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Reconstructing Employment Access for Persons with Disabilities: *Maqāṣid asy-syarī'ah*-Based Dialectic of Regulation and Policy Implementation

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Abstract:

Although Law Number 8 of 2016 has been enacted as a guarantee of employment rights for persons with disabilities, there are indications of problems in the field. In East Java Province, persons with disabilities still experience limited access to formal employment. In fact, any progressive regulation, if not balanced with practice, will widen inequality. As a consequence,

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the cycle of poverty will continue among persons with disabilities. This study aims to analyze the dialectic between disability employment regulations and their implementation which is reconstructed with a policy approach from the perspective of *uṣūl al-fiqh* and *maqāṣid asy-syari'ah*. This study combines quantitative and qualitative data, focusing on four districts in East Java Province. The findings in this study are two. *First*, the implementation of affirmative employment policies is still constrained by weak supervision, corporate resistance, and the dominance of economic considerations. *Second*, institutional mechanisms, especially the Disability Service Unit (ULD), have not functioned optimally due to limited capacity and a lack of cross-sector integration. Although normatively the policy has been in line with the principles of *ḥifẓ an-nafs*, *ḥifẓ al-māl*, and *al-'adl*, its implementation has not reached the optimal level of *maṣlahah*. This research contributes by integrating institutional analysis and the perspective of *maqāṣid asy-syari'ah* to encourage an inclusive and equitable employment system for persons with disabilities.

Keywords:

Disability Employment; ULD; *Maqāṣid asy-syari'ah*;
Affirmative Policy

Introduction

Persons with disabilities have an equal legal standing, including the fulfillment of the right to work. This is guaranteed in Law Number 8 of 2016. However, in practice, the normative foundation is not always properly implemented and sometimes even problematic. In reality, access to employment for persons with disabilities continues to face complex challenges, including in the East Java region, as BPS data shows.¹ These issues are related to the influence of social structures, public policies, and institutional culture, which tend to be exclusive.²

¹ Badan Pusat Statistik Indonesia, *Portraits of Persons with Disabilities in Indonesia* (Jakarta: Badan Pusat Statistik Indonesia, 2024).

² Adeel Ahmad Aamir, "A Unique Model of Governance and Market Accessibility: How PSBA Stands Apart from All Other Public Welfare Bodies in Pakistan," *Pakistan Journal of Humanities and Social Sciences* 13, no. 2 (2025): 568–79, <https://doi.org/10.52131/pjhss.2025.v13i2.2941>; Nik Abdul Rahim Nik Abdul Ghani, Hanafi Nazri, and Nurul Asikin Binti Abdul Razak, "Stock Scalping and Shariah

Therefore, access to employment for persons with disabilities should be understood as a multidimensional issue encompassing regulatory, economic, institutional, and normative dimensions.

According to the Central Statistics Agency, in 2024, approximately 8.5% of Indonesia's population, or 22.97 million persons, were persons with disabilities in 2023.³ In East Java, the Provincial Social Service recorded 17,401 persons with disabilities; however, prevalence estimates suggest that the actual figure exceeds 50,000, indicating substantial unmet needs for inclusive employment policies.⁴ Robert Chambers assessed that persons with disabilities are in a vulnerable position to poverty because they are included in the category of physical vulnerability as part of the poverty trap.⁵ This vulnerability is systemic, considering that it is not solely related to physical or mental limitations but more because of limited access to economic resources, education, and public services.

A number of studies conducted by Lindsay,⁶ Qu,⁷ and Wegscheider⁸ show that families with members with disabilities tend

Legitimacy in Modern Capital Markets," *Nusantara: Journal of Law Studie* 5, no. 1 (2026): 1–24, <https://doi.org/10.1108/CFRI-06-2017-0070/full/html>.<https://doi.org/10.1108/CFRI-06-2017-0070/full/html>.

³ Badan Pusat Statistik Indonesia, *Portraits of Persons with Disabilities in Indonesia*; Rohmah Ageng Mursita, "Contemporary Challenges and Legal Resolutions in the Implementation of Accessibility Rights for Persons with Disabilities in Indonesia," *Nusantara: Journal of Law Studies* 3, no. 1 (2024): 27–35, <https://doi.org/10.5281/zenodo.17373273>.

⁴ Tendy Gunawan and Jahan F Rezki, *Pemetaan Pekerja Saran dan di Indonesia dengan Disabilitas Rekomendasi Kebijakan* (Jakarta: International Labour Organization, 2022); Eta Yuni Lestari et al., "Reformulasi Peraturan tentang Disabilitas dalam Bidang Pendidikan Berdasarkan Nilai Keadilan Sosial," *Jurnal Litigasi* 25, no. 2 (2024): 150–71, <https://doi.org/10.23969/litigasi.v25i2.18342>.

⁵ Charles Dupont and Debraj Roy, "Emergent Poverty Traps at Multiple Levels Impede Social Mobility," *Humanities and Social Sciences Communications* 12, no. 1 (2025): 1–17, <https://doi.org/10.1057/s41599-025-06089-9>.

⁶ Sally Lindsay, Janice Phonepraseuth, and Sarah Leo, "Experiences and Factors Affecting Poverty among Families Raising a Child with a Disability: A Scoping Review," *Disability and Rehabilitation* 47, no. 15 (2025): 3822–40, <https://doi.org/10.1080/09638288.2024.2438999>.

⁷ Yi Qu et al., "Unlocking Intergenerational Support: The Impact of Long-Term Care Insurance on Elderly Family Dynamics," *Plos One* 20, no. 11 (2025): 0337073, <https://doi.org/10.1371/journal.pone.0337073>.

⁸ Angela Wegscheider and Carmen Walenta-bergmann, "Disability and Poverty in Austrian Households: Analysing the Risk of Experiencing Income Poverty," *Scandinavian Journal of Disability Research* 27, no. 1 (2025): 684–97, <https://doi.org/10.16993/sjdr.1241>.

to face a large economic burden in the long term, increasing the risk of intergenerational poverty. It is reinforced by the real practice where persons with disabilities often experience discrimination in the recruitment process, especially through the requirement of “being physically and spiritually healthy.”⁹ Acknowledged or not, the requirement has implicitly excluded persons with disabilities from formal employment opportunities. These requirements essentially narrow job opportunities even before the selection stage begins. Data shows that the heavier a person’s disability level, the less likely they are to work.¹⁰ In fact, the state has shown its presence through Law No. 8 of 2016, which guarantees the right to work and sets quotas; Law No. 13 of 2003, which affirms the principle of non-discrimination; and Government Regulation No. 60 of 2020, which introduces the Disability Service Unit.¹¹

At the regional level, the East Java Provincial Government, through the Manpower and Transmigration Office, has established ULD (the Disability Service Unit) to provide vocational training, job matching, job canvassing, and employment assistance for persons with disabilities.¹² As disability may result from prenatal and postnatal conditions that affect individuals’ participation in social and economic

⁹ Hendrik Hutajulu, Endang Suprarti, and Erna Amalia, “The Company’s Obligation to Employ Workers with Disabilities,” *Causa: Jurnal Hukum dan Kewarganegaraan* 15, no. 10 (2025): 1–6, <https://doi.org/10.3783/causa.v2i9.2461>; Andi Yaqub and Zamakhsyari Baharuddin, “Re-Evaluation of Judges’ Conditions for Disabilities: A Comparative Study of Islamic Jurisprudence and the Convention on the Rights of Persons with Disabilities,” *Juris: Jurnal Ilmiah Syariah* 25, no. 1 (2026): 115–29, <https://doi.org/10.31958/juris.v25i1.15992>.

¹⁰ Henry J Seaborne et al., “Disparities in Well-Being Outcomes among Medical Students: A Comparative Study between Medical Students with and without Disability,” *BMC Medical Education* 25, no. 1 (2025): 1–13, <https://doi.org/10.1186/s12909-025-06770-2>; Budi Azhari and Khusnul Safrina, “The Development of Learning Tools for Students with Comorbid Dyscalculia-Dyslexia,” *Jurnal Ilmiah Peuradeun* 10, no. 3 (2022): 859–80, <https://doi.org/10.26811/peuradeun.v10i3.724>.

¹¹ Stephanus Aranditio, “Kesempatan Kerja Bagi Penyandang Disabilitas Perlu Diperluas,” *Kompas*, December 1, 2024, <https://www.kompas.id/artikel/kesempatan-kerja-bagi-disabilitas-perlu-diperluas>.

¹² Rey B Im-motna, “Readiness of Technical Vocational Institutions in the Delivery of Technical Vocational Education and Training for Differently Abled Persons,” *Journal of Interdisciplinary Perspectives* 3, no. 6 (2025): 502–17, <https://doi.org/10.69569/jip.2025.200>.

life,¹³ affirmative employment policies are normatively intended to ensure equal access to decent work. From the perspective of *Maqāṣid asy-syarī'ah*, these policies should realize *maṣlahah* by protecting human dignity (*ḥifẓ an-nafs*), economic welfare (*ḥifẓ al-māl*), and social justice. However, the empirical reality indicates that employment opportunities remain constrained by limited accessibility, employers' productivity-oriented recruitment practices, and weak institutional coordination, creating a gap with the normative objectives.

The implementation of affirmative employment policies for persons with disabilities reflects a dialectic between legal ideals and institutional realities. While mandatory quotas, anti-discrimination provisions, and ULDs embody the *Maqāṣid asy-syarī'ah*, employers often prioritize productivity and perceived risks, reducing compliance with administrative formality rather than substantive inclusion. This tension extends beyond regulatory implementation to competing normative rationalities between economic efficiency and distributive justice. Accordingly, *Maqāṣid asy-syarī'ah* provides an evaluative framework for determining whether affirmative employment policies genuinely achieve *maṣlahah* through equitable labour market participation or merely fulfil procedural legal obligations.

Previous studies have examined adaptive technology and accessibility,¹⁴ the effectiveness of social inclusion interventions,¹⁵ and

¹³ Astilleros Martínez Borja, Martin Maria Pilar, and Kotera Yasuhiro, "Psychiatric Comorbidity in Intellectual Developmental Disorders: A Systematic Review," *British Journal of Hospital Medicine* 86, no. 7 (2025): 1–26, <https://doi.org/10.12968/hmed.2024.0686>.

¹⁴ Alexandra R Jamieson and Helara D Wijesundara, "A Review of Adaptive Equipment and Technology for Exercise and Sports Activities for People with Disabilities," *Disability and Rehabilitation: Assistive Technology* 20, no. 1 (2025): 33–45, <https://doi.org/10.1080/17483107.2024.2372323>; Zuliza Mohd Kusrin et al., "Standard Operating Procedure for the Arrests and Detentions of Individuals with Autism in Four Countries," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 1 (2024): 216–36, <https://doi.org/10.22373/sjhk.v8i1.16085>.

¹⁵ Ashrita Saran et al., "Effectiveness of Interventions for Improving Social Inclusion Outcomes for People with Disabilities in Low and Middle-Income Countries: A Systematic Review," *Campbell Systematic Reviews* 19, no. 1 (2023): e1316, <https://doi.org/https://doi.org/10.1002/cl2.1316>; Aishah Mohd Nor et al., "Empowering the Rights of Persons with Disabilities in Accessing Justice in the Shariah Courts of Malaysia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 9, no. 2 (2025): 1173–1200, <https://doi.org/10.22373/w00cs481>; Rafisah Mat Radzi et al., "Islamic Donations-Based Crowdfunding Platforms in Malaysia: An Evaluation of Regulatory

the discrepancy between legal guarantees and actual access to public services in Indonesia.¹⁶ Nevertheless, these studies have not investigated employers' responses to affirmative employment quotas or evaluated the role of ULDs through the dialectical perspective of *Maqāṣid asy-syarī'ah*. Therefore, this study fills both the empirical and theoretical gaps by integrating disability employment policy, employer responses, and ULD implementation within a *Maqāṣid asy-syarī'ah* framework. Its novelty lies in evaluating affirmative employment policies based on substantive justice rather than administrative compliance.

Based on these empirical and theoretical gaps, this study is guided by two research questions. *First*, how do private companies respond to the disability employment quota policy from the perspective of *Maqāṣid asy-syarī'ah*? *Second*, how does the role of ULD, viewed through the perspective of *Maqāṣid asy-syarī'ah*, contribute to the realization of an inclusive employment system for persons with disabilities?

Methods

This study employed a sequential exploratory mixed-methods design, in which qualitative data were collected and analysed before being complemented by quantitative data to validate and strengthen the findings. The research was conducted in four districts of East Java - Sidoarjo, Pasuruan, Jombang, and Nganjuk- selected based on the presence of Disability Service Units (ULD) or comparable institutional initiatives, variations in industrial development and labour market characteristics, and availability of companies employing persons with disabilities.

Data were gathered using three complementary techniques. *First*, semi-structured interviews were conducted with company representatives across the four districts to explore organizational

and Shariah Issues," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 9, no. 2 (2024): 413–34, <https://doi.org/10.22373/petita.v9i2.316>.

¹⁶ Andri Subiakso et al., "Legal Rights in Access to Health Services for Persons with Disabilities," *Bulletin of Science, Technology and Society* 2, no. 3 (2023): 15–20, <https://inti.ejournalmeta.com/index.php/inti/article/view/31>; Kafa Abdallah Kafa, "Special Health Insurance as an Inclusive Social Protection Program for People with Disabilities," *Jurnal Ilmiah Peuradeun* 9, no. 1 (2021): 71–86, <https://doi.org/10.26811/peuradeun.v9i1.462>.

responses to disability employment policies. *Second*, questionnaires comprising 15 items on work experience, workplace inclusion, and organizational acceptance were administered to 12 employees with disabilities. *Third*, focus group discussions involving religious leaders and academics were held to obtain collective insights and reconstruct disability employment policies from the perspective of *Maqāṣid asy-syarī'ah*, thereby enriching the interpretation of the empirical findings.

Discussion and Result

Company Responses toward Disability Employment Quota Policies From The Perspective of *Maqāṣid asy-syarī'ah*

Corporate responses to the disability employment quota policy in East Java remain largely administrative rather than reflecting a substantive commitment to workplace inclusion. Although Law No. 8 of 2016 mandates private companies to allocate at least 1% of their workforce to persons with disabilities, implementation continues to be shaped by productivity concerns, industrial efficiency, and perceived employment risks. Among employed persons with severe disabilities in Indonesia, only 30.86% work in the formal sector, whereas 69.14% remain in informal employment, reflecting persistent barriers to inclusive labor market participation.¹⁷ This pattern highlights persistent barriers to inclusive employment, including limited access to education and vocational training, inadequate workplace accommodations, and enduring stereotypes regarding the productivity and employability of persons with disabilities.

Regional variation in policy implementation, as can be seen in Table 1, is further influenced by differences in local regulatory frameworks governing disability rights. These regulatory disparities affect the effectiveness of oversight mechanisms, institutional capacity, and coercive pressures on companies, thereby shaping the extent to which inclusive employment practices are adopted across districts in East Java.

¹⁷ Badan Pusat Statistik Indonesia, *Portrait of Persons with Disabilities in Indonesia: Long Form PC2020 Results* (Jakarta: Badan Pusat Statistik Indonesia, 2024).

Table 1. Comparison of Regional Regulations (Perda/Perbup) on Persons with Disabilities

Aspect	Districts			
	Pasuruan	Sidoarjo	Jombang	Pasuruan
Legal Product (Number & Year)	Pasuruan Regency Regulation No. 6 of 2021 on Persons with Disabilities	Sidoarjo Regency Regulation No. 11 of 2024 on the Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities	Jombang Regency Regulation No. 14 of 2016 on the Implementation of Social Welfare	Nganjuk Regency Regulation (Perbup) (technical programs 2021-2023 related to services for children & persons with disabilities)
Number of Chapters & Articles	15 Chapters, 97 Articles	12 Chapters, 77 Articles	12 Chapters, 74 Articles	Approximately 6-8 Chapters, 30-40 Articles (details not yet confirmed)
Legal Basis	Law 8/2016, Law 19/2011 (CRPD), Human Rights Law, Civil Service Law, Regional Government Law	Law 8/2016 & CRPD	Law 8/2016 + social welfare regulations	Law 8/2016 + technical regulations on welfare/education

Aspect	Districts			
	Pasuruan	Sidoarjo	Jombang	Pasuruan
Subjects & Scope	All types of disabilities; scope: law, education, employment, health, politics, religion, culture, sports, social affairs, accessibility, disaster, rehabilitation, concessions	Persons with disabilities; scope: respect, protection, fulfillment of rights; mainstreaming in development	Persons with disabilities as a vulnerable group in the context of social welfare	Children & persons with disabilities receiving social, educational, and assistance services
Regulated Rights	Rights to life, freedom from stigma, privacy, law, education, employment, health, politics, religion, sports, culture, tourism, social affairs, accessibility, public services, disaster response, rehabilitation, on,	Rights to inclusive education, health, political & social participation, employment opportunities (general)	Rights to social rehabilitation, social services, assistance, protection for children with disabilities	Rights to inclusive education (reasonable accommodation), social assistance, rehabilitation technical services

Aspect	Districts			
	Pasuruan	Sidoarjo	Jombang	Pasuruan
Institutions	concessions , data collection, expression, citizenship			
	Regional Disability Commission (KDD) + Disability Service Unit	Planned establishment of institution/ ULD (awaiting <i>Perbup</i>)	Social Service Office & technical units	Education/ Social/Health Offices; technical units under <i>Perbup</i>
Funding	Regional Budget (APBD) (explicit)	Regional Budget (APBD) (to be regulated in <i>Perbup</i>)	Regional Budget (APBD) (social sector)	Regional Budget (APBD) (per agency)
Supervision & Evaluation	Periodic monitoring & evaluation; Coordination Team; supervision of companies	Supervisory instruments waiting for <i>Perbup</i>	Conducted by Social Service Office & Inspectorate	Conducted by respective technical agencies
Sanctions	Administrative sanctions (warnings, suspension of permits, revocation of permits), criminal sanctions for discrimination, 5-year adjustment	Details of sanctions waiting for <i>Perbup</i>	General administrative sanctions; not detailed regarding quotas/accessibility	Administrative sanctions according to <i>Perbup</i>

Aspect	Districts			
	Pasuruan	Sidoarjo	Jombang	Pasuruan
period for public facilities				

Table 1 indicates that Pasuruan Regency has the most comprehensive regulatory framework, encompassing institutional arrangements, corporate oversight, and administrative sanctions, whereas other districts primarily emphasize social and technical service provisions. These regulatory differences shape the effectiveness of disability employment quota implementation by influencing institutional oversight and rights protection. However, corporate responses vary across regions. Most companies continue to recruit persons with disabilities only for positions perceived as safe and compatible with production efficiency, reflecting persistent stereotypes about their work capacity. Firms operating in Pasuruan exhibit the highest level of compliance due to stronger institutional pressure, comprehensive regulatory provisions, and more robust monitoring mechanisms. Companies in Sidoarjo demonstrate moderate compliance, reflecting the presence of a disability-specific regulation whose implementation remains dependent on supporting bylaws. By contrast, firms in Jombang and Nganjuk remain less responsive because their regulatory frameworks are comparatively less comprehensive and place greater emphasis on social assistance than on employment inclusion and corporate accountability.

Nevertheless, regulatory provisions alone have not transformed organizational culture toward substantive inclusion, as access to strategic positions remains restricted. Compliance is also significantly higher among companies integrated into global supply chains, where international sustainability standards, reputational considerations, and market pressures reinforce inclusive employment practices. These findings are supported by interviews, field observations, and analyses of regional disability regulations across several districts in East Java. An informant from the HRD department of a manufacturing company in Jombang explained that the decision to accept workers with disabilities was greatly influenced by the company's production orientation.

“Different mindset of owners. If the owner feels that s/he can work, it is accepted, but the company still pursues the production target. Non-disabled workers are required to meet work standards, especially in industries where machines and work rhythms are fast.”¹⁸

This recognition indicates that the acceptance of workers with disabilities is greatly influenced by the economic rationality of the company. Persons with disabilities are accepted as long as they are considered able to adapt to existing industry work standards. Similar findings were also seen in pharmaceutical companies in Sidoarjo. An informant from the company’s supervisor explained that workers with disabilities are placed in certain parts that are considered safer and have a low risk to production.

“Because the pharmaceutical industry is very strict and there should be no errors in the production process, eventually, workers with disabilities are placed in internal packaging and distribution sections that are considered safer.”¹⁹

The data emphasizes that companies have indeed begun to open up access to work for persons with disabilities. However, access is still limited to work that is repetitive, administrative, and has minimal decision-making space. To clarify the pattern of companies’ responses to the quota policy for workers with disabilities, the empirical findings are presented in Table 2.

Table 2. Main Findings on Company Responses toward Disability Employment Quota Policies

Main Findings	Empirical Evidence	Implications
Quota policy viewed as administrative obligation	Companies prioritize production targets and efficiency	Inclusion remains procedural

¹⁸ Kuswartono, HRD PT Xui Long Outdoor Indonesia, *Interview*, October 18, 2025.

¹⁹ Wahyuningsih, I., Supervisor PT First Medipharma, *Interview*, October 24, 2025.

Workers with disabilities placed in limited positions	Placement mostly in packaging, administration, internal distribution	Limited career mobility
Stigma influences recruitment decisions	Concerns about communication, work speed, and errors	Persistent discrimination
Global supply chain companies more compliant	Environmental, Social, and Governance (ESG) and international standards affect company behavior	Compliance driven by reputation
Weak government supervision	Lack of integrated monitoring system	Low policy effectiveness
Skills mismatch between training and industry needs	Companies conduct retraining after recruitment	Weak linkage between training and labor market

Source: Data processed from responses and field findings in the Company, East Java

Table 2 shows that the implementation of the quota policy for workers with disabilities clearly faces fundamental problems, including industrial culture, social stigma, weak government supervision, and incompatibility between the job training system and the needs of the modern job market. Thus, the issue of inclusion of workers with disabilities cannot be understood only as an administrative issue, but also as a complex social and institutional issue. The weak supervision system for the implementation of the quota policy seems to still be a boomerang for persons with disabilities.²⁰ Many companies do not disclose disability employment data, while local governments lack integrated monitoring systems, and vocational training remains poorly aligned with industry needs.

From the perspective of *Maqāṣid asy-syari'ah*, quota implementation reflects formal legal compliance rather than substantive justice, failing to realize *al-'adl* through equal opportunities, human dignity, and the equitable distribution of

²⁰ Meltem Derya Şahin and Yalcin Golcuk, "Quota Hiring and Mental Disabilities BT - The Palgrave Encyclopedia of Disability," ed. Gabriel Bennett and Emma Goodall, *Springer Nature Switzerland*, 2024, 1-14, https://doi.org/10.1007/978-3-031-40858-8_550-1.

employment opportunities.²¹ It is not enough for persons with disabilities to be given access to the world of work; they must be facilitated through an adaptive, accessible, and non-discriminatory work system. When firms maintain homogeneous industrial productivity standards without structural adjustments, what actually happens is the reproduction of inequality in a new form. Persons with disabilities are accepted as workers, but remain placed in marginal workspaces with limited career mobility opportunities.

The practice of placing workers with disabilities only in low administrative positions, repetitive jobs, or non-strategic sectors shows the dominance of the *charity-based* approach and *deficit perspective*. From the perspective of *maqāṣid*, this approach is problematic because it views disability as an individual shortcoming, not as part of the human diversity (*tanawwu' al-khalq*) that the state and social institutions must accommodate. As a result, the company failed to realize the principle of *ḥifẓ al-karāmah al-insāniyyah* (protection of human dignity). In fact, human dignity in Islam is not only related to biological ability or economic productivity, but also social recognition, professional respect, and opportunities for self-actualization. When workers with disabilities are systematically placed in subordinate positions, then the company is actually maintaining an exclusive work structure that is contrary to the spirit of *maqāṣid*.

Furthermore, the exclusion of persons with disabilities from decent employment demonstrates the incomplete realization of *ḥifẓ al-māl* which requires equitable access to economic opportunities and protection from structural disadvantage. Persistent employment barriers perpetuate economic dependence and social vulnerability. Likewise, weak government oversight reflects the suboptimal implementation of *as-siyāsah asy-syar'iyyah*, as the state is supposed to ensure substantive policy implementation through effective supervision, incentives, sanctions, and standardized inclusive workplace practices rather than relying solely on quota regulations. When the supervision is weak, and the company's compliance is only symbolic, then the state fails to carry out the function of the *maqāṣid* as

²¹ Parid, Sandya Mahendra, and Nur Milla, "An Analysis of the Perspectives of Aristotle And Imam Al Shatibi on Legal Justice," *Journal of Transcendental Law* 6, no. 2 (2025): 132–49, <https://doi.org/10.23917/jtl.v6i2.8446> Submission.

a protector of the *al-mustaḍ'afin* group.²² In this context, the absence of state intervention actually strengthens the dominance of the logic of industrialism that places efficiency and productivity above human values.

This condition shows that the disability quota policy is still moving in a legal-formal paradigm, which has not transformed into a *maqāṣid-oriented* inclusion paradigm. In fact, the main purpose of Sharia is not just to present rules, but to create benefits and eliminate social discrimination.²³ Therefore, the implementation of the quota policy should be directed at transforming work culture, providing reasonable accommodation, building an equal career promotion system, and reconstructing the company's perspective on disability as part of the diversity of human resources.

Thus, from the perspective of *maqāṣid asy-syari'ah*, the main problem of the quota policy for workers with disabilities in East Java does not lie in the absence of regulations, but in the failure to change the structure of work relations that are still exclusive. As long as companies still view persons with disabilities as objects of compassion and not equal professional subjects, then the implementation of the quota policy cannot be said to fully realize the *maqāṣid* of social justice. This is in line with Bam's research, which shows that the implementation of disability employment policies is often hampered by social stigma and industrial productivity orientation.²⁴ Companies tend to place workers with disabilities in jobs with low risk and limited career opportunities due to assumptions about the low productivity of the disabled workforce.²⁵

This further strengthens the argument that affirmative policies

²² A. Hager, "Christian-Muslim Relations in the Aftermath of the Arab Spring: Beyond the Polemics Over," in *The Innocence of Muslims* (Edinburgh: Edinburgh University Press, 2024).

²³ Ismail Saifnazarov, Azamat Mukhtarov, and Bekdavlat Aliyev, "The Interplay between Sharia Law, Religious Principles, and Social Justice in the Islamic Tradition," *Pharos Journal of Theology* 106, no. 3 (2025): 1-13, <https://doi.org/10.46222/pharosjot.106.3033>.

²⁴ Armand Bam, "Invisibility, Stigma and Workplace Support: Experiences of Individuals with Chronic Disorders," *SA Journal of Human Resource Management* 23, no. 1 (2024): 1-10, <https://doi.org/10.4102/sajhrm.v23i0.2859>.

²⁵ Anita Starzyk and Jana F Bauer, "Three Dilemmas of Disabled Employee Voice," *Journal of Business Ethics* 201, no. 4 (2025): 941-67, <https://doi.org/10.1007/s10551-025-05964-4>.

do not automatically result in social inclusion if they are not followed by changes in organizational culture and work systems. Previous studies have found that companies are more compliant with disability policies when there are external pressures such as international certifications, ESG, or global market demands.²⁶ The findings are consistent with the results of this study, which shows that companies connected to global supply chains have a higher level of compliance than domestic companies. The success of the disability labor quota policy cannot be measured solely by the number of workers with disabilities accepted by the company. A more substantive measure of success lies in the extent to which companies can create an inclusive work environment, provide reasonable accommodations, and open up equal career opportunities for workers with disabilities.²⁷

The inclusivity of the disabled workforce must be a transformation of the social and cultural structure of the industry rather than just the fulfillment of administrative obligations.²⁸ The perspective of *maqāṣid asy-syarī'ah* places labor policy as a formulation of realizing human benefits through the protection of dignity, economic access, and equal social opportunities. Another implication is the need to strengthen the role of the state and ULD in building inclusive employment. The government, in addition to making regulations, needs to balance the certainty of an effective supervisory system, integration of job training with industry needs, and incentives for companies that implement inclusive work practices substantively. Thus, disability employment policy reform needs to be directed at a paradigm shift from a charity-based approach to a rights-based approach that places persons with disabilities as equal and dignified economic development subjects.²⁹

²⁶ Ni Sakarani and I Gede Kurniawan, "The Relationship between ESG (Environmental, Social, Governance) Principles and the Fulfillment of the Right to Work for Persons with Disabilities," *Pena Justisia: Media Komunikasi dan Kajian Hukum* 24, no. 1 (June 30, 2025): 3247–63, <https://doi.org/10.31941/pj.v24i2.7087>.

²⁷ Yana Van Der Meulen et al., "Disability, Job Satisfaction, and Workplace Accommodations: Evidence from the Healthcare Industry," *Journal of Occupational Rehabilitation*, 2025, 1–14, <https://doi.org/10.1007/s10926-025-10316-0>.

²⁸ Volker Kuppelwieser, "The Inclusion Delusion: Service Research's Dangerous Disconnect from Disabled Reality," *Journal of Services Marketing* 39, no. 8 (August 4, 2025): 1025–38, <https://doi.org/10.1108/JSM-04-2025-0273>.

²⁹ Ozinna Johnpaul Okoye and Uchechukwu Lawrence Daniel, "Inclusive Governance and Disability Rights: Assessing Nigeria and Russia Within Global

The Role of ULD in Promoting Inclusive Employment Systems from the Perspective of *Maqāṣid asy-syarī'ah*

The Disability Service Unit (ULD) in East Java has contributed to promoting inclusive employment by facilitating data collection, awareness programs, and coordination among local governments, employers, and persons with disabilities. As an intermediary, the ULD supports workplace accommodation and expands access to formal employment. However, its effectiveness remains constrained because essential functions, including job matching, career guidance, integrated vocational training, and cross-sector collaboration, have yet to be institutionalized. Vocational training delivered by Job Training Centers (BLK) and local Manpower Offices remains predominantly generic and insufficiently aligned with the specific needs of persons with disabilities and contemporary labor market demands, creating competency gaps that require employers to provide additional workplace training.

Consequently, the principal challenge lies not in regulatory deficiencies but in weak institutional capacity and fragmented inter-organizational coordination. The degree of inclusivity also varies across research sites. Pasuruan has demonstrated relatively progressive practices by expanding training access for persons with disabilities, Sidoarjo has initiated but inconsistently implemented inclusive programs, whereas Jombang and Nganjuk continue to rely on conventional training models with limited disability-responsive design. The complete data is presented in Table 3.

Table 3. Training Activities by the BLK of East Java based on the Digital Track Record

Human Rights Frameworks," *Nnamdi Azikiwe Journal of Political Science* 11, no. 1 (2026): 47–76, <https://najops.org.ng/index.php/najops/article/view/402>; Saiful Abdullah et al., "Questioning Security Guarantees After the Return of the Former Shia Community: Islam and Human Rights Law Analysis," *Trunojoyo Law Review* 8, no. 2 (2026): 204–28, <https://doi.org/10.21107/tlr.v8i2.28300>; J M Muslimin, "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 19, no. 1 (2024): 53–77, <https://doi.org/10.19105/al-lhkam.v19i1.8731>.

Category Program	Districts			
	Pasuruan	Sidoarjo	Jombang	Nganjuk
Main Program Types	PBK UPT BLK	PBK Disnaker	PBK Batch I	Free job training (PBK)
Target Participants	General, starting to be open to persons with disabilities	General, with an indication of inclusion	General, not yet disability-specific	General, not yet disability-specific
Participation of Participants with Disabilities	Proven, but still limited	There are limited indications	Unconfirmed	Unconfirmed
ULD Involvement	Unconfirmed	Unconfirmed	Unconfirmed	There is a socialization stage
Access & Inclusivity Training	There is already practice, it has not been integrated	Indicative, not yet systemic	Not seen yet	Not seen yet

Source: Processed from questionnaire data distributed to companies and persons with disabilities in East Java

Table 3 shows that the involvement of ULD in job training programs is also very limited. Most regions do not have a clear coordination mechanism between ULD, BLK, and companies. In fact, in some areas, ULD involvement is only limited to the socialization stage and has not yet entered the planning and evaluation stages of job training. The interview data corroborates these findings. Informants from academia stated that the main problem of disability policy lies in the weak implementation of institutions at the regional level. Existing programs still stop at the administrative aspect and have not resulted in real changes to access to work for persons with disabilities.

“ULD in some regions has indeed been formed, but its function is still administrative. There is no strong coordination with BLK and companies to ensure that job

training is really in line with the needs of the job market for persons with disabilities.”³⁰

In addition, informants from the employment sector explained that many companies do not actually reject workers with disabilities, but do not understand the mechanism for job placement, the form of accommodation needed, and the appropriate type of work. This condition shows that the main obstacles are structural and institutional, not merely open rejection from the company.

“Many companies don’t yet know how to place workers with disabilities. They are confused about the type of work that is suitable, the facilities that must be provided, and how the mentoring process is.”³¹

In addition, budget and human resource limitations are the main obstacles to the development of ULD at the regional level. Most ULDs do not yet have professionals with special competencies in disability services and inclusive employment. As a result, the functions of job assistance and job matching have not been carried out optimally. From the perspective of *maqāṣid asy-syari'ah*, the existence of ULD in East Java shows that there is a paradox between institutional legality and the reality of social injustice. The state has established the ULD as a symbol of commitment to inclusion, but at the same time has failed to build a system that is truly capable of integrating persons with disabilities into formal economic structures. This condition shows that disability policy is still moving in a bureaucratic-administrative logic, not a logic of social justice that is the core of *maqāṣid asy-syari'ah*.

In fact, the existence of an institution is not judged by its formality, but by the ability of the institution to bring real benefits. The fundamental problem of ULD in East Java is not only related to technical limitations but also related to the state's structural failure in transforming disability rights into concrete economic access. As a result, the ULD functions more as an apparatus of policy legitimacy than as an instrument of social empowerment. The state is seen to be

³⁰ Moh. Asyari, An Academic from STAI Az-Zain Sampang, *Interview*, October 24, 2025.

³¹ Sulistyorini, Secretary of the Manpower Office of Pasuruan Regency, *Interview*, November 14, 2025.

“present” through the formation of institutions, but its absence is seen in the weak impact of institutions on the lives of persons with disabilities.³²

The weak effectiveness of ULD shows that the state has not fully protected the human dignity or *hifz an-nafs* of persons with disabilities. In *maqāṣid asy-syarī'ah*, human beings are not only maintained for their biological survival, but also guaranteed social honor and the capacity for a dignified life.³³ When persons with disabilities remain excluded from the formal job market, what happens is not just unemployment, but the marginalization of humanity. Persons with disabilities are positioned as objects of social compassion, not productive subjects who have equal rights to economic space. At this point, the failure of the ULD is not only a failure of labor policy, but the failure of the state to maintain the *karamah al-insan*.

Furthermore, the weak integration between ULD, BLK, and the industrial world shows the failure of the systemic implementation of *hifz al-'aql*.³⁴ The job training provided is still administrative, ceremonial, and not based on actual industrial needs. The state seems to focus more on the number of training session than on the quality of competency transformation. This shows the reduction of the meaning of empowerment to just a formality of the program. As a result, persons with disabilities are trained without being really prepared to enter the modern economic structure. The training system has lost its emancipatory empowerment orientation because it does not produce real competitiveness. This shows that the state does not view persons with disabilities as human capital that must be developed, but only as a group that needs to be “facilitated” administratively.

³² Adi Sapir and Adi Banai, “Balancing Attendance and Disclosure: Identity Work of Students with Invisible Disabilities,” *Disability & Society* 39, no. 8 (2024): 2032–52, <https://doi.org/10.1080/09687599.2023.2181765>.

³³ Abdulloh Munir and Kusnadi, “Maintaining the Social Environment: Urgency and Principles in Maqasid Al-Shariah,” *Tribakti: Jurnal Pemikiran Keislaman* 35, no. 2 (2024): 303–20, <https://doi.org/10.33367/tribakti.v35i2.5417>; Ihwan Sormin and Zezen Zainul Ali, “The Comparative Study of the Protection of Women’s Rights in Article 463 of the New Criminal Code with Law Number 36 of 2009 Concerning Health Perspective of Jaser Auda,” *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 187–98, <https://doi.org/10.32332/milrev.v2i2.7824>.

³⁴ Tarmizi Tahir, Syekh Hasan, and Abdel Hamid, “Maqasid Al-Syarī'ah Transformation Implementation for Humanity,” *International Journal Ihya' 'Ulum Al-Din* 26, no. 1 (2024): 119–31, <https://doi.org/10.21580/ihya.26.1.20248>.

The weak job-matching function furthermore shows the failure of the state to realize *ḥifẓ al-māl* in the distributive dimension. In fact, property protection is not only concerned with maintaining individual property but ensuring that the distribution of economic access takes place fairly.³⁵ When persons with disabilities remain concentrated in the informal sector, work below capacity, or even remain unemployed after training, then the employment system is actually reproducing structural poverty. The state failed to break the chain of economic exclusion because the inclusion policy was not built to the level of redistribution of job opportunities. In this context, the inability of ULD to carry out the job placement function shows that the inclusions built are still cosmetic.

The state appears to have succeeded in fulfilling formal legality through the establishment of the ULD, but has failed to ensure its substantive effectiveness.³⁶ This reflects the dominance of a legalistic paradigm focused on *al-aḥkām asy-syar'iyyah* (formal Islamic legal rulings) over the *maqāṣid*-oriented principle of *taḥqīq al-maṣlahah* (the realization of public welfare and the objectives of Islamic law). In other words, greater emphasis is placed on strict compliance with formal legal norms than on achieving the broader goals of justice, equity, and social welfare intended by Islamic law. As a result, disability inclusion has changed to legal-formal inclusion without structural transformation. Persons with disabilities are normatively "recognized", but socio-economically, they are still excluded. In This condition is a form of structural injustice because the law stops at a symbolic level and is unable to produce real protection for vulnerable

³⁵ Suud Sarim Karimullah, "Exploration of Maqasid Al-Shariah Concepts in the Development of Islamic Economic Policies," *Mu'amalah : Jurnal Hukum Ekonomi Syariah* 2, no. 2 (2023): 153–72, <https://doi.org/10.32332/muamalah.v2i2.7747>; Nasruddin Yusuf et al., "Examining the Basis of Maqashid Sharia in Renewal of Islamic Law in Indonesia," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 9, no. 1 (2024): 357–75, <https://doi.org/10.22373/petita.v9i1.258>.

³⁶ Ondrej Kadlec and David Kosar, "Romanian Version of the Rule of Law Crisis Comes to the ECJ: The AFJR Case Is Not Just about the Cooperation and Verification Mechanism," *Common Market Law Review* 59, no. 6 (2022): 1823–52, <https://doi.org/10.54648/cola2022120>; Agus Riwanto and Sukarni Suryaningsih, "Realizing Welfare State and Social Justice: A Perspective on Islamic Law," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 5, no. 1 (2022): 41–51, <https://doi.org/10.24090/VOLKSGEIST.V5I1.6430>.

groups.³⁷

Accordingly, the state seems to view the issue of disability as a burden of social administration rather than a distributive justice agenda. ULD ultimately operates in the logic of managerial governance: focused on data collection, reporting, and program formalities, but weak in building structural interventions against employment discrimination. As a result, persons with disabilities remain a fringe group in the modern economic system, even though inclusion regulations have been established. This shows a contradiction between normative inclusion and structural exclusion. This shows a contradiction between normative inclusion and structural exclusion. Such a situation is contrary to the Islamic legal principles of *al-'adl* (justice and equity) and *raf' al-haraj* (the removal of undue hardship), which require social institutions to ensure fair treatment and avoid imposing unnecessary barriers on individuals. The state should not only provide formal spaces for persons with disabilities, but also actively remove the structural barriers that marginalized them.³⁸ When the state fails to build an accessible, adaptive, and non-discriminatory work system, the state actually contributes to reproducing social injustice through bureaucratic mechanisms that appear inclusive but not transformative.

Therefore, ULD reform should extend beyond administrative expansion toward a transformation of the policy paradigm by positioning ULD as an instrument of social justice rather than a merely formal service unit. Otherwise, ULD risks becoming a symbolic representation of inclusion while failing to realize its core objectives. The principal barriers to disability employment in Indonesia lie not only in regulation but also in weak institutional implementation and cross-sectoral coordination. The quota policy for workers with disabilities does not seem to be effective because companies still face limited information, a lack of assistance, and the unavailability of an

³⁷ Noor Syifa Amaliah Azizah and Shalihah, "Maqasid Al-Shari'ah and Legal Pluralism: Normative Analysis of The Principle of Justice in A Multicultural Society," *Journal of Islamic and Law Studies* 9, no. 2 (2025): 119–26, <https://doi.org/10.18592/jils.v9i2.17808>.

³⁸ Erwin Hari Kurniawan and Rizki Rahmadani, "The Imperative of Inclusive Education in Islam : An Analysis of the Rights of Children with Special Needs Through the Lens of Maqāsid Al- Shari'ah," *VRISPRAAK: International Journal of Law* 9, no. 2 (2025): 107–16, <https://doi.org/10.59689/tc05rf80>.

adaptive work placement system.³⁹

Institutions play a mediating role in building coordination between persons with disabilities and the industrial world.⁴⁰ However, the problem is not only about limited access to work but also about the disconnecting between the job training system and the needs of the modern job market. An inclusive employment system requires institutional integration that is able to connect job training, industry needs, job placement, and career mentoring in a sustainable manner.⁴¹ ULD should ideally be positioned as a strategic intermediary institution that serves to connect persons with disabilities, local governments, BLKs, vocational education institutions, and companies.⁴² With this position, ULD not only carries out administrative functions but also acts as a coordination center for the inclusive employment system.

Conclusion

Based on the description mentioned above, it can be concluded that the implementation of disability employment policies in East Java is still procedural rather than substantive. Although Law No. 8 of 2016 and various regional regulations formally guarantee employment rights for persons with disabilities, companies' responses are still influenced by considerations of productivity, industrial efficiency, and social stigma. As a result, employment opportunities for persons with disabilities are still limited to certain positions and do not fully reflect inclusive work practices. This study also found that the Disability Service Unit (ULD) has an important role in the job placement process,

³⁹ Miftakhul Shodikin and Syofyan Hadi, "Upholding the Rights of Persons with Disabilities Through the Difference Principle," *Mimbar Keadilan* 18, no. 1 (2025): 113–34, <https://doi.org/10.30996/mk.v18i1.12135>.

⁴⁰ Claire Hutchinson, Ashokkumar Manoharan, and Janice Jones, "Perspectives on Demand Side Barriers and Facilitators to the Employment of People with Disability: Qualitative Interviews with Hospitality Employers," *Disability and Rehabilitation* 47, no. 15 (2025): 3876–86, <https://doi.org/10.1080/09638288.2024.2439013>.

⁴¹ Syed Yasir Abbas Zaidi et al., "Accomplishing the SDGs Through Green HRM Practices: Insights From Industrial Sustainability Experts," *Global Business and Organizational Excellence* 44, no. 5 (2025): 19–45, <https://doi.org/https://doi.org/10.1002/joe.22294>.

⁴² Indriyani and Hendri Abdul Qohar, "Implementation of Employment Rights for Graduates of Private Special Schools in Ciamis Regency," *Journal of English Language and Education* 10, no. 5 (2025): 874–81, <https://doi.org/10.31004/jele.v10i5.1335>.

vocational guidance, and mediation between companies and workers with disabilities. However, the effectiveness of ULD still faces various obstacles, such as limited institutional capacity, weak coordination, and not optimal integration with job training programs. This study emphasizes that disability employment policies must be directed at the creation of substantive *maṣlahah* in the form of labor justice, economic independence and the protection of human dignity. Therefore, strengthening ULD needs to be carried out through institutional capacity building, developing a job matching system based on industry needs, integrating inclusive training, and strengthening cross-sector coordination. This study is limited to four districts in East Java. Future research should expand geographical coverage, involve more diverse stakeholders, or comparatively examine disability employment policies using *Maqāṣid asy-syari'ah* and public policy perspectives.

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