

Language Rights of People with Disabilities in The Law No. 8 Year 2016 in The Perspective of Transitivity

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Abstract. In Indonesia, persons with disabilities are protected by Law No. 8 of 2016 that contains 22 rights that should be obtained by persons with disabilities. A document analysis approach was carried out to identify the language rights of persons with disabilities in the Law text. The transivity of Halliday's Systemic Functional Linguistics was applied to describe the characteristics of the law text . We found that the language rights for persons with disabilities are contained in articles 7, 19b, 24c, 31, 41, 82, 85, and 88, namely the right to be free from stigma, the right to public services, the right to expression, the right to communicate and obtain information, the right to justice and legal protection, educational rights, religious rights, and cultural and tourism rights. We also found that the relational process is the dominant transivity of the clauses of the articles on language rights for disabilities.

Keywords: language rights, Law no. 18 of 2016, and persons with disabilities.

1 Introduction

Persons with disabilities are a social group that is generally isolated and marginalized [1]–[3] to protect and promote their lives. The government and the House of Representatives passed Law Number 8 of 2016 [4]–[7]. The law states the fundamental rights of people with disabilities. According to Matoesian theory, legal products are determining forces in social life. Thus, legal consequences should receive attention [8]. To a greater extent, the law includes social and historical contexts and beliefs that underpin institutional practices and social ways of life [9]. The law of community functions to guide the behaviour of that community members [10]. Then it is essential to review Law Number 8 of 2018 to determine whether this law has protected the rights of persons with disabilities in all aspects of still contains weaknesses.

The context in which a text operates determines its overall arrangement; the context's structure is projected onto the text, and the text's meaning patterns make the contextual aspects evident. The text is composed of variously sized semantic domains [11], [12]. Because it has a purpose, a law can be analyzed by systematic linguistics: the use of language is a purposeful behaviour [13]. Language in law, like a text, cannot be divorced from its social environment. Language may therefore be studied to comprehend the social situation. Language, on the other hand, constantly relates to context. Thus, language can be understood by considering the social context (situation, culture, ideology) [14]. Systemic Functional Linguistic Analysis (SFL) based on a

transitivity perspective was applied to investigate the linguistic rights of people with disabilities included in Law Number 8 of 2016. What is meant by the right to language in this article are the rights possessed by persons with disabilities relating to language; for example, persons with disabilities have the right to receive translation services in public places.

Systemic Functional Linguistics focuses on understanding how language is used for various purposes and scenarios [15] [16]. Halliday's Systemic Functional Linguistics formulates three metafunctions of language: ideational, interpersonal, and textual. The three represent the organisation of language that lives in the semantic, lexicogrammatical, and phonological/graphological systems of language. The ideational function consists of experiential and logical functions. The transitivity clause system realises this function. The theme-rheme system realises the textual function, while the mode system realises the interpersonal process.

The transitivity clause in the ideational language metafunction consists of participant, process, and circumstantial components. Participants and process are required clause elements, but circumstance elements are not. Generally, the process is realised by a group of verbs, noun groups, and circumstances by groups of adverbs and prepositional phrases realise participants [17]. Process, participant, and circumstance are semantic categories that explain how our experiences of the world are interpreted as linguistic structures [11].

The term "process" in Halliday's Systemic Functional Linguistics can be equated with the term "verb" in traditional grammar. The processes of transitivity in grammar include material processes, verbal processes, mental processes, behavioural processes, existential processes, and relational processes [12]. Material processes are processes that construe actions and events. The verbal process construes the process of saying. The verbal process construes verbal actions. Therefore, this process focuses on the information aspect and usually uses the command, ask, explain, inquire, and inform. Mental processes represent feelings, perceptions, cognitions, intentions, and emotions. Processes related to cognitions, emotions, and perceptions are categorized into mental processes. Behavioural processes construe physiological activities, such as breathing, laughing, coughing, etc. The existential process is a process that describes an object's existence [11]–[13].

The transitivity approach within the framework of Systemic Functional Linguistics is used to analyze articles related to the language rights of persons with disabilities. The components analyzed include (1) process, (2) participants, and (3) circumstantial. The transitivity pattern represents the coding of the meaning of experience, namely the meaning of the world, of experience, of how we see and experience what is happening. By analyzing the transitivity of a text, it is possible to describe how a situation is constructed so that the analysis can describe what is being discussed and how changes are achieved [13].

2 Methodology

This research is a qualitative descriptive study to analyze the text of articles in disability law related to the fulfilment of language rights. The data in the form of the text of the law is first sorted so that articles are found that contain the linguistic rights of persons with disabilities. These rights relate to the information and oral and written communication of persons with disabilities as human beings in their daily lives. The article containing linguistic rights is the data in this research. The analysis was carried out descriptively, namely the analysis of the use of language and the transitivity of the linguistic rights of persons with disabilities in the law article. Therefore, this study uses a document analysis using the SFL theory, namely transitivity.

Linguistic analysis to determine the use of language aspects in the articles of the law and transitivity to find out the material, mental, and rational processes in the text of the articles of the law. Furthermore, the research results are displayed in the form of a description.

3. Language rights of persons with disabilities

The linguistic rights of persons with disabilities in Law Number 8 of 2016 are stated in articles 7, 19b, 24c, 31, 41, 82, and 88. The diction represents these linguistic matters in these articles, which refer to linguistic issues. These rights include the right to be free from stigma, the right to public services, the right to expression, the right to communicate and obtain information, the right to justice and legal protection, the right to education, the right to religion, and the right to culture and tourism. These rights are embodied in stigma, translators, sign language, braille, and linguistics.

3.1 Stigma

Stigma is a negative characteristic that attaches to a person's personality because of the influence of his environment. Stigma is the association between unfavourable sentiments or prejudices toward a group subjected to discrimination and unfortunate social stereotypes supported by cultural beliefs [18]–[20]. Stigma is not only an insult to persons with disabilities, but also includes acts of legal harassment. As citizens of a lawful country, persons with disabilities are recognized and protected by law. They have the same rights as non-disabled persons. Regarding negative stigma, it is contained in Article 7, which states, "the right to be free from stigma for Persons with Disabilities includes the right to be free from *harassment, humiliation, and negative labelling* related to their disability condition".

Article 7 has three stigmas about the right to language for persons with disabilities. First, people with disabilities are equated with people with mental disorders. This negative labelling causes people with disabilities to be marginalized in the association. They are considered incapable of distinguishing right and wrong, incompetent in carrying out physical and spiritual activities appropriately, and untrustworthy. Second, humiliation. Persons with disabilities are considered people who do not have skills, so they are deemed not to have the potential to be utilized for a particular field of work requiring skills. As a result, people with disabilities cannot improve their skills through vocational education and work according to their abilities. This can be seen from the lack of workspace for persons with disabilities. It can be seen from the number of workers with disabilities in offices or companies. Third, negative labelling. Persons with disabilities are considered people who cannot perform as well as non-disabled persons.

3.2 Translation

Persons with disabilities have linguistic rights related to translation. Regarding the right of translation, it is written in Article 19b "accompaniment, translation, and the provision of facilities that are easily accessible in public service places at no additional cost"; Article 31 "Law enforcers in conducting examinations of children with disabilities are obliged to allow parents or families of children and assistants or translators to accompany children with disabilities"; and Article 82 "The Government and Regional Governments strive for the availability of sign language translators in worship activities".

Concerning these rights, especially in religion, it can be said that they have yet to be implemented. Assistance in studying the scriptures is also minimal. Thus, in these articles, what is meant by the right of translators is the provision of translators not only translating the language but also changing the form of language from written or spoken language into sign language. However, if traced, the translator's right refers to persons with speech disabilities. The rights of translators regarding persons with visual impairments have yet to be mentioned. It is advisable for people with visual impairments to provide interpreters from Arabic or Latin script to Braille script. The right to translation relates to the right to public services, the right to justice, the right to legal protection, and the right to religion.

3.3 Sign language

Sign language is a language that uses gestures and signs. Persons with speech disabilities use sign language to communicate with fellow persons with speech disabilities or non-disabled persons and vice versa. People with speech disabilities are given sign language rights to share or capture information in sign language. The linguistic right in the form of sign language is written in Article 24c, "using and obtaining information and communication facilities in the form of sign language, braille", and in Article 41, paragraph 2 point e is written "sign language skills and the promotion of linguistic identity of the community of people with hearing disabilities". Furthermore, the article also mentions augmentative communication, namely communication using assistive devices. This implies that the right to language concerns the right to health.

3.4 Braille

The linguistic rights of persons with disabilities in the form of Braille are written in Article 24c "using and obtaining information and communication facilities in the form of sign language, braille, and augmentative communication in official interactions". Article 41, paragraph 2: Basic skills, as referred to in paragraph (1), point a "skills in writing and reading braille for Persons with visual disabilities".

The linguistic rights of Braille are closely related to public services, education, tourism, and religion. This is because Braille is a special letter for people with visual impairments. These letters can only be mastered and taught by experts. Therefore, learning to write and read Braille can only be done in education. Braille rights are still minimal. Fiction, science, popular, and religious reading materials still need to be widely written in Braille. Likewise, in Braille, informative writing in public spaces has yet to be presented in written form. So far, Braille used for general purposes is limited to paper currency.

3.5 Linguistik

The linguistic rights of persons with disabilities in the form of linguistics are written in Article 88: "Persons with disabilities have the right to receive recognition and support for their cultural and linguistic identity. The linguistic rights in the article are spoken and written language rights. These linguistic rights summarise the rights of stigma, translators, sign language, and braille. The granting of this right is an acknowledgement and support for persons with disabilities in language. The granting of linguistic rights encourages the emergence of braille and sign language experts and translators, as well as requirements for acceptance into an educational institution or field of work.

4. Transivity of the language rights of persons with disabilities

4.1 Material Process

The material process is the process of doing or happening. A process that explains that an entity does something to another entity [12]. This can be proven by asking questions like what did he do? Or What happened? The participants in this process clause are the actor and the goal. The goal participant exists if the clause is transitive. In traditional grammar, the actor is matched with the subject, and the goal is matched with the object. It is the actor who does something toward the goal.

In the Law on Disabilities, only one material process is found in the clauses of the articles relating to linguistic matters of persons with disabilities. The material process clause is found in Article 82 concerning the obligation of the Government and Regional Governments to provide sign language interpreters in places of worship (see Attachment 1). The actors in that clause are the government and local governments. The material process is trying to 'strive'. The goal of the material process clause is the availability of a sign language interpreter. Proving that the verb attempt is a material process can be used in the sentence What do Government and local government do? The answer to this question is that the government seeks to provide sign language translators.

Proving that the verb seeks is a material process can be used in the sentence What do the government, and local government do? The answer to this question is that the government seeks to provide sign language translators. The number of material processes for language rights, which is only one, shows that few parties do something for persons with disabilities, for example, the government or local governments. The sentence "Government and Local Government strive for the availability of sign language translators in worship activities" indicates who does what and for what purpose. This material process clause becomes essential to show the concrete actions of the responsible party.

4.2 Mental Process

Clauses with processes that encode the meaning of thoughts and feelings are categorized into mental functions [12]. This process is divided into cognition, affection, and perception. For example, think, belief, suppose, expect, consider, know, understand, and appreciate. Affection verbs are, for example, hate, like, love, and adore, while perception verbs are see, hear, feel, taste, and smell. Matthiessen, namely desiderative mental processes, introduced an additional category of cognitive functions. Desiderative verbs are intended, plan; *decide, resolve, determine; agree, comply, and refuse*. Matthiessen says that mental processes describe quantum changes in the flow of events in our consciousness [11].

Mental processes are found in articles relating to the linguistic rights of persons with disabilities. However, only one clause in this process category was found, namely article 31 on justice and legal protection for persons with disabilities (see Attachment 2). The mental process is described in the verb 'allow'. Verbs 'allow' do not show physical activity but an awareness within the participant as a sensor. The word cannot answer the question what are you doing? Verbs 'allow' can answer the question what do you think? The verb 'allow' can be categorized as a mental cognition process. Following Matthiessen's classification, the verb allows can be classified into desiderative mental processes that describe a sensor's desire [11]. The word "allow" is synonymous with "agree" or antonymous with "refuse". Both are categorized as desiderative verbs.

Participants in the Article 31 clause include law enforcement officers, parents, families, or translators of people with disabilities. Law enforcers function as sensors or thinkers, and parents with disabilities work as phenomena. Senser in clause 31 is a participant in the form of a human who has consciousness. On the other hand, the phenomenon in the article is categorized as a phenomenon act because the phenomenon as a participant takes action. The action taken by the sense in clause 31 is 'accompanying' children with disabilities (see table 2). The participants, sense and phenomenon, in the mental process clause in article 31 have met the requirements of Halliday's Systemic Functional Linguistics theory, namely human beings or anthropomorphized humans.

4.3 Relational Process

The relational process functions to connect two entities: characterize and identify them [12], [13]. The relational process has three categories: *intensive*, *possessive*, and *circumstantial*. The three processes are expressed in an attributive or identifying way [11]–[13]. There are six possibilities that arise in the relational process: (1) relational process: intensive attributive, (2) relational process: circumstantial attribute, (3) relational process: attributive: ownership, (4) relational process: identifying: intensive, (4) the relational process: identifying: circumstances, and the relational process: identifying: possessive.

In Indonesian, the omission of verbs in the attributive relational process is very dominant. Relational logic exists semantically in the deep structure but not in the surface structure [17]. The absence of a verb is often considered a copula. In English, the copula is realized by *be* for example, *is*, *am*, and *are* [21].

The process of transitivity in the articles relating to the language rights of persons with disabilities in Law No. 8 of 2016 is dominated by relational processes (see attachment 3). Other processes, such as material processes and mental processes, actually become transitivity processes whose presence is very minor. The processes in the relational clauses of these articles can be categorized into relational processes: attributive: possessive. The process represents a carrier or possessor participant in the form of an entity. Grammatically, the characteristic of the attributive possessive process is that the clause pattern is not reversible [13]. Following Eggins we can prove that clause (2) is not reversible.

(2) Hak bebas dari stigma untuk penyandang Disabilitas *meliputi* hak bebas dari pelecehan, penghinaan, dan pelabelan negatif.

* Hak bebas dari pelecehan, penghinaan, dan pelabelan negatif *diliputi* hak bebas dari stigma untuk penyandang disabilitas diliputi.

Attributive: possessive on the articles of linguistic rights for persons with disabilities in Law no. 8 of 2016 is coded with the process. The process verb used is *meliputi* 'include' which has a meaning *terdiri dari* 'consist of'. The meaning of the word semantically represents possessive or having. The word *terdiri dari* 'consist of' can represent possessive [21]. Possessive meaning that uses the verb *meliputi* can be seen in chapters 7, 19, 24, 41, and 85 (see table 1). To see the synonyms of the words *meliputi* and *terdiri dari* a substitution technique is used as in example (2).

(2) Keterampilan dasar sebagaimana dimaksud pada ayat (1) *meliputi* keterampilan bahasa isyarat dan pemajuan identitas linguistik dari komunitas Penyandang Disabilitas rungu.

Keterampilan dasar sebagaimana dimaksud pada ayat (1) *terdiri dari* keterampilan bahasa isyarat dan pemajuan identitas linguistik dari komunitas Penyandang Disabilitas rungu.

There is only one relational process of linguistic rights in the Law on Persons with Disabilities that does not use the word *meliputi* 'includes', namely the clause of article 88 relating to culture and tourism. The clause in the article uses the process *berhak mendapatkan* 'have the right to get'. The relational process is still in the category of possessive attributive which represents having. The dominance of the relational process, especially the possessive relational process, in articles related to language shows the emphasis on ownership of language rights by persons with disabilities. However, the emphasis on ownership of rights has a weakness in the aspect of responsibility, namely which party must take action, what must be done by the responsible party, and for whom the action is carried out. So, this relational process must be made more concrete by making articles with the characteristics of material processes.

5 Conclusion

Law enforcement for people with disabilities must be improved in order to promote them in all aspects of life. Using document analysis from the point of view of diction in Law Number 8 of 2016, it is found that there are at least seven language rights possessed by persons with disabilities in Indonesia. By applying SFL theory, which focuses on the transitivity perspective, the characteristics of the clauses that contain language rights are described. According to the diction analysis, persons with disabilities have the following linguistic rights: the right to be stigma-free, the right to public services, the right to express oneself, the right to communicate and obtain information, the right to justice and legal protection, educational rights, religious rights, and cultural and tourism rights. These language rights are represented by the dictionary. Based on the transitivity perspective analysis, the linguistic rights of persons with disabilities include material, mental, and relational processes. The relational process is the most dominant process, which shows the emphasis on ownership of persons with disabilities over language rights. The lack of material process clauses in the law's articles shows the weak responsibility of the parties involved.

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Attachment

Attachment 1. Material Process in the Law on Persons with Disabilities

Article	clause	Function	Translation
Pasal 82	Pemerintah dan Pemerintah Daerah	Actor	Government and Local Government
	<i>mengupayakan</i>	Material process	strive
	ketersediaan penerjemah bahasa isyarat	Goal	availability of sign language translators in worship activities. Material Process
	dalam kegiatan peribadatan	Circumstan	

Attachment 2. Mental Process in the Law on Persons with Disabilities

Article	clause	Function	Translation
Article 31 Justice and Legal Protection	Penegak hukum dalam melakukan pemeriksaan terhadap anak penyandang disabilitas	Senser/thinker	Law enforcers in conducting examinations of children with disabilities
	<i>wajib mengizinkan</i>		must allow
	(kepada) orang tua atau keluarga anak dan pendamping atau penerjemah	Mental Process	to the child's parents or family and a companion
	(untuk) mendampingi anak penyandang disabilitas.	PhenomenanAct Material process Goal	or translator to accompany children with disabilities.

Attachment 3. Relational processes in the Law on Persons with Disabilities

Article	clause	Function	Translatiom
article 7 the right to be free from stigma	Hak bebas dari stigma untuk Penyandang Disabilitas <i>meliputi</i> hak bebas dari pelecehan, penghinaan, dan pelabelan negatif terkait kondisi disabilitasnya.	Carrier/possessor Relational process: Atributive Possessed	The right to be free from stigma for persons with disabilities includes the rights to be free from harassment, humiliation, and negative labeling related to their disability condition.
Article 19 Public service rights	Hak Pelayanan Publik untuk Penyandang Disabilitas <i>meliputi</i> hak pendampingan, penerjemahan, dan penyediaan fasilitas yang mudah diakses di tempat layanan publik tanpa tambahan biaya.	Carrier/possessor Relational process: Atributive Possessed	Public Service Rights for persons with disabilities include the right to assistance, translation, and the provision of easily accessible facilities at public service places at no additional cost.
Article 24 Right of Expressio n, Communi cation, and Obtaining Informati on	Hak berekspresi, berkomunikasi, dan memperoleh informasi untuk Penyandang Disabilitas <i>meliputi</i> hak menggunakan dan memperoleh fasilitas informasi dan komunikasi berupa bahasa isyarat, braille, dan komunikasi augmentatif dalam interaksi resmi.	Carrier/possessor Relational process: Atributive Possessed	The right to express, communicate, and obtain information for Persons with Disabilities includes the right to use and obtain information and communication facilities in the form of sign language, braille, and augmentative communication in official interactions.
Article 41 Education	Keterampilan dasar sebagaimana dimaksud pada ayat (1) <i>meliputi</i> keterampilan bahasa isyarat	Carrier/possessor Relational process: Atributive	The basic skills as referred to in paragraph (1) include sign language skills and the promotion of linguistic identity from

	dan pemajuan identitas linguistik dari komunitas Penyandang Disabilitas rungu.	Possessed	the community of people with hearing disabilities.
Article 85 (2) Culture and Tourism	Layanan pariwisata yang mudah diakses bagi Penyandang Disabilitas sebagaimana dimaksud pada ayat (1) <i>meliputi</i> tersedianya informasi pariwisata dalam bentuk audio, visual, dan taktil dan tersedianya pemandu wisata yang memiliki kemampuan untuk mendeskripsikan objek wisata bagi wisatawan Penyandang Disabilitas netra, memandu wisatawan Penyandang Disabilitas rungu dengan bahasa isyarat, dan memiliki keterampilan memberikan bantuan mobilitas.	Carrier/possessor Relational process: Atributive Possessed	Tourism services that are easily accessible for Persons with Disabilities as referred to in paragraph (1) include: the availability of tourism information in the form of audio, visual and tactile and the availability of tour guides who have the ability to describe tourist attractions for tourists with visual impairments, guide tourists with hearing disabilities with sign language, and have the skills to provide mobility assistance.
Article 88 Culture and Tourism	Penyandang disabilitas <i>berhak untuk mendapatkan</i> pengakuan dan dukungan atas identitas budaya dan linguistik.	Carrier/possessor Relational process: Atributive Possessed	Persons with Disabilities have the right to recognition and support for their cultural and linguistic identity.
