

**Research Article**

**Disability Rights Violation: Failure to Provide Reasonable Accommodation and Employment Discrimination Against the Colorblind in Indonesia**

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**ABSTRACT**

The fundamental right to work in Indonesia is paradoxically undermined by pervasive no color blindness recruitments, often enforced via the Ishihara test. While this practice appears neutral, it constitutes indirect discrimination by disproportionately excluding competent individuals with partial colour blindness without any objective justification. This study aims to analyse the validity of the Ishihara test, arguing that it is a discriminatory tool that violates human rights. Using normative legal analysis and empirical case studies, the findings show that partial colour blindness is primarily a sensory limitation which rarely affects functional capabilities in most professions. Field data reveals a widespread misconception among employers that equates partial colour blindness with an inability to recognise hazards. Furthermore, many institutions enforce colour vision standards as an administrative hurdle without conducting job analyses relevant to the actual requirements of the role. The research concludes that the Ishihara test is widely misused as a definitive pass/fail determinant. This practice contravenes Law No. 13/2003 on Manpower regarding equal opportunity, and Law No. 8/2016 on Persons with Disabilities, which mandates the fulfilment of employment rights and reasonable adjustments. Automatic rejection without interactive dialogue constitutes a direct breach of legal obligations. This research advocates for an inclusive, fair, and dignified employment ecosystem in Indonesia.

**Keywords:** Indirect Discrimination; Ishihara Test; Partial Color Blindness; Human Rights.

**A. INTRODUCTION**

The entitlement to employment and a respectable standard of living is fundamentally established in the Indonesian Constitution, particularly in Article 27 paragraph (2), which affirms every citizen's right to work and pursue a dignified life, as well as in Article 28D paragraph (2), which safeguards the right to fair compensation and treatment in the workplace (Kiat, Anwar, & Leatemia, 2024). Beyond

economic implications, these rights represent human dignity and contribute to national progress. As Indonesia aims for the Golden Indonesia 2045 vision, fostering an inclusive job market is crucial (Risargati et al., 2024). Given the inherent complexities of employment relationships, which are often susceptible to legal disputes regarding status and responsibilities (Bagaskara, 2021), discriminatory hiring practices such as the Ishihara test only intensify these challenges by

hindering the establishment of equitable relations from the outset.

The pursuit of equitable employment opportunities in Indonesia is hindered by a recruitment paradox that requires an explicit "no colour blindness" policy. This situation persists because existing legal frameworks often prioritise market flexibility over safeguarding marginalised groups (Izzati, 2022). Philosophically, this exclusion stems from an inadequate recognition of disability as part of human diversity, favouring cultural exclusion over functional capability (Roy, 2020). Corporations often prioritise productivity over labour protections, further disenfranchising individuals with sensory impairments (Santoso & Pati, 2024). This exacerbates the precarious status of workers in relation to arbitrary corporate policies (Kennedy, 2020).

Research concerning social inclusion highlights that safeguarding vulnerable populations, including those with sensory disabilities, is a constitutional imperative for the state, embedded within the 1945 Constitution of the Republic of Indonesia (Hasani & Insiyah, 2025). Consequently, individuals who perceive themselves as penalised by their biological circumstances experience profound psychological distress when choosing a career, as they are not evaluated based on the merit of their work. This issue is further intensified by the absence of legal protections for marginalised workers (Muslim et al., 2023). Without state intervention to secure

these rights, individuals face systemic loss of legal standing (Mahfud et al., 2022).

Research shows the prevalence of congenital color blindness at 3.79% of 1475 respondents, with 5.97% found in children aged 6-16 and 3.26% in adults. These figures vary compared to historical surveys, such as 5.6% in the UK (1852-1853) and 2% in males and 0.03% in females in Australia (1956) (Nusanti & Sidik, 2021). In the context of Indonesia, these statistical figures delineate a substantial segment of the labor-capable demographic whose constitutional entitlements are jeopardized. When these prevalence metrics are examined through the interpretive framework of Law No. 8 of 2016 concerning Persons with Disabilities, it is evident that partial color blindness unequivocally qualifies as a sensory impairment. As a result, every individual encompassed within this demographic is legally entitled to safeguarding against discrimination and the actualization of their employment rights. The presence of millions of Indonesians afflicted with this condition generates a demographic imperative for the state to ensure that employment criteria do not metamorphose a manageable sensory characteristic into a pervasive obstacle to gainful employment. This law adopts the social model of disability, which views disability not as an individual problem, but as a result of the interaction between individual limitations and barriers created by the environment and social systems. Based on Article 4 of Law No. 8 of 2016, the types of Persons with

Disabilities include physical, intellectual, mental, and/or sensory. Biologically, partial color blindness meets these criteria (Yasa, Putra, & Andari, 2021). However, it becomes a "disability" only when encountering rigid barriers like the Ishihara Test, which hinders effective labor market participation.

This practice, often masked by company health standards as seen in employee selection, this exclusionary practice reinforces the stigma that partial color blindness is a permanent defect, ignoring the fact that it rarely impairs professional competence. As a result, many skilled individuals face psychological distress and marginalization based on a biological trait rather than their actual merit. This systematic exclusion forces candidates to bear the burden of a genetic condition in a labor market that prioritizes rigid medical filters over functional work performance (Wijaya & Muntahanah, 2020).

From John Rawls' Theory of Justice, a fair system must be designed from an original position and veil of ignorance, where rules protecting marginalized groups would be created (Azis, 2019). In the perspective of social justice, such exclusion reflects a failure to provide equal access for individuals with sensory limitations, who should be supported by a legal framework that ensures their full participation in all fields of life (Idris, 2021). In the midst of changes to labour laws like the Job Creation Law, it is important that we make sure that business autonomy does not make systemic bias worse (Nugroho et al., 2024).

In the broad field of labour law, blocking people from getting jobs is a big problem because job security is closely linked to a person's mental health and social status (Johan & Yuan, 2023).

The implicit justification for this practice is founded in the medical model of disability, which views the individual as the problem to be addressed and as a victim in need of intervention (Harisantoso, 2024). This study adopts the social model, consistent with Article 2 of Law No. 8 of 2016, which includes the tenets of dignity, non-discrimination, and equal opportunity (Dahlan & Anggoro, 2021); (Bakarbessy, 2025). Here, inflexible and exclusive recruitment policies are the main barrier, necessitating a shift from the medical to the social model of disability. Within the legal framework, the only possible defense for companies is to prove that perfect color perception is a Bona Fide Occupational Qualification (BFOQ). However, the bona fide occupational qualification (BFOQ) is an extremely stringent criterion, requiring evidence that the qualification is intrinsically linked to the business's core operations and that no alternative options are viable. The onus of proof rests entirely with the employer.

This study is anchored in two principal legal frameworks. Firstly, John Rawls's Theory of Justice posits that the concept of justice must be based on equitable rights and opportunities for all individuals, particularly through the Difference Principle (Idoko & Okeke, 2025). Within this framework, justice requires that social systems,

including recruitment processes, be structured to maximise benefits for the most disadvantaged in society. The relevance of this theory to the present study lies in the assertion that rigid use of the Ishihara test in recruitment without consideration of functional capabilities signifies neglect of justice principles for individuals with sensory impairments, who should be given equitable access to opportunities. Second, Ronald Dworkin's Rights Theory views fundamental rights as rights as trumps, which must override collective interests or mere administrative efficiency (Maulana et al., 2025). For Dworkin, every individual has a moral right to be treated with equal concern and respect. This theory is relevant because it justifies that the right of color-blind individuals to work should not be defeated by reasons of corporate administrative convenience in rapid selection processes. Rejection without interactive dialogue constitutes a violation of the individual's dignity as an equal legal subject.

At the highest level, the 1945 Indonesian Constitution in Article 27 paragraph (2) and Article 28D paragraph (2) not only guarantees rights but also equal opportunities in employment. This is supported by Law No. 13 of 2003 on Manpower, specifically through Articles 5 and 6. Furthermore, Law No.8 of 2016 concerning Individuals with Disabilities necessitates a fundamental transformation toward the social model and obligates employers to furnish Reasonable Accommodation. This legislation signifies a

substantial shift, encapsulating Indonesia's dedication to adhering to international human rights treaties such as the UN Convention on the Rights of Persons with Disabilities (UNCRPD) (Farida, Prabandari, & Rahayu, 2020); (Rahayu et al., 2024).

Nevertheless, empirical data reveals that this discriminatory phenomenon persists as a deeply entrenched structural and systemic issue, especially within the recruitment process for Civil Servant Candidates (CPNS) at the Attorney General's Office of the Republic of Indonesia (Kejaksaan RI). For example, during the 2019 CPNS recruitment cycle, it was determined that nearly all available positions mandated that applicants possess no color vision deficiencies as an unequivocal administrative criterion (Agustin & Winanti, 2023). This stipulation frequently functions as an administrative obstruction that indiscriminately disqualifies candidates via the Ishihara Test, absent a comprehensive job analysis or meaningful discourse concerning the applicant's functional competencies. The sweeping policy enacted by the Attorney General's Office is in violation of Article 28I of the 1945 Constitution, which safeguards against discriminatory practices, and infringes upon the statutory requirement of employing a minimum of 2% individuals with disabilities in governmental entities, as stipulated by Article 53 paragraph (1) of Law No.8 of 2016. This situation reflects a broader national challenge where state-owned entities frequently fail to achieve the legal

employment quota due to discrimination in specific job positions and a lack of inclusive recruitment standards (Susiana, 2019).

The existing gap lies between the *das Sollen* (what should be), i.e., Indonesia's progressive legal framework guaranteeing the right to work without discrimination under Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution, as well as Article 5 and Article 6 of Law No. 13/2003 on Manpower (1945 Constitution, Manpower Law), and specifically obligating employers to provide Reasonable Accommodation to persons with disabilities as mandated by Article 11 and Article 45 of Law No. 8 of 2016, and the *das sein* (empirical fact), i.e., the widespread use of *de facto* discriminatory recruitment practices (Law No. 8 of 2016), and the *das Sein* (empirical fact), i.e., the widespread use of *de facto* discriminatory recruitment practices. This practice necessitates the unequivocal fulfillment of the Ishihara Test for color blindness, even within roles that do not necessitate impeccable color discrimination. An article authored by Mochamad Rizky Maulana (2024) elucidates this prejudicial practice, which adversely impacts both the domains of employment and education. The article illustrates that the mandate for individuals to be devoid of color blindness has emerged as an impediment that contravenes fundamental human rights. Conversely, the case study conducted by Muhammad Kresna substantiates that sensory impairments do not inherently obstruct

professional competencies: Kresna is a distinguished painter who possesses partial red-green color blindness. His achievements within Indonesia's creative sector exemplify that individuals are capable of adapting through specialized visual strategies, even in disciplines where color perception is deemed essential. This local example underscores the necessity of moving away from rigid medical screenings like the Ishihara Test and towards a functional assessment that recognizes the diverse talents of Indonesians with sensory limitations (Maulana, 2024). In this context, a comprehensive legal framework is essential to realize and guarantee the rights of citizens who face forced or systemic barriers, ensuring that the government actively promotes their employment and welfare (Kobko et al., 2023).

This research focuses on answering two fundamental questions. First, how is the Ishihara test reviewed concerning partially colorblind individuals and veiled discrimination in obtaining employment from the perspective of manpower law? Second, how is the analysis of human rights violations against partially colorblind individuals related to the employer's obligation to provide reasonable accommodation?

The relevance of this research lies in filling a critical gap regarding employment discrimination against color-blind individuals through a comparative analysis with existing literature. First, Saini, Dungga, and Sulistiani (2022) conducted an evaluation of the technical

accuracy of Ishihara tests using Google Forms in a national journal, comparing them to gold standards. However, their study remained within a technical-medical framework, whereas this research redirects the emphasis to the legal ramifications of those findings in the context of hiring (Saini, Dunga, & Sulistiani, 2022). Second, Meilinda (2022) analysed the rights of children with disabilities within the framework of Islamic law and Law No. 8/2016; however, it did not consider the particular obstacle of colour vision standards in professional recruitment (Meilinda, 2022). Third, the medical research by Yasa, Putra, and Andari (2021) identified the clinical characteristics of color vision defects in Bali, but stopped short of analyzing how these clinical findings are misused as administrative tools for social exclusion (Yasa, Putra, & Andari, 2021).

The novelty of this study is further distinguished by its international comparative framework. Fourth, unlike Robert S. Chang (2024), who applies legal realism to critique color-blind racial policies in the US, this study adapts that critique to the Indonesian context to prove that no-color-blindness requirements are a form of indirect discrimination (Chang, 2024). Fifth, while Radka Nacheva (2024) examines how colour-blind barriers evolve into digital exclusion in AI systems, this study connects that technological divide with Indonesian labour laws (Law No. 13/2003 and Law No. 8/2016). The distinctiveness of this article arises from its interdisciplinary synthesis, framing the Ishihara

test not solely as a medical instrument, but as a mechanism of social segregation necessitating urgent legal reassessment within the Indonesian employment context (Nacheva, 2024).

This article is characterized by its focus on the violations of disability rights, specifically concerning the failure to provide reasonable accommodations and employment discrimination faced by individuals who are colorblind. This analysis is conducted through a juridical lens that amalgamates Article 5 and Article 6 of Law No. 13/2003 on Manpower, which addresses the principles of equal opportunity and non-discriminatory practices, alongside the legal obligation to furnish reasonable accommodations as articulated in Article 11, Article 45, and the overarching principles enshrined in Article 2 of Law No. 8/2016 concerning Persons with Disabilities. The novelty and advantage of this research lies in: (1) Theoretically, it deliberately focuses the analysis on the Ishihara Test as an instrument of social technology, dismantling its status from an objective medical tool to a tool of social segregation in the labor market. (2) Juridically, it uses the strict legal framework of BFOQ to challenge company justifications and makes the failure to provide Reasonable Accommodation, as mandated by Article 11 and Article 45 of Law No. 8 of 2016, the core argument for legal violation. (3) Methodologically, it combines normative juridical analysis (*das Sollen*) with an empirical case study approach (*das Sein*) (Afandi, 2022); (Ilhami et al., 2024).

## B. RESEARCH METHODS

The research employs a normative legal methodology amalgamated with an empirical case study framework to effectively bridge the dichotomy between legal ideals (*das Sollen*) and tangible realities (*das Sein*). This methodological construct is vital in examining regulatory deficiencies and comprehending the societal ramifications of legal standards, as it facilitates a thorough assessment of how various jurisdictions reconcile human rights with prevailing legal frameworks (Ohoiwutun et al., 2024). The use of this methodology is essential to critically examine the direction of policy and the preparedness of the Indonesian legal framework in addressing contemporary legal challenges within public services (Kennedy, 2020); (Setyawan et al., 2025). The normative component employs the statute approach to analyze key Indonesian legislation primarily Law No. 13 of 2003 on Manpower and Law No. 8 of 2016 on Persons with Disabilities focusing specifically on the principle of non-discrimination and the mandatory provision of Reasonable Accommodation. Concurrently, the empirical approach examines publicly documented cases of job seekers with partial color blindness who were unjustly rejected based on their Ishihara Test results. This study aligns with established normative legal practices that utilize secondary data and case analysis to identify inconsistencies in the implementation of constitutional rights and access to justice (Wardhani & Christia, 2020). The normative legal

analysis in this research is conducted by examining legal proclamations and international protocols, following the structured assessment of legal frameworks exemplified in contemporary legal studies (Woldemichael, 2017). Data collection is a combination of library research for legal materials (primary, secondary, and tertiary sources) and document analysis for qualitative empirical data. The analysis is conducted qualitatively, using the established normative legal framework as the critical benchmark to evaluate the empirical findings, thereby demonstrating how the unrestricted use of the Ishihara Test constitutes a violation of legal mandates and an act of indirect discrimination.

## C. RESULTS AND DISCUSSION

### 1. Partial Color Blindness and Ishihara Test Limitations: An Overview

People often think that colour blindness means only seeing black and white. In reality, it happens when the cone cells (photoreceptors) in the retina become weaker, which makes it hard for the eyes to respond correctly to certain light wavelengths (Fahyuni et al., 2020). When these cells don't work right, it leads to colour vision deficiency (Endriana, 2016).

This genetic disorder impacts around 0.7% of 255 million individuals, hindering their ability to distinguish colour gradations (Fareza & Toyib, 2024). This condition occurs due to irregularities or deficiencies in the cone cells (photoreceptors) in the retina of the eye that are responsible for

perceiving colour. The eye cannot make all the pigments it needs to work properly. In general, there are three main types of colour blindness: (1) Monochromacy: Total colour blindness, in which only one type of cone cell works or none at all. The person who has this condition really sees the world in shades of grey, which is very rare. (2) Dichromacy: Only two kinds of cone cells work right. The person who is affected can see some colours, but they often mix up some of them. (3) Anomalous Trichromacy: The most common condition where all three cone cells work, but one of them is less sensitive or doesn't work as well as it should (Rambe, 2022). This is what people call partial colour blindness.

To illustrate this difference, imagine a color triangle with three points: red, green, and blue. Individuals with normal vision have all three points fully functional. In dichromacy, one of the points is missing. In anomalous trichromacy, one of the points is in the wrong position, shifting their color vision spectrum. Of all types, the most common is anomalous trichromacy, or partial color blindness (Yulis & Lesmana, 2023).

**Table 1. Types and Conditions of Partial Color Blindness**

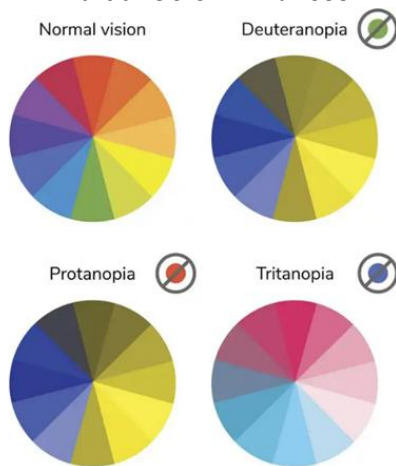
Type of Partial Color Blindness	Characteristics	Functional Implications
Deuteranopia	1. Weakness in green cone cells (M-cones). 2. Difficulty distinguishing	Generally does not hinder the majority of professional tasks that do

	shades of green, yellow, and red.	not rely on perfect color perception. Individuals can adapt using text labels or symbols on charts, software, or cables.
Protanopia	1. Weakness in red cone cells (L-cones). 2. Red, orange, and yellow appear dimmer and are hard to distinguish from green.	Very rarely cripples overall cognitive or professional function. Individuals can adapt with technological aids (color identification apps) or procedural adjustments (labeling).
Tritanopia	1. Weakness or absence of blue cone cells (S-cones). 2. Difficulty distinguishing between blue and green, as well as yellow and purple.	This condition very rarely cripples overall cognitive or professional function. However, they may experience difficulty with specific color identification, such as in graphic design.

**Source: (Irfanya & Kartika, 2025).**



**Picture 1. Comparison of Normal Vision vs. Partial Color Blindness**



**Source: (Markbro, 2025)**

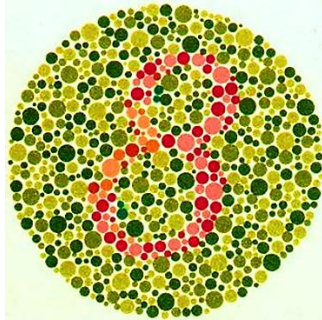
This condition exists on a spectrum; its severity varies and almost never impedes tasks that do not fundamentally rely on perfect color perception (Sulastri & Aisyah, 2025). Prevalence is notably higher in males (3-6%) than females (0.5%) due to its link to the X chromosome (Romadhon et al., 2023). It's important to know that the effects of this condition are not the same for everyone; they can be very different. A person with mild deuteranomaly may only have a little trouble seeing in some types of light (Prihatningtias et al., 2022).

The Ishihara Test, formulated by Dr. Shinobu Ishihara in the year 1917, comprises a compilation of plates featuring colored circles of varying diameters that collectively create numbers or patterns (Subari & Mustofa, 2021). The principal and exclusive objective of the Ishihara Test is to function as a screening mechanism, meticulously designed with exceptional sensitivity to swiftly identify the presence or absence of red-green color vision deficiency (Ridhwan, Proborini,

& Yunus, 2024). Nonetheless, it does not serve as a comprehensive diagnostic instrument, as it is incapable of assessing severity or forecasting practical job performance (Estrada & Sarwoko, 2019).

There are many good reasons why using the Ishihara Test as a definite pass-or-fail tool in job hiring is very bad. First, it could lead to wrong diagnoses or too many tests. External factors such as the quality of the test book's print, room lighting, and even the applicant's psychological state (anxiety) can influence the results (Yulis & Lesmana, 2023). An applicant might fail to see the number 8 on an Ishihara plate, seeing it as the number 3, yet they might have no problem at all distinguishing traffic signal lights, the colors of cables on hardware, or colored graphs in a presentation report. Furthermore, the advancement of social technology, such as Augmented Reality (AR), offers a transformative solution by implementing color transformation systems on Ishihara plates to enhance visibility for the colorblind, demonstrating that sensory limitations can be effectively mitigated through technological accommodation (Irfansyah, 2024). Below is an example of an Ishihara test image which, if viewed by an applicant with normal vision, would be read as 8, but for an applicant with partial red-green color blindness (protanopia), would be read as the number 3.

**Picture 2. Comparison of Normal Perspective with Partial Color Blindness**



Source: (Ratih, 2023)

## **2. Covert Discrimination: Analysis of No Color Blindness Requirement in Manpower Law**

The primary legal basis for equal employment opportunities in Indonesia is stipulated in Law No. 13 of 2003 on Manpower. Article 5 explicitly states, Every worker has equal opportunity without discrimination to obtain employment. Furthermore, Article 6 affirms, Every worker/laborer has the right to receive equal treatment without discrimination from the employer (Muna et al., 2025). The blanket "no color blindness" requirement often constitutes indirect discrimination. This occurs when a policy:

a. Appears neutral: This is the most fundamental characteristic. The implemented policy seems fair and applies to everyone regardless of their background, such as the requirement that all applicants must pass the Ishihara Test; b. Disproportionately harms: Although the rule seems neutral, it significantly disadvantages or excludes individuals with partial colour blindness more than the general population. The impact on the colour-blind group is substantial and disproportionate compared to its impact on the

general population; c. Cannot be objectively justified: This is a crucial criterion that distinguishes indirect discrimination from legitimate job requirements. Enforcing colour vision standards without a job-relevant analysis constitutes a barrier that limits access to justice and equal opportunity for disabled individuals (Zengeta, 2022); (Ramadhan, 2021).

The only valid defense is the Bona Fide Occupational Qualification (BFOQ) a strict standard where a trait is essential for safety and efficiency (Cavico & Mujtaba, 2016). To help you understand this idea, here's a comparison:

- Examples of Valid BFOQs (Justified Requirements): Pilot (Must be able to tell the difference between light signals on runways and cockpit panels for safety); Electrical Technician (Must be able to tell the difference between colour-coded wires for safe and functional installations).
- Here are some examples of invalid BFOQs (requirements that are unfair): Accountant/Financial Analyst (Job focusses on numbers and logic; graphs can be read through labels or colour adjustments); Programmer/IT Staff (Code is text; IDEs offer high-contrast themes and adjustments, and many successful programmers worldwide are partially colourblind).

By applying the BFOQ test, it becomes very clear that the blanket must not be colorblind policy enforced by many companies for various non-relevant positions is legally indefensible and

substantively a discriminatory instrument that violates the mandate of the Manpower Law. Specifically Article 5, which guarantees every worker equal opportunity without discrimination, and Article 6, which affirms the right of every worker to receive equal treatment from the employer.

### 3. Comparative Analysis of Disability Rights: Indonesia vs. United States

To substantiate the urgency of policy reform in Indonesia, it is pertinent to review the Americans with Disabilities Act (ADA), which establishes rigorous standards for evidence and accommodation. Sec. 12112(b)(6) forbids qualification standards or tests that screen out individuals with disabilities unless they are proven to be job-related.

Sec. 12113(c) mandates that employers shall not use tests based on uncorrected vision unless shown to be a business necessity. This shifts the burden of proof to the employer to justify why partial color blindness would prevent a candidate from performing a specific role. Following the 2008 Amendments, Sec. 12102(1)(C) protects those regarded as having an impairment. Consequently, a candidate is protected if they are rejected based on a perceived impairment such as failing an Ishihara Test for a role where color vision is not an essential function.

The following table summarizes the significant statutory differences in the protection of workers:

**Table 2. Comparative Legal Frameworks for  
Disability Protection in Employment**

Comparison Dimension	Practice in Indonesia	Practice in the United States
Medical Screening	The Ishihara Test is often an absolute prerequisite at the start of recruitment.	Sec. 12112(d)(2) prohibits medical exams until after a conditional job offer is made.
Burden of Proof	The applicant often bears the burden to prove their functional capability.	Under Sec. 12113(a), the employer must prove the test is a business necessity and that the task cannot be met via accommodation.
Reasonable Accommodation	Normatively regulated but lacks specific technical enforcement standards.	Sec. 12111(9) explicitly mandates the acquisition or modification of equipment to ensure accessibility.

**Source: Data processed by the author**

The efficacy of the Americans with Disabilities Act (ADA) framework is manifest in a plethora of judicial precedents. A salient illustration is the enforcement action in *EEOC v. Sam's East, Inc* (EEOC, 2025), which offers a substantive demonstration of how statutory safeguards concerning reasonable accommodation and the interactive process are actualized within intricate organizational constructs. In this litigation, the judicial apparatus functioned as an essential constraint against institutional inflexibility, specifically interrogating the employer's dependence on rigid attendance or duty-resumption policies that effectively obstructed the individualized evaluation mandated by the statute.

The case highlights the legal imperative that employers must not reject accommodation requests based on administrative convenience or generic business necessity claims. Rather, they must engage in good faith and over the long term to determine whether a qualified individual can perform essential job functions with appropriate modifications. By successfully securing injunctive relief and substantial monetary damages, the *Sam's East* precedent reinforces the theoretical capacity of the Americans with Disabilities Act (ADA) to penetrate corporate defences. This establishes that systemic adherence to blanket policies cannot supersede the federal mandate for equitable, case-specific adjudication of disability rights in the workplace.

The procedural rigidity demonstrated in *EEOC v. Sam's East, Inc.* can be analysed using John Rawls's theory of justice, specifically the principle of fair equality of opportunity (Said & Nurhayati, 2021). According to Rawls, individuals with comparable talents and motivations should have equal life prospects, free from the constraints of physical impairment. Within this framework, the employer's mechanical application of internal leave and attendance policies constitutes a structural injustice. If corporate policymakers were situated behind a veil of ignorance unaware of their own future physical resilience or susceptibility to disability they would rationally design a system grounded in the ADA's interactive process rather than one of summary dismissal. Such a system ensures that physiological constraints do not result in arbitrary economic exclusion.

Furthermore, Rawls' Difference Principle mandates that institutional structures benefit the least advantaged. The practice of automatic termination for accommodation requests fails this criterion; it provides no verifiable operational benefit regarding essential functions, but rather actively obstructs the economic self-sufficiency of qualified individuals as envisioned in the legislative findings of the ADA.

#### **4. Analysis of Human Rights Violations Against Individuals with Partial Color Blindness**

### **a. Failure to Provide Reasonable Accommodation as a Human Rights Violation**

Most people agree that the right to work is one of the most important human rights (Rustam & Handoko, 2022). Article 23 (1) of the Universal Declaration of Human Rights (UDHR) says, "Everyone has the right to work, to free choice of employment, and to just and favourable conditions of work." Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) strengthens this global standard by saying that everyone has the right to work, which means that everyone has the chance to make a living by doing work that they freely choose or accept. Domestically, the 1945 Indonesian Constitution, in Article 27 (2) and Article 28D (2), explicitly guarantees every citizen's right to work and equal opportunities in government and employment (Hamzah & Salsabila, 2024). Under the principles of Article 2 of Law No. 8 of 2016, the fulfillment of these rights must be implemented based on respect for human dignity, non-discrimination, equality of opportunity, and accessibility. Consequently, any recruitment barrier that ignores these principles, such as the rigid application of color vision tests for non-essential roles, constitutes a violation of the legal mandate to treat persons with sensory limitations as equal subjects before the law (Farida et al., 2025); (Arimuladi, Utama, & Asmara, 2021)

The use of the Ishihara Test as an absolute barrier for many professions is a form of artificial impediment that diminishes this fundamental human right. The consequence of this practice is not only economic loss but also the loss of opportunity for self-actualization and full participation in national development, which, in turn, creates significant psychological detriment for those affected. For example, a study by Huwaida and Rahmasari in 2023 shows that unfair barriers in hiring can make people feel less confident and need a lot of psychological support to deal with the stigma of being called defective (Huwaida & Rahmasari, 2022).

The current legal issues in employment social security are often caused by strict rules that don't fit with the idea of worker protection in a welfare state (Dananjaya et al., 2022). The protection of vulnerable workers is a critical element in the national labor social security system, ensuring that those in precarious positions are not excluded from economic opportunities due to systemic barriers (Khairani et al., 2025). In line with this, effective legal protection must address the systemic vulnerabilities faced by workers, ensuring that recruitment and employment standards do not become tools of exclusion (Shekhawat & Khare, 2025); (Natalis & Surayda, 2024) labor law must function as a protective instrument that balances industrial needs with the fundamental rights of workers, preventing arbitrary standards from hindering employment access (Uwiyono, 2021).

The Indonesian legal system also places a high value on protecting local workers, which means that any barriers to hiring must be objectively justified to avoid leaving skilled workers in the dust (Mashari et al., 2025). Building upon this, the protection of marginalized groups is a critical step in fulfilling human rights, as a comprehensive legal framework is essential to ensure that individual rights are not compromised by unregulated institutional practices (Yetniwati et al., 2024)

#### **b. Partial Color Blindness within the Spectrum of Disability according to Law No. 8 of 2016**

The passing of Law No. 8 of 2016 on Persons with Disabilities was a major change in Indonesian law. This law uses the social model to define disability, which is the same as the UN Convention on the Rights of Persons with Disabilities (UNCRPD) (Handayani, Maliga, & Sholihah, 2023). This changes the focus from individual problems to problems with the system (Riyadi et al., 2021).

Article 1 (1) of the Law on Persons with Disabilities says that a Person with Disability is "everyone who has long-term physical, intellectual, mental, and/or sensory limitations that may make it hard for them to fully and effectively participate with other citizens on an equal basis." Article 4 puts the different kinds of people with disabilities into four main groups, one of which is sensory. This definition lets us put partial colour blindness into these groups:

- **Sensory Limitation:** Partial colour blindness is a condition that is either present at birth or develops later in life because of a problem with the cone cells in the retina. This condition makes it hard to tell the difference between different shades of colour, which is a type of limitation of the sense of sight. So, from a biological point of view, partial colour blindness is clearly a type of sensory limitation.
- **Environmental Barriers:** This sensory limitation turns into a disability when it meets environmental barriers, like strict rules or systems. The best example is the requirement that people who are colourblind not be hired. This rule is strictly enforced by the Ishihara Test. This policy makes it hard for people with partial colour blindness to fully and effectively participate in the job market. Without this barrier, having partial colour blindness might not make it hard to do many jobs.

Law No. 8 of 2016 says that reasonable accommodations must be made, but Indonesia often has trouble following through on this because its policy frameworks are not complete. The Ishihara Test is a good example of this gap because it is so strict that it makes it hard for people with partial colour blindness to pass, even though this condition doesn't usually affect their job performance (Riwanto et al., 2023). Because of this, people with partial colour blindness are protected by employment law as

people with disabilities, which includes the right to reasonable accommodation.

### **c. Definition and Scope of Reasonable Accommodation**

Law No. 8 of 2016 explicitly introduces a legal obligation for employers to provide Reasonable Accommodation, as strictly mandated by Article 11 and Article 45, which require the fulfillment of employment rights through necessary modifications. Under the principles of Article 2, this obligation ensures that the recruitment process is conducted without discrimination and provides equal opportunities for persons with disabilities (Musoliyah, 2019). These adjustments must be appropriate and necessary to ensure the exercise of human rights on an equal basis. The term "reasonable" implies that such modifications should not impose an "undue hardship" or significant expense on the employer (Walandari et al., 2024).

In the Indonesian legal framework, Article 1 (2) of Government Regulation No. 39 of 2020 concerning Reasonable Accommodation for Persons with Disabilities in Judicial Proceedings delineates reasonable accommodation as suitable and necessary modifications that are requisite to facilitate the enjoyment or exercise of all human rights and fundamental freedoms for Persons with Disabilities (Government Regulation No. 39 of 2020). Although this regulation primarily targets judicial proceedings, its principles can be analogized to the workforce, where refusal is only justified by evidence of significant difficulty (Devi

& Prasetyo, 2022). However, the lack of explicit procedural standards in Indonesia hampers the integration of individuals with sensory disabilities, leaving a gap in institutional enforcement compared to frameworks like Australia's (Arpangi et al., 2025).

A prominent example of this failure is the case of Fahrifadillah Nur Rizky (Fahri), who was disqualified from police education due to partial color blindness. The incident occurred within the recruitment process of the Polda Metro Jaya in 2022, becoming a major public discussion regarding the transparency and consistency of medical screenings (Dirgantara & Asril, 2022). This case highlights how the color blindness test is used as an absolute requirement, even without dialogue about functional abilities or potentially relevant accommodations, such as whether a non-commissioned officer's duties essentially and absolutely require perfect color perception in every aspect. The automatic rejection of Fahri without interactive dialogue violates the right to fairness, which mandates assessing functional capability over blanket biological exclusion. Article 2 of Law No. 8 of 2016 says that everyone should have the same chance to get a job. Because of this, hiring should be flexible instead of strict. The institution broke the law by not doing a BFOQ analysis to show that perfect colour vision was absolutely necessary. This meant they didn't have to provide Reasonable Accommodation under Article 45 of Law No. 8 of 2016. This practice turns a sensory trait into an illegal barrier, which

goes against the principles of merit-based assessment and non-discrimination.

#### **d. Analysis of Automatic Rejection as a Legal Violation and its Impact**

The rejection process itself is at the heart of the rights violation in this case. The requirement to make reasonable accommodations means that the employer and the applicant must have a conversation about possible accommodations before a final decision is made. When a company automatically disqualifies a candidate because they failed the Ishihara Test, they are taking away the candidate's right to have their skills looked at as a whole.

Article 53 (1) and (2) of Law No. 8/2016 says that government agencies, State-Owned Enterprises (SOEs), and Regionally-Owned Enterprises (ROEs) must hire at least 2% of people with disabilities. Private companies must hire at least 1% of their total employees (Pratama MZ, & Susanto, 2023). To meet this quota, businesses must use selection methods that don't discriminate. One way to do this is to follow the principle of Reasonable Accommodation. This principle makes sure that every candidate is judged on their functional competence and not just on their sensory limitations.

The practice of automatic rejection is a dual violation of applicable law. First, this action violates the mandate of Law No. 13 of 2003 on Manpower, specifically Article 5 and Article 6, which guarantee every worker equal employment

opportunities and treatment without discrimination. Second, and more substantially, it directly violates the procedures mandated by Law No. 8 of 2016 on Persons with Disabilities, particularly Article 11, Article 45, and the general principles of non-discrimination and equality of opportunity enshrined in Article 2.

Regarding sanctions, Law No. 8 of 2016 expressly regulates criminal provisions for such violations. Article 143 specifically prohibits Every Person from obstructing and/or prohibiting Persons with Disabilities from obtaining their rights to employment, entrepreneurship, and cooperatives as referred to in Article 11 (Persons with Disabilities Law). A violation of this prohibition can be subject to criminal sanctions under Article 145, namely a maximum imprisonment of 2 (two) years and a maximum fine of Rp200,000,000.00 (two hundred million rupiah). This confirms that the practice of automatic rejection carries real legal risks and is legally indefensible.

#### **D. CONCLUSION**

The practice of requiring no color blindness in job recruitment, typically verified by the Ishihara Test, presents an ironic barrier to the constitutional right to work and a decent livelihood in Indonesia, especially for individuals with partial color blindness. This requirement is essentially a form of indirect discrimination (answering RQ1), as it significantly and disproportionately disadvantages individuals with partial colour



blindness without any valid, objective justification relating to the nature of the job. The legal analysis shows that this standard almost always fails the rigorous bona fide occupational qualification (BFOQ) test for non-colour-critical roles, thus violating the equal opportunities mandate set out in Law No. 13 of 2003 on manpower. Furthermore, automatically disqualifying individuals based solely on the Ishihara Test constitutes a serious human rights violation because it directly contravenes Law No. 8 of 2016 on Persons with Disabilities (answering RQ 2). This law classifies partial colour blindness as a sensory limitation that deserves legal protection, creating a mandatory legal obligation for employers to engage in interactive dialogue and provide reasonable adjustments before rejecting a candidate. Therefore, automatic rejection without proper BFOQ review or exploration of reasonable adjustments is procedurally illegal and necessitates a paradigm shift towards a truly inclusive, fair and dignified employment ecosystem in Indonesia.

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## DISSERTATIONS

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