

## RIGHT TO ACCESS INFORMATION FOR PEOPLE WITH DISABILITIES IN JUSTICE INSTITUTIONS IN INDONESIA

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### ABSTRACT

*Despite the right to access information is a part of recognized human rights in Indonesia, and all people shall enjoy the conduct of accessible information without discrimination, some part of people with disabilities ("PWD"), such as blind and deaf people, are excluded from those privileged. The perfect example of this submission is that unavailable sign language interpreters provided on the television screen in terms of fulfilling the deaf right to access information. Even if there is one, only a few television stations comprehend the deaf standard and need in the context of accessing information through television. In other words, the size of the provided column on the screen is too small, or there is no running text provided for describing the content of the news or the program in writing. Accordingly, this situation prevents the deaf from accessing information fairly among society. However, this paper is more focused on elaborating on the right to access information in justice institutions in Indonesia. By explaining the standard operation procedure on how those specific judicial institutions referred to serving people with disabilities in obtaining their right to information, it aims to ensure the right to access information well-implemented for all without any discriminations occurred. This paper also attempts to not only educate people about the difficulties faced daily by PWD in accessing their right to information but also to remind the stakeholders to intervene and set a high standard of appreciation for PWD by understanding the need of PWD while access information. Therefore, to strengthen those submissions, abroad judicial institutions' standard operating procedures will be presented further. Paper-desk is the methodology used in the study.*

Key words: Right to Access Information, People with Disability, Justice Institutions, Indonesia

### INTRODUCTION

In Indonesia, the right to access information for all people is recognized and protected explicitly under article 28F of the 1945 Constitution. Meanwhile, the law which specially guarantees the right for PWD to access information mentioned under article 24 point (b) and (c) of Act Number 8 the Year 2016 ("Act 8/2016) about PWD. Therefore, it is clear that both legal sources protect all people, including PWD, to access the right to information in Indonesia, which be aimed to self-development and develop its social purpose. In terms of achieving those aims, under the laws, the PWD has a right to grant accessible media and any forms of facilities to communicate, such as sign language, braille, and augmentative communication in official interaction. However, many technical challenges prevent PWDs to access information in many public sectors, including in the justice institutions in Indonesia. Not many public government institutions provide friendly facilities for PWDs to access information.

#### **Lack of facilities and accessible media**

Some examples of the lack of accessible media and facilities meant in this part are that the absence of sign language interpreter service option provided in the court during a hearing for the PWDs or the court decision, which transformed into braille version option. Therefore, there is a spreading stigma about PWDs, stating that the PWDs are treated as the second class group among society. Pwds are mostly more incapable of working in a professional team than non-disabled people and then label them as a group who have not achieved the same level of social, economic, and political quality<sup>1</sup>. Moreover, for some decades in Indonesia, history records that people used to consider PWD as an object and target for the charity project and engaged with obstacles and barriers sources<sup>2</sup>. In other words, the more justice institutions ignore its duty in providing media and any facilities for PWD to access information is more strengthens the idea that there is no fairness treatment for PWD in accessing information. Also, there is an intended purpose from the justice institution to abandon the PWDs' right to access information.

#### **SOP for all people**

Holding a vital role in enforcing law and justice for all people in Indonesia<sup>3</sup>, It is safe to submit that justice institutions cannot apply a different standard for justice seekers. The Standard Operational Procedure ("SOP") in the court shall be able to accommodate all people's interests in terms of seeking justice in the court, including the PWDs, as the courts are part of justice institutions. Providing clear written information instructions can be considered as an effort to fulfill people right to access information in the court. However, it is essential to bear in mind that not people can read written information instruction easily.

<sup>1</sup> Helen Meekosha and Carolyn Frohmader (2010). Recognition, Respect, and Rights: Disabled Women in a Globalised World [online]. Available at: <http://wwda.org.au/wp-content/uploads/2013/12/FrohmaderMeekoshaChina2010.pdf>. Accessed April 12<sup>th</sup> 2020

<sup>2</sup> International Labour Organization (2017). Final Report: Mapping Persons With Disabilities (PWD) in Indonesia Labor Market [online], p. 6-8. Available at: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms\\_587669.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_587669.pdf). Accessed April 12<sup>th</sup> 2020

<sup>3</sup> Article 1 paragraph (1), paragraph (2), paragraph (3), and paragraph (4); and article 18 Act Number 48 the Year 2009.

For those who blind, they will experience unfair treatment if the court does not have a braille version of the written guidance in the court. Thus, such an SOP shall be considering all people's interests in accessing information.

Another excellent example of the importance of understanding the PWD's need for accessing information in the court is that a particular unit in the court for PWD provision. Providing a specific group for PWDs to serve the PWDs and place the competent court officers, such as the officer who can speak sign language, will benefit the PWDs in getting the right information in such a proper way get information. Importantly, fairness in treating people in accessing information somewhat is well-implemented, and the right for PWDs is well-fulfilled.

### **No integrated system**

In this stage, it is necessary to bear in mind that the PWDs who seek information in the courts are not just a justice seeker. Those are likely a lawyer, witness, public prosecutor, or other related occupations to justice institutions. Therefore, fulfilling the PWDs' right to access information in the court is essential to be implemented in Indonesia. However, it is rare to find the PWDs who works as a lawyer, judges, or public prosecutors nowadays. The causes of the limited number of PWDs working in the professional field is because the study found that the PWDs often miss the opportunity and be more excluded from education, professional training, and professional working chances among society in Indonesia<sup>4</sup>. Also, there are no integrated systems in Indonesia that can show the recent total number of PWDs and the total number of PWDs who work in the professional field. It can be proven by the different total number of PWDs which have been released by various institutions. According to the United Nations, ESCAP 2015 shows that the number of PWDs in Indonesia is about 6.008.641 people with disability prevalence is 2.5%<sup>5</sup>, meanwhile Ministry of Social Services of the Republic Indonesia reveals that the total number of PWDs in Indonesia is about 8.56% or 21.84 million people<sup>6</sup>. However, based on *Survey Penduduk Antar Sensus* ("SUPAS") 2015 for population 10 years of age indicates different number in total, namely 25.436.895 people and these figures are elaborated in details as follows<sup>7</sup>:

- 1) Difficulty in seeing, total 13.221.240 people with specific difficulties:
  - Severe 270.471 people;
  - Many 1.502.819 people;
  - Some 11.447.950 people.
- 2) Difficulty in listening (hearing), total 6.952.797 people with specific difficulties:
  - Severe 178.613 people;
  - Many 1.180.722 people;
  - Some 5.593.462 people.
- 3) Difficulty in walking or climbing the states, total 2.094.864 people with specific difficulties:
  - Fully need assistance from other people 672.757 people;
  - Use aids but need help from other people 329.659 people;
  - Using aids 1.092.448 people.
- 4) Difficulty to communicate, total 3.167.994 people with specific difficulties:
  - Severe 277.402 people;
  - Many 698.548 people;
  - Some 2.192.044 people

### **International Law which obliges Indonesia**

In international scope, an international convention specifically regulating about the PWDs is that Convention on the Rights of Persons Disabilities ("CRPD"). However, article 19 of Universal Declaration of Human Rights ("UDHR")<sup>8</sup>, article 19 paragraph (2) of International Covenant on Civil and Political Rights ("ICCPR")<sup>9</sup> and General Comment of ICCPR Number 34<sup>10</sup> also recognize and elaborate about the Right of access to information for all people without exception, including the Right to seek and receive news of all kinds in any other media of his choice. It is essential to bear in mind that CRPD generally highlights the vital recognition of PWDs as a full independent man with full rights to live, make a choice, and actively participate in society.<sup>11</sup> Under

<sup>4</sup> ILO, Inklusi Penyandang Disabilitas di Indonesia. [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms\\_233426.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_233426.pdf). Accessed April, 13<sup>th</sup> 2020.

<sup>5</sup> United Nations Economic and Social Commission for Asia and the Pacific (UN ESCAP), Disability at a Glance 2015 Strengthening Employment Prospects for Persons With Disabilities in Asia and The Pasific.

[https://www.unescap.org/sites/default/files/SDD%20Disability%20Glance%202015\\_Final.pdf](https://www.unescap.org/sites/default/files/SDD%20Disability%20Glance%202015_Final.pdf) accessed April, 13<sup>th</sup> 2020.

<sup>6</sup> Margowiyono, Director of the Social Rehabilitation of PWDs, it was conveyed in the Constitutional Court of the Republic of Indonesia event: Pemahaman Hak Konstitusional Warga Negara bagi Perkumpulan Penyandang Disabilitas Indonesia (PPDI) on September, 24<sup>th</sup> 2019 at Hotel Olympic Renotel Sentul, Bogor.

<sup>7</sup> Badan Pusat Statistik, Penduduk Indonesia: Hasil survei Penduduk Antar Sensus 2015. [https://bps.go.id/website/pdf\\_publicasi/Penduduk-Indonesia-hasil-SUPAS-2015\\_rev.pdf](https://bps.go.id/website/pdf_publicasi/Penduduk-Indonesia-hasil-SUPAS-2015_rev.pdf) Accessed April 13<sup>th</sup>, 2020.

<sup>8</sup> United Nations, Universal Declaration of Human Rights. <https://www.un.org/en/universal-declaration-human-rights/> Accessed on April, 13<sup>th</sup> 2020.

<sup>9</sup> International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> Accessed on April, 13<sup>th</sup> 2020.

<sup>10</sup> United Nations, ICCPR. CCPR/C/GC/34: General Comment No. 34. <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>. Accessed on April 13<sup>th</sup> 2020.

<sup>11</sup> Human Rights of Persons with Disabilities <https://www.ohchr.org/en/issues/disability/pages/disabilityindex.aspx> Accessed April, 13<sup>th</sup> 2020.

article 9 and article 21 of CRPD, the state parties oblige to take appropriate measures in order to ensure the PWD access information and communications technologies and systems and to other facilities and services open or public, including the freedom to seek, receive and impart information and ideas on an equal basis with other and through all forms of communication of their choice. It includes obligations of the state to<sup>12</sup>:

- i. provide training on accessibility issues facing PWD;
- ii. provide public signage in braille and in easy to read and understand forms;
- iii. provide form of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to building and other facilities open to the public;
- iv. accepting and facilitating the use of sign language, braille, augmentative and alternative communication, and all other accessible means, modes, and formats of communication of their choice by persons with disabilities in official interactions;
- v. Recognizing and promoting the use of sign languages;
- vi. Encouraging the mass media, including providers of information through the internet, to make their services accessible to PWDs;
- vii. promote other appropriate forms of assistance and support to PWD to ensure their access to information;
- viii. providing information intended for the general public to PWDs in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

As a state party which signed and ratified CRPD in 2007 and 2011<sup>13</sup>, Indonesia obliges to ensure the enjoyment of the PWDs' rights, especially the right of access to information. Although Indonesia has participated in signing Marrakesh Treaty in 2013 aiming to end the book famine for the blind or those who unable to read clearly, the commitment of Indonesia for ensuring the PWDs to enjoy its right to information shall be questioned firmly due to slow movements from the government to realize its obligations mentioned in the UDHR, CRPD, and ICCPR. Therefore, this topic is selected in this paper; the aims of the study are that to remind the stakeholders about the importance of fulfilling the PWDs right to access information, especially in the court and to educate many people about the struggle and the right of the PWDs to access information in Indonesia. Also, this article can be a reference for other researchers to raise this topic for further and depth research in the future. The methodology used in this writing is that paper-desk research means that all data, acts, and academic sources are gained by reading literature and doing slight passive observations from credible sources.

Further, there are 3 (three) parts in this paper, namely introduction, the contents, and conclusion. The introduction elaborates on the background of the PWDs for not experiencing fairness treatment in seeking information in the court and the related issues. The content explores the standard operational procedures in abroad institution as the comparison of how the PWDs experience fairness treatment in accessing information and then explains the court SOP in Indonesia. In the last part, there is a conclusion that provides a summary of the paper's content.

## STANDARD OPERATIONAL PROCEDURES IN ABROAD INSTITUTIONS

### 1. The Judicial Committee of the Privy Council ("JCPC")<sup>14</sup>

The JCPC is the final court of appeal for a number of Commonwealth countries, the crown dependencies and United Kingdom overseas territories. JCPC provides facilities for PWDs as follow:

- Wheelchair accessible;
- Visual impairment facilities, such as large print, braille versions of the key visitor to use by the visitor during the visit and special tour designed for those with visual impairments;
- Braille notices on the toilet doors
- Hearing loop;
- Accessibility Website – meet the required standards for the text size and undergone independent auditing to ensure use of good practice in web accessibility: World Wide Web Consortium Web Content Accessibility Guide ("WCAG").

### 2. Judicial Council of Georgia ("JCG")<sup>15</sup>

There is a written guidance for Georgia Court in term of providing excellent service for PWDs. JCG submits that the most important thing court officials can do in daily interactions with PWDs is that by treating PWDs with the same dignity, respect, and courtesy that they afford everyone else. In this stage, JCG attempts to map the barrier for PWDs to access to Court Programs and to remove all barriers by considering some general tips as follow:

- Do not make assumptions about PWDs, includes do not assume that PWDs needs help. If someone looks in need of help, it is appropriate to offer assistance with sensitivity. If your help is accepted, listen or ask for instructions before you act. Do not bother if someone refuses your assistance;

<sup>12</sup> United Nations Convention on the Rights of Persons with Disabilities.

[https://www.un.org/disabilities/documents/convention/convention\\_accessible\\_pdf.pdf](https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf). Accessed April, 13<sup>th</sup>, 2020.

<sup>13</sup> Status of Ratification Interactive Dashboard, CRPD, <http://indicators.ohchr.org/>. Accessed on April 13<sup>th</sup> 2020.

<sup>14</sup> Judicial Committee of the Privy Council, <https://www.jcpc.uk/faqs.html> Accessed on April 13<sup>th</sup> 2020.

<sup>15</sup> A Handbook for Georgia Court Officials on Courtroom Accessibility for Individual with Disabilities 2017 Edition. [https://georgiacourts.gov/wp-content/uploads/2019/09/ADA-Judicial-Handbook-2017\\_Oct-Update.pdf](https://georgiacourts.gov/wp-content/uploads/2019/09/ADA-Judicial-Handbook-2017_Oct-Update.pdf) Accessed on April 13<sup>th</sup> 2020.

- Always speak directly to PWDs, not to assistant/sign language interpreter/companion. Speak in normal tone and do not raise your voice unless requested. If PWDs do not understand you, try again. Do not become uneasy if you have to make repeated attempts at listening or speaking to ensure effective communication;
- Familiarize yourself with the court's accessibility features and accommodation protocol;
- Not all disabilities are apparent. Due to stigma associated with certain disabilities, people may be reluctant to disclose a disability or ask for an accommodation.

Regarding removing communication barriers, JCG highlights that ensuring communicates information effectively is part of the court's most important responsibilities. It is because a serious detrimental effect on the administration of justice can be occurred when the courts do not communicate effectively with PWDs. Therefore, the court shall be aware of the types of disabilities that impact communication, such as hearing, speech, and vision disabilities, as well as the auxiliary aids and services that are often necessary to ensure effective communication. To determine which the auxiliary aids and service are needed, the court hall access each situation on individualized case/problem.

### 3. Courts in the Northern Ireland and Tribunals Service<sup>16</sup>

Under website *nidirect.gov.uk*, people can find out about some information, including information about PWDs in many sectors such as protection against disability discrimination or definition of disability<sup>17</sup>, the rights if people have a disability<sup>18</sup>, general information about PWDs<sup>19</sup> and go to court and police help section<sup>20</sup>. In the Northern Ireland ("the NI"), all court have a 'customer service officer' who can answer any questions, if PWD want to further ask about the services and facilities available to PWDs. Although not all court has disability liaison officer for helping PWDs, most of the courts in the UK have disability liaison officer. The Court must provide a reasonable alternative for making services available for PWDs. The types of facilities and reasonable adjustment court building shall put in place include:

- Disabled parking spaces near to the courthouse
- Hearing aid induction loops in courtrooms
- Information leaflets and oath cards available in large print
- Advice and information on court procedure
- Trained staff to help PWD if necessary

#### a. Going to court for those who blind or visually impaired

The court advice to PWDs for visiting the court before the formal time/schedule those people need to go to court by contacting the customer service officer to arrange a pre-visit court. The aim is that giving the court experience to PWDs to feel for the surroundings and prepare everything beforehand, including asking to customer service office. Regarding information in alternative formats, all information can be made available in wide range of alternative formats and any requests for the formats can be made to the Northern Ireland Courts and Tribunal Service. It is also essential to bear in mind that the court allows guide dog into the courtroom by contacting the customer service officer or any other member of the court staff in advance.

#### b. Going to court for those who deaf or hearing impaired

In general, the court highlights to provide information about the communication support and facilities that suitable for PWDs. Even if, the PWDs do not speak English as their mother language, the court has willingness to arrange an interpreter for your use in the courtroom. Most courtrooms are fitted with induction loops and the customer service officer or disability liaison officer will help PWDs to help them. The Northern Ireland Courts and Tribunal Service will arrange and meet the cost of interpreters needed for certain types of hearing and in certain circumstances, such as: cases of alleged domestic violence, family cases involving children, cases proceeding under the Forced Marriage Act, or when the judge or tribunal chairman directs that an interpreter be arranged by the court of tribunal.

#### c. Going to court for those who have hidden impairment

The court explains that hidden impairment include disabilities that may not be obvious to other people such as a slight mobility impairment, diabetes, cancer, epilepsy, and dyslexia. In this stage, the court advises the visitors to arrange pre-court visit in advance so that they are able to arrange the need in case they need help before the formal visit to court.

## In Indonesia

### 1. The Constitutional Court of the Republic of Indonesia<sup>21</sup>

<sup>16</sup> Government Service, People with Disabilities: Going to Court and Police Help. <https://www.nidirect.gov.uk/articles/people-disabilities-going-court-and-police-help> accessed on April, 14<sup>th</sup> 2020.

<sup>17</sup> Government Service, People with Disabilities: Going to Court and Police Help. <https://www.nidirect.gov.uk/articles/protection-against-disability-discrimination> accessed on April, 14<sup>th</sup> 2020.

<sup>18</sup> Government Service, People with Disabilities: Going to Court and Police Help. <https://www.nidirect.gov.uk/articles/your-rights-if-you-have-disability> accessed on April, 14<sup>th</sup> 2020.

<sup>19</sup> Government Service, People with Disabilities: Going to Court and Police Help. <https://www.nidirect.gov.uk/information-and-services/people-disabilities> accessed on April, 14<sup>th</sup> 2020.

<sup>20</sup> Government Service, People with Disabilities: Going to Court and Police Help. <https://www.nidirect.gov.uk/articles/people-disabilities-going-court-and-police-help> accessed on April 14<sup>th</sup> 2020.

<sup>21</sup> Further information about the Court, please visit [www.mkri.id](http://www.mkri.id)

Generally, for those who are requiring information regarding the Court can submit its request through *Pejabat Pengelola Informasi dan Dokumentasi* ("PPID"). All those requests can be sent by personal visit to Court, by e-mail, or by phone.<sup>22</sup> Besides, people can access information through the official website by filling an information request form which contains 4 (four) questions, such as<sup>23</sup>: The detailed information needed, the aims, the preferable choice to get access such request information which is provided into 3 (three) categories, namely: by reading/direct seeing/listening/making a note; by obtaining hardcopy file (s); or by obtaining softcopy file (s), and preferable choice to get a copy of files containing requested information such as: retrieve the data in person, by courier, by mail service, by email, or by facsimile.

It is essential to bear in mind that in 2019, the Court released public service advertisements that tend to be friendlier for the PWD, especially people with hearing impairment or deaf, compared to the public service commercial, which was launched in 2018 and 2017.

YEAR RELEASED	TITLE	
2017	<i>Damai Lebih Baik is Better</i> <sup>24</sup> (Peace)	No display text and no sign language interpreter
2018	Simpel, Transparan, Tanpa Biaya (Simple, Transparant, No Charge Fee) <sup>25</sup>	No display text and no sign language interpreter
2019 <sup>26</sup>	Mahkamah Konstitusi Modern dan Transparan untuk Pemilu Berkeadilan	Display text and sign language interpreter
	Modern, Transparan, Terpercaya	Display text and sign language interpreter

However, there is no specific column or page in the Court's official website, which provided information about the standard operational procedure for PWDs to access information to Court. Moreover, there is no claim or an announcement about the accessible website provided by the Court. In this stage, it is safe to submit that the only way if PWDs want to access information through the website, PWDs can access information by using the same form or platform which is provided for all people.

Meanwhile, the court provides some several of facilities for PWDs if they go to court in person, such as:

- Disabled parking spaces near to the courthouse;
- Disabled Toilet;
- Wheelchair accessible lift;
- Wheelchair accessible space in courtroom.

Referring to some international justice institutions in order to provide support facilities for PWDs, the court, in this stage, does not fully provide some other necessary supported facilities, such as:

- Hearing aid induction loops in courtrooms
- Advice and information on court procedure
- Trained staff to help PWD if necessary
- Visual impairment facilities, such as large print, braille versions of the key visitor to use by the visitor during the visit and special tour designed for those with visual impairments, Information leaflets and oath cards available in large print
- Braille notices on the toilet doors
- Accessibility Website
- Sign language interpreter service

The history has been recorded that the court has been published the constitution (before amend) in braille version in the period time between 2003 and 2008 and established cooperation with sign language interpreter community in terms of creating public service commercial purpose in 2019. However, both services are no longer conducted nowadays.

<sup>22</sup> <https://mkri.id/public/content/ppid/prosedur%20permohonan%20informasi.pdf>

<sup>23</sup> <https://mkri.id/index.php?page=web.PermohonanInformasi&menu=11>

<sup>24</sup> <https://www.youtube.com/watch?v=7rHTSMgIGIE>

<sup>25</sup> <https://mkri.id/index.php?page=web.ILM&menu=8>.

<sup>26</sup> <https://mkri.id/index.php?page=web.ILM&menu=8>.

## 2. Pengadilan Agama Kabupaten Malang<sup>27</sup>

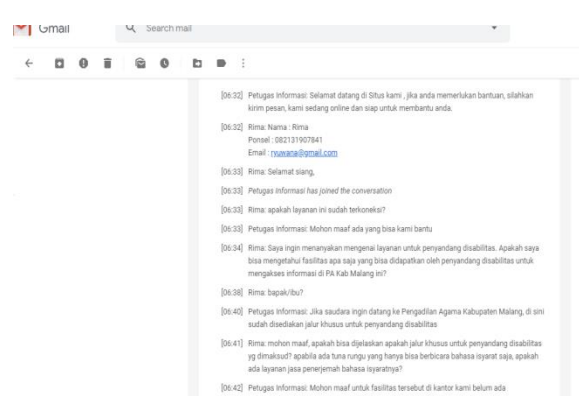
To find information, online visitors can access Audio Text Recorder (“ATR”) provided by the court on its official website. It is safe to submit in this stage that this service can benefit the online visitors who are coming from different cities or provinces, including the deaf or those with hearing impairment. The court officer will guide the online visitor and can get a direct response due to the real-time communication service applied through this service. This service is not explicitly designed for the deaf or those with hearing impairment. Still, this service can be effective alternative methods for the deaf and those with hearing impairment to get access to information about the court. Moreover, the online visitor can easily enjoy the preferable choice to access a copy of the written chat.

The court provides some several of facilities for PWDs if they go to court in person, such as:

- a. Wheelchair provision without any charge;
- b. Special lanes for PWDs;
- c. Disabled Toilet;
- d. For those who cannot read or communicate in Bahasa Indonesia, the court suggests for the PWDs to hire independent sign language interpreter.



(ATR in the court’s official website)



(Copy of ATR chat between online visitor and court officer)

However, the court does not provide some others supported facilities for PWDs, such as:

- Hearing aid induction loops in courtrooms;
- Advice and information on court procedure;
- Trained staff to help PWD if necessary;
- Visual impairment facilities, such as large print, braille versions of the key visitor to use by the visitor during the visit and special tour designed for those with visual impairments, Information leaflets and oath cards available in large print;
- Braille notices on the toilet doors;
- Accessibility Website;
- Sign language interpreter service.

## 3. Pengadilan Tinggi Agama Banjarmasin<sup>28</sup>

To access information, the visitors can access it through 2 (two) ways, namely: visit the court in person and obtain the court official website. *Pengadilan Tinggi Agama Banjarmasin* is the court that serves the appeal's submission only. Therefore, there is no party which necessary to attend and visit the court. However, the courtrooms are accessible for wheelchairs. The court does not assign a particular court officer to serve PWDs, but some videos which uploaded in the court’s social media platform about the court’s information providing display text in English version<sup>29</sup>. Accordingly, the videos are likely to benefit the deaf or those with hearing impairment to access information to the court. The court provides some several of facilities for PWDs if they go to court in person, such as:

- Wheelchair provision without any charge to use around the court;
- Special lanes for PWDs;
- Priority chairs for PWDs;
- Disabled Toilet;

<sup>27</sup> Further information regarding the court, please visit <https://www.pa-malangkab.go.id/>

<sup>28</sup> Further information about the court can be accessed through website <http://www.pta-banjarmasin.go.id/>

<sup>29</sup> <https://www.youtube.com/watch?v=Oza34cfMTQA>



(a video which showing the display text in English version)

However, there is no others supported facilities for PWDs in this court, such as:

- Hearing aid induction loops in courtrooms;
- Advice and information on court procedure;
- Trained staff to help PWD if necessary;
- Visual impairment facilities, such as large print, braille versions of the key visitor to use by the visitor during the visit and special tour designed for those with visual impairments, Information leaflets and oath cards available in large print;
- Braille notices on the toilet doors;
- Accessibility Website;
- Sign language interpreter service.

## CONCLUSION

To sum up, although in national level, the right to access information for all people is recognized and protected explicitly under article 28F of the 1945 Constitution and article 24 point (b) and (c) of Act Number 8 the Year 2016 ("Act 8/2016) about PWD and in international level, Indonesia is a state which signed and ratified UDHR, ICCPR, and CRPD, it is safe to submit that the enjoyment of right to access information in some justice institutions in Indonesia is not yet fully well implemented. Compared to some abroad justice institutions, some justice institutions in Indonesia are less prepared in terms of ensuring PWDs to access information and less aware of the importance of ensuring the implementation right to access information for the PWDs. Even though negative stigmas of PWDs significantly decrease from time to time and the law mandates the government and private sectors to recruit PWDs to implement the fairness principle for PWDs. As a state which must ensure the enjoyment of the right to access information for PWDs and to take any necessary steps or measures to implement the right to information, the government of the Republic of Indonesia shall be more serious about protecting the right of access of information. Moreover, it will benefit the PWDs if the government obliges the justice institutions firmly to:

- a. train some court's staff to learn sign language,
- b. comprehend and learn the culture of PWDs,
- c. establish a professional standard operating procedure to assist the PWDs, and
- d. Provide some necessary facilities for PWDs, including modifying the courtrooms or website into accessible one.

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Act Number 48 the Year 2009

International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

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[https://www.un.org/disabilities/documents/convention/convention\\_accessible\\_pdf.pdf](https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf)

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