

Renegotiating Disability Rights in Indonesian Islam: Muhammadiyah, Nahdlatul Ulama, and a Non-Reductionist Approach

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ABSTRACT

If states have recognized the rights of persons with disabilities through legislation and human rights instruments, why do persons with disabilities still need to “seek permission” to be recognized as equal human beings within social and religious spheres? This question suggests that disability cannot be understood solely through state law and the distribution of access, as moral legitimacy, religious reasoning, and socio-religious practices also shape the acceptance of persons with disabilities within Indonesian Muslim society. Against this backdrop, this article examines how Muhammadiyah and Nahdlatul Ulama construct recognition of disability rights through Islamic legal reasoning (*istinbāth*) and religious advocacy within a non-reductionist framework. This study employs a socio-legal approach informed by a non-reductionist perspective rooted in the tradition of critical realism. Data were collected through document analysis and in-depth interviews with Islamic scholars, disability activists, managers of socio-religious institutions, and persons with disabilities. The findings reveal that recognition of persons with disabilities is shaped through the interaction of state law, human rights discourse, religious authority, community practices, and the lived experiences of persons with disabilities. The study further demonstrates that religious organizations play a crucial role in bridging the gap between legal recognition and social recognition through various forms of normative reinterpretation and social advocacy. Based on these findings, this article proposes the Interlegal Disability Recognition Framework to explain how social justice for persons with disabilities is constituted through the encounter and negotiation of multiple legal, social, and religious orders. This study contributes to the development of disability studies, socio-legal studies, and contemporary Islamic studies by highlighting the importance of interlegal and non-reductionist approaches for understanding disability rights.

KEYWORDS: Disability Rights; Interlegality; Recognition; Islamic Law; Muhammadiyah; Nahdlatul Ulama.

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Introduction

Recognition of the rights of persons with disabilities in Indonesia has undergone significant development following the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) through Law Number 19 of 2011, followed by Law Number 8 of 2016, which positions persons with disabilities as active subjects who possess rights to participation, accessibility, and legal protection in the public sphere. The problem is that, although the enactment of these laws has diminished the paternalistic culture long regarded as an obstacle in disability issues, the root causes of disability oppression have not been fully addressed, particularly those related to capitalist structures and political-economic systems that tend to be discriminatory toward persons with disabilities.¹ On the other hand, socio-religious practices and the liberal model of citizenship in Indonesia have further shaped this complex situation through assumptions about “normal” humans and “abnormal” disability, resulting in the continued exclusion of persons with disabilities from social spaces, public participation, and even their own spiritual lives.² This condition is exacerbated by the poor implementation of disability legislation at Islamic higher education institutions in Indonesia.³ In response to such circumstances, Mark Priestley and his colleagues have suggested involving civil society organizations and public institutions as agents of change to expand opportunities for participation and remove barriers faced by persons with disabilities in public life.⁴ Therefore, it is important to examine the extent to which civil society organizations contribute to the sustainability of the social lives of persons with disabilities in Indonesia.

Throughout the development of disability studies in Indonesia, research on the role of civil society organizations and public institutions in shaping the lives of persons with disabilities and advancing their rights has produced diverse perspectives. Collaboration between disabled people’s organizations (DPOs) and human rights organizations has strengthened efforts to monitor the implementation of the CRPD,⁵ while disability mainstreaming has been promoted to create more inclusive educational and institutional systems.⁶ Persons with

¹ Agung Wardana and Ni Putu Yogi Paramitha Dewi, 'Moving Away From Paternalism: The New Law on Disability in Indonesia', *Asia-Pacific Journal on Human Rights and the Law* 18, no. 2 (December 2017): 172–95; Laura Caron, 'Disability, Employment and Wages: Evidence from Indonesia', *International Journal of Manpower* 42, no. 5 (2021): 866–88.

² Dina Afrianty and Stewart Fenwick, 'Disability, Religion and Citizenship in Indonesia', *Australian Journal of Asian Law* 26, no. 1 (2025): 23–33.

³ Shinta Dewi Rismawati et al., 'Legal Culture and Disability Rights in Indonesian Islamic Higher Education: A Review of Practices', *Journal of Ecohumanism* 3, no. 4 (2024): 1368–77.

⁴ Mark Priestley et al., 'The Political Participation of Disabled People in Europe: Rights, Accessibility and Activism', *Electoral Studies* 42 (2016): 1–9.

⁵ Dina Afrianty, 'The Role of Disabled People’s Organisations in Promoting the CRPD in Indonesia,' in *Recognising Human Rights in Different Cultural Contexts*, ed. Emily Julia Kakoullis and Kelley Johnson (Singapore: Springer Nature Singapore, 2020), 333–52.

⁶ Siti Napsiyah Siti, 'Disability Mainstreaming Program: In Search of Disability Inclusion in Islamic Higher Education', *Proceedings of the International Conference on Diversity and Disability Inclusion in Muslim Societies (ICDDIMS 2017)*, *Advances in Social Science, Education and Humanities Research*, vol. 153 (2018): 30–36.

disabilities have also increasingly participated in disaster management initiatives to encourage more inclusive humanitarian responses.⁷ These developments, according to Elisabeth Jackson et al.,⁸ reflect how the lived experiences and political identities of persons with disabilities have influenced leadership practices and disability advocacy movements in Indonesia. At the same time, religious organizations have contributed to disability rights advocacy through cross-sectoral collaboration, stakeholders engagement, and policy reform initiatives.⁹ Similar efforts have emerged within Islamic boarding schools (*pesantren*), where *kyai* play important roles in promoting inclusion,¹⁰ alongside the development of adaptive Islamic parenting models for persons with visual impairments,¹¹ and disability-inclusive initiatives led by Islamic student organizations.¹² Empowerment has also been pursued through zakat distribution program grounded in principles of social, economic, and spiritual inclusion.¹³ Despite these advances, significant barriers remain. Disability rights continue to be neglected within the religious court system due to outdated legal definitions, judicial assumptions regarding incapacity, and limited accessibility.¹⁴ Studies have likewise identified accessibility in *hajj* services and persistent exclusion within disaster management systems,¹⁵ restricting the participation rights of persons with disabilities.¹⁶ Dina Afrianty further argues that religion can function both as a source of stigma and as an agent of social transformation, as illustrated by cases in which Islamic higher education institution subtly reject applicants with disabilities because of infrastructural limitations.¹⁷ In response, Muhammadiyah and Nahdlatul Ulama developed two

⁷ Pradytia P. Pertiwi and Melina Margaretha, 'Localising Disability-Inclusive Disaster Response in Indonesia', in *Post-Disaster Governance in Southeast Asia*, ed. Andri N. R. Mardiah, Robert B. Olshansky, and Mizan B. F. Bisri, Disaster Risk Reduction (Singapore: Springer Singapore, 2022), 201–23.

⁸ Elisabeth Jackson et al., 'From Disability Identity to Disability Activism: Leadership Journeys of Persons with Disabilities in Indonesia', *Disability & Society* 40, no. 12 (2025): 3395–418.

⁹ Muhammad Rifa'at Adiakarti Farid et al., 'Religious Organizations' Advocacy Strategies for Disability Rights: A Case Study of the Jaya Music Group of the Visually Impaired in Malioboro, Yogyakarta', *Welfare: Jurnal Ilmu Kesejahteraan Sosial* 13, no. 1 (2024): 63–79.

¹⁰ Nurul H. Rofiah, Norimune Kawai, and Dara Sudiraharja, 'Pesantren and Inclusion: Bridging Religion and Disability in Islamic Education in Indonesia', *African Journal of Disability* 14, no. 1 (2025): 1–8.

¹¹ Choirul Mahfud et al., 'Islamic Education for Disabilities: New Model for Developing Islamic Parenting in Integrated Blind Orphanage of Aisyiyah', *Indonesian Journal of Islam and Muslim Societies* 13, no. 1 (2023): 115–42.

¹² Slamet Thohari, Titi Fitrianita, and Ucca Arawindha, 'Disability Discourse and Muslim Student Organisations in Malang, Indonesia', in *Intersectional Colonialities: Embodied Colonial Violence and Practices of Resistance at the Axis of Disability, Race, Indigeneity, Class, and Gender*, ed. Robel Afeworki Abay and Karen Soldatić (London: Routledge, 2024), 189–204.

¹³ Aditya Budi Santoso, Agus Nurhadi, and Mohd Hiriy Bin Ghazali Mohd Jani, 'Empowering Persons with Disabilities through Inclusive Productive Zakat Models: Insights from Indonesian Local Cases', *Jurnal Pemberdayaan Masyarakat: Media Pemikiran Dan Dakwah Pembangunan* 9, no. 1 (2025): 1–30.

¹⁴ Arif Maftuhin and Mark Cammack, 'Navigating Disability: Perspectives and Practices in Indonesian Religious Courts', *Ulumuna* 29, no. 2 (2025): 603–33.

¹⁵ Sri Hartini Rachmad et al., 'Empowering the Disabled in Hajj Pilgrimage: A Sustainable Approach for SDGs Progress in Indonesia', *Journal of Disability & Religion* 28, no. 3 (2024): 409–36.

¹⁶ Erna Setijaningrum et al., 'Beyond Tokenism, toward Resilience: Furthering a Paradigmatic Shift from Intersecting Narratives of Disaster and Disability Realities in East Java, Indonesia', *Cogent Social Sciences* 10, no. 1 (2024): 1–19.

¹⁷ Dina Afrianty, 'Disability Inclusion in Indonesia: The Role of Islamic Schools and Universities in Inclusive Education Reform', in *Contentious Belonging: The Place of Minorities in Indonesia*, ed. Greg Fealy and Ronit Ricci, Books and Monographs (Singapore: ISEAS–Yusuf Ishak Institute, 2019), 95–110.

fiqh manuals—*Fikih Difabel* and *Fiqh Penguatan Penyandang Disabilitas*¹⁸—which Fauzi et al.,¹⁹ regard as products of appropriate *ijtihad* and Islamic interpretive methods. Nevertheless, Arif Maftuhin notes that women with disabilities were only minimally involved in the formulation of these texts,²⁰ a finding that reinforces Yogi P. Dewi argument regarding the double marginalization experienced by women with disabilities in Indonesia.²¹

From the mapping of the scholarly debates above, although the rights of persons with disabilities have gained formal recognition through state regulations and human rights instruments, accompanied by the growth of studies on disability advocacy, social empowerment, and institutional inclusion in Indonesia, the exclusion of persons with disabilities continues to persist across social, cultural, economic, and religious spheres. This condition demonstrates that disability cannot be understood merely as an issue of state law, access distribution, or cultural stigma in isolation, as it is also shaped by discriminatory capitalist structures,²² the marginalization of women with disabilities,²³ assumptions of normality within public spaces, and socio-religious relations that influence the acceptance of persons with disabilities.²⁴ At this point, the critique advanced by Danermark and Gellerstedt becomes particularly important. For them, the experience of disability operates simultaneously across biological, psychological, social-relational, cultural, political-economic, legal, and institutional levels.²⁵ Drawing upon Nancy Fraser’s framework of redistribution and recognition, as well as Axel Honneth’s concept of moral recognition, Danermark and Gellerstedt argue that disability must also be understood in terms of social and moral recognition of persons with disabilities as equal subjects within social life.²⁶ However, within the context of Indonesian Muslim society, this dimension of recognition has received limited attention within a non-reductionist framework that does not treat disability rights solely as matters of state regulation, cultural stigma, or Islamic

¹⁸ Arif Maftuhin, 'Mosques for All: Nahdlatul Ulama and the Promotion of the Rights of People with Disabilities', *Journal of Indonesian Islam* 15, no. 2 (2021): 247–70; Arif Maftuhin and Abidah Muflihahati, 'The Fikih Difabel of Muhammadiyah: Context, Content, and Aspiration to an Inclusive Islam', *Indonesian Journal of Islam and Muslim Societies* 12, no. 2 (2022): 341–67.

¹⁹ Niki Alma Febriana Fauzi et al., 'Revisiting Qur'anic and Hadith Perspectives on Disability: A Study of Muhammadiyah and NU's Ijtihad', *Journal of Disability & Religion*, no. 14, (2025), 1–34.

²⁰ Arif Maftuhin, 'Islamic Law, Disability, and Women in Indonesia: The Cases of Nahdlatul Ulama and Muhammadiyah', *Journal of Disability & Religion* 28, no. 1 (2024): 13–27.

²¹ Yogi Paramitha Dewi, 'Legal Mobilisation by Women with Disabilities in Indonesia', *Asia-Pacific Journal on Human Rights and the Law* 24, no. 1 (2023): 1–21.

²² Wardana and Dewi, 'Moving Away from Paternalism.'

²³ Maftuhin, 'Islamic Law, Disability, and Women in Indonesia'.

²⁴ Wardana and Dewi, 'Moving Away from Paternalism'; Afrianty and Fenwick, 'Disability, Religion and Citizenship in Indonesia'.

²⁵ Berth Danermark and Lotta Coniavitis Gellerstedt, 'Social Justice: Redistribution and Recognition—a Non-reductionist Perspective on Disability', *Disability and Society* 19, no. 4 (2004): 339–53.

²⁶ Danermark and Gellerstedt; Mats Danermark and Hans Gellerstedt employ Nancy Fraser's framework of redistribution and recognition, alongside Axel Honneth's concept of moral recognition, to examine disability issues through a non-reductionist perspective. For their work, see: Nancy Fraser, 'From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age', *New Left Review* 1, no. 212 (1995): 68–93; Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, Studies in Contemporary German Social Thought (Cambridge, Mass: MIT Press, 1996).

theology in isolation. Yet Muhammadiyah and Nahdlatul Ulama have already introduced disability fiqh as an effort to reconstruct religious recognition of persons with disabilities.

In response to this gap in the literature, this article aims to examine how Muhammadiyah and Nahdlatul Ulama construct recognition of persons with disabilities as equal socio-legal and religious subjects through the practices of *istinbāth* (Islamic legal reasoning) and religious advocacy within the context of contemporary Indonesia. Within a non-reductionist framework, this study analyzes how fiqh reasoning, terminological constructions, and the advocacy patterns employed by these two organizations operate in shaping moral recognition and socio-religious legitimacy for persons with disabilities amid the interaction of state law, human rights discourses, Islamic authority, experiences of marginalization, and Indonesia's socio-religious structures. By employing an interlegality perspective, this article views recognition of persons with disabilities as the outcome of negotiations among state law, human rights discourses, fiqh reasoning, and socio-religious practices within Indonesian Muslim society. Therefore, this study is expected to broaden disability studies in Indonesia through a non-reductionist approach that does not separate legal, religious, cultural, and social-experiential dimensions into distinct domains, while also providing a practical contribution to strengthening disability rights advocacy through the construction of socio-religious legitimacy within Muslim communities in Indonesia.

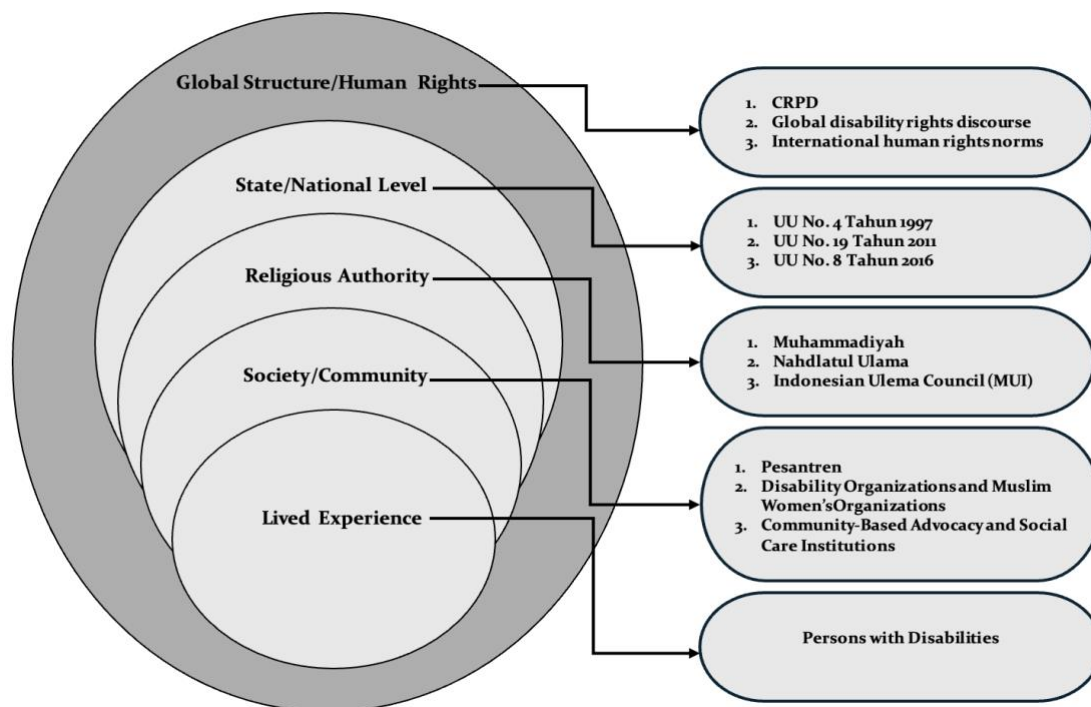
To address these issues, following the research methodology section, this article first revisits the development of disability legislation in Indonesia from a non-reductionist perspective in order to demonstrate the limitations of legal-formal approaches in understanding disability issues. The discussion then proceeds to examine *istinbāth* and disability rights advocacy within Muhammadiyah and Nahdlatul Ulama, which constitute important arenas for the construction of socio-religious recognition of persons with disabilities. Furthermore, the discussion section seeks to provide a specific reading of the starting point of the non-reductionist approach as an effort to formulate the basis from which the renegotiation of disability rights emerges, while also explaining how social justice within interlegal disability rights in Indonesia is negotiated through the interaction of state law, human rights discourses, and Islamic authority. The article concludes with a section that presents the main findings, research contributions, study limitations, and possible directions for future research.

Methodology

This study employs a socio-legal approach grounded in a non-reductionist perspective developed within the tradition of critical realism, which views social

reality as a stratified reality.²⁷ Accordingly, disability rights in this study are not understood merely as legal, cultural, or religious issues considered separately. Rather, they are understood as the outcome of interactions among multiple layers and social mechanisms within Indonesian Muslim society.²⁸ An analytical framework is used to map how recognition of persons with disabilities is shaped through the interaction of various normative and social layers, ranging from global human rights discourses, state regulations, and religious authorities to community practices and the lived experiences of persons with disabilities themselves. This framework is presented in Figure 1. The data sources for this study were organized in accordance with the non-reductionist and interlegal framework adopted by the researcher. Consequently, the data do not focus solely on state regulations but also encompass the various normative and social layers that shape recognition of persons with disabilities in Indonesia.

Figure 1. Non-Reductionist and Interlegal Analytical Framework of Disability Rights.



Source: Constructed by the authors' based on non-reductionism and interlegality (2026).

At the level of global structures and human rights, this study draws upon the Convention on the Rights of Persons with Disabilities (CRPD) and a range of literature on disability rights and human rights. At the level of state and national law, the data sources include Law Number 4 of 1997 concerning Persons with Disabilities, Law Number 19 of 2011 concerning the Ratification of the CRPD, and

²⁷ Within the tradition of critical realism, Mats Danermark and Hans Gellerstedt view social reality as a stratified reality, meaning that reality operates through interconnected biological, psychological, social, cultural, and structural layers that collectively shape the experience of disability. Therefore, disability cannot be reduced solely to either biological impairment or social construction alone.

²⁸ See: Danermark and Gellerstedt, 'Social Justice'; Klaus A. Ziegert, 'Systems Theory and Qualitative Socio-Legal Research', in *Theory and Method in Socio-Legal Research*, ed. Reza Banakar and Max Travers, Oñati International Series in Law and Society Ser (London: Bloomsbury Publishing Plc, 2005), 49–68.

Law Number 8 of 2016 concerning Persons with Disabilities. Furthermore, at the level of religious authority, this study utilizes Muhammadiyah’s *Fikih Difabel*, Nahdlatul Ulama’s *Fiqih Penguatan Penyandang Disabilitas*, as well as in-depth interviews with informants FB, RAF, MAKH, SH, and MAFS, who were involved in the practices of *istinbāth* and religious advocacy. At the level of society and community, data were collected through interviews with informants SK, MDN, and WT as representatives of socio-religious institutions and Muslim communities. At the level of lived experience, this study draws on interviews with informants FAM and PW to examine how recognition of persons with disabilities is experienced in everyday social and religious life. Further details are presented in Table 1.

Table 1. Profile of Research Informants.

Informant Code	Position	Role	Interview Date
FB	Member of the Drafting Team of <i>Fiqih Penguatan Penyandang Disabilitas</i>	Contributed to the formulation of NU disability fiqh	February 4, 2023
RAF	Member of the Drafting Team of <i>Fikih Difabel Majelis Tarjih and Tajdid PP Muhammadiyah</i>	Contributed to the formulation of Muhammadiyah disability fiqh	June 27, 2024
MAKH	Chair of MUI Fatwa Commission of Surakarta	Religious authority on Islamic legal interpretation	August 31, 2020
SH	Secretary of <i>Lembaga Bahtsul Masail PBNU</i>	Involved in NU legal deliberation process	May 19, 2022
SK	Chair of Law and Human Rights Council of PW ‘Aisyiyah Central Java	Conducted socio-religious advocacy for persons with disabilities	April 16, 2022
FAM	Chair of Indonesian Association of Disabled Women (HWDI) Rembang	Represented women with disabilities and advocacy experiences	September 16, 2022
MDN	Caregiver of <i>Pondok Pesantren Al Muayyad Windan</i>	Managed inclusive religious education practices	June 7, 2021
PW	Disability activist at Indonesian Sasana & Disability Advocacy Movement (SIGAB Indonesia)	Conducted disability rights advocacy	April 26, 2022
MAFS	Vice Chair of Muhammadiyah Regional Board of Central Java	Represented Muhammadiyah institutional perspective	April 23, 2022
WT	Caregiver of ‘Aisyiyah Ponorogo Blind Orphanage	Managed social care institution for persons with disabilities	September 15, 2022

Source: authors’ compilation (2026).

Although some informants hold public positions that may be readily identifiable within religious organizations, disability communities, and socio-religious institutions, the identities of all participants have been anonymized through the use of coded initials. This anonymization was intended to uphold research ethics, provide a safe space for the informants’ personal reflections during the interview process, and preserve the researcher’s independence in interpreting

sensitive issues related to disability, religious authority, and advocacy practices. In addition, all collected data were analyzed using the interactive model developed by Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, which consists of data condensation, data display, and conclusion drawing.²⁹ At the initial stage, various forms of research data—including interview results, disability regulations, fiqh texts, and advocacy documents—were sorted and organized according to the non-reductionist analytical framework employed in this study. The data were categorized into several principal layers, namely global structures and human rights, state and national law, religious authority, society and community, and lived experience. The subsequent stage involved data display, in which the data were organized thematically to trace the relationships among the practices of *istinbāth*, the construction of disability terminology, patterns of religious advocacy, and the formation of recognition of persons with disabilities within the context of contemporary Indonesian Islam. Based on this mapping, the study proceeded to the stage of conclusion drawing in order to understand how recognition of persons with disabilities is negotiated through the interaction of state law, human rights discourses, Islamic authority, socio-religious practices, and experiences of marginalization within the social life of Indonesian Muslim communities.

Indonesian Disability Laws in a Non-Reductionist Perspective

At the outset, it is important to trace the development of disability terminology in Indonesia, which has not occurred in a neutral manner but has been shaped by various underlying dynamics. Therefore, changes in disability terminology should be understood as reflecting shifts in the ways the state, society, and regimes of knowledge have perceived disabled bodies over time. For example, in the study by Suharto, Pim Kuipers, and Pat Dorsett, the authors argue that changes in disability terminology in Indonesia must be read genealogically as part of a broader shift in social paradigms: from stigma, rehabilitation, and state paternalism toward rights-based approaches, social recognition, and inclusive citizenship.³⁰ These changes can be observed through the transformation of terminology and policy orientations from the pre-colonial era to the enactment of Law Number 8 of 2016 concerning Persons with Disabilities (see Table 2). This shift became increasingly pronounced following the 1998 Reformasi period with the emergence of organizations such as SIGAB, SAPDA, CIQAL, and PPDI, which began promoting rights-based activism through legal advocacy, media engagement, political lobbying, and public pressure directed at the state.³¹ Within this context, Gufroni

²⁹ Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 3rd edn (Los Angeles London New Delhi Singapore Washington DC: Sage, 2014), 12–13.

³⁰ Suharto, Pim Kuipers, and Pat Dorsett, 'Disability Terminology and the Emergence of 'Diffability' in Indonesia', *Disability and Society* 31, no. 5 (May 2016): 693–712.

³¹ Thushara Dibley, 'Democratization and Disability Activism in Indonesia', in *Activists in Transition: Progressive Politics in Democratic Indonesia*, ed. Thushara Dibley and Michele Ford (Cornell University Press, 2019), 171–86.

Sakaril emerged as an important figure through his leadership of the Indonesian Association of Persons with Disabilities (PPDI), a national umbrella organization established in 1987. Under his leadership, PPDI increasingly directed the Indonesian disability movement toward issues of rights, accessibility, inclusive education, and social participation.³² Therefore, Gufroni Sakaril occupies a significant position in the modern history of the struggle for the recognition of disability rights in Indonesia.

Table 2. Genealogical Development of Disability Terminology and Paradigms in Indonesia.

Period	Dominant Terminology	Dominant Paradigm	Genealogical Characteristics
Pre-Colonial Era	No standardized terminology	Moral-spiritual paradigm	Disability was associated with curses, sin, <i>karma</i> , or cosmological imperfection
Dutch Colonial Era	Abnormal, invalid, defect	Medical-administrative paradigm	Disabled bodies were classified according to productivity, bodily normality, and medical deficiency
Old Order Era	<i>Cacat</i> (defective)	Charity and rehabilitation approach	Persons with disabilities were positioned as socially deficient subjects requiring care and assistance
New Order Era	<i>Tuna, penyandang cacat</i> (Law No. 4/1997)	Developmentalist and paternalistic paradigm	The state softened terminology linguistically but maintained deficit-oriented assumptions
Early Reform Era	Difabel (differently abled people)	Social critique and inclusion paradigm	Disability movements challenged stigmatizing language and discriminatory state structures
Post-CRPD & Law No. 8/2016	<i>Penyandang disabilitas</i> (persons with disabilities)	Rights-based approach	Persons with disabilities began to be recognized as legal subjects and equal citizens with full rights

Source: Suharto et al. (2016).

³² Hairani Siregar et al., 'Organizations as a Container for Accommodating the Aspirations of Persons with Disabilities', *Proceedings of the International Conference on Communication, Policy and Social Science (InCCLuSi 2022)*, 2022, 128–37.

Although the state has undertaken efforts toward legal recognition through Law Number 4 of 1997, Law Number 19 of 2011, and ultimately Law Number 8 of 2016, these measures have unfortunately not always been accompanied by social recognition. What emerges, in the researcher's view, is the persistence of subtle or concealed forms of discrimination. When analyzed through a non-reductionist approach, a striking paradigm shift can be observed in the politics of disability law in Indonesia. In Law Number 4 of 1997, reductionism is clearly evident in Article 1 (1), which defines persons with disabilities based on "physical and/or mental impairments" as "obstacles and barriers" in an individual's life, as well as in Article 1 (5), which interprets rehabilitation as a process of "refunctionalization" through which persons with disabilities are expected to perform social functions in a "normal" manner. This construction demonstrates that the state continued to locate the source of disability-related problems within individual bodily impairments, while social barriers, cultural stigma, workplace discrimination, and environmental accessibility were not yet understood as important components of the disability experience. A shift began to emerge with Law Number 19 of 2011 concerning the ratification of the CRPD; however, its approach remained largely normative because both point (c) of the preamble and the General Elucidation continued to place persons with disabilities within the framework of "protection" and "vulnerable groups." Consequently, persons with disabilities were still positioned more as objects of state protection than as active political subjects. The most progressive development became evident only with Law Number 8 of 2016, particularly through Article 1 (1), which defines disability as a limitation arising from interaction with environmental and social barriers; Articles 2 and 3, which affirm the principles of non-discrimination, full participation, accessibility, and inclusivity; and Article 53, which mandates a minimum employment quota of 2% in government institutions and 1% in the private sector.

Nevertheless, from a non-reductionist perspective, the law remains open to criticism because, although it has moved toward structural change, its emphasis on quotas and accessibility continues to rely heavily on the administrative logic of the state and the integration of persons with disabilities into the formal labor market. As a result, more complex dimensions of the disability experience—such as social stigma, power relations, structural poverty, and cultural exclusion—cannot be fully addressed through formal legal recognition alone. On the other hand, the researcher's analysis of data from Statistics Indonesia (BPS), as presented in *Portrait of Persons with Disabilities in Indonesia: Results of the 2020 Population Census Long Form (SP2020)*, indicates that disability experiences vary considerably according to age, type of impairment, and gender.³³ This diversity can be observed in Table 3 below.

³³ Badan Pusat Statistik, *Potret Penyandang Disabilitas Di Indonesia: Hasil Long Form SP2020*, no. 2102059 (Jakarta: Badan Pusat Statistik, 2024).

Table 3. Non-Reductionist Reading of Disability Experiences and Law No. 8 of 2016.

Dimensions of Disability Experience	Findings from the <i>Long Form SP2020</i> Data	Non-Reductionist Critique of Law No. 8 of 2016
Sharp increase of disability among the elderly	The prevalence of type 1 disability increased from 1.72% among children and 1.66% among youth to 29.74% among the elderly. Among elderly women, it reached 33.11%, while elderly men accounted for 26.11%. In type 3 disability, elderly prevalence reached 6.33%, far above children (0.51%) and youth (0.63%).	Overemphasis on formal labour integration
Differences in disability types across life stages	Among children (5–17 years), dominant impairments include communication/speech difficulties (0.25%), learning/thinking difficulties (0.24%), concentration problems (0.21%), and self-care difficulties (0.20%). Among youth (16–30 years), learning/thinking and concentration difficulties both reached 0.55%, communication/speech difficulties 0.54%, and emotional difficulties 0.51%. Among the elderly (60+ years), walking difficulties reached 17.72%, visual impairments 17.56%, hearing impairments 12.28%, and concentration difficulties 9.34%.	Administrative simplification of diverse experiences
Psychosocial and educational dimensions	Emotional difficulties reached 0.44% among children, 0.51% among youth, and 2.42% among the elderly. Learning/thinking difficulties reached 0.50% among children, 0.55% among youth, and 4.09% among the elderly. Concentration difficulties among the elderly even reached 9.34%.	Limited recognition of psychosocial barriers
Mobility and access to social spaces	Walking difficulties among the elderly reached 17.72%, visual impairments 17.56%, hearing impairments 12.28%, and hand/finger impairments 6.68%. Among children and youth, walking difficulties reached 0.32% and 0.31% respectively.	Accessibility remains infrastructure-oriented
Gender inequality in disability experiences	Elderly women showed higher disability prevalence than men in both type 1 disability (33.11% versus 26.11%) and type 3 disability (7.25% versus 5.33%). Among children and youth, males consistently showed slightly higher prevalence than females.	Insufficient intersectional perspective
Limitations of the employment quota approach	Law No. 8 of 2016 requires a minimum employment quota of 2% in government institutions and 1% in the private sector. However, the data show that the highest disability prevalence is concentrated among the elderly, particularly in walking difficulties (17.72%), visual impairments (17.56%), hearing impairments (12.28%), and concentration difficulties (9.34%).	Quota-based inclusion remains economically reductionist

Source: BPS, *Potret Penyandang Disabilitas di Indonesia: Hasil Long Form SP2020* and elaborated author's (2026).

From a non-reductionist reading of Table 3, the experience of disability in this study is examined through several important dimensions: age, type of disability, psychosocial and educational conditions, mobility, gender, and employment quotas. On the one hand, Article 53 of Law Number 8 of 2016 mandates a minimum employment quota of 2% for government institutions and 1% for the private sector as an affirmative measure to protect the employment

rights of persons with disabilities. However, when viewed in light of data from the Ministry of Human Development and Culture, its implementation remains highly limited. Of the approximately 22.97 million persons with disabilities, representing around 8.5% of Indonesia's population,³⁴ participation in the formal labor market remains very low. This is evidenced by Statistics Indonesia (BPS) data showing that in 2022 the proportion of persons with disabilities employed as wage workers or salaried employees was only around 0.23%, while those working in self-employment accounted for 0.81%, family workers 0.67 percent, casual agricultural workers 0.66%, and casual or non-permanent workers and small business operators 0.78%.³⁵ These figures indicate that the majority of persons with disabilities continue to rely on the informal sector, vulnerable forms of employment, and subsistence-based economic activities rather than being absorbed into the formal labor market envisioned by the employment quota scheme established under Law Number 8 of 2016. Therefore, from a non-reductionist perspective, disability issues cannot be adequately addressed through administrative quota policies alone, since the barriers faced by persons with disabilities are also related to social stigma, limited access to education, mobility constraints, exclusionary labor relations, and economic structures that remain insufficiently inclusive of workers with disabilities.

***Istinbāth* and Disability Rights Advocacy in Muhammadiyah**

If state law has not fully generated social recognition, it becomes important to examine how recognition of persons with disabilities is constructed through religious authorities such as Muhammadiyah. However, before discussing the processes of *istinbāth* and disability advocacy within Muhammadiyah, it is first necessary to understand the position of *Fikih Difabel* as the normative foundation of both. In this regard, Ali Yusuf, a member of the Fatwa Division of the *Majelis Tarjih* and *Tajdid* of the Central Board of Muhammadiyah, explains that *Fikih Difabel* Muhammadiyah is built upon three main foundational frameworks. First, *al-qiyām al-asāsiyyah* (fundamental values), which are grounded in the principles of *tawhīd*, justice, and public welfare (*maṣlaḥah*). These values affirm that all human beings are creations of Allah (Q.S. *al-Ṭalāq* [65]: 12; *al-Tīn* [95]: 4), that every person possesses equal status and remains a *mukallaf* according to their capacities (Q.S. *al-Naḥl* [16]: 90; *al-Taghābun* [64]: 16), and that the protection of rights and the realization of welfare constitute objectives of the *Sharī'a* (Q.S. *al-Baqarah* [2]: 143; *al-Anbiyā'* [21]: 107; *al-An'ām* [6]: 165). Second, *al-uṣūl al-kulliyyah* (general principles), which are based on the principles of human dignity (*karāmah al-insān*), inclusivism, and respect grounded in scientific knowledge. These principles affirm that every human being possesses equal dignity and must not be

³⁴ Tratama Helmi Supanji, 'Pemerintah Penuhi Hak Penyandang Disabilitas di Indonesia', Kemenko PMK, Kementerian Koordinator Bidang Pembangunan Manusia dan Kebudayaan, 2023.

³⁵ Cindy Mutia Annur, *Mayoritas Pekerja Disabilitas di Indonesia Berstatus Wirausaha (Proporsi Penduduk Bekerja dengan Disabilitas menurut Status Pekerjaan di Indonesia (2021-2022) Berdasarkan Data Badan Pusat Statistik dalam Laporan Indikator Pekerjaan Layak di Indonesia 2022)* (Jakarta: Databoks, 2023).

demeaned because of physical or mental conditions (Q.S. *al-Isrā'* [17]: 70, 33), that diversity is part of Allah's will and should foster *ta'āruf* and social harmony rather than discrimination (Q.S. *al-Ḥujurāt* [49]: 13), and that the advancement of knowledge serves as an important means of improving human life and fulfilling the rights of persons with disabilities (Q.S. *al-Mujādalah* [58]: 11; *al-'Alaq* [96]: 1–5). Third, *al-aḥkām al-far'īyyah* (practical guidelines), which are grounded in human rights principles, the right to live with dignity, and the development of research and technology. These guidelines integrate the principles of the CRPD and the disability laws applicable in Indonesia into the broader framework of Islamic ethics.³⁶

Epistemically, according to [MAFS], the formulation of *Fikih Difabel* follows the *manhaj ijtihād* of the *Majelis Tarjih* and *Tajdid* of Muhammadiyah, which is based on three principal methods: *lughawi* (previously referred to as *bayani*), *qiyasi*, and *istislahi*. The *lughawi* method is employed to understand the linguistic meanings and normative indications of the scriptural texts (*naṣṣ*), the *qiyasi* method is used to identify the legal cause (*'illah*) through analogy, while the *istislahi* method is applied to consider the public benefit (*maṣlaḥah*) that is to be achieved. These three methods operate within the broader framework of the *bayani*, *burhani*, and *'irfani* approaches that constitute the epistemological foundation of the *Majelis Tarjih*. Through this mode of knowledge production, Muhammadiyah seeks to take into account developments in scientific knowledge as well as the social realities experienced by persons with disabilities. Therefore, the first form of *istinbāth* undertaken by Muhammadiyah is the application of the *lughawi* method in *Fikih Difabel* to reconstruct disability terminology. Rather than simply accepting the terms that have developed within state regulations and society, the drafting team first examined the use of disability-related terminology in the *Qur'an* in order to understand its linguistic meanings and normative implications. As explained by [RAF], a member of the drafting team of *Fikih Difabel* of the *Majelis Tarjih* and *Tajdid* of the Central Board of Muhammadiyah:

“When formulating *Fikih Difabel*, we first examined the terminology used in the *Qur'an*. Terms such as *a'mā* (blind), *abkam* (mute), *a'raj* (lame), and *a'sham* (deaf) are not always used in a purely physical sense; they often carry moral and metaphorical meanings as well. We then compared these *Qur'anic* expressions with the terminology commonly used in Indonesia, such as *cacat* (defective), *penyandang cacat* (persons with defects), ABK (children with special needs), and other administrative categories. After considering both the linguistic meaning of the *Qur'anic* terms and contemporary disability discourse, we adopted the term *difabel* (different ability) during the 2018 Workshop on *Fikih Difabel*, because it emphasizes diversity of abilities rather than deficiency.”

The statement by [RAF] demonstrates that the *lughawi* method is employed by positioning language as the point of departure in the process of *istinbāth*. Through an examination of *Qur'anic* terminology, Muhammadiyah does not

³⁶ Ali Yusuf, 'Fikih Difabel', Jakarta: Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah, 2021.

simply accept disability categories that have developed within society or state regulations; rather, it reassesses their compatibility with the meanings embedded in the scriptural texts (*naṣṣ*). From this process emerged the use of the term *difabel*, which emphasizes differences in ability rather than individual deficiencies. In this way, the *lughawi* method functions not only as a means of reconstructing terminology but also as an effort to formulate concepts that are more consistent with the normative framework of Islam and developments in contemporary disability discourse. The second form of *istinbāth* undertaken by Muhammadiyah is the application of the *qiyasi* method in determining the legal status of persons with disabilities. Unlike the *lughawi* method, which focuses on the reconstruction of terminology, this method is used to identify the *'illah* that underlies *taklif*, so that disability is not automatically understood as a reason for the loss of an individual's legal and religious capacity. This pattern of *istinbāth* is then followed by a third form, namely the *istislahi* method, which is a mode of legal reasoning grounded in considerations of public welfare (*maṣlaḥah*). Through this approach, attention is directed toward creating conditions that enable persons with disabilities to exercise their rights and fulfill their obligations on an equal basis within social and religious life. In this regard, [RAF] stated:

“In discussing disability, we began with the principle that *taklif* in Islamic law is fundamentally linked to *istiṭā'ah* (capacity) rather than physical perfection. For this reason, persons with disabilities cannot automatically be excluded from the category of *mukallaf*. The relevant *'illah* is the ability to perform religious obligations according to one's condition, not the absence of physical, sensory, or intellectual impairments. Based on this reasoning, we affirmed that persons with disabilities retain their *ahliyyah* (legal capacity) and therefore remain subjects of religious rights and obligations, although the manner in which those obligations are fulfilled may vary according to their circumstances...In many cases, disability issues cannot be addressed simply by asking whether something is permissible or prohibited. We therefore approached them through the framework of *maqāṣid al-sharī'ah*. The right of persons with disabilities to worship relates to *ḥifẓ al-dīn*, their right to marry and build a family relates to *ḥifẓ al-nasl*, inclusive education reflects *ḥifẓ al-'aql*, economic empowerment corresponds to *ḥifẓ al-māl*, and physical as well as mental well-being forms part of *ḥifẓ al-nafs*. In this way, disability rights are understood as an integral part of realizing the objectives of Islamic law.”

The two statements made by [RAF] reaffirm two important dimensions of Muhammadiyah's *istinbāth*. First, the *qiyasi* method is employed to reposition persons with disabilities as complete legal subjects within Islam. Rather than treating physical limitations as a basis for exclusion, Muhammadiyah places individual capacity as the primary point of reference in determining legal responsibility. Consequently, disability does not alter a person's legal status; rather, it affects the manner in which religious obligations are fulfilled in accordance with the conditions they face. Second, the *istislahi* method is applied by placing the welfare (*maṣlaḥah*) of persons with disabilities at the center of legal reasoning. According to Alimatul Qibtiyah, *Fikih Difabel* begins from the

fulfillment of rights rather than the imposition of obligations.³⁷ Therefore, the *istislahi* method is utilized to translate the objectives of the *sharī'a* (*maqāṣid al-syarī'ah*) into an agenda of accessibility, participation, and the protection of the rights of persons with disabilities.

Furthermore, Muhammadiyah does not stop at normative formulation but translates these principles into structural and cultural advocacy aimed at expanding access, participation, and the fulfillment of the rights of persons with disabilities. As stated by [SK], drawing upon the theology of *al-Mā'ūn* and the ethos of humanitarian jihad, this advocacy movement has been carried out consistently since 1985. Based on the interview findings, the patterns of advocacy that have developed can be outlined as follows. First, efforts have been directed toward the implementation of the outcomes of *istinbāth*. As explained by [MAFS], Vice Chair of the Regional Board of Muhammadiyah in Central Java:

“For Muhammadiyah, *Fikih Difabel* is not intended to remain a document. It must be disseminated through seminars, workshops, religious gatherings, and various community programs with the Muhammadiyah Disability Association (HIDIMU). We have also encouraged mosques to become more accessible for persons with disabilities and strengthened empowerment initiatives through Muhammadiyah’s social and educational institutions.”

The statement by [MAFS] indicates that Muhammadiyah’s advocacy is directed toward translating religious norms into social practice. In this regard, *Fikih Difabel* functions as a foundation for the development of various programs related to education, accessibility, and the empowerment of persons with disabilities. Second, Muhammadiyah’s disability advocacy also extends to policy advocacy in the form of policy and regulatory transformation. As explained by [SK], Chair of the Council for Law and Human Rights of the Regional Board of ‘Aisyiyah in Central Java:

“Our advocacy has focused not only on assisting disability cases but also on influencing policies. We have participated in thematic discussions, legal drafting processes, and the formulation of disability-related policies. At the same time, Muhammadiyah and ‘Aisyiyah have sought to develop a broader roadmap for disability empowerment that can guide future programs and advocacy efforts.”

The explanation provided by [SK] demonstrates that Muhammadiyah’s advocacy is not limited to assisting individual cases but is also directed toward the development of broader policy frameworks aimed at strengthening the protection and empowerment of persons with disabilities. Third, advocacy is carried out through the provision of social services, as explained by [WT], a caregiver at the ‘Aisyiyah Blind Orphanage in Ponorogo, as follows:

“Long before disability became a major topic within Muhammadiyah, we had already been providing services for blind children through orphanages and educational initiatives. What began as a community effort gradually developed into more organized

³⁷ Alimatul Qibtiyah, ‘Fikih Difabel’, *Suara Aisyiyah* 95, no. 4 (2019): 3–7.

programs, including schools and educational services designed to accommodate the needs of persons with disabilities.”

This interview with [WT] indicates that disability advocacy within Muhammadiyah has developed through service-oriented practices that preceded the normative formulation of *Fikih Difabel*. Educational and caregiving services have become important means of expanding social access for persons with disabilities. Fourth, in order to assess the extent to which Muhammadiyah’s advocacy has produced tangible change, it is important to examine how these efforts are perceived by actors outside the organization. Such a perspective allows for a more objective evaluation of the impact of advocacy on policy, institutional development, and the social lives of persons with disabilities. In this context, [PW], an activist from SIGAB Indonesia who has been involved in various disability advocacy programs, stated the following:

“One important outcome of Muhammadiyah’s advocacy is the growing commitment among stakeholders and law enforcement agencies to address disability issues. We have also seen practical changes, including improved accessibility in mosques, the provision of sign language interpreters, the emergence of Muhammadiyah Disability communities, and the establishment of disability service centers in Muhammadiyah and ‘Aisyiyah universities.”

The statement by [PW], representing what is referred to in the non-reductionist approach as lived experience, indicates that Muhammadiyah’s advocacy has not only generated changes at the level of religious discourse but has also encouraged institutional transformation that expands access and participation for persons with disabilities across various social and religious spheres. Overall, the findings of this study demonstrate that Muhammadiyah constructs recognition of persons with disabilities through two complementary pathways: structural advocacy, which focuses on the production of norms, policies, and institutional frameworks, and cultural advocacy, which operates through education, religious outreach (*dakwah*), social services, and community empowerment. This classification is summarized in Table 4 below.

Table 4. Typology of Muhammadiyah’s Disability Advocacy.

Structural Advocacy	Cultural Advocacy
<i>Fikih Difabel</i> formulation	Disability seminars and workshops
Policy and legal advocacy	Disability-inclusive religious education
Participation in public policymaking	Accessible mosques
Disability empowerment roadmap	Disability orphanages
Institutional reform	Muhammadiyah Disability Association (HIDIMU) empowerment programs
	Inclusive educational and social service institutions

Source: authors’ compilation (2026).

In summary, these findings are consistent with the non-reductionist perspective advanced by Danermark and Gellerstedt, which rejects any separation between redistribution and recognition. They argue that disability cannot be

explained solely through redistribution (economics, policy, and access) or solely through recognition (identity, culture, and stigma). Rather, both dimensions must be analyzed simultaneously because injustice experienced by persons with disabilities emerges from multiple levels of reality that interact with one another.³⁸ Therefore, Muhammadiyah's advocacy demonstrates that the fulfillment of disability rights takes place through the interaction between institutional change and cultural transformation, each of which reinforces the other.

***Istinbāth* and Disability Rights Advocacy in Nahdlatul Ulama**

To understand how Nahdlatul Ulama constructs religious recognition of persons with disabilities, it is first necessary to examine the pattern of *istinbāth* employed within the tradition of *Bahtsul Masail*. Methodologically, Bahtsul Masail is known as a forum for legal deliberation that relies on authoritative classical fiqh texts (*kutub al-fiqh al-mu'tabarah*) through the stages of *qaulī*, *ilhāqī*, and *manhajī* reasoning. However, in the context of disability, this pattern of *istinbāth* does not operate solely at the textual level. As explained by [FB], a member of the drafting team of *Fiqh Penguatan Penyandang Disabilitas*, the preparation of the text began with a process of needs assessment, focus group discussions (FGDs), *halaqah*, and the mapping of various barriers experienced by persons with disabilities in both social and religious life. Proceeding from the view that disability is a socio-political construction, and that the fulfillment of disability rights is therefore a shared responsibility of society, civil society organizations, and the state, Nahdlatul Ulama developed this *fiqh* as a theological foundation for Islam's commitment to persons with disabilities. Consequently, legal reasoning (*istinbāth*) was directed not only toward resolving practical *fiqh* issues but also toward promoting recognition and more inclusive policies for persons with disabilities.³⁹ In this way, recognition of persons with disabilities is constructed through the interaction of their lived experiences, the legacy of classical *fiqh*, and Nahdlatul Ulama's socio-religious commitment to equality and the fulfillment of rights.

A closer examination of how the framework described above is operationalized within the practice of Bahtsul Masail is provided by [SH], Secretary of the *Lembaga Bahtsul Masail* of the Central Board of Nahdlatul Ulama (PBNU). This explanation is important because it illustrates the sequence of reasoning employed by Nahdlatul Ulama in responding to contemporary issues, including disability-related concerns, while also demonstrating the position of the classical fiqh tradition within the process of legal decision-making. In this regard, [SH] stated:

“In Bahtsul Masail, legal determination follows an established sequence. First, we look for the opinions (*aqwāl*) of earlier jurists in the *kutub al-mu'tabarah*. If the issue has already been addressed by authoritative scholars, those opinions serve as the basis for our decision. If no relevant opinion can be found, we employ *ilhāq*, which involves

³⁸ Danermark and Gellerstedt, 'Social Justice'.

³⁹ Lembaga Bahtsul Masail Pengurus Besar Nahdlatul Ulama, *Fiqh Penguatan Penyandang Disabilitas* (Jakarta: Lembaga Bahtsul Masail PBNU, 2018), 1-30.

analogizing a new case to an existing legal case. This may take the form of *qiyās*, linking a subsidiary case (*far‘*) to a textual source (*naṣṣ*), or *ilhāq al-furū‘ bi al-furū‘*, by relating one case to another on the basis of a shared effective cause (*‘illah*). If neither approach is sufficient, we proceed to *istinbāt manhajī*, namely deriving legal rulings through the methodological principles of *uṣūl al-fiqh* developed by the juristic tradition.”

The statement by [SH] indicates that the construction of disability law within Nahdlatul Ulama is grounded in the principle of continuity with the classical *fiqh* tradition. Unlike Muhammadiyah, which begins its legal reasoning through a direct engagement with the scriptural texts (*naṣṣ*), *Bahtsul Masail* places the *aqwāl* of the ulama as the point of departure before proceeding to *ilhāq* and *istinbāt manhajī*. In this way, recognition of persons with disabilities is constructed through a dialogue between contemporary issues and the legal authorities deeply rooted in the scholarly tradition of the *pesantren*. As a further elaboration of how the outcomes of *istinbāth* are translated into broader religious understanding and practice, [FAM], Chair of HWDI Rembang and a member of the National Commission on Disabilities (KND), explained that Nahdlatul Ulama does not regard disability as a form of human imperfection but rather as part of the diversity of God’s creation that requires recognition and equal treatment. Within this context, the strengthening of disability perspectives serves as the foundation for various religious and social initiatives developed within Nahdlatul Ulama. As [FAM] stated:

“Nahdlatul Ulama views persons with disabilities not as imperfect human beings, but as part of God’s diversity in creation that must be respected and treated equally. Therefore, NU has contributed through the formulation of *Fiqh Penguatan Penyandang Disabilitas* and *Fiqh ODGJ*, anti-discrimination campaigns, the promotion of disability-friendly places of worship, accessible religious literacy, and various inclusive religious and educational programs. Nevertheless, the greatest challenge remains the development of disability awareness and perspectives within society and religious institutions, since inclusive policies and services cannot be effectively implemented without such understanding.”

The statement by [FAM] demonstrates that the construction and legal reasoning of disability within Nahdlatul Ulama do not end with *Bahtsul Masail* as a forum for the production of religious norms. Rather, the outcomes of *istinbāth* are directed toward shaping a more inclusive social perspective through various forms of advocacy, education, and religious services. In this way, recognition of persons with disabilities is constructed not only through *fiqh*-based legitimacy but also through efforts to transform societal perceptions of disability from an object of charity and compassion into a subject possessing dignity, rights, and equal standing in both religious and social life. This perspective does not remain confined to the level of discourse and advocacy; it is also translated into the educational practices of Islamic boarding schools (*pesantren*). This is reflected in the experience of Pondok Pesantren Al Muayyad Windan in Sukoharjo, as explained by [MDF], a caregiver at Pondok Pesantren Al Muayyad Windan:

“We regard disability as both a religious and a social issue that requires not only jurisprudential reflection but also concrete action. Therefore, Al Muayyad Windan has promoted the study of *Fiqih Penguatan Penyandang Disabilitas*, fostered collaborations to create inclusive environments, and supported initiatives aimed at empowering and protecting the rights of persons with disabilities. For us, the pesantren must become a space that advances equality, inclusion, and social justice.”

The statement by [MDF] indicates that recognition of persons with disabilities within the Nahdlatul Ulama environment does not end with the formulation of fiqh but is also translated into educational practices, *dakwah*, and social collaboration. In this context, the pesantren functions as a space that bridges religious authority and the social lives of persons with disabilities. These findings suggest that recognition of persons with disabilities is not reduced merely to normative argumentation; rather, it is also pursued through various efforts aimed at transforming the social environment into a more inclusive one. Therefore, it is important to further examine how this commitment is realized through the various forms of advocacy developed by Nahdlatul Ulama. First, NU’s commitment to disability inclusion is manifested through institutional and policy advocacy designed to expand accessibility within religious spaces. As explained by [SH], as follows:

“NU’s disability advocacy has developed along two main pathways. First, it pursues institutional advocacy by example, manifested in the provision of accessible infrastructure, as reflected in the PBNU headquarters, which has accommodated the needs of persons with disabilities since the early 2000s. Second, it engages in policy advocacy by promoting the integration of disability perspectives into government programs, particularly within the Ministry of Religious Affairs, including the incorporation of accessibility as one of the criteria for evaluating exemplary mosques. In addition, NU disseminates disability awareness through its networks of pesantren and religious institutions in order to foster broader recognition of the importance of inclusive services and environments for persons with disabilities.”

These findings indicate that Nahdlatul Ulama initially translates the outcomes of *istinbāth* into institutional and policy-oriented advocacy practices. Through this approach, recognition of persons with disabilities not only gains religious legitimacy but also receives structural support that expands their access and participation. Second, as explained by [MDF], the advocacy model derived from the *Bahtsul Masail* forum and articulated through *Fiqih Penguatan Penyandang Disabilitas* has also been implemented within *pesantren* as a strategic effort to promote the development of inclusive Islamic boarding schools. Third, advocacy is carried out in the legal sphere with the aim of strengthening the protection of the rights of persons with disabilities. This form of advocacy is pursued through the involvement of NU cadres and networks in legislative processes, policy formulation, and collaboration with various stakeholders. Regarding this matter, [FB] explained:

“NU is currently engaged in a range of initiatives aimed at advancing disability-related policies. This involvement includes participating in the drafting and discussion of legislation, contributing perspectives in public consultation forums, and collaborating

with disability organizations, academics, and state institutions. In addition, NU seeks to strengthen public capacity through the training of male and female preachers (*da'i* and *da'iyah*), seminars, webinars, and various scholarly forums to further integrate disability perspectives into social and religious life. For us, the fulfillment of the rights of persons with disabilities requires collective efforts involving religious organizations, civil society, and the state.”

The statement by [FB] indicates that Nahdlatul Ulama’s legal advocacy is not understood merely as an effort to influence regulations but also as a process of building social support for the implementation of the rights of persons with disabilities. In this context, legal reform, public education, and cross-sector collaboration are positioned as complementary strategies for expanding recognition and protection for persons with disabilities. These findings are reinforced by the account of [MAKH], Chair of the MUI Fatwa Commission of Surakarta, who explained that one of the primary objectives of disability advocacy is to cultivate a new perspective within society. In this regard, the effort to foster new social perspectives is consistent with the argument advanced by Krahn and Campbell, who emphasize the importance of pursuing both legal advocacy and political argumentation.⁴⁰ Overall, the findings of this study demonstrate that disability advocacy within Nahdlatul Ulama encompasses a wide range of activities, including education, empowerment, institutional reform, and policy intervention. These various forms of advocacy can be categorized into five principal typologies, as summarized in Table 5.

Table 5. Typology of Nahdlatul Ulama’s Disability Advocacy.

Type of Advocacy	Main Activities
Normative-Religious Advocacy	Formulation of <i>Fiqh Penguatan Penyandang Disabilitas</i> and <i>Fiqh ODGJ</i> ; disability-related deliberations through Bahtsul Masail; development of Islamic legal foundations for disability rights.
Educational-Cultural Advocacy	Training of <i>da'i</i> and <i>da'iyah</i> ; seminars, webinars, and scholarly forums on disability; anti-discrimination campaigns; accessible religious literacy; inclusive religious education and disability-focused study circles.
Institutional Advocacy	Development of disability-friendly mosques and religious facilities; accessible infrastructure within NU institutions; promotion of inclusive pesantren and religious services.
Social and Community Advocacy	Collaboration with disability organizations and civil society groups; empowerment programs for persons with disabilities; promotion of inclusive social environments and community awareness.
Legal and Policy Advocacy	Participation in legislative drafting and policy formulation; contributions to public consultation forums; collaboration with government agencies, academics, and disability organizations to advance disability-inclusive policies.

Source: authors’ compilation (2026).

⁴⁰ Gloria Krahn and Vincent A. Campbell, 'Evolving Views of Disability and Public Health: The Roles of Advocacy and Public Health', *Disability and Health Journal* 4, no. 1 (2011): 12–18.

From a non-reductionist perspective, this typology demonstrates that Nahdlatul Ulama does not separate the struggle for social recognition from efforts to expand access to resources and social participation. Accordingly, disability advocacy within NU is directed toward removing institutional barriers that restrict the involvement of persons with disabilities in both religious and civic life. In this way, the recognition constructed through religious authority serves as a foundation for the creation of a more inclusive and accessible social environment for persons with disabilities.

Navigating Social Justice in Interlegal Disability Rights in Indonesia

In response to the findings presented above, this study ultimately argues that the recognition of disability rights through state law does not automatically generate social recognition of persons with disabilities as equal citizens. The findings demonstrate that Muhammadiyah and Nahdlatul Ulama have developed approaches that are consistent with a non-reductionist perspective in understanding and advocating for disability rights. At the level of *istinbāth*, Muhammadiyah does not confine disability issues solely to physical or sensory conditions. Through its *lughawi* approach, the organization reconstructs disability terminology from categories that emphasize deficiency toward a recognition of diverse abilities.

Furthermore, through *qiyās* and *istislahi*, Muhammadiyah positions persons with disabilities as legal subjects who continue to possess religious capacity, rights, and equal dignity. Its advocacy patterns also exhibit a non-reductionist character by operating simultaneously through structural and cultural pathways, ranging from the formulation of *fiqh*, policy advocacy, and institutional reform to public education and community empowerment. Meanwhile, Nahdlatul Ulama develops a similar approach through the tradition of *Bahtsul Masail*, which connects the authority of classical *fiqh* with the contemporary experiences of persons with disabilities. Although its legal reasoning begins with the *aqwāl* of the ulama, *ilhāq*, and *istinbāṭ manhajī*, the formulation of *Fiqh Penguatan Penyandang Disabilitas* is preceded by the mapping of needs, lived experiences, and social barriers encountered by persons with disabilities. This demonstrates that legal construction is not based solely on textual sources but also takes into account the social realities within which disability is experienced. At the advocacy level, Nahdlatul Ulama develops strategies that encompass normative-religious, educational, institutional, socio-community, and public policy dimensions. To synthesize the empirical findings of this study, the author develops an Interlegal Disability Recognition Framework, as illustrated in Figure 2 below.

Figure 2. Non-Reductionist Framework of Interlegal Disability Recognition.



Source: developed by the authors' based on empirical findings and the non-reductionist framework (2026).

Based on Figure 2, both Muhammadiyah and Nahdlatul Ulama demonstrate that justice for persons with disabilities cannot be achieved solely through the redistribution of resources or formal legal recognition. Rather, it emerges through the interaction of multiple layers of reality, including state law, religious authority, cultural transformation, institutional reform, and the lived experiences of persons with disabilities. These findings reinforce the non-reductionist argument that injustice toward persons with disabilities is a multidimensional phenomenon that can only be addressed through an approach that simultaneously integrates social recognition, the redistribution of rights, and normative legitimacy.⁴¹ The findings of this study both confirm and extend several important debates within disability studies, social justice, legal pluralism, and Islamic disability studies. Consistent with the perspectives of Nancy Fraser,⁴² Axel Honneth,⁴³ Danermark and Gellerstedt,⁴⁴ as well as Teodor Mladenov,⁴⁵ these findings demonstrate that justice for persons with disabilities cannot be reduced to the redistribution of resources, legal protection, or identity recognition considered separately. Instead, it must be understood through the relationship among redistribution, recognition, participation, and the multiple layers of social reality that interact with one another. Within this context, Muhammadiyah and Nahdlatul Ulama illustrate how recognition of persons with disabilities is constructed through a combination of Islamic legal reasoning, cultural transformation, institutional reform, and social advocacy.

⁴¹ Danermark and Gellerstedt, 'Social Justice'.

⁴² Fraser, 'From Redistribution to Recognition?'

⁴³ Honneth, *The Struggle for Recognition*.

⁴⁴ Danermark and Gellerstedt, 'Social Justice'.

⁴⁵ Teodor Mladenov, 'Disability and Social Justice', *Disability and Society* 31, no. 9 (2016): 1226–41.

These findings also support the critiques advanced by Nancy Hirschmann,⁴⁶ Kristin Bennett and Mark Hannah,⁴⁷ Paul Jaeger,⁴⁸ Rob Imrie,⁴⁹ Anastasiou Liasidou and Loizos Symeou,⁵⁰ as well as Hossen dan Reed,⁵¹ all of whom argue that rights discourse, formal accessibility, and legal protection do not automatically produce social justice when stigma, social exclusion, and ableist structures continue to persist. Nevertheless, the primary contribution of this study lies in its extension of the literature on interlegality and plural legal orders. While Boaventura de Sousa Santos and Franz von Benda-Beckmann have demonstrated that social life is shaped by the interaction of multiple normative orders,⁵² this study illustrates how recognition of persons with disabilities in Indonesia is constructed through the encounter between global human rights discourses, state law, Islamic legal reasoning, religious advocacy, and the lived experiences of persons with disabilities. At the same time, these findings also extend the field of Islamic disability studies developed by Mohammed Ghaly,⁵³ Maysaa Bazna and Tarek Hatab,⁵⁴ as well as Kabira Masotta.⁵⁵ Whereas Ghaly demonstrates that the Islamic tradition possesses its own ways of understanding physical and mental otherness, Bazna and Hatab argue that the Qur'an places greater emphasis on social responsibility toward disadvantaged groups than on disability as a medical category, and Masotta develops the concept of a theology of vulnerability as an ethical foundation for social solidarity, this study shows how these principles are translated into practice within the Indonesian context through the methods of *istinbāth* and the advocacy patterns of Muhammadiyah and Nahdlatul Ulama. Accordingly, the Interlegal Disability Recognition Framework developed in this study demonstrates that social justice for persons with disabilities emerges from an ongoing process of negotiation among rights, recognition, religious legitimacy, cultural transformation, institutional reform, and the lived experiences of persons

⁴⁶ Nancy J. Hirschmann, 'Disability Rights, Social Rights, and Freedom', *Journal of International Political Theory* 12, no. 1 (2016): 42–57.

⁴⁷ Kristin C. Bennett and Mark A. Hannah, 'Transforming the Rights-Based Encounter: Disability Rights, Disability Justice, and the Ethics of Access', *Journal of Business and Technical Communication* 36, no. 3 (2022): 326–54.

⁴⁸ Paul T. Jaeger, 'Disability, Human Rights, and Social Justice: The Ongoing Struggle for Online Accessibility and Equality', *First Monday* 20, no. 9 (2015): 1–8.

⁴⁹ Rob Imrie, 'Equity, Social Justice, and Planning for Access and Disabled People: An International Perspective', *International Planning Studies* 1, no. 1 (1996): 17–34.

⁵⁰ Anastasia Liasidou and Loizos Symeou, 'Neoliberal versus Social Justice Reforms in Education Policy and Practice: Discourses, Politics and Disability Rights in Education', *Critical Studies in Education* 59, no. 2 (2018): 149–66.

⁵¹ Md Mozadded Hossen and Bruce Reed, 'Disability, Stigma, and the Pursuit of Social Justice: Future Research Directions', *Journal of Applied Rehabilitation Counseling* 54, no. 4 (2023): 287–99.

⁵² Boaventura De Sousa Santos, *Toward a New Legal Common Sense: Law, Globalization, and Emancipation*, 3rd ed. (Cambridge University Press, 2020). Franz Von Benda-Beckmann, 'Who's Afraid of Legal Pluralism?', *The Journal of Legal Pluralism and Unofficial Law* 34, no. 47 (2002): 37–82.

⁵³ Mohammed Ghaly, *Islam and Disability: Perspectives in Theology and Jurisprudence*, Routledge Islamic Studies Series (London; New York: Routledge, 2010); Mohammed Ghaly, 'Disability in the Islamic Tradition', *Religion Compass* 10, no. 6 (2016): 149–62.

⁵⁴ Maysaa S. Bazna and Tarek A. Hatab, 'Disability in the Qur'an: The Islamic Alternative to Defining, Viewing, and Relating to Disability', *Journal of Religion, Disability & Health* 9, no. 1 (2005): 5–27.

⁵⁵ Kabira Masotta, 'Disability in Islam: A Sufi Perspective', *Journal of Disability & Religion* 25, no. 1 (2021): 68–81.

with disabilities across multiple interacting normative orders. Ultimately, our findings also extend the work of Wardana and Dewi,⁵⁶ as well as the scholarship of Maftuhin, whose research has consistently focused on disability studies and the roles of Muhammadiyah and Nahdlatul Ulama from the outset.⁵⁷

Overall, the experiences of Muhammadiyah and Nahdlatul Ulama demonstrate that recognition of persons with disabilities is shaped through a complex interaction among human rights discourses, state law, Islamic legal reasoning, institutional advocacy, cultural transformation, and the lived experiences of persons with disabilities themselves. Within this context, disability rights emerge as the outcome of ongoing negotiations among multiple overlapping legal and social orders. These findings not only confirm the importance of connecting redistribution, recognition, and participation in the pursuit of social justice, but also demonstrate that religious legitimacy can function as an important medium for bridging the gap between legal recognition and social recognition. Therefore, the interlegal disability recognition framework developed in this study offers a new perspective for understanding how recognition of persons with disabilities is constructed, negotiated, and institutionalized within societies characterized by plural legal orders, multiple authorities, and diverse sources of social legitimacy.

Conclusion

This study began with the question of why the recognition of disability rights, despite being guaranteed through various legal instruments, has not yet been fully transformed into social acceptance in everyday life. The findings indicate that this issue cannot be explained solely by the existence of regulations or the expansion of formal access. Through an examination of Muhammadiyah and Nahdlatul Ulama, this study finds that recognition of persons with disabilities is shaped through a more complex process, namely when religious authority, experiences of marginalization, *fiqh* reasoning, and advocacy practices converge within the same social space. In this context, Muhammadiyah's *Fikih Difabel* and Nahdlatul Ulama's *Fiqih Penguatan Penyandang Disabilitas* function not only as products of religious legal reasoning but also as instruments for repositioning persons with disabilities from objects of charity and compassion into subjects possessing dignity, capacity, and equal rights. Accordingly, the renegotiation of disability rights in Indonesia occurs through an expansion of the meaning of recognition that connects legality, morality, and social acceptance within both religious and civic life.

The principal contribution of this study lies in its effort to bridge disability studies, law and society scholarship, and contemporary Islamic studies through the development of the interlegal disability recognition framework. Nevertheless, this research remains limited to two major Islamic organizations and focuses primarily on processes of normative construction and patterns of institutional

⁵⁶ Wardana and Dewi, 'Moving Away from Paternalism.'

⁵⁷ Maftuhin, 'Islamic Law, Disability, and Women in Indonesia'.

advocacy. Future research should therefore pay greater attention to the lived experiences of persons with disabilities as the arena in which these various regimes of recognition are actually tested. This includes exploring religious minority communities, the experiences of women with disabilities, and the dynamics of recognition at the local level, where forms of negotiation are often more complex than those visible at the level of national organizations. Ultimately, this study argues that the central challenge of disability rights is not merely how recognition can be obtained from the state, but how such recognition becomes embedded in the ways society understands humanity, diversity, and equality themselves.

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