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Legal Problems of Fulfilling Rights and Inclusive Rehabilitation for Persons with Disabilities in Correctional Institutions

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Abstract

This study examines the challenges faced by Indonesia's correctional system in fulfilling the rights of inmates with disabilities through a case study of Agus Buntung, a disabled inmate experiencing accessibility difficulties at Class IIA Kuripan Prison. Although Law No. 40 of 2008 and related government regulations stipulate rights to accessibility and inclusive rehabilitation for persons with disabilities, implementation in prisons remains inadequate. Limited infrastructure, insufficient assistive devices, and a lack of inclusive rehabilitation programs cause inmates like Agus to experience isolation and obstacles in participating in correctional programs. These issues hinder the achievement of rehabilitation goals aimed at preparing inmates for reintegration into society. This research employs a normative legal method with a statutory approach to analyze the fulfillment of accessibility rights, the implementation of inclusive rehabilitation programs, and the barriers encountered. The findings highlight the need for comprehensive reforms, including facility improvements, enhanced staff capacity, and more specific regulations to create a more inclusive and just correctional system for inmates with disabilities. These results are intended to inform policy recommendations that uphold human rights and support effective rehabilitation for disabled inmates.

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A. INTRODUCTION

The Indonesian correctional system aims primarily to educate inmates so they can improve themselves and return to society as responsible individuals. In practice, this is done to fulfill the rights of inmates with disabilities as stipulated in Law No. 40, which was legally required in 2008. Disability is a condition that causes a person to experience limitations in carrying out daily activities or interacting with their environment. These limitations can affect physical, mental, intellectual, or sensory functions. Disabilities can be temporary or permanent, and can be present from birth or occur later due to illness, injury, or other factors. The causes of disability are diverse, ranging from genetic factors and medical conditions to accidents. Disability is not a deficiency, but rather a reflection of human diversity. Every individual with a disability has unique potential and abilities. With the right support, they can live independently and participate fully in society (Tengah, 2023).

People with disabilities are considered vulnerable groups. A vulnerable group is a group of individuals who are more susceptible to social, economic, or health risks than the general population. This vulnerability can be caused by various factors, such as age, gender, health conditions, socioeconomic status, or disability. Vulnerable groups often face barriers in accessing equal resources and opportunities, making them more vulnerable to injustice and discrimination. Vulnerable groups in society include children, the elderly, women, and people with disabilities (Subroto & Marcellino, 2024). Many challenges in correctional institutions (prisons) include the lack of basic disability-friendly infrastructure, such as wheelchair ramps, accessible toilets, and adequate mobility aids. Agus Buntung, a disabled inmate, experienced difficulties accessing facilities in his prison. The availability of these facilities varies widely across prisons, creating disparities and limiting the participation of disabled inmates in development and rehabilitation programs. The limited infrastructure and services that are not disability-friendly hamper Agus' daily life and fundamentally hinder the achievement of the rehabilitation goal which should be to restore prisoners so they can reintegrate into society (Andriyan, 2022).

The issue of accessibility for prisoners with disabilities in correctional institutions (Lapas) is a crucial issue that goes beyond mere technicalities. This obstacle concerns the principles of justice and human rights, especially for vulnerable groups such as persons with disabilities. Every individual, including those with disabilities, has equal standing before the law. The lack of adequate accessibility in prisons is not merely a technical obstacle but reflects the system's weak sensitivity to their needs and the suboptimal implementation of existing regulations (Andriyan et al., 2023). Prisoners with disabilities often feel isolated and struggle to interact in existing development programs. Allowing prisoners with disabilities to live in inadequate and isolated conditions undermines their dignity as human beings. Disability service units, which should provide adaptation periods, special services, and rehabilitation facilities, are still suboptimal in many prisons, thus hindering the development process and fulfilling the rights of prisoners with disabilities. Rehabilitation in correctional facilities aims to provide opportunities and support for positive change. However, for prisoner Agus, limited physical facilities, the lack of inclusive programs, and discrimination are major barriers. The lack of accessibility and disability-friendly facilities in correctional institutions not only violates the human rights of prisoners with disabilities but also counterproductive to overall correctional goals. The lack of facilities such as wheelchair access, adaptive toilets, and special evacuation routes in over 60% of prisons in Indonesia, as revealed by the National Commission on Human Rights (Komnas HAM), is clear evidence that the basic needs of prisoners with disabilities are not being adequately met (Romado & Subroto, 2021).

Indonesian correctional institutions face numerous accessibility barriers. There are also positive efforts that should serve as examples of good practices in providing disability-friendly facilities. One example is the Class II A Women's Prison in Semarang. This prison has built ramps in the main area, allowing inmates using wheelchairs to move more freely without obstruction. Furthermore, adaptive toilets with grab bars and ample space are provided to facilitate the independence of people with physical disabilities in carrying out daily activities. Beyond infrastructure, the Semarang Women's Prison also regularly holds special training for staff to better understand the needs of inmates with disabilities and provide appropriate support.

Staff are equipped with knowledge on the use of assistive devices, inclusive communication techniques, and how to handle emergency situations involving inmates with disabilities. With adequate physical facilities and increased staff capacity, inmates with disabilities at the Semarang Women's Prison can better participate in development and rehabilitation programs and feel respected for their human dignity. This practice demonstrates that implementing inclusive principles in the correctional environment is highly feasible and can serve as a reference for other prisons in Indonesia (Romado & Subroto, 2021).

Research by the Community Legal Aid Institute (LBH Masyarakat) also found that prisoners with disabilities often face discrimination in rehabilitation programs, such as the lack of dedicated counselors or training modules tailored to their needs, further marginalizing them and hindering their development. Most prisons lack specialized disability services or professional counselors. Counseling is typically provided by fellow prisoners, rather than by experts who understand the medical, psychological, and social needs of people with disabilities. This impacts the quality of rehabilitation and rehabilitation, as well as the fulfillment of the rights of prisoners with disabilities to receive specialized services. Therefore, a more comprehensive and integrated approach is needed that recognizes and accommodates the unique needs of prisoners with disabilities. Data from the National Commission on Human Rights (Komnas HAM) in 2021 showed that more than 60% of correctional institutions in Indonesia lack disability-friendly facilities, such as wheelchair access, adaptive toilets, and special evacuation routes. Furthermore, research by the Community Legal Aid Institute (LBH Masyarakat) (2022) found that prisoners with disabilities often experience discrimination in rehabilitation programs, including the lack of dedicated counselors or training modules tailored to their needs. Media such as Komnas HAM (2022, September 12). Follow-up to the recommendations of the Committee on the Rights of Persons with Disabilities. In addition to receiving special treatment during the rehabilitation process, prisoners with disabilities also have the right to adequate health services (Subroto & Muktya, 2024). Special attention to health services for prisoners with disabilities is crucial because they have physical, intellectual, mental, and sensory limitations and are vulnerable to discrimination. Health services for

prisoners with disabilities have been integrated as part of the Disability Services Unit, which aims to meet their health needs (Subroto, 2022).

Existing legal studies are largely normative and tend to repeat statutory provisions without in-depth examination of the real gaps in their implementation in correctional institutions. This article offers a distinct scholarly contribution by filling the gap in legal studies related to the fulfillment of rights and inclusive rehabilitation for prisoners with disabilities through a concrete case study of Agus Buntung at the Class IIA Kuripan Prison. The article's main contribution lies in two aspects. First, it critically analyzes the discrepancy between legal norms and the practice of fulfilling the rights of prisoners with disabilities in correctional institutions, a practice that has not been widely addressed in Indonesian legal literature. Second, it proposes a legal concept of inclusive rehabilitation, recommending regulatory reform, capacity building for officers, and the provision of facilities and services that are truly responsive to the specific needs of prisoners with disabilities. The approach used not only focuses on normative legal aspects but also prioritizes practical solutions and policy recommendations that can be implemented in practice. This article is expected to enrich the discourse on correctional law in Indonesia and provide practical policy direction that supports the fulfillment of human rights and the effectiveness of rehabilitation for vulnerable groups in correctional institutions. As stated by Romado & Subroto (2021), case-based legal studies can be used as a basis for developing inclusive and human rights-respecting correctional policies. The findings and analysis in this article also align with the CRPD principles, which require a legal system that is inclusive of persons with disabilities.

In the context of national and international law, the issue of fulfilling the rights of prisoners with disabilities in correctional institutions (prisons) has become a critical focus because it concerns fundamental human rights. Although Indonesia has ratified the Convention on the Rights of Persons with Disabilities (CRPD) and legally regulated it in Law No. 8 of 2016 concerning Persons with Disabilities and Law No. 12 of 1995 concerning Corrections, the reality on the ground still shows a significant gap between norms and implementation. A study by Nabilla Nur Annisa et al. revealed that many prisons have not been able to meet adequate accessibility standards, leaving prisoners with disabilities like Agus Buntung isolated and denied

the right to inclusive rehabilitation. This is clear evidence of a violation of the principle of equality before the law (equality before the law) and non-discrimination. The absence of assistive devices, professional staff, and the lack of specific policies governing disability rights in the correctional system demonstrate that the current legal system is still not adaptive to the needs of vulnerable groups. Therefore, more progressive regulatory reforms, strengthening of human resource capacity in prisons, and strict oversight of the implementation of the rights of prisoners with disabilities are needed to ensure that substantive justice is truly realized in the Indonesian correctional legal system.

B. RESEARCH METHODS

This research uses a normative (Sabar et al., 2025) method that focuses on the fulfillment of Agus' rights as a person with a disability in the correctional system. This method is normative because this research aims to analyze and examine the legal aspects that regulate the fulfillment of the rights of people with disabilities in the correctional system. This research uses a statutory approach by examining various laws and regulations that serve as the legal basis for fulfilling the rights of prisoners with disabilities, such as Law No. 40 of 2008 concerning the Elimination of Discrimination Against Persons with Disabilities. Furthermore, this study utilized a literature review by reviewing previous research findings from various scientific journals and reports from relevant institutions. This literature review was used to strengthen the analysis of the actual conditions in prisons, barriers to the implementation of rights, and the effectiveness of existing policies. (Tinambunan, 2018) Data sources included legislation and official policies, as well as analysis of relevant documents and reports related to the condition of facilities and services in prisons. Furthermore, the researcher analyzed supporting documents, such as reports on the condition of facilities and services available in prisons. Through document analysis, this study identified legal and implementation barriers that hinder the fulfillment of the rights of persons with disabilities. These barriers include the lack of specific regulations governing disability services in prisons regarding the special needs of prisoners with disabilities and the limited budget allocated to support the fulfillment of these rights. Using normative

research methods, this study is expected to provide a comprehensive overview of the challenges the correctional system faces in fulfilling the rights of prisoners with disabilities. Furthermore, this study aims to formulate solutions needed to realize inclusive and equitable correctional facilities. These solutions include more specific and detailed regulatory improvements, increased capacity of prison officers through training, provision of accessible facilities, and adequate budget allocation to support the fulfillment of the rights of prisoners with disabilities. These efforts must also be supported by policy harmonization at all levels of government, budget equity, and increased understanding and sensitivity of prison officers to the rights of persons with disabilities, so that the goal of just corrections that are oriented towards restoring human dignity is truly realized. This research provides not only a legal analysis but also practical recommendations that can serve as a reference for policymakers and prison implementers in realizing a correctional system that optimally respects and protects the rights of persons with disabilities.

C. RESULTS AND DISCUSSION

The case of Agus Buntung, a physically disabled prisoner without both arms, provides a clear illustration of the challenges facing the Indonesian correctional system. In fulfilling the rights of persons with disabilities in accordance with Law No. 40 of 2008 concerning the Elimination of Discrimination against Persons with Disabilities, Agus is a suspect in a serial sexual harassment case involving more than 15 women detained in the Class IIA Kuripan Prison, West Lombok. Agus's physical condition, which is a special need that should be seriously accommodated by the correctional institution, in fact, Agus experiences various difficulties in carrying out daily life in prison. Basic activities such as bathing, urinating, and changing beds are a major challenge for him due to limited facilities and support. Even essential aids such as necessary medications are often confiscated by officers, which further worsens his condition. Agus complained about the cramped conditions of the detention room that do not allow him to move comfortably, as well as the limited assistive devices provided. Although there are dedicated rooms with facilities such as bathrooms equipped with sitting and squatting toilets and showers, these spaces remain limited and do not fully support the optimal mobility of prisoners with disabilities. Furthermore, assistive devices such as wheelchairs and canes are often inadequate or difficult to access. The companions provided are usually fellow prisoners, resulting in a lack of professional and consistent support. Prisoners with disabilities, like Agusda, face a higher risk of physical, psychological, and sexual violence from both fellow prisoners and prison officials. This violence is often hidden due to communication limitations or difficulties in reporting, further increasing their vulnerability. Abuse, neglect, verbal abuse, and unfair isolation can have serious impacts on their physical and mental health. Effective protection and complaint mechanisms are crucial to preventing and addressing violence against prisoners with disabilities.

Indonesia has regulations governing legal accommodations for people with disabilities, such as Government Regulation (PP) No. 47 and Presidential Regulation (Perpres) No. 67 of 2020, which emphasize the importance of accessibility in the judicial and correctional processes. However, their implementation is still far from adequate (Sari & Wijaya, 2024). Field data shows that facilities in correctional institutions are very limited, and inmates with disabilities often have to sleep on the floor due to the lack of adequate wheelchair access, which prevents them from using

bunk beds. Many correctional institutions have not been able to adapt their facilities, infrastructure, and services to the needs of inmates with disabilities. Weak government oversight and participation exacerbate the situation, resulting in inadequate access and adequate accommodations. Although the government has issued regulations and some prisons have attempted to provide special facilities, implementation in the field remains far from ideal. Agus is placed in the elderly and disability block with other disabled inmates, but he is still treated the same as other inmates, with no distinctions for his special needs (Purnomosidi, 2024).

The principle of correctional system stated in Udang-Udang No. 8 2016, stipulates that "Sentencing is not based on the context of retaliation. Nor is it based on the location where the torture was carried out against prisoners and ordinary students. Law Number 8 of 2016 protects the rights and opportunities of persons with disabilities to live prosperously. The legislation describes persons with disabilities as follows: (Pamungkas & Subroto, 2023)

- 1. Law Number 8 of 2016 concerning Persons with Disabilities is a person who has physical, intellectual, or mental limitations that have lasted for a long time and may experience difficulties in communicating fully.
- 2. Based on Law Number 19 of 2011 concerning the Ratification of the Rights of Persons with Disabilities, Persons with Disabilities are people who experience difficulties in interacting with other people because they have physical, intellectual, or mental limitations.
- 3. Based on Law 39 of 1999 concerning Human Rights, people with disabilities are a vulnerable group who have the right to receive treatment and protection that is more related to their special needs.

Prisoners trained in correctional institutions are entitled to equal treatment before the law, regardless of whether they are adults, women, or vulnerable groups. The rights granted to persons with disabilities under the law enable them to exercise their rights to maximize their potential in all aspects of community life. The law protects and strengthens the rights of persons with disabilities.

It is important to conduct research on the key elements that determine the developmental process in correctional institutions to gain a better understanding of the

developmental efforts undertaken by prisoners with disabilities. There are three main components in providing this development: (Nugroha & Subroto, 2023).

As the primary place for inmate rehabilitation, correctional institutions play a crucial role in fostering positive relationships between inmates and the community. As members of the institution's staff, correctional officers have a significant responsibility to carry out their professional duties without discrimination, including against inmates with disabilities. They must act with honesty and kindness, demonstrating the qualities of a teacher who is capable of teaching, a parent who treats, protects, and acts fairly, and a guardian who creates a sense of security during the rehabilitation period. Furthermore, officers must function as mentors who foster work ethic and provide inmates with hope for a better future. Inmates are part of society who must serve their sentences and be temporarily isolated in correctional facilities. Mistreatment of inmates' rights, including those of inmates with disabilities, can be prevented by ensuring that correctional officers carry out their rehabilitation duties properly and correctly. This is an important effort to ensure the rights of inmates with disabilities are fulfilled.

Prisoners with disabilities receive training and guidance aimed at providing them with resources upon their release and increasing trust with authorities. People who have legal issues or who have been incarcerated in correctional institutions inevitably experience a loss of self-confidence. People with disabilities who become prisoners in correctional institutions need support and motivation. They should not feel useless due to physical disabilities and then commit crimes. Prisoners with disabilities must be aware of their rights to health services in addition to special treatment during their rehabilitation. Because they are vulnerable to discrimination and have physical, intellectual, mental, and sensory limitations, prisoners with disabilities require special attention in their health services. Currently, the Disability Services Unit provides health services for prisoners with disabilities (Milala & Subroto, 2023).

Improving facilities, increasing staff capacity, developing more specific regulations, and allocating adequate budgets could be a solution. These efforts must also be supported by policy harmonization at all levels of government and increasing the understanding and sensitivity of prison officers to the rights of persons with disabilities. In this way, the goal of just corrections that are oriented towards restoring human dignity can truly be realized. Inmates with disabilities must begin rehabilitation

and reintegration efforts into society while they are still in detention. Education, job training, and access to physical and medical rehabilitation need to be specifically designed. Special training is needed for prison staff so that they can understand and meet the needs of inmates with disabilities professionally. They need to receive social support and health care after release so that they can return to being productive members of society and make positive contributions. (Eddyono & Kamilah, 2015).

The case of Agus Buntung clearly illustrates that the fulfillment of the rights of prisoners with disabilities in Indonesian correctional institutions still faces various serious obstacles, both in terms of facilities, services, and legal protection. Although regulations have regulated the rights of persons with disabilities, their less than optimal implementation demonstrates the need for comprehensive reform and a strong commitment from all relevant parties. Inclusive and equitable correctional institutions are not only about providing physical facilities, but also about ensuring professional support, effective complaint mechanisms, and ongoing cross-sector collaboration. This way, prisoners with disabilities can have equal opportunities in the rehabilitation and social reintegration process, enabling them to return to society with dignity and maintained productivity. These efforts not only fulfill legal and moral obligations but also reflect the nation's progress in respecting human rights comprehensively.

Prison authorities claim to provide appropriate facilities, but numerous reports indicate that accessibility remains a problem, such as a lack of assistive devices and an inability to move comfortably within cells. This indicates that despite efforts to provide specialized facilities, the implementation and quality of services do not fully meet the standards required to support effective rehabilitation and fully respect the rights of prisoners with disabilities. The purpose of accessibility is to facilitate public activities and services for persons with disabilities. Consequently, persons with disabilities and individuals belonging to vulnerable groups have the right to social services and protection that help them become more independent (Pandiangan, 2023). By providing the necessary facilities, initial preparation, and medical care, and ensuring accessibility for persons with disabilities, they can easily participate in prison activities and receive equal development programs without discrimination. To meet the needs of prisoners with disabilities, prisons must provide supportive services, instruction, and facilities. This reflects the need for profound reforms in the correctional system to support the more inclusive rehabilitation of prisoners with disabilities. These reforms should

include improvements to physical facilities, training of prison officers, and the provision of professional support staff. It is important to discuss the need for collaboration between the government, organizations for people with disabilities, legal aid institutions, academics, and civil society in designing, monitoring, and evaluating policies and services in prisons.

This collaboration can ensure ongoing advocacy and solutions based on the real needs of prisoners with disabilities. This ensures that correctional goals, which prioritize reliability and social integration, can be achieved effectively and fairly. Rehabilitation in the correctional context should aim to restore individuals so they can reintegrate into society productively and responsibly (Putri, 2021). However, in Agus's case, limited facilities and non-inclusive rehabilitation programs are major barriers to this process. In most cases, rehabilitation programs are not designed to meet the unique needs of individuals with disabilities in terms of curriculum, learning techniques, and professional support. In this case, Agus did not experience any individual disadvantage, but prevented him from participating effectively. This also reflects broader problems within the Indonesian correctional system, which hinders the ability to benefit from existing programs. Consequently, building a more humane and equitable correctional system requires a comprehensive approach involving collaboration between the government, the community, and relevant institutions. Without strong collaboration with the community and relevant institutions, efforts will be unsuccessful, as will a transparent and ongoing evaluation and monitoring system to ensure the fulfillment of the rights of prisoners with disabilities in prison. Easily accessible complaint mechanisms and witness/whistleblower protection must also be strengthened to ensure swift identification and follow-up of violations. By addressing the aforementioned aspects, the analysis focuses not only on physical issues and facilities, but also on legal, social, and psychological dimensions, as well as the importance of systemic change and cross-sector collaboration to create a correctional system that is truly inclusive and equitable for prisoners with disabilities.

The community includes organizations for people with disabilities that have a deep understanding of the issues, community organizations concerned with human rights, academics who can provide research-based recommendations. Thus, the case of Agus Buntung is not merely an individual issue, but also reflects systemic challenges that must be addressed to ensure the rights of people with disabilities are fulfilled in

every aspect of law and correctional services. The analysis in the results and discussion sections of this study is still dominated by descriptive descriptions of the contents of articles and factual conditions in the field, without being accompanied by critical legal arguments or sharp normative solutions. Explanations related to the rights of prisoners with disabilities in national regulations, such as Law No. 40 of 2008 and its derivative regulations, mostly explain the substance of the law without deeply dissecting inconsistencies between norms and practices in correctional institutions1. In fact, the case study of Agus Buntung at the Class IIA Kuripan Prison clearly shows how limited infrastructure, the lack of assistive devices, and the lack of inclusive rehabilitation programs cause prisoners with disabilities to experience isolation, obstacles in development, and even ongoing discrimination. This not only hinders the goal of rehabilitation, but also reflects the weak implementation of regulations and the lack of sensitivity of the system to the needs of vulnerable groups. It is necessary to add a critical reading of regulatory inconsistencies and implementation obstacles, for example by highlighting the fact that more than 60% of prisons in Indonesia do not meet basic accessibility standards, and there is no effective and disability-friendly complaint mechanism.

It is crucial to provide solutions based on internationally recognized theory and practice, such as the Convention on the Rights of Persons with Disabilities (CRPD), which states that states must provide adequate accommodation, an effective complaints system, and ensure oversight of disability organizations. Recommendations include establishing independent disability service units in each prison, increasing the capacity of officers through specialized training, and allocating budgets based on actual needs. Case studies such as Agus Buntung's can be used to strengthen the analysis, ensuring that the discussion is not merely descriptive but also provides critical legal arguments and applicable normative solutions that are relevant to international standards. Thus, research results will be more useful as a basis for policy reform and improving the correctional system to be inclusive and equitable for prisoners with disabilities.

D. CONCLUSION

the issues faced by Agus Buntung, a physically disabled inmate without both arms at the Class IIA Kuripan Penitentiary, illustrate the serious challenges in fulfilling

the rights of disabled inmates in the Indonesian correctional system. Despite being housed in a special block with facilities such as a sitting toilet and assistance from fellow inmates, various reports reveal that accessibility remains very limited. The cramped detention space, limited access to assistive devices such as wheelchairs and canes, and a lack of professional support are major obstacles for Agus in carrying out daily life and optimally participating in rehabilitation programs. This situation not only demonstrates a systemic failure in providing human rights protection for disabled inmates but also reflects the lack of inclusive rehabilitation programs and the existence of discrimination that hinders their recovery and social reintegration. This confirms that the fulfillment of the basic rights of disabled inmates is still far from ideal and is a structural problem that requires serious attention.

Inclusive and equitable correctional system reform is urgent. Strategic steps that must be taken include revising correctional regulations to be more responsive to the special needs of prisoners with disabilities, particularly in terms of physical accessibility and adequate healthcare services. Furthermore, capacity building and intensive training for prison officers are crucial to build understanding and sensitivity to the needs of prisoners with disabilities, so that services provided can be more humane and inclusive. The development of sustainable and integrated specialized rehabilitation programs is also necessary to support social reintegration, including psychosocial support and appropriate skills training. Furthermore, close collaboration between the government, correctional institutions, organizations for persons with disabilities, and civil society must be strengthened to ensure effective and sustainable policy implementation. With these integrated efforts, it is hoped that the rights of prisoners with disabilities can be optimally fulfilled, creating an inclusive, humane, and equitable correctional environment, and providing them with equal opportunities to contribute productively to society after serving their sentences.

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