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Exploring disparities in access to pawnbroking services by persons with disabilities: A development law perspective on inclusive finance

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ABSTRACT

Background: PT. Pegadaian has established a vision to strengthen its role as a Financial Inclusion Accelerator for the community. This initiative presents significant opportunities to enhance financial inclusion for persons with mental disabilities, who often face systemic stigma and are deemed legally incompetent to contract. However, financial inclusion in the pawnbroking sector is still largely limited to physical accessibility measures, such as ramps and priority service queues, without addressing the substantial need for adaptive and inclusive contract arrangements. The contributions of development law could provide a perspective for fostering a climate of financial inclusion within the Pegadaian institution. **Methods:** This study examines the disparities in pawnbroking service utilization among disabled individuals and analyzes an affirmative action contract framework to support inclusive pawnbroking. Utilizing an interdisciplinary socio-legal approach, this research evaluates the harmonization of relevant legal norms, including the Disability Law, Financial Services Authority regulations (POJK) on Pawnbroking, and POJK on Financial Inclusion. Empirical insights were gathered through in-depth interviews with three respondents with psychosocial disabilities from Kedaibilitas Surabaya. **Findings:** Although respondents are generally familiar with pawnshop services, not all have ever accessed them. Basically, respondents were able to use the service, particularly with assistance from companions. Their experiences vary, ranging from positive interactions to unfavorable treatment. It should be noted that none of the respondents have ever received affirmative action in pawnbroking agreements. **Conclusion:** Affirmative action clauses in pawn contracts serve as a legal instrument to promote inclusive pawnbroking services. **Novelty/Originality of this article:** The novelty of this study highlights that including specific affirmative action clauses such as subsidized interest rates, waived administrative fees, reduced late penalties, reduced late payment penalties, and providing access to non-litigation dispute resolution through LAPS SJK, can serve as a specific legal instrument to promote inclusive pawbroking services.

KEYWORDS: affirmative action; financial inclusion; pawnbroking; persons with disability; PT. Pegadaian.

1. Introduction

The United Nations in 2015 established a resolution known as the Sustainable Development Goals (SDGs). One of the primary objectives of the SDGs aligns with the commitment of "Leave No One Behind." This framework introduces an economic concept inclusive of persons with disabilities (Isneini & Luthfianto, 2025). In reality, according to

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data from Statistics Indonesia (*Badan Pusat Statistik*/BPS), of the 28 million persons with disabilities, only about 22% (approximately 6.1 million individuals) have accounts at financial institutions (Binekasri, 2024). Consequently, the remaining majority are categorized as 'unbanked'.

According to the 2020 National Socio-Economic Survey (*Survei Sosial Ekonomi Nasional*/Susenas) conducted by BPS, Indonesia's total population stood at 270,203,917, with 8.5% (approximately 22.9 million individuals) identifying as persons with disabilities. Notably, 52.65% of this disabled population are self-employed. These statistics indicate the substantial economic potential of persons with disabilities within the Micro, Small, and Medium Enterprise (MSME, or *Usaha Mikro, Kecil, dan Menengah*/UMKM in Indonesia) sector. However, data from the same survey reveal that only 14.2% have access to credit facilities from formal banking institutions.

Consequently, pawnbroking serves as an alternative financing mechanism that is far more inclusive for persons with disabilities. Unlike traditional banks, pawnshops do not apply rigid and complex administrative procedures, such as the 5Cs of credit analysis. The administrative process in the pawnbroking sector does not require an in-depth analysis of the legal subject; instead, it emphasizes the material aspects of the asset pledged by the debtor as collateral. Furthermore, the loan period in pawnbroking is significantly shorter than credit agreements in banking institutions (Sutrisno et al., 2023). However, this ease of access does not completely eliminate barriers for persons with disabilities, as a systemic lack of institutional knowledge and financial literacy in this matter continues to hinder their participation.

The term "persons with disabilities" (*penyandang disabilitas*) replaces the outdated term "handicapped" (*penyandang cacat*) previously used in Indonesian regulations. Law Number 8 of 2016 concerning Persons with Disabilities defines them as individuals who experience long-term or temporary physical, sensory, mental, and/or intellectual impairments which, when interacting with various barriers, may hinder their full and effective participation in society on an equal basis with others (Afkari & Maulana, 2022).

As cited by Hastina et al. (2022), Sarma (2008) interprets financial inclusion as the ease with which community groups can access and utilize formal financial systems, such as pawnbroking services. In Indonesia, Article 1, Number 2 of *Otoritas Jasa Keuangan*/OJK Regulation No. 31/POJK.05/2016 defines pawnbroking as any business that involves the provision of loans secured by movable property, custody services, appraisal services, and other related services, including those organized on Sharia principles. To promote this sector, Article 14 of OJK Regulation No. 3 of 2023 (*Peraturan Otoritas Jasa Keuangan*/POJK 3/2023) mandates Financial Services Business Actors (*Pelaku Usaha Jasa Keuangan*/PUJK), which encompasses both state-owned and private pawnshops, to implement financial inclusion activities as part of their annual programs. Article 15 further requires PUJKs to establish written guidelines to execute these initiatives. Crucially, Article 16 specifies that financial inclusion efforts must expand access, provide tailored products or services, and ensure long-term sustainability. Consequently, the access and financial products provided by pawnshops must adaptively accommodate the evolving needs of persons with disabilities.

Considering that persons with disabilities constitute a vulnerable group with limited social access, their condition directly aligns with the Social Model of Disability paradigm. This framework posits that disabled individuals are inherently equal to other members of society, yet systemic social perceptions continue to marginalize them into a segmented group. To address this disparity, Article 20 of POJK 3/2023 stipulates that Financial Services Business Actors (*Pelaku Usaha Jasa Keuangan*/PUJK) must develop and adapt new or existing products and services to suit the specific needs and capabilities of persons with disabilities.

However, thus far, the special treatment implemented by PUJKs, particularly pawnshops, under Article 54, Paragraph (3) of OJK Regulation Number 22 of 2023 concerning Consumer and Community Protection (POJK 22/2023), remains strictly limited to physical infrastructure and basic accessibility. These accommodations typically include providing Braille forms, adaptive application features, easily accessible information, wheelchair ramps, and priority service queues. Product development in the pawnbroking sector has yet to address the core legal aspects of debt agreements, such as implementing affirmative action clauses like subsidized or lower interest rates for borrowers with disabilities.

The concept of affirmative action is highly applicable within civil law frameworks. Affirmative action operates as a positive, targeted policy designed to secure equal opportunities for historically marginalized groups (Griadhi, 2020). Within economic instruments, frameworks adopting affirmative action can extend special financial treatments to individuals with disabilities, ensuring equitable access to and utilization of pawnbroking services.

Research related to pawnshops and the concept of financial inclusion has been examined in several previous studies. Putri & Halim, (2023) in their paper entitled "Legal Policies on the Rights of Persons with Disabilities in Financial Services in Indonesia" examined the issue of fulfilling the rights of persons with disabilities in obtaining access to financial services, particularly in the banking sector in Indonesia. However, the substance of this study focuses on financial inclusion in banking institutions. Furthermore, another study conducted by Leste et al. (2025) with the title *"Peran Pegadaian Syariah Dalam Inklusi Keuangan Masyarakat Indonesia: Studi Literatur Tentang Aksesibilitas Layanan Pembiayaan Berbasis Gadai".* This study examines the concept of inclusion in sharia-based pawn financing for the MSME sector. The results show that pawnbroking practices based on sharia principles contribute to encouraging productive economic growth, particularly through *rahn* contracts. However, there are still a number of issues, particularly the lack of digital literacy and dissemination of information about sharia to the public.

The two previous studies focused on examining the provision of financial services that apply the principles of inclusion and equality, but did not specifically provide mechanisms for implementation for persons with disabilities. While the concept of affirmative action could theoretically enhance financial inclusion for persons with disabilities, its application within the pawnbroking context remains unexplored. The concept of affirmative action for persons with disabilities has been examined by Effendi (2025) in a paper entitled *"Affirmative Action bagi Penyandang Disabilitas dalam Pencalonan Anggota Legislatif (Studi terhadap Undang-Undang Nomor 7 Tahun 2017 tentang Pemilu)"* examining the urgency of implementing affirmative action for persons with disabilities in Law No. 7 of 2017. The results of the study show that implementing affirmative action is a strategic step to promote equal participation of persons with disabilities in politics, particularly in legislative elections.

This study fills gaps and addresses issues not covered in previous studies, namely the application of inclusive finance in pawnbroking for persons with disabilities, using the concept of affirmative action in the implementation of debt agreements. There are disparities and barriers experienced by persons with disabilities in accessing pawnbroking services. It is necessary to explore the regulatory framework and inclusive financial policies for persons with disabilities in the practice of pawnbroking services from a development law perspective. This research is important in order to understand the urgency of applying the concept of affirmative action for persons with disabilities in accessing pawnbroking services.

This research covers the gap and problems that have not been addressed in the previous research regarding the implementation of financial inclusion in the pawnbroking business for persons with disabilities using the concept of affirmative action in debt agreements. Persons with disabilities face distinct disparities and hindrances when accessing Pegadaian services, especially for individuals with intellectual disabilities. They are frequently perceived as legal subjects who lack contractual capacity under Article 433 of the Indonesian Civil Code. Therefore, it is necessary to explore the regulatory framework and inclusive financial policies for persons with disabilities in pawnshop services from a development law perspective. This research is important in order to understand the urgency of implementing the concept of affirmative action for persons with disabilities in accessing pawnshop services.

2. Methods

2.1 Research design and research approach

This study employs a socio-legal research method. This approach examines the implementation of financial inclusion for persons with disabilities in Indonesia's pawn service sector. Socio-legal research integrates legal analysis with empirical social inquiry, enabling researchers to examine how legal norms operate in practice and interact with social realities (Hakim, 2016; Irianto et al., 2012). To ensure a comprehensive and systematic legal analysis, this study employs two complementary research approaches: the statute approach and the conceptual approach. The statute approach is used to examine the legal framework governing pawnbroking activities, financial inclusion, and the protection of persons with disabilities by analyzing relevant laws and regulations. Meanwhile, the conceptual approach is employed to examine legal doctrines, principles, and scholarly perspectives that provide the theoretical foundation for interpreting and evaluating the applicable legal framework (Marzuki, 2022). The integration of these two approaches enables the study to assess both the normative dimensions of the law and its relevance to the issues of financial inclusion for persons with disabilities.

2.2 Data sources and data analysis

This study utilizes both primary and secondary data to analyze pawnbroking practices and inclusive finance for persons with disabilities. Primary data were obtained through field research, including in-depth interviews, surveys, and questionnaires administered to key informants and research participants. The research was conducted in Surabaya, selected based on the 2024 Profile of Population Administration Development in Surabaya City, which reports approximately 6,231 persons with disabilities, of whom 67.32% are categorized as having mental disabilities. The objects examined include laws, regulations, and practices related to pawnbroking and financial access for persons with disabilities, while the research subjects consist of financial service providers, particularly PT. Pegadaian (Persero), as well as persons with mental disabilities affiliated with Kedaibilitas Surabaya. Respondents were selected using purposive sampling, with specific criteria requiring them to be persons with mental disabilities, including behavioral and emotional disorders, of productive age (18–59 years), and legally competent to enter into agreements. From a total of 15 members of Kedaibilitas, three individuals were chosen as respondents because they had been empowered with entrepreneurial skills by the community, required access to funding for their small businesses, and had previously used Pegadaian's services. The selected sample serves as illustrative supporting data, rather than as a basis for drawing general conclusions regarding pawnbroking practices as a whole.

Meanwhile, secondary data were obtained from primary and secondary legal materials. The primary legal materials consisted of the Indonesian Civil Code, Law on Persons with Disabilities (Disability Law), Law on the Development and Strengthening of the Financial Sector (P2SK Law), Financial Services Authority (OJK) Regulation No. 39 of 2024, OJK Regulation No. 22 of 2023, OJK Regulation No. 3 of 2023, Presidential Regulation No. 82 of 2016 concerning the National Strategy for Financial Inclusion (SNKI), as amended by Presidential Regulation No. 114 of 2020. Secondary legal materials comprised scholarly literature, journal articles, books, and other academic publications relevant to pawnbroking, financial inclusion, and persons with disabilities.

The data were analyzed using a qualitative descriptive analysis. This method was employed to examine, describe, and synthesize the data obtained from the literature review and interviews in order to address the research questions. The analysis followed an interactive process consisting of data reduction, data presentation, and conclusion drawing.

Data reduction involved selecting and organizing information relevant to the research objectives, while data presentation facilitated the systematic interpretation of the findings. Finally, conclusions were drawn by integrating the empirical findings with the applicable legal framework and relevant legal theories to evaluate the implementation of financial inclusion for persons with disabilities in pawn services (Wirartha, 2006).

3. Results and Discussion

3.1 PT. Pegadaian services for persons with mental disabilities: Disparities and accessibility

The definition of pawn, as stated in Article 1150 of the Civil Code, is a right obtained by a person to claim a debt on a movable item, which is handed over to him by a debtor or another person on his behalf and which gives the creditor the power to take repayment from the item in priority over other creditors, with the exception of the costs of auctioning the goods and the costs incurred to save all the goods that were pawned, which costs must be given priority (Subekti, 1980). Based on this normative definition, the institution of pledge operates as a proprietary right that provides collateral for debt repayment to creditors. According to Patrik & Kasadi (2018), there are four main elements of pawn. First, it constitutes a proprietary right serving as collateral (a security right). Second, it confers a preferential right, which prioritizes debt repayment to the pledgee over other creditors. Third, the object of the pledge must be movable property. Fourth, this object must be placed in the possession of the creditor (*inbezitstelling*).

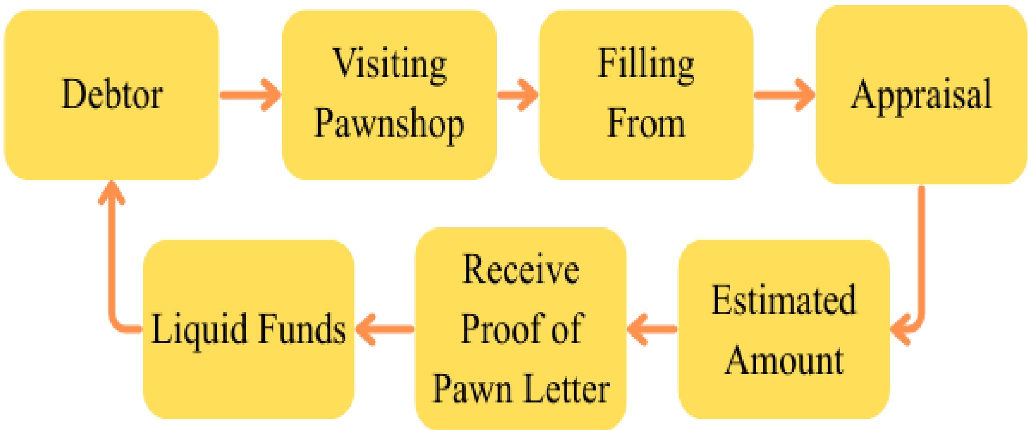

Fig. 1. Loan mechanism procedure at Pegadaian
(Pegadaian, 2025)

Figure 1 illustrates the standard pawn loan mechanism implemented by PT. Pegadaian for the general public. Prospective debtors must meet certain requirements to access the institution. First, prospective debtors must have an identity card in the form of a Resident Identity Card (KTP) for Indonesian citizens (WNI), while foreign nationals must bring their passport for identification purposes. Second, prospective borrowers must bring collateral items, which include gold bars, gold jewelry, smartphones, laptops, motor vehicles, Gold Savings balances, and securities such as stocks and bonds. It is necessary to ensure that the items are in good condition and have complete documentation such as receipts, boxes, or vehicle registration certificates (STNK/BPKB). After meeting these requirements, prospective debtors can access PT. Pegadaian in accordance with the PT. Pegadaian loan mechanism flow in Figure 1. This general flow applies to all members of society, including people with disabilities (Pegadaian, 2025).

Pawnbroking is essentially an accessory agreement that can be attached to a principal agreement, which is generally a credit agreement at a pawn-based financing institution. In Indonesia, pawn-based financing institutions can include individuals, private pawnshops,

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or the most popular one, PT. Pegadaian. The service sector of PT. Pegadaian includes pawn loans, non-pawn loans, corporate loans, and other services (Pegadaian, 2025). The table below details these diverse products and services across their respective operational categories.

Table 1. PT. Pegadaian service

Five lines of business	Sales and application
Pawn	Productive/Consumptive
Fiduciary micro credit	Productive/Consumptive
Sharia	Productive/Consumptive
Gold financing	Investment
Other service business	Remittance, payment, asset optimization

(Pegadaian, 2025)

PT. Pegadaian (Persero), as a state-owned financial institution, has a highly diverse and comprehensive service portfolio structured across five main business clusters, designed to meet the needs of various community segments, ranging from small-scale consumptive financing to productive funding for micro, small, and medium enterprises. The first cluster is the conventional pawn business, which serves as the company's most general and foundational service, encompassing several flagship products. First, Pegadaian KCA (Fast Secure Credit) is a loan based on pawn law with easy, fast, and safe service procedures, where collateral items accepted include gold/gem jewelry, precious metals, motorized vehicles, electronic goods, fabrics, watches, bags, and household appliances, with various product features such as KCA Reguler, KCA Flexi (including Electronic Pawn and Luxury Pawn), Business KCA, and KCA Prima. Second, Pegadaian KRASIDA (Pawn System Installment Credit) provides loans based on pawn law with a monthly installment payment system, making it easier for customers who need flexibility in repaying their loans. Third, Pegadaian Securities Pawn is a conventional loan based on pawn law where the collateral object consists of securities in the form of shares and/or bonds that must be deposited by the customer or their attorney with Pegadaian. Fourth, Pegadaian Pawn Custody of Physical Gold provides loans for gold deposited in the Physical Gold Custody service, with loan tenors of 6 and 12 months, an administration fee of 0.042%, and a capital lease rate of 0.05% per day or 1.5% per month. The second cluster is the Fiduciary Micro Credit Business, which is a loan service for Micro, Small, and Medium Enterprises (MSMEs) using a fiduciary system as collateral, and includes several products such as Pegadaian KREASI (Fiduciary System Installment Credit), which is intended for both productive (business development) and consumptive purposes, with product variants including Kreasi Reguler, Kreasi UltraMikro, and Kreasi Multiguna; Pegadaian KRESNA (Multi-Purpose Credit), which provides loans specifically to the company's internal employees to fulfill investment and multi-purpose needs with monthly installment repayments over a period of 1 year up to a maximum of 15 years; and Digital Lending, which, in order to realize Pegadaian's vision of transformation through the strategic initiative "GRAB NEW," provides lending through digital platforms that offer convenience and speed for customers through digital transactions without having to visit physical outlets. The third cluster is the Sharia Business, where Pegadaian Syariah operates based on Islamic principles that are free from interest (riba), featuring several flagship products such as Pegadaian Rahn, which is a pawn system based on Sharia principles provided to all types of customers for both consumptive and productive needs, offering a sharia-compliant, easy, fast, and safe solution; Pegadaian Rahn Tasjily Tanah, which is specifically intended for people with fixed or regular income, micro entrepreneurs, small entrepreneurs, and farmers, with land certificates as collateral; Pegadaian Arrum (Ar Rahn for Micro/Small Business), which is sharia financing for micro, small, and medium entrepreneurs using a monthly installment scheme guaranteed by vehicle certificates (BPKB) or gold, and can be paid off at any time; and Pegadaian Amanah, which is financing intended for the purchase or ownership of new or used motor vehicles in accordance with

Sharia principles for employees, MSME entrepreneurs, and professionals such as doctors, midwives, and notaries, with installment periods of 12, 18, 24, and 36 months for motorcycles, and 12, 18, 24, 36, 48, and 60 months for cars, with a flat mu'nah rate of 0.9% per month based on the vehicle price.

The fourth cluster is the Distribution of Loans for Gold Bullion Ownership (Gold Installment), which is a suite of gold-based financial services that includes the disbursement of loan funds from pawn transactions with gold collateral arising from buy-sell transactions between customers and gold provider partnership partners, intended for both Personal Customers and Group Customers, offering a safe alternative investment option to help realize future needs with an easy process and flexible time periods, with various gold bar brands offered including Galeri 24, ANTAM, UBS, and Lotus Archi, weight options ranging from 0.5 grams up to 1,000 grams, and tenor choices of 3, 6, 12, 18, 24, 36, 48, and 60 months. The fifth cluster is the Other Services Business, which is highly diverse and includes Pegadaian Properti, which optimizes the company's strategic assets through building rentals for various purposes such as weddings, reunions, meetings, seminars, and more, as well as shop-house leasing and the provision of land for community-based economic activities such as Pegadaian Clean Market; Pegadaian Online Payment Services (Multi Payment Online); Pegadaian Remittance (Money Transfer Services), which provides domestic and international money transfer services in collaboration with partner companies, accessible through an integrated online system across all outlets; Pegadaian Appraisal Services, which provides services for individuals seeking to assess the carat and quality of gold, diamond, and gemstone jewelry for investment or business purposes at a relatively affordable fee; Pegadaian Deposit Services, which offers secure and reliable safekeeping services for valuables and important documents with guaranteed protection and competitive rates; Pegadaian G-Lab, which provides gemstone examination services covering species and variety identification, treatment analysis, and inclusion mapping, with each gemstone provided with a memo and certificate as its identity at an affordable fee; Pegadaian Gold Savings, which provides secure safekeeping services for gold jewelry and precious metals while also offering the added benefit of a credit facility, giving customers flexible access to funds while their assets remain safely stored; and Pegadaian Bullion Services, which is a gold bullion product service from Pegadaian consisting of Gold Trading, Gold Working Capital Loans, Gold Deposits, and Corporate Gold Custody Services. Overall, this extensive and deeply comprehensive service ecosystem reflects Pegadaian's commitment to supporting national financial inclusion, reaching all levels of society, including persons with disabilities and MSME actors, while also demonstrating the company's adaptive transformation toward digital and sharia-based services without abandoning its conventional pawnbroking roots.

PT. Pegadaian is a financing service institution that is classified as a non-bank financial service institution and specifically classified as a financial service business under the Financial Sector Development and Strengthening Law (P2SK Law). In Article 106, Paragraph (1) e of the P2SK Law, financial service businesses also include lending activities secured by movable collateral carried out by pawnshops. This means that in carrying out its business activities, PT. Pegadaian has the legal standing to be bound by and comply with the regulations in the P2SK Law and its subordinate regulations. One of these regulations is OJK Regulation Number 39 of 2024 concerning Pawnshops, which normatively regulates the rights and obligations of pawnshop services in Indonesia and applies to both private pawnshops and PT. Pegadaian.

Becoming an “accelerator of financial inclusion” is the grand vision that Pegadaian has embraced following its rebranding in 2024-2025. Through this vision, Pegadaian strives to reconstruct its business model, from merely a pawnshop to a solution-oriented, multi-segment, integrated gold trading center. Financial inclusion has become Pegadaian's new focus in order to provide easy access for MSMEs and the bottom of the pyramid (BOP) to formal financial services. This vision is in line with various macroeconomic policies that encourage financial inclusivity in the financial services sector. It is hoped that these policies will provide a solution to the problem of lack of access to financial services, both financing and non-financing, for marginalized and vulnerable groups, including people with disabilities.

Financial inclusion gained prominence following the 2008 global financial crisis as a progressive step towards protecting the rights of low-income groups, the unbanked, and marginalized groups such as people with disabilities and illegal workers to obtain equitable access to financial services (Azwar, 2017). According to the National Socioeconomic Survey by BPS, in 2023 only 47% of Indonesians had a bank account. In the same survey, only 20.1% only 20.1% of the total population secured access to credit facilities. In line with this data, according to the World Bank (2015), among adults in the lowest 40% income group, only 22.2% had a bank account, while the rest were still not reached by formal financial services. These facts underscore the urgency that financial inclusion is a necessity that needs to be pursued by various parties.

Cheiston et al. (2016) cite The Center for Financial Inclusion, which defines financial inclusion using the following indicators: 1) Access to financial services such as credit, (2) Access to savings, (3) Access to insurance, (4) Access to payments. There are various barriers that cause people to become unbanked, both from the perspective of service providers and service recipients, including price barriers (expensive), information barriers (lack of knowledge), product design barriers (suitable products), and channel barriers (appropriate means) (Purba, 2016). Financial inclusion is a comprehensive activity that aims to eliminate all forms of barriers to public access to financial services, supported by adequate infrastructure (Suyono, 2012). In Indonesia, the government has been drafting a National Strategy for Financial Inclusion (SNKI) since 2012. To implement the SNKI and strengthen financial inclusion institutions, the government issued Presidential Regulation No. 82 of 2016 concerning the SNKI, which was subsequently amended by Presidential Regulation No. 114 of 2020.

The essence of financial inclusion is to remove barriers to accessing financial services. One of the main targets of financial inclusion is people with disabilities. This is because, according to the World Health Organization in The International Classification of Functioning, Disability and Health, disability includes impairment, activity limitations, and participation restrictions. The first denotes abnormalities in bodily functions or structures, the second involves difficulties in performing daily tasks or actions, and the third represents problems experienced by persons with disabilities in participating in society or in their daily lives. These three aspects are real barriers that must be eliminated, or at least minimized, in financial services in Indonesia.

Various data show that persons with disabilities face concrete problems in accessing financial services. Data from the National Socioeconomic Survey conducted by Statistics Indonesia in March 2023, as cited in the Setara Guidelines, indicate that in 2023, only 24.3% of people with disabilities aged 15 years and above had a bank account, compared to 47.0% of people without disabilities in the same age group (Financial Services Authority, 2025). Furthermore, a similar disparity is evident in digital financial literacy, with only 1.1% of disabled individuals using digital finance compared to 8.1% of the non-disabled population. Only 14.2% of households with persons with disabilities have access to credit, which is lower than the 20.1% of non-disabled households. This data is a social fact that highlights the urgent need to protect the rights of persons with disabilities in financial services in Indonesia, one of which is by creating adequate accessibility for them.

Article 1 Number 1 of the Disability Law defines persons with disabilities as anyone who experiences long-term physical, intellectual, mental, and/or sensory limitations which, when interacting with their environment, may experience barriers and difficulties in participating fully and effectively with other citizens based on equal rights. Under the Disability Law, persons with disabilities are classified into physical, intellectual, mental, and sensory categories (Janisriwati et al., 2025). The 2022 National Socioeconomic Survey (Susenas) by BPS estimates that there are 22.5 million people with various classifications of disabilities, which is equivalent to 8% of Indonesia's total population.

A clear definition for persons with mental disabilities could be found in Article 4 Paragraph (1) alphabet c on the explanatory section of Disability Law, which stipulates: The term "Person with mental Disabilities" means disturbance to thinking function, emotions and behaviors, namely: a. psychosocial such as schizophrenia, bipolar, depression, anxiety, and personality disorder; and b. growth disability which affects ability to interact socially such as autism and hyperactivity." Furthermore The Social Security definition of a disabled person is a person who is not "able to engage in any substantial gainful activity because of a medically-determinable physical or mental impairment(s): that is expected to result in death, or that has lasted or is expected to last for a continuous period of at least 12 months" (Wylonis et al., 2017). Meanwhile, the severity of an individual's mental disability can be categorized into mild, moderate, and severe spectrums (Sserunkuma et al., 2024).

Typologically, mental disabilities are divided into two main categories, namely psychosocial disabilities and developmental disabilities. Psychosocial disabilities are related to mental health disorders that affect thoughts, emotions, and behavior, such as schizophrenia, bipolar disorder, depression, anxiety disorders, and personality disorders, which can hinder social functioning and daily activities but can generally be managed with appropriate treatment and support. Meanwhile, developmental disabilities emerge during childhood and impact an individual's communication, social interaction, and behavior throughout their life, with autism and Attention Deficit Hyperactivity Disorder (ADHD) being prime examples (Luthfia, 2024). This description shows that mental disabilities have a diverse spectrum and characteristics, requiring treatment approaches and policies tailored to the needs of each individual. Therefore, to determine whether someone truly has a mental disorder, a formal evaluation through an official medical certification is strictly required. The Disability Law does not specifically mention the rights of persons with disabilities in financial services. Guaranteed economic rights include the right to employment, entrepreneurship, and cooperatives as stipulated in Article 11 of the Disability Law. In the sector of financial service utilization, Article 9, Letter e of the Disability Law stipulates: "The rights of persons with disabilities include access to banking and non-banking services." Non-banking institutions referred to include pawnshops. Non-bank financial service institutions such as PT. Pegadaian can be a means of financing for the development of businesses owned by persons with disabilities. Therefore, pawnshop services must be included in the framework of inclusiveness.

The existence of adequate facilities and infrastructure for persons with disabilities is a reflection of inclusive pawnbroking efforts. This is in line with the provisions of Article 18, Letter a, which stipulates that persons with disabilities have the right to accessibility in the use of public facilities. Public spaces and facilities, as elements of the public domain, stem from collective ownership and must remain equitably accessible to all societal segments in a fair and equal manner. Pawnshop services as public facilities are therefore also required to provide physical and non-physical accessibility that can minimize various obstacles to financing facilities for the community in their business operations. Another issue is that disability is often viewed merely as a social issue, resulting in policies that focus on social rehabilitation and social assistance. However, providing accessibility, both physical and non-physical, is important in order to fulfill access to financial services (Janisriwati et al., 2025). Financial service providers also often view persons with disabilities as unprofitable business liabilities, a misconception that financial institutions must gradually dismantle. The Financial Services Authority actively encourages financial service providers to create inclusive financial services for persons with disabilities. The approach taken includes a sociological-affirmative approach in the form of education and campaigns, as well as a normative-juridical approach through various OJK regulations issued to protect the rights of persons with disabilities

Two important legal instruments that contain norms for the protection of disability rights are OJK Regulation Number 22/2023 concerning Consumer and Community Protection in the Financial Services Sector (POJK 22/2023) and OJK Regulation Number 3 of 2023 concerning the Improvement of Financial Literacy and Inclusion in the Financial Services Sector for Consumers and the Community (POJK 3/2023). Under these two legal bases, there are at least four important norms that underpin the protection of disability rights in the financial services business, particularly in pawnshops. *First*, financial service providers are required to develop and implement written consumer protection policies and procedures that include special services for persons with disabilities. This is stipulated in Article 8, Paragraph (3), Letter b of POJK 22/2023, which stipulates that PUJKs are required to develop written policies and procedures that include special services for consumers with disabilities and the elderly. The urgency of these written policies and procedures is not merely a legal formality, but also provides a basis for legal certainty in guaranteeing the protection of disability rights, which must be complied with by every financial services business operator. Through these policies and procedures, the willingness (commitment) and capabilities of financial services business operators are represented and actualized in various concrete action programs.

Second, financial service providers have a legal responsibility to support the provision of special services to consumers with disabilities and the elderly, as explicitly stipulated under Article 54, Paragraph (3) of POJK 22/2023, which mandates that Financial Service Business Actors (PUJK) bear the responsibility to facilitate the availability of special services tailored to the needs of these vulnerable groups. Furthermore, the Elucidation of Article 54, Paragraph (3) of POJK 22/2023 provides a detailed elaboration on the concrete realization of such special services, outlining various forms of accessibility accommodations that financial institutions are expected to implement, including the provision of forms that utilize Braille for visually impaired consumers; the development of application features that are designed with due consideration for persons with disabilities, ensuring digital accessibility; the installation of physical ramps at service locations to facilitate wheelchair access; the establishment of priority queues specifically designated for persons with disabilities and the elderly to reduce waiting times; the deployment of trained staff who are equipped with the skills and knowledge to serve persons with disabilities and the elderly effectively; the provision of automated teller machines (ATMs) that are specifically designed to accommodate persons with disabilities; and the availability of information media that takes into account the needs of consumers with disabilities, thereby making it easier for persons with disabilities and the elderly to obtain financial products and/or services. Collectively, these measures reflect the regulatory commitment to ensuring that financial services are inclusive, accessible, and non-discriminatory, aligning with the broader principles of consumer protection and social equity.

Third, financial service providers (PUJK) are required to provide adequate accessibility of information for persons with disabilities. This is stipulated in Article 29(1) of POJK 22/2023, which comprehensively regulates the obligation of FSPs to provide information on products and/or services that are easily accessible to consumers. Paragraph (3) also stipulates the obligation of FSPs to use letters, writing, symbols, diagrams, and signs that can be clearly read in the product and service documents provided by FSPs. Upon closer examination, this general provision can accommodate the needs of persons with disabilities in accessing pawnshop services. For example, the availability of product information in Braille can make it easier for persons with disabilities (such as the visually impaired) to access and understand product information clearly and accurately. This reflects inclusive pawnbroking practices. Fourth, Article 12, Paragraph (1) of POJK 3/2023 concerning Financial Literacy and Inclusion in the Financial Sector for Consumers and the Community stipulates that financial service providers are required to carry out activities to improve financial inclusion for consumers and/or the community as an annual program. Article 1, Point 7 of POJK 3/2023 defines financial inclusion as the availability of access to and utilization of affordable, high-quality, and sustainable PUJK products and/or services in accordance with the needs and capabilities of the community to improve the financial welfare of the community. Article 16, Paragraph (1), Letter a stipulates that the improvement of financial inclusion shall be carried out annually, including the expansion of access to institutions, products, and/or services to target consumers. In addition, Article 19, Paragraph (2), Letter d stipulates: "The provision of infrastructure as referred to in paragraph (1) can be in the form of providing special facilities to consumers and/or people with disabilities and/or the elderly." Considering these provisions, it can be said that inclusive pawnshops should expand their services and target markets to include persons with disabilities by also providing special facilities for persons with disabilities to access these products and services.

As a form of actualization of the various regulations on disability rights protection above, on December 6, 2024, the OJK launched the Guidelines on Financial Service Accessibility for Persons with Disabilities, commercially branded as the SETARA Guidelines (*Panduan Setara*) as an effort to continue to encourage increased financial inclusion for consumers with disabilities. The launch of Setara is an improvement on the Technical Operational Guidelines (PTO) published by the OJK in 2018 (Otoritas Jasa Keuangan, 2025). The Setara document contains technical guidelines on the implementation of financial inclusion for financial service providers. The guidelines provide comprehensive and practical steps for every financial service provider to create adequate accessibility, which generally includes physical infrastructure accessibility such as disability-friendly building design, digital infrastructure accessibility such as the use of Web Content Accessibility Guidelines, service sensitivity such as the provision of special customer service for persons with disabilities, document accessibility such as easy-to-understand universal formats, handling of consumer complaints, and guidelines for assistants (Otoritas Jasa Keuangan, 2025).

PT. Pegadaian, as a financial service provider according to Article 1, point 2 of POJK 3/2023, has a number of legal responsibilities and obligations to protect the rights of persons with disabilities in its products and services. All norms regulated in the Disability Law, POJK 22/2023, POJK 3/2023, and the Equality Guidelines are important principles that form the legal and technical basis for the needs of persons with disabilities regarding access to and inclusive financial services in the pawnshop business sector, which must be implemented by PT. Pegadaian. This is also in line with the main obligations of pawnshops as stipulated in OJK Regulation Number 39 of 2024 concerning the Implementation of Pawnshop Businesses (POJK 39/2024), in which pawnshops are required to apply the principle of fair treatment for all customers (Article 36), the obligation to provide access to easily understandable information (Articles 37-38), and the prohibition of practices that harm customers (Article 42). Although POJK 39/2024 does not explicitly provide legal protection for persons with disabilities, it can be interpreted teleologically and systematically to encompass the core principles of disability protection established under the aforementioned statutory frameworks. From a systematic legal perspective, the normative regulations and technical policy frameworks mentioned above remain focused on persons with disabilities, but do not specifically address the substance of contracts specifically formed between PT. Pegadaian and consumers with disabilities. The principle of freedom of contract forms the basis for the parties to a pawnbroking agreement to determine substantive policies related to the content of the agreement formed by the parties (Hernoko, 2010), in this case between the pawn company and persons with disabilities, as long as the agreement between the parties does not conflict with the principles of propriety, morality, and legislation.

The practices of PT. Pegadaian can be empirically observed through research conducted at Kedaibilitas, which identified several barriers to the utilization of PT. Pegadaian's services among the respondents. Kedaibilitas is a foundation established by Andi Fuad Rachmadi in 2016 and became active in 2019. Kedaibilitas has become a forum for all persons with disabilities in Surabaya, including those with physical, sensory, mental, and intellectual disabilities. As an inclusive forum, Kedaibilitas has become an entrepreneurship laboratory for persons with disabilities through empowerment activities at Jl. Sampoerna No.17, Krembangan Utara, Kec. Pabean Cantikan, Surabaya, East Java. People with disabilities are also professionally trained to become workers in the formal sector. This initiative was driven by the experience of Kedaibilitas' founder when he was a teacher at an inclusive school in 2010, where he observed disabled students being treated as mere mechanized graduates who were conditioned to perform tasks but lacked essential socialization skills (AFR, interview, January 8, 2026).

Kedaibilitas slogan, which states, “Everything we do is to make people with disabilities fully independent and not labeled as objects of charity. Even though we face profound limitations, we must strive to become self-reliant and societal contributors." This implies that with proper empowerment, disabled individuals can cultivate robust resilience to engage in professional environments to work and socialize like non-disabled people, thereby dispelling the pity that has been attached to them for so long.

Table 2. Profile of respondents with disabilities in kedaibilitas

Name and sex	Classification of disabilities	Types of disabilities	Degree of disabilities (mild, moderate, severe)	Information
E, Male	Mental disability	Bipolar	Mild	Eri demonstrates full functional autonomy in his daily activities without the necessity of assistive technology. His stability is contingent upon medication adherence and the absence of psychosomatic triggers or trauma-related stressors.
E, Male	Mental disability	Post-traumatic stress disorder (PTSD)	Moderate	Eza lost his father at the 4th elementary school and experienced bullying in his childhood. Upon his rehabilitation in Kedaibilitas, he maintains complete autonomy in his daily routines, requiring no external support devices.
A, Female	Physical and mental disability	Clinical depression	Moderate	Aisyah maintains complete autonomy in her daily routines, requiring no external support devices. While she has a history of severe psychosocial disability (depression), she is currently experiencing a period of symptomatic stability.

Source: author's interview data, (2026); Sserunkuma et al., (2024)

The main obstacle for persons with mental disabilities in entering into agreements in Indonesia stems from social stigma and the outdated statutory framework of the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata*), which categorically presumes them to be legally incompetent. This restrictive doctrine stands in direct antithesis to the progressive spirit of the Disability Law, which upholds the principle of equal legal capacity for persons with disabilities, including those with mental disabilities. The principle of equality for persons with mental disabilities to access pawnshop services is in line with the concept of financial inclusion. Financial inclusion is a condition in which every member of society has easy, affordable, and quality access to financial products and services, specifically exemplified by pawnbroking services.

As illustrated in (Table 3), the majority of individuals with disabilities do not understand financial inclusion, but they know about Pegadaian because they have accessed it directly. Several respondents, namely E and A, noted that they became aware of Pegadaian through social media platforms such as TikTok (E & A, interview January 8, 2026). Respondents generally did not experience any barriers in accessing services at Pegadaian, but one respondent, E, had an unpleasant experience with Pegadaian's services in 2017. "The staff was not very friendly or informative" (E interview, January 8, 2026).

Table 3. Understanding of respondents with disabilities regarding financial inclusion in pawnbroking businesses

Name	Understand financial inclusion	Knows pegadaian company	Using pawnbroking	Pawnbroking products used	Barriers
E	No	Yes	Yes	Pegadaian Gold Savings	The services was unfriendly and uninformative
E	No	Yes	Yes	Loan/ pegadaian KREASI (kredit angsuran sistem fidusia)	-
A	No	Yes	No	-	-

Authors' interview data (2026)

In general, the participating individuals with disabilities perceived Pegadaian's physical infrastructure and operational amenities as highly satisfactory and largely free of structural obstacles. Researchers conducted direct observations at several Pegadaian branches in Surabaya and found specialized facilities such as structural ramps and prioritized queues for disabled patrons, but also an uneven distribution of these accessibility features across branches.

Fig. 2. Availability of an accessible wheelchair ramp at the Jemursari Pegadaian Branch, Surabaya

Another common issue is the legal incompetence attached to persons with mental disabilities. Article 1330 of the Civil Code interprets that legal subjects who are competent to perform legal acts or make agreements are adults and people who are not placed under guardianship (*curatele*), or people under guardianship who are mentally ill, alcoholics, or spendthrifts. Article 433 of the Civil Code also states: "Every adult who is in a continuous state of imbecility, insanity, or mental infirmity must be placed under judicial guardianship, even if he or she is sometimes capable of using his or her mind." This kind of legal competence can discriminate against persons with mental disabilities. Consequently, this anachronistic framework systematically strips persons with mental disabilities of their autonomous legal capacity by automatically subsuming them under default guardianship mechanisms, thereby preventing them from directly engaging in financial transactions.

Regarding the curatorship provisions in Article 433 of the Civil Code, a judicial review has been filed with the Constitutional Court, as it is considered stigmatizing and discriminatory towards people with psychosocial disabilities. In certain circumstances, individuals with mental disabilities diagnosed with Manic Schizoaffective Disorder and Bipolar Affective Disorder can be treated and managed, thereby enabling them to engage in activities like anyone else. This means that individuals with mental disabilities diagnosed with Manic Schizoaffective Disorder and Bipolar Affective Disorder are in an episodic state and should not be assumed to be permanently impaired. Through Constitutional Court Decision No. 93/PUU-XX/2022, Article 433 was systematically reinterpreted to state that: “Every adult experiencing mental or intellectual impairments may be placed under guardianship, even if they are occasionally capable of using their mind.” (Janisriwati et al., 2025) Due to legal barriers and stigma, people with mental disabilities often have to rely on guardians or custodians to perform legal actions, which reduces their autonomy and independence. "According to the founder of Kedaibilitas, individuals with mental disabilities frequently require third-party accompaniment when accessing Pegadaian services, particularly to facilitate clear communication and explain their financial objectives (AFR, interview, January 8, 2026).”

3.2 Realization of inclusive pawnbroking for persons with disabilities: Development law theory paradigm

According to Asshidiqie, as quoted by Sayid & Aries (2015), the Hierarchy Theory refers to the legal system initiated by Kelsen, which states that the legal system is a ladder system with hierarchical rules. The relationship between norms that determine other norms can be referred to as a superordinate and subordinate relationship in a spatial context. The Hierarchy Theory of legislation cannot be separated from the harmonization between norms, where according to Marzuki as quoted by Surya (2023), the harmonization of legislation is based on the principle of *lex superiori derogate legi inferior*, which explains that when there is a conflict between laws, where a lower law is hierarchically subordinate to a higher law, the higher law must take precedence and the lower law must be disqualified or nullified by law.

In the context of persons with disabilities and pawnshops, there are various relevant statutory frameworks that govern both sectors, encompassing the Disability Law, the P2SK Law, POJK 22/2023, POJK 3/2023, and POJK 39/2023, all of which collectively form the legal basis for ensuring inclusive financial services. However, harmonization alone would not suffice if it merely acts as an empty set of hierarchical norms, for as Mochtar Kusumaatmadja defines law not merely as rules and principles, but rather as encompassing institutions and processes that bring those legal rules to fruition, viewing law as a means of developing human life rather than merely a tool (Mulyadi, 2018). In terms of inclusive pawnbroking services for persons with disabilities, POJK 22/2023 has provided various special services, but not all of them have been implemented optimally, because in practice, the law as a value system can only function effectively if there is adequate guidance and supervision from law enforcement officials.

The following table shows the harmonization of inclusivity regulations between related norms, where the Disability Law affirms the rights of persons with disabilities to access non-banking services (Article 9, Letter e); the P2SK Law obligates PUSK to design products and services according to target consumers, though not specifically for persons with disabilities (Article 236, Paragraph 3, Letter b); POJK 22/2023 elaborates on special services for consumers with disabilities (Article 8, Paragraph 3, Letter b); POJK 3/2023 provides detailed special facilities such as Braille, ramps, and trained staff (Article 19, Paragraph 2, Letter d); and POJK 39/2023 mandates consumer protection principles for pawnshops, yet does not specifically address access for persons with disabilities (Article 211, Paragraphs 1 and 2).

Table 4. Harmonization of norms on the rights of persons with disabilities related to inclusive pawnbroking services

Laws and Regulations	Scope	Descriptions
Disability Law	Article 9, Letter (e): The rights of persons with disabilities include access to non-banking services	Explaining specifically the rights of persons with disabilities to non-banking access.
P2SK Law	Article 236, Paragraph (3), Letter b, Chapter XVII Financial Literacy, Financial inclusion, and Consumer Protection: PUSK's obligation to design products and services in accordance with the target consumers	Does not specifically describe the obligation to provide access to products and services for persons with disabilities.
POJK 22/2023 (Financial Inclusion)	Article 8, Paragraph (3), Letter b: special services related to consumers with disabilities	Explaining specifically the rights of persons with disabilities.
POJK 3/2023 (Consumer Protection)	Article 19, Paragraph (2), Letter d: Provision of special facilities to Consumers and/or people with disabilities.	Specifically describing the rights of persons with disabilities in the form of special facilities such as: Braille, ramps, trained staff for persons with disabilities, and information on obtaining products that are easily understood by persons with disabilities.
POJK 39/2023 (Pawnshops)	Article 211, Paragraphs (1) and (2), Chapter XX concerning Consumer and Community Protection: The obligation of companies to apply the principles of consumer protection in accordance with the provisions of laws and regulations concerning the development and strengthening of the financial sector.	It does not specifically mention the rights and obligations in providing access to pawnshop services for persons with disabilities.

One of the roles of pawnbroking is to help people who need money but do not want to use high-risk loan sharks. This allows people who are short of funds to meet their cash needs by bringing in their personal items as collateral. The orientation of pawnshops is to help and serve the community on a small scale, which helps economic growth. This non-bank financial institution is engaged in financing services and is tasked with channeling pawn financing (Dewi et al., 2024). As a state institution, this role is important to maintain and preserve in order to give substance to legal principles (Mulyadi, 2018).

The issue of protecting and fulfilling the rights of persons with disabilities must be based on a human rights paradigm. This issue is closely related to the concept of human rights in the Universal Declaration of Human Rights on December 10, 1948 (Widyantini, 2015). From a legal development perspective, it is important to strengthen state institutions to address disability issues in the economic sphere by increasing the participation of persons with disabilities in decision-making. This concept shifts the paradigm of disability law in Indonesia from one based on charity or compassion to one based on human rights (Rizani et al., 2010).

The business sector fundamentally operates with a profit orientation, where every decision is aimed at maximizing material gains (Mahbub, 2025). Meanwhile, people with disabilities are often not seen as profitable entities for the business sector. This is due to physical and non-physical limitations that are considered to hinder their ability to carry out productive activities like the general public, so they are deemed incompatible with the goal of business efficiency (Putri et al., 2024). Furthermore, people with mental disabilities are often labelled by businesses as being incapable of entering into a contract or agreement (Scott, 2020).

Various pawnbroking services stipulated by POJK 22/2023 require inclusive service standards that are not merely moral appeals. This regulation serves to intervene in rigid market mechanisms in order to view accessibility not as a cost burden, but as a constitutional obligation in national development (Putri & Halim, 2023). Mochtar emphasizes that economic development must not neglect the human aspect, so the law must be present to ensure that the transition to modernization is fair for all segments of society, including persons with disabilities (Aulia, 2019). Thus, the implications of regulations that prioritize inclusivity for persons with disabilities will gradually shift the exclusive paradigm to a new legal culture, where persons with disabilities will be fully recognized as equal subjects of law in the financial ecosystem (Afkari & Maulana, 2022).

3.3 The concept of affirmative action in the framework of pawn contracts for persons with disabilities

Marquita Sykes defines affirmative action as “the set of public policies and initiatives defined affirmative action as a comprehensive set of public policies and targeted initiatives explicitly engineered to eliminate the systemic impacts of both past and present discrimination” (Sayuti, 2013). Terminologically, the Merriam-Webster Dictionary clarifies this concept as “the use of policies, legislation, programs, and procedures to improve the educational or employment opportunities of members of certain demographic groups (such as minority groups, women, and older people) as a remedy to the effects of long-standing discrimination against such groups” (Webster, 2006). Based on these two definitions, affirmative action can be understood as special measures (in the form of programs, policies, and concrete actions) given to specific demographic groups that are vulnerable to discrimination (minorities, the elderly, people with disabilities, women). Affirmative action aims to create equal opportunities and equal access to public facilities.

The primary essence of affirmative action lies in generating equitable opportunities and substantive access, rather than merely implementing identical treatment, which frequently fails to deliver genuine accessibility for historically marginalized segments. (Hamzah et al., 2009). This understanding stems from the physical limitations of vulnerable communities, such as people with disabilities, which prevent them from competing in the market under ideal conditions (Ibrahim et al., 2022). Measures that merely provide equal treatment will keep them in a position of disadvantage. Instead, special measures are needed to enable them to have the same resources, capabilities, and access as the general population. This emphasizes that financial inclusion is not only viewed as an economic strategy but also as an instrument for creating social justice and the full participation of persons with disabilities in economic life (Puli et al., 2024).

In Indonesia, affirmative action was born from the mandate of the country's constitution after the second amendment. Article 28H, Paragraph (2) of the Constitution of the Republic of Indonesia explicitly stipulates that “Every person shall have the right to receive special facilities and treatment to obtain equal opportunities and benefits in order to achieve equality and justice.” The same affirmative action paradigm must also be applied to financial services for persons with disabilities. Affirmative action is not only limited to infrastructure services as stipulated in OJK Regulations and OJK Guidelines, but also encompasses “substantive” aspects, such as special clauses in agreements. These clauses serve as a conduit for social justice for persons with disabilities so that the limitations that hinder them can be aligned with the responsibilities they face (Putri et al., 2024).

In the business world, the central role of legal aspects of contracts in framing the legal relationship between parties is important. Almost no business activity that brings parties together in an exchange of interests is conducted without a contract (Hernoko, 2010). This also applies to pawn agreements. Under Article 153, Paragraph (1) of OJK Regulation No. 39/2024 concerning Pawnbroking, it is explicitly mandated that “All agreements between the Company and the Customer must be set forth in a written agreement.” Furthermore, paragraph (2) also stipulates that agreements can be made in the form of: a) Pawn Ticket; b) Loan Agreement with Collateral based on fiduciary; and c) Custody Agreement. Basically, a pawn agreement must also be drawn up in a contract format that has been determined and created by the pawn company. This type of agreement is referred to as a standard agreement. According to Badrulzaman, as cited by Hernawati, a standard agreement refers to a standard wording, which means a benchmark, measure, or reference. If legal language is standardized, it means that the size, benchmark, and standard of that legal language are determined, so that it has a fixed meaning that can be used as a general guideline. Standardized agreements are set out in the form of a form (Hernawati, 2020).

Even though the transaction between the pawnbroking company and the customer, particularly a patron with a disability, is executed via standardized clauses, it still does not deviate from the principle of freedom of contract. The affirmative action provisions in pawnshop standard contracts are a direct reflection of the principle of freedom of contract, wherein the autonomous will of the contracting parties is leveraged to incorporate affirmative provisions in the contract as a “special means” provided to create an inclusive pawnshop concept (Bukit et al., 2019).

Article 153, Paragraph (3) of POJK 39/2024 stipulates comprehensively the contents that must be included in a pawn agreement, ensuring legal certainty and protection for both the pawnshop company and the customer. The agreement must contain the identities of the parties, the number and date of the agreement, the type of business activity, the collateral, the estimated value of the collateral, the loan amount, the loan term, the interest rate on the loan or service/return fees and administrative costs, as well as late payment penalties. Furthermore, the agreement must clearly stipulate the encumbrance of the fiduciary collateral if the loan is granted with collateral based on fiduciary, the mechanism in the event of a dispute and the selection of the place of dispute resolution, provisions for issuing warnings in the event of customer default, provisions for the execution or sale of collateral in the event of customer default, and the costs of execution or sale of collateral. Additionally, the agreement must include provisions regarding the mechanism for loan repayment and the return of excess funds from the sale of collateral or insurance claims, the term of the risk mitigation agreement in the event that the company mitigates risk as referred to in Article 152, Paragraph (3) if the loan is granted with collateral based on fiduciary, as well as provisions regarding the rights and obligations of the parties and provisions regarding force majeure. These comprehensive requirements reflect the regulatory intent to create transparent, fair, and legally sound pawn agreements that protect all parties involved.

Conceptually, the mandatory contents of this statutory contract can be categorized into three distinct doctrinal elements. The first category comprises the essential elements (*essentialia*), which constitute the absolute prerequisites that must be satisfied within the agreement. If these fundamental conditions are omitted, the contract is stripped of its primary legal substance and is deemed legally incomplete (Andani et al., 2023). Within the context of a standard pawnbroking contract, these essential elements are specifically manifested in the core operational clauses, which include the identities of the parties, the type of business activity, the nature of the collateral, the estimated value, the principal loan amount, the tenure, the interest or service fees, the late penalties, and the overarching statutory rights and obligations of the parties (Tapobali & Pratiwi, 2024).

The subsequent category comprises the natural elements (*naturalia*), which represent the statutory default provisions implicitly attached to the contract by operation of law (Badrulzaman, 1994), such as the clear imposition of fiduciary collateral, if the loan is granted with collateral based on fiduciary. Finally, there is the accidentalia element of the agreement, which is an element that is added or explicitly stated by the parties in cases where the law does not regulate it (Hernoko, 2010), such as provisions regarding force majeure and dispute resolution mechanisms. The structural framework of a standard pawnbroking contract that integrates affirmative action mandates must also systematically reflect the principle of proportionality within its contractual clauses. Rather than demanding a rigid mathematical equality of rights and obligations, which remains practically unfeasible in commercial transactions, proportionality focuses on the equitable substance of the contract generated through the mutual and genuine consent of the parties, thereby establishing a reciprocal relationship characterized by systemic balance (Hernoko, 2010). This core conceptual balance heavily concerns equitable access to transaction information and the availability of viable operational options for the parties to execute the agreement based on mutual benefits, even if the final contractual outcome does not perfectly mirror the initial conditions presented at the inception of the agreement (Sahara et al., 2025). The source also argues that inclusive pawnshop financing needs to be distinguished from general financing. The author has attached a contract framework that needs to be included as a form of affirmative action in pawnshop contracts:

Table 5. Example of a contract framework in pawnbroking containing affirmative action clauses for persons with disabilities

Clause	Contents of the Clause	Description
Information access and non-discrimination principle.	*Article 1, Paragraph 1:* *PT. Pegadaian has an obligation to provide clear, honest, and accessible information regarding its products, services, rights, obligations, risks, costs, and complaint procedures to all customers.*	Providing an inclusive clause for persons with disabilities: In providing the information referred to in Paragraph 1, PT. Pegadaian shall ensure equal access to information and services for consumers with disabilities, without any form of discrimination.
Preferential Interest Rates	*The interest rate on the pawn is set at 0.25% (zero point two five) percent per month, calculated on an average basis for the term of this agreement, starting from the signing of this Agreement.*	In general, business loan interest rates at PT. Pegadaian (Persero) range from 0.9% to 4.88% for terms of 1, 3, or 12 months (Pegadaian, 2026).
Mitigated Penalty Schemes	*If, by the date (--- date, month, and year ---) as stated in this Agreement, the FIRST PARTY has not yet made payment, the FIRST PARTY shall be subject to a penalty of 2% (two percent) for each day of delay [(---) (--- time in letters ---)] of the total payment amount or an amount of [(Rp. ------------,00) (---- amount of money in letters ----)].*	In general, late payment penalties are capped at 4% (four percent) divided by 30 (thirty) days of the installment amount (Pegadaian, 2026);
Flexible Contractual Tenure	*The term of this pawn agreement is for a period of [(--------) (---- time in letters ---)] months, starting from (--- date, month, and year ---) and ending on (--- date, month, and year ---).*	Generally, customers can choose a loan term of 3 months, 6 months, 12 months, 18 months, 24 months, and 36 months (Pegadaian, 2026).
Specialized Dispute Resolution	*If the dispute cannot be resolved amicably or through deliberation to reach consensus, both parties agree to resolve it through LAPS SJK as an effort to settle the dispute.*	Generally, pawn disputes are resolved through deliberation to reach consensus through Internal Dispute Resolution.

Pawn agreement clauses with affirmative action concepts for persons with disabilities can be considered proportional if the “special” conditions imposed take into account the benefits of the agreement for the parties. Affirmative action in pawn contracts for persons with disabilities can be provided in the following forms: a) Preferential interest rates or reduced service fees; b) Waivers of administrative fees; c) Mitigated late payment penalties; d) Extended loan tenures; e) Alternative non-litigation dispute resolution through the sector-specific tribunal (LAPS-SJK). The above clauses can be included in standard contracts provided by pawnshops, which are designed to be much more inclusive, and the “facilities” provided should also be designed taking into account business risks.

The pawn contract framework that includes the concept of affirmative action should also be accompanied by the principle of good faith. According to Subekti, the integration of affirmative action mandates within pawnbroking contracts must inherently operate in tandem with the foundational principle of good faith (Turangan, 2019), the principle of good faith states that agreements must be carried out in good faith by all parties. Good faith is practiced from the pre-contract stage, during the contract, and post-contract (Khairandy, 2017). The implementation of the principle of good faith in contracts is a concern for AFR, founder of Kedaibilitas. He argues that "when granting credit to people with disabilities, business actors need to double-check to ensure that it is not misused by irresponsible parties" (AFR interview, January 8, 2026).

Lower interest rates, as shown in Table 5, can be used with the Cost of Funds (CoF) variable. The Cost of Funds (CoF) variable represents the baseline acquisition cost of capital incurred by a financial institution to fund its loan products (Listiyanto & Manzilati, 2007). Thus, PT. Pegadaian (Persero) in providing these loans must reconsider all production costs, both direct costs and opportunity costs, to avoid losses or at least reach the break-even point (Santoso et al., 2021). This policy aligns with the spirit of corporate social responsibility (CSR), which is not solely profit-oriented, and can be measured using the Social Return on Investment (SROI) framework to capture both institutional and social advantages (Santoso et al., 2021). Through inclusive pawnbroking services, persons with disabilities gain increased independence and empowerment, reducing their dependence on government cash assistance and charity. Furthermore, loaned funds circulate within the local economy, creating a multiplier effect that fosters a sustainable economic ecosystem for all community groups. From a justice perspective, charging the same interest rates to persons with disabilities and non-disabled persons constitutes a form of distributive injustice, as persons with disabilities require special support to achieve equitable access to financial services.

Finally, in order to maintain the sustainability of the pawnshop business climate, it is also important to implement business risk mitigation in business activities. This can be implemented through the use of social collateral or community guarantees. Basically, pawnbroking is a form of ownership. Pawnbroking is agreed upon with the intention of providing collateral for a specific obligation. As an accessory agreement to the main debt agreement, pawnbroking provides an easier means of obtaining repayment if the debtor defaults (Satrio, 1993). Along with the development of pawnshop products today, pawn products can also be provided with the concept of fiduciary, where the goods are not handed over, and control of the goods remains in the hands of the debtor (as in non-pawn loans provided by PT. Pegadaian). The concept of social collateral can be an additional guarantee mechanism for financing assessments or granting pawn loans to persons with disabilities, especially those with mental disabilities who need companions.

Affirmative action contracts in pawn agreements are a progressive step in line with the concept of legal development that creates inclusive financial services for persons with disabilities, but they must also be implemented with caution. To prevent abuse by irresponsible parties, anticipatory measures are needed, such as user verification through the presentation of a Disability Card (KPD) or a disability certificate from a medical professional, as a requirement for accessing pawnbroking services that implement affirmative action contracts. This is in line with the purpose of the KPD as stated in Article 2, Paragraph 1 of the Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 2 of 2021 concerning the Disability Card (Permensos 2/2021), which states that the issuance of the KPD aims to provide identity for persons with disabilities who are included in the national database of persons with disabilities to obtain access to services, including concessions in the respect, promotion, protection, and fulfillment of the rights of persons with disabilities.

This affirmative action could provide benefits and protection for consumers with disabilities, while simultaneously strengthening business resilience and market viability, particularly for PT. Pegadaian. This practice enables the pawnbroking industry to reach a wider market segment while advancing inclusive access to financial services. While this practice enables the pawnbroking industry to capture a broader market segment, its practical execution concurrently presents formidable technical and operational challenges for businesses, particularly in light of the lack of standardized contractual provisions addressing the needs and rights of persons with disabilities in the financial services sector. Currently, the Financial Services Authority (OJK) has only officially drafted "Pedoman Akses Pelayanan Keuangan untuk Disabilitas Berdaya" (SETARA), officially translated by OJK as the Guideline on Financial Service Access for Empowered Persons with Disabilities (SETARA Guideline). Ideally, standard clauses for consumers with disabilities should be developed in close collaboration with financial services institutions associations (PUJK). Furthermore, the implementation of standard clauses requires the support of capable staff who understand the financial services needs of people with disabilities.

4. Conclusions

Current institutional access to pawnbroking services for persons with disabilities remains constrained by a formalistic approach rather than achieving substantive equity. This situation causes significant disparities to continue to occur, even though in reality persons with disabilities can access pawnshop services with or without assistance. To date, there is no adaptive contract mechanism that specifically facilitates the needs of persons with disabilities in agreements for the use of products provided. Integrating affirmative action via specialized contractual interventions, such as preferential interest rates, administrative fee waivers, mitigated penalties, and mandatory LAPS-SJK dispute resolution, serves as a transformative legal mechanism. The main contribution of this research is to offer an implementable legal framework for contracts that makes the pawn industry adaptive to persons with disabilities. By applying affirmative action in pawn contracts, the scope and volume of product use by persons with disabilities can be expanded. To ensure the sustainability of this financial inclusion paradigm, this study strongly recommends that regulatory authorities establish a comprehensive framework of fiscal incentives and administrative disincentives for financial institutions for pawnbroking businesses that have implemented inclusive practices, especially for persons with disabilities in their business activities.

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Author Contribution

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Informed consent was obtained from all subjects involved in the study.

Data Availability Statement

All data supporting the findings or related to this study are available within the manuscript. Secondary supporting data obtained through the literature review are listed in the references. Authors aren't publishing related data on other platforms. Additional data can be provided upon request from the corresponding author.

Conflicts of Interest
The authors declare no conflict of interest for this research.

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The authors declare no use of generative AI for this research.

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References
Afkari, F., & Maulana, D. F. (2022). Urgensi Aksesibilitas bagi Penyandang Disabilitas Fisik dan Sensorik pada Perbankan Berbasis Inklusi Keuangan. *Jurnal Penelitian Kesejahteraan Sosial*, *20*(3), 217–232. https://doi.org/10.31105/jpks.v21i3.2759

Andani, D., Ariyanti, N., & Hapsari, M. A. (2023). Pentingnya Memahami Arisan Online dalam Perspektif Hukum Perjanjian Bagi Karang Taruna Unit Pedukuhan Kalipucang Yogyakarta. *Jurnal Pengabdian Hukum & Humaniora*, *3*(1), 12. https://doi.org/10.33756/jds.v2i1.16258

Aulia, M. Z. (2019). Hukum Pembangunan dari Mochtar Kusuma-atmadja: Mengarahkan Pembangunan atau Mengabdi pada Pembangunan?, *Undang: Jurnal Hukum*, *1*(2), 387. https://doi.org/10.22437/ujh.1.2.363-392

Azwar. (2017). Analisis Empiris Inklusifitas Keuangan Syariah Di Indonesia. *Jurnal BPPK : Badan Pendidikan Dan Pelatihan Keuangan*, *10*(1), 1-21. https://doi.org/10.48108/jurnalbppk.v10i1.21

Badrulzaman, M. D. (1994). *Aneka hukum bisnis*. Penerbit Alumni.

Binekasri, B. (2024). CNBC Indonesia. *OJK: Baru 22% Penyandang Disabilitas di RI Tersentuh Perbankan*. https://www.cnbcindonesia.com/market/20240809165237-17-561845/ojk-baru-22-penyandang-disabilitas-di-ri-tersentuh-perbankan

Bukit, J., Warka, M., & Nasution, K. (2019). Eksistensi Asas Keseimbangan pada Kontrak Konsumen di Indonesia. *DiH Jurnal Ilmu Hukum,* *14*(28), 27. https://doi.org/10.30996/dih.v0i0.1788

Cheston, S., Conde, T., Bykere, A., & Rhyne, E. (2016). The Business of Financial Inclusion: Insights from Banks in Emerging Market. *Institute of International Finance*, 144. https://www.centerforfinancialinclusion.org/the-business-of-financial-inclusion-insights-from-banks-in-emerging-markets/

Dewi, I. K., Fadli, A. A. Y., & Karmiyati, S. (2024). Edukasi Peran Lembaga Keuangan Pegadaian Dalam Perekonomian Masyarakat di Kecamatan Pagedangan Kabupaten Tangerang-Banten. *AMANAH MENGABDI*, *1*(2), 155. https://doi.org/10.70451/pkm.v1i2.384

Dinas Kependudukan dan Pencatatan Sipil Kota Surabaya. (2025). Profil Perkembangan Administrasi Kependudukan Kota Surabaya. In *Sensus Penduduk 2020*. Pemerintah Kota Surabaya. https://disdukcapil.surabaya.go.id/beranda/publikasi/

Effendi, A. P. (2025). Affirmative Action Bagi Penyandang Disabilitas Dalam Pencalonan Anggota Legislatif (Studi Terhadap Undang-Undang Nomor 7 Tahun 2017 Tentang

Pemilu). *Institutional Repostory UIN Sunan Kalijaga*, 74. http://digilib.uin-suka.ac.id/id/eprint/71945

Fajar ND., M., & Achmad, Y. (2010). *Dualisme Penelitian hukum: normatif & empiris*. Pustaka Pelajar.

Griadhi, N. M. A. Y. (2020). Affirmative Action untuk Peningkatan Kesetaraan Bagi Kaum Disabilitas Tunarungu dalam Pemenuhan Hak Menikmati Acara Televisi. *Vyavahara Duta*, *14*(2), 64. https://doi.org/10.25078/vd.v14i2.1254

Hakim, M. H. (2016). Pergeseran Orientasi Penelitian Hukum: Dari Doktrinal ke Sosio-Legal. *Syariah Jurnal Hukum & Pemikiran*, *16*(2), 108. https://doi.org/10.18592/sy.v16i2.1031

Hamzah, G., Hamidih, J., & Fatriciada, A. (2009). Membangun konstitusionalitas Indonesia Membangun budaya sadar berkonstitusi. *Jurnal Konstitusi PSHK-FH Universitas Islam Indonesia*, *2*(1), 18. https://www.mkri.id/public/content/infoumum/ejurnal/pdf/ejurnal_Jurnal%20Konstitusi%20FH-UII%20Vol%202%20no%201.pdf

Herawati. (2020). Perjanjian Baku dan Perkembangannya di Indonesia. *E-Journal Universitas Asahan*, *21*(1), 3. http://jurnal.una.ac.id/index.php/cj/article/download/1678/1829

Hernoko, A. Y. (2010). *Hukum Perjanjian Asas Proporsionalitas Dalam Kontrak Komersial*. Kencana.

Humas Kementerian UMKM. (2025). *Menteri UMKM Dorong Optimalisasi Hak Berwirausaha bagi Penyandang Disabilitas*. Kementrian UMKM Republik Indonesia. https://umkm.go.id/news/qyms5ukkfg7k9syo2ubep4mf

Ibrahim, M., Wulandari, P., & Kian, A. M. L. (2022). Job Opportunities for the Disabled Labor Forces: Review of Legal Awareness and Protection. *Indonesian Journal of Disability Studies*, 12(2), 328. doi.org/10.21776/ub.ijds.2025.12.2.8

Irianto, S., Otto, J. M., Bedner, A., Pompe, S., Vel, J., Stoter, W. S. R., & Arnscheidt, J. (2012). *Kajian sosio-legal* (S. Irianto, J. M. Otto, A. Bedner, & T. D. Wirastri, Eds.; T. Moelyono, Trans.). Pustaka Larasan bekerja sama dengan Universitas Indonesia, Universitas Leiden, Universitas Groningen.

Isneini, M., & Luthfianto, F. P. (2025). Leave No One Behind at Indonesian Construction - Direktorat Jenderal Bina Konstruksi. *Direktorat Jenderal Bina Konstruksi*. https://binakonstruksi.pu.go.id/publikasi/karya-tulis/leave-no-one-behind-at-indonesian-construction/

Janisriwati, S., Gaol, H. S. L., & Diaz, M. R. (2025). Analisis Kritis Kebijakan Otoritas Jasa Keuangan terhadap Penyandang Disabilitas dalam Mewujudkan Layanan Perbankan Inklusif. *INKLUSI Journal of Disability Studies*, *12*(1), 15-30. https://ejournal.uin-suka.ac.id/pusat/inklusi/article/view/4191/2323

Jonathan, L. (2025). *Berapa Denda Telat Bayar di Pegadaian 2026? Ini Rinciannya Lengkap & Tips Hindarinya!* SEVA. https://www.seva.id/blog/berapa-denda-telat-bayar-di-pegadaian-2025-ini-rinciannya-lengkap-tips-hindarinya-kg

Khairandy, R. (2017). *Iktikad Baik dalam Kontrak: Di berbagai sistem hukum*. FH UII Press.

Leste, F. F., Fuadi, F., & Iqbal, M. (2025, December). Peran Pegadaian Syariah Dalam Inklusi Keuangan Masyarakat Indonesia: Studi Literatur Tentang Aksesibilitas Layanan Pembiayaan Berbasis Gadai. *JURNAL LENTERA: Kajian Keagamaan, Keilmuan dan Teknologi*, *24*(4), 1060. https://doi.org/10.29138/lentera.v24i4.1884

Listiyanto, E., & Manzilati, A. (2007). Analisis Biaya Transaksi pada Industri Bank Umum di Indonesia. *Journal of Indonesia Applied Economics*, *1*(1), 48. https://doi.org/10.21776/ub.jiae.2007.001.01.4

Luthfia, Allisa. (2024). "Jenis-jenis disabilitas mental, ada skizofrenia dan bipolar." ANTARA News. https://www.antaranews.com/berita/4357799/jenis-jenis-disabilitas-mental-ada-skizofrenia-dan-bipolar.

Mahbub, S. (2025). Pengaruh Orientasi Profit, People, Planet Dan Dampaknya Terhadap Perkembangan Usaha: Studi Pada Pengrajin Tahu Di Desa Kalisari Kecamatan Cilongok Kabupaten Banyumas. *Program Studi Ekonomi Syariah Jurusan Ekonomi dan Keuangan*

Syariah, 30. http://repository.uinsaizu.ac.id/id/eprint/31480

Marzuki, P. M. (2017). *Metode Penelitian Hukum*. Prenada Media.

Merriam-Webster. (2006). *Affirmative Action Definition & Meaning*. Merriam-Webster.

Mulyadi, L. (2018). *Teori Hukum Pembangunan Prof. Dr. Mochtar Kusumaatmadja, S.H., LL.M.* Direktori Badilum Mahkamah Agung RI. https://badilum.mahkamahagung.go.id/upload_file/img/article/doc/kajian_deskriptif_analitis_teori_hukum_pembangunan.pdf

Nicolini, G., & Cude, B. (2019). The Influence of Financial Well-Being on Pawnshop Use. *Journal of Consumer Affairs*, *53*(4), 1674-1692. https://doi.org/10.1111/joca.12244

Noval, S. M. R., & Utomo, A. N. (2019). Tinjauan Yuridis Produk Hukum Lembaga Independen Negara yang Tidak Sesuai dengan Peraturan Perundang-undangan yang Lebih Tinggi Berdasarkan Teori Hierarki Perundang- Undangan. *Jurnal Pemuliaan Hukum*, *1*(2), 34. https://doi.org/10.30999/jph.v1i2.1004

Otoritas Jasa Keuangan. (2025). *Pedoman Akses Pelayanan Keuangan Untuk Disabilitas Berdaya (Pedoman SETARA)*. OJK. https://www.ojk.go.id/id/Publikasi/Roadmap-dan-Pedoman/Perilaku-Pelaku-Usaha-Jasa-Keuangan/Documents/Pedoman%20Akses%20Pelayanan%20Keuangan%20Untuk%20Disabilitas%20Berdaya%20%28Pedoman%20SETARA%29.pdf

Pegadaian. (2025). *Cara Gadai di Pegadaian Terbaru: Syarat, Proses, dan Pilihan Produk*. Sahabat Pegadaian. https://sahabat.pegadaian.co.id/artikel/inspirasi/cara-gadai-di-pegadaian-lengkap-dengan-langkah-langkahnya

Pegadaian. (2025). Daftar Bunga Pinjaman Pegadaian Serta Cara Menghitungnya. *Sahabat Pegadaian*. https://sahabat.pegadaian.co.id/artikel/keuangan/daftar-bunga-pinjaman-pegadaian-terbaru-lengkap-dengan-tabelnya

Pegadaian. (2025). *Going Beyond: Innovate to Develop Business Capabilities* [Annual Report 2024]. Pegadaian. https://pegadaian.co.id/kinerja-keuangan/laporan-tahunan

Pegadaian. (2026). *Pegadaian akan memenuhi setiap kebutuhanmu*. Sahabat Pegadaian. https://sahabat.pegadaian.co.id/produk-pegadaian

PT. Pegadaian (2026). *Profil dan Produk Layanan PT. Pegadaian*. Website Pegadaian. https://pegadaian.co.id

Puli, L. L., Bell, D., & Shahriar, A. Z. (2024). Financial inclusion for people with disability: a scoping review. *Global Health Action*, *17*(1), 1-12. https://doi.org/10.1080/16549716.2024.2342634

Putri, A. A. H., & Halim, A. (2023). Kebijakan Hukum Terhadap Hak-Hak Disabilitas Dalam Layanan Jasa Keuangan di Indonesia. *Jurnal Hukum Islam dan Pranata Sosial Islam*. https://doi.org/10.30868/am.v10i001.3474

Putri, D. m., Yusuf, M., & Syuib, M. (2024). Pemenuhan Hak Bekerja Bagi Penyandang Disabilitas Menurut Perspektif Huqquq Al-Ra'iyyah. *JURIS STUDIA: Jurnal Kajian Hukum*, *5*(2), 365. https://doi.org/10.55357/is.v5i2.622

Ratnaningsih, E. (2016). Paradigm Shift Regarding Persons with Disabilities in Law. *Business Law Binus*. https://business-law.binus.ac.id/2016/04/29/pergeseran-paradigma-tentang-penyandang-disabilitas-dalam-uu-no-8-tahun-2016/#:~:text=Peristiwa%20ini%20menunjukkan%20adanya%20paradigma,sama%20dengan%20warga%20negara%20lainnya.&text=Pandangan%20medis/individual

Rizani, A. K., Kharlie, A. T., Pelu, I. E. A., Tarantang, J., Muchimah, & Farhana, N. T. (2010). The Politics of Disability Law in Indonesia: Transformation to Strengthen the Rights of Persons with Disabilities. *Al-Daulah: Jurnal Hukum dan Perundangan Islam*, *14*(2). https://doi.org/10.15642/ad.2024.14.2.246-280

Rudha, A. Y., Busro, A., & Peryono, E. A. (2022). Perbandingan Kontrak Utang Piutang Konvensional dengan Kontrak Elektronik Kredivo. *Diponegoro Law Journal*, *11*(2). https://doi.org/10.14710/dlj.2022.33380

Sahara, A. R. R., Habim, N., Edrisy, I. F., & Martinelli, I. (2025). Penerapan Asas Keseimbangan Dalam Suatu Perjanjian. *Unes Law Review,* 8(1), 253. https://doi.org/10.31933/6xfccc06

Santoso, M. B., Humaedi, S., Raharjo, S. T., & Mulyono, H. (2021). Transformasi Nilai Sosial Budaya Menjadi Keuntungan Ekonomi: Refleksi Hasil Perhitungan Social Return On Investment (SROI) Program Siba Batik Kujur. *Social Work Jurnal*, *11*(1), 33. https://doi.org/10.24198/share.v11i1.33210

Sarma, M. (2008). Index of Financial Inclusion. Working Paper No. 215. *Indian Council for Research on International Economic Relations*. http://www.icrier.org/pdf/Working_Paper_215.pdf.

Satrio, J. (1993). *Hukum Jaminan, Hak-Hak Jaminan Kebendaan*. Penerbit P.T. Citra Aditya Bakti.

Sayuti, H. (2013). Hakikat Affirmative Action dalam Hukum Indonesia. *MENARA RIAU, 12*(1), 41-47. https://doi.org/10.24014/menara.v12i1.409

Scott, S. M. (2020). Contractual Incapacity and the Americans with Disabilities Act. *Dickinson Law Review*, *124*(2), 253-318. https://insight.dickinsonlaw.psu.edu/dlr/vol124/iss2/2

Shidarta. (2012). *Mochtar Kusuma-Atmadja dan Teori Hukum Pembangunan: Eksistensi dan Implikasi*. Epistema Institute.

Shidarta. (2016). Kajian Sosio-Legal yang Melampaui Sosiologi Hukum. *Binus University*. https://doi.org/10.13140/RG.2.2.22765.92643

Soemitro, R. H. (1985). *Metode Penelitian Hukum*, Ghalia Indonesia, Jakarta.

Sserunkuma, M. C., Sembatya, B. B., Moses, K., Mpambaara, C. M., Sahayarani, A., Fastenau, A., Srilekha, & Brakel, W. H. v. (2024). Participation of people with disabilities due to Leprosy, Lymphatic Filariasis (LF), and other causes in Uganda. *Leprosory Review*, *95*(3), 1-22. https://doi.org/10.47276/lr.95.3.2023108

Subekti, R. (1980). *Kitab undang-undang hukum perdata*. Pradnya Paramita.

Sugiyono. (2008). *Metode penelitian pendidikan: (Pendekatan Kuantitatif, Kualitatif dan R & D)*. Alfabeta.

Surya, I. (2023). Harmonisasi Peraturan Perundang Undangan dalam Mewujudkan Pemerintahan yang Baik. *Jurnal Kompilasi Hukum*, *8*(2), 111. https://doi.org/10.29303/jkh.v8i2.142

Sutrisno, F. A. I., Ompusunggu, D. P., & Hokum, A. (2023). Analisis Peran Lembaga Keuangan (Pegadaian) terhadap Pengembangan Perekonomian Masyarakat Umum (Usaha UMKM). *Gema Ekonomi (Jurnal Fakultas Ekonomi)*, *12*(1), 3. https://doi.org/10.36418/gemaekonomi.v12i2.2600

Tapobali, M. G. B., & Pratiwi, W. B. (2024). Kajian Yuridis Perlindungan Hukum bagi Pemberi Gadai dalam Perjanjian Gadai di Pegadaian Cabang Ngupasan Kota Yogyakarta. *Jurnal Private Law Fakultas Hukum Universitas Mataram*, 4(2), 356. https://journal.unram.ac.id/index.php/privatelaw/en/article/view/3994/2423

Widyantini, A. R. (2015). Paradigma Human Rights Based Dalam Kerangka Hukum Penyandang Disabilitas. *Jurnal Kesejahteraan Sosial Journal of Social,* 2(2), 172-179. https://trilogi.ac.id/journal/ks/index.php/jks/article/view/156/135

Wirartha, I. M. (2006). *Metodologi Penelitian Sosial Ekonomi*. Yogyakarta: CV Andi Offset. https://simpus.mkri.id/opac/detail/5333

World Bank. (2015). *The Global Findex Database 2014*. World Bank. https://documents1.worldbank.org/curated/en/187761468179367706/pdf/WPS7255.pdf

World Health Organization. (2001). *Classifications-International Classification of Functioning, Disability and Health (ICF).* https://www.who.int/standards/classifications/international-classification-of-functioning-disability-and-health

Wylonis, Lauren, et al. (2017). Navigating the Rolling Hills of Justice: Mental Disabilities, Employment and the Evolving Jurisprudence of the Americans with Disabilities Act. *Behavioral Sciences and the Law Behav*, 35(2), 178-185. https://doi.org/10.1002/bsl.2282

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