

Accessibility for Physical Disabilities People to engage with Transjakarta Bus: (Case Study on Seskoal and Tirtayasa Corridors of South Jakarta)

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Abstract

People with disabilities are part of Indonesian society who could acquire the same position, rights, and obligation as other Indonesian people in their lives and livelihoods. Therefore, the government policy should consider and accommodates disability rights in the community. The term people with disabilities, previously known as people with disabilities, but the latest development of the National Commission on Human Rights and the Ministry of Social Affairs views the term protection in the Indonesian perspective which has a negative connotation and is incompatible with the foundation of human rights with the noble values of the nation that uphold human dignity. Therefore, agreeing to the term disability is replaced by the term disability. This has also been supported by the issuance of Law Number 8 of 2016 concerning Persons with Disabilities. Based on the description in the background of the problem above, a number of problems were formulated as follows: 1. How is the implementation and fulfillment of the people with physical disability rights to engage with the Transjakarta bus? 2. What are the factors that influence public administration related to accessibility for persons with physical disabilities in the Transjakarta bus transportation mode? The theory used by the authors in this study uses the theory of equality before the law as adopted by Article 27 paragraph (1). It is agreed, everyone agrees equally before the law. Equality before the law in the simplest sense is that all people are equal before the law..

Keywords

Accessibility, People with Physical Disabilities, Modes of Transjakarta Transportation.

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Preface

Background of the Study

The Constitution of the Republic of Indonesia of 1945 explain that Indonesia is a constitutional state, which means that in all aspects of life and prevailing norms based on the name of law. The purpose of the law referred to in the 1945 Constitution to achieve legal certainty, legal justice and legal usefulness, of the three legal principles, the author discusses legal justice in society which is one of the implementation of Human Rights. Human Rights do not rely on differences in ethnicity, religion, even though physical disorders. Physical or mental disorders experienced by a handful of Indonesian citizens are not a reason for them not to get their rights from the government or their own citizens. In fact those who in this case are persons with disabilities often receive undue treatment, even those who should get more attention often find discrimination. In addition to the above case, another regulation also regulates how persons with disabilities obtain legal protection. This research is important because of the lack of facilities for persons with disabilities, especially physical disabilities to obtain proper accessibility and lack of equal rights for persons with disabilities. Based on the description above, the writer is interested in conducting legal research, for that the writer raises the title: Accesibility for people with physical disabilities on transportation mode of Transjakarta Bus (Case Study on Seskoal and Tirtayasa Corridor of South Jakarta)

Formulation of the Problem

Based on the description in the background of the study above, here is the problems were formulated:

1. How is the implementation and fulfillment of physical disability rights in transporation mode of Transjakarta Bus on Seskoal and Tirtayasa corridors of South Jakarta?
2. What are the factors that hamper the implementation and fulfillment of physical disability rights in transporation mode of Transjakarta Bus on Seskoal and Tirtayasa corridors of South Jakarta?

Objective of the Study

Based on the background and formulation of the problem above, the research objective for the writer is to discuss about how to implement and fulfill the right to physical disability in transporation mode of Transjakarta Bus on Seskoal and Tirtayasa corridors of South Jakarta, and to find out the factors that can be used to conduct research and fulfill transjakarta bus transportation rights in the Transjakarta Seskoal and Tirtayasa South Jakarta Corridors

Significance of the Study

The following benefits are expected from this thesis as follows:

Theoretical Benefits

- a. Information about discourse that is expected to be used as a reason to develop access for persons with disabilities in using public transportation.
- b. Useful for writers in the field of Legal Studies in particular about human rights.

Practical Benefits of Results

This research can help provide an understanding of the rights of persons with physical disabilities in using public transportation Transjakarta buses.

Research Methods

This study uses a method that supports the law, namely by collecting data at issue and then using an analysis of the issues issued.

Research type

This writing uses empirical legal research methods, empirical legal research carried out through a study of data in the field, namely at the Transjakarta office Jl. Mayjen Sutoyo Number 1 RT 5 / RW 5 kebon pala, Makasar sub-district, East Jakarta city.

Approach Method

The approach method used in this paper is an empirical research approach, then the research approach is carried out with primary data through direct data in the field by conducting observations or interviews with Mr. Dadan Sondana as Transjakarta Operational Supervisor.

Data sources

The data used in this study are qualitative data which is data obtained from interviews, observations, or written language. In the Transjakarta bus transportation mode in the Seskoal and Tirtayasa corridors in South Jakarta.

Data collection techniques

Data collection techniques using the method of field research (field study) that is research conducted directly to the field. The data acquisition was carried out by direct interview to the Transjakarta party having its address at Jl. Mayjen Sutoyo Number 1 RT 5 / RW 5 kebon pala, Makasar sub-district, East Jakarta city.

Data analyst

All data, information, and library sources used in this writing are then analyzed using qualitative data, which is an analysis of data that is clearly described in the form of sentences so that clear data is obtained that are related to the thesis of the author. In this case the data obtained from the results of interviews with the Transjakarta and South Jakarta Transportation Department.

Discussion

Transportation is defined as the transfer of goods and people from the place of origin to the destination. So with these activities, there are three things, namely the presence of cargo carried, the availability of vehicles as means of transport, and the presence of roads that can be traversed. Transportation infrastructure that serves human needs to move from one place to another is of course also used by people with physical disabilities. Therefore, services in the form of providing special space and tools that help direct their movement to move must be available, so that they share the general service comfortably. Accessibility is the convenience provided for people with disabilities and sick people to realize equality of opportunity in all aspects of life and livelihood. So, the provision of infrastructure aimed at the public must be accessible to all people, including those with disabilities. Public transportation which is more in the spotlight is Transjakarta which is planned to be public transportation that is accessible for use by all people. Transjakarta began operations on January 15, 2004 with the aim of providing public transportation services that are faster, more convenient, yet affordable for Jakarta residents. To achieve this, Transjakarta buses are given special lanes on roads that are part of their routes and these lanes may not be passed by other vehicles (including public buses other than Transjakarta). To be affordable by the public, ticket prices are subsidized by the local government.

The purpose of system development

Transjakarta as follows:

1. Increase the number of passenger trips by using a transportation system that is safe, comfortable and reliable

2. Creating a transportation system with a lane separate from public traffic for easy accessibility
3. Creating a transportation system with well scheduled services
4. Increasing the comfort, security and safety of public bus passengers
5. Improve integrated public transportation services
6. Creating a transportation system that can improve bus operator efficiency; and
7. Implement an effective ticket revenue collection system.

The vision of Transjakarta is to make Transjakarta public transportation capable of providing public services that are fast, safe, comfortable, humane, efficient, cultured and internationally standard. While the mission of Transjakarta is as follows:

1. Improving the quality of life of users of the Transjakarta system services and the people of DKI Jakarta in general;
2. Providing safe, comfortable and affordable public transportation services in DKI Jakarta;
3. Optimizing public transportation services that are efficient in terms of costs and investment, so that they can take place continuously and sustainably in the long run;
4. Make time efficient of service users and the general public, with reduced travel time;
5. Reducing air pollution and maintaining environmental health in DKI Jakarta;
6. Providing good service quality, by paying attention to the safety and comfort of service users;
7. Seek affordable tariffs for service users;
8. Increasing the users of the Transjakarta Busway system to the maximum extent possible for the community;
9. Making the Transjakarta Busway BLU a professional, competent and independent manager of the Transjakarta Busway system;
10. Encouraging the creation of employment opportunities to the maximum extent for the community through various agencies and companies related to the Transjakarta Busway system; and Encouraging changes in the culture of transportation in a society that values quality of life, time efficiency and equality.

Based on Transjakarta's vision and mission number six, which is to provide good service quality, by paying attention to the safety and comfort of service users. Based on Law on Disabilities Number 8 of 2016 concerning disability article 18:

Accessibility rights for persons with disabilities include:

- a. To get accessibility for utilize public facilities; and
- b. To get decent accommodations as a form of Accessibility for individuals.

Forms of public services especially in the sector of transportation that is easily accessible by persons with disabilities and what types of forms of public services in the field of transportation are easily accessed by persons with disabilities. Regarding transportation services consisting of:

- (i) Land transportation services,
- (ii) Railroad transportation,
- (iii) Sea transportation, and
- (iv) Air transportation, the Government and Regional Governments can cooperate with corporations or legal entities in providing public transportation services.

Public services that are easily accessible by persons with disabilities are a series of activities in the framework of meeting the service needs of persons with disabilities in accordance with statutory provisions. Whereas what is meant by "public services, especially in the field of transportation that is easily accessible by persons with disabilities" are services in the context of meeting the needs of transportation facilities and infrastructure for persons with disabilities, such as pedestrian facilities and crossings that are easily accessible and adequate. The Government and Regional Governments must provide public services that are easily accessible by persons with disabilities in accordance with statutory provisions. Public services include public transportation services.

In the Transjakarta mode of transportation, of course, the connecting bridge and the facilities therein are also infrastructure that supports the accessibility of the use of public transportation.

In Law Number 39 of 1999 concerning Human Rights Article 41 explains that "Every person with disabilities who is elderly, pregnant women and children are entitled to special facilities and treatment". It is clear that basically people with disabilities wherever they are placed must receive

special treatment. People with disabilities previously known as a people with disabilities. However, the latest development of the National Commission on Human Rights and the Ministry of Social Affairs considers that the term Disabled in the Indonesian perspective has a negative connotation and is not in line with the main principles of human rights while at the same time contradicting the noble values of the nation which upholds human dignity and dignity. Therefore it is agreed that the term Disability is replaced by the term Disability. This has also been supported by the issuance of Law on Disabled Number 8 of 2016 concerning persons with disabilities. Many people cannot distinguish the terms Disability, Disability and Disability. Even so far the public is more familiar using the term disabled. At first glance the three terms have the same meaning, but will be accepted psychologically differently for the people when they blend in the social environment, where the label pinned to them will create discrimination and inequality. In the Big Indonesian Dictionary, Defect refers to inanimate objects or objects, or in other words Afkir. Surely no human was created by God with these conditions. The term disabled has a value that tends to form a negative meaning. Persons with disabilities are considered as a group of people who are helpless, incapable and bearing problems because they are 'despicable' or disabled. Difabel is an acronym for Different Ability, or Different Ability People, humans with different abilities. This term is used to refer to individuals who experience physical abnormalities. While the term Disability is an approach to get a neutral term and does not save the potential for discrimination and stigmatization. The definition given by the International Classification of Functioning for Disability and Health, which was then agreed upon by the World Health Assembly and used by The World Health Organization (WHO), is "Disability serves as an umbrella term for impairments, activity limitations or participation restrictions" (Disability is the "umbrella" terminology for disruption, activity limitations or participation restrictions). Meanwhile the classification of persons with disabilities according to the provisions of the World Health Organization, The World Health Organization (WHO), there are three categories of persons with disabilities, namely:

1. Impairment, namely people who are physically helpless as a consequence of psychological, psychological, or due to abnormalities in the structure of their organs. The level of weakness is a barrier that results in the malfunctioning of other body parts such as mental function. Examples of this category of impairment are blindness, deafness, paralysis, amputation of limbs, mental disorders (mental retardation) or abnormal vision.
2. Disability, namely the inability to carry out activities at the level of normal human activity, as a result of the condition of the impairment. As a result of damage to some or all certain body parts, causing a person to become helpless to do normal human activities, such as bathing, eating, drinking, going up the stairs or going to the toilet alone without having to be helped by others.
3. Handicap, namely the inability of a person to carry out his socio-economic role as a result of physiological and psychological damage either due to abnormalities of function (impairment), or due to disability (disability) as above. Disability in the third category is more influenced by external factors of individuals with disabilities, such as being isolated by their social environment or because of cultural stigma, in the sense that persons with disabilities are people who have to be merciful, or depend on the help of others who are normal.

Persons with disabilities are a diverse group of people, including persons with disabilities who have physical disabilities, mental disabilities or a combination of physical and mental disabilities. The condition of persons with disabilities may have little impact on the ability to participate in the community, or even have a large impact that requires the support and assistance of others. In addition, persons with disabilities face greater difficulties than non-disabled people due to obstacles in accessing public services, such as access to education, health services, and also in terms of employment. According to Law on Disabilities Number 8 of 2016 concerning Disability, what is meant by Persons with Disabilities is any person who experiences physical, intellectual, mental, and / or sensory limitations for a long time in interacting with the environment can experience obstacles and difficulties to participate fully and effectively with other citizens based on equal rights.

Barriers to the equality of rights based on physical are obstacles that include environmental barriers, especially infrastructure, for example environments built with 'average size' people, tactile or contrasting contrast colors, height of service desks. Barriers to equal rights based on information available in terms of content and format can be a barrier to access for people with disabilities, for example, documents, publications or websites in lowercase or without contrast visualization, televisions that do not include captions, subtitles, sign language translators, unavailability of audio explanation, basic language for people with intellectual disabilities. Barriers

to equal rights based on the institution include legislation, practitioners, or the process of prohibiting or neglecting access for persons with disabilities, for example, ODMK (people with psychiatric problems) that are prohibited from participating in elections cannot be recognized as witnesses. Based on Law Number 22 of 2009 Article 141 Number 1 Concerning Road Traffic and Transportation, explain that public transportation companies are required to meet minimum service standards which include security, safety, comfort, affordability, equality, order. Then in Law No. 22 of 2009 Number 22 Article 242 explained that public transport companies must provide special treatment in the field of traffic and road transportation to people with disabilities, elderly people, children, pregnant women and sick people which include accessibility, priority services, and service facilities. Implementation of the fulfillment of accessibility in the Transjakarta transportation mode for persons with physical disabilities has actually been given, but in its implementation it has not been evenly distributed throughout the corridors in DKI Jakarta, this can be seen from the following points:

1. Transjakarta Provides free transportation services for persons with disabilities;
2. Transjakarta car service cares to pick up people with disabilities to the nearest busway stop.
3. The availability of priority seats and special space for wheelchairs in every Transjakarta bus and other integrated Transjakarta buses;
4. The availability of Transjakarta Cares services that takes the disabled customer to the nearest bus stop from their home and then the disability customer will continue the journey by using the Transjakarta bus to the stop.
5. Pedestrian facilities that are easily accessed by people with disabilities, for example the availability of several sidewalks in DKI Jakarta that have been equipped with guiding blocks or yellow guide blocks. The guiding blocks function as a guide for people with disabilities to walk on the sidewalk.

According to Disability Law Number 8 Year 2016 article 105 explains that:

1. The Government and Regional Governments must provide Public Services that are easily accessible by persons with disabilities in accordance with statutory provisions.
2. Public Services as referred to in paragraph (1) include public transportation services.
3. Public services that are easily accessible as referred to in paragraph (1) are organized by state institutions, corporations, independent institutions established under the law for Public Service activities, and other legal entities formed for Public Services.
4. Public Service Funding for Persons with Disabilities is sourced from the State expenditure revenue budget, regional budget and revenue expenditure and / or corporate or legal entity budget that provides public services.

Accessibility for persons with disabilities is very important in the mode of public transport. Good standards can be seen starting from buses, special stops, walking stairs, elevators that are safe and comfortable and there are even special vehicles for the shuttle for people with disabilities. Based on research on the Transjakarta Seskoal corridor, the fulfillment of accessibility for people with physical disabilities has not been fulfilled such as the discovery of ramps that are not ramps, lack of lift facilities, wheelchairs, escalators, tactual instructions, sign language translators, standby officers at the beginning of corridor access and no guiding block, so that the Transjakarta Seskoal corridor cannot be easily accessed by persons with physical disabilities. Based on research in the Transjakarta Tirtayasa corridor the fulfillment of accessibility for people with physical disabilities has also not been fulfilled such as the absence of elevator facilities, wheelchairs, escalators, tactual instructions, and the absence of sign language translators, but in the Transjakarta Tirtayasa corridor the ramp is sufficiently sloping and guiding blocks are available. which can help people with physical disabilities access to the Transjakarta corridor. The Transjakarta transportation mode actually indirectly accommodates the needs of physical disabilities for the deaf and visually impaired. For example, there is a running text that can be read by the deaf and a voice notification that indicates the next stop that can be heard by blind people. Especially for physical disabilities that use wheelchairs or crutches, they are still minimal and have not been evenly implemented. Based on research, the factors which hinder the fulfillment of access for persons with physical disabilities are:

1. Budgets from local governments that are not well coordinated.
2. Narrow land in Jakarta;
3. Transjakarta is not the only public transportation used to serve the community that is the concern

of the government, but there are also other public transportation.

4. Lack of compliance and full awareness of the importance of implementing accessibility for persons with disabilities.

5. Lack of special officers trained for public transportation officers who are devoted to serving people with disabilities.

To reduce the inhibiting factors for the fulfillment of accessibility for persons with disabilities in a number of Transjakarta Seskoal and Tirtayasa corridors, which are mostly not physically disability friendly, the government must be able to equalize Transjakarta Cares bus facilities and to be active in transporting passengers with physical disabilities to corridors with elevators or escalators such as on corridors of CSW and Cipulir.. Officers are also required to be on standby at the start of access in each Transjakarta corridor so that if at any time there is a person with a physical disability wanting to use the Transjakarta facility, they will not find it difficult to access the Transjakarta corridor.

According to Disability Law Number 8 Year 2016 article 105 explains that:

1. The Government and Regional Governments must provide Public Services that are easily accessible by persons with disabilities in accordance with statutory provisions.

2. Public Services as referred to in paragraph (1) include public transportation services.

3. Public services that are easily accessible as referred to in paragraph (1) are organized by state institutions, corporations, independent institutions established under the law for Public Service activities, and other legal entities formed for Public Services.

4. Public Service Funding for Persons with Disabilities sourced from:

a. State budget;

b. Regional budget and revenue expenditure; and / or

c. Corporate budget or legal entity that organizes Public Services.

According to Law Number 22 of 2009 if public transport companies that do not meet the facilities and infrastructure of public transport services may be subject to sanctions based on article 244 are:

Public Transport Companies that do not fulfill the obligation to provide facilities and infrastructure for services to people with disabilities, elderly people, children, pregnant women, and sick people as referred to in Article 242 paragraph (1) may be subjected to administrative sanctions in the form of:

a. written warning;

b. administrative fines;

c. license suspension; and / or

d. revocation of permission.

2. Further provisions regarding the criteria and procedures for imposing administrative sanctions as referred to in paragraph (1) are regulated by government regulations.

Then, according to the law of the Government and Regional Governments are required to provide Public Services that are easily accessed by Persons with Disabilities in accordance with statutory provisions. Public services include public transportation services. Public services that are easily accessible are organized by state institutions, corporations, independent institutions that are formed based on laws for Public Service activities, and other legal entities formed for Public Services.

Conclusion

The implementation and fulfillment of the rights of persons with physical disabilities in the Transjakarta transportation mode in the Transjakarta corridor Seskoal and Tirtayasa South Jakarta are still not fulfilled according to the needs and regulations applicable to persons with disabilities due to lack of adequate facilities for persons with physical disabilities such as high pedestrian facilities and only using stairs , the absence of elevators and escalators, the absence of tactual instructions, and the absence of off board officers guarding access at the start of access to the Transjakarta bus corridor that can help if there are persons with physical disabilities who will use the Transjakarta transportation mode but only the ticket manager and Transjakarta bus

gatekeepers

The implementation and fulfillment of physical disability rights in the Transjakarta bus transportation mode in Seskoal and Tirtayasa South Jakarta Corridors has not been fulfilled in accordance with the needs and regulations applicable to persons with physical disabilities due to lack of adequate facilities for persons with physical disabilities. The inhibiting factor in the implementation and fulfillment of rights for persons with physical disabilities is that the budget from the government is still not well coordinated, the limited land in Jakarta which makes the development of access in several corridors that are not possible to carry out development in accordance with the regulations for meeting the accessibility of persons with physical disabilities, Transjakarta does not become the only mode of transportation used by the people in Jakarta so that the fulfillment of accessibility cannot be evenly distributed and is focused on one mode of transportation, namely Transjakarta, lack of compliance and full awareness of the importance of fulfilling accessibility for persons with disabilities, and the lack of special officers trained for transportation officers a public dedicated to serving people with disabilities

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