

Juridical Study of the Granting of Persons with Disabilities' Rights to Access to Public and Social Facilities

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ABSTRACT

The purpose of this study is to analyze: 1) How does the provision of rights protection to persons with disabilities over access to public facilities and social facilities? 2) How is the implementation and efforts of the government towards the fulfillment of the rights of persons with disabilities to accessibility of public facilities and social facilities based on Law number 8 of 2016 concerning Persons with Disabilities? The research method used is normative juridical with a statutory approach, concept approach, and case studies. The results showed that: 1) The implementation of the protection of the rights of persons with disabilities in access to public facilities in terms of analysis as well as the theory of legal protection with the passing of regulations derived from law number 6 of 2018 by requiring each region to make provisions in the form of access to public facilities and public facilities. 2) Providing access to public and social facilities as well as legal protection conditions that provide protection for preventive and repressive efforts. As well as the implementation of the Disability Protection Law, it makes benefits for people with disabilities in terms of access to public facilities and social facilities with the establishment of a national commission on disability.

Keywords: Study, Juridical, Granting, Rights, Employer, Disability, Access, Public Facilities, Social

INTRODUCTION

Background

Recognition and protection of human rights is one of the hallmarks of the rule of law. The State of Indonesia is a state of law. This is affirmed in Article 1 paragraph 3 of the 1945 Constitution "The State of Indonesia is a state of law". Human rights are basic rights or citizenship inherent in an individual since he was born in nature given directly by God Almighty that cannot be deprived and deprived of existence. Human rights must be respected, upheld, and protected by the state, law, government and everyone for the honor and protection of human dignity and dignity. Every human being born in this world has its own advantages and disadvantages. There are humans who are born with perfect physical and mental perfection, but there are also humans who are born with perfect physique but have mental disorders. There are also humans who are born with a healthy mentality but have a less than perfect physique. This imperfect thing can be said to be a disabled person or as a disabled person. Persons with disabilities have the same position, rights and obligations, it is highly desirable that persons with disabilities receive good and special treatment because they belong to vulnerable groups, to provide protection from vulnerability to discrimination that will occur to them at any time and protection from threats from others or protection

of human rights.¹ Therefore, there is a need for government policies that pay attention to and accommodate the rights of people with disabilities in their life activities in society.²

Protection of persons with disabilities has been regulated by positive law, namely Law Number 8 of 2016 concerning Persons with Disabilities which is an update of Law Number 4 of 1997 concerning Persons with Disabilities, which is no longer in accordance with the paradigm of the needs of persons with disabilities so it needs to be replaced by a new law. Law No. 4 of 1997 used to be referred to as Persons with Disabilities, but the latest developments of Komnas HAM and the Ministry of Social Affairs consider that the term Persons with Disabilities in Indonesian perspective has a meaning that has negative connotations and is not in line with the main principles of human rights, as well as contrary to the noble values of the nation that uphold human dignity and persons with disabilities must receive protection.³ So that in Law Number 8 of 2016 the word Persons with Disabilities is replaced with Persons with Disabilities (Law on Persons with Disabilities).

Problems faced by persons with disabilities in Indonesia include lack of access to information about the importance of rehabilitation, lack of public facilities that make it easier for persons with disabilities to carry out daily activities and lack of access to work for persons with disabilities.⁴ As Indonesian citizens, people with disabilities are also part of Indonesian citizens who have the same position, rights, obligations, and roles as other citizens. Even the 1945 Constitution in Article 28 H paragraph (2) has stipulated that "Everyone has the right to facilities and special treatment to obtain equal opportunities and benefits in order to achieve equality and justice". This relates to the implementation of human rights legitimized by the government in the form of regulations or legal products in the form of Law Number 39 of 1999 concerning Human Rights. There are several types of basic human rights, including: personal *rights*, political *rights*, legal equity *rights*, economic *rights*, procedural *rights*, and social cultural *rights*.⁵

Therefore, persons with disabilities are entitled to recognition, guarantee, protection and fair legal certainty and equal treatment before the law as other citizens. Thus, legal certainty and justice must be seen as two inseparable sides. Justice must be the main goal of legal certainty, but justice cannot stand alone without legal certainty in its application. Therefore, both the central and local governments should pay more attention to the rights of persons with disabilities, especially in the right to accessibility of public and social facilities that must be provided to them.

¹ Ebenhaezer Alsih Taruk Allo. "People with Disabilities in Indonesia". *Nusantara: Journal of Social Sciences*. Vol 9 No 2. 2022. p 808

² Erlin Sudarwati, Skm, Mm. "Policy on Handling Persons with Disabilities of Kemhan and TNI Personnel" accessed from <https://www.kemhan.go.id/pusrehab/2016/11/24/artikel-kebijakan-penyandang-disabilitas.html>.

³ Ismail Shaleh. "Implementation of the Fulfillment of Rights for Persons with Employment Disabilities in Semarang". *Kanun Journal of Legal Studies Ismail Shaleh*. Vol. 20, No. 1. 2018. p 64.

⁴ Eny Hikmawati and Chatarina Rusmiyati, "Social Service Needs of People with Disabilities", *Journal of Information*, Volume 16 Number 1 Year 2011, p. 19

⁵ Fanny Priscyllia, "A Legal Study of Public Service Facilities for People with Disabilities", *Lex Crimen* Vol. V/No. 3/Mar/2016, p. 105

Problem Statement

1. How does it provide protection of the rights of persons with disabilities to access public facilities and social facilities?
2. How is the implementation and efforts of the government towards the fulfillment of the rights of persons with disabilities to accessibility to public facilities and social facilities based on Law number 8 of 2016 concerning Persons with Disabilities?

Theoretical Framework

1. Theory of Expediency

The utilitarianism view is basically an ethical-ethical understanding that places actions that can be said to be good are useful, beneficial (benefit), and beneficial, while bad actions are those that give suffering and harm.⁶ Furthermore, happiness according to the point of view of utilitarianism is impartial because everyone must want happiness and not suffering, therefore the concept of utilitarianism bases happiness as a touchstone of morality that is "*impartial promotion of well-being*", which upholds impartial happiness / welfare.⁷ From this, we get the reason why Jeremy Bentham terms happiness as "*The greatest number*", namely because an ethical or moral action can be felt by everyone through happiness, because the nature of happiness that should be impartial and can be felt by anyone.⁸

2. Theory of Legal Protection

Legal Protection is to ensure the continuity of the employment relationship system without pressure from strong parties to weak parties. According to Fitzgerald, legal protection aims to integrate and coordinate various interests in society because in a traffic of interests. Protection of certain interests can only be done by limiting various interests on the other hand.⁹ Legal protection according to Satjipto Raharjo, namely providing protection for human rights (HAM) harmed by others and protection is given to the community in order to enjoy all the rights given by law.¹⁰

Legal protection theory is a theory that examines and analyzes the form or form or purpose of protection provided by law to its subjects.¹¹ The elements listed in the definition of legal protection theory include:¹²

- a) The existence of a form or form of protection or purpose of protection;
- b) Legal subjects;
- c) Object of legal protection.

Research Methodology

The approach in this study uses a normative juridical approach. The normative juridical approach is an

⁶ A Mangunhardjana, *Isms in Ethics from A to Z*, (Yogyakarta: Kanisius, 1999), p. 231

⁷ Tim Mulgan, *Utilitarianism*, (New York: Cambridge University Press, 2020), p 1.

⁸ Endang Pratiwi, et al. "Jeremy Bentham's Theory of Utilitarianism: Legal Objectives or Legal Product Testing Methods?", *Constitutional Journal*, Volume 19, Number 2, June 2022, p 274

⁹ Fajar Alamsyah Akbar. "Legal Protection of Copyright According to Article 12 of Law Number 28 of 2014 concerning Copyright in Indonesia". *Journal: JOM*. Vol. 3 No.2. 2016. p. 4

¹⁰ Satjipto Rahardjo. 2000. *Legal Science*. Bandung: PT Citra Aditya Bakti. p. 54

¹¹ Salim and Erlies Septiana Nurbani. 2013. *Application of Legal Theory to Thesis and Dissertation Research*. Jakarta: PT Raja Graindo Persada. p. 263.

¹² *Ibid*,

approach that is carried out based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to this research. This approach is also known as the literature approach, namely by studying books, laws and regulations and other documents related to this research.¹³ The specification in this study is analytical descriptive research. Descriptive analytic according to Sugiyono¹⁴, which is a method that serves to describe or provide a picture of an object under study through data or samples that have been collected as they are without conducting analysis to make conclusions that apply to the public.

Data collection techniques in this study were obtained based on *library research*. The study conducted was a literature study (*library research*) using secondary data. Secondary data in this study were obtained through literature studies, by seeking information as complete and as much as possible with journal literature, newspapers, articles, scientific papers and laws and regulations related to the problem under study.

RESEARCH RESULTS

Provision of protection of rights to persons with disabilities to access public facilities and social facilities

Persons with disabilities in using public facilities and public facilities by taking into account the principles of public interest, legal certainty, equality of rights, balance of rights and obligations, professionalism, participation, equality of treatment or non-discrimination, openness, accountability, facilities and special treatment for groups, vulnerable, punctuality, speed, convenience and affordability. The application of the principle of accessibility is strengthened by Article 29 which states that organizers are required to provide services with special treatment to certain members of the community, namely people with disabilities in accordance with laws and regulations and the use of facilities, infrastructure and / or public service facilities with special treatment for people with disabilities are prohibited from being used by other people who do not have rights.

Provision of protection of rights and opportunities for persons with disabilities towards a prosperous, independent and non-discriminatory life, the existence of laws and regulations as a guarantee of its implementation. Implementation and fulfillment of the rights of persons with disabilities in order to realize:

- a. respect, promotion, protection and fulfillment of human rights and basic freedoms of persons with disabilities fully and equally, the standard of living of persons with disabilities is more qualified, just, prosperous outwardly and mentally, independent, and capable
- b. Protect against neglect and exploitation, harassment and any discriminatory acts Persons with disabilities have the right to access public facilities and public facilities as contained in Article 5 of this law on the utilization of health rights included in the category of public facilities in the form of:
Acquisition of easily accessible information in health services Obtain medical aids based on needs

The role of the government in fulfilling the rights of persons with disabilities is very strategic because it determines the extent to which public services provide the rights of persons with disabilities which can be

¹³Johnny Ibrahim. 2006. *Theory and methodology of normative legal research*. Malang: Banyumedia Publishing. p. 299.

¹⁴Sugiyono. 2018. *Quantitative, qualitative and R&D research methods*. 2018.

seen from their role well in accordance with the purpose of its establishment.¹⁵ The role of the government or in this case referred to as the state in providing human rights protection to citizens is more visible in the concept of the welfare state (*welfare state*). Recognition and protection of civil rights of citizens with regard to the basic rights of every citizen which in its development will be known as human rights which are the main basis in realizing the welfare state.

Guarantee for the implementation of social welfare for persons with disabilities by the Regional Government of Central Java by issuing Regional Regulations Number 2 of 2023 concerning Protection and Fulfillment of the Rights of Persons with Disabilities In order to support in providing protection for persons with disabilities regarding building that the local government encourages the private sector to provide buildings that are easily accessible to people with disabilities by including the availability of facilities that are easily accessible to persons with disabilities as one of the requirements for applying for building approval. Building The building in question has residential, religious, business, social and cultural, sports. Ease of access by considering the needs, functions, area and height of the building in accordance with the provisions of further laws and regulations.

Public facilities in the form of roads provided by people with disabilities are easily accessible with road equipment in the form of traffic signs, road markings, traffic signaling devices, pedestrian crossing lanes, street light lighting, facilities for bicycles, pedestrians and people with disabilities, supporting facilities for traffic activities and road transportation inside and outside the road body, Wheelchair-equipped terminal and tunnel crossing.

Implementation of legal protection in providing the rights of persons with disabilities access to public facilities and social facilities in preventive efforts in the form of providing facilities and infrastructure of public facilities found in educational, worship and shopping or commercial facilities that have disability-friendly building structures. With the obligation of each region to have regulations derived from Law No. 8 of 2019, as a form of legal protection as an illustration of the working of legal functions to realize legal objectives, namely justice, expediency and legal certainty. Legal protection is a protection given to legal subjects in accordance with the rule of law, both preventive and in repressive forms, both written and unwritten in order to enforce legal regulations.

Regulations in the Indonesian legal system have actually greatly guaranteed the rights of persons with disabilities as citizens, especially for Law Number 8 of 2016 concerning Persons with Disabilities which guarantees fulfillment, protection and respect for persons with disabilities. But the problem that has long existed is the lack of implementation of these various laws and regulations. The state as the party most responsible for the protection, fulfillment and respect of the rights of persons with disabilities also seems to often ignore this minority group.¹⁶

¹⁵ Hardiansyah. 2011. Quality of Public Services (Concept, Dimensions, Indicators, and Their Implementation). Yogyakarta: Gava Media. Page 17.

¹⁶ Journal of Slamet Thohari, Department of Sociology, Disability Views and Accessibility of Public Facilities for People with Disabilities in Malang City, Indonesian Journal of Siability Studies, 2016

Indonesia has a distribution of regulations for the granting of rights for persons with disabilities in East Kalimantan province Number 22 of 2022 concerning the Implementation of Social Welfare for Persons with Disabilities, West Kalimantan Governor Regulation Number 95 of 2020 concerning the Provision of Social Assistance for Persons with Disabilities, Regulation of the Governor of Bangka Belitung Islands Number 15 of 2021 concerning Basic Service Technical Standards at Minimum Service Standards within the Technical Implementation Unit of the Social Institution Office Cognate Development, Regional Regulation of Banten Province Number 14 of 2019 concerning the Protection of Persons with Disabilities, Governor Regulation (PERGUB) of the Special Capital Region of Jakarta Number 24 of 2019 concerning the Provision of Social Assistance to Meet the Basic Needs of Persons with Disabilities, Regional Regulation of West Java Province Number 7 of 2013 concerning the Implementation of Protection of Persons with Disabilities, Regulation of the Governor of Bangka Belitung Islands Number 15 of 2021 concerning Basic Service Technical Standards at Minimum Service Standards in the Technical Implementation Unit of the Bina Serumpun Social Institution Office, West Sulawesi Regional Regulation Number 2016 concerning the Protection and Fulfillment of the Rights of Persons with Disabilities.

Facilities Social is a means of infrastructure held for social interests. So social facilities are facilities provided by the government or private parties that can be utilized by the general public in the environment.¹⁷ There is a view that The paradigm of society towards people with disabilities who often view disability as a form of medical incompetence. So that disability is considered a sick person who always needs help, let alone working like humans in general. Conservatives even say that the state of disability is God's will, therefore people should only surrender in the face of the condition. People with disabilities are often referred to as unlucky people.¹⁸

The form of repressive legal protection of the government has a disability card, namely as mandated Permensos Number 21 of 2017 concerning the Issuance of Cards for Persons with Disabilities Article 92 paragraph 1 letter g, the government and local governments must ensure access for persons with disabilities to obtain social rehabilitation in the form of accessibility services. Article 97 (2) letter a, the government and local government must ensure infrastructure that is easily accessible to persons with disabilities including buildings that are available ramps for wheelchair users or elevators if the reading media is on the next 2nd floor or upper floor. Article 98 (2) buildings must be equipped with facilities and accessibility by considering the needs, functions, area, and height of buildings in accordance with statutory provisions. The implementation of building buildings becomes the territory of architects who are experienced in their fields. Article 98 (3) building managers who do not provide facilities that are easily accessible to persons with disabilities are subject to administrative sanctions in the form of (a) written warnings, (b) restrictions on construction activities, (c) temporary or permanent suspension of construction implementation work, (d) temporary or permanent suspension of building use of buildings, (e) suspension of building permits, (f) revocation of building permits, (g) suspension of other building function

¹⁷ Maulana Nurul Hakim, Rinda Cahyana, Development of Geographic Information Systems to Facilitate the Search for Information on Social Facilities and Location, Journal of Algorithm Sekolah Tinggi Teknologi Garut, 2015, p.603

¹⁸ Jazim Hamidi, "Legal Protection of Disability in Fulfilling the Right to Education and Employment", IUS QUIA IUSTUM Law Journal, no. 4 VOL. 23 OCTOBER 2016, p. 655.8

certificates, (h) revocation of building function eligibility certificates, (i) building demolition orders. Until the writing of this manuscript, the author has not obtained data a to i Article 98 (3).

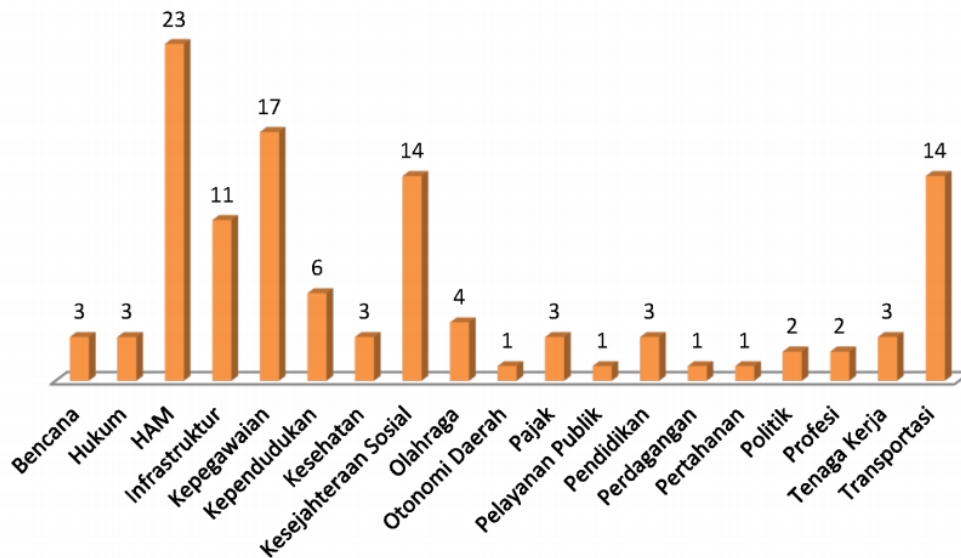
In law, equality includes the right of every individual to all human rights. Furthermore, human rights law assumes that all human beings have equal dignity, regardless of individual or social diversity. In addition, equality gives everyone the right to be an equal member of society.¹⁹

Implementation and Government Efforts towards the Fulfillment of the Rights of Persons with Disabilities to Accessibility of Public Facilities and Social Facilities Based on Law Number 8 of 2016 concerning Persons with Disabilities

a. The Role of Government Regulation

The role of the government in providing protection for access to the rights of persons with disabilities by issuing laws. The guarantee of rights contained in the 1945 Indonesian Constitution in its implementation requires the translation of the principles into implementing regulations. The implementing regulations formed must not contradict the 1945 Constitution so that the process and implementation must be clear.

There are 114 laws and regulations governing 19 different sectors, covering disaster, law, human rights, infrastructure, personnel, population, health, social welfare, sports, regional autonomy, taxes, public services, education, trade, defense, politics, professions, labor, and transportation. The distribution of disability issues in various sectors can be seen in the following diagram:



Law No. 8 of 2016 concerning Persons with Disabilities (Law No.8/2016). Law No.8/2016 was formed with a philosophical foundation that the Unitary State of the Republic of Indonesia guarantees the survival

¹⁹ D.C. Galloway, Three Models of (In) Equality, McGill Law Review 68, 1993, p.,83, quoted from Aart Hendriks, Disabled Persons And Their Right To Equal Treatment: Allowing Differentiation While Ending Discrimination, Health And Human Rights Vol.I No.2, Harvard School of Public Health, Cambridge, 1995, p.,156.

of every citizen, including persons with disabilities who have the same legal position and human rights as Indonesian citizens and as an inseparable part of Indonesian citizens and society is the mandate and gift of God Almighty, to live forward and develop in a just and dignified manner.

Article 1 point 1 of Law No.8/2016 states that a person with a disability is any person who experiences physical, intellectual, mental, and/or sensory limitations for a long time who in interacting with the environment may experience obstacles and difficulties to participate fully and effectively with other citizens based on equal rights. On the basis of equal rights, efforts are regulated to implement and fulfill the rights of persons with disabilities consisting of the right to life; free from stigma; Privacy; justice and legal protection; education; employment, entrepreneurship and cooperatives; health; politics; religious; sports; culture and tourism; social welfare; Accessibility; Public Service; Protection from disasters; habilitation and rehabilitation; Concession; Logging; living independently and being involved in society; express, communicate and obtain information; change of place and nationality; and free from acts of discrimination, neglect, torture, and exploitation.

The consequences that then arise as a result of the absence of implementing regulations on the Law on Persons with Disabilities are, the insecurity of legal certainty for persons with disabilities, the inability to enforce the real rules contained in the article-by-article of the Law in question, and the birth of legal loopholes that can trigger individuals to make inappropriate policies so that the potential for non-fulfillment of the rights of persons with disabilities as stipulated in the Law on Persons Disability 2016.

The planning process for the formation of the delegation RPP from Law 8/2016 continues in 2020. In Presidential Decree Number 4 of 2020, there is one RPP that implements the provisions of Article 55 paragraph (4) of Law 8/2016, namely concerning the Employment Disability Service Unit. After that, there are practically no more RPPs included in the planning for the formation of Government Regulations.

Unlike the RPP, the process of forming the Presidential Regulation and the delegation of the Ministry of Social Affairs from Law 8/2016 did not face obstacles. This happened because two RPerpres and one Permensos were initiated by the Ministry of Social Affairs. The implementing regulation of the first Law 8/2016 established was the Minister of Social Affairs Regulation Number 21 of 2017 concerning the Issuance of Cards for Persons with Disabilities. However, once the MOSA received rejection from the National Coalition of Organizations of Persons with Disabilities because the content material was too centralized in the Ministry of Social Affairs, even though the issuance of cards for persons with disabilities was expected to be related and use channels from the population administration, so that the cards could be more inclusive. After 4 years, the Minister of Social Affairs was finally revised through Permensos Number 2 of 2021 concerning Cards for Persons with Disabilities.

There are 6 ministerial institutions that initiated the establishment of 6 regulations for the implementation of Law 8/2016. This shows that disability is a multisectoral issue. In addition, the discussion of each implementing regulation, especially PP and Perpres also involves other ministries. For example, the establishment of Government Regulation Number 39 of 2020 concerning Adequate Accommodation for Persons with Disabilities in the Judicial Process, the Ministry of Law and Human Rights discussed it by involving law enforcement agencies, namely the Indonesian Police, the Indonesian Prosecutor's Office,

and the Supreme Court; while PP Number 42 of 2020 concerning Accessibility to Settlements, Public Services, and Protection from Disasters for Persons with Disabilities was discussed by involving the Ministry of State Apparatus Empowerment and Bureaucratic Reform and the National Disaster Management Agency (BNPB). The following is a brief explanation of the ten implementing regulations.

Government Regulation Number 70 of 2019 contains a planning scheme for respecting, protecting, and fulfilling the rights of persons with disabilities by making a Master Plan for Persons with Disabilities (RIPD). While the implementation is handed over to the central government and local governments. As a follow-up to PP 70/2019, the Ministry of VAT as of June 17, 2021 has ratified the Minister of VAT Regulation Number 3 of 2021 concerning the Implementation of PP 70/2019. The candy is equipped with four annexes, namely the National Action Plan for Persons with Disabilities 2021-2024 (Annex I); Procedures for Preparing Regional Action Plans for Persons with Disabilities Provins (Appendix II); Procedures for Preparing Planning and Budgeting Instruments in the context of Respect, Protection, and Fulfillment of the Rights of Persons with Disabilities (Appendix III); and Procedures for Evaluating National Action Plans and Regional Action Plans for Provincial Persons with Disabilities (Annex IV).

In order to implement the provisions of Article 43 paragraph (2) and Article 43 paragraph (4) of Law 8/2016, Government Regulation Number 13 of 2020 concerning Adequate Accommodation for Students with Disabilities (PP 13/2020) was issued on February 20, 2020. This PP makes the Ministry of Education and Culture as the implementer. PP 13/2020 aims to ensure the implementation and/or facilitation of education for students with disabilities by the central and local governments. This regulation regulates adequate accommodation facilities, disability service units in education, monitoring and evaluation, administrative sanctions and funding.

Government Regulation Number 75 of 2020 concerning Habilitation and Rehabilitation for Persons with Disabilities (PP 75/2020) which was stipulated on December 15, 2020 and makes the Ministry of Social Affairs a leading sector in its implementation. PP 75/2020 aims to achieve, maintain, and develop the independence, physical, mental, social, and skills of people with disabilities to the maximum and provide opportunities to participate and be included in all aspects of life. PP 75/2020 also contains habilitation and rehabilitation handling, habilitation and rehabilitation institutions, habilitation and rehabilitation service standards, guidance and supervision, complaints, and funding.

b. The Role of Government on the Availability of Public Facilities and Social Facilities

Public facilities are facilities held for public interest. Examples of public facilities are highways, public transportation, waterways, bridges, fly overs, under passes, bus stops, public lighting, electricity networks, flooded canals, sidewalks, busway lanes, public telephones, and garbage dumps. Public facilities are often interpreted the same as social facilities, but the two can be distinguished. Public facilities are the basic needs of citizens to live, while social facilities are facilities needed by the community to carry out various social activities.²⁰

²⁰ Yana Suryana, et al, Encyclopedia of Pancasila and Civic Education Human Rights and Citizen Needs, Klaten, Cempaka Putih, 2014, p. 56

The government also needs to involve persons with disabilities as consultants in policy formulation in all stages of the project from planning, design and contract to construction and completion by identifying the need for disability-friendly infrastructure. Other actors that are also important to consider contributing are professional organizations, such as designers and architects, urban infrastructure planners, construction companies. These actors need to improve their knowledge and understanding of Accessibility Facilities in Buildings and the Environment as an integral part of their Competence as Architects. Even so, actors from the private sector in the implementation of infrastructure accessibility in general.

People with disabilities have various conditions, some experience physical disabilities, mental disabilities, and a combination of physical and mental disabilities. The condition of people with disabilities has an impact on the ability to participate in society, so they need support and assistance from others. People with disabilities also face greater difficulties than non-disabled people such as barriers in accessing public services, education, health, and employment. Most people with disabilities still live in vulnerable conditions, far from being *fair*; there is still discrimination against the fulfillment of rights, especially in accessing public facilities, even though public facilities are the rights of every citizen that should be accessible to anyone, including groups of people with disabilities.

Article 99 The government and local government shall (1) list the availability of facilities that are easily accessible to persons with disabilities as one of the conditions in the application for building permits, (2) audit the availability of accessibility facilities for persons with disabilities in each building, (3) check the feasibility of functions on the availability of facilities and accessibility for persons with disabilities is a condition in the issuance and renewal of eligibility certificates The function of the building, (4) if it has fulfilled point (3) the government must issue a certificate of feasibility of function. Whether the inclusion of facilities Article 99 (1), audit (Article 99 (2), examination of the feasibility of facilities and accessibility for people with disabilities (Article 99 (3), and certification of building feasibility (Article 99 (4) have each been carried out by the local government, Article 105 the government and local government are obliged to provide public services that are easily accessible to persons with disabilities organized by state organizing institutions, corporations, and other legal entities established for public services. Has the evaluation been carried out by the government so that law enforcement is realized for the upholding of the Law on Persons with Disabilities? Article 106 (2) Public service providers shall provide public service guidelines that are easily accessible to persons with disabilities.

A fairly specific obstacle for people with disabilities in accessing pedestrian paths is the presence of barriers that are usually iron in pedestrian paths. This barrier is made to prevent motorcycles from entering the pedestrian lane because motorcycle users occasionally enter the pedestrian lane because of the desertion of the pedestrian path. This is a form of realistic competition in urban spaces between vehicle users and pedestrian user groups, namely pedestrians who also include people with disabilities. However, this barrier policy actually further restricts people with disabilities, especially wheelchair users who want to use pedestrian paths. In addition, pedestrian lanes and *street islands* that are too high from the road make it very difficult for people with disabilities to cross. The People Crossing Bridge (JPO) provided also does not accommodate the needs and is very difficult for people with disabilities to use.

c. The Government's Role in the Establishment of the National Commission on Disability

Article 134 of Law 8/2016 The government is required to establish a National Commission on Disability. This matter has been regulated in Presidential Regulation 69/2020 which was stipulated on June 8, 2020 and the leader in the establishment of the National Commission on Disability is the Ministry of Social Affairs. Presidential Regulation 68/2020 is the legal basis for the establishment of the National Commission on Disability which will later be tasked with monitoring, evaluating, and advocating the implementation of respect, protection, and fulfillment of the rights of persons with disabilities. This Presidential Regulation also regulates the organizational structure of the Commission, the mechanism for appointment and dismissal, work mechanism, accountability and funding.

In accordance with the provisions of Law Number 8 of 2016 concerning Persons with Disabilities, the National Commission on Disabilities is an independent non-structural institution⁶⁹ with a very important mandate, namely to monitor, evaluate, and advocate for the implementation of respect, protection, and fulfillment of the rights of persons with disabilities, where the results of monitoring, evaluation, and advocacy will be reported to the President. As a derivative of this mandate, KND carries out the functions of preparing activity plans, monitoring and evaluation, advocacy, and implementing cooperation with relevant stakeholders. To implement the provisions of Article 134 of Law Number 8 of 2016 concerning Persons with Disabilities, a Presidential Regulation on the National Commission on Disabilities (KND) was established.

CONCLUSION

The results showed that;

- a. The implementation of the implementation of the protection of the rights of persons with disabilities in access to public facilities in terms of analysis as the theory of legal protection with the enactment of regulations derived from law number 6 of 2018 by requiring each region to make provisions in the form of access to public facilities and public facilities.
- b. Providing access to public and social facilities as well as legal protection conditions that provide protection for preventive and repressive efforts. As well as the implementation of the Disability Protection Law, it makes benefits for people with disabilities in terms of access to public facilities and social facilities with the establishment of a national commission on disability

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