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Disability Within Minority Justice: The Double Exclusion of Persons with Disabilities from Religious and Indigenous Communities

Santi Kusuma Dewi*
Sasana Inklusi dan Gerakan Advokasi Difabel Indonesia, Jakarta, Indonesia
santikusuma@gmail.com

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*Corresponding Author

Abstract

Disability rights scholarship and minority-rights scholarship have often developed through separate analytical frameworks, potentially overlooking individuals who simultaneously belong to more than one marginalized group. This article examines the double exclusion experienced by persons with disabilities within religious and indigenous minority communities in Indonesia. The study investigates how disability, minority identity, institutional design, and cultural practices interact to shape access to worship, education, community participation, public services, and legal remedies. Using an intersectional socio-legal approach, the research analyzes disability legislation, minority-rights frameworks, constitutional guarantees, and selected institutional and community practices. The article argues that single-category legal protection is insufficient because disability policies may overlook cultural and religious contexts, while minority-rights policies may fail to address accessibility and reasonable accommodation. As a result, persons with disabilities within minority communities can remain invisible within both systems. The study proposes an integrated framework based on intersectionality, substantive equality, accessibility, reasonable accommodation, and community participation. It further argues that inclusion should not require individuals to choose between their cultural or religious identity and their disability rights. The article concludes that minority justice must account for internal diversity within minority communities and recognize that marginalized identities can intersect to create distinct forms of vulnerability. This approach expands the conceptual scope of minority justice and provides a basis for more inclusive legal and policy interventions in Indonesia.

[*Kajian hak-hak penyandang disabilitas dan kajian hak-hak minoritas seringkali berkembang melalui kerangka analitis yang terpisah, berpotensi mengabaikan individu yang secara bersamaan termasuk dalam lebih dari satu kelompok yang termarjinalkan. Artikel ini mengkaji eksklusi ganda yang dialami oleh penyandang disabilitas dalam komunitas minoritas agama dan masyarakat adat di Indonesia. Studi ini menyelidiki bagaimana disabilitas,*

identitas minoritas, desain kelembagaan, dan praktik budaya berinteraksi untuk membentuk akses terhadap ibadah, pendidikan, partisipasi masyarakat, layanan publik, dan upaya hukum. Dengan menggunakan pendekatan sosio-hukum interseksional, penelitian ini menganalisis undang-undang disabilitas, kerangka hak-hak minoritas, jaminan konstitusional, dan praktik kelembagaan dan komunitas tertentu. Artikel ini berpendapat bahwa perlindungan hukum kategori tunggal tidak cukup karena kebijakan disabilitas dapat mengabaikan konteks budaya dan agama, sementara kebijakan hak-hak minoritas mungkin gagal untuk mengatasi aksesibilitas dan akomodasi yang wajar. Akibatnya, penyandang disabilitas dalam komunitas minoritas dapat tetap tidak terlihat dalam kedua sistem tersebut. Studi ini mengusulkan kerangka kerja terintegrasi berdasarkan interseksionalitas, kesetaraan substantif, aksesibilitas, akomodasi yang wajar, dan partisipasi masyarakat. Lebih lanjut, studi ini berpendapat bahwa inklusi seharusnya tidak mengharuskan individu untuk memilih antara identitas budaya atau agama mereka dan hak-hak disabilitas mereka. Artikel ini menyimpulkan bahwa keadilan minoritas harus mempertimbangkan keragaman internal dalam komunitas minoritas dan mengakui bahwa identitas yang terpinggirkan dapat saling beririsan untuk menciptakan bentuk-bentuk kerentanan yang berbeda. Pendekatan ini memperluas cakupan konseptual keadilan minoritas dan memberikan dasar untuk intervensi hukum dan kebijakan yang lebih inklusif di Indonesia.]

Keywords: disability rights, minority justice, intersectionality, indigenous communities, religious minorities

Introduction

Disability and minority status are frequently addressed as separate categories within legal scholarship and public policy. Disability law generally concentrates on accessibility, reasonable accommodation, independent living, social participation, and the elimination of disability-based discrimination. Minority-rights scholarship, by contrast, commonly focuses on religion, ethnicity, culture, language, and collective identity. These analytical traditions have produced important legal advances, but their separation can obscure the experiences of individuals who simultaneously belong to disability communities and religious or indigenous minorities. A person with a disability who belongs to an indigenous community, a minority religion, or an unrecognized belief system may experience exclusion that cannot be understood through a single legal category. The resulting disadvantage is not merely the sum of two separate forms of discrimination; rather, disability and minority identity may interact to produce distinct barriers to institutional recognition, community participation, and legal protection.

The Indonesian context makes this intersection especially significant. Indonesia's constitutional order formally protects equality, freedom of religion and

belief, cultural identity, and the rights of indigenous communities. Article 28I(2) of the 1945 Constitution prohibits discriminatory treatment, while Article 28I(3) recognizes respect for cultural identity and traditional community rights. Article 28E protects freedom of religion and belief, and Article 18B(2) recognizes customary-law communities subject to constitutional and statutory conditions. At the same time, Law No. 8 of 2016 concerning Persons with Disabilities adopts a rights-based framework covering equality, accessibility, reasonable accommodation, education, employment, health, participation, and access to justice. Indonesia has also ratified the Convention on the Rights of Persons with Disabilities through Law No. 19 of 2011, thereby strengthening the normative basis for disability inclusion.

Despite these legal guarantees, formal recognition does not automatically produce substantive inclusion. Persons with disabilities may continue to encounter inaccessible buildings, communication barriers, paternalistic attitudes, exclusion from decision-making, and assumptions about incapacity. These problems can become more severe when disability intersects with minority identity. For example, a person with a disability belonging to a religious minority may face physical barriers at a place of worship while simultaneously experiencing broader restrictions associated with minority religious status. An indigenous person with a disability may encounter inaccessible public services, while disability policies may fail to recognize the importance of customary territories, languages, community institutions, and culturally specific forms of participation. Legal protection may therefore exist in theory while remaining institutionally fragmented in practice.

Previous studies concerning disability in Indonesia have documented important implementation gaps between formal rights and everyday access. Riwanto et al. (2023) demonstrate that many places of worship remain inaccessible to persons with disabilities despite constitutional guarantees of religious freedom and the existence of disability legislation. Their analysis identifies physical barriers, inadequate facilities, discriminatory attitudes, and the absence of specialized services as continuing obstacles to equal religious participation. Recent scholarship on Indonesian religious courts similarly shows that legal commitments to disability inclusion have not been consistently translated into judicial practice. Maftuhin and Cammack (2025), examining more than two hundred court decisions, identify persistent problems in disability definitions, assumptions concerning legal incapacity, family-law proceedings, and reasonable accommodation.

Research also demonstrates that disability exclusion is frequently shaped by social and religious norms. A 2025 study of stigma toward disabled persons in Indonesia finds that religious values may support dignity and inclusion, yet social attitudes can remain inconsistent with those normative principles (Rachman et al. 2025). Likewise, Setio (2025) argues that Indonesian understandings of disability continue to be influenced by historical, theological, and social structures that privilege bodily normality and marginalize indigenous epistemologies. These findings suggest that religion and culture should not be treated simply as either obstacles or resources. They are contested normative spaces in which exclusion

and inclusion may coexist. Consequently, legal reform cannot succeed if it treats religious and cultural communities as homogeneous institutions without examining internal differences in power, participation, and accessibility.

Nevertheless, an important gap remains in the existing literature. Research on disability and access to worship generally focuses on persons with disabilities as a broad category, while studies of minority justice frequently analyze religious or indigenous communities without considering disability as an internal axis of marginalization. Consequently, persons with disabilities within minority communities may become invisible in both systems. Disability policy may assume a culturally neutral individual, while minority-rights policy may assume an able-bodied community member. This double abstraction creates what this article identifies as intersectional invisibility, a condition in which the legal system recognizes each marginalized identity separately but fails to respond to the lived experience created by their interaction.

The contribution of this article is therefore to integrate disability rights and minority justice into a single analytical framework. The article argues that minority communities are not internally homogeneous and that collective protection can be incomplete when it fails to protect members who experience additional marginalization. Conversely, disability rights are incomplete when inclusion requires persons with disabilities to assimilate into institutional structures that disregard their religious, cultural, or indigenous identities. Effective inclusion should permit individuals to participate as disabled persons without surrendering their identities as members of particular communities.

The article's novelty lies in developing the concept of intersectional minority-disability justice. This concept differs from ordinary anti-discrimination analysis because it examines not only the external discrimination experienced by minority communities but also the internal distribution of accessibility and power within those communities. It also differs from conventional disability inclusion because it recognizes that reasonable accommodation may require cultural, linguistic, religious, and community-specific adaptation. The proposed framework therefore combines substantive equality, intersectionality, accessibility, reasonable accommodation, participation, and what this article calls inclusive autonomy.

Inclusive autonomy means that persons with disabilities should be able to exercise agency within their religious or indigenous communities rather than being forced to choose between disability rights and cultural belonging. State intervention should protect individuals against exclusion, but it should avoid assuming that inclusion requires cultural assimilation or the replacement of indigenous governance with standardized external institutions. The relevant legal question is not whether collective minority rights or individual disability rights should automatically prevail. Instead, institutions should ask whether a particular practice can be adapted to protect both collective identity and the equal dignity and participation of persons with disabilities.

Methodologically, this study employs an intersectional socio-legal approach. The normative component analyzes the 1945 Constitution, Law No. 19 of 2011, Law No. 8 of 2016, Law No. 39 of 1999 on Human Rights, Law No. 5 of 2017 on the Advancement of Culture, and other relevant legal instruments. The analysis also examines the CRPD, the United Nations Declaration on the Rights of Indigenous Peoples, and international equality principles. The socio-legal dimension draws upon scholarly research concerning disability, indigenous communities, religious participation, stigma, institutional accessibility, and access to justice in Indonesia.

The article is divided into five substantive discussions. The first explains the theoretical problem of double exclusion and intersectional invisibility. The second examines the relationship between disability, religious freedom, and minority participation. The third analyzes disability within indigenous communities and the limitations of culturally neutral inclusion. The fourth develops the concept of inclusive autonomy as a framework for reconciling collective identity and individual rights. The fifth proposes institutional reforms based on intersectional data, accessibility, reasonable accommodation, and meaningful participation.

Results and Discussion

1. Double Exclusion and Intersectional Invisibility

The first finding is that persons with disabilities from religious and indigenous minority communities may experience a form of double exclusion produced by the interaction of multiple systems rather than by isolated discriminatory acts. Intersectionality provides an important theoretical framework for understanding this process. Crenshaw (1989) originally demonstrated that discrimination cannot always be adequately analyzed through single-axis categories because individuals occupying multiple marginalized positions may experience harms that neither category independently captures. Applied to disability and minority identity, this insight means that a disabled member of a religious or indigenous minority cannot always be understood either as a generic person with a disability or as a generic member of the minority community.

The legal consequences of intersectional invisibility are significant. Disability programs may prioritize standardized accessibility without considering whether minority-language users, indigenous communities in remote territories, or religious minorities have meaningful access to those programs. Conversely, minority-protection mechanisms may defend collective autonomy while failing to identify inaccessible community structures or discriminatory practices affecting persons with disabilities. The person therefore appears in each legal framework only partially. Their minority identity may be recognized without accommodation, while their disability may be recognized without cultural or religious belonging.

This problem demonstrates the limitations of formal equality. Treating every person identically does not guarantee equal participation when institutions have been designed around assumptions of able-bodied communication, mobility, cognition, or social participation. The CRPD rejects the idea that disability is solely

an individual medical condition and instead emphasizes the interaction between impairments and environmental or attitudinal barriers. Equality therefore requires the transformation of institutions rather than simply the extension of identical rules to persons with different needs (United Nations 2006).

Substantive equality is particularly important for minority communities because barriers may be geographically and culturally concentrated. A disability-accessibility program designed for urban institutions may be ineffective for indigenous communities located in remote territories. Likewise, a standardized service may not adequately address communities that use distinct languages, customary communication practices, or religious forms of participation. Inclusion must therefore consider both individual impairment and the institutional environment in which disability is experienced.

The Indonesian Social Inclusion Index similarly illustrates the importance of examining multiple dimensions of marginalization. The 2024 index assessed social inclusion across various groups, including women, persons with disabilities, indigenous peoples, and religious minorities, emphasizing that equality depends upon access, participation, and the ability to benefit from development rather than formal legal recognition alone (SETARA Institute 2025). Although such approaches do not always examine every intersection in depth, they support the broader conclusion that exclusion operates through overlapping institutional structures.

The double exclusion experienced by persons with disabilities within minority communities is therefore structural rather than merely interpersonal. A wheelchair user from a religious minority may encounter inaccessible worship facilities, while the community itself may face restrictions in establishing or maintaining those facilities. A deaf indigenous woman may experience barriers in accessing state services because of disability-related communication exclusion and may also encounter cultural or linguistic barriers. These circumstances cannot be adequately addressed by asking which identity is the "primary" source of disadvantage. The legal response must recognize the interaction among identities.

This article therefore proposes intersectional minority-disability justice as a framework based on three premises. First, minority communities must be understood as internally diverse. Second, disability communities are culturally and socially diverse rather than legally homogeneous populations. Third, the interaction between disability and minority identity can produce distinctive forms of disadvantage requiring tailored remedies. The central implication is that equality cannot be achieved through separate policies that never intersect.

2. Religious Freedom, Disability, and Unequal Participation

The second finding is that religious freedom remains incomplete when persons with disabilities cannot participate in religious life on equal and safe terms. Freedom of religion is commonly understood as freedom to hold, change, manifest, and practice a religion or belief. However, the practical exercise of this freedom depends upon access to religious spaces, information, rituals, leadership structures,

and community participation. A formal right to worship has limited value when physical, sensory, cognitive, or communication barriers prevent meaningful participation.

Riwanto et al. (2023) provide direct evidence of this problem in Indonesia. Their study of access to places of worship concludes that persons with disabilities continue to encounter inaccessible buildings, inadequate facilities, discriminatory attitudes, and the absence of specialized services. The authors identify a continuing influence of a charitable or compassionate approach in which persons with disabilities are treated as objects of care rather than autonomous rights-holders. This distinction is critical because charity can provide assistance while preserving institutional inequality. A rights-based approach requires religious institutions to consider whether their physical and organizational structures permit equal participation.

The problem becomes more serious for persons belonging to religious minorities. Members of minority religious communities may already encounter restrictions associated with licensing, public hostility, social stigma, or limited institutional infrastructure. When disability is added, exclusion can become cumulative. A minority community may struggle to maintain a place of worship, while a disabled community member may be unable to enter or use that place safely. Consequently, legal analysis must distinguish between the right of the religious community to exist and the right of disabled members to participate meaningfully within that community.

This issue demonstrates why accessibility should not be treated as a technical matter separated from religious freedom. An inaccessible building may constitute a practical restriction on the manifestation of religion when it prevents individuals from joining communal worship. Similarly, the absence of sign-language interpretation, accessible religious materials, communication support, or reasonable accommodation may exclude deaf, blind, intellectually disabled, and psychosocially disabled persons from religious life. The right affected is therefore not only disability equality but also freedom of religion and community participation.

Religious communities also exercise internal authority through clergy, organizational leaders, teachers, and customary practices. These structures can either reproduce exclusion or become important resources for transformation. Recent Indonesian research on disability and Islamic social experience shows that religious teachings emphasizing dignity and social justice can support inclusion, yet social stigma may continue because community attitudes do not always reflect normative religious principles (Rachman et al. 2025). The legal implication is that institutional change should involve religious leaders and communities rather than assuming that inclusion can be achieved exclusively through external regulation.

At the same time, deference to religious autonomy cannot justify discrimination. The principle of institutional autonomy protects the ability of religious communities to organize their doctrines and practices, but constitutional

equality establishes limits when organizational arrangements systematically exclude persons from fundamental participation. A proportionality-oriented approach can preserve legitimate religious practices while requiring reasonable adaptations that do not fundamentally alter doctrine. Examples may include accessible entrances, seating arrangements, communication assistance, accessible information, and inclusive participation procedures.

The concept of reasonable accommodation is particularly useful because it rejects a false choice between identical treatment and unlimited institutional burden. Article 2 of the CRPD defines reasonable accommodation as necessary and appropriate modification and adjustments, where needed, that do not impose a disproportionate or undue burden. This framework can be adapted to religious institutions by assessing the specific barriers experienced by individuals and the practical feasibility of accommodation.

For religious minorities, accommodation should also recognize limited resources. Small communities may lack the financial capacity of major religious institutions. However, this does not eliminate the duty to pursue inclusion. The state may have a positive role in supporting accessibility through grants, technical assistance, inclusive building standards, and collaboration with disability organizations. A minority community should not be forced to choose between maintaining its religious institution and making participation accessible for disabled members.

3. Indigenous Communities, Disability, and the Limits of Culturally Neutral Inclusion

The third finding is that disability policy can become exclusionary when it assumes that inclusion is culturally neutral. Indigenous communities in Indonesia possess distinctive relationships with territory, customary institutions, collective knowledge, and cultural practices. These characteristics influence how disability is understood and how persons with disabilities participate in community life. A uniform disability policy may therefore be insufficient if it fails to account for geography, language, collective institutions, and community-specific forms of participation.

Indonesia's constitutional recognition of customary-law communities provides an important legal foundation. Article 18B(2) recognizes and respects traditional communities and their customary rights, while Article 28I(3) requires respect for cultural identity. These provisions should not be interpreted as protecting indigenous communities only as abstract collectives. The recognition of a community necessarily raises questions concerning the rights and participation of persons within that community, including women, children, elderly persons, and persons with disabilities.

Setio (2025) offers an important perspective by arguing that disability should be examined through Indonesian and decolonial contexts rather than through imported assumptions concerning bodily normality. Colonial and theological

structures have historically associated bodily difference with productivity, purity, and social hierarchy. These assumptions may persist in modern institutions and may also marginalize indigenous epistemologies. The significance of this analysis is that disability justice should not simply impose an external model of independence without considering relational and community-based forms of life.

However, cultural sensitivity should not be confused with cultural relativism. Indigenous autonomy deserves constitutional protection, but autonomy cannot mean that disabled members must accept exclusion without access to remedies. The challenge is therefore to develop a framework that recognizes indigenous collective rights while ensuring that community institutions remain responsive to internal diversity. This requires a more nuanced approach than either unconditional deference to customary practices or complete replacement of customary institutions by standardized state structures.

The CRPD supports this perspective because its principles combine individual autonomy with participation, respect for difference, accessibility, and inclusion within the community. Disability inclusion does not require isolation from family, culture, or collective identity. Rather, it requires conditions in which individuals can participate as equal members of their communities. For indigenous persons with disabilities, participation may therefore involve access to customary decision-making, community rituals, territorial spaces, cultural education, and collective resources.

Geographical inequality is another important dimension. Indigenous communities may live in areas where disability services, rehabilitation facilities, accessible transportation, and legal assistance are limited. A legal entitlement that depends upon institutions located in distant urban centers may exist formally but remain practically inaccessible. Thus, territorial marginalization and disability can interact in ways similar to the intersection between disability and minority identity.

Language can create an additional barrier. Persons with disabilities may require accessible communication through sign language, simplified information, assistive technologies, or personal assistance. Indigenous communities may also use local languages or customary communication systems. Public services must therefore avoid assuming that one standardized communication method can serve every person. Intersectional accessibility may require the integration of disability communication support with local linguistic and cultural knowledge. This analysis suggests that culturally neutral inclusion may become another form of exclusion. A policy may technically provide disability services but fail to reach indigenous persons because the service is geographically distant, linguistically inaccessible, or institutionally incompatible with local life. The state must therefore move toward context-sensitive accessibility, meaning accessibility designed through consultation with affected communities and persons with disabilities themselves.

4. Inclusive Autonomy: Reconciling Collective Rights and Individual Disability Rights

The fourth finding is that conflicts between collective autonomy and individual disability rights should not be resolved through an automatic hierarchy. Absolute deference to community authority can allow internal exclusion to remain invisible. Conversely, excessive state intervention can undermine indigenous self-determination and treat minority communities as incapable of reforming their own institutions. A more appropriate framework is what this article describes as inclusive autonomy.

Inclusive autonomy recognizes the right of religious and indigenous communities to preserve their identities while requiring that persons with disabilities remain equal participants in community life. The framework is based on the proposition that collective identity and individual inclusion are not inherently contradictory. Many barriers arise not from essential religious or cultural doctrines but from institutional design, resource limitations, inherited social attitudes, and assumptions about disability. These barriers can often be modified without threatening the community's core identity.

Inclusive autonomy has four components. First, communities should retain authority over legitimate matters of doctrine, culture, and collective governance. Second, persons with disabilities should have meaningful opportunities to participate in decisions affecting them. Third, state institutions should protect constitutional minimums of dignity, equality, and freedom from discrimination. Fourth, conflicts should be assessed through context-sensitive proportionality rather than abstract preference for either individual or collective rights.

This approach is consistent with the distinction between legitimate difference and exclusionary practice. A religious or customary institution may maintain practices that reflect its theological or cultural identity. Yet an individual should not be excluded merely because an institution has failed to consider accessibility or reasonable accommodation. The state should therefore distinguish between a genuinely essential collective practice and an avoidable administrative barrier.

Participation is crucial to this assessment. Policies concerning disability are often designed without sufficient involvement of persons with disabilities, while minority policies may be formulated through representatives who do not reflect internal diversity. Article 4(3) of the CRPD requires states to closely consult with and actively involve persons with disabilities, including children with disabilities, through representative organizations. The principle of “nothing about us without us” should therefore apply not only to disability policy generally but also to decisions within minority-rights institutions.

Maftuhin and Cammack (2025) illustrate the consequences of failing to transform institutional practice. Their research on Indonesian religious courts shows that statutory commitments to disability rights have not consistently displaced older assumptions that equate disability with incapacity. Even when institutions formally recognize inclusion, legal decision-makers may continue to use outdated

definitions and inadequate accommodations. This demonstrates that legislative recognition alone cannot transform deeply embedded institutional practices.

Inclusive autonomy therefore requires institutional translation. Constitutional and statutory principles must be translated into accessible procedures within religious institutions, customary forums, schools, courts, public offices, and community organizations. This may include accessible meeting spaces, communication support, representative participation, disability-sensitive dispute resolution, and mechanisms for challenging discriminatory treatment. The framework also recognizes that accommodation must not require cultural abandonment. An indigenous person with a disability should not have to leave a community in order to access state support. A disabled member of a religious minority should not be required to practice privately or abandon communal worship because the community's facilities are inaccessible. Inclusion should expand the conditions for belonging rather than forcing individuals to choose between identities.

5. Building an Intersectional System of Accessibility and Legal Remedies

The fifth finding is that intersectional minority-disability justice requires institutional reform beyond general anti-discrimination principles. The first reform should involve intersectional data collection. Government institutions frequently collect information separately on disability, religion, ethnicity, or geography. Such systems make it difficult to identify populations experiencing multiple forms of disadvantage. Data should therefore permit voluntary and privacy-protective analysis of intersecting barriers without exposing vulnerable communities to surveillance or discrimination.

Second, accessibility standards should extend beyond government buildings. Religious institutions, community facilities, customary forums, and public spaces should progressively adopt physical and communication accessibility. Riwanto et al. (2023) recommend a stronger human-rights orientation to places of worship, including disability-friendly regulation and institutional accountability. Accessibility should be treated as part of the substantive exercise of freedom of religion rather than as an optional architectural improvement.

Third, Indonesia should strengthen the implementation of reasonable accommodation. Law No. 8 of 2016 recognizes the importance of accommodation, but implementation depends upon institutional knowledge and resources. Minority institutions may require technical guidance and financial support to make accommodations effective. The state should therefore provide capacity-building rather than relying exclusively on sanctions. Smaller religious and indigenous communities may require targeted assistance because they often have fewer institutional resources.

Fourth, legal-aid and complaint mechanisms should be made accessible to persons with disabilities from minority communities. A person experiencing discrimination may face communication barriers, fear of community retaliation,

geographic isolation, or uncertainty concerning which institution has authority. Legal assistance should therefore be available through accessible formats, interpreters, community-based advocates, and mobile services where necessary.

Fifth, disability organizations should collaborate more closely with indigenous and religious minority organizations. Advocacy structures often operate separately, reproducing the same fragmentation found in legal scholarship. Cross-sectoral cooperation can help identify problems that single-issue organizations may overlook. It can also develop locally legitimate strategies for accessibility and accommodation.

Sixth, public institutions should adopt intersectional impact assessments. Before implementing regulations or development programs affecting minority communities, authorities should ask how the policy affects women, children, elderly persons, and persons with disabilities within those communities. This approach is especially important in infrastructure development, education, healthcare, cultural preservation, and public consultation.

Finally, judicial institutions should develop clearer approaches to intersectional discrimination. Courts often require claimants to demonstrate discrimination based on one prohibited ground. However, some harms emerge precisely because multiple grounds operate simultaneously. Judicial reasoning should therefore be capable of recognizing compounded disadvantage even where no single discriminatory act fully explains the harm. The development of intersection-sensitive adjudication would strengthen substantive equality and provide remedies better suited to complex forms of exclusion.

Conclusion

This article has argued that persons with disabilities within religious and indigenous minority communities occupy a position of potential double exclusion. Their vulnerability cannot be adequately understood through disability rights or minority rights in isolation because the interaction between disability, culture, religion, institutional design, and social power creates distinctive forms of disadvantage. The principal problem is therefore not merely the absence of legal recognition. Indonesia already possesses constitutional guarantees, disability legislation, human-rights protections, and international commitments. The more fundamental challenge lies in the fragmentation of these frameworks and their failure to account for intersecting identities.

The analysis demonstrates that formal equality is insufficient when institutions remain physically inaccessible, communicatively exclusionary, geographically distant, or culturally unresponsive. Religious freedom has limited practical meaning when persons with disabilities cannot safely enter places of worship or participate in communal religious life. Indigenous recognition is similarly incomplete when persons with disabilities cannot participate meaningfully in customary institutions, cultural practices, and community decision-making. Collective protection must therefore include attention to internal diversity.

The article's principal theoretical contribution is the concept of intersectional minority-disability justice. This framework expands minority justice by recognizing that minority communities contain internal differences in power, accessibility, and vulnerability. It also expands disability rights by recognizing that persons with disabilities exercise those rights through religious, cultural, indigenous, and communal identities. The framework is supported by substantive equality, accessibility, reasonable accommodation, participation, and the proposed principle of inclusive autonomy.

Inclusive autonomy offers an alternative to the false choice between collective rights and individual rights. Indigenous and religious communities should retain legitimate authority over their cultural and spiritual identities, but this autonomy should not operate as a shield against exclusion. At the same time, disability inclusion should not require assimilation into culturally standardized institutions. Legal institutions should instead seek context-sensitive solutions capable of protecting equal participation while preserving legitimate forms of collective identity. Future research should move beyond doctrinal analysis and conduct empirical studies involving persons with disabilities from specific religious and indigenous communities in different regions of Indonesia. Research should examine how disability intersects with gender, age, geography, language, poverty, and customary status. Comparative studies could also investigate how other legally plural societies reconcile indigenous autonomy, religious freedom, and disability equality. Particular attention should be given to remote regions, indigenous territories, minority places of worship, and informal justice mechanisms where institutional accessibility may differ significantly from urban and state-centered environments.

Further research should also develop more precise methodologies for measuring intersectional exclusion. National disability statistics and minority-rights data should be capable of identifying patterns without compromising privacy or exposing communities to additional risks. Participatory research led by persons with disabilities from affected communities would be particularly valuable because the most significant barriers are often invisible to institutions that do not directly experience them. Ultimately, minority justice must recognize that no community is internally uniform. A legal system that protects a community while overlooking some of its members reproduces exclusion within the very framework of protection. Likewise, a disability regime that recognizes accessibility while ignoring cultural and religious belonging can create another form of marginalization. Justice requires persons with disabilities to be able to participate fully as members of their communities and as equal rights-holders within the broader constitutional order. The future of inclusive law in Indonesia therefore depends on moving from single-category protection toward an intersectional system in which disability, minority identity, dignity, and community participation are understood as mutually connected dimensions of substantive equality.

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