



RESEARCH REPORT

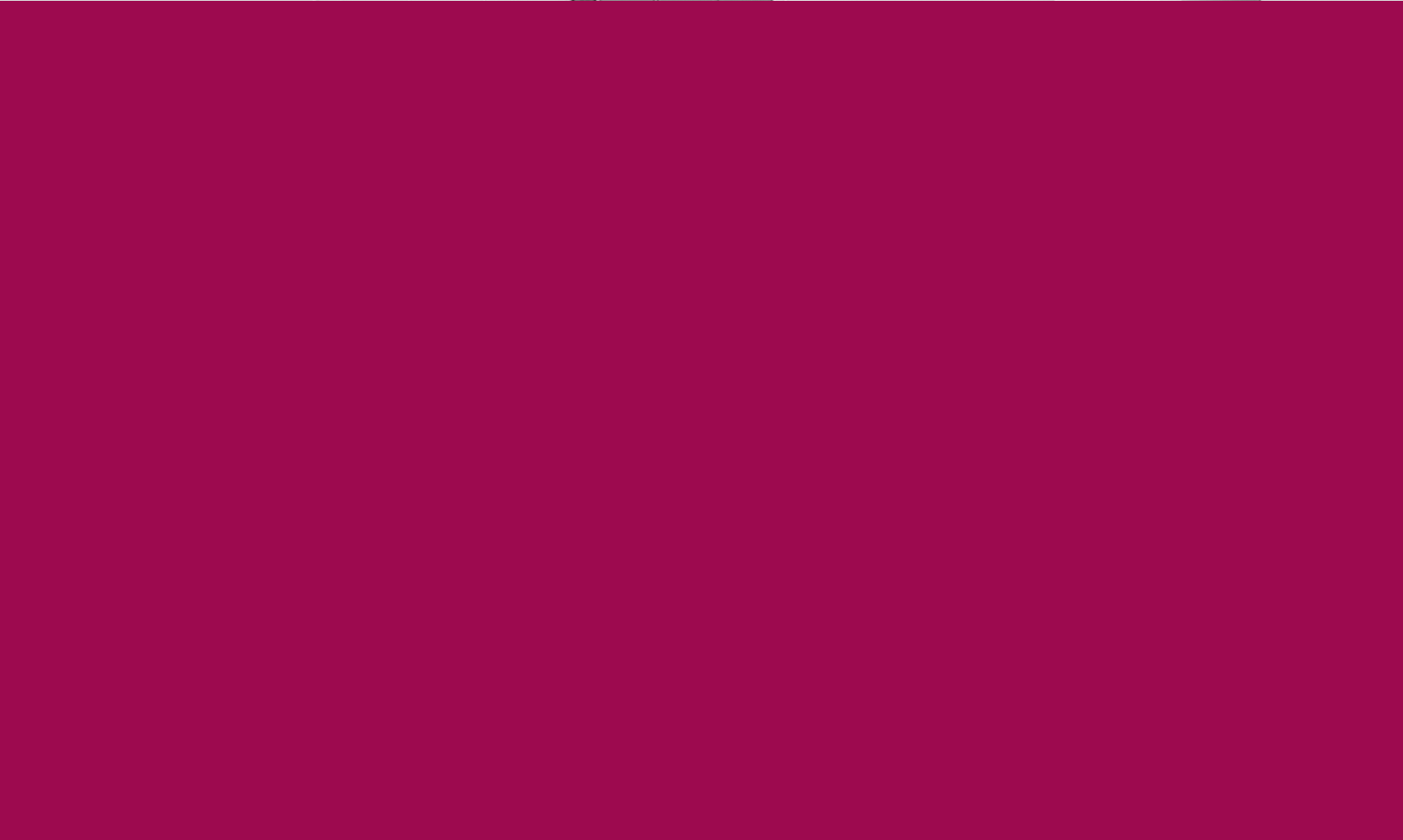
Disability Inclusion and Accessibility in Indonesia's Public Transport: A Comparative Study of Mass Rapid Transit Jakarta and Jakarta-Bandung High Speed Railway



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**Disability Inclusion and Accessibility
in Indonesia's Public Transport:
A Comparative Study of Mass Rapid
Transit Jakarta and Jakarta-Bandung
High Speed Railway**

The Habibie Center
September 2021





About The Habibie Center

The Habibie Center was founded by Bacharuddin Jusuf Habibie and family in 1999 as an independent, nongovernmental, nonprofit organisation. The vision of The Habibie Center is to create a structurally democratic society founded on the morality and integrity of cultural and religious values.

The missions of The Habibie Center are first, to establish a structurally and culturally democratic society that recognizes, respects, and promotes human rights by undertaking study and advocacy of issues related to democratization and human rights, and second, to increase the effectiveness of the management of human resources and the spread of technology.

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Foreword

The Habibie Center (THC) which was established on November 10, 1999, as an independent, non-governmental, and non-profit think-tank, aims to establish a structurally and culturally democratic society and recognize, respect, and promote human rights through research activities and advocacy against issues related to the democratization process, governance and mainstreaming of human rights, and human resource management. Consistent with its mission of democratization and human rights, THC consistently advocates for governance issues, including transparency, service delivery and accountability aspects, inclusive and equitable development, and tolerance. Therefore, a study entitled “Disability Inclusion and Accessibility in Indonesia’s Public Transport: A Comparative Study of Mass Rapid Transit Jakarta and Jakarta-Bandung High-Speed Railway” is not only important to promote inclusiveness and equitable development in Indonesia, but also important to support the mission and goals of THC.

As time has been dedicated to completing this research, we recognize that within the process, there were invaluable opportunities to get to know the many people who have helped make this research work with their invaluable ideas, time, and support. We are aware that words will not be able to repay the support of these parties in helping us complete this research, but we would like to express our deepest gratitude to The Asia Foundation for their support thus this research can be carried out and all colleagues, friends and our network for your support and constructive feedbacks. We would also like to thank all THC personnel and supporting staffs for their support in the operational, administrative, and program management aspects.



In particular, we are beyond grateful to all informants in the interview and focus group discussion stages for their willingness to share their opinions, perspectives, stories, and experiences. Accordingly, this research will not reach the completion stage without being supported by various opinions, perspectives, and experiences shared by all informants.

Sincerely,

Research Team

The Habibie Center

List of Abbreviations

BPPT	<i>Badan Pengkajian dan Penerapan Teknologi</i> (Agency for the Assessment and Application of Technology)
DTKJ	<i>Dewan Transportasi Kota Jakarta</i> (Jakarta Transportation Council)
GAUN	<i>Gerakan Aksesibilitas Umum Nasional</i>
IMB	<i>Izin Membangun Bangunan</i> (Building Permit)
KEMENHUB	<i>Kementerian Perhubungan</i> (Ministry of Transportation)
KEMENKOMARVES	<i>Kementerian Koordinator Bidang Maritim dan Investasi</i> (Coordinating Ministry for Maritime and Investment Affairs)
KEMENPERIN	<i>Kementerian Perindustrian</i> (Ministry of Industry)
KEMENPUPR	<i>Kementerian Pekerjaan Umum dan Perumahan Rakyat</i> (Ministry of Public Works and Housing)
KND	<i>Komisi Nasional Disabilitas</i> (National Commission for Persons with Disabilities)
KPPN	<i>Kementerian Perencanaan Pembangunan Nasional</i> (Ministry of National Development Planning)
LRT	Light Rail Transit
MRT	Mass Rapid Transit
PRM	Persons with Reduced Mobility
SISTRANAS	<i>Sistem Transportasi Nasional</i> (National Transportation System)
SL	The Greater Stockholm Local Transit Company
SLF	<i>Sertifikat Laik Fungsi</i> (Certificate of Worthiness)
SOP	Standard Operational Procedure
SUSENAS	<i>Survei Sosial Ekonomi Nasional</i> (National Socio-Economic Survey)
UN	United Nations
UN CRPD	United Nations Convention on the Rights of People with Disabilities

Preface

A. Background

As one of the largest developing countries in the world, Indonesia's economic growth has been impressive in recent years. However, the benefits of this significant economic growth have not been felt evenly due to the unequal development that has occurred in Indonesia. The high structural inequality among vulnerable and marginalized groups of people, which includes persons with disabilities, has prevented this community group from realizing its full potential.

According to the *United Nations Convention on the Rights of People with Disabilities* [hereinafter: *UN CRPD*], persons with disabilities are those who have long-term physical, mental, intellectual, or sensory impairments which with various barriers in their interactions can prevent their full and effective participation in society.¹ This definition has also been strengthened by the Government of Indonesia through Article 1 paragraph (1) of Law no. 8 of 2016 concerning Persons with Disabilities [hereinafter: *Law on Persons with Disabilities*]. In Indonesia, the results of the National Socioeconomic Survey (SUSENAS) in March 2019 showed that more than 9 percent or about 23.3 million people have some form of disability, with 2.2 percent or 5.7 million people of whom have severe disabilities. Of the total number of persons with disabilities, 55.5 percent or around 12.9 million are women and 44.5 percent or the remaining 10.4 million are men.²

As contained in the values of Pancasila and the 1945 Constitution of the Republic of Indonesia [hereinafter: the 1945 Constitution], the Indonesian government recognizes the principles of equality and social justice for all Indonesian citizens. Realizing this, the protection, promotion, enforcement, and fulfillment of human rights are the authority of the state. Indonesia adopts a human rights-based approach and is committed to eliminating all forms of discrimination against persons with disabilities. The principles of the UNCRPD are reflected in national laws, especially the Law on Persons with Disabilities - the renewal of Law no. 4/1997 - which changed the Indonesian government's approach to persons with disabilities from social-based to rights-based, which guarantees the rights and opportunities of persons with disabilities in various

aspects of life.

Although several national laws regulate the conditions of persons with disabilities, most of them have not outlined the technical provisions. This complicates the implementation of regulations and law enforcement and exacerbates the current situation faced by persons with disabilities. For example, people with disabilities in Indonesia have lower job opportunities and access to public services than those without disabilities.³

Even though the government recognizes that disability is a cross-sectoral issue, in actuality, there is no single institution that focuses on disability issues. Currently, each ministry has its policies and regulations which implies that there is no harmonization of policies. Besides systemic barriers, there is still a high level of stigmatization, exclusion, and social discrimination against persons with disabilities.

The main reason why persons with disabilities still face this challenge is the limited opportunity to participate in development planning and policymaking. Without the involvement of persons with disabilities, especially as users, regulations, and policies will not be effective. This relatively low participation can be attributed to the lack of information and the discrepancy of available data on persons with disabilities. The Law on Persons with Disabilities regulates the need for high-quality data so that the government can further increase the participation of persons with disabilities in society and the welfare of groups of persons with disabilities. However, data collection remains a problem for the government due to the unavailability of a single data collection system. The different definitions and available data indicate that the government's low understanding of the actual condition of persons with disabilities, including the level of marginalization and discrimination, which in turn hinders the inclusiveness of development policy designs.⁴

Barriers to inclusive development can be seen in the weak law enforcement on the accessibility of public transportation in Indonesia. Moreover, the accessibility of public transportation should be a right for all community groups, including persons with disabilities. Currently, several public transportation

modes such as buses and trains have inadequate accessibility or even none at all. Given the large impact of development on the economic structure,⁵ the limited accessibility of public transportation for persons with disabilities has the potential to hinder the participation of these groups in economic activities and employment opportunities, in contrast to their counterparts who are not persons with disabilities. Only 46.6 percent of persons with disabilities have access to the labor market, most of whom work in the informal sector for low wages. Even as much as 0.26% of workers are those with severe disabilities.⁶

Recognizing the efforts that are still needed from the government to ensure that people with disabilities in Indonesia have better access to their rights, THC conducted a study on the impact of policies and practices of public transportation providers and investors in fulfilling the rights of persons with disabilities, particularly in the field of transportation. The transportation sector was chosen as the focus of research because it is one of the strategic sectors that has not significantly met the accessibility standards for persons with disabilities.

More specifically, this study intends to explore more deeply and systematically regarding inclusiveness and accessibility for persons with disabilities in the Jakarta Mass Rapid Transit [hereinafter: MRT] and the Jakarta-Bandung High-Speed Rail. Apart from the fact that these two modes of public transportation have the highest level of modernity in Indonesia, the Jakarta MRT and the Jakarta-Bandung High-Speed Rail are modes that are being developed and will continue to be developed. Until now, the Jakarta-Bandung High-Speed Rail is still in the construction stage and is expected to be completed and operational in 2022. Meanwhile, the construction of the first phase of Jakarta MRT has been completed in 2019 and currently, the second phase of construction is under construction.

In addition, foreign investment plays a significant role in the construction of the Jakarta MRT and the Jakarta-Bandung High-Speed Rail, where Japan and the People's Republic of China are the two investors for the development of the two modes of transportation. Thus, an in-depth study of inclusiveness and accessibility for persons with disabilities on the Jakarta MRT and the

Jakarta-Bandung High-Speed Rail is also expected to provide an overview of the contribution of foreign investment in the development of transportation modes, especially in providing accessibility for persons with disabilities.

B. B. Research Methodology

B.1. Research Purposes

In order to explore the inclusiveness of the development of public transportation in Indonesia that is accessible to persons with disabilities, this study aims to explain:

- How national policies accommodate the interests of persons with disabilities in fulfilling the right to accessibility on public transportation;
- Involvement of groups of persons with disabilities in the process of design, development, and construction of public transportation modes;
- Provision of facilities to support accessibility for persons with disabilities and the extent to which investors play a role in providing accessibility for persons with disabilities in public transportation; and
- Challenges faced by persons with disabilities related to accessibility on public transportation.

B.2. Data Collection Methods and Approaches

An in-depth investigation of the specific phenomenon of disability accessibility in public transportation is seen as the main objective of the case study-based research on the Jakarta MRT and the Jakarta-Bandung High-Speed Rail. Although there are discrepancies in the operational aspects, namely the Jakarta-Bandung High-Speed Rail has not yet operated, the choice of transportation mode as a case study in this study does not reduce the opportunity to understand the complex nature, challenges, policies, and the provision of facilities and accessibility for persons with disabilities in public transportation.

Data collection was carried out through open interviews. Open interview as a data collection method was chosen based on the qualitative character of this study. The qualitative approach relates to the nature of research that is complex,

exploratory, descriptive, and intensive, so it is believed to be more adequate in answering the main problems in this research. The semi-structured interview method adopted in this study is flexible, allowing new questions to be asked during the interview as a follow-up to the answers given by the informants. Furthermore, interviews were conducted with 11 different informants to obtain various information. These informants include persons with disabilities who regularly use public transport, policymakers, public transport service providers, civil society organizations, and academics.

Table 1. Open interview process and informants

Date	Informant	Informant Background	Affiliation
27 April 2021	Dr. Bahrul Fuad, M.A.	Academics	National Commission on Violence Against Women
28 April 2021	Leindert Hermeinadi	Disabled activist	Association of Indonesian Disabled Persons [hereinafter: PPDI]
04 May 2021	Rusli Rahim	State civil apparatus	Coordinating Ministry for Maritime and Investment Affairs [hereinafter: Kemenkomarves]
05 May 2021	Rachmita Maun Harahap, ST, M.Sn.	Academics	Mercu Buana University
06 May 2021	Slamet Tohari, M.A.	Academics	Brawijaya University.
07 May 2021	Dr. Harris Muhammadun	Transport practitioner	Jakarta Transportation Council [hereinafter: DTKJ]

11 May 2021	Ariani Soekanwo	Disabled activist	National Public Accessibility Movement [hereinafter: GAUN]
	David Tjahjana		
	Catur Sigit		
18 May 2021	Muhammad Effendi	Director of Operations and Maintenance	PT. MRT Jakarta (Perseroda)
21 May 2021	Trian Airlangga	Disabled activist	Jakarta Barrier-Free Trip [hereinafter: JBFT]
09 June 2021	Jarot A. Wibowo	General Director of Equipment-Materials	PT. KCIC
	M. Deddy Gamawan	Deputy General Director of Operations and Maintenance	
	Deni Yusdiana	Public Relations Manager	
	Huo Wei	Operations and Maintenance	
22 July 2021	Ira Askarina	Disabled activist	Healthy Souls Association

In addition to interviews, focus group discussions [hereinafter: FGD] were also held 3 times in the research. The general purpose of the FGD was to discuss and explore the dynamics and context of certain issues related to accessibility for persons with disabilities that were found during the interview process and to review the findings of the research. The data obtained from the FGDs add to the perspective of the information needed to answer the research questions and significantly serve as triangulation of qualitative data, which is generally defined as an attempt to combine different perspectives on a particular problem or different findings.

Table 2. FGD and process of informants

Date	FGD Activity	Informant	Affiliation
21 April 2021	FGD I: Mapping of accessibility issues for persons with disabilities	Balqis Kusumawati, S.T., M.T., M.Sc.	Kemenkomarves
		Dr. Harris Muhammadun	DTKJ
		Dr. Bahrul Fuad, M.A.	National Commission on Violence Against Women
		Slamet Tohari, M.A.	Brawijaya University
		Leindert Hermeinadi	PPDI
		Risnawati Utami	UN CRPD Committee
16 June 2021	FGD II: Research findings	Faela Sufa	Institute for Transportation and Development Policy
		Darmaningtyas	Transportation Study Institute
		Ajad Sudrajat	DTKJ
		Dr. Arif Maftuhin, M.Ag., M.A.I.S.	Sunan Kalijaga State Islamic University, Yogyakarta
		Dr. Bahrul Fuad, M.A.	National Commission on Violence Against Women
		Risnawati Utami	UN CRPD Committee
05 August 2021	FGD III: External review	Faisal Rusdi	JBFT; Bandung Independent Living
		Tolhas Damanik, M. Ed.	<i>Wahana Inklusif Indonesia</i>
		Maulani Rotinsulu	Indonesian Association of Women with Disabilities
		Risnawati Utami	UN CRPD Committee
		Dr. Harris Muhammadun	DTKJ

Legal Framework

A. Legal Framework for Inclusiveness for Persons with Disabilities in Indonesia

The rights of persons with disabilities are guaranteed in the Indonesian constitution. Looking at the legal system in Indonesia, the constitution is the highest legal rule of the country. Therefore, recognition, protection, and fulfillment of the rights of persons with disabilities are the constitutional rights of every person with disabilities. It is these constitutional rights that base the laws under the constitution; laws, presidential regulations, and other technical regulations may not contradict or reduce these rights. Those constitutional rights make a strong foundation for every person with a disability to fulfill their rights.

The constitutional rights of persons with disabilities are mentioned in Article 28H paragraph (2) and Article 28I paragraph (2) of the 1945 Constitution (First Amendment in 1999). Article 28H paragraph (2) states that everyone is entitled to special facilities and treatment to obtain the same opportunities and benefits in order to achieve equality and justice. The interpretation of the article based on three decisions of the Constitutional Court of the Republic of Indonesia is to guarantee the constitutional rights of marginalized, excluded, and discriminated groups, including groups of persons with disabilities. Meanwhile, Article 28I paragraph (2) of the 1945 Constitution also guarantees that everyone is free from discriminatory treatment on any basis and is entitled to protection on discriminatory treatment.

At the international level, the recognition and protection of persons with disabilities are made by the United Nations [hereinafter: UN] through the UN CRPD. This Convention was adopted on 13 December 2006 by the United Nations and entered into force on 3 May 2008. As a member of the United Nations, Indonesia officially ratified the UN CRPD on 30 November 2011. Indonesia took about 3 years to ratify the UN CRPD since the entry into force of the convention. The ratification is an important milestone for the Government of Indonesia in ensuring inclusiveness for groups of persons with disabilities in Indonesia. Following Article 4 of the UN CRPD, the consequences of ratification carried out by the Indonesian government include the implementation of

conventions through the preparation, adjustment, and implementation of policies within the national legal framework, as well as the development and facilities as well as technology development that can accommodate the needs of persons with disabilities.

The existence of constitutional guarantees as well as the ratification of international conventions should be able to encourage the acceleration of the legislative process of legal instruments in the form of a law on persons with disabilities. However, Indonesia needed 5 years from the time of ratification to the making of laws. Although there was a change in government leadership in 2014 during the ratification period until the law was enacted, it cannot be used as an excuse for the lengthy process of legislation on persons with disabilities in the House of Representatives – Republic of Indonesia. Finally, on 15 April 2016, the Law on Persons with Disabilities was officially passed. The rights for persons with disabilities in the Law on Persons with Disabilities include the right to accessibility, public services, to live independently, and to be involved in society, to obtain information, to change places, and the right to be free from discrimination. These rights are implemented based on principles including respect for dignity, individual autonomy, nondiscrimination, accessibility, inclusivity, as well as special treatment, and more protection.

The Law on Persons with Disabilities contains provisions for criminal sanctions for people who hinder the rights of persons with disabilities. Criminal sanctions are more directed at people, while obstructive actions are carried out by companies are not clearly addressed. This law only provides for administrative sanctions for companies that prevent or do not provide facilities for workers with disabilities. These sanctions are more intended for building owners and/or managers who do not provide facilities that are easily accessible to persons with disabilities, in Article 98 paragraph (3), the gradation of administrative sanctions starts from a written warning, temporary suspension, freezing of building permits [hereinafter: IMB], freezing/revocation of certificate of worthiness [hereinafter: SLF] of buildings, to demolition. This would potentially become a significant issue if the building is owned by the government or financed by foreign investment, such as MRT and Light Rail Transit [hereinafter: LRT]. This is where the importance of monitoring and involving groups of persons

with disabilities and other stakeholders from the building design process is to prevent administrative sanctions that harm investors economically.

Laws cannot be implemented in their entirety, because in practice they require more technical regulations in the form of Government Regulations which are usually clearly mandated by law. In the Law on Persons with Disabilities, the articles imply that 15 provisions require the implementation in the form of Government Regulations, 2 Presidential Regulations, and 1 Ministerial Regulation. The implementing regulation includes: stipulating provisions for public services that are easily accessible to persons with disabilities, and provisions for organization and work procedures as well as membership of the National Commission for Persons with Disabilities [hereinafter: KND]. Finally in 2020, or 4 years since the Law on Persons with Disabilities was enacted, various implementing provisions were completed in 6 Government Regulations and 3 Presidential Regulations, and 1 Ministerial Regulation.

Although guarantees, protections, and fulfillment of the rights of persons with disabilities have been stated in the Indonesian constitution, in reality, it takes quite a long time to ratify legal instruments in the form of more technical laws and regulations. This has somehow reflected that the policies related to persons with disabilities are not a priority and urgent. In other words, other matters are more urgent than policies related to persons with disabilities.

B. Accessibility for Persons with Disabilities in Rail Public Transport

All laws and regulations from the 1945 Constitution, the UNCRPD, and the Law on Persons with Disabilities regulate the substance of the rights of persons with disabilities and have not specifically regulated technical matters. In the Law on Persons with Disabilities, both the central government, regional governments, state-owned enterprises, regional-owned enterprises, as well as legal entities operating transportation in Indonesia are responsible for the accessibility of transportation services as part of the right to public services. This is under Article 19 paragraph (3) of Government Regulation No. 42 of 2020 concerning Accessibility to Settlements, Public Services, and Protection from

Disasters for Persons with Disabilities [hereinafter: Government Regulation No. 42/2020].

When the rights of persons with disabilities are related to specific aspects such as transportation, and more specifically to trains, special technical regulations that involve more stakeholders are needed. Regarding policies on public transportation, the Ministry of Transportation [hereinafter: Kemenhub] has a significant role in policy formulation in Indonesia. The Ministry of Transportation plays a role in designing public transportation development plans in the short, medium, and long term, as well as ensuring the implementation of these development plans.

Apart from the Ministry of Transportation, there are other ministries and institutions in the policy design process, such as the Ministry of National Development Planning/National Development Planning Agency [hereinafter: KPPN/Bappenas], Ministry of Public Works and Housing [hereinafter: Kemen PUPR], Ministry of Industry [hereinafter: Kemenperin], and the Agency for the Assessment and Application of Technology [hereinafter: BPPT]. KPPN/Bappenas and the Ministry of PUPR play a role in improving the planning process and development of public transportation facilities and infrastructure. Meanwhile, the Ministry of Industry and BPPT play a role in improving planning, engineering, and application of technology in public transportation.

The policy on improving services for persons with disabilities is contained in the National Transportation System [hereinafter: Sistranas] in the Minister of Transportation Regulation No. KM.49/2005 as part of public transportation development planning. Sistranas has two policy priorities for improving services for persons with disabilities in public transportation, namely the provision of facilities for groups of persons with disabilities and assistance for public transportation companies in preparing programs and plans for the procurement of public transportation facilities that suit the needs of persons with disabilities.

The provisions regarding the provision of facilities for persons with disabilities in public transportation are mentioned in the Minister of Transportation

Regulation No. 98 of 2017 concerning the Provision of Accessibility in Public Transportation Services for Service Users with Special Needs [hereinafter: Minister of Transportation Regulation No. 98/2017]. Although in the initial section, considering, the Minister of Transportation Regulation included the Law on Persons with Disabilities, it did not include the Railway Law as an umbrella rule to regulate more specific regulations. Moreover, Minister of Transportation Regulation No. 98/2017 does not include provisions for criminal or administrative sanctions for those who violate this Minister of Transportation Regulation.

Furthermore, the regulation of technical requirements for infrastructure and facilities for persons with disabilities is also regulated in the Regulation of the Minister of Public Works and Housing No. 14 of 2017 concerning Requirements for Ease of Building Construction [hereinafter: Minister of Public Works and Housing Regulation No. 14/2017]. Similar to Minister of Transportation Regulation No. 98/2017, the Minister of Public Works and Housing Regulation No. 14/2017 section considers and remembers that it does not mention the Law on Persons with Disabilities at all. Likewise, criminal and administrative sanctions are also not regulated or referred to in certain laws. Moreover, in the Minister of Public Works and Public House Regulation No. 14/2017, the implementation arrangements are left to the regional government.

The absence of an umbrella law from Ministry of Transportation Regulation No. 98/2017 and Minister of Public Works and Housing Regulation No. 14/2017 makes the regulation vulnerable to law enforcement obstacles. If anyone violates these regulations, no law can be used to punish violators. Moreover, the Minister of Transportation Regulation and the Minister of Public Works and Housing did not mention sanctions for those who violated it. This is the challenge in law enforcement on the complete disability-related regulations.

As part of the public transportation mode in Indonesia, the provision of facilities for persons with disabilities on trains is regulated in Law No. 23 of 2007 concerning Railway [hereinafter: Railway Law]. Unfortunately, there are only two articles that explicitly mention persons with disabilities in the Railway Law. Article 54 paragraph (1) of the Railway Law generally requires

the operator of the railway facilitates and infrastructure to provide special passenger stations to be equipped with facilities for people with disabilities. Article 131 paragraph (1) states that the operator of railway facilities is obliged to provide special facilities for persons with disabilities, pregnant women, children under five years, the sick, and the elderly. Article 131 paragraph (1) explains: Special facilities can be in the form of making special walking lane at stations and special facilities for taking trains or providing space specifically for the placement of wheelchairs or assistive facilities for sick people whose transportation requires them to be in a sleeping position.

Concerning the period, the ratification of the Railway Law and the Law on Persons with Disabilities is 9 years apart. Therefore, it is understandable that the Railway Law does not include many aspects of persons with disabilities in its provisions. Such as the use of the term; The Railway Law uses the term “*penyandang cacat*” that roughly translate to ‘disabled person,’ while Law No. 8 of 2016 uses the term ‘persons with disabilities.’ While there is no explanation of ‘disabled person’ in the Railway Lay, the Law on Persons with Disabilities, Article 1 paragraph (1) clearly states the definition of “Persons with Disabilities.” Furthermore, the provision of facilities as a minimum service standard for persons with disabilities in rail transportation modes, including the Mass Rapid Transit [hereinafter: MRT] and high-speed trains serving inter-city routes, can be found in the legal regulations under the law, namely the Regulation of the Minister of Transportation. Republic of Indonesia No. 63/2019 concerning Minimum Service Standards for Transport of People by Train [hereinafter: Minister of Transportation Regulation No. 63/2019].

Meanwhile, the Railway Law has minimal regulations regarding persons with disabilities, in practice, accessibility guarantees are mostly based on regulations that are lower than the law, namely the Ministerial Regulations. In the legal system in Indonesia, the rules for criminal sanctions and fines only exist at the statutory level. However, as criminal sanctions cannot be determined using regulations that are lower than the law, then the most punishments are limited to imprisonment and fines. As a consequence, legal regulations that are lower than the law cannot provide sanctions for those who do not provide accessibility for persons with disabilities. This was also stated by Slamet Tohari:

“There is a big gap between regulation and its implementation. There needs to be a firm and good mechanism for the rule of law/ regulation related to the provision of access and facilities for persons with disabilities. This is an issue for in the regulation there is no punishment.”

Slamet further said that investors did not carry out input from groups of persons with disabilities because there was no punishment mechanism from the government or a mechanism where the government forced the private sector to provide access and standardized facilities for persons with disabilities.

C. Disability Inclusion and Accessibility in Rail Public Transportation in Jakarta

Goal 11.2 of the Sustainable Development Goals is ‘Sustainable Cities and Communities – Making cities inclusive, safe, strong, and sustainable.’ The goal targets safe, affordable, and inclusive public transportation for all by taking into account the needs of persons with disabilities, the elderly, women, and children.⁷ In this case, affordability is defined in terms of access and payment systems.

Accessibility to public transportation is the scope of protection for persons with disabilities in the Jakarta, as regulated in Article 46 and Article 51 paragraph (1) of Jakarta Provincial Regulation No. 10 of 2011 concerning the Protection of Persons with Disabilities [hereinafter: Jakarta Regional Regulation No. 10/2011]. Regional governments, along with legal entities and business entities, such as developers and operators of rail transportation modes such as the MRT and the Jakarta-Bandung high-speed train operating in the Jakarta, are obliged to participate in implementing the protection of the rights for persons with disabilities in public transportation, including in the aspects of the provision of physical and non-physical facilities such as information services.

Furthermore, regarding the MRT and LRT in Jakarta, the Special Capital Region of Jakarta Government issued Governor Regulation No. 95 of 2019

concerning Minimum Service Standards for People Transportation with Mass Rapid Transit and Light Rail Transit [hereinafter: Governor Regulation No. 95/2019]. Unfortunately, this regulation still needs improvement to better provide convenience and access for persons with disabilities. This governor regulation is not at all integrated with legislation related to railways or disability. Mentioned in the Minimum Service Standards in Article 3 of the Governor Regulation No. 95/2019 covers aspects of safety, security, reliability, comfort, convenience, and equality. Special needs for persons with disabilities at the station and on the way are only regulated in terms of equality, not in other aspects. It is unfortunate that Minimum Service Standards at stations (Chapter II) from the aspect of equality only regulate the use of braille and facilities for wheelchair passengers. Meanwhile, the Minimum Service Standards for travel (Chapter III), the equality aspect only regulates special spaces for wheelchairs and priority seats.

Enforcement of Governor Regulation No. 95/2019 is not yet effective for its implementation is very dependent on the contents of the agreement or contract between the Department of Transportation and the Business Entity. Article 19 paragraph (2) states that the assessment of the implementation of MRT or LRT services as referred to in paragraph (1) is outlined in a contract between the Department of Transportation and a Business Entity. The contract stipulates the procedures and the imposition of sanctions for violations of the Minimum Service Standards.

In 2003, DTKJ, which was based on the Jakarta Capital Special Province Regional Regulation Number 12 of 2003 concerning Road, Rail, River, and Lake Traffic and Transportation and Crossings in the Jakarta Capital Special Region, emerged as an independent agency assigned to provide recommendations to the Governor of Jakarta regarding public transportation policies that will be implemented and to evaluate transportation policies that are currently and have been implemented, including the sustainability of supporting facilities for persons with disabilities.

Involvement of Persons with Disabilities in Rail Public Transport Design and Planning

A. Involvement of Persons with Disabilities in the Design and Planning of Public Transportation

In general, the discourse or discussion that is quite massive on accessibility and inclusiveness in public transportation emphasizes the urgency and strategic position of the involvement of the community with disabilities in the design and planning stages. In this context, strong encouragement is given by the public and various relevant stakeholders. Thus, the development of public transportation in Indonesia, in particular, the Jakarta MRT and the Jakarta-Bandung high-speed train, is confirmed to have involved the disability community from the design and planning stages. This emphasis on the design and planning stages assumes that there is no or minimal involvement of the community with disabilities in the current development of public transportation in Indonesia.⁸

One of the important objectives of the involvement of the disability community since the planning stage is intended as an instrument and a consultation space between the government and public transportation investors regarding Minimum Service Standards in Minister Transportation Regulation No. 63/2019 or other details related to the implementation of compliance in the field related to the Minimum Service Standards above, which consist of safety, regularity, convenience, and equality standards.⁹ Involvement from the outset in the design and planning of public transportation for persons with disabilities principally and essentially emphasizes not only respect for human rights for persons with disabilities but also affirms the fact that mobility is the key and the main challenge for persons with disabilities to carry out their daily lives.¹⁰

The process and mechanism for involving persons with disabilities in general in the design and planning stages are simple, but the execution depends only on the decisions of the investors and operators. The obstacle is that they make designs and plans based on assumptions or designs that have been built themselves. Whereas inviting and communicating the process, including FGDs, or public consultations with the community of persons with disabilities was assumed not to be difficult and not too expensive.¹¹

Several possibilities hinder the involvement of persons with disabilities in

the design process. First, the network with groups and communities of persons with disabilities is still weak. Second, the communication barriers and the confusion towards the various types of disabilities. However, once again, it all depends on the political will of investors, especially PT MRT Jakarta and PT Kereta Api Indonesia-China [hereinafter: PT KCIC] as well as the government. If there is a strong willingness and commitment, all of them can be done easily.¹²

The third obstacle and challenge are related to the stigma towards persons with disabilities. In general, there live the perspectives regarding the lack of socio-cultural asset possessed by persons with disabilities. Aside from the assumption that their literacy level is low, their involvement, especially in planning, is considered merely to be a hassle and a burden. For example, inviting someone who uses a wheelchair also means inviting their companion and on which it could cost more.¹³

Nevertheless, several factors would potentially make the involvement of communities with disabilities in the design and planning being important and strategic. First, the involvement of persons with disabilities in the design and planning stages of public transportation modes is considered to be more proportional. In other words, the construction of public transportation, in general, would be more efficient in time and funds considering that corrections and improvements to planning and development can be carried out immediately if there is a mismatch of accessibility and facilities for persons with disabilities.¹⁴

Regarding the above, the International Labor Organization asserts that the development of participatory and inclusive and public transportation can increase a country's GDP by 1-7%. Furthermore, the findings of research from Gadjah Mada University show that the initial design involving groups of users, especially people with disabilities, women, and the elderly, only spent 1% of the total budget to design the public environment including public transportation. Otherwise, the renovation costs would be 20% more expensive than the construction costs.¹⁵

Second, as the users of the Jakarta MRT and the Jakarta-Bandung high-speed train, the involvement of groups of persons with disabilities in the design and planning is important because they are considered to be the ones who understand better and have the first-hand experience in using public transportation. The existence of groups of persons with

disabilities in the design and planning stages cannot be represented by non-disabled persons.¹⁶ The pattern and form of service to assist persons with disabilities in stations also have to be the result of consultations between security officers and persons with disabilities.¹⁷ It can be judged as a bias if non-disabled groups claim to be disability specialists because each disability is an expert in their own life.¹⁸

Third, representation of persons with disabilities in the design and planning stages is required to be supported through the presence of persons with disabilities with different characteristics of disabilities. This is necessary because each character with a disability has different needs, such as deaf people, wheelchair users, cane users, people with visual impairments, and others. For example, the deaf can certainly experience difficulties if it is not facilitated by written bulletin boards on public transportation facilities and infrastructure. On the other hand, the blind group will experience difficulties if it is not facilitated by the voice of information. Moreover, there are often psychological problems for groups of persons with disabilities if they often ask people around them.¹⁹ Thus, persons with certain disabilities cannot be represented by persons with different characteristics. Persons with disabilities are experts in their disability character.²⁰

It should be re-emphasized that not only the involvement of persons with disabilities in design and planning cannot be delegated to non-disabled persons, but it is also important to ensure the representation of every character of disability in such representation and involvement. Representation in each character of disability in the design and planning mechanism would directly or indirectly provide an understanding that every form of accessibility and facilities for persons with disabilities of all characters with a disability is well catered for by the MRT Jakarta and the Jakarta-Bandung high-speed train. This condition will further make everyone of various characters of disabilities feel comfortable and safe using the MRT and the Jakarta-Bandung high-speed train. They will also be more confident and motivated to carry out daily activities using public transportation.

According to *Kemenkomarves*, in general, the design of public transportation

has been regulated from the 1990s to the 2000s. However, its implementation is still adjusted to the development plan. In terms of the design of public transportation facilities, investors also have a fairly obvious role. Japan, for example, which is an investor in the MRT Jakarta project, applies fairly high standards regarding the design of technology and facilities. Likewise, China as an investor in the development of the Jakarta-Bandung high-speed train is expected to transfer technology well to change the Jakarta-Bandung high-speed train to become the latest mode of transportation. However, the design of this high-speed rail transportation mode needs to be adapted to national needs, including through the role of *BPPT*.²¹

Sustainability in the involvement of persons with disabilities in the design and development of public transportation modes can be realized through equal employment opportunities with non-disabled groups. As emphasized by one of the informants:

“In order to be more sustainable, disability groups need to be seen as professional groups. This means that work is based on a contract and is not only seen as a partner for the implementation of activities and is limited to assessment, then finished. However, more on an ongoing basis, for example, contractually they are involved and become part of a team of experts who do follow the work from beginning to end. Then during implementation with a different contract, tasked with monitoring the implementation and operation of the service.”²²

The involvement of groups of persons with disabilities as professional workers can help accommodate the needs of persons with disabilities through group representation in the development of transportation modes and strengthening self-confidence, appreciation, encouragement, and motivation to continue working.

B. Involvement of Persons with Disabilities in MRT Design and Planning

The Coordinating Ministry for Maritime Affairs and Investment said that the

involvement of persons with disabilities in the MRT Jakarta planning process could actually be seen from their participation in the feasibility study in the early 2000s.²³ However, based on the observations of several informants, the participation of many groups of persons with disabilities only began when the facilities and infrastructure have been built and are ready to be used.²⁴ Furthermore, the involvement of persons with disabilities in the Jakarta MRT pilot was criticized for not being represented by persons with mental disabilities, as emphasized by an informant from the community with mental disabilities:

“Currently, groups of persons with mental disabilities have not been considered. Therefore, in many ways, they are not involved in asking for input, including the construction of the Jakarta MRT and the Jakarta-Bandung high-speed train.”²⁵

Based on the experiences of persons with disabilities who were involved in the pilot phase of the Jakarta MRT, several shortcomings were found in Jakarta MRT related to accessibility and facilities for persons with disabilities, although these were considered only minor improvements.²⁶ An example of an issue found during the trial was the large gap between the entrance and the platform for wheelchair or cane users. This is still considered dangerous. Another drawback is the absence of wheelchair straps on the Jakarta MRT train, which is felt by a person with disabilities. Straps are an important element to keep them safe. Many improvements were then carried out according to the reviews obtained from groups of persons with disabilities at this stage.²⁷

The MRT Jakarta emphasized that the input from persons with disabilities during the trial was mostly considered minor because the design of the Jakarta MRT train series had previously accommodated persons with disabilities. As emphasized by Muhammad Effendi, Director of Operations and Maintenance of MRT:

“Jakarta MRT builds civilization through inclusive public transportation... Since the design phase, the train stations and series have taken into account the needs of all people, including persons with disabilities. Each station has one barrier-free lane that leads to

the station and connects to all areas within the station that make it easier for priority passengers to pass through.”²⁸

MRT Jakarta also added that many improvements have been made with input from persons with disabilities and will be used for the second phase of construction. According to MRT Jakarta, the design of the facilities and infrastructure came from Japan and thus refers to the feasibility code in Japan. In its development, PT MRT Jakarta has intervened a lot in the design, including the shape of the train, train parking lots, and facilities for persons with disabilities, especially in the last three years. Many modifications were made to suit different needs and cultures, including for persons with disabilities. An example of the intervention carried out is the gray guiding block from Japan which was changed to yellow after discussion with persons with disabilities.²⁹ Furthermore, in the second phase of construction, PT MRT Jakarta will later provide many design interventions.³⁰ In the design and development process in the second stage, technical input does not come from investors as happened in the first stage.

Specifically in Jakarta, based on DTKJ’s observations, only 25% of public transportation planning and development projects in Jakarta have involved persons with disabilities since the planning stage. Under these conditions and to ensure accessibility and facilities for persons with disabilities in public transportation in Jakarta, DTKJ has worked around this by making working visits to public transportation mode development projects, including the Jakarta MRT and the Jakarta-Bandung high-speed train.³¹

One of the organizations that focus on advocating the accessibility of persons with disabilities in public transportation, namely GAUN, has been actively involved and partnered with MRT Jakarta has consulted through various consultations. MRT Jakarta has consulted a lot in providing accessible facilities and regulations related to accessibility. Thus, the facilities they build meet the rules and needs of groups of persons with disabilities. Furthermore, during its construction, PT MRT Jakarta had communicated with persons with disabilities in general in a consultation forum. Finally, before operating, PT MRT Jakarta also partnered with GAUN to test the facilities and infrastructure built, as well

as provide training on disability-friendly services to MRT personnel, consisting of station heads, managers, and others.³² GAUN's training includes soft skills to develop assistance capabilities for persons with disabilities, assist persons with disabilities in the enter-to-end process, and also foster empathy.³³

Communication and consultation with persons with disabilities will also continue to be carried out by MRT Jakarta after the mode is fully operational. Such communication also brings commendable results. For example, PT MRT Jakarta provides facilities for persons with disabilities that are not available in Japan, namely Teletext for the blind and deaf. Thus, they can use the MRT Jakarta mode more independently. All of this happened because of constant communication with the disabled community.³⁴

Regarding equal employment opportunity, MRT Jakarta admitted that it had prepared a work opportunity plan for groups of persons with disabilities. PT MRT Jakarta, which has been operating for several years, emphasized that since the beginning of 2019 the company had discussed with a vendor providing workers with disabilities in order to meet the quota for disabled workers in several station and administrative functions. However, this activity is temporarily suspended due to the pandemic.³⁵

Moreover, PT MRT Jakarta also confirmed that the Human Capital Division has held discussions with the Railway Operations Division regarding the recruitment of disabled workers. In the future, studies related to the needs and policies for the recruitment of workers with disabilities will be carried out. PT MRT Jakarta plans to recruit workers with disabilities for administrative positions with placements outside the worksite, considering the risks of working in the field in an emergency. However, PT MRT Jakarta is also aware of the obstacles that may be faced in recruiting and employing workers with disabilities, namely preparing a work culture. Thus, the organization and all employees of PT MRT Jakarta are ready to adapt to employees with disabilities and the availability of access and facilities for disabled employees at work sites.³⁶

C. Involving of Persons with Disabilities in the Design and Planning of the Jakarta-Bandung High-Speed Rail

Based on the sources from informants, Persons with Disabilities who work at the Ministry of Transportation of the Republic of Indonesia have provided advice and input in the development of PT KCIC. Currently, PT KCIC has not asked for direct input from the disabled community regarding the construction of accessibility and facilities for the Jakarta-Bandung high-speed train.³⁷ The majority of informants emphasized that they did not see the involvement of groups of persons with disabilities, both in the design, planning, and development stages.³⁸

As with the MRT Phase I construction, PT KCIC plans to involve groups of people with disabilities in the pilot phase. The plan is expected to produce inputs from groups of persons with disabilities that can be applied by PT KCIC to the facilities/infrastructure of the Jakarta-Bandung high-speed train.³⁹ Accordingly, in this context, the dynamics, processes, and mechanisms of their involvement in the trial of the Jakarta-Bandung high-speed train cannot be observed and explained in detail as in the Jakarta MRT, considering that the Jakarta-Bandung high-speed train itself is still in the process of completing construction.

However, as emphasized by PT KCIC, the Jakarta-Bandung high-speed train will later provide a special train called the ‘Passenger with Reduced Mobility.’ This train is equipped with supporting facilities for persons with disabilities and the Jakarta-Bandung high-speed train will also be equipped with supporting facilities for persons with disabilities.⁴⁰ However, as emphasized by PT KCIC, the Jakarta-Bandung high-speed train will later provide a special train called the ‘Passenger with Reduced Mobility.’ This train is equipped with supporting facilities for persons with disabilities and the Jakarta-Bandung high-speed train will also be equipped with supporting facilities for persons with disabilities, as emphasized below:

“A train for people with disabilities equipped with toilet could be redundant. Jakarta-Bandung takes only half an hour. Thus, what was

conveyed regarding the involvement of persons with disabilities was the need for involvement from the beginning, well, something like that. For example, we propose that the train must have accessibility facilities, then the developer builds all these accesses excessively, later there will be a costly loss for these elements.”⁴¹

Furthermore, the aspect of planning for accessibility and facilities for persons with disabilities is of particular concern to DTKJ in assessing the performance of public transportation modes and their service providers. Based on DTKJ’s assessment, through the 2020 DTKJ Awards, MRT Jakarta is considered to have better planning and its advantages. The DTKJ has reviewed the planning of the Jakarta-Bandung high-speed train related to accessibility and inclusiveness for persons with disabilities. Based on DTKJ’s review, the planning of the Jakarta-Bandung high-speed train is considered good from the aspect of inclusiveness-accessibility of public transportation. However, DTKJ added that the involvement of persons with disabilities in the planning stage of the Jakarta-Bandung high-speed train has not been seen and heard at all.⁴² The same thing was conveyed by other informants, especially informants with disabilities.⁴³

Regarding equal employment opportunity, the Jakarta-Bandung High-Speed Train has confirmed that they plan to involve persons with disabilities as workers from PT KCIC, while still referring to the applicable regulations.⁴⁴

Accessibility and Provision of Services for Persons with Disabilities

A. Accessibility of Persons with Disabilities in Public Transportation

Provisions for the accessibility of persons with disabilities on public transportation facilities are generally regulated in Article 3 of the Minister of Transportation No. 98/2017. Such accessibility includes the provision of:

- Aids for getting up and down from and to transportation facilities,
- Safe and accessible doors,
- Easily accessible audio/visual information about the trip,
- Special signs/instructions on service areas in transportation facilities that are easily accessible,
- Accessible priority seating and toilets, and
- Assistive facilities that are easy to access, safe, and comfortable.

Provisions for accessibility of public transportation infrastructure for persons with disabilities are implemented based on universal design principles. Seen from the history of its application, universal design principles in Indonesia have been regulated since 1998 through the Minister of Public Works Regulation No. 468 on Accessibility Technical Standards.⁴⁵ Currently, universal design provisions can be found in Minister Public Works and Housing Regulation No. 14/2017.

The application of universal design principles to public transportation infrastructure in the form of buildings in Appendix II of the Minister Public Works and Housing Regulation No. 14/2017 is regulated in several aspects. These aspects include:

- Means of horizontal connection between spaces, including doors, hallways, corridors, walkways, guide path and/or bridges connecting spaces;
- Means of vertical connection between floors, including stairs, ramps, elevators, stairlifts, escalators, and/or walking floors; and
- Evacuation facilities, which include exit access, exit, and exit release.

Meanwhile, Article 4 of the Minister of Transportation Regulation no. 98/2017 regulates accessibility support facilities for persons with disabilities on public transportation infrastructure which include:

- Guiding block texture tiles on transportation infrastructure (pedestrian areas, counters, toilets, *et cetera*);
- Special signs/instructions on service areas that are easily accessible (parking, counter, toilets, *et cetera*);
- Visual/audio information regarding travel information;
- Doors/accessible gates with dimensions that match the width of the wheelchair;
- Drop zone areas;
- Ramp with a suitable slope;
- Easy access to get on and off passengers in high-rise buildings;
- Accessible toilet with toilet door dimensions that fit the width of the wheelchair;
- Easily accessible ticket booth;
- Waiting room with priority seats;
- The nursing room is equipped with sofa facilities, waist-high baby table for women, air conditioner, sink, trash can, and drinking water dispenser;
- Polyclinic;
- Children's playroom;
- Parking lot;
- Access to fire hazards; and
- Ready-to-use wheelchair.

B. Accessibility of Persons with Disabilities in Rail Public Transport

Minimum Service Standards contained in Minister of Transportation Regulation No. 63/2019 regulates technical provisions for the accessibility of persons with disabilities on rail transportation modes, including the Jakarta MRT and the Jakarta-Bandung high-speed train. Important elements in the Minimum Service Standards are the minimum needs of persons with disabilities. The factors of measuring the minimum needs include good planning, standardization of accessibility to the reach of persons with disabilities in public transportation modes, sustainable implementation of accessibility for persons with disabilities, control over users of public transportation services, and penalties for violators.⁴⁶

Minimum Service Standards on rail network facilities include the availability of:

- Priority seats equipped with instructions for at least 4 units on intercity trains and 12 on MRT; and
- A special place for wheelchairs equipped with special markers.

Meanwhile, in terms of accessibility, the infrastructure aspects of MRT passenger stations and intercity trains for persons with disabilities include the availability of:

- Seats for passengers with special needs;
- Ramp with a maximum slope of 10°;
- Guiding block tiles on pedestrian paths;
- Elevators or special lanes for wheelchair users;
- Counters/vending machines for persons with disabilities;
- Health information/facilities, including health posts, medical staff, medicines, medical equipment, 1-3 wheelchairs suitable for use, and 1-3 oxygen cylinders weighing at least 0.5m³;
- Lighting;
- Platforms with a maximum gap of 20 centimeters from the train doors and a height difference of > 20cm from the train floor and equipped with signage, guiding tiles/guiding blocks, and safety lines from the edge of the platform;
- Toilets for disabled passengers; and
- Facilities for safety information, train arrival/disruption, onward transportation, and directions.

C. Accessibility of Persons with Disabilities at MRT Jakarta

Although several public transportation modes in Jakarta have not yet fully provided services that suit the needs of persons with disabilities,⁴⁷ accessibility for persons with disabilities on the Jakarta MRT transportation mode is considered decent.⁴⁸ This is considered as one of the impacts resulting from the involvement of persons with disabilities, both in the pilot phase before MRT Jakarta phase 1 operates as well as from the consultation activities carried out by PT MRT Jakarta.⁴⁹

Apart from the developer, PT MRT Jakarta, the intervention in the accessibility design of the Japanese as an investor can be seen in the standards used in providing MRT accessibility for persons with disabilities. The design standards for facilities for persons with disabilities at MRT Jakarta are based on national regulations, namely Minister Public Work and Housing Regulation No. 14/2017 and Minister of Transportation Regulation No. 63/2019, as well as regional regulations, Jakarta Governor Regulation No. 95/2019, and guidelines for Barrier-Free Access from the Ministry of Land, Infrastructure, and Transport of Japan.⁵⁰ Of several regulations mentioned above, Jakarta Governor Regulation No. 95/2019 encourages the realization of this accessibility for persons with disabilities facility to 100% in 2019 to 2023.

In terms of transportation facilities for MRT Jakarta, some of the accessibility contained in the MRT Jakarta train series for persons with disabilities include wheelchair areas, special priority seats for persons with disabilities, as well as travel information in visual and audio form. Following the provisions mentioned in Minister of Transportation Regulation No. 63/2019 and Governor Regulation No. 95/2019, the MRT Jakarta train series has approximately 51 special priority seats with priority signs. Moreover, accessibility for persons with disabilities is also supported by the availability of travel information in visual form in the form of station route maps that facilitate several types of disabilities, including deafness and mental disabilities, as well as audio information that can facilitate the visually impaired community. The audio quality in the MRT Jakarta train series is considered informative to help persons with disabilities, especially the visually impaired, to find out line information (stop stations, upcoming stations), and technical information (open doors, closed doors).⁵¹

Meanwhile, in terms of infrastructure, MRT Jakarta has supporting facilities for people with disabilities. The MRT Jakarta station is connected to a pedestrian path, as required by the Minister of Transportation Regulation No. 63/2019. Furthermore, the MRT station also has a large space. Thus, passengers with disabilities and non-disabled persons are not cramped. The Jakarta MRT station is also considered to have good lighting that can support the safety and mobility of people with disabilities, especially groups with low vision.⁵²

Supporting facilities for persons with disabilities at MRT Jakarta station include:

- Directions or wayfinding are readily available and can be found within a radius of about 200 meters from the station.⁵³ Directions to the nearest MRT station are considered good, especially for deaf groups who rely on visual aspects.⁵⁴
- Ramps outside the station building are located at several MRT Jakarta stations and have slopes that are accessible for wheelchair users.⁵⁵
- A special parking area for persons with disabilities is available at one of the MRT Jakarta stations, Lebak Bulus Station. The special parking area for special modified three-wheeled vehicles for people with disabilities is located adjacent to the priority elevator. Thus, passengers with disabilities can park their vehicles and move directly to the priority elevator without the assistance from the officers.⁵⁶



Figure 1. Parking area for persons with disabilities at MRT Jakarta Lebak Bulus station

- Guiding tiles or guiding blocks are available in a pedestrian area outside the MRT Jakarta station to the station platform as required in the Minister of Public Works and Housing Regulation No. 14/2017 and Jakarta Governor Regulation No. 95/2019. The Jakarta MRT guide tile facilities are considered capable of helping the process of using the MRT mode of transportation in an enter-to-end manner for persons with disabilities, especially the visually impaired, from entering the station, ticketing, taking the MRT to arrive and exiting in the destination station.⁵⁷



Figure 2& 3. Guiding tiles at MRT Jakarta Lebak Bulus Station

- Priority elevators are available under the Minister of Public Works and Housing Regulation No. 14/2017, Minister of Transportation Regulation No. 63/2019, and Governor Regulation No. 95/2019 as a special lane for persons with disabilities. Furthermore, priority elevators are also equipped with braille letters, under the provisions of Governor Regulation No. 95/2019. However, this facility is still widely used by non-disabled and other non-priority passengers.⁵⁸



Figure 4. Priority elevators at MRT Jakarta Lebak Bulus Station

- In accordance to Minister of Public Works and Housing Regulation No. 14/2017, Minister of Transportation Regulation No. 63/2019, and Governor Regulation No. 95/2019, counters and vending machines are also available at MRT Jakarta stations. However, passengers with disabilities, especially those with visual impairments, still depend on the help of station officers because the vending machine does not yet have sound signals.⁵⁹ Meanwhile, the absence of written instructions on how to purchase tickets is a communication barrier between officers and passengers from the deaf community.⁶⁰
- The access door is 90 centimeters wide for access for wheelchair users,⁶¹ following the minimum width of 80 centimeters for persons with disabilities

in the Minister of Public Works and Housing Regulation No. 14/2017.

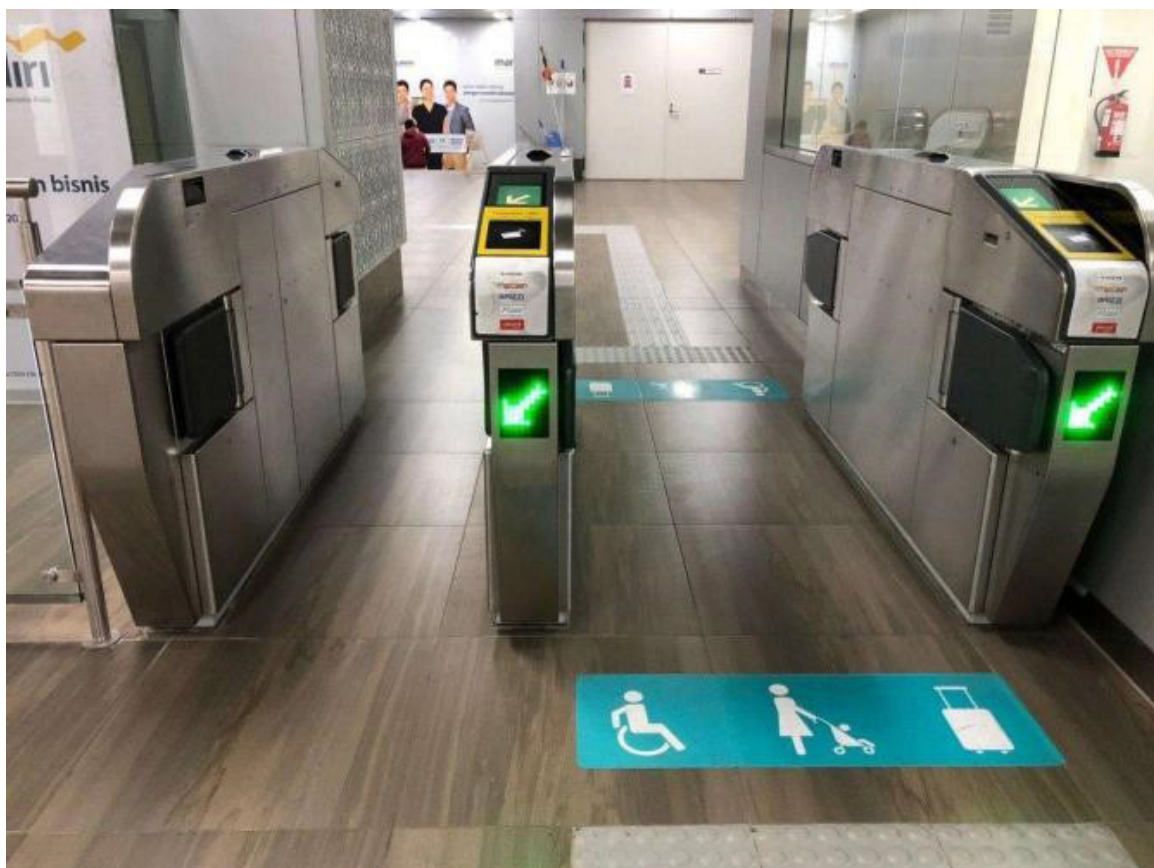


Figure 5. Access door at MRT Jakarta Bendungan Hilir Station

- Special toilets for persons with disabilities are available in the MRT Jakarta station building as required in Minister of Transportation Regulation No. 98/2018 and No. 53/2019. However, toilet facilities are considered insufficient to accommodate the needs of the deaf community, due to the lack of directions to the toilet, as well as frosted glass to inform passengers from the deaf community in finding out the occupancy of the toilet.⁶² Furthermore, Governor Regulation No. 95/2019 requires that special toilets for persons with disabilities use sliding doors.
- Accessibility of persons with disabilities on the platform area of MRT Jakarta station can be seen in several facilities. The special facilities for persons with disabilities include priority elevators that connect the concourse and platform floors between the third and fourth trains, waiting areas/rooms, and wheelchair users area.⁶³ Waiting room/area facilities that can accommodate passengers with disabilities following the provisions of

Minister of Transportation No. 633/2019. The waiting area/room is very much needed by the mentally disabled group to calm their mental state. Meanwhile, from a technical point of view, the gap between the platform floor of the MRT Jakarta station and the floor of the MRT train is quite small, with a gap of 2-3 cm wide and 1-2 cm high.⁶⁴ In this case, MRT Jakarta is one of the train modes that has the most minimal difference among other rail-based transportation modes in Jakarta.⁶⁵

Apart from physical accessibility, the information assessed that non-physical accessibility facilities, such as officer services, were very important to ensure the usability of the physical facilities of the MRT Jakarta station. This is also following the provisions of Governor Regulation No. 95/2019. Many informants considered that the service of the officers was quite decent. As previously explained¹, PT MRT Jakarta, in collaboration with GAUN, provides training for station officers related to services for persons with disabilities.⁶⁶

However, the current urgent need for MRT Jakarta users from the deaf and mentally disabled group is the availability of sign language staff. Governor Regulation No. 95/2019 requires station officers to be able to communicate with persons with disabilities. Although it is not explicitly required, its existence has a major impact on the convenience of passengers with deaf disabilities. However, currently, many MRT Jakarta officers do not understand sign language. According to the informant, there has been no training in communicating with deaf groups and sign language for MRT officers.⁶⁷

D. Accessibility of Persons with Disabilities on Jakarta-Bandung High-Speed Train

As previously explained, the construction process for the Jakarta-Bandung High-Speed Train has reached around 70% and is targeted to start operating in 2022. However, based on data obtained from PT KCIC, the facilities and

1 See Section 3 (Involvement of Persons with Disabilities in Rail Public Transport Design and Planning).

infrastructure currently under construction are expected to accommodate accessibility for persons with disabilities. This is under the statement from the DTKJ that the planning of the Jakarta-Bandung high-speed train is considered good from the aspect of inclusiveness-accessibility of public transportation.⁶⁸

In terms of facilities, the Jakarta-Bandung high-speed train has several facilities that will encourage the accessibility of persons with disabilities.⁶⁹ The design of the train was adopted from the Chinese and Indonesian railway regulations, namely Ministry of Transportation Regulation No. 63/2019 and China Code Standard. These facilities include:

- Of the 11 trains in 1 series, accessibility facilities for persons with disabilities will be dominated by train number 4 namely the persons with reduced mobility train [hereinafter: PRM];

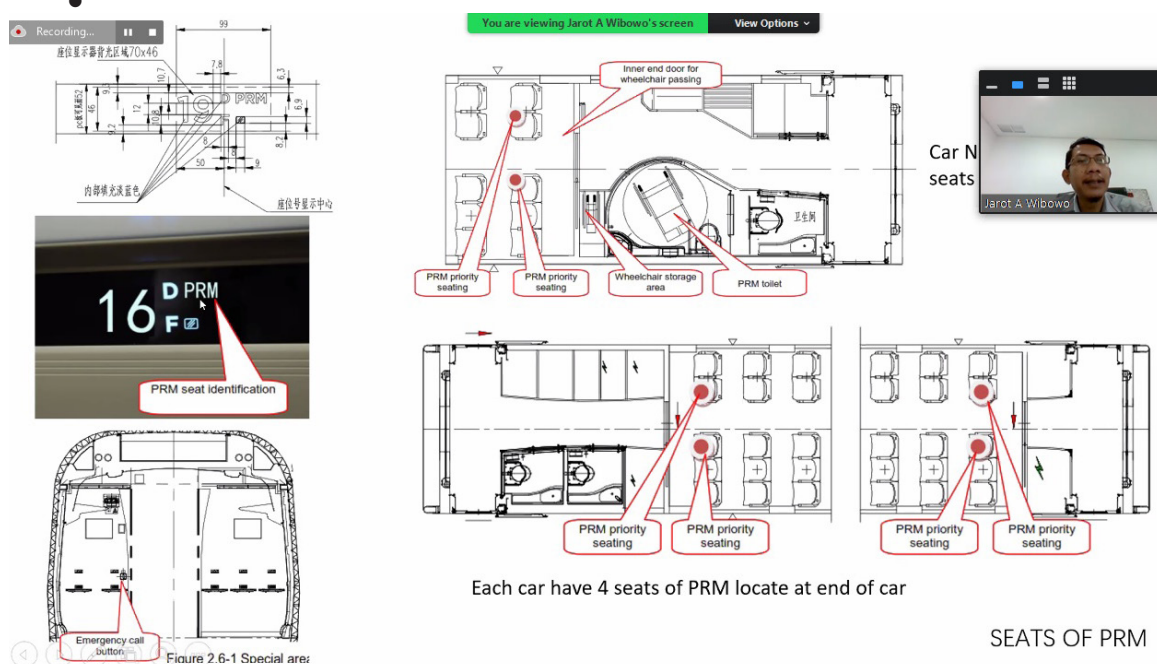


Figure 6. PRM Train Scheme on the Jakarta-Bandung high-speed train

- There are 4 PRM special priority seats on each train;
- The PRM special toilet is designed to accommodate wheelchair users and is equipped with brailled features for the blind;

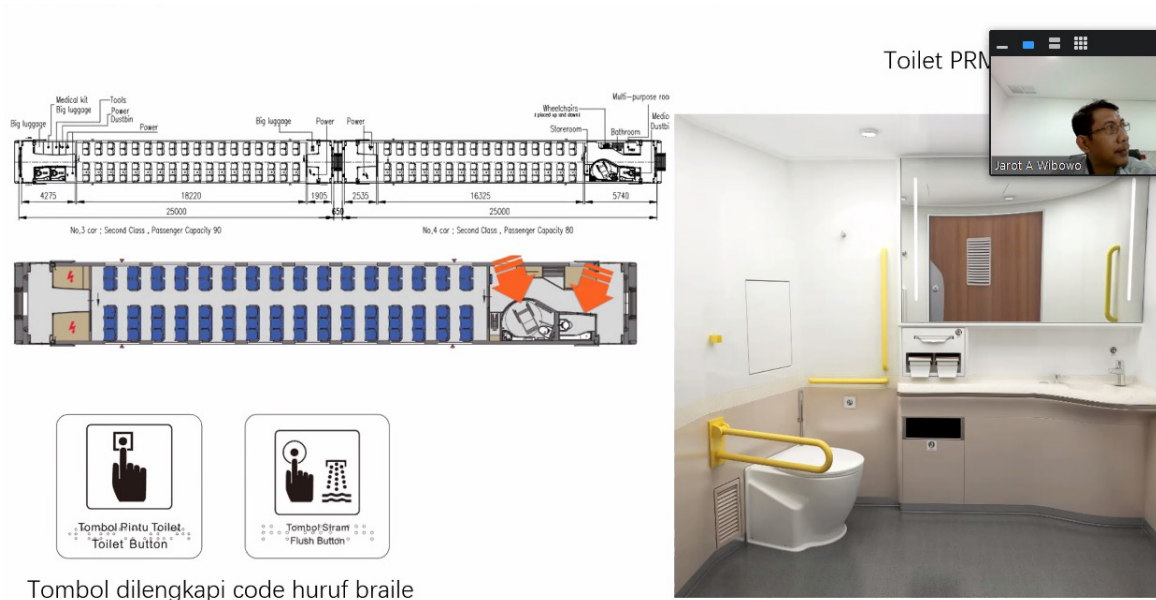


Figure 7. Toilets on the PRM Train on the Jakarta-Bandung high-speed train

- The access door is in the form of a sliding door that PRM can pass through; and
- The wheelchair storage area on train number 4.



Figure 8. Storage area for wheelchairs on the Jakarta-Bandung high-speed train

Meanwhile, the forms of accessibility for persons with disabilities on the Jakarta-Bandung high-speed rail infrastructure include:⁷⁰

- Special escalators and elevators for persons with disabilities,
- Platform floor parallel to train doors,
- Special officers assisting persons with disabilities,
- Priority ticketing facilities through e-ticketing applications and counters that can accommodate groups of persons with disabilities,
- Manual ticket checking door with larger space,
- Special toilets for persons with disabilities, and
- Special parking space.

Challenges in Accessibility and Disability Services in Public Transportation

Thus, accessibility services for persons with disabilities are increasingly available in public spaces. However, there are often still many obstacles and challenges faced by persons with disabilities in using these accessibility facilities or services, ranging from not being able to use these facilities because they were built according to the needs of persons with disabilities, to facilities that are misused by the public who do not understand the designation of these facilities. Accordingly, it is very unfortunate if various accessibility facilities that have been built with a certain budget cannot be used optimally.

The essence of providing accessibility facilities is to ensure the independence of persons with disabilities to access various public services, including transportation. This independence is a very important aspect, besides maintaining the dignity of persons with disabilities to be equal to other human beings, as well as encouraging the realization of active and effective participation of persons with disabilities in socio-economic activities of the community. The unavailability of good accessibility facilities will cause persons with disabilities to become dependent on the assistance of others, which in turn will become an obstacle to the fulfillment of their socio-economic rights and reduce their dignity.

A. Gap between Regulation and Implementation

The 1945 Constitution affirms that everyone has the right to special facilities and treatment to obtain the same opportunities and benefits in order to achieve equality and justice. Everyone is also required not to get discriminatory treatment on any basis and is entitled to protection from such discriminatory treatment.

Since 1998, Indonesia has had an accessibility code (rules regarding accessibility) through the Minister of Public Works Regulation No. 468 of 1998 which regulates the Technical Requirements for accessibility in Public Buildings and the Environment. The regulations governing accessibility for persons with disabilities continue to develop and are currently quite complete, but unfortunately, these facilities often do not meet the regulations. This happened partly because of the lack of dissemination of the regulations that

were made. In fact, government officials often do not understand or have different interpretations of these regulations.⁷¹

Neither architects nor contractors seem to have applied these regulations in their designs, or the construction process was not carried out exactly according to the design. The process of designing and constructing accessibility facilities for persons with disabilities requires a high degree of precision. If there is even the slightest difference in size, it can be a significant barrier for persons with disabilities. For example, the angle of inclination of the ramp, or the distance between the platform and the train door, the difference in height between the platform floor and the train floor, the width and direction of the opening of the toilet door, and various other parameters which if the size is not appropriate will be a serious obstacle for persons with disabilities, and can even endanger their safety.⁷²

The authorities also often do not understand the philosophical basis of why an accessibility facility needs to be made with certain rules. Thus, the philosophy is often not well captured in the laws and regulations that are made.⁷³ This is one of the reasons why there are “medium” accessibility facilities, which cannot be used properly by persons with disabilities or even cannot be used at all.

B. Weak Law Enforcement

Another challenge and perhaps the main one related to regulation is the weak enforcement of the law regarding accessibility regulations. This has resulted in the various regulations seeming to be guidelines and not robust enough to compel the public service providers to provide accessible facilities that truly meet the needs of persons with disabilities.

This law enforcement has a strong relationship with the leadership level, especially at the regional level. In the current era of decentralized development, leadership at the regional level is often questioned because they are reluctant to take discretion over the development of accessibility that ensures the feasibility of services for its citizen.⁷⁴ Regional governments should be able

to capture the essence and ensure accessibility-related regulations issued by the central government and implement them well in their regions. Regional governments have the authority to issue regional regulations governing the implementation of these regulations, including monitoring and controlling.

Control instruments under the authority of regional governments include the issuance of *IMB* and *SLF* for Buildings. If the leader takes sides with persons with disabilities, good accessibility facilities for persons with disabilities will be available in each building before the permit and certificate are issued.

C. Gap between Regulation and Implementation

Persons with disabilities still often get negative stigma from the general public because of the wrong perception of persons with disabilities.⁷⁵ People often perceive persons with physical disabilities as burdens who always need the help of others, or think persons with mental disabilities are just persons who have mental disorders who live abandoned on the streets. Persons with disabilities, both physically and mentally, can still work and contribute socially and economically.

This has far-reaching implications. The negative stigma on persons with disabilities makes their voices and perspective less heard and seen, both by the community and by the government as policymakers. Their intention is also often misunderstood. Whenever persons with disabilities offer advice regarding the construction of accessibility facilities, they often get negative prejudices, such as being perceived as wanting to dictate policies and regulations.⁷⁶ Inputs from persons with disabilities are often seen solely from a budget point of view, in the sense that their input will only have implications for increasing the development budget, resulting in a tug-of-war process.⁷⁷ At last, inclusive policies can reduce the burden of state spending, because all people have the opportunity to actively participate in development in various fields.⁷⁸ For example, professors who are elderly and have difficulty walking can still teach or engage in research on campus and there are many other examples.

Misperceptions of persons with disabilities also make their perspectives

often less important. The main requirement for the realization of an inclusive policy is the involvement of persons with disabilities from the beginning of the policy formulation process to its implementation. The improvements can be seen in the aspect of involving persons with disabilities. Currently, more and more persons with disabilities are involved in various development programs related to persons with disabilities although the scope is still quite limited and is usually carried out in the final stages of building a facility. Involvement of persons with disabilities at this final stage has a high risk because if the facilities built are not following the needs, the costs required to carry out repairs will be very high. Thus, no repairs are often carried out at all.

The process of involving persons with disabilities also needs to be carried out properly. Each type of person with disabilities has specific needs, which only they can understand. Therefore, the involvement of persons with disabilities cannot be represented by other parties, such as consultants, persons with different types of disinvovement should be carried out directly by persons with disabilities and cover as many types of disabilities as possible.

D. Inequality and Intermodal Integration

Indonesia's transportation system, which is still quite lagging, is a matter of inter-modal integration. A mode of transportation is built without considering integration with other modes of transportation. Thus, it does not create an integrated service that is interconnected. This lack of inter-mode integration is a significant issue for people with disabilities in Indonesia, especially in big cities like Jakarta, which has a large area and the transportation network consists of many modes and routes.

A survey conducted by the Jakarta City Transportation Council on 1,523 respondents shows that the majority of respondents travel long distances on each of their trips. A total of 31.7% of respondents covered a distance of more than 20km in one trip. A total of 29.4% covered a distance of 10-20 km, then 27.3% covered a distance between 5-10 km, and only 11.6% traveled under 5 km. To cover such long distances, respondents must use more than one mode of transportation. The lack of inter-mode integration causes the time

required to switch from one mode to another to be quite long. A total of 32.5% of respondents spent more than 10 minutes switching between modes of transportation, then 46.6% of respondents took 5-10 minutes to make transit, while only 21% took less than 5 minutes to make a transit or transfer between modes of transportation.⁷⁹ The survey shows that people need a lot of time and effort to make intermodal transfers. Then, the time and effort required for persons with disabilities will definitely be longer and harder.

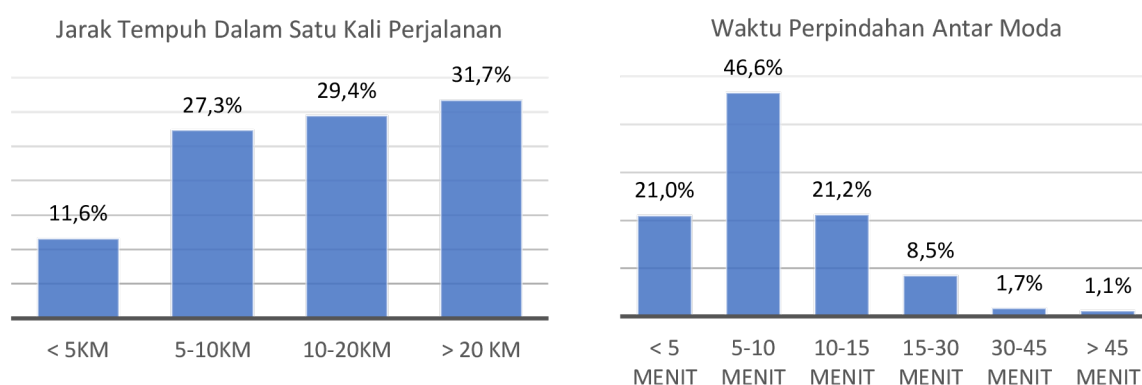


Figure 9. Graph of travel distance and inter-modes transfer time (DTKJ, 2021)

This lack of integration is the result of poor planning. This problem has only begun to be fixed in recent years, with the integration of several existing modes of transportation. The problem is that the integration that is made is often imperfect because it is like being forced and only realized when the transportation facilities have been built.⁸⁰

Another obstacle is the inequality between modes of transportation in terms of the availability of services or accessibility facilities for persons with disabilities. For example, based on an assessment conducted by DTKJ, MRT Jakarta was awarded a platinum title as a provider of equitable transportation services for persons with disabilities.⁸¹ However, most of the MRT (first mile and last mile) connecting modes still get silver predicate, such as Trans Jakarta, Damri, and PPD busses, as well as Bluebird taxis.

The provision of accessibility should also not be limited to the provision of facilities within the transportation means, but includes access to and from transportation service points within a radius of 500-1000 meters.⁸² This access includes pedestrian paths, crossings, parking areas, and others. Without accessibility, persons with disabilities will find it difficult to use public transportation services.

E. Economic and Financial Condition

The majority of persons with disabilities are from the economically weak group.⁸³ Only a small number of persons with disabilities are able to work in formal institutions with high positions. This is due to the inequality of opportunities received by persons with disabilities, ranging from access to public services such as education and transportation to the availability of job opportunities. This inequality can become a structural obstacle that will make people with disabilities trapped in economic and financial difficulties.

The situation becomes even more unfavorable for persons with disabilities as they need to spend more money each time they use public transportation services. For example, if they need the assistance of a companion, they need to pay for a ticket for two.⁸⁴ Many persons with disabilities also need to wear diapers to anticipate the unavailability of disabled-friendly toilets, which not only means additional costs but also makes them uncomfortable.

These higher costs may eventually cause persons with disabilities to choose to use private means of transportation, such as motorbikes, which are affordable and have low operating costs.⁸⁵ However, if a person with a deaf or physically disabled person rides a motorcycle on their own, the safety risk becomes higher. Many wheelchair users also modify two-wheeled motorcycles into three-wheeled motorcycles. However, since these modifications are not carried out in an authorized factory or workshop, the safety standards cannot be guaranteed either.

F. The Dilemma of Technology Utilization

In the current era of the rapid development of information and communication technology, many public transportation services have utilized computer-based devices of the internet for various purposes, for example for ticket reservations. The use of mobile devices supported by internet applications can increase service efficiency because it can reduce distance, time, and costs. However, if the use of this technology is not carefully planned, persons with disabilities can actually encounter obstacles in accessing public services which will certainly harm them.

Blind people are the ones who encounter the most obstacles from the use of information and communication technology. To accommodate the visually impaired, nowadays computer devices or smartphones are usually equipped with screen reader applications that can verbally assist to interpret information that is displayed on the screen. Unfortunately, not all apps are compatible with screen readers. A common mistake is the use of images to display text on the application screen that screen readers cannot recognize⁸⁶

Furthermore, ticket bookings skyrocket at certain times, such as religious holidays where many people want to go back to their hometown. Blind people who rely on screen readers to access ticket booking applications take a long time to read the display. As a result, they are difficult to get tickets because they are not quick enough.⁸⁷ Equipment such as electronic ticket gates at bus stops or stations is also often not equipped with voice information. Every interaction they make, such as pressing a button on the screen or sticking a card ticket in a reader, does not issue a voice prompt to inform whether their interaction was successful or not.⁸⁸

G. Lack of Concern from All Parties

Provision of accessibility facilities is basically not difficult and expensive, yet it requires political commitment and concern and seriousness from all parties, especially the government. If the government is truly committed to providing facilities that are friendly to persons with disabilities, many strategies and

policies can be taken to bring them to life.⁸⁹

Accessibility for persons with disabilities in public transportation is currently not seen as a whole. Accessibility is not only about providing physical facilities to help persons with disabilities, but also regarding non-physical facilities that can guarantee safety and security aspects (such as the length of time for opening and closing doors, procedures for handling emergencies and security disturbances), availability, and integration (related operating hours, and the choice of connecting modes), affordability (not limited to concessions, but also includes standard fares and connectivity with other transport and payment method options), connectivity (passenger information system), universal and reliable design (including perception and clarity of identity of the service), and comfort (related to cleanliness and air circulation).⁹⁰ Currently, accessibility also seems to be an issue only for persons with disabilities as users. In fact, this issue should also be in the interest of the government and all stakeholders involved, including the general public who are not persons with disabilities.⁹¹

The community of people with disabilities currently has done a lot of policy advocacy to encourage the availability of accessibility facilities, but the results are still far from expectations. The general public also does not understand the importance of accessibility services for persons with disabilities in public transportation. There are a lot of cases where accessibility facilities for persons with disabilities are misused by people who are non-disabled.⁹² Such as the use of a path with guide tiles for street vendor activities or a motorized vehicle parking lot. Furthermore, elevators for persons with disabilities and priority seats are also widely used by non-priority people, giving rise to the dominance of non-priority users over accessibility facilities.⁹³

Conclusions and Recommendations

A. Conclusion

The legal framework in Indonesia explicitly states that the rights of persons with disabilities are guaranteed in the Constitution. This can be seen in Article 28H paragraph (2) and Article 28I paragraph (2) of the 1945 Constitution. Furthermore, Indonesia's ratification of the UN CRPD and the issuance of the Law on Persons with Disabilities provide stronger guarantees for the recognition of the rights of persons with disabilities, especially when KND is currently being formed. However, policies related to access to public transportation services for persons with disabilities still need to be strengthened, because these policies tend to be not well integrated. This can be seen in the policies that regulate access to transportation services for persons with disabilities, ranging from laws, government regulation, various ministerial regulations, to regional regulations.

The Railway Law, which regulates rail-based transportation modes in Indonesia, appears to be out of date. Therefore, the adjustment and renewal of the Law are urgent to be carried out because it is considered no longer appropriate to the current situation and conditions. It is also important to consider that the Railway Law was issued long before the Law on Persons with Disabilities was enacted. Therefore, the aspect of protecting rights and access for persons with disabilities on rail transportation is not sufficient. Moreover, policies related to accessibility in public transportation tend not to be accompanied by strong sanctions rules for individuals or institutions that violate them. This condition confirms that the enforcement of legal regulations on the rights of persons with disabilities on public transportation is not strong enough.

Meanwhile, the impetus for the real involvement of persons with disabilities emerged from various relevant stakeholders, especially civil society in Indonesia. This encouragement appears in general on the consideration of the principle of inclusiveness of development, respect for human rights for persons with disabilities, and various strategic factors, including proportionality, effectiveness, and efficiency.

However, public transportation in Indonesia, including the MRT Jakarta and the

Jakarta-Bandung high-speed train, has not fully implemented this aspect of involvement. Involvement of persons with disabilities at the design and planning stages tends to be only as jargon. The involvement of people with disabilities from the early stages of development is very important to ensure that the facilities built have good accessibility and are following the needs of persons with disabilities.

The involvement of persons with disabilities in design and planning cannot be delegated to non-disabled persons, and it is also important to ensure the representation of every character of disability within the engagement. People with mental and intellectual disabilities, for example, are still very rarely involved in the development and operational stages of public transportation, compared to persons with physical and sensory disabilities. In practice, PT MRT Jakarta has already involved persons with disabilities, but unfortunately, the involvement was carried out when it had entered the pilot stage, where the construction of physical facilities could be said to have been completed. Meanwhile, PT KCIC has not been seen to involve groups of persons with disabilities.

The involvement of persons with disabilities can also be in the form of involvement as staff or professional groups. Besides providing them with equal employment opportunities with non-disabled people, it can also encourage sustainability and inclusiveness of development, as well as strengthen the impact of public transportation development on groups of persons with disabilities. Although the two modes of transportation confirm that there are plans to involve persons with disabilities as workers while still referring to and adjusting to the applicable regulations, in reality, their implementation has not yet been seen.

The existence of a legal basis and the involvement of persons with disabilities in the development of public transportation modes have an impact on the availability of facilities that can support accessibility for persons with disabilities in public transportation facilities and infrastructure. The provision of accessibility facilities for persons with disabilities on rail transportation facilities and infrastructure is generally based on Minister of Transportation Regulation No. 98/2017, Minister of Public Works and Housing Regulation No. 14/2017, in Minister of Transportation Regulation No. 63/2019, and specifically for MRT Jakarta, it is also regulated through Governor Regulation No. 95/2019.

Apart from the importance of the availability of physical facilities that support accessibility for persons with disabilities in public transportation, non-physical accessibility facilities are also considered to be no less important. Non-physical accessibility facilities include the availability of officers who can provide services to persons with disabilities swiftly and humanely. To support this, PT MRT Jakarta cooperates with GAUN in providing training to station officers regarding services for persons with disabilities. The services of MRT Jakarta officers to persons with disabilities are commendable, but it needs to be added with training to serve people with invisible disabilities such as groups of deaf and mental disabilities.

Meanwhile, even though the facts on the ground show that there is an imbalance between the Jakarta MRT which has already operated, and the Jakarta – Bandung High-Speed Train which will only operate in 2022, the influence of investors from the Jakarta MRT and Jakarta – Bandung High-Speed Train looks quite large at the design stage. and the provision of accessibility facilities for persons with disabilities in both modes of transportation. The design standards for facilities for persons with disabilities at MRT Jakarta are based on national and local regulations as well as the Barrier-Free Access Guidelines from the Ministry of Land, Infrastructure, and Transportation of Japan. Meanwhile, in the development of the Jakarta – Bandung High-Speed Rail, China's influence as an investor can be seen in the adoption of elements of the railway regulations in China, namely the China Code Standard, especially in the design of the railway network facilities. However, even though the design adopted from the investor's country of origin is good, adjustments are still needed to follow the physical and customs of the Indonesian people to implement the design properly in Indonesia.

In the end, in the midst of efforts to fulfill the rights of persons with disabilities to access public services which are getting better, there are still many obstacles that pose challenges in providing better accessibility to persons with disabilities. In addition to law enforcement issues related to access to disability, currently, the general public also still has many negative views and stigmas against persons with disabilities. This negative stigma, apart from being able to discourage persons with disabilities from actively participating in the community in social

and economic activities, also often results in their aspirations being neglected. The lack of involvement of persons with disabilities in the process of design and construction of public facilities, especially public transportation modes, can reduce the positive impact on the fulfillment of facilities and services for persons with disabilities. Ironically, when the number of accessibility facilities is generally still limited, their use is often still dominated by people who are not people with disabilities.

Finally, accessibility facilities are very important to ensure equal rights for persons with disabilities and in general to ensure inclusiveness of national development. It is important to know that the majority of people with disabilities are from economically weak communities. Without adequate accessibility facilities and services, persons with disabilities can be trapped in hereditary structural poverty.

B. Challenges and Lessons

B.1. Challenges in Research

- The implementation of large-scale social restrictions during the COVID-19 pandemic period by the Government of Indonesia and the Regions has had a significant impact on the sustainability of research, especially in the aspect of implementing activities. Activities such as FGDs, interviews, field visits, and the implementation of dissemination are not possible to be carried out face-to-face;
- In contrast to MRT Jakarta which has been operating, the Jakarta – Bandung High-Speed Train has been postponed until 2022. This delay has an impact on the collection of accessibility data for persons with disabilities in the implementation of operations and services on the Jakarta – Bandung High-Speed Train;
- The communication challenge factor with persons with disabilities with certain characteristics, especially with the deaf and speech impaired group, was found in the process of collecting data through interviews. In addition, the lack of networking with groups of people with mental disabilities also causes the process of collecting data from groups of people with mental disabilities to take longer; and

- Lack of information regarding protection mechanisms for groups of persons with disabilities in research activities.

B.2. Lessons

- Data collection through FGD activities and face-to-face interviews using an online format help the research run according to the research time frame. Not only in the course of the research according to the time frame, but data collection in an online format has also made it easier to reach informants who are domiciled in various locations in Indonesia;
- The process of collecting data from informants from PT. KCIC through online interviews has assisted in collecting accessibility data for persons with disabilities based on operational and service planning on the Jakarta – Bandung High-Speed Rail;
- Communication challenges in the interview process were overcome through the assistance of the informant’s colleagues and Sign Language translation experts. Meanwhile, data collection from informants from persons with mental disabilities was carried out through interviews with representatives from organizations that work specifically on the welfare of persons with mental disabilities; and
- The lack of information related to the protection mechanism for groups of persons with disabilities in research activities was successfully addressed with the assistance of an informant who has the capacity for this matter. The informant also explained that the data collection process must be preceded by the process of filling out a consent form, which is also provided by the institution.

C. Recommendations

Various important findings in this legal study have provided a solid basis for building several strategic recommendations to strengthen and improve the accessibility and inclusiveness of persons with disabilities in public transportation in Indonesia and in particular in the MRT-Jakarta and the Jakarta-Bandung high-speed train. The recommendation framework in this policy study is divided into three based on the aspect of the target stakeholders,

namely the government, transportation service providers, and civil society organizations/general public.

C.1 Government

1. The government is obliged to implement audits and synchronization of policies related to the accessibility of persons with disabilities in public transportation, including proportionality arrangements and sanctions enforcement mechanisms intended for parties related to the implementation of accessibility of persons with disabilities in public transportation and the involvement of persons with disabilities so that there is legal certainty and increased awareness of various party. It is necessary to consider imposing sanctions for the non-involvement of persons with disabilities since the early stages of development design and planning, rather than imposing sanctions based on non-compliance with development implementation.
2. The government must implement an audit of public transportation service providers in terms of services and Standard Operational Procedure [hereinafter: SOP] for services for persons with disabilities, and maintenance of supporting facilities for accessibility of persons with disabilities.
3. The government must make legal breakthroughs to complement legal regulations and law enforcement on accessibility for people with disabilities in public transportation. In this case, the government is recommended to ratify the UN CRPD Optional Protocol in order to strengthen the complaint mechanism and increase the participation of the general public through class action and citizen lawsuit mechanisms for enforcement and providing accessibility for disabled groups on public transportation.
4. The government must amend the Railway Law. This is expected to be able to adjust the arrangement of rights for persons with disabilities in rail transportation with the existing arrangements in the Law on Persons with Disabilities, in addition to aiming to adjust to the current situation in the field.

5. The government must formulate technical policies and be involved in ensuring the scheme for the procurement of goods, services, and investment in public transportation concerning the accessibility code. In this context, the provision of accessible facilities and participation of persons with disabilities in every stage of its development, especially in the design and planning stages which are considered very strategic, can be prioritized. This policy mechanism can be carried out by monitoring, assessing, and evaluating processes and mechanisms for the involvement of persons with disabilities. The government can even act decisively in imposing sanctions on violations encountered in the process.

6. The government must specifically regulate disability-friendly requirements as a condition for obtaining an IMB and SLF for Buildings or public transportation operational permits. In this regard, the government, for example, can form an *ad hoc* team from groups of persons with disabilities whose task is to assess the accessibility aspects of the facilities or infrastructure to be built.

7. In the procurement of goods, services, and investment, both by domestic and foreign parties, the government must be able to encourage the implementation of technology exchange and capacity building in the fulfillment of rights and accessibility for persons with disabilities in public transportation. This can stimulate better and more disabled-friendly services in the future, both physically and non-physically.

8. The government—both Central and Regional—is obligated to provide concessions, in the form of all forms of discounted fees for persons with disabilities in using public transportation, the Government can also provide incentives to private parties who provide concessions for persons with disabilities. This is intended to uphold equality in access to public transportation. This provision can be seen in Law No. 8 of 2016. Unfortunately, its implementation has not been implemented in all modes of transportation, including transportation modes operated by the government.

9. The government—both central and regional—is obligated to accelerate

the integration between transportation modes, both in terms of tariffs and services, physical facilities, and institutions. Inequality of integration between modes of public transportation can reduce time and cost efficiency, especially for people with disabilities who use public transportation. Furthermore, this can have an impact on the reduced interest of groups of people with disabilities in using public transportation and switching to private transportation, even less mobilization of groups of people with disabilities.

10. The government must build communication and coordination across sectors and ministries/agencies in enforcing regulations, provisions, and mainstreaming accessibility for persons with disabilities on public transportation. This includes encouraging the participation of KND in mainstreaming and advocating the accessibility of persons with disabilities in public transportation. This can facilitate the flow of information, coordination between representatives of groups of persons with disabilities and national and regional institutions related to the planning and development of public transportation.

C.2. Public Transportation Service Provider

1. Public transportation service providers must involve persons with disabilities in the development process, starting from the design and planning stages, and not only at the pilot stage. Involvement from an early stage can ensure that the facilities built can accommodate the needs of persons with disabilities, minimizing errors which in turn will increase the effectiveness and efficiency of the budget.

2. Public transportation service providers, especially PT MRT Jakarta and PT KCIC must strengthen capacity and networks in building relationships and communication early, broadly, and intensively with various disability community networks and various disability characters. Strengthening this capacity and network can strengthen the process and facilitation of the involvement of groups of people with disabilities, especially in the design and planning stages and the following stage, piloting, and can stimulate

participation and representation of the various types of disabilities that exist. The study findings show that people with mental disabilities have not been represented or involved at all in all stages of the development and construction of the Jakarta MRT and Jakarta – Bandung High-Speed Rail.

3. Public transportation service providers, especially PT MRT Jakarta and PT KCIC must realize their plan to make people with disabilities into professional workers by providing job opportunities to them with certain contracts in the fields that they can work well based on the conditions or characteristics of their disability. Providing opportunities for persons with disabilities as professional workers can encourage inclusiveness in terms of employment opportunities, participation in public transportation, ensuring the sustainability of the attachment and involvement of persons with disabilities in public transportation.

4. Public transportation service providers, especially PT MRT Jakarta and PT KCIC must develop, improve and implement SOPs in providing services for persons with disabilities. The best practice can be seen in the SOP owned by The Greater Stockholm Local Transit Company [hereinafter: SL] which regulates the treatment of persons with disabilities and education of transportation mode officers, to information at stations and in vehicles. According to the guidelines, all officers of the mode of transportation provided by SL are required to complete 3 years of continuing education on accessibility for priority groups, including persons with disabilities.⁹⁴ In addition, the maintenance of accessibility support facilities for persons with disabilities also needs to be carried out on an ongoing basis.

5. Public transportation service providers, particularly PT MRT Jakarta and PT KCIC, should be able to build better communication and coordination with the government in terms of mainstreaming accessibility of persons with disabilities in public transportation. This includes establishing stronger coordination with KND and national and regional institutions related to public transportation planning and development.

6. Public transportation service providers, particularly PT MRT Jakarta

and PT KCIC, must continue to disseminate various facilities provided for persons with disabilities in public transportation facilities and infrastructure to the general public. Often persons with disabilities are not aware of the facilities or services provided by operators, thereby reducing their interest in using public transportation. Likewise, monitoring from all parties is also very important to maintain consistency and improve public transportation services.

C.3. Civil Society Organizations and General Society

1. Civil society, especially organizations of persons with disabilities, must strengthen networks among others and increase the advocacy capacity of its members. Strong collaboration and collaboration between organizations of persons with disabilities can encourage stronger advocacy for the accessibility of persons with disabilities and ensure wider representation of persons with disabilities.

2. The general public and civil society organizations should encourage and contribute to efforts to mainstream the rights of persons with disabilities. In fact, there are still many people in general who do not understand the rights of persons with disabilities and the urgency in encouraging the fulfillment of these rights.

3. The general public and civil society organizations, in particular organizations of persons with disabilities, must support efforts to disseminate, educate and monitor the implementation of accessibility for persons with disabilities in a sustainable manner. Lack of socialization and education often makes the facilities that have been provided for people with disabilities misused by the general public.

4. The general public, especially non-disabled people, needs to be a pressure group to encourage and ensure the rights of persons with disabilities are properly accommodated by the government or public transportation service providers. Various examples of cases abroad show that great public pressure can force the government or operators to improve their services

to persons with disabilities.

D. Timeframe of the Recommendation

D.1. Government Recommendation Timeframe

No.	Recommendation	Timeframe		
		Short Term (1-3 Years)	Medium Term (3-6 Years)	Long Term (6-10 Years)
1	The government must implement an audit of public transportation service providers in terms of services and SOPs for services for persons with disabilities, and maintenance of supporting facilities for accessibility of persons with disabilities.	X		
2	The government is obliged to provide concessions for persons with disabilities in the use of public transportation.	X		
3	The government must build communication and coordination across sectors and ministries/agencies in enforcing regulations, provisions, and mainstreaming accessibility for persons with disabilities on public transportation and encourage the participation of KND in seeking mainstreaming and advocacy of accessibility for persons with disabilities in public transportation.	X		
4	The government should implement audits and synchronization of policies related to the accessibility of persons with disabilities on public transportation.		X	
5	The government must amend the Railway Law.		X	

6	The government must specifically regulate disability-friendly requirements as a condition for obtaining an IMB, Building SLF, or public transportation operational permit.		X	
7	The government must make legal breakthroughs to complement legal regulations and law enforcement on accessibility for people with disabilities in public transportation.		X	
8	The government must formulate technical policies and be involved in ensuring the scheme for the procurement of goods, services, and investment in public transportation with reference to the accessibility code.		X	
9	In the procurement of goods, services, and investment, both by domestic and foreign parties, the government must be able to encourage the implementation of technology exchange and capacity building in fulfilling the rights and accessibility of persons with disabilities in public transportation.		X	
10	The government—both central and regional—is obligated to accelerate the integration between transportation modes, both in terms of tariffs and services, physical facilities, and institutions.			X

D.2. Public Transportation Service Providers Recommendation Timeframe

No.	Recommendation	Timeframe		
		Short Term (1-3 Years)	Medium Term (3-6 Years)	Long Term (6-10 Years)
1	Public transportation service providers must involve persons with disabilities from the design and planning stages of public transportation modes, and not only at the pilot stage.	X		
2	Public transportation service providers, especially PT. MRT Jakarta and PT. KCIC must strengthen capacity and network in building early, broad and intensive relationships and communication with various disability community networks and various characteristics of disabilities.	X		
3	Public transportation service providers, especially PT. MRT Jakarta and PT. KCIC must realize its plan to make people with disabilities into the professional workforce by providing employment opportunities to them with certain contracts in the fields that they can work well based on the conditions or characteristics of their disability.	X		
4	Public transportation service providers, especially PT. MRT Jakarta and PT. KCIC must develop and implement SOPs for services for persons with disabilities and maintenance of supporting facilities for accessibility of persons with disabilities on an ongoing basis.	X		

5	Public transportation service providers, especially PT. MRT Jakarta and PT. KCIC must be able to build better communication and coordination with the government in terms of mainstreaming the accessibility of persons with disabilities in public transportation.	X		
6	Public transportation service providers, particularly PT MRT Jakarta and PT KCIC, must continue to disseminate various facilities provided for persons with disabilities in public transportation facilities and infrastructure to the general public.	X		

D.3. Civil Society Organizations and the General Society Recommendation Timeframe

No.	Recommendation	Timeframe		
		Short Term (1-3 Years)	Medium Term (3-6 Years)	Long Term (6-10 Years)
1	Civil society, especially organizations of persons with disabilities, must strengthen networks among others and increase the advocacy capacity of its members.	X		
2	The general public should support and contribute to the government's efforts to mainstream the rights of persons with disabilities.	X		

3	The general public and civil society organizations, especially organizations of persons with disabilities, must support efforts to disseminate, educate and monitor the implementation of accessibility for persons with disabilities in a sustainable manner.	X		
4	The general public, especially non-disabled people, needs to be a pressure group to encourage and ensure the rights of persons with disabilities are properly accommodated by the government or public transportation service providers.	X		

Endnotes

- 1 See <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.html> accessed on 30 May 2021.
- 2 See <http://tnp2k.go.id/download/39050Disability%20Situation%20Analysis.pdf> accessed on 30 May 2021.
- 3 See https://www.monash.edu/_data/assets/pdf_file/0003/1107138/Disability-in-Indonesia.pdf accessed on 30 May 2021.
- 4 See <https://www.asiasentinel.com/p/indonesia-disability-issues-lack-data> accessed on 30 May 2021.
- 5 See United Nations (2016). 'Leaving No One Behind: The Imperative of Inclusive Development'. United Nations [https://smeru.or.id/sites/default/files/publication/wp_disabilitas_in_0.pdf]
- 6 See <http://tnp2k.go.id/download/39050Disability%20Situation%20Analysis.pdf> accessed on 30 May 2021.
- 7 Risnawati Utami, UNCRPD committee and a person with disabilities, FGD, 21 April 2021.
- 8 The majority of research informants unhesitatingly encouraged and agreed on the urgency and strategic position of the involvement of persons with disabilities in the planning and design of the MRT and the Jakarta-Bandung high-speed train.
- 9 Interview with Haris Muhammadun, Chairperson of the Jakarta City Transportation Council. 7 May 2021.
- 10 Interviews with Bahrul Fuad, a person with disabilities, disability rights activist, and commissioner of the national commission for women, 27 April 2021, and with Risnawati Utami, UNCRPD Committee, and a person with disabilities, FGD, 21 April 2021.
- 11 Interview with Bahrul Fuad, *Ibid.*
- 12 Interview with Bahrul Fuad, *Ibid.*
- 13 Interview with Slamet Tohari, Person with disabilities and disability rights academic and activist, 6 May 2021.
- 14 Interview with Haris Muhammadun, Chairperson of the Jakarta City Transportation Council. 7 May 2021.
- 15 Risnawati Utami, UNCRPD Committee and a person with disabilities, FGD, 21 April 2021.
- 16 Interview with Bahrul Fuad, A person with disabilities, disability rights activist, and commissioner of the national commission for women, 27 April 2021.

- 17 *Ibid.*
- 18 Interview with Slamet Tohari, Person with disabilities and disability rights academic and activist, 6 May 2021.
- 19 Interviews with various informants, especially Bahrul Fuad, Slamet Tohari, Didi, Haris Muhammadun, etc.
- 20 Interview with Slamet Tohari, Person with disabilities and disability rights academic and activist, 6 May 2021.
- 21 Interview with Rusli Rahim, Assistant Deputy for Connectivity Infrastructure Kemenkomarvevs, 4 May 2021.
- 22 Focus Group Discussion (FGD), Anggi, Institute for Transportation and Development Policy, 19 Juni 2021.
- 23 Interviews with Didi Leindert, Chairperson of the Association of Indonesian Disabled Person (PPDI) Jakarta, 28 April 2021, and Rusli Rahim, Assistant Deputy for Connectivity Infrastructure Kemenkomarvevs, 4 May 2021, Muhammad Effendi, Director of Operations & Maintenance of MRT Jakarta, 18 May 2021.
- 24 Interview with Rachmita Harahap, A person with disabilities and lecturer, 5 May 2021.
- 25 Interview with Ira Puspa, Chairperson of *Perhimpunan Jiwa Sehat*, Jakarta, 22 July 2021.
- 26 Observation of several informants, especially informants with disabilities who have been invited to try the MRT, including Bahrul Fuad and Slamet Tohari.
- 27 Interviews with Bahrul Fuad, A person with disabilities, disability rights activist, and commissioner of the national commission for women, 27 April 2021.
- dan Slamet Tohari, Person with disabilities and disability rights academic and activist, 6 May 2021.
- 28 See <https://jakartamrt.co.id/id/info-terkini/mrt-jakarta-transportasi-publik-yang-ramah-bagi-penyandang-disabilitas>. Accessed on 30 May 2021.
- 29 Interview with Muhammad Effendi, Director of Operations & Maintenance of MRT Jakarta, 18 May 2021.
- 30 Interview with Muhammad Effendi, Director of Operations & Maintenance of MRT Jakarta, 18 May 2021.
- 31 Interview with Haris Muhammadun, Chairperson of the Jakarta City Transportation Council. 7 May 2021.
- 32 Interviews with Ariani Soekanwo, A person with disabilities & founder of the National Public Accessibility Movement, 11 May 2021, and Muhammad Effendi, Director of Operations & Maintenance of MRT Jakarta, 18 May 2021.

- 33 Interview with Muhammad Effendi, Director of Operations & Maintenance of MRT Jakarta, 18 May 2021
- 34 Interview with Muhammad Effendi, Director of Operations & Maintenance of MRT Jakarta, 18 May 2021
- 35 Interview with PT. MRT Jakarta, 25 Juli 2021.
- 36 *Ibid.*
- 37 Interview with Didi Leindert, Chairperson of the Association of Indonesian Disabled Person (PPDI) Jakarta, 28 April 2021,
- 38 Interview with Rachmita Harahap, A person with disabilities and lecturer, 5 May 2021
- 39 Interview with PT. KCIC, 9 June 2021.
- 40 *Ibid.*
- 41 Interview with Didi Leindert, Chairperson of the Association of Indonesian Disabled Person (PPDI) Jakarta, 28 April 2021.
- 42 Interview with Haris Muhammadun, Chairperson of the Jakarta City Transportation Council. 7 May 2021.
- 43 Risnawati Utami, UNCRPD Committee and a person with disabilities, FGD, 21 April 2021, and interviews with Slamet Tohari, Person with disabilities and disability rights academic and activist, 6 May 2021, Rachmita Harahap, A person with disabilities and lecturer, 5 May 2021, and Bahrul Fuad, a person with disabilities, disability rights activist, and commissioner of the national commission for women, 27 April 2021.
- 44 Interview with Jakarta-Bandung high-speed train team, Jakarta, 9 June 2021.
- 45 Risnawati Utami, UNCRPD Committee and a person with disabilities, FGD, 21 April 2021
- 46 Interview with Rusli Rahim, Assistant Deputy for Connectivity Infrastructure Kemenkomarvevs, 4 May 2021.
- 47 Interview with Ariani Soekanwo, A person with disabilities & founder of the National General Accessibility Movement, 11 May 2021.
- 48 Based on several interviews conducted with 9 informants.
- 49 Interview with Leindert Hermeinadi, Head of PPDI-Jakarta, 28 April 2021.
- 50 Interview with Muhammad Effendi, Director of Operations & Maintenance of MRT Jakarta, 18 May 2021.
- 51 Interview with Trian Airlangga, A person with disabilities and a member of the Jakarta Barrier-Free Tourism, 21 May 2021.

- 52 Interview with Trian Airlaangga, *Ibid.*
- 53 See <https://jakartamrt.co.id/id/info-terkini/mrt-jakarta-transportasi-publik-yang-ramah-bagi-penyandang-disabilitas> accessed on 29 May 2021.
- 54 Interview with Rachmita Harahap, A person with disabilities and lecturer, 5 May 2021.
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- 58 Interview with Trian Airlangga, *Ibid.*
- 59 Interview with Ariani Soekanwo, A person with disabilities & founder of the National General Accessibility Movement, 11 May 2021.
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- 62 Interview with Rachmita Harahap, A person with disabilities and lecturer, 5 May 2021.
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- 64 Interview with Trian Airlangga, A person with disabilities and a member of the Jakarta Barrier-Free Tourism, 21 May 2021.
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- 67 Interview with Rachmita Harahap, A person with disabilities and lecturer, 5 May 2021.
- 68 Interview with Haris Muhammadun, Chairperson of the Jakarta City Transportation Council. 7 May 2021.
- 69 Interview with PT. KCIC, 09 June 2021.
- 70 Interview with PT. KCIC, *Ibid.*

- 71 Interview with Ariani Soekanwo, A person with disabilities & founder of the National General Accessibility Movement, 11 May 2021.
- 72 Observations of persons with disabilities were interviewed, based on their experiences using various public transportation facilities in Indonesia.
- 73 Interview with Ariani Soekanwo, A person with disabilities & founder of the National General Accessibility Movement, 11 May 2021.
- 74 Risnawati Utami, UNCRPD Committee and a person with disabilities, FGD II, 16 June 2021
- 75 Interview with Ira Askaria, *Perhimpunan Jiwa Sehat*, Jakarta, 22 July 2021.
- 76 Interview with Leindert Hermeinadi, Head of PPDI-Jakarta, 28 April 2021.
- 77 Darmaningtyas, Head of the Institute of Transportation Studies, FGD II, 16 June 2021.
- 78 Slamet Tohari, Person with disabilities and disability rights academic and activist, 6 May 2021.
- 79 Haris Muhammadun, Chairperson of the Jakarta City Transportation Council, FGD III, 5 August 2021.
- 80 Interview with Ariani Soekanwo, A person with disabilities & founder of the National General Accessibility Movement, 11 May 2021.
- 81 Haris Muhammadun, Chairperson of the Jakarta City Transportation Council, FGD III, 5 August 2021.
- 82 Faela Sufa, Direktur Institute for Transportation and Development Policy, FGD II, 16 June 2021.
- 83 Interview with Rusli Rahim, Assistant Deputy for Connectivity Infrastructure Kemenkomarvevs, 4 May 2021.
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- 87 Interview with Slamet Tohari, *Idem*.
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- 91 Slamet Tohari, Person with disabilities and disability rights academic and activist, FGD 21 April 2021.
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- 93 Interview with Trian Airlaangga, A person with disabilities and a member of the Jakarta Barrier-Free Tourism, 21 May 2021.
- 94 See Vanessa Stjernborg (2019). 'Accessibility for All in Public Transport and the Overlooked (Social) Dimension—A Case Study of Stockholm'. *Sustainability* [<https://www.mdpi.com/2071-1050/11/18/4902>]

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