

Legal Protection of Public Bus Service Users for Persons with Disabilities in Denpasar

Ida Ayu Putu Sawitri

Master of Law Program, Postgraduate, Mahendradatta University

Abstract

Law no. 22/2009 concerning Road Transport Traffic states that people with disabilities have the right to support facilities for managing road traffic and transport. Providing access for people with disabilities on the Denpasar City Sarbagita Bus is not implemented in accordance with Law no. 22/2009 concerning Road Transport Traffic Gaps in regulations and implementation (das sollen and das sein). The problems raised in this research are a) What are the factors that cause the Road Transport Traffic Law and the Law on Persons with Disabilities to not be realized regarding providing accessibility for people with disabilities who use public buses in Denpasar? b) What are the government's efforts to achieve justice for disabled public bus passengers in Denpasar? This research uses empirical legal research with the rationale that this research will examine the government's efforts to achieve justice for disabled public bus passengers in Denpasar. The approach used in solving problems is through a statutory approach, a fact approach and also assisted by a legal concept analysis approach (Analytical and Conceptual Approach). The results of the research show that the factors causing the non-realization of Law Number 22 of 2009 concerning Road Traffic and Transportation and Law Number 8 of 2016 concerning Persons with Disabilities regarding providing accessibility for disabled people using public buses in Denpasar include: from in terms of costs, it must be adjusted to the budget/fees provided/budgeted by TAPD (the Regional Government Budget Team cannot just ask for funds, so that the facilities are adjusted to existing funds; there is rejection of additional facilities by the project owner (Ministry of Transportation); as well as minimal involvement of people with disabilities in formulating policies so as to avoid discrimination for people with disabilities. Government efforts to achieve justice for disabled public bus passengers in Denpasar include: the creation of Bali Provincial Regulation Number 9 of 2015 concerning the protection and fulfillment of the rights of people with disabilities; further efforts to collaborate and involve certain parties in formulating accessibility policies in public bus services in Bali; Advocacy for persons with disabilities in fulfilling their rights in public services; invite people with disabilities to participate actively; and invite the general public to be aware that people with disabilities must pay attention to their existence so that it does not cause the disabled community to become jealous of non-disabled people.

Keywords: Accessibility, People with Disabilities, Public Bus

INTRODUCTION

Humans have diverse needs, both in the form of goods and services. The state, as the largest organization, has the responsibility to serve every citizen to fulfill their basic rights and needs, including people with disabilities. Law Number 8 of 2016 concerning Persons with Disabilities states that persons with disabilities are individuals with physical, intellectual, mental and/or sensory limitations who face obstacles

in participating fully and effectively in society. Therefore, the state must provide adequate accessibility to ensure equality of opportunity for them (Gultom, 2007:2).

One critical area is the accessibility of public transport, especially public buses. Law Number 22 of 2009 concerning Road Traffic and Transportation states that road transportation is an important part of the national transportation system which must support economic development and community welfare. However, there is a gap between regulations and implementation which causes people with disabilities, especially wheelchair users, to not get proper accessibility (Dewi, 2016:2).

This research aims to analyze legal protection for disabled public bus service users in Denpasar. Using the theories of legal protection, legal effectiveness, and justice, this research evaluates the extent to which existing laws protect people with disabilities and how justice can be achieved for them. The main focus is on the implementation of Law Number 8 of 2016 and Law Number 22 of 2009 related to transportation accessibility.

METHOD

This research uses empirical legal research methods to examine the implementation of legal provisions related to legal protection for disabled passengers using public bus services in Denpasar (Waluyo, 2002:15). The types of approaches used include the statutory approach, the fact approach, and the legal concept analysis approach. Data was obtained through field research with interviews with related parties as primary data sources, as well as literature studies as secondary data sources.

Data collection techniques include interviews and documentation studies, while sampling techniques use non-probability sampling methods, especially purposive sampling. The collected data is processed qualitatively and analyzed descriptively to provide a systematic and detailed picture of existing legal protection.

RESULTS AND DISCUSSION

Accessibility of public transportation for people with disabilities in Denpasar still faces various challenges, even though the law guarantees their rights. One of the main challenges is the mismatch between regulations and implementation in the field, which results in discrimination against people with disabilities (Mutia, 2017:2).

There are several factors that cause the law to not be implemented. First, the issue of costs must be adjusted to the budget allocated by the Regional Government Budget Team (TAPD). Limited costs often hinder the provision of adequate facilities for people with disabilities. Second, there was rejection of additional facilities by the project owner, such as the Ministry of Transportation, who felt that adding these facilities was not a top priority.

Apart from that, the lack of involvement of people with disabilities in formulating policies is also a contributing factor. People with disabilities are often not invited to actively participate in the planning and decision-making process regarding public facilities, so their needs are not properly accommodated. This was reflected in an interview with Trans Metro Dewata passenger, I Nyoman Junirta (Jigo), who revealed that the facilities provided were inadequate and not disability friendly.

In an effort to increase accessibility, the government needs to involve various stakeholders, including BUMN/BUMS and the community. Corporate Social Responsibility (CSR) funds can be used to build disability-friendly public facilities, but currently CSR funds are mostly used for less urgent programs. The

government also needs to develop clear standards and guidelines and provide strict sanctions for parties who violate accessibility regulations.

By involving people with disabilities in the policy planning and implementation process, as well as allocating an adequate budget, it is hoped that the accessibility of public transportation for people with disabilities in Denpasar can increase. This research emphasizes the importance of collaboration between government, stakeholders and society in creating an inclusive and disability-friendly environment.

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Every citizen, including people with physical disabilities, has the right to receive equal services from the government, especially in the field of transportation services. People with disabilities need adequate accessibility so they can live their daily lives more independently and comfortably. A friendly environment and good accessibility are not only beneficial for people with disabilities, but also for the elderly and those recovering from illness (Priscyllia, 2016: 8).

This research found that public facilities are often created only to fulfill their function and appearance, without paying attention to the comfort of their users. This has an impact on people with disabilities who often feel uncomfortable using these facilities. One example is public transportation in Bali, such as Trans Sarbagita. Based on an interview with I Gede Sindhu Artha Yasa, a Trans Sarbagita user, it was found that the public transportation officers had provided quite good direction and assistance to people with disabilities. However, cleanliness is still an issue that needs to be improved.

Apart from that, in interviews with other passengers, it was found that the facilities on the Trans Sarbagita bus were adequate for people with disabilities, such as special seats. However, there are still some things that need to be improved to provide better comfort for them.

Barriers faced by people with disabilities in using public transportation also include a lack of socialization regarding their rights and a lack of facilities that suit their needs. Therefore, it is important for the government to continue to improve the quality and quantity of disability-friendly public facilities and ensure that the policies that have been made can be implemented well.

The government's efforts to realize justice for people with disabilities include making specific regulations, such as Bali Provincial Regulation Number 9 of 2015 concerning the protection and fulfillment of the rights of people with disabilities. The government also seeks to involve various parties in policy formulation and invites people with disabilities to actively participate in the process. Education to the general public regarding the importance of paying attention to the rights of people with disabilities is also part of this effort.

Thus, even though there have been several positive steps taken, there are still many challenges that need to be overcome to truly realize justice for people with disabilities in using public transportation in Denpasar. The government needs to continue to be committed to improving facilities and services and overcoming existing obstacles to achieve this goal.

CONCLUSIONS AND SUGGESTIONS

Based on the description of the discussion above, it can be concluded that there are several factors that cause the implementation of Law Number 22 of 2009 concerning Road Traffic and Transportation and Law Number 8 of 2016 concerning Persons with Disabilities regarding providing accessibility for disabled people using public buses in Denpasar. These factors include the limited budget provided by TAPD, rejection of additional facilities by the project owner (Kemenhub), as well as the minimal involvement of persons with disabilities in policy formulation which causes discrimination. The government has attempted to realize justice for disabled public bus passengers in Bali by enacting Bali Provincial Regulation Number 9 of 2015 concerning the protection and fulfillment of the rights of persons with disabilities and collaborating with various parties to formulate accessibility policies in public bus services in Denpasar.

It is hoped that the Denpasar City Government, one of which is the Bali Provincial Transportation Service as the manager and implementer of public bus transportation facilities in Bali, can re-evaluate the process of providing public transportation accessibility which has been implemented according to needs. With the existence of public transportation in the form of buses in Bali, it is hoped that people will use this public transportation more often because traffic congestion is caused by a lack of proper public transportation that is accessible to all groups. So, it is hoped that this public bus can reduce traffic jams in Bali and make Bali a maximally inclusive and disability-friendly province. To improve the welfare of all people, it is hoped that the government will continue to improve the quality of services so that all people, including people with disabilities, feel comfortable and at ease.

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