesia (Juhari, 2025). Based on the results of interviews with the management of Cafe Y, this café was established in December 2019 with the aim of training skills and empowering Social Welfare Service Workers (PPKS) which include vulnerable groups, people with disabilities, victims of violence, and lower class people.

Based on the information obtained by the researcher from the results of interviews with the management of Café Y, the PPKS category who work at Café Y is people with disabilities, especially Persons with Visual Sensory Disabilities (PSDN). PSDN is one of the types of disabilities where individuals experience disorders or obstacles to their sense of vision (Rahayu, 2022). PSDN is included in the category of sensory disability, according to the explanation of article 4 paragraph 1 letter d of Law no. 8 of 2016 "What is meant by "Persons with sensory disabilities" is the disruption of one of the functions of the five senses, including blind disability, hearing disability, and/or speech disability".

Workers with disabilities who work at Y Cafe do not go through the recruitment process openly. Based on the results of interviews with café managers, the workers with disabilities recruited are PPKS registered in the Integrated Social Welfare Data (DTKS) and on referral from the social service. Workers with disabilities are then included in the assessment process

to determine the feasibility of work. Furthermore, during the process, prospective workers with disabilities are placed in dormitories and receive vocational training, including; mental coaching, rehabilitation, and placement based on interests and competencies, in this case becoming a barista. Workers with disabilities are then included in the internship process for one month before being re-selected and appointed as workers at Cafe Y. From a legal point of view, the training and placement facilities carried out by WYATA Gua are a form of implementation of the rights of persons with disabilities to work in accordance with article 45 of Law No. 8 of 2016 which states that "The Government and Regional Governments are obliged to ensure the recruitment process, job placement, acceptance, job sustainability training, employment, and career development that are fair and non-discriminatory to Persons with Disabilities".

According to the results of the interview with the management of Kopi Y, the work agreement with PDSN was made in writing in the form of a Fixed-Time Work Agreement (PKWT) with a period of one year and evaluated for every 3 months. This practice is in accordance with article 4 of Government Regulation 35 of 2021 which states "PKWT is based on: a) the period of time, or b) the completion of a certain work". In this case, Y Cafe implements PKWT on the basis of a certain period of time, namely one year. Then related to its administration, Cafe Y has also fulfilled Article 57 paragraph one of Law no. 13 of 2003 which states "Employment agreements for a certain time are made in writing and must use Indonesian and Latin letters".

Furthermore, the management explained that the work agreement was signed directly by PDSN without being represented by parents or guardians. This is normatively appropriate because people with disabilities who work at Cafe Y are categorized as people with sensory disabilities which are not included in the category of incompetent individuals referring to article 1330 of the Criminal Code which states "Those who are incapable of making consent are; 1) immature children, 2) persons placed under guardianship, 3) women who have been married in matters prescribed by law and generally all persons who are prohibited by law from making certain consents".

The practice of the work agreement between Cafe Y and Persons with Visual Sensory Disabilities (PDSN) is in accordance with the provisions in Article 4 of Government Regulation 35 of 2021 and Article 57 of the Manpower Law. Then the practice of signing a work agreement at Cafe Y has met the legal requirements of the agreement as mentioned in article 1320 of the Criminal Code "In order for a valid agreement to occur, four conditions need to be met; 1) the agreement of those who bind themselves, 2) the ability to make an alliance, 3) a particular subject matter, 4) an unforbidden cause".

Protection Policy Related to Wages, Working Hours and Rest Time for Workers with Disabilities in the Company.

1. Wage protection policy

Work is an activity carried out by an individual with the aim that the individual can maintain his life and get a decent livelihood. By working, each individual will produce something and earn a wage (Wiraputra, 2021). The right to a decent wage has been regulated in laws and regulations. Article 1 number 30 of the Manpower Law states "Wages are the rights of workers/laborers that are received and declared in the form of money in return from the employer or employer to the worker/laborer determined and paid according to a work

agreement, agreement, or laws and regulations, including allowances for workers/laborers and their families for a work and/or service that has been or will be performed".

Based on the results of interviews conducted by the researcher with the management of Cafe X, Down syndrome workers who work at Cafe X receive monthly wages with an hourly wage calculation scheme. The wage calculation scheme is categorized into wages determined based on time units as stated in Article 15 PP 36 of 2021, "Wages Based on Time Units As referred to in article 14 letter a are determined as: a) hourly, b) daily, or c) monthly". Hourly wages can be paid based on an agreement between employers and workers as mentioned in article 16 paragraph 2 of PP 36 of 2021 concerning Wages, "Hourly Wages are paid based on an agreement between employers and workers/laborers". However, in the same article in paragraph 3 it is emphasized that the agreement made must also not be lower than the formulation that has been determined in paragraph 4 of article 16 of GR 35 of 2021. Furthermore, Government Regulation 36 of 2021 concerning Wages stipulates that workers with a part-time work system are entitled to a proportional wage calculated using the following calculation formula:

$$\text{Hourly Wage} = \frac{\text{Monthly Wage}}{126}$$

Note: the monthly wage refers to the provincial drinking wage or the municipal minimum wage applicable at the research site.

By using the calculation formula, it can be found that the nominal minimum hourly wage that is the right for Cafe X baristas is:

$$\text{Hourly Wage} = \frac{\text{Monthly Wage}}{126} \quad \text{Hourly Wage} = \frac{5,396,761}{126} \quad \text{Hourly Wage} = \text{Rp. 42,831}$$

The results of the calculation above show that the minimum limit per hour that must be given Cafe X is Rp42,831.- However, based on the results of the interview, it shows that the wage received by a barista with down syndrome is Rp50,000.- per hour.

Although the article from the results obtained shows that Cafe X not only meets the element of wages, but also provides wages that are better than the standards that have been determined. This shows that there is a commitment of Cafe X to provide a decent wage without discrimination in accordance with the provisions of article 6 of Law No. 13 of 2003, "every worker/laborer has the right to receive the same treatment without discrimination from employers"

2. Protection policies related to working time and rest time

Based on the results of the research conducted, it is known that Barista down syndrome at Cafe X is employed with a part-time scheme, namely by working for 4 hours per day, with 3 working days a week. From the aspect of working time, Article 77 paragraph 2 of Law 13 of 2003, stipulates that working time as referred to in paragraph (1) includes: a) 7 (seven) hours 1 (one) day and 40 (forty) hours 1 (one) week for 6 (six) working days in 1 (one) week; b) or 8 (eight) hours 1 (one) day and 40 (forty) hours 1 (one) week for 5 (five) working days in 1 (one) week.

Part-time workers have shorter working hours than the above provisions. According to the explanation of article 16 Paragraph 1 GR 36 2021 "What is meant by "working part-time" is working less than 7 (seven) hours 1 (day) and less than 35 (thirty-five) hours 1 (one) week. However, according to the Part Time Work Convention 1994 No. 175 as quoted in Bahari & Rusdiana (2022), the status of part-time workers and full-time workers is the same, namely

having the same employment relationship, being involved in the same job, working in the same place. The difference in this context is that part-time working hours are different from PKWT. According to Bahari & Rusdiana (2022), the provision of part-time working hours is allowed as long as the wage calculation does not deviate from the applicable provisions.

Apart from working time, according to Law 13 of 2003, one of the rights of Down syndrome workers that must be fulfilled by the management of Cafe X is rest time in accordance with article 79 paragraph 2 letters a and b "1) Employers are obliged to provide rest time and leave to workers/laborers, 2) Rest time and leave as referred to in paragraph (1), Includes: a. breaks between working hours, at least half an hour after working for 4 (four) continuous hours and such rest time does not include working hours; b. weekly rest of 1 (one) day for 6 (six) working days in 1 (one) week or 2 (two) days for 5 (five) working days in 1 (one) week". Based on the results of interviews with management, Cafe X provides rest time after Down syndrome workers work for 4 hours in one day. Referring to the concept of part time, they work less than 35 hours a week as previously mentioned in the explanation of article 16 of PP 35 of 2021 "what is meant by "working part-time" is working less than 7 (seven) hours 1 (one) day and less than 35 (thirty-five) hours 1 (one) week". Thus, the provisions of rest time for Down syndrome workers imposed at Cafe X do not deviate from the provisions of article 79 paragraph 2 letters a and b.

3. Protection Policy Related to Wages, Working Hours, and Rest Time at Cafe Y

a. Wage Protection Policy

Based on the results of interviews conducted by the researcher with management, workers with visual sensory disabilities (PDSN) who work at Kopi More receive wages calculated on a per-shift basis. PDSN at Kopi More receives a wage of

70,000 rupiah per shift for juniors, and 95,000 rupiah per shift for seniors. The management said that wages are given every 1st of every month.

Based on this, the calculation of wages applicable to PDSN workers at Kopi More uses a time unit system that is set on a monthly basis in accordance with the provisions of article 15 PP 36 of 2021 which states "Wages based on time units as intended in article 14 letter a are determined as: a) hourly, b) daily; or, c) monthly". Thus, Kopi more is obliged to pay a minimum wage in accordance with the provisions of article 23 paragraph 3 of PP 36 of 2021 "employers are prohibited from paying wages lower than the minimum wage". Based on the DECREE OF THE GOVERNOR OF WEST JAVA NUMBER 561.7/Kep.798-Kesra/2024 CONCERNING THE MINIMUM WAGE OF REGENCIES/CITIES IN THE PROVINCE OF WEST JAVA IN 2025, the minimum wage of regencies/cities that applies in the city of Bandung is Rp. 4,482,914.09 per month. If calculated on an hourly basis in accordance with the wage calculation formula article 16 paragraph 4 PP 36 of 2021, the calculation is:

Hourly Wage =

Hourly Wage =

Monthly wage 1264,482,914.09

126Hourly Wages = 35,578.68

Referring to working time in accordance with the provisions of article 21 PP 35 of 2021, namely "Working time as referred to in paragraph (1) includes: a. 7 (seven) hours 1 (one) day and 40 (forty) hours 1 (one) week for 6 (six) working days in 1 (one) week; or b. 8 (eight)

hours 1 (one) day and 40 (forty) hours 1 (one) week for 5 (five) working days in 1 (one) week." then the minimum wage that should be received by PDSN workers at Kopi More is:

Y Coffee Wage : $35,578.68 \times 7$ hours of work = IDR 249,050.76 per shift

Thus, the wage given by the management of coffee more, which is IDR 70,000-IDR 95,000 per shift, is not in accordance with the applicable minimum wage provisions. However, according to Anggara (2024), there are provisions of legislation that exempt the obligation to pay the minimum wage for micro, small, and medium enterprises (MSMEs). According to the provisions of article 36 paragraph 1 of PP 36 of 2021 "The minimum wage provisions as referred to in Articles 23 to 35 are excluded for micro and small businesses".

Based on the results of interviews with the management, Cafe Y is classified as MSMEs with the Micro Business category. According to article 35 paragraph one of Government Regulation Number 7 of 2021 concerning the Facilitation, Protection, and Empowerment of Cooperatives, and Micro, Small and Medium Enterprises, "Micro, Small, and Medium Enterprises are grouped based on the criteria of business capital or annual sales results". Based on the results of the interview, the average monthly sales of more coffee are 20-25 million rupiah per month or 300 million rupiah in one year. According to the provisions of article 35 paragraph 5 letter a "Micro Enterprises have annual sales revenue of up to a maximum of Rp2,000,000,000.00 (two billion rupiah);". with the thought of coffee more is a micro business in accordance with the provisions of Government Regulation No. 7 of 2021.

Even though it is categorized into Micro Enterprises that are exempt from paying the minimum wage, Kopi more still has the obligation to pay the value of wages in accordance with the provisions of the law. according to Anggara (2024), the provisions for the minimum wage value for MSMEs are determined as stated in article 36 paragraph 2 of PP 36 of 2021 "Wages in micro and small businesses are determined based on the agreement between employers and workers/company laborers with the provisions: a) at least 50% (fifty percent) of the average public consumption at the provincial level; and b) the agreed wage value is at least 25% (twenty-five percent) above the poverty line at the provincial level".

Based on this, according to data from the Central Statistics Agency on January 31, 2025, the average per capita expenditure in one month in West Java province in March 2024 is IDR 1,633,032.00 (one million six hundred and thirty thousand thirty-two rupiah). Furthermore, according to the Official Gazette of Statistics No. 43/07/32/Th. XXVII, July 25, 2025, the monthly per capita poverty line of West Java Province in March 2025 is Rp. 547,752 (five hundred and forty-seven thousand seven hundred and fifty-two rupiah). If the wages provided by Kopi More are calculated with the provisions of article 36 paragraph 2 letter a of PP 36 of 2021, namely "at least 50% (fifty percent) of the average public consumption at the provincial level; and b) the agreed wage value is at least 25% (twenty-five percent) above the poverty line at the provincial level" then:

$50\% \text{ average} - \text{average consumption at the provincial level} = 50\% \times \text{Rp. } 1,633,032.00 = \text{Rp. } 816,516$
 $25\% \text{ above the poverty line at the provincial level} = 100\% + 25\% \times \text{Rp. } 547,752 = \text{Rp. } 684,690$

Wage Junior PDSN Worker Per Month = $\text{Rp. } 75,000 \times 26 \text{ hworking days} = \text{Rp. } 1,950,000$

Monthly Wage for Senior PDSN Workers = Rp. 90,000 * 26 h working days = Rp . 2,340,000

Thus, Kopi More has fulfilled the provisions for providing wages as a Micro Business to senior and junior PDSN workers in accordance with the provisions of article 36 paragraph 2 letter a PP 36 of 2021, which is above 50% of the average community consumption at the provincial level and above 25% of the poverty line at the provincial level.

b. Protection policy regarding working time and rest time

Based on the results of interviews with the management, Blind Sensory Disability Workers (PDSN) work with a shift system. According to Wenston et al., the 2025 shift system is a form of work time management with a scheme to divide operational hours into several periods, where workers are scheduled to take turns carrying out work with the aim of maintaining service sustainability. The management said that PDSN at Kopi More worked for 7 hours in one shift per day and 6 days in one week. This is in accordance with the provisions of working hours mentioned in article 77 paragraph 2 of Law 13 of 2003 "working time as referred to in paragraph (1) includes: a) 7 (seven) hours 1 (one) day and 40 (forty) hours 1 (one) week for 6 (six) working days in 1 (one) week; b) or 8 (eight) hours 1 (one) day and 40 (forty) hours 1 (one) week for 5 (five) working days in 1 (one) week". Thus, Kopi MORE has fulfilled the provisions regarding working hours in accordance with applicable laws and regulations.

According to Law 13 of 2003, another obligation that needs to be considered by More coffee in addition to the provisions of working time is to provide rest time to PDSN workers in accordance with the provisions of article 79 paragraph 2 letters a and b "a) rest between working hours, at least half an hour after working for 4 (four) hours continuously and the rest time does not include working hours; b. weekly rest of 1 (one) day for 6 (six) working days in 1 (one) week or 2 (two) days for 5 (five) working days in 1 (one) week". Based on the results of interviews with the management, coffee more gives PDSN the freedom to rest without requiring them to work for 4 (four) hours continuously. This is a form of decent accommodation, namely accommodation in the provisions of article one paragraph 9 of Law 8 of 2016 "Decent Accommodation is an appropriate modification and adjustment and is necessary to ensure the enjoyment or implementation of all human rights and fundamental freedoms for Persons with Disabilities based on equality" Therefore, PDSN who work at Kopi More gets the right to rest by adjusting the circumstances of each individual. In addition, the management of Kopi More said that they also fulfilled the provisions of article 79 paragraph 2 letter b, namely providing a break period of one day after 6 working days in one week. Thus, more coffee has met the standards for providing working time and rest time in accordance with the provisions of applicable laws.

CONCLUSION

The conclusion of this study showed that employment practices for workers with disabilities in MSMEs within the food and beverage (F&B) sector had different characteristics and challenges depending on the type of disability and company policies. At Cafe X, workers with intellectual disabilities (Down syndrome) were employed as part-time workers with employment agreements represented by their parents. This practice was legally justified because persons with disabilities have the right to appoint representatives in civil matters,

even without a specific court determination of incapacity. Although part-time employment relationships have not been specifically regulated under Indonesian labor legislation, the fulfillment of workers' rights at Cafe X was aligned with the provisions applicable to fixed-term employment agreements (Perjanjian Kerja Waktu Tertentu or PKWT) and met the legal requirements for employment agreements as stipulated in the Manpower Law. At Cafe Y, workers with visual impairments were employed under the PKWT scheme and signed employment agreements independently because they were considered legally competent. The protection of normative rights, including working hours and rest periods, was provided in accordance with applicable regulations. Regarding wages, Cafe X provided hourly wages exceeding the minimum standard, while Cafe Y provided shift-based wages that did not meet the district/city minimum wage but remained consistent with the special provisions for micro-enterprises under Government Regulation No. 36 of 2021. Both companies provided reasonable accommodations and non-discriminatory treatment in accordance with the principle of equality for persons with disabilities. Overall, this study emphasized that the fulfillment of workers with disabilities' rights was strongly influenced by companies' regulatory compliance and internal commitment to establishing inclusive workplaces. However, normative gaps remained in the regulation of part-time employment relationships, causing implementation practices to rely heavily on individual company interpretations.

The government is recommended to establish specific regulations governing part-time employment relationships, including minimum protection standards, to ensure legal certainty and equal rights for workers with disabilities employed under this arrangement. For companies and MSMEs employing persons with disabilities, it is necessary to strengthen employment agreement administration, ensure workers' understanding of their legal rights and obligations, and align internal policies with the principles of non-discrimination, reasonable accommodation, and labor protection.

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