



Implementation of Fulfillment of Rehabilitation Rights Against Persons with Disabilities Yayasan Peduli Kemanusiaan Bali Related To COVID-19: Human Rights Perspective



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Abstract

Fulfillment of the rights of persons with disabilities can be implemented by the government and society through non-profit organizations, one of which is the Bali Humanitarian Care Foundation (YPK). YPK is one of the rehabilitation center foundations in Bali, the activities are carried out quite regularly. This type of research is empirical legal research. The data collected was obtained through interviews, observation, and documentation at YPK (persons with physical disabilities). Data analysis techniques used qualitative methods. In early 2019 the world faced COVID-19 which caused various orders to undergo significant changes. Governor of Bali Number 46 of 2020 concerning health protocols up to Governor Circular Number 01 of 2021 concerning Restriction of Community Activities in dealing with COVID-19 which causes interaction patterns to change. The purpose of this study is to analyze the obstacles and solutions that occur in fulfilling the right to rehabilitation for persons with disabilities there needs to be social attention that can be done in community participation, such as the types of fundraising to help rehabilitation therapy facilities and facilities.

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1 Introduction

2019 is the beginning of the spread of COVID-19. Indonesia is one of the countries affected by the COVID-19 virus. New guidelines were issued through the government to prevent and manipulate the spread of COVID-19, this is ultimately a threat. The COVID-19 pandemic raises various regulations to prevent the transmission of COVID-19. The guideline starts from the SE Ministry of Home Affairs number 1 of 2021 which regulates the imposition of restrictions to regulate the spread of COVID-19, the Circular of the Governor of Bali number 1 of 2021 concerning the Implementation of health protocols. Governor of Bali Regulation number 46 of 2020 concerning the Application of Discipline and Enforcement of Protocols as Efforts to Save and Control COVID-19 in the New Lifestyle Era (Chandranegara, 2020; Fahrudin, 2018). The COVID-19 pandemic causes all orders to change, its effects ranging from the economic, health, political, legal, and social life sectors^d. This also affects YPK

Table 1
The total number of clients with disabilities, namely:

Field	<i>Mobile clinic</i>		Fisio		(education)	
Year	2019	2020	2019	2020	2019	2020
Total	946	574	272	205	169	96

In 2019-2020, there was a reduction in the total number of clients served. In the 2019 period there were 946 clients in the field of mobile clinics, 272 clients in the physio field, and in the 2019 period a total of 169 clients with a total of 99 in 2020 in the field of life skills. Meanwhile, in 2020 there was a decrease to 574 clients in the field of mobile clinics, 205 clients in the field of physiotherapy.

Treatment for persons with disabilities at certain stages in the COVID-19 pandemic, starting from health, social and psychological elements that may affect daily life because improvements are needed for people with disabilities. the role of various elements ranging from the social sphere in the form of the Humanitarian Care base to the immediate environment, especially fathers, mothers, and siblings. It should be stated that all persons with disabilities need efforts to promote and protect their human rights utilizing more incentivized assistance. while the experiments were carried out on an everyday basis, the efforts paid off. However, with the current condition of the COVID-19 pandemic which demands social distancing and minimizing disabilities, rehabilitation activities carried out based on the Bali Humanitarian Care Foundation have changed. The change is from in-person to online therapy. This is raising a new problem in the current pandemic, there are regulations governing COVID-19 but then there are also services that must be fulfilled including physical offerings which may be remedial services with a pattern of direct interaction with expert therapists for people with disabilities.

2 Materials and Methods

The type of research method used is empirical legal research, particularly that examines the condition, signs, and symptoms of law and the quantity of law working in society by observing and observing in the field. Data collection techniques used were observation, documentation, and interviews and were analyzed using qualitative descriptive analysis.

^d Muhyiddin, *Covid-19, New Normal and Development Planning in Indonesia*, The Indonesian Journal of Development Planning Vol.6 No. 2 Juni 2020,p.241

3 Results and Discussions

3.1 Implementation of fulfillment of rehabilitation rights for persons with disabilities related to COVID-19 *Yayasan Peduli Kemanusiaan Bali*

The Bali Humanitarian Care Foundation (YPK) is a non-profit organization that was founded in 2001 and was formed following the permit of the Minister of Regulation and Human Rights Number: C-3654.HT.0.1.02 year 2007. The foundation is a foundation for rehabilitation services for people with disabilities who are unable to access formal health care facilities.^e

The implementation of services at YPK Bali is one of the legal instruments carried out by non-profit foundations that are legal entities that implement rehabilitation rights, this is as stipulated in the Law on Persons with Disabilities Article 92 paragraph (2) that the community can also play a role in the implementation of rehabilitation. As for the implementation of rehabilitation before facing COVID-19 (Rimmer et al., 2004; Iezzoni & Long-Bellil, 2012, Bascom & Christensen, 2017). YPK The system of implementing rehabilitation services is carried out routinely and there are various rehabilitation programs as intended, namely, physiotherapy is a physical training service both actively and passively in terms of training the movement and function of limbs that are experiencing a disturbance and overall body strength.

Persons with disabilities have an existence in the country, with the existence of the Convention on the right of persons with/disabilities (CRPD) and the ratification of Law Number 19 of 2011 as an instrument to respect, fulfill and protect the rights of disabilities in Indonesia. The reason for this conference is to promote, protect and guarantee identical rights and fundamental freedoms for all persons with disabilities. This convention aims to promote, defend and guarantee equal rights and fundamental freedoms for all with disabilities.^f

That way, it regulates equity in improving quality for all people with disabilities. As the Law on Persons with Disabilities, which emphasizes that people with disabilities are part of society who have rights and equality in life. Article 1 paragraph (60) also explains that fulfillment is an effort made to fulfill/implement and realize the rights of persons with disabilities. YPK. Has implemented rehabilitation rights as stated in the Law on Persons with Disabilities in Article 92.

paragraph (1) regarding social rehabilitation. The rehabilitation enforcement system is carried out mechanically and there are various rehabilitation programs as expected, especially physiotherapy, which is physical services, respectively carried out actively and passively in terms of movement and limbs with movement disorders.

Article 1 paragraph (6) of the Law on persons with disabilities also explains that fulfillment is an effort made to fulfill, implement and realize the rights of persons with disabilities, so in this case, as an effort to make this happen, one of them is done with rehabilitation services. When giving online classes, the therapist contacts the client's assistant often does not want to do therapy because they feel different comfort and some clients have no news due to busy factors besides that sometimes they cannot do video calls due to signal constraints because the reach accessed is a remote village if done online, they often experience challenges in directing because some do not understand. In providing training, when in the field when the client's assistant makes a mistake, it can be corrected directly, but at a long distance, it sometimes becomes a challenge in terms of correcting it.

Article (91) of the Law on Persons with Disabilities regulates that "The Government and Regional Governments are required to guarantee access for Persons with Disabilities to obtain social rehabilitation, security, social empowerment, and protection. social". That way, in addition to the Law that regulates persons with disabilities, it is also contained in Perda Number 9 of 2015, through this, the State has given obligations to local governments, one of which is to provide access to guarantees for persons with disabilities in implementing guarantees.

^e Yayasan Peduli Kemanusiaan Bali, <https://www.ypkbali.org/id/> accessed on 23 January 2021

^f Rahayu Repindowati Harahap, "Legal Protection for Persons with Disabilities" *Jurnal Inovatif*, Vol. 8 No.1 January 2015, p.43

The world has been shocked by the emergence of COVID-19, changes in various structures are very significant, the response to the response to COVID-19 is also very varied, the emergence of various regulations in each region at the time of the COVID-19 pandemic, especially in the Bali area, namely by issuing Governor Regulation Number 46 of 2020 regarding protocol health in Article 7 regulations. With this health protocol, YPK has implemented it by providing handwashing facilities, maintaining distance, checking body temperature before entering the YPK area. This certainly greatly affects the implementation of rehabilitation at YPK Bali with the therapy patterns carried out by experienced therapists.

However, regulations regarding health protocols began to develop with the existence of a Ministerial Instruction and a Circular of the Governor of Bali Number 01 of 2021 concerning Restrictions on Community Activities (PKM) which led to the application of work from home (WFH), this has resulted in various changes. YPK has experienced WFH 3 times, of course, YPK has a strategy, namely (i) preparing APD (ii) virtual therapy services (iii) depositing client videos while exercising at home.

Based on the results of interviews with Management as the deputy director of YPK, Mrs. Kadek Wahyuni on January 29, 2021, the challenges faced were adjustment in-home exercises conducted by parents or client assistants. In addition, the result of the number one industry has experienced obstacles to less material support in buying necessities and the high cost of clinics in purchasing personal protective equipment (APD). The implementation of rehabilitation in the field of physiotherapy is not limited via zoom because each client has its therapy while what is used is via WhatsApp, telephone, or Messenger.⁸ The application is that the therapist first informs the type of therapy that the client will apply after that the parent or companion sends a video or photo of the results of the therapy at home. Handling of people with disabilities is completely through touch, so the existence of regulations regarding COVID-19 is a major challenge. The schedule of activities carried out by YPK before Covid and during the Covid19 pandemic, namely:

Table 2
Rehabilitation schedule at YPK

Rehabilitation Sector	Before COVID-19	During pandemic COVID-19
Life Skills (Education)	29 klien/ day	9 klien/ day
Physiotherapy	38 klien/ day	10 klien/ day

Source of: Yayasan Peduli Kemanusiaan Bali

From the table above, it can be seen that the number of clients who received therapy before the pandemic was an average of 29 clients per day for education and 38 clients per day on average for physiotherapy, but during the COVID-19 pandemic, the average number of clients served was 9 clients per day for offline activities in education and 10 clients per day for offline activities in physiotherapy. With this, there is a very significant change in rehabilitation activities, while offline activities have also been replaced by online therapy. Reduction in training hours can be seen with the minimum taking capacity of clients on the daily average due to this limitation so that in this schedule some get an exercise schedule once a week 2 weeks 3 weeks even up to once a month for therapy.

Table 3
Exercise schedule once a week 2 weeks 3 weeks even up to once a month for therapy

No.	Day	Districts	Subdistrict / Village	Information
1	Senin	Karangasem	Karangasem/Bukit	<ul style="list-style-type: none"> • Januari- Desember2020 • Perjalanan 3 jam • Pelayanan 3 jam • Kunjungan 2 jam
2	Selasa	Gianyar	Tegalalang/Kenderan	<ul style="list-style-type: none"> • Januari-Desember2020

⁸ Interview with Mrs. Kadek Wahyuni Andithyawati, the Management as Deputy Director of Yayasan Peduli Kemanusiaan Bali on January 29, 2021

				<ul style="list-style-type: none"> • Perjalanan 2 jam • Pelayanan 4 jam • Kunjungan 1 jam
3	Rabu	Klungkung	Klungkung/Akah	<ul style="list-style-type: none"> • Mei 2019-Desember 2020 • Perjalanan 1½jam • Pelayanan 3½ jam • Kunjungan 2 jam
4	Kamis	Karangasem	Kubu/Tianyar	<ul style="list-style-type: none"> • Januari-Desember2020 • Perjalanan 3 jam • Pelayanan 3 ½ jam

Source of *Mobile Clinic*

The table above shows that before the outbreak of the COVID-19 pandemic, the timing of therapy visits carried out by the mobile clinic was 4 times a week. At that time regular visits weremade to various villages. In the table below is the schedule of visits when facing the COVID-19pandemic, as shown in the table that there is a schedule change.^h The visit was carried out within a month only 2 visits. The mobile clinic cannot visit other villages because they have not received permission from the village concerned but online services are still running. So as for the visits that can be made even though they are not evenly distributed to various villages when facing COVID-19, that is, they can only access 2 to 3 villages by first asking for permission from the village concerned.

Table 4
Mobile clinic visit schedule for the COVID-19 pandemic

No	Month	Session	Date, 2020
1	August	3	12
2		5	26
3	September	2	9
4		4	23
5	October	2	7
6		4	21
7	November	2	11
8		4	25
9	December	1	2
10		3	16

At first, during the pandemic there were online and online activities, this was implemented following the Governor Regulation in Article 7, one of which was about maintaining distance, but when the Governor's Circular was issued requiring WFH with a capacity of only 25% to carry out activities in the office which resulted in rehabilitation service activities becomecompletely online.

Various activities are carried out in this case the YPK as an effort to realize the fulfillment of these rights, one of which is carried out by rehabilitation services. The rehabilitation activities carried out by YPK are following Article 111 of the Law on Persons with Disabilities, namely:

Habilitation and rehabilitation for Persons with Disabilities functions as:

- a) life skills education and training facilities;
- b) intermediate means in overcoming conditions with disabilities; and
- c) a means to prepare Persons with Disabilities to live independently in society.

^h Interview with the head of mobile rehabilitation (mobile clinic) Ni luh Putu Novita Yani on September12, 2020.

The COVID-19 pandemic calls on people to interact remotely, in this case, the government determines working from home which makes information technology the main tool for various processes, this is, of course, related to the use of the internet or what is currently known as online media to access it requires a quota. Apart from daily telephone use, of course, not everything can be done with online assistance, one of which is health services, which must be taken directly. That way if there are clients who have to take certain actions, they can be done with due observance of health protocols because they cannot rely solely on online services.

Mrs. Based on the results of an interview with a client with disabilities. Luh Ayu Mudiarti, doing the training process at home is a major challenge because it is a relatively new activity, especially as a hawam. The implementation of online therapy at home makes clients with disabilities often refuse to rehabilitate at home. It is different if the exercise is done by a therapist directly because people with disabilities are more comfortable which makes clients motivated.ⁱ

A good life needs stability between the demands of the environment and the utilization of the ability to overcome them by individuals, if there is an imbalance for this, there will be an obstacle as well as a problem.^j As environmental demands exceed the ability to cope with them by individuals, in this case, the therapist helps balance environmental demands with the ability to cope with them by individuals. With this, environmental guidance for persons with disabilities needs to be considered.

3.2 Aspects of justice for the fulfillment of persons with disabilities related to human rights

According to Jhon Rawls in his theory of justice, the main areas of justice are the basic structure of society and formulate the principles that must be fulfilled in the structure of society. The first principle is the principle of equal freedom (Principle of Greatest Equal Liberty) and the second principle of fair equality of opportunity (the principle of Fair Equality of Opportunity) is also present (The Difference Principle), The essence of this principle is that social and economic differences must be regulated so that it is possible to offer the greatest benefit to the most disadvantaged individuals.^k The term the most disadvantaged is also considered in obtaining the main elements of welfare, in this case, the fulfillment of rehabilitation rights must be maintained and fulfilled in the case of the COVID-19 pandemic to achieve justice that results in prosperity. The meaning of welfare is fulfilled human rights, one of which is the right to work and the right to health. The structure of the community is very influential in the progress of this fulfillment, the basic structure of the community closest to it is the companion, in this case, the scope of families of persons with disabilities (Thirumalai & Sinha, 2005; Muffatto & Payaro, 2004; Dawley et al., 2005).

In the manpower sector, there are still many who think that persons with disabilities are the same as being unhealthy so that they cannot be accepted as workers because one of the requirements to become workers is physically and mentally healthy.^l For this reason, it can be fulfilled through the right to optimal rehabilitation, welfare can also be obtained through the right to a decent life with the right to work, but people with disabilities are classified as more vulnerable to poverty because it is related to the limited opportunities for persons with disabilities to work.

As in principle, the rehabilitation is carried out to improve the quality of themselves so, if there are obstacles in its implementation, it will be difficult for persons with disabilities to fulfill their human rights because of the decline in function (Palfrey, 2002; Zhu et al., 2008; Baskakov & Popov, 1991; Maba, 2017). The correlation between human rights and rehabilitation rights is very important if it has been rehabilitated and in the process of experiencing a quality improvement, persons with disabilities can make efforts in fulfilling other rights. Like the right to work, in the right to work, even though the right to work is recognized in the rights of persons with disabilities and human rights, they still pay attention to the parts of the body that can be functioned, therefore the optimization made by persons with disabilities is important.

ⁱ Interview with client assistant with disabilities, Mrs. Luh Ayu Mudiarti, December 15, 2020

^j Adi Fahrudin, 2018, Introduction to Social Welfare, PT. Refika Aditama, Bandung, p. 62

^k John Rawls, 2011, A Theory of Justice, Theory of Justice, The Basics of Political Philosophy to Achieve Social Welfare in the State, Pustaka Pelajar Publisher, Yogyakarta, p. 13.

^l Kadek Januarsa Adi Sudharma. "Implementation of the Principle of Balance in Work Contracts for Workers with Disabilities by Non-Profit Foundations in Bali Province." *Panorama Journal of Law* Vol. 2 No. 02, December 2017 p. 203

Humans have various kinds of human rights as regulated in Law Number 39 of 1999, Law Number 5 of 2005 concerning Civil and Political Rights, and Law Number 11 of 2005 concerning social, cultural, and economic rights as well as the right to rehabilitation. main and must be fulfilled, There are 2 classifications of rights in the ICCPR, namely Non-Derogable Right and Derogable right (Rawls, 2011; Muhyiddin, 2020; Sudharma, 2017). Non-Derogable right is a right that cannot be reduced to its fulfillment, which has an absolutenature even in an emergency, even though in the Covenant on Civil and Political Rightsthere is a right to be treated humanely and not be degrading while the derogable right is a right that can be limited, but its limitations are also strictly regulated. Rehabilitation efforts are fundamental to avoid treatment that is degrading so that it does not achieve prosperity.

To fulfill the requirements required by persons with disabilities, Article 100 of the Law on Human Rights also regulates "every person, group, community organization, community organization or other social institutions have the right to participate in the protection, enforcement, and protection of Human Rights." However, what often happens in the community, people with disabilities often get stigmatized discrimination which is considered unable to fulfill their rights, so this needs special attention with basic rights such as rehabilitation rights that can optimize and improve theirfunction of movement.

Another impact when the right to rehabilitation is not optimistic is that it also has an impacton the rights of other persons with disabilities as stated in Article 5 of the Law on Persons with Disabilities, especially starting from the right to life, free from stigma, education, work, to live independently and there are still many rights another. In addition, this also has an impact on thefulfillment of human rights (Katz et al., 1999; Di Monaco et al., 2011). The fulfillment of the right to rehabilitation at YPK Bali can be said to be more optimal if itcan face obstacles with various efforts in dealing with COVID-19, YPK as an institution that plays a role in fulfilling the rights of persons with disabilities can continue to provide protectionand fulfillment of persons with disabilities regularly. follow health protocols using APD when circumstances require dealing with directly through physical contact.

4 Conclusion

That the implementation of the fulfillment of the rehabilitation rights in YPK during the COVID-19 pandemic was following the Law on Persons with Disabilities in Article 92, namely providing rehabilitation for persons with disabilities who are affected by physical, mental, and intellectual rehabilitation. However, with online therapy due to the Governor's Circular Letter Number 1 of 2021 concerning PKM and the Bali Governor Regulation Number 46 of 2020 concerning health protocols, there are obstacles. The Jhon Rawls theory, namely the theory of justice, must be considered to achieve prosperity by adjusting the specialties possessed by persons with disabilities. The point of the problem is the pattern of therapeutic interactions which are usually direct physical contact such as the instrument in the Perda number 19of 2015 in Article 69 which also explains that Rehabilitation is carried out by providing completeand integrated services through physical and mental approaches. . However, currently online raises various obstacles, namely regarding the inability of client companions to do therapy at home, not having therapy facilities like those in YPK, media obstacles when doing therapy via telephone causes the comfort of people to be reduced. So the government can act as both a facilitator and regulator by looking at the current situation.


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