

Implementation of Public Facilities and Disability Treatments: A Comparison Between Indonesia and Malaysia

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Abstract- The purpose of this paper is to make a comparison between two countries, Indonesia and Malaysia, as Moslem communities, how they treat the diversity and disability inclusion in their societies. The gaps are real between both of them, Indonesia and Malaysia. Such as in part of policy, society, law, education and health areas. However, the author will focus in two aspects which are law and society aspects. Especially, in public transportation (bus and train) and pedestrian street. This paper is based on the empirical approach as known as non-doctrinal method. By doing interview, observation and notes-field. During the author involved in Malaysia society for two years. This research also uses the doctrinal method or a library-based study. Subsequently, this research provides valuable information regarding to encourage Indonesia and Malaysia Governments to make better things for public transportation and pedestrian street for disabilities persons.

Keywords: Implementation, public transportation, disability, Indonesia, Malaysia

I. INTRODUCTION

Man must be having same rights under any circumstances. Everyone has a part of puzzle in society. Every person also has rights to live and be happy in everywhere. However, based on World Health Organization (WHO) report, it was approximately 15% of the world's population lives with some forms of disabilities. Those who no perfect in others people's eyes and has difficulties in functioning. The categories of disabled persons such as: learning disabilities (autism and dyslexia), physical (cerebral palsy), hearing, vision impair, mental, speech and other[1]. These conditions occur because of three causes, which are: accident, certain diseases or since they were born.

Person with disability is no only one person but there are plenty and it also increases day by day in Indonesia and Malaysia. According to WHO's report, the number of people with disabilities is growing. This is because populations are ageing –older people have a higher risk of disabilities such as diabetes, stroke and mental illness.

The disabled people is one of minorities that existing in both nations, Indonesia and Malaysia, as the two big moslem communities in the world. However, their rights

should not be marginalized and society must concern about their rights. Generally, Indonesia and Malaysia are known with magnificence of their natures. Furthermore, Indonesia and Malaysia people have same characters. Their people are kind, humble and also respectful. Thus, disabled people deserve to feel free in enjoying the scenery of their countries.

From person with disabilities' perspective, disabled people also have desire to be active in working as independent person and good relationship in social. They want to be able to contribute in their societies and countries. They do not want to be burden to anyone on their surroundings.

Some researchers have same idea about disabled persons such as Rosmawati Binti Sulaiman (2008), "*Faktor-Faktor yang Mendorong Golongan Orang Kurang Upaya (OKU) Bekerja di JARO (Johor Area Rehabilitation Organisation)*[2]" In her research, disabled person need some works to do. It is not only for support his or her life but also to give appreciation his or her self-esteem. By joining the JARO, it helps them to escalate his or her ability, skill and also his or herself-confident.

Other researcher is Zuhda binti Husein (2014). She promotes a module with REBT (Rational Emotif Tingkah laku) approach and Functional Model in her thesis "*Berkesan Modul Kaunseling Pemulihan Terhadap Masalah Psikososial Orang Kurang Upaya (OKU) Fizikal Akibat Kemalangan*"[3]. This module could be as an alternative module among existing modules in physiology area to heal disabled persons because of accident. Subsequently, in Indonesia, Rini Setyowati et al (2015), they describe that it was necessary to have an emotion regulation skills training programs in an effort to overcome depression on disability due to an accident.[4] Another researcher is Choky R Ramadhan et.al (2016)[5]. He depicts that many cases of disabled persons in Indonesia's trial are not get accessible of justice. His research based on case study with title *Difabel dalam Peradilan Pidana: Analisis Putusan-Putusan Difabel*. Furthermore, Mujimin, he shares idea in his article "*Penyediaan fasilitas public yang manusiawi bagi aksesibilitas*

difabel". It is about partnership to provide accessible for disabled person in public area [6].

In this article, the topic is same as the previous researches about disabled person. However, authors focusing in "Implementation of public facilities and disability treatments: a comparison between Indonesia and Malaysia."

Although, there are some regulations or instruments related to disabled person in international level, and in the national level which are among both countries, Indonesia and Malaysia. However, in the implementation some of these regulations still do not working in proper. Therefore, the researcher intends to analysis and compare upon the existing laws/ regulations and its implementation of disabled person treatments in society of Indonesia and Malaysia.

Whether Indonesia and Malaysia have some regulations or instruments pertinent to disabled person? and how far the enforcement and implementation of the regulations relevant to disabled person in Indonesia and Malaysia? Furthermore, how Malaysia could prepare treatments and public facilities for disabled person better than in Indonesia in their families and societies? By doing this research, the researchers could give some suggestions for the future development of each country, Indonesia and Malaysia, relating to minimize the legal issues about disabled person; and facilitate information for the further researcher in similar field.

II. METHOD

A. Type of Research

Most legal studies follow exploratory, descriptive, explanatory, historical, analytical, critical or comparative approach or a combination of some or all.[7] However, the researchers use two types of methods, doctrinal and non-doctrinal methods to gain the purpose of this research.

According to Soetandyo (2002), legal research is known for two types of research. Such as legal doctrinal research (legal research) and non-doctrinal legal research (socio legal research). From the above categorization, this study tends to the type of non-doctrinal legal research or empirical legal research. Because the data are collected by doing interview, field-notes and observation to the interviewees such as person with disabilities, families who have child or member family with disabilities, train officer, public transportation officer, social department, rehabilitation, NGOs and also school of disabilities (SLB).

2. Object of Research

The object of this research are some places in two countries according to public transportation (bus and train) and pedestrian street. In Indonesia, the researchers choose some cities: DKI Jakarta, DIY Yogyakarta, Surakarta and Purwokerto. Meanwhile, in Malaysia, the researchers choose Kuala Lumpur, Selangor and Johor.

3. Data Source

Source of data in this research comes from primary data, secondary data and tertiary data. Primary data of this research is field research in the form of interview, observation research and field-notes. Secondary data from this research are literature study, dissertation, thesis, journal, paper, workshop result and some other scientific works related to fulfillment the rights of disabled people in public facilities especially in public transportation (train and bus) and also pedestrian street. While tertiary data from this research are dictionary and encyclopedia that support this research.

4. Data collection

The data in this study are collected in two ways. First, the researchers collect the data by conducting interviews. Interview with the disabled person, family of disabled persons who uses the public transportation (train and bus) and pedestrian street. Stake holders of the public facilities in two countries; Indonesia and Malaysia, NGO and also school with disabled students. At least, researchers interview to 30 sampling from each city.

5. Data Analysis

This research uses data analysis in the form of inductive and qualitative. One of the most important features of non-doctrinal research (socio legal research) is on the point of emphasis on empirical reality so that the process of thinking is inductive. The process of thinking that focuses on the things that are special in the form of empirical facts. Then switch to things that are a general set of concepts or theories, and then concludes with a conclusion. While qualitative analysis more emphasis on quality compared with quantity of data, so that emerge is not words of row of numbers. In qualitative analysis generally the data described in the form of narrative that is arranged in a systematic, logical and is the result of the process of interpretation of researchers to the resulting data. In the form of narrative texts, and such as data reduction, the presentation of data is part of the analytical activity.

Data analysis on this research are using qualitative descriptive method. According Sugiyono (2011) on the definition of data analysis, as stated as follows "The process of searching and systematically compile data obtained from interviews, field notes, and documentation, by organizing data into categories, describe into units, synthesize, organize into patterns, choose what is important and what will be learned, and make conclusions so easily understood by others".

III. RESULT AND DISCUSSION

The one of researchers has some experiences with disabled people in two countries, Indonesia and Malaysia. Experience in Indonesia is longer than in Malaysia. However, there some good values that the researcher saw and found in Malaysia society. Malaysia has plenty of nature sources, good in managing some

sources and also good in managing social conflict that bring prosperity in this nation.[8] Even though, Indonesia has same conditions like in Malaysia but the prosperity in Indonesia is still not felt by all people especially for disabled people.

For example, a blind person in Malaysia could cross the street in around Brickfields, little India, Tun Sambanthan by confident, easily and peacefully. Another experience when the researcher saw disabled persons who use wheel chair could go around with happily faces in many places. By using buses such as route bus from IIUM to Mesjid India, using escalator or lift in Mesjid India Station or KL Central station and the officers in every place were so polite to serve for these kind of persons. Thus, the surprising moment was when the society in public areas were respect to disabled persons.

In contrary to the experiences in Indonesia. The researcher has a sibling and a brother-in law as disabled person which is autism. The researcher families are put them as part of family. It means that family is no one left behind. This is a quote with deep meaning has much inspiring in our lives. The researcher always tried to bring disabled member of family to some fantastic places in Indonesia such as went to Zoo in Ragunan, Kebun Raya Bogor, Purwokerto, Malang, Solo, Yogyakarta or other beautiful places in Indonesia. However, there were many obstacles that the researcher saw for disabled persons such as in using public transportations, i.e. street, bus and train. And only few persons were sympathetic to disabled person including the officers in public areas.

At least, for being a good public facility should be having 4 categories. The following are:

- a) Functional
- b) Safety,
- c) Easy
- d) Independent

In short, disabled people in Malaysia is easier in using public transportation such as train and bus than disabled in Indonesia, because some public facilities are provided in good proper for the persons with disabilities. Subsequently, the society in Malaysia is ready in accepting the diversity of ability from disabled persons, even it is not perfect condition yet. It means that some barriers for disabled person are solved in Malaysia. Moreover, disabled people in Malaysia have rights to contribute to their societies.

Regulations and policies related to disabled persons in Malaysia and Indonesia

Issue of disabled people in over the world has begun in 1960's pioneer by United Nations. Furthermore, disabled person or known as OKU (Orang Kurang Upaya) issues in Malaysia has begun since 1980's. Malaysia government from "The world program of action concerning Disabled Person in 1982", started to promote policy and program for increasing quality of OKU. This program has not been mere OKU communities but also involved the general social communities in their surroundings. (Sulaiman, 2008).[2]

In 1990, Dewan Kebajikan Masyarakat Negara (DKMN) was raising salaries for labor positions. By doing this, creating a self-reliant society, enjoying equal opportunities and practicing a culture of appreciation. And also in Bill. No.10/1988 there was quota one percent for OKU to work in public areas.

Subsequently, in May 16th, 1994, the Yang Dipertuan Agung-The Supreme Head of Federation- has signed a proclamation of full participation and equal opportunity for disabled people in Malaysia. The significant things in this moment were the royal made national coordination, discussion, information, awareness of the laity, ease of access in public area, tools and communication, education, training and work as vocational school, prevention due to disablement, recovery, inter-field cooperation and voluntary community. This proclamation purpose was to help OKU to increase their potentials (Sulaiman, 2008)[2].

In additionally, July 7th, 2008. Malaysia has made a regulation or Act of OKU that mentions of independence, honor and freedom for disabled people. In this Act, OKU can live independently in a normal community despite many shortcomings. The important is Malaysia government give similar right to OKU, awareness from society and royal give rewarded to OKU. It means that OKU has same right in all sectors even they have some deficiency in physically and mentally.

The latest Plan in Malaysia from 2016-2022 is made by The Ministry Development of woman, Family and Society. This program has 10 priorities. Such as accessibilities in public areas with universal design, increasing OKU's ability in able to earn money, accessibilities in educational areas, health areas, social culture and sports areas, in election and public policies, research, advocating, and harmonization all the rules in Malaysia with all united nation's conventions of disabled person right. (Kementerian Pembangunan Wanita, 2016)[9]

On the other hand, in Indonesia. Issue of disabled person or known as diffable (people with different abilities) has begun on 1990's. Indonesia has several regulations as well law No.4 of 1997 and Law No. 39 of 1999 which is concerning with disabilities and human rights. However, the application of both laws to the fulfillment of the rights of persons with disability is still far from deserved.

Then, on March 30th, 2007. Indonesia has signed a convention and also give highlight for some issues difabel from Preamble letter (e) of UN Convention about Rights of disabled person (CRPD: Convention on the Rights of Persons with Disabilities). It mentions recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participations in society on an equal basis with others (Irwanto, 2010).[10]

On 18 October 2011, the government of Indonesia and its National parliament have ratified the United

nations convention on the rights of persons with Disabilities (CRPD). This ratification signifies as a landmark step forward to improving the welfare and human rights of persons with disabilities. Indonesia is now the 107th country to ratify the CRPD. CRPD recognizes that everyone with any kind of disability must be able to enjoy all human rights and fundamental freedoms. As of 2015, Indonesia has 17 laws that cites the rights of people with disabilities.

Indonesian has a national plan of actions within 10 years. Which is the national Plan of Action (RAN) for persons with Disabilities 2004-2013 covering 8 priority areas, namely:

1. The formation of Non-Government Organizations with Disabilities and family association/ parents of children with disabilities
2. Increasing the welfare of women with disabilities
3. Early detection and early intervention of disability and education of disabled persons
4. Training and Placement of Disabled person
5. Access of persons with disabilities to public facilities and transportation
6. Accessibility of persons with disabilities in the area of communication and information Technology, including technology aids
7. Elimination of poverty and improvement of social security protection and life sustainability
8. International cooperation and human right networking

This RAN (*Rencana Aksi Nasional*) or the National Action Plan is agreement that was established by the stakeholders whose members include multi-sectoral ministries and organization of persons with disabilities, universities / scholars and business worlds incorporated in the team national coordination effort to improve the social welfare of person with disabilities. This team is stipulated in decree signed by Minister of Social Affairs with vocal point issue is disability. This program also is continued by next program from 2015-2022 the Incheon Strategies similar with global development agenda in Asia pacific.[11]

Social Areas in Malaysia and Indonesia.

The data from JKMM shows that disabled people's data from 2013-2015, there are 264.448, 318.132 and 365.677 respectively. With percentage likes learning disabilities 35%, physical 34%, hearing 8%, vision impair 9%, mental 8% and speech 1%.[1]

In contrast to Indonesia data for disabled people is quite difficult to find. (Aditoemo, 2014).[11] Sometime the data is absurd, because it combines between poverty and disabled person conditions in similar part.

The participation of persons with disabilities in society still in norm area. Reserve in reality, disabled person still has unpleasant experience with various obstacles. Sometimes in his or her family and also in

school, the member of family or teacher treatment as learning progresses towards the extreme too protect and or ignore students with disabilities. Finally, the participation in inclusion schools, for example, means acquiring "cap/label" because of its limitations. The society stigmatizes them because of difference characteristics that have not been understood as individual uniqueness and deep diversity of the community[10].

However, some communities in Malaysia and Indonesia, usually, young generation families use some efforts to change the stigmatizes. They play an important role in identity construction and the construction of otherness. (Saluz, 2009)[12]. One of their efforts is by let the member of family with disabilities is known by their neighbors, societies, schools and public areas. They teach the people of surrounding of disabled people to have more love, care and also empathy. Such as in Yogyakarta has RINDI (Rintisan Desa Inklusi) as one of pilot project programs from Kementerian Koordinator Bidang pembangunan manusia dan budaya. This is a kind of transformation for communication for local to national. Based on Dr. Davis Evan.S from The University of Sidney said in Cerebral Palsy Family discussion in Yogyakarta. Every person has responsibility to play his or her role in society. He encourages every cerebral palsy family to always motivate his or her child as a person with reduced mobility and stop to comparing them with other normal children[13].

Related Letters for Disabilities In Regional Government Center And Three Regional Government (Yogyakarta, Surakarta, Purwokerto)

Government in Central:

Law No.4 of 1997 concerning Persons with disabilities (LN th.1997 No.9 TLNRI No.3670)

Law No.39 Year 1999 on Human Rights (LN.th 1999 No.165 TLNRI No.3886)

Law No.25 Year 2009 on Public Service

Law No.19 of 2011 on Ratification of the Convention on the Right of Persons with Disabilities (Convention on the Rights of Persons with Disabilities)

Law No. 8 of 2016 on Persons with Disabilities

DIY Yogyakarta

Local Regulation No.4 year 2012: Protection and Fulfillment of Disability Rights

Perwali No.16 Th.2017: Committee on the Protection and Fulfillment of the Rights of Persons with Disabilities

Surakarta

Government Regulation No. 43/1998 on Efforts to Improve the Social Welfare of Persons with Disabilities (Statute Book of 1998 No. 70, Supplement to Statute Book of the Republic of Indonesia No. 3754);

Regional Regulation No.2 Year 2008 on Difabel Equality

Perwali No. 9 Th. 2013: Implementing Guideline for Local Regulation No.2 Year 2008 on Diffable Equality

Purwokerto

Government Regulation No.43 of 1998 on Efforts to improve the Social Welfare of Persons with Disabilities
Regional Regulation of Banyumas Regency No. 9 of 2008 on Government Affairs of Banyumas Regency
Local Regulation No.19 of 2014 on the protection and service of persons with disabilities.

In short, Malaysia and Indonesia government already have many regulations for disabled persons. However, the implementation of those regulations are not same. It also depends on local wisdom in every nation. The important, both countries, Indonesia and Malaysia still growing and developing their countries to be more friendly to people with disabilities in their countries as citizens or tourists.

IV. CONCLUSION

The results of this study can be concluded that: Malaysia is more prominent and neatly organized both instrumentally and synergy between Government, NGO (Non-Governmental Organization) compared to Indonesia. Such as in managerial of budgeting, human resources, facilities and also in awareness to disabled persons. However, Indonesia has improved in many aspects in some areas. Such as infrastructures and also human resources that more friendly to disabled persons.

SUGGESTION

1. It is necessary to include persons with disabilities to take part in determining the **blue print of public facilities (such as public transportation: train, bus and pedestrian street)** to develop some cities in Indonesia. By doing this, the needs of persons with disabilities can be realized in accordance with the perspective of persons with disabilities. Hopefully, by doing so, they are able to maximize their potential to build this country as part of its participation as an Indonesian citizen.
2. It is also need to prepare a valid and real data collection to help the continuity of various programs that have been built and pioneered for persons with disabilities.
3. Advocating and Edutainment about awareness of disabled persons should be massive than before.

RECOMMENDATION

The recommendations that can be offered by the researchers on this occasion is the need to establish the existence of kampung difabel as a pilot project in various areas, especially in Surakarta and Purwokerto.

As well as establish a synergy between campus academics, health officials and local officials (government) and members of the community to move together to build cooperation network to provide decent opportunities for the diffable one of them with the strengthening of regional data and national data related persons with disabilities.

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