

Implementing Public Service Accessibility: Driver's Licenses for the Deaf in the Indonesian National Police

Rachmita Maun Harahap¹

{rachmita.mh@mercubuana.ac.id¹}

{University of Mercu Buana, Jln Raya Meruya Selatan, Kembangan Jakarta Barat ¹
& The National Commission on Disability¹}

Abstract. The National Commission on Disability (KND) fought for the issuance of a Telegram Letter from the Chief of the Indonesian National Police (Kapolri) on September 9, 2022, regarding the issuance of Driver's Licenses (SIM) A and C for those who are deaf and SIM D for those who are physically disabled. The goal of the research is to determine the requirements for Deaf applicants in the creation of SIM A and C. Satpas West Jakarta Police Resort is the site of the research. To explain the research findings, the results of the data were also subjected to a qualitative analysis. The study's findings show that the procedure in Jakarta for creating SIM A and C for applicants who are deaf is essentially the same as the procedure for non-deaf SIM, and that Satpas health personnel are still stigmatized if deaf drivers are risky since they cannot hear the horn from behind the vehicle, which can result in accidents.

Keywords: driver license, deaf people, human rights, prerequisites, Indonesia National Police

1 Introduction

In accordance with the requirements of Law No. 8 of 2016 respecting People with Disabilities [1] and Presidential Regulation No. 68 of 2020 regarding the National Commission on Disability, also known as KND. KND is an independent, non-structural entity that answers to the President. KND is tasked with keeping an eye on, assessing, and advocating for the implementation of the rights of people with disabilities are respected, protected, and fulfilled. KND has responsibilities for planning KND activities, monitoring and evaluating them, advocating for people with disabilities, and implementing collaboration with important parties in this area [2].

According to Law No. 8/2016, a person with a disability is anyone who has long-term physical, mental, intellectual, or sensory limitations and finds it challenging to interact with their environment and engage fully and productively with other citizens based on equal rights. Physical, intellectual, mental, and sensory disorders are among the different types of disabilities that exist in people [1].

Disruption of one of the five senses, such as visual impairment, hearing impairment, or speech impairment, is what is meant by sensory disability. It's crucial to note, before going any further with the topic of hearing difficulties, that in common speech, the labels "deaf" and "deaf friends"

are used to describe those who have hearing impairments[3]. The phrase "hearing disability" is used in Law No. 8/2016.

The government provides facilities for people with disabilities to access, known as accessibility, which is one of the rights of people with disabilities in Law Number 8 of 2016 in article 5 paragraph (1) letter m[1]. This is done to ensure that people with disabilities have equal opportunities in everyday life. Obtaining accessibility to use public facilities and proper accommodations as a type of accessibility for people are additional rights under article 18 of the Constitution. The KND hopes that the Police will be able to provide equal and proper accessibility to information and communication for persons with disabilities, especially for those who have hearing disabilities, in accordance with Article 18 Accessibility Rights, which also includes obtaining accessibility to use public facilities and reasonable accommodations [1]. According to Law No. 8 of 2016's article 19, the Right to Public Services includes receiving Reasonable Accommodation in public service settings that is optimal, reasonable, and free of discrimination. It also includes assistance, translation, and the provision of facilities that are easily accessible.

The police can offer facilities that are accessible to the hearing impaired in the delivery of public services, such as sign language interpretation during the creation of a driver's license. Article 7 of the Right to Freedom from Stigma includes the right to be free from harassment, humiliation, and negative labeling related to their disability, in providing identity when driving, hoping that the police will not provide labeling for the inability of deaf people to get a SIM because of the condition of sensory disability "hearing". Additionally, Article 23 on the Right to Live Independently and Participate in Society includes the right to personal mobility with the provision of assistive devices and ease of access, namely various services provided at home, in residential places, and in the community, as well as get reasonable accommodations to participate in community life, in the hopes that the existence of a SIM obtained by deaf/hearing disabilities can increase the degree of disability life in independence.

With the existence of this Police Telegram Letter, many Deaf people apply for a driver's license (SIM A and C), but there are still many obstacles that Deaf people have encountered. For example, there are forms of discrimination in making SIM, as in the case of SIM Satpas officers who are unaware of the Chief of Police's ST regarding SIM A and C for Deaf People [4]. The difficulties encountered don't match the requirements for acquiring SIM A and C for the Deaf, and because of the stigma associated with being Deaf, the Police still have a limited awareness of and knowledge of the Deaf culture.

This study aims to accelerate the development of an inclusive driving environment for persons with impairments, particularly Deaf people, and to increase the police's proficiency in handling the SIM A and C creation process for Deaf people. This SIM program's positive effects boost the economy and make it easier for the deaf people to get employment. the goal of the deaf community to follow the law and driving regulations equally and fairly. Should be encouraged and given the chance to live on an equal footing with persons who are not impaired.

This Word document can be used as a template for papers to be published in EAI Core Proceedings. Follow the text for further instructions on text formatting, tables, figures, citations and references.

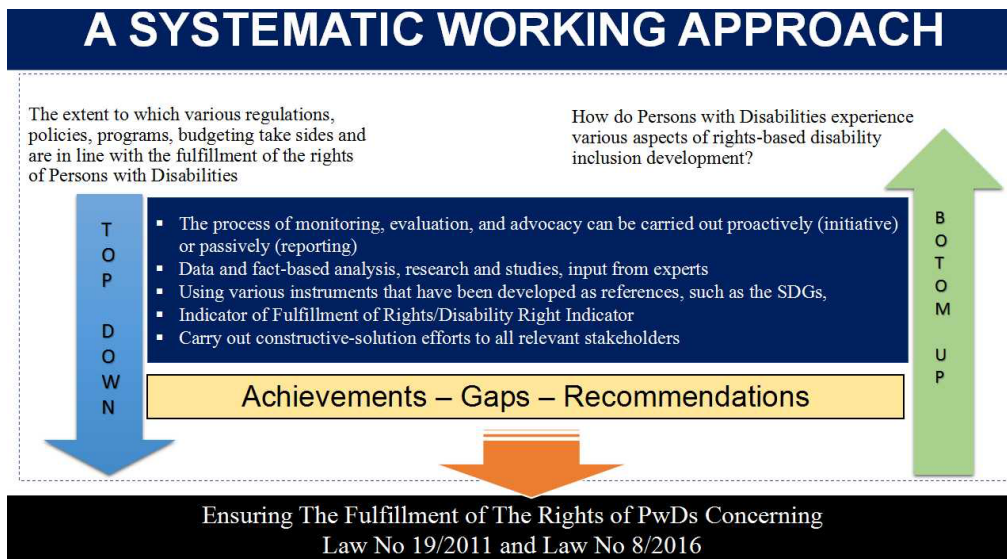


Figure 1. A systematic working approach. [4]

2 Implementation of Driver's License Acquisition

To achieve the established vision, purpose, and strategic goals of KND, collaboration with other parties is necessary for KND to carry out its obligations and activities. What you should know about the realization of the rights of people with impairments is as follows:

1. Based on Letters J and K of Article 3 of Police Regulation Number 5 of 2021 about SIM D and DI for Persons with Disabilities [5]. Deaf persons cannot be included in this article since it only addresses physical disability (forced or severed hands and feet). As a result, there is a gap in the law regarding SIM for the Deaf.
2. In addition, this is in reference to National Police Chief Telegram Letter Number: ST/1938/1X/YAN/1.1.2022 dated September 09, 2022, on the issuance of Driver's Licenses A and C for the Deaf/Deaf as well as the issuance of Driver's License D and DI for the physically disabled (daksa). They are qualified to apply for SIM A and C registration when there is an application for Deaf's who have satisfied the health standards as shown by a doctor's certificate. Given the typical state of hearing and deaf disability, the following needs can be met with ease:
 - a. Hearing aids are not required for applicants who are deaf or hard of hearing (HoH) for SIM A and C since these individuals are typically regarded as poor and because ABD is considered to be an expensive item.
 - b. The standards for theoretical exams that use visual videos but do not include close captioning (subtitle text), which can make it difficult to remember/understand the material. As a result, we ask that applicants who are deaf or hard of hearing be allowed more time to complete the questions in visual videos with close captions.

3. The last recommendation is that, in accordance with Government Regulation No. 39 of 2020 about Proper Accommodation in Justice, a JBI (Sign Language Interpreter) be made available throughout the theoretical exam and assisted by the Indonesian National Police [6]. Deaf people and people with deaf disabilities need to receive equality in public services by being given Reasonable Accommodation, for them to be regarded as legally feasible. The Indonesian Police Medical and Health Center is the first line for the fulfillment of public service rights for applicants in the processing of SIM Ad and SIM C.
4. A person with a hearing impairment has a limited perspective on the world. Due to their hearing impairment, the applicant is also more sensitive to other senses, such as vision, where they only utilize their eyes to take in information [8]. Additionally, the applicant's particular motor function, intelligence, independence, and character all develop faster than those who are not deaf [3]. The candidate only experiences communication difficulties. Not all deaf candidates for A/C driver's licenses wear hearing aids or cochlear implants due to varying sound intensities (decibels / dB), particularly some who are mild, moderate, severe, and total (unable to hear at all despite wearing hearing aids).
5. The applicant relies more on sight and vision to perceive information and communicate in all contexts. As a result, the applicant can operate a motorcycle or a car by using his or her eyes to see the left, right, and center mirrors and hearing the horn.
6. With the availability of Deaf-friendly vehicle decals that would make it clear to onlookers that the driver is Deaf.
7. All levels of basic education in police medicine and health require the establishment of curricula for courses on perspectives of people with disabilities, including deafness.

Based on the foregoing, it is necessary to make SIM A and C in compliance with current regulations to respect the rights of people with disabilities by providing them with the necessary accommodations.

Table 1. Findings Inaccuracies in the creation of the AC driver's license

Deaf applicant requirements	Obstacles	Findings	Implementations
<ul style="list-style-type: none"> • Initial administration • Document administration 	<ul style="list-style-type: none"> • Communication • No special counter/space for applicant with disabilities 	<ul style="list-style-type: none"> • Officers don't speak sign language 	<ul style="list-style-type: none"> • Officers who can sign language or called JBI • Disability room available
<ul style="list-style-type: none"> • Health test 	<ul style="list-style-type: none"> • Must have a health letter from ENT doctor • Hearing function or hearing difficulty • Not wearing ABD 	<ul style="list-style-type: none"> • General practitioner instead of ENT • Officer spoke while covering mouth with paper • Officer asked the applicant to wear an ABD 	<ul style="list-style-type: none"> • ENT doctors who understand the Deaf perspective • Does not test the speaking test • ENT doctors may not force applicants to wear ABDs
<ul style="list-style-type: none"> • Theory test 	<ul style="list-style-type: none"> • Reading through visuals (not voice/audio) 	<ul style="list-style-type: none"> • Duration is too fast • No running text available 	<ul style="list-style-type: none"> • Additional time of 15-30 minutes for Deaf applicants recommended

	requires processing of language meaning	<ul style="list-style-type: none"> • Officer gives verbal information or does not give technical instructions, e.g. how to click to answer etc. • Room combined with non-disabled 	<ul style="list-style-type: none"> • Running text available • Officers can sign language to provide technical instructions • Special room available
<ul style="list-style-type: none"> • Practical exam 	<ul style="list-style-type: none"> • None, but sometimes nervous, anxious, confused 	<ul style="list-style-type: none"> • Officer gave directions, but the applicant did not understand • Officer did not facilitate JBI • Difficulty moving with zig zag letters 	<ul style="list-style-type: none"> • Additional consideration of zig zag area

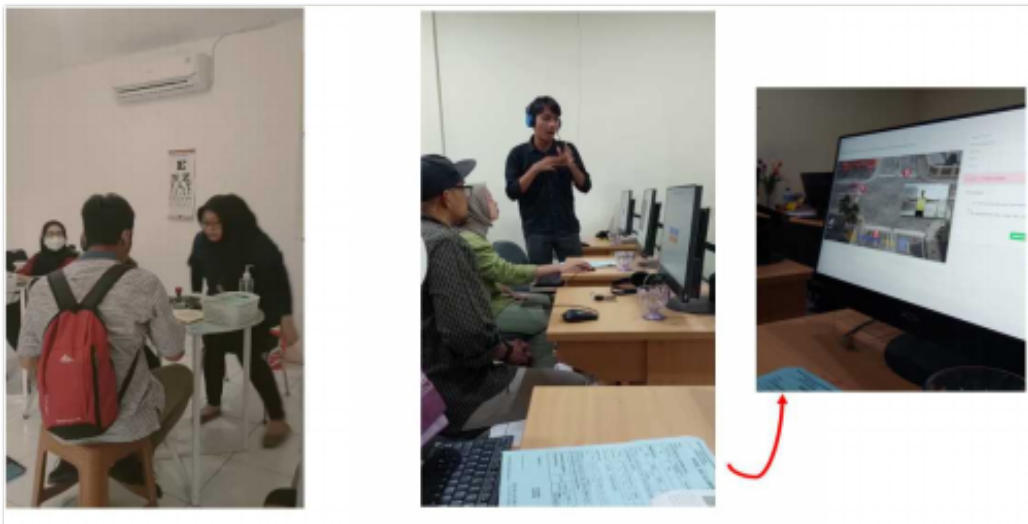


Figure 2. Findings of Differences between the Health Test and the Theory Exam

According to a study by Humpries [3] [7], audism is a stigmatizing and discriminatory practice against deaf individuals. They must therefore adjust to the features of facilities that nonetheless prioritize the requirements of hearing persons. According to Green's research [8], there is no association between hearing loss and the likelihood of having a car accident. Driving is a visual activity, and deaf drivers are safer than hearing drivers, according to Hamilton [9]. Deaf difficulties may contribute to this because they tend to concentrate more on one sense (visual). According to Thorslund [10], there is no higher risk of traffic accidents for deaf drivers. Accidents still have a slight chance of happening, especially when it comes to subjective and objective hazards based on individual experiences and statistical data. Subjective risk may be a concern for deaf drivers [11].

3 Research Methods

Given that it looks at how Deaf candidates behave during the SIM application process and the challenges they face, this form of research is qualitative and is then examined using an empirical legal framework. The preparation employs a type of qualitative research, namely research done on-site, in relation to the formulation of current problems. To gather accurate and pertinent information about the administration of Driver's Licenses (SIM) A and C for people with disabilities, particularly the Deaf, research was undertaken on-site at the research subject, the West Jakarta Police Resort Satpas.

The descriptive approach is a research strategy used to gather information on the symptoms of emerging issues. While qualitative research is a technique for investigating and comprehending the significance that various people or groups of people assign to social or humanitarian issues [12].

The types and sources of data used are primary data, which includes performing fieldwork by speaking with Deaf applicants and Deaf applicants' aides in informant interviews. Secondary information gleaned from periodicals, technical specifications, and rules and regulations. To explain the research findings, the data results are also subjected to a qualitative analysis.

4 Results and Discussion

4.1 Case Description

Legal analysis based on the case in the SIM Administration Unit (Satpas), Daan Mogot, West Jakarta, regarding the granting of driver's licenses for deaf individuals. To handle Driver's License (SIM) A and C at Satpas, Daan Mogot, West Jakarta, 11 deaf applicants for SIM A and C were accompanied by Rafika Yanti Tambunan, or initials RYT (KND special staff), and Akbar Alfado Maulana, or initials AAM (Reasonable Accommodation/AyL or KND Sign Language Interpreter), on Saturday, November 5, 2022, at around 08.00 WIB. The following are some of the chronological events that the deaf candidate for SIM A and C underwent against the medical test officer:

1. When AAM entered the medical examination room, the medical examiner, who went by the initials of Dr. Riris Elsa Putri Panjaitan, appeared. According to REPP, the deaf applicant was unable to obtain SIM A and SIM C based on their certificate. This was based on the health letter of the Deaf applicant had attached, which indicated that they were about 80 dB deaf.
2. A short while later, RYT inquired once more about the possibility of conducting a medical examination beforehand, citing the National Police Chief's Telegram Letter declaring that the Deaf was qualified to get SIM A and SIM C.
3. REPP stated that, in accordance with the test certificate presented by the Deaf, he would assist in obtaining a D or DI driver's license.
4. RYT recommended that vehicle noises, including as horns and sirens, be used in the audio health exam. If they don't pay attention to motorbike and automobile horns, REPP may not recommend them for a driver's license.
5. REPP stated that the typical test involves "whispering words and having the subject write them down".

6. RYT said "if you whisper or speak, it is not equivalent to the sound of motorcycle and car horns".
7. REPP claimed to have come across as the Deaf who communicated similarly by speaking via a mask. The Deaf Friend may still hear what was stated, according to REPP.
8. According to RYT, the Deaf can range in severity from light to severe. The Deaf who cannot hear cars, horns, or sirens may not pass the health exam in the context of driving.
9. REPP rejected Rafika's plea and persisted in using the verbal eavesdropping and whispering technique.
10. RYT requested that you test utilizing this approach right now.
11. Following that, RYT captured the examination performed by REPP.
12. REPP can be seen speaking to the Deaf while wearing a "mask" in the one-second footage (video 1).
13. If they were wearing a mask, RYT claimed they heard the sound but were unable to understand the words. Consequently, RYT requested REPP to take off the mask.
14. In the 27-second film (video 2), the other REPP removed his mask and remarked, "Wet," which the Deaf wrote down. Later, when the officer added, "Faint," the Deaf was once more asked to write it down. The officer repeatedly said the term "faint," as if the Deaf Friend had trouble understanding the REPP's lip motions.
15. The person in command, Kompol Faisal Andri Pratomo, whose personnel included RYT, departed the room to coordinate with IDPA Dimas, who is the person in charge of the Telegram Letter issued by Kapolri.
16. RYT informed Mr. IPDA Dimas that the audio test examination was out of compliance with the Deaf accessibility.
17. According to Mr. IPDA Dimas, the medical test cannot be changed. He said that procedures and rules already exist for this.
18. RYT opined that using words to prevent accidents was irrelevant but asking of the Deaf to hear approaching cars, horns, and sirens to prevent accidents as instructed by police doctors at the National Police Headquarters would be more pertinent.
19. RYT put a stop to the discussion because Mr. IPDA Dimas likewise lacked the courage to act.
20. Following that, RYT contacted KND Commissioner Ms. Rachmita right away. At that point, RYT and AAM could hear REPP "testing the Deaf by shouting until outside the medical test room the officer's voice was loud" from outside the examination room.
21. AMM, a sign language interpreter, did not accompany the Deaf throughout the medical examination.

4.2 Legal Analysis

According to Article 5 paragraph (3) of Law No. 39/1999 on Human Rights every member of a vulnerable group in society has the right to additional care and protection in accordance with their field of expertise.

With this, it is anticipated that the government, as a provider of public services or services, will be able to uphold the rights of people with disabilities and achieve greater accessibility in the public service sector, particularly about this access to Driver's License (SIM) services.

Because the requirements were unclear for the Deaf when he attempted to register for a Driver's License (SIM) A and SIM C, it has been speculated that there may have been an attempt to discriminate, either knowingly or unknowingly. Article 19 of Law No. 8 of 2016 Concerning

Persons with Disabilities mandates that people with disabilities have the right to acquire reasonable accommodations in public services that are optimal, reasonable, and deserving of dignity, and this is unquestionably in violation of that obligation without discrimination [1].

Additionally, the health test officer's treatment of the Deaf during the test—whispering and shouting—violated the Deaf accessibility. This is against Article 4 of the Public Service Law, which promotes equality in the provision of public services.

Certainly, the health officer's decision to provide the Deaf a DI driver's license is not supported by sufficient evidence. Because Driver's License D holders are eligible to operate special vehicles for people with physical disabilities, according to Article 80 letter (e) of Law Number 22 of 2009 concerning Road Traffic and Transportation (LJU LLAJ).

Due to the lack of a precise definition of individuals with disabilities in the general provisions section of the law, which has led to diverse variables regarding who the intended persons with disabilities are, Article 80 letter (e) of UI-J LI-AJ and Article 7 letter (e) were created. UI-J's many meanings are also a result of the phrase "special vehicle." Although it is explicitly stated, the term "special vehicle" implies that only those with physical limitations are eligible to hold a driver's license since they drive special vehicles.

Article 7 of the National Police of the Republic of Indonesia Number 5 of 2021 Regulation concerning the Issuance and Marking of Driver's Licenses states that a medical examination, which is mentioned in Article 11 of this regulation, is one of the requirements for the issuance of a driver's license. The medical examination consists of vision, hearing, and physical limbs, but this regulation is silent on the definition of hearing health and the declared hearing limits.

As stated in the Chief of Police Telegram Letter ST/1938/IX/YAN.1.1/2022, there hasn't been a clear law about health criteria up to now, so when it comes to implementation, it causes uncertainty and is frequently misunderstood by officers while checking the health of the Deaf.

According to Government Regulation No. 39 of 2020 concerning Reasonable Accommodation for Persons with Disabilities in Justice, when providing public services to deaf people, the agency or institution should be assisted by a sign language interpreter who makes it simple for deaf friends to interact with accessibility needs. This means that the Indonesian National Police must facilitate officers who can speak sign language.

5 Conclusion

The following findings can be reached from the legal analysis:

1. That health personnel' behaviors toward deaf individuals demonstrate a discriminatory attitude, both intentionally and inadvertently.
2. That the acts performed by health professionals, such as shouting at deaf people, demonstrate a lack of understanding in how to deal with the cultural identity of deaf people, which may result in violations of good and obedient processes as governed by the Public Service Law.

3. According to the Traffic Law, the restrictions only apply to specially modified vehicles driven by people with physical disabilities (Disability Daksa), therefore officers who aim to issue a D / DI SIM to deaf / deaf disabilities are acting in error.
4. The definition of hearing health examinations for deaf persons, as well as their diversity and accessibility, are not governed by any rules. to meet the requirements of the Telegram Letter from the National Police Chief ST/1938/IX/YAN.1.1/2022 and the Regulation of the National Police of the Republic of Indonesia Number5 of 2021 about the Issuance and Marking of Driver's Licenses.
5. Based on KND's experience when advocating for the issuance of SIMs in several Satpas, there are differences in the procedures and mechanisms for issuing SIMs for deaf friends in various regions, this is because the existing regulations do not regulate in detail and specifically related to the variety, degree, and accessibility of deaf disabilities.

Suggestions and Recommendations

1. Based on testimonies from various deaf people, what they need is SIM A or SIM C.
2. As a result, to prevent confusion and violations while creating SIM A and SIM C for the Deaf, the Police must make regulations based on the variety, degree, and accessibility of the Deaf.
3. The terms and conditions do not specifically mention any governing laws. People who are deaf continue to adhere to the requirements for obtaining SIM A and SIM C, including the theoretical and practical exams, the medical exams, and the psychological exams.
4. Every the Deaf 's vehicle, whether it a motorcycle, car, or other type of vehicle, is affixed with a particular label indicating that the driver is deaf, both on the front and back of the vehicle, to maintain comfort on the highway.
5. To improve practice in the field, more needs to be understood about the different types of Deaf behavior features, the Deaf communication process, and its causes. The rules and services that the police can offer are more convincing and humane.
6. According to data from the Central Statistics Agency (BPS), the number of the workforce with disabilities in Indonesia in 2021 reached 7.04 million people, and the Social Health Disability Management Information System in 2019 states that 7% of people with disabilities in Indonesia are Deaf, which means there should be special consideration given to pr The economic rights of Indonesian residents as outlined in Law Number 39 of 1999 Concerning Human Rights are being actualized in some way by this convenience.
7. There is still much debate about the issue of deaf drivers' increased risk of accidents. since there are two sides to every story. First, because they only pay attention to the available signs, deaf drivers will be safer to drive. Second, because they cannot hear horns, train sirens, and other sounds, deaf drivers are more likely to be involved in collisions. Therefore, a more thorough study is required to support this claim.

According to the studies previously indicated, government organizations, particularly the National Police, should be able to grant the deaf equal rights and simple access to SIM making services.

Deaf persons and those with disabilities can already be guaranteed the right to equal protection under the law according to Law No. 8/2016's Articles 19, 23, and 24, which eliminate the need to take action to report prejudice.

Article 3 Paragraph 2 of Police Regulation No. 5/2021 on Driver's License D/D1 for Persons with Disabilities. This article solely addresses physical limitations (daksa); hence it does not apply to those who are deaf. Consequently, there is a gap in the law regarding the deaf driver's license. It is required to consider including a deaf driver's license item in Perpol No. 5/2021.

Deaf persons must still meet certain standards to obtain a driver's license, although these requirements are different from those for hearing people. The idea behind the prerequisites for getting a license is to:

- a. Collaborate on creating policies and SOPs on the Conditions for the Ease of Making a Driving License for Deaf People.
- b. Health test criteria do not require the use of hearing aids, considering that they are only useful for improving human hearing, which decreases with age. Given the wide range in socioeconomic status among the deaf, hearing aid prices are relatively high.
- c. Requirements for reading and writing, sign tests, and other deafness-specific requirements must include the necessary accommodations.

Active Deaf Participation in Policy Making

1. Experience or testimonies from deaf or deaf disabled people driving a motor vehicle, which can be a database of how well deaf or deaf disabled people can survive while driving. Active Participation of Deaf in Policy Making.
2. Because it will negatively impact their quality of life if their mobility is restricted, which is in conformity with Law 8 of 2016 Article 23 letters a and b, namely:
 - a. accessibility and personal mobility with the availability of assistive equipment.
 - b. be given the chance to live independently
3. Driving is made easier for deaf individuals since they can use mirrors and understand traffic signs, which is advantageous because it makes them more responsive.
4. Creating motorcycle riding aids for the hearing impaired
5. Raising awareness of hearing and deaf drivers' limitations using symbols and stickers

References

- [1] Dewan Perwakilan Rakyat Republik Indonesia, “Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas,” JDIHN.
- [2] Peraturan Presiden, “Peraturan Presiden Nomor 68 Tahun 2020 tentang Komisi Nasional Disabilitas,” JDIHN.
- [3] R. M. Harahap, I. Santoso, D. Wahjudi, and W. Martokusumo, “Study of interiority application in deaf space-based lecture space case study: the Center of Art, Design & Language in ITB building,” *Journal of Accessibility and Design for All*, vol. 10, no. 2, pp. 229–261, 2020.
- [4] Komisi Nasional Disabilitas RI, “Profil dan Program Kerja KND,” 2022, *Komisi Nasional Disabilitas RI, Jakarta*.
- [5] Kepolisian Republik Indonesia, “Peraturan Kepolisian RI Nomor 5 Tahun 2021 tentang Penerbitan dan Penandaan SIM,” 2021, *Kepolisian Republik Indonesia, Jakarta*.
- [6] Pemerintah Republik Indonesia, “Peraturan Pemerintah Nomor 39 Tahun 2020 tentang Akomodasi yang Layak dalam Peradilan,” 2020, *Jakarta*.
- [7] T. Humphries, “Communicating across cultures (deaf hearing) and language learning,” Union Institute and University, Cincinnati, Ohio, 1977.
- [8] K. A. Green, G. McGwin, and C. Owsley, “Associations between visual, hearing, and dual sensory impairments and history of motor vehicle collision involvement of older drivers,” *J Am Geriatr Soc*, vol. 61, no. 2, 2013, doi: 10.1111/jgs.12091.
- [9] P. T. Hamilton, “Communicating through Distraction: A Study of Deaf Drivers and Their Communication Style in a Driving Environment,” Thesis, Rochester Institute of Technology, New York, 2015.
- [10] B. Thorslund, “Effect of hearing loss on traffic safety and mobility,” in *Handbook of Hearing Disorders Research*, 2015.
- [11] K. Rumar, “Collective risk but individual safety,” *Ergonomics*, vol. 31, no. 4, pp. 507–518, Apr. 1988, doi: 10.1080/00140138808966695.
- [12] J. D. Creswell, W. John & Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, vol. 53, no. 9. 2018.

Acknowledgments. To the leadership of Universitas Mercu Buana and the National Commission on Disability for assisting the author in writing the paper with the title is Implementing Public Service Accessibility: Driver's Licenses for the Deaf in the Indonesian National Police