

## Fulfillment of Accessibility Rights of Consumers with Disabilities in Banking Services

Daffa Alkafi

Universitas Muhammadiyah Purwokerto

---

### ARTICLE INFO

#### Article history:

DOI:

[10.30595/pssh.v14i.1057](https://doi.org/10.30595/pssh.v14i.1057)

Submitted:

June 08, 2023

Accepted:

September 29, 2023

Published:

November 16, 2023

---

#### Keywords:

Accessibility, Persons with disabilities, Banking

---

### ABSTRACT

*Accessibility in public services should be owned in every public service building facility to make it easier for people with disabilities to carry out public service activities. The problem behind the author is the difficulty of persons with disabilities in accessing banking services where the rights of persons with disabilities as stipulated in Law Number 4 of 1997 concerning Persons with Disabilities, Law Number 25 of 2009 concerning Public Services, Financial Services Authority Regulation Number 1 of 2013 concerning Consumer Protection in the Financial Services Sector, and Law Number 8 of 2016 concerning Persons with Disabilities states that financial service business actors are required to provide accessibility for persons with disabilities. The author formulates two problems, namely: how is the regulation of accessibility rights for persons with disabilities as a form of protection provided by the state and how are the accessibility rights for persons with disabilities in conducting public services in banking. The method used in this writing is a normative legal writing method that uses a legislative approach and literature study. This writing concludes that accessibility rights for persons with disabilities have been guaranteed by the state, especially in public services. Accessibility is needed by persons with disabilities in carrying out all their activities, especially in terms of public services in banking.*

*This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).*



---

#### Corresponding Author:

**Daffa Alkafi**

Faculty of Law, Universitas Muhammadiyah Purwokerto

Jl. KH. Ahmad Dahlan, Kembaran, Banyumas, Jawa Tengah 53182, Indonesia

Email: [daffa.alkafi1007@gmail.com](mailto:daffa.alkafi1007@gmail.com)

---

### I. INTRODUCTION

Persons with disabilities or persons with special needs have rights and obligations as well as an equal and equal position with non-disabled people. This equality is guaranteed by Pancasila and the 1945 Constitution of the Republic of Indonesia. People with disabilities are part of the life of the nation and state that need special treatment. The special treatment in question is an effort to protect people with disabilities because they are vulnerable to various forms of discrimination and violations of human rights.<sup>1</sup> Special treatment is a form of protection, respect for the fulfillment of human rights. Special treatment is a form of protection, respect for the fulfillment of human rights. Disability is a person with physical or mental limitations, such as experiencing

---

<sup>1</sup> Sarifah Arifah Nasir and Ahkam Jayadi, 'Penerapan Hak Aksesibilitas Bagi Penyandang Disabilitas Perspektif Hukum Positif Dan Hukum Islam Di Kota Makassar', *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab Dan Hukum*, 2021 <<https://doi.org/10.24252/shautuna.v2i1.16398>>.

limitations to physical, mental or a combination of both for a long period of time. Persons with disabilities have difficulties in accessing public services such as education, health, and employment, due to the lack of supporting accessibility for people with disabilities in these public service places.<sup>2</sup> The position and rights of people with disabilities are guaranteed by Law No. 8/2016 on Persons with Disabilities, which emphasizes Article 28 A of the 1945 Constitution regarding the position and rights and obligations as well as the same role as part of Indonesian society.

Persons with disabilities in interacting with the social environment or surrounding community groups, persons with disabilities are constrained in terms of participating fully in terms of socializing activities in the community due to limited abilities and accessibility of support for persons with disabilities. According to the Badan Pusat Statistik (BPS), the number of people with disabilities in Indonesia in 2020 was 22.5 million. Meanwhile, the 2020 Survei Ekonomi Nasional (Susenas) recorded 28.5 million people with disabilities.<sup>3</sup> The state's role in ensuring protection for people with disabilities is to help facilitate their lives and social interactions in the community as well as in terms of accessing various public services in the fields of health, education, public transportation, and employment and other public service facilities. Recognition of the existence, position and rights of persons with disabilities needs to improve the provision of accessibility in public services that can be accessed by persons with disabilities. Accessibility should be owned in every public service building facility to make it easier for people with disabilities to carry out public service activities. Access to public infrastructure that can facilitate people with disabilities in carrying out their activities is not perfect. Public service facilities such as public transportation, government and non-government buildings must have accessibility for persons with disabilities.<sup>4</sup>

Road facilities and public transportation are not friendly to people with disabilities. This unconscious discrimination, consciously or not, occurs in banking services carried out by people with disabilities. A person with a disability who is visually impaired (blind) is not allowed to perform banking services or banking transactions independently. This is because persons with disabilities, especially with visual impairments, are considered legally incapable. Blind people who perform banking services must authorize banking transactions to other parties who do not have physical limitations (not blind) who must be authorized through notarization. Injustice and discriminatory treatment of persons with disabilities is a problem for the state, the state is indirectly considered to have deprived persons with disabilities of their rights. The state is obliged to realize the rights of persons with disabilities because the state guarantees the participation of persons with disabilities in all aspects of life in order to realize and uphold human rights and justice for all Indonesian people.<sup>5</sup>

## II. RESEARCH PROBLEMS

How is the regulation of accessibility for persons with disabilities as a form of protection provided by the state in using public services in banking?

## III. RESEARCH METHODS

This research uses normative legal research methods in determining the preparation of legal writing in the form of journals. This research uses normative juridical research, which is research conducted using the library method. Normative juridical research is also defined as a statutory approach (statue approach). The normative legal research method is used to examine primary data in the form of a regulation and identified against other regulations. This research is descriptive, which describes the state of the object to be studied, then will be analyzed by combining legal theories and positive legal practices and making conclusions on the issues discussed. This research uses secondary data such as legal literature and scientific papers which are collected and analyzed qualitatively and systematically. Data collection to obtain this research data using literature study, namely a form of data collection through reading literature books, collecting and reading documents related to the object of research, and quoting from secondary data.

---

<sup>2</sup> Gede Kusnawan and others, 'PENERAPAN PERATURAN DAERAH PROVINSI BALI NOMOR 9 TAHUN 2015 TENTANG PERLINDUNGAN DAN PEMENUHAN HAK PENYANDANG DISABILITAS DALAM PENERIMAAN TENAGA KERJA'.

<sup>3</sup> Sekar Gandhawangi, 2023, Pemberdayaan Penyandang Disabilitas Dimulai dari Pendataan, Diakses Juni 05, 2023, <https://www.kompas.id/baca/humaniora/2023/01/03/pemberdayaan-penyandang-disabilitas-dimulai-dari-pendataan>

<sup>4</sup> Jurnal Ilmu and Kesejahteraan Sosial, *PENYANDANG DISABILITAS DI INDONESIA: PERKEMBANGAN ISTILAH DAN DEFINISI*, JILID, 2019, xx.

<sup>5</sup> Lelly Nuraviva Jurusan Ilmu Pemerintahan, *AKSESIBILITAS PENYANDANG DISABILITAS TERHADAP FASILITAS PUBLIK DI KOTA SURABAYA*.

#### IV. RESULT AND DISCUSSION

##### 1. Accessibility arrangements for persons with disabilities provided by the state in using public services in banking.

Accessibility provides an opportunity for difables to be able to carry out their activities independently so that they can fully participate and interact in social activities. With good accessibility, it will provide convenience for difables in carrying out their mobility, especially in terms of conducting public services, accessibility is a necessity for difables. Accessibility in every public service building or transportation and public roads shows the state's responsibility in fulfilling the rights of difables and keeping difables away from social discrimination. Accessibility in buildings can provide safety, convenience, usability and independence for people with disabilities. Physical accessibility in buildings, transportation such as access to education facilities, hospitals, workplaces, toilets and ramps (additional stairs) are a necessity for difables in enjoying their human rights. Accessibility of information and communication, is a necessity amidst the development and increasing use of internet-integrated electronic devices in terms of accessing information and various other needs, such as the use of braille (embossed letters) or aural information (sign language).

The state is responsible for non-discriminatory protection for difables through legislation, as follows:

- a) Amendment IV of the 1945 Constitution of the Republic of Indonesia, in Article 28 D paragraph (1) "Every person shall have the right to recognition, guarantees, protection, and certainty of a just law and equal treatment before the law."
- b) Law No. 8/2016 on Persons with Disabilities, every person with disabilities has rights as mentioned in Article 5. Article 18 regulates accessibility, the government guarantees accessibility for difables as a fulfillment of their rights in facilitating the process of public services independently. Article 19 regulates the right to public services, including assistance and translators and the availability of accessibility for free or free of charge. People with disabilities have the right to receive dignified public services in a reasonable and optimal manner and to receive accommodation, without discriminatory treatment. Article 97 obliges local governments to guarantee infrastructure that can facilitate access for people with disabilities such as roads or sidewalks, building facilities, cemeteries and parks, settlements. In Article 105, the local government's obligation to provide public service facilities and public services that are easily accessible to difables. Based on Article 122, accessibility is guaranteed in terms of communicating to the difables so that they can be understood and comprehended when performing public services.
- c) Law No. 19/2011 on the Ratification of the Convention on the Rights of Persons with Disabilities (CRPD), this regulation is a ratification of an international convention and is the legal basis in terms of protecting people with disabilities as a form of respect and fulfillment of their rights. This ratification aims to protect, guarantee and promote equal rights and freedoms for all persons with disabilities.
- d) Law No. 25/2009 on Public Services explicitly regulates accessibility for difables in conducting public services in accordance with the principles that facilitate difables in carrying out their activities.
- e) Law No. 28 of 2002 on Building, Article 27 guarantees the availability of facilities for the disabled as well as accessibility that can facilitate the activities of the disabled and elderly, thus creating a sense of security and comfort for the disabled in carrying out their activities in the building.
- f) Government Regulation Number 43 of 1998 concerning Efforts to Improve the Social Welfare of Persons with Disabilities, more clearly and in detail regulates the accessibility of services for the disabled. This government regulation guarantees equal rights and obligations in the life of society and the state.
- g) The Minister of Public Works Regulation No. 30/PRT/M/2006 regulates the standards that must be used in building accessibility so that people with disabilities have no difficulty in using the accessibility.<sup>6</sup>

So in the above Laws and Regulations, it is clearly regulated how accessibility is obtained for persons with disabilities and also how the State guarantees the rights obtained by persons with disabilities in conducting public services.

The existence of persons with disabilities is not proportional to the rights they get, there is still discrimination in terms of obtaining a right, one of which is in obtaining the right to independent public services and dignity equal to someone who is not categorized as a person with a disability. The number of people with

---

<sup>6</sup> R R Putri and A Priamsari, *HUKUM YANG BERKEADILAN BAGI PENYANDANG DISABILITAS*, Jilid, 2019, XLVIII.

disabilities who get the right to perform public services independently is less than 30%.<sup>7</sup> The right to obtain public services cannot be exercised by all persons with disabilities, because they still encounter obstacles in the form of limited accessibility and the ability to communicate to some persons with disabilities. Limited access, facilities and infrastructure that are accessible for persons with disabilities in a public service facility are factors that hamper the activities of persons with disabilities, so it can be said to be a form of discrimination and neglect of needs. In addition, accessibility that is built is not maintained and even damaged becomes an obstacle for people with disabilities in carrying out their activities independently, especially for blind people who carry out public services at banking institutions.<sup>8</sup> The state has an obligation to ensure the fulfillment of rights for persons with disabilities by providing and building accessibility that is safe and comfortable for use by persons with disabilities. Accessibility in question such as toilets that can be used for people with disabilities in every building or other public facility, parking lots, road construction with minimal steps or providing special paths for people with disabilities. The government as the state implementer has not met the minimum standards in accessibility development so that the fulfillment of activities of persons with disabilities that are easily accessible and can be used comfortably and safely still encounters obstacles.

The state has guaranteed the fulfillment of the rights of persons with disabilities through national legal instruments, but the implementation of these instruments is not fully realized so that the state seems to discriminate or ignore the rights of persons with disabilities. Not all public service facilities provide accessibility, such as in educational environments, terminals, lodging, including buildings in banking institutions, but some office buildings have been equipped with accessibility for people with disabilities. Weak enforcement of the instruments that have been made causes the low level of availability of accessibility for persons with disabilities.<sup>9</sup> Persons with disabilities have the right to access every public space and utilize the facilities contained therein, so the government is obliged to fulfill the rights of persons with disabilities by equipping every public facility with safe accessibility. Public services have not been responsive to people with disabilities, which should apply the principles of convenience, usefulness, and independence for people with disabilities, especially in terms of communication, communication to people with disabilities is also a form of accessibility in making it easier for people with disabilities to carry out public services, such as the availability of braille letters, the use of body language and others in accessing public services at banking institutions. The availability of accessibility for persons with disabilities in conducting public services is a fulfillment and respect for the rights of persons with disabilities and as a form of community participation in realizing the independence of persons with disabilities. The environment around persons with disabilities that supports the fulfillment of the rights of persons with disabilities so that persons with disabilities can carry out mobility and activities is a factor that supports the successful development of the potential and social role of persons with disabilities in community life and the state.<sup>10</sup>

## V. CONCLUSION

Accessibility in fulfilling public services for difables is a form of fulfilling the rights and responsibilities of the state in protecting difables from discrimination and respecting their rights as citizens in order to realize independence for difables. The guarantee of accessibility has been regulated in various laws and regulations, but its implementation has not been maximized. Fulfillment of accessibility in every public service facility in banking is a form of respect and in supporting the independence of difables in the implementation of the public service process. The required accessibility includes the ability to communicate to difables in conducting public services in the banking sector, such as the availability of braille letters, and being able to use body language.

## REFERENCES

- Ferry Firdaus, Fajar Iswahyudi, 'Aksesibilitas Dalam Pelayanan Publik Untuk Masyarakat Dengan Kebutuhan Khusus', *Jurnal Borneo Administrator*, 6.3 (2010), 9–10
- Ilmu, Jurnal, and Kesejahteraan Sosial, *PENYANDANG DISABILITAS DI INDONESIA: PERKEMBANGAN ISTILAH DAN DEFINISI, JILID*, 2019, xx
- Irviani, Evi, and Hendra Wijayanto, 'Implementasi Layanan Publik Transjakarta Cares Dalam Meningkatkan

<sup>7</sup> Fajar Iswahyudi Ferry Firdaus, 'Aksesibilitas Dalam Pelayanan Publik Untuk Masyarakat Dengan Kebutuhan Khusus', *Jurnal Borneo Administrator*, 6.3 (2010), 9–10.

<sup>8</sup> Firda Silvia Pramashela and Hadiyanto Abdul Rachim, 'Aksesibilitas Pelayanan Publik Bagi Penyandang Disabilitas Di Indonesia', *Focus : Jurnal Pekerjaan Sosial*, 4.2 (2022), 225 <<https://doi.org/10.24198/focus.v4i2.33529>>.

<sup>9</sup> Khofifah Mulyani, Muhammad Sahrul, and Alfian Ramdoni, *Ragam Diskriminasi Penyandang Disabilitas Fisik Tunggal Dalam Dunia Kerja*, *Journal of Social Work and Social Services*, 2022, III.

<sup>10</sup> Evi Irviani and Hendra Wijayanto, 'Implementasi Layanan Publik Transjakarta Cares Dalam Meningkatkan Aksesibilitas Penyandang Disabilitas Di Wilayah Provinsi Dki Jakarta', *The Indonesian Journal of Public Administration (IJPA)*, 6.2 (2021), 12–26 <<https://doi.org/10.52447/ijpa.v6i2.4384>>.

- 
- Aksesibilitas Penyandang Disabilitas Di Wilayah Provinsi Dki Jakarta', *The Indonesian Journal of Public Administration (IJPA)*, 6.2 (2021), 12–26 <<https://doi.org/10.52447/ijpa.v6i2.4384>>
- Kusnawan, Gede, Gusti Ngurah, Wairocana Ni, Gusti Ayu, and Dyah Satyawati, 'PENERAPAN PERATURAN DAERAH PROVINSI BALI NOMOR 9 TAHUN 2015 TENTANG PERLINDUNGAN DAN PEMENUHAN HAK PENYANDANG DISABILITAS DALAM PENERIMAAN TENAGA KERJA'
- Mulyani, Khofifah, Muhammad Sahrul, and Alfian Ramdoni, *Ragam Diskriminasi Penyandang Disabilitas Fisik Tunggal Dalam Dunia Kerja*, *Journal of Social Work and Social Services*, 2022, III
- Nasir, Sarifah Arafah, and Ahkam Jayadi, 'Penerapan Hak Aksesibilitas Bagi Penyandang Disabilitas Perspektif Hukum Positif Dan Hukum Islam Di Kota Makassar', *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab Dan Hukum*, 2021 <<https://doi.org/10.24252/shautuna.v2i1.16398>>
- Nuraviva Jurusan Ilmu Pemerintahan, Lelly, *AKSESIBILITAS PENYANDANG DISABILITAS TERHADAP FASILITAS PUBLIK DI KOTA SURAKARTA*
- Pramashela, Firda Silvia, and Hadiyanto Abdul Rachim, 'Aksesibilitas Pelayanan Publik Bagi Penyandang Disabilitas Di Indonesia', *Focus: Jurnal Pekerjaan Sosial*, 4.2 (2022), 225 <<https://doi.org/10.24198/focus.v4i2.33529>>
- Putri, R R, and A Priamsari, *HUKUM YANG BERKEADILAN BAGI PENYANDANG DISABILITAS*, *Jilid*, 2019, XLVIII
- Sekar Gandhawangi, PEMBERDAYAAN Penyandang Disabilitas Dimulai dari Pendataan, Diakses Juni 05, 2023, <https://www.kompas.id/baca/humaniora/2023/01/03/pemberdayaan-penyandang-disabilitas-dimulai-dari-pendataan>