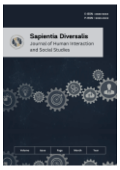

Sapientia Diversalis Journal of Human Interaction and Social Studies
Vol 1 No 2 May 2026, Hal 244-256
ISSN: 3125-1269 (Print) ISSN: 3125-0696 (Electronic)
Open Access: https://researchfrontiers.id/sapientiadiversalis

Implementation of Affirmative Action Policies to Meet Employment Quotas for Workers with Disabilities in the Private Sector in Bogor City

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Article Info :
Received:
02-05-2026
Revised:
19-05-2026
Accepted:
25-05-2026

Abstract

This study examines the implementation of affirmative employment policy concerning the fulfillment of disability employment quotas within the private sector in Kota Bogor and evaluates the extent to which regulatory obligations have been translated into substantive labor inclusion. Employing an empirical legal research design with a socio-legal approach, the study combines field-based evidence obtained through semi-structured interviews, institutional observation, and document analysis with qualitative legal interpretation. Primary data were collected from government officials, labor inspectors, Disability Service Unit personnel, and representatives of disability organizations, while secondary data consisted of statutory regulations, administrative records, and scholarly literature. The findings indicate that affirmative policy has been institutionally operationalized through labor information services, vocational preparation, employment facilitation, mediation mechanisms, and disability-oriented administrative support. Practical outcomes remain limited due to the persistence of profit-centered recruitment behavior among private enterprises, restricted availability of work-ready disability labor, and weak supervisory enforcement. Analysis through governmental action theory and welfare-state theory demonstrates that the legal framework has not yet generated sufficient coercive and distributive effects to ensure compliance. Strengthening regulatory supervision, institutional coordination, and labor capacity development emerges as a necessary condition for transforming formal quota obligations into effective realization of equal employment rights.

Keywords: *Affirmative Policy, Disability Employment, Labor Governance, Private Sector, Welfare State.*

INTRODUCTION

The contemporary development of disability rights discourse has shifted from a welfare-based approach toward a rights-based and inclusion-oriented governance paradigm in which equal access to employment is increasingly positioned as a substantive indicator of democratic legitimacy and social justice. Across multiple jurisdictions, affirmative employment policies have emerged not merely as redistributive instruments but as legal mechanisms intended to correct structural disadvantages experienced by marginalized groups and to transform labor markets into more inclusive institutional spaces. This transformation reflects a broader reconfiguration of the welfare state, where public intervention is no longer confined to passive social assistance but extends toward active guarantees of social participation and economic citizenship (Sarifuddin & Joesoef, 2023; Nurdin, 2023). Within this global trajectory, persons with disabilities remain disproportionately excluded from formal labor markets despite the expansion of legal protection frameworks and international commitments toward inclusive employment. The persistence of labor inequality demonstrates that formal recognition of rights does not automatically translate into equal outcomes. Indonesia reflects this broader global tension. Although the enactment of disability-related legislation has institutionalized affirmative quotas for employment participation, recent national data reveal a substantial implementation gap, where only approximately 928 thousand individuals out of 5.17 million persons with disabilities are formally employed (Pramudiaz, 2025). Such figures suggest that the challenge no longer lies solely in normative recognition but increasingly concerns the effectiveness of implementation mechanisms capable of transforming legal entitlement into actual labor inclusion.

Existing scholarship has responded to this issue through various analytical lenses, although the dominant tendency remains fragmented across themes of rights protection, public administration, and welfare governance. Studies on affirmative action emphasize its role as a corrective legal instrument designed to produce substantive equality by granting differentiated treatment to historically disadvantaged communities rather than merely preserving procedural neutrality (Yunus & Anas, 2021). Parallel discussions within labor law literature argue that state obligations concerning disability employment should be interpreted as guarantees of enforceable socio-economic rights rather than symbolic declarations of inclusion (Budiman & Syailendra, 2025). Research on public policy implementation further demonstrates that labor inclusion policies frequently encounter institutional resistance, weak coordination, and low compliance among employers, particularly when implementation depends on non-coercive governance instruments (Devitayanti & Maksum, 2023). At the organizational level, scholarship examining private-sector behavior identifies that managerial decision-making remains strongly influenced by productivity calculations, organizational efficiency, and workforce adaptability, factors which often shape recruitment preferences and indirectly reproduce exclusionary labor structures (Kanda & Arkan, 2024; Yuni & Wahyu, 2025). Collectively, these studies contribute important insights regarding the normative necessity of affirmative employment policies while simultaneously revealing persistent uncertainty regarding their operational realization.

Despite the growing body of literature, three major limitations remain insufficiently addressed. First, most studies continue to conceptualize affirmative policy implementation through a predominantly normative or institutional perspective, emphasizing legal obligations without sufficiently examining the interaction between state intervention, employer behavior, and labor market realities. Second, empirical investigations frequently focus either on public-sector inclusion programs or generalized disability employment outcomes, leaving the implementation dynamics of quota-based obligations in the private sector underexplored. Third, previous studies rarely investigate how local institutional arrangements mediate national policy objectives and translate them into concrete mechanisms of labor access, supervision, and enforcement. This gap becomes particularly relevant because affirmative employment policies are inherently context-dependent and their effectiveness cannot be assumed to operate uniformly across regions. Existing literature therefore remains limited in explaining why the presence of legal mandates often coexists with persistently low employment outcomes among persons with disabilities, creating a conceptual disconnect between regulatory design and implementation performance (Devitayanti & Maksum, 2023; Budiman & Syailendra, 2025; Yunus & Anas, 2021).

These unresolved issues become especially urgent when examined in the context of Kota Bogor, where local government has adopted a more progressive quota requirement for disability employment within the private sector than the minimum threshold established under national regulation. The local commitment to strengthening employment inclusion has been institutionally expressed through labor facilitation initiatives, mediation services, and efforts to expand access for workers with disabilities (Bogor Update, 2025; Dinas Tenaga Kerja Kota Bogor, 2026). Nevertheless, institutional commitment alone does not necessarily guarantee compliance among private actors. The structural characteristics of private-sector organizations—particularly their orientation toward profitability, operational efficiency, and managerial autonomy—create distinct governance challenges that differ substantially from public-sector employment arrangements (Yuni & Wahyu, 2025; Kanda & Arkan, 2024). Under these conditions, the effectiveness of affirmative quotas cannot be assessed merely through formal regulatory existence but requires examination of implementation practices, supervision capacity, and institutional coordination. The unresolved discrepancy between legal expectation and labor absorption therefore raises not only a practical policy concern but also a broader theoretical question regarding the limits of affirmative governance within market-oriented employment systems.

Positioned within this scholarly landscape, the present research departs from prior studies by conceptualizing affirmative employment policy not exclusively as a legal mandate or social protection instrument, but as an integrated process of governmental action operating through regulatory implementation, labor facilitation, supervision mechanisms, and institutional responsiveness. The study advances an analytical framework that combines the theory of governmental action with welfare state theory to explain how public authority exercises intervention in labor governance while simultaneously pursuing distributive justice objectives. Such positioning allows this research to move beyond descriptive accounts of disability employment and toward a more systematic examination of how legal norms are translated into administrative practice and organizational compliance. Empirically, Kota Bogor provides a strategically relevant case because it offers an opportunity to examine how strengthened local regulation interacts with private-sector realities and whether affirmative quotas can function as effective instruments of labor inclusion rather than symbolic regulatory commitments.

This research therefore aims to examine the implementation of affirmative policy concerning the fulfillment of employment quotas for persons with disabilities in the private sector of Kota Bogor and to identify the institutional and structural constraints affecting its realization. The study contributes theoretically by extending the application of governmental action and welfare state perspectives into the field of disability employment governance and by clarifying the relationship between legal obligation, administrative implementation, and distributive outcomes. Methodologically, the research employs a socio-legal empirical approach that integrates normative analysis with institutional observation and field-based evidence to capture the multidimensional nature of policy implementation. Through this approach, the study seeks to enrich contemporary legal scholarship by providing a context-sensitive explanation of how affirmative labor policies operate in practice and by offering a framework capable of informing future debates on inclusive employment governance.

RESEARCH METHODS

This study employs an empirical legal research design using a socio-legal approach to examine the implementation of affirmative employment policy concerning the fulfillment of disability employment quotas within the private sector in Kota Bogor. The research is structured as descriptive-analytical inquiry intended to investigate the interaction between legal norms and their practical realization within administrative and labor governance settings. Primary data were obtained through field-based data collection involving semi-structured interviews with key institutional actors directly engaged in policy implementation and supervision, including officials of the Labor Office of Kota Bogor, the Disability Service Unit (Unit Layanan Disabilitas/ULD) in the employment sector, labor inspectors from the Regional Labor Inspection Office (UPTD Pengawasan Ketenagakerjaan Wilayah I Bogor), and representatives of disability organizations. Secondary data consisted of statutory regulations, local government regulations, administrative documents, employment reports, official statistical records, institutional publications, and relevant scholarly literature concerning disability rights, labor governance, affirmative action, and welfare-state administration. Data collection was conducted through document analysis, direct observation of institutional practices, and in-depth interviews in order to capture both regulatory design and operational realities surrounding disability employment implementation.

The analytical process adopted qualitative legal analysis through iterative stages of data reduction, categorization, interpretation, and synthesis to identify patterns of implementation, institutional behavior, and structural constraints affecting quota fulfillment. Empirical findings were interpreted using the theoretical framework of governmental action (bestuurshandelingen) and welfare state theory to evaluate whether state intervention mechanisms functioned effectively in translating legal obligations into substantive labor inclusion outcomes. To strengthen methodological rigor and enhance the credibility of findings, this study applied source triangulation and method triangulation by cross-verifying information obtained from interviews, official records, and regulatory materials. Internal consistency was further maintained through comparative examination between normative provisions and implementation practices, enabling the research to produce context-sensitive and legally grounded explanations regarding the effectiveness of affirmative employment policy in the private sector.

RESULTS AND DISCUSSION

Implementation of Affirmative Employment Policy for the Fulfillment of Disability Employment Quotas in the Private Sector of Kota Bogor

The legal architecture governing disability employment in Indonesia demonstrates a paradigmatic movement from charitable accommodation toward enforceable social entitlement, although empirical implementation continues to reveal a substantial discrepancy between normative aspiration and administrative realization. Article 27 paragraph (2) of the Constitution of the Republic of Indonesia guarantees the right to work and decent livelihood, while Article 28I paragraph (2) prohibits discriminatory treatment and obliges state institutions to secure substantive equality through affirmative legal intervention. These constitutional commitments are operationalized through Article 53 paragraphs (1) and (2) of Law Number 8 of 2016 concerning Persons with Disabilities, which impose mandatory employment quotas of at least two percent for public institutions and one percent for private employers, and are subsequently strengthened in Kota Bogor through Article 62 paragraph (2) of Regional Regulation Number 2 of 2021 requiring private companies to employ at least two percent workers with disabilities. Field interviews conducted with officials of the Labor Office of Kota Bogor and the Disability Service Unit indicated that local administrative actors interpret the quota obligation as a mandatory public policy instrument rather than a voluntary corporate social responsibility initiative, although implementation remains largely dependent upon employer willingness and institutional facilitation capacity. Such conditions support the argument advanced by Budiman and Syailendra (2025), Hamidi (2016), and Arrivanissa (2023) that legal recognition of employment rights for persons with disabilities requires enforceable institutional mechanisms because formal legal entitlement without coercive implementation capacity tends to preserve structural exclusion.

Empirical findings obtained through interviews with labor administrators revealed that policy implementation in Kota Bogor has developed through a staged institutional mechanism consisting of pre-employment preparation, employment placement, and post-employment facilitation coordinated by the Disability Service Unit under the Labor Office. Administrative documents and institutional reports demonstrate that the implementation strategy includes labor market information dissemination, competency mapping, vocational training, mediation services, and facilitation of communication between employers and workers with disabilities. Such administrative conduct corresponds with Article 55 paragraph (1) of Law Number 8 of 2016 and Government Regulation Number 60 of 2020 concerning Disability Service Units in Employment, which establish the obligation of local governments to maintain specialized institutions for facilitating disability employment participation. Interviews with representatives of disability organizations further indicated that the existence of institutional structures does not automatically guarantee labor absorption because the availability of accessible recruitment channels remains uneven across sectors and categories of disability. This finding resonates with Devitayanti and Maksum (2023), Annur et al. (2023), and Sirajulakbar et al. (2026), who demonstrate that policy implementation challenges frequently emerge not from regulatory absence but from institutional fragmentation and weak translation of legal norms into administrative practice.

Interpretation of the implementation pattern identified in Kota Bogor requires positioning affirmative policy within the theoretical framework of governmental action (bestuurshandelingen), where public authorities exercise legally delegated powers to generate administrative consequences directed toward social protection objectives. The interviews revealed that government officials perceive affirmative quota obligations as administrative duties requiring facilitation rather than punitive intervention, creating an implementation orientation centered on persuasion and partnership with private actors. From a systematic interpretation perspective, such administrative preference must be assessed against Article 67 of Law Number 13 of 2003 concerning Manpower as amended through Law Number 6 of 2023 concerning Job Creation, which obliges employers to provide protection according to the type and degree of disability. This legal construction suggests that the obligation imposed upon employers extends beyond non-discrimination and encompasses proactive institutional accommodation to ensure equal access to employment opportunities. Comparable observations were articulated by Dahlan and Anggoro (2021), Yunus and Anas (2021), and Marasaoly et al. (2025), who argue that affirmative legal mechanisms derive legitimacy from substantive equality and therefore require administrative intervention capable of correcting unequal social starting positions.

Field data obtained from the Labor Office documented that approximately 2,477 persons with disabilities in Kota Bogor were categorized as potential labor force participants, whereas only a limited proportion had been absorbed into formal private employment during the observation period. Institutional respondents acknowledged that recruitment remains concentrated in a restricted number of companies despite the existence of mandatory quota regulation. The practical implication of this condition is that compliance appears episodic rather than systemic and remains detached from the regulatory expectation established under local and national legislation.

Statistical disparity between labor potential and labor absorption reflects a condition of implementation deficit in which legal obligations exist but administrative enforcement mechanisms remain insufficiently integrated. Similar patterns were identified in studies conducted by Kusmawati et al. (2024), Putra (2025), and Fajar et al. (2026), which observed that quota regulations frequently function as declarative commitments unless accompanied by institutional monitoring and measurable compliance indicators. To clarify the interaction between legal obligation and administrative implementation, the empirical findings were organized through a normative mapping model that compares statutory mandates with observed institutional practices and their legal implications.

Tabel 1. Normative–Empirical Alignment of Disability Employment Quota Regulation and Its Implementation within the Private Sector of Kota Bogor

Normative Instrument	Legal Obligation	Empirical Practice in Kota Bogor	Juridical Implication
Article 53 Law No. 8/2016	Mandatory disability employment quota	Limited company compliance	Incomplete realization of affirmative rights
Article 55 Law No. 8/2016	Establishment of Disability Service Unit	Institution established and operational	Procedural compliance achieved
Government Regulation No. 60/2020	Employment accessibility and facilitation	Training and mediation implemented	Partial substantive compliance
Regional Regulation Kota Bogor No. 2/2021 Article 62	Private sector quota of 2%	Absorption remains below expected threshold	Weak local enforcement

The table demonstrates that implementation performance varies across dimensions of compliance and that procedural fulfillment cannot be equated with substantive realization of rights. Interviews with labor officials suggested that administrative institutions tend to evaluate implementation through program completion indicators rather than labor absorption outcomes. From a teleological interpretation standpoint, the purpose of affirmative regulation lies not in institutional existence but in effective redistribution of employment opportunities. Sarifuddin and Joesoef (2023) and Nurdin (2023) emphasize that welfare-state obligations require measurable social outcomes because procedural legality alone cannot satisfy the constitutional mandate of social justice.

Institutional interviews further revealed that labor placement mechanisms increasingly rely upon demand-driven recruitment models in which employers communicate labor specifications and training institutions adjust competency preparation accordingly. Such an approach was developed in response to earlier supply-oriented recruitment systems that generated low absorption rates due to mismatch between available competencies and employer expectations. Although administratively rational, this model creates a latent legal issue because labor access becomes conditioned upon market preferences rather than equal opportunity principles embedded in affirmative policy design. Systematic interpretation of Article 11 and Article 45 of Law Number 8 of 2016 indicates that accessibility and equal opportunity should operate independently from productivity assumptions and should not become contingent upon commercial efficiency calculations. Kanda and Arkan (2024), together with Yuni and Wahyu (2025), identify similar tendencies in private organizational structures where managerial efficiency frequently becomes the dominant criterion shaping labor inclusion decisions.

The empirical record also indicated that institutional support extends into post-employment mediation processes intended to preserve continuity of employment relationships for workers with disabilities after recruitment occurs. Documentation from the Labor Office concerning industrial relations facilitation demonstrates that mediation mechanisms are increasingly used to address workplace disputes and prevent labor exclusion arising after employment entry. Legally, such practices correspond with Article 151 of Law Number 13 of 2003 concerning settlement efforts before employment termination and align with the protective orientation embedded within disability legislation. Interviews with disability organization representatives suggested that mediation provides practical legal protection but remains reactive because interventions generally occur after workplace tensions emerge. These findings support the proposition advanced by Rizki et al. (2025) that substantive justice for persons with disabilities requires institutional arrangements capable of ensuring continuity of rights beyond formal access mechanisms.

Administrative implementation identified in this study also raises an important doctrinal question concerning the legal character of affirmative quotas within Indonesian labor law. Interviews with government actors revealed differing interpretations regarding whether quota obligations should be understood as enforceable mandatory duties or policy targets supported through administrative encouragement. A grammatical interpretation of Article 53 of Law Number 8 of 2016 demonstrates the use of imperative normative formulation that establishes binding obligations rather than discretionary recommendations. The absence of explicit administrative sanctions in implementation practice does not eliminate the obligatory nature of the norm because sanction mechanisms remain available through labor supervision frameworks and administrative enforcement instruments. Arif et al. (2025) argue that local legal reform concerning disability rights must strengthen operational enforceability to prevent affirmative norms from becoming symbolic regulatory declarations.

From the perspective of welfare-state theory, the implementation pattern observed in Kota Bogor reflects an intermediate model of social intervention in which government assumes responsibility for facilitating inclusion while preserving broad discretion for private actors in determining labor participation outcomes. This institutional design generates an ambivalent consequence because the state remains visible in procedural coordination yet relatively restrained in coercive enforcement. Comparative welfare literature suggests that distributive justice mechanisms become more effective when state intervention includes measurable compliance obligations and credible enforcement structures rather than relying exclusively on voluntary adaptation by economic actors. The empirical evidence collected in this study demonstrates that labor inclusion policies operate more effectively when institutional facilitation and legal accountability function simultaneously. Such interpretation reinforces the proposition developed by Sarifuddin and Joesoef (2023) and Nurdin (2023) that welfare-state commitments attain legitimacy only when social rights are transformed into enforceable public guarantees.

The implementation of affirmative employment policy in Kota Bogor ultimately reveals that the existence of comprehensive legal regulation has generated important institutional developments but has not yet produced proportional labor inclusion outcomes for persons with disabilities within the private sector. Field findings indicate that the Disability Service Unit has succeeded in institutionalizing procedures for information dissemination, training, placement facilitation, and mediation, while labor absorption remains constrained by uneven employer compliance and incomplete enforcement architecture. Juridical analysis demonstrates that the current implementation model fulfills several dimensions of procedural legality but encounters limitations in achieving substantive equality as required by constitutional and statutory commitments. The interaction between empirical reality and positive legal norms illustrates that affirmative policy cannot be assessed solely through administrative activity because effectiveness depends upon measurable redistribution of employment opportunities. This interpretation contributes to socio-legal scholarship by demonstrating that the success of affirmative employment regulation is determined not merely by legal formulation but by the institutional capacity to transform legal obligations into practical access to work.

Structural Constraints and Juridical Evaluation of Disability Employment Quota Fulfillment in the Private Sector of Kota Bogor

The empirical investigation demonstrates that the implementation deficit surrounding disability employment quotas in Kota Bogor cannot be reduced to a question of regulatory insufficiency because the legal framework already establishes relatively comprehensive obligations at constitutional, statutory, and local regulatory levels. Interviews conducted with officials from the Labor Office, labor inspectors, and disability organizations consistently indicated that the principal barriers arise from institutional behavior, organizational incentives, and uneven enforcement capacity rather than from legal uncertainty. Article 53 paragraph (2) of Law Number 8 of 2016 concerning Persons with Disabilities, Article 67 of Law Number 13 of 2003 concerning Manpower as amended by Law Number 6 of 2023, and Article 62 paragraph (2) of Regional Regulation of Kota Bogor Number 2 of 2021 collectively establish a binding legal obligation requiring private companies to employ persons with disabilities according to quota standards. The persistence of low labor absorption despite the existence of these norms reveals a gap between legal validity and social effectiveness, indicating that the problem concerns implementation capacity rather than legislative absence. Similar observations were advanced by Devitayanti and Maksum (2023), Annur et al. (2023), and Fajar et al. (2026), who identify that disability employment policies frequently encounter institutional stagnation after reaching the administrative execution stage.

Field interviews revealed that private employers continue to evaluate disability recruitment predominantly through economic efficiency and perceived productivity outcomes, creating conditions in which legal obligations become subordinated to managerial discretion. Respondents from government institutions explained that many employers perceive workplace accommodation as an additional operational burden rather than as an enforceable legal duty derived from anti-discrimination principles. Such organizational behavior requires interpretation through Article 5 and Article 6 of Law Number 13 of 2003, which guarantee equal treatment and equal opportunity in employment, together with Article 11 and Article 45 of Law Number 8 of 2016 concerning accessibility and equal work participation. From a teleological perspective, these provisions aim to transform labor structures into inclusive institutional environments and cannot be interpreted merely as procedural requirements detached from distributive outcomes. The findings support arguments developed by Kanda and Arkan (2024), Yuni and Wahyu (2025), and Dahlan and Anggoro (2021), who demonstrate that organizational rationality frequently reproduces exclusion when equality obligations are left to voluntary managerial interpretation.

Interviews with representatives of disability organizations further identified that employer reluctance is often reinforced by assumptions concerning competence, adaptation capacity, and workplace compatibility rather than direct rejection based upon disability status. Such assumptions illustrate an indirect discrimination pattern in which formally neutral recruitment standards generate unequal practical consequences for applicants with disabilities. This condition must be interpreted alongside Article 1 paragraph (3) and Article 2 of Law Number 39 of 1999 concerning Human Rights, which recognize equality and protection against discriminatory treatment as foundational legal values. Administrative neutrality in recruitment processes therefore cannot be accepted as legally sufficient where structural barriers continue to produce unequal access to employment opportunities. Arrivanissa (2023), Kusmawati et al. (2024), and Hamidi (2016) similarly argue that disability discrimination increasingly manifests through institutional design and productivity assumptions rather than explicit exclusionary policies.

Another structural constraint identified through empirical observation concerns the limited availability of work-ready disability labor capable of matching private-sector competency requirements. Interviews with officials from the Disability Service Unit indicated that only a fraction of working-age persons with disabilities had completed vocational preparation programs or maintained active registration within employment facilitation systems. This condition creates a dual implementation problem because employers frequently invoke labor market scarcity as justification for non-compliance, while disability communities emphasize that access to education and training remains structurally unequal.

Interpretation of Article 42 and Article 46 of Law Number 8 of 2016 indicates that the state carries obligations not only to facilitate recruitment but also to ensure development of employability and adaptive capacity through education and vocational mechanisms. Empirical observations in Kota Bogor correspond with findings by Sirajulakbar et al. (2026), Marasaoly et al. (2025), and Putra (2025), which demonstrate that labor quota realization depends upon the interaction between supply-side preparation and employer-side compliance. To clarify the relationship between structural constraints and normative obligations, the empirical findings were organized into a juridical matrix illustrating how implementation barriers intersect with existing legal instruments and their institutional implications.

Tabel 2. Structural Constraints Affecting the Implementation of Affirmative Employment Policy for Persons with Disabilities in the Private Sector of Kota Bogor

Structural Constraint	Relevant Legal Instrument	Normative Requirement	Observed Implementation Outcome
Profit-oriented recruitment	Article 53 Law No. 8/2016	Mandatory quota compliance	Selective implementation
Competency mismatch	Articles 42–46 Law No. 8/2016	Training and labor preparation	Limited work-ready labor pool
Weak accommodation practices	Article 67 Law No. 13/2003	Disability protection measures	Uneven workplace accessibility

Structural Constraint	Relevant Legal Instrument	Normative Requirement	Observed Implementation Outcome
Limited compliance oversight	PP No. 60/2020	Institutional support and monitoring	Low enforcement visibility

The table demonstrates that implementation barriers originate from interactions among institutional, economic, and regulatory variables rather than isolated legal defects. Interviews showed that employers frequently rely upon practical constraints to justify incomplete compliance despite the existence of legal mandates. From a systematic interpretation approach, practical barriers may influence implementation strategy but cannot negate statutory obligations because affirmative rights are designed precisely to correct structural inequality. Similar arguments were articulated by Budiman and Syailendra (2025) and Arif et al. (2025), who emphasize that legal guarantees become ineffective where implementation logic permits economic considerations to override social rights.

A further constraint identified through field findings concerns the limited operational intensity of labor supervision in relation to disability quota compliance. Interviews with labor inspectors revealed that routine inspections remain focused upon general labor standards including occupational safety, wage obligations, and social security participation, while disability quota enforcement has not yet become a dedicated inspection category. Such institutional practice must be interpreted in relation to Minister of Manpower Regulation Number 33 of 2016 concerning Labor Inspection Procedures and Article 176 of Law Number 13 of 2003, which position labor supervision as an instrument of legal enforcement rather than administrative observation alone. From a historical interpretation perspective, labor inspection historically emerged as a corrective mechanism intended to balance unequal bargaining positions between labor and capital. Rizki et al. (2025), Devitayanti and Maksum (2023), and Annur et al. (2023) similarly emphasize that disability inclusion cannot rely exclusively upon normative recognition without accompanying enforcement institutions.

Empirical evidence also indicates that no meaningful sanction mechanism has yet been operationalized against private employers failing to satisfy disability employment quotas in Kota Bogor. Government respondents acknowledged that supervisory activities have not generated warning letters, administrative orders, or litigation measures specifically connected with quota non-compliance. Such conditions raise important questions concerning the juridical status of Article 145 of Law Number 8 of 2016, which criminalizes acts obstructing persons with disabilities from obtaining rights guaranteed under statutory provisions. Grammatical interpretation suggests that obstruction should not be interpreted narrowly as active exclusion because persistent institutional omission may also generate equivalent deprivation of rights under certain factual circumstances. The concerns identified in this study parallel the arguments of Hamidi (2016), Fajar et al. (2026), and Budiman and Syailendra (2025), who advocate stronger operationalization of sanctions to preserve the normative authority of affirmative legal frameworks.

The implementation pattern identified in Kota Bogor also illustrates a broader tension between market governance and welfare-state commitments. Interviews revealed that local government institutions tend to adopt collaborative approaches emphasizing socialization, facilitation, and partnership rather than compulsory compliance mechanisms directed toward employers. Although such an approach may strengthen institutional acceptance, it simultaneously limits the corrective function of affirmative regulation because enforcement becomes contingent upon organizational goodwill. Welfare-state theory conceptualizes social rights as enforceable entitlements rather than aspirational policy objectives requiring voluntary adaptation from economic actors. Sarifuddin and Joesoef (2023), together with Nurdin (2023), argue that state legitimacy in social governance depends upon the ability to convert legal recognition into practical distributive outcomes.

Interpretation through the theory of governmental action further demonstrates that administrative conduct acquires juridical significance only when state authority produces observable legal consequences affecting public rights. Interviews with institutional actors showed that most governmental intervention remains concentrated at the facilitation stage and rarely extends toward coercive enforcement or sanction-based correction. Such conditions create a situation in which administrative activity exists but normative pressure upon employers remains limited. Under bestuurshandelingen theory, public authority is expected to exercise delegated powers not only to provide services but also to secure compliance with legally established obligations. Yunus and Anas (2021), together with Dahlan and Anggoro (2021), emphasize that affirmative governance loses corrective value when institutional actors hesitate to operationalize available enforcement instruments.

The structural barriers identified in this study indicate that implementation challenges surrounding disability employment quotas are embedded within institutional design and governance practice rather than merely reflecting temporary administrative inefficiency. The interaction among employer rationality, labor readiness limitations, and weak supervisory mechanisms creates cumulative effects that reduce the transformative capacity of affirmative regulation. Juridical analysis demonstrates that existing legal instruments already provide sufficient normative foundations to support inclusive labor participation, yet operational mechanisms remain insufficiently aligned with the objectives of substantive equality and social justice. Empirical evidence collected in Kota Bogor suggests that improvement efforts require integration between labor preparation policies, employer accountability systems, and measurable enforcement architecture capable of translating rights into practical access. This analysis contributes to socio-legal scholarship by demonstrating that affirmative employment policy should be evaluated not through formal compliance indicators alone but through its capacity to restructure unequal labor relations and expand effective participation for persons with disabilities.

Supervisory Effectiveness, Legal Enforcement, and Welfare-State Realization in the Fulfillment of Disability Employment Quotas

The empirical findings demonstrate that the most critical weakness within the implementation architecture of disability employment quotas in Kota Bogor lies not in the absence of legal norms but in the limited operationalization of supervisory authority by labor inspection institutions. Interviews conducted with labor inspectors from UPTD Pengawasan Ketenagakerjaan Wilayah I Bogor revealed that inspection activities remain concentrated on conventional labor standards concerning wages, occupational safety, working hours, and social security compliance, while disability employment obligations have not yet become a specific object of routine inspection. Such conditions generate a substantial enforcement gap because legal obligations prescribed under Article 53 of Law Number 8 of 2016 concerning Persons with Disabilities and Article 62 of Regional Regulation of Kota Bogor Number 2 of 2021 are not systematically translated into measurable compliance indicators during inspection processes. From a socio-legal perspective, the absence of targeted monitoring mechanisms weakens the coercive capacity of law and transforms mandatory obligations into symbolic regulatory commitments rather than enforceable administrative duties. Similar implementation deficiencies have been identified in studies concerning disability employment governance in other Indonesian localities, where institutional reluctance and fragmented supervisory practices significantly reduced the effectiveness of affirmative labor policies (Sirajulakbar et al., 2026; Devitayanti & Maksum, 2023).

Legal analysis of supervisory authority indicates that labor inspection agencies possess a sufficiently broad normative mandate to monitor disability employment obligations despite the absence of a specialized inspection protocol dedicated exclusively to disability quotas. Article 176 of Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023 concerning Job Creation, positions labor inspection as an instrument of state intervention designed to ensure compliance with labor legislation. The implementing framework established through Minister of Manpower Regulation Number 33 of 2016 concerning Labor Inspection Procedures authorizes inspectors to evaluate employer compliance with labor norms and to initiate administrative measures when violations are identified. A systematic interpretation of these provisions suggests that disability employment quotas constitute an integral component of labor rights protection rather than a peripheral social policy issue. Juridically, the exclusion of disability quota compliance from routine inspection activities creates a disconnect between statutory obligations and administrative enforcement structures that diminishes the practical effectiveness of affirmative employment regulations (Budiman & Syailendra, 2025).

Field interviews further reveal that supervisory limitations are associated with institutional capacity constraints, including limited personnel, broad territorial coverage, and the absence of integrated disability-employment reporting systems. Labor inspectors acknowledged that no dedicated database currently exists to facilitate continuous monitoring of disability employment ratios among private-sector enterprises operating within Kota Bogor. Documentary analysis of labor administration records similarly indicates that employer reporting mechanisms remain focused on general manpower indicators rather than disability-specific employment compliance. These findings suggest that supervisory inefficiency is not exclusively attributable to institutional unwillingness but also reflects structural deficiencies within regulatory implementation mechanisms. Comparable findings have emerged in empirical examinations of disability employment governance in Yogyakarta and Makassar, where inadequate monitoring infrastructures contributed significantly to weak policy outcomes despite the existence of progressive regulatory frameworks (Putra, 2025; Arif et al., 2025).

The relationship between supervision and legal compliance becomes particularly visible when examining the absence of sanction implementation against non-compliant enterprises. Interviews with relevant institutional actors confirmed that no company in Kota Bogor has been subjected to administrative sanctions specifically for failing to satisfy disability employment quota requirements. Although Article 190 paragraph (2) of Law Number 13 of 2003 provides a graduated spectrum of administrative sanctions ranging from warnings to business-license revocation, these instruments have not been operationalized in the context of disability employment obligations.

Teleological interpretation indicates that sanctions function not merely as punitive mechanisms but as preventive instruments designed to encourage compliance and reinforce regulatory legitimacy. The persistent absence of enforcement measures consequently weakens the deterrent effect intended by labor legislation and contributes to continuing patterns of employer non-compliance (Fajar et al., 2026). The empirical relationship between supervisory intensity and compliance performance can be illustrated through institutional findings gathered during fieldwork and documentary examination.

Tabel 3. Supervisory Capacity and Enforcement Deficits in Monitoring Disability Employment Quota Compliance in Kota Bogor

Supervisory Indicator	Empirical Condition in Kota Bogor	Legal Consequence
Specialized disability quota inspection	Not conducted routinely	Weak compliance monitoring
Disability employment database	Limited availability	Difficult enforcement
Administrative sanctions	Not implemented	Reduced deterrent effect
Inter-agency coordination	Partial and fragmented	Inconsistent implementation
Employer compliance rate	Approximately 20–30%	Persistent quota deficit

The information summarized in the table demonstrates that enforcement deficiencies are interconnected rather than isolated administrative shortcomings. Each indicator reflects a distinct component within the regulatory chain through which legal norms are transformed into practical outcomes. When supervisory mechanisms remain incomplete, the capacity of labor law to influence employer behavior diminishes substantially. Socio-legal scholarship consistently recognizes that legal effectiveness depends not only upon normative clarity but also upon institutional capacity and enforcement consistency (Annur et al., 2023).

The findings also reveal an important tension between regulatory design and administrative decentralization within Indonesia’s labor governance system. While local governments possess responsibilities concerning disability protection and employment facilitation, labor inspection authority remains institutionally linked to provincial structures through regional labor inspection offices. Such governance arrangements create coordination challenges that complicate accountability mechanisms and blur responsibility for quota enforcement. Interviews conducted with officials from the Labor Office of Kota Bogor indicated that disability employment promotion activities are frequently implemented without corresponding supervisory follow-up from inspection authorities. From the perspective of administrative law, fragmented authority structures risk generating regulatory inefficiency because policy implementation and policy enforcement operate through partially disconnected institutional channels (Ahsan Yunus & Anas, 2021).

Interpretation through the theory of governmental action (bestuurshandelingen) further clarifies the legal significance of these findings. Muchsan’s conceptualization of governmental action emphasizes that administrative authorities must employ legally authorized instruments capable of generating concrete legal consequences within society. The establishment of Disability Service Units, provision of vocational training, dissemination of employment information, and facilitation of mediation processes represent positive administrative actions undertaken by public authorities in Kota Bogor. Evidence concerning industrial-relations mediation activities conducted by the Labor Office demonstrates the existence of active governmental engagement within labor governance processes (Dinas Tenaga Kerja Kota Bogor, 2026). Nevertheless, governmental action achieves normative completeness only when promotional measures are accompanied by supervisory and corrective interventions capable of ensuring compliance among regulated actors.

The welfare-state perspective provides an additional analytical lens for evaluating the broader implications of supervisory deficiencies. Welfare-state theory conceptualizes employment not merely as an economic activity but as a mechanism through which social citizenship is realized and distributive justice is advanced. Sarifuddin and Joesoef (2023) emphasize that social justice obligations require governments to move beyond declaratory commitments toward effective institutional arrangements capable of guaranteeing substantive rights. Nurdin (2023) similarly argues that welfare-oriented governance depends upon the state's capacity to actively intervene when market dynamics generate exclusionary outcomes. Failure to supervise disability employment obligations permits market preferences and organizational profit calculations to dominate labor allocation processes, thereby undermining the redistributive rationale underlying affirmative action policies.

The significance of effective supervision becomes increasingly evident when considered alongside national disability employment statistics. Public statements issued by the Ministry of Manpower indicate that only approximately 928,000 of Indonesia’s 5.17 million persons with disabilities participate in employment, revealing persistent structural barriers within labor markets (Pramudiaz, 2025). Such data suggest that disability employment exclusion cannot be understood solely as an individual or organizational issue but constitutes a broader governance challenge requiring coordinated regulatory intervention. Research examining judicial responses to disability discrimination in public recruitment processes demonstrates that legal institutions increasingly recognize substantive equality as a central principle guiding disability-rights protection (Rizki et al., 2025). The absence of comparable enforcement intensity within private-sector employment contexts risks producing asymmetrical protection standards across different segments of the labor market.

Evaluation of the empirical findings ultimately indicates that supervisory effectiveness constitutes the decisive factor determining whether affirmative employment policies evolve from symbolic commitments into substantive instruments of social inclusion. Existing legal frameworks provide a sufficiently comprehensive normative basis for quota implementation, encompassing constitutional equality guarantees, statutory disability rights protections, labor regulations, and local government commitments. Institutional initiatives undertaken by the Labor Office and Disability Service Unit demonstrate meaningful progress toward inclusive employment governance, as reflected in public commitments supporting disability labor participation within Kota Bogor (Bogor Update, 2025). Practical outcomes remain constrained by the absence of systematic monitoring, coordinated enforcement, and consistent sanction application directed at non-compliant employers. The socio-legal evidence therefore supports the conclusion that strengthening inspection capacity, integrating disability-specific compliance indicators into labor supervision systems, and operationalizing administrative enforcement mechanisms represent essential prerequisites for realizing the substantive objectives of affirmative employment policy within the private sector.

CONCLUSION

The implementation of affirmative employment policy concerning disability employment quotas in the private sector of Kota Bogor demonstrates that the existence of a comprehensive regulatory framework has not automatically produced substantive equality in access to employment. Empirical findings show that institutional measures undertaken by local government authorities through employment services, vocational training, placement facilitation, labor mediation, and disability-oriented administrative support have established an operational structure for implementing statutory obligations derived from disability and labor legislation. Practical realization remains constrained by three interconnected dimensions, namely the predominance of economic rationality and efficiency considerations within private-sector recruitment practices, the limited availability of disability workers possessing qualifications aligned with labor-market expectations, and the insufficient effectiveness of supervisory mechanisms responsible for translating legal mandates into enforceable compliance. Socio-legal interpretation confirms that affirmative action cannot operate effectively when redistributive objectives are separated from institutional enforcement capacity. The theoretical examination through governmental action and welfare-state perspectives indicates that legal legitimacy becomes meaningful only when public authority combines facilitative intervention with systematic supervision and credible sanction mechanisms. The study concludes that affirmative employment policy reaches effectiveness not through normative declaration alone but through integrated governance capable of converting formal equality into measurable labor inclusion outcomes.

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