

ACCESSIBILITY: DISABLED PASSENGERS IN COMMERCIAL FLIGHTS IN INDONESIA

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***Abstract---** The purpose of this research is to determine the accessibility regulation of disabled passenger rights in commercial flights in Indonesia and to find the forms of violations committed by commercial airlines towards disabled passengers. This research is a normative study described in a qualitative descriptive form in accordance with the concept and scope of the problem under study. The approaches used are the statute approach, conceptual approach, and case approach. The results show that although the regulation of accessibility for persons with disabilities has been regulated in legislation, it does not yet reflect constructive norms related to disability accessibility where the regulation is more focused on physical disability compared to the intellectual, mental, and sensory disabilities. Meanwhile, the forms of violations committed by carriers towards persons with disabilities are unlawful acts which can rise to discrimination and cause harm to disabled passengers both in material and immaterial terms. Not achieving disability regulation in air transportation is one form of action that neglects passenger rights. For this reason, norms governing the rights of disabled passengers need to be more concrete and services to them need to be improved so that they have the same rights as non-disabled passengers.*

Keywords: Accessibility, Disabled Passengers, Commercial Flights

I Introduction

1.1 Air Transportation in Indonesia

Air transportation in Indonesia is a type of high demand transportation by consumers because it is the most efficient. Moreover, Indonesia as an archipelago has more than 17,000 islands and airspace covers 5,500 km from East to West and 2,430 km from North to South, covering the earth equator. Therefore transportation by air becomes very important for services on various islands which also contribute to the growth of the economic, trade, and tourism sectors.

The number of passengers carried by air Indonesia has been increasing steadily from 15-20%. In this regard permits have been issued by Indonesian authorities for 247 routes domestically that connect 125 cities and 57 routes for international travel connecting 5 cities to 13 countries on the globe. The number of airports in Indonesia is 233 with 29 of these airports accommodating international flights. The main gateway airport in Indonesia is Soekarno Hatta International Airport which is ranked as the 11th most busiest airport in the world in 2012 by ACI with passengers exceeding 51.1 million through its gates in 2011.6

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To execute the International Civil Aviation Organization (ICAO) Recommendation, the Republic of Indonesia gave the Civil Aviation Act of 2009 Act No. 1, 2009. It came into power on 12 January 2009. The CAA of 2009 expects to advance the improvement of Indonesian air transportation. The Act likewise planned for supporting the advancement of national and universal air transport in Indonesia, including arrangements with respect to the making of an open administrations establishment to encourage those objectives. Practically all the arrangements of the Chicago Convention in 1944 had been received by the CAA of 2009. In this manner, Indonesia has completely consented to the Chicago Convention in 1944.

Moreover, safety standards for the traveler in an airplane consist of information and safety facilities in the form of available information and the emergency security tools for the passenger in an aircraft including passengers with a disability. Regarding passenger services, it was noted that two Indonesian airlines won and received awards from Skytrax (a global rating agency from the UK), namely PT. Garuda Indonesia Airways for raising the quality standards of cabin crew services and Citilink received a four-star Low-Cost Carrier award.

Providing special treatment in the transportation sector is in the context of creating equal rights and justice for citizens who less helpless. In some studies, this special treatment is only listed in legal documents. While in its implementation it is less than optimal which creates a legal anomaly, which by Satjipto Rahardjo it is called: "teaching order finding disorder".

Then what about commercial flights operating in Indonesia, has the accessibility arrangement for the fulfillment of the rights of passengers with disabilities provided comfort to passengers? Or even in practice, it creates discrimination that can harm passengers. In this research as a material for further analysis, two cases highlighted are presented in connection with the non-fulfillment of passenger rights by airlines.

1.2 Accessibility of Disabled Passengers

Accessibility is a measure of the ease and comfort of a location to interact with one another. Accessibility is "convenience provided for people with disabilities to realize equal opportunities in all aspects of life and livelihood". In the Decree of the Minister of Public Works, principles of good accessibility criteria as a basic guideline for providing access to facilities and infrastructure has been discussed, including:

- a. Convenience;
- b. Usage;
- c. Safety; and
- d. Independence.

Besides, openness includes a wide scope of incapacities, including visual, sound-related, physical, discourse, intellectual, language, learning, and neurological handicaps. What about regulations for the accessibility of disabled passengers in Indonesia? In general, the law on disability issues has not developed much in Indonesia. That makes people with disabilities as the object of policies that only focus on welfare, health, and compensation programs. Thus, it makes people with disabilities become an integral part of society in general and then injures the principle of equality. From a number of studies, the accessibility of passengers in transportation law from the regulatory aspects in several regions in Indonesia needs to be appreciated for trying to fulfill the rights of persons

with disabilities as citizens. However, it still needs to be improved from the aspect of its implementation, for example, the accessibility of facilities does not meet the established standards.

II Literature Review

2.1 Concept of Disability

An individual with incapacities is any individual who encounters physical, scholarly, mental, as well as tactile confinements for an extensive stretch who communicate with the environment can encounter snags and challenges to take an interest completely and successfully with different residents dependent on equity of rights (Law No 8 of 2016 concerning Disabled Persons). In the book "Disable Justice"? By E Flynn, it is expressed that "Entrance to equity is an expansive idea, including individuals' viable access to the frameworks, techniques, data, and areas utilized in the organization of justice.

In the past, traditionally, people's knowledge about disability was still dominated by certain mythologies related to local beliefs. Furthermore, in the development of modern western knowledge, individuals with disabilities are associated as "sufferers" who experience dysfunction, helplessness, deficiency, passivity, and are the target of professional intervention due to their disability. The latest evolution is the concept of "disability" is more complex than "impairment" because it is the result of natural interaction on the one hand and social and physical environment on the other.

The position of impairment is only one component of the four categories of disability. In that perspective, the social environment as a party contributes to creating social and cultural barriers for disability to live as equal members of the community. This is the marker phase of the birth of a social model of disability perspective.

Christopher A. Riddle defended two relatively contentious claims. The first, that disability is best viewed as an interaction between impairments and disabling barriers. Second, that when properly conceptualized, disability and health can be regarded similarly. He suggests that disability ought to be regarded as a decrement in health. Meanwhile, Elizabeth Barnes uses the term 'minority body' to define those who have certain physical limitations, so that the function of the part runs abnormally, or precisely differently.

The meaning of justice in John Rawls's "A Theory of Justice" which he calls "justice as fairness" is: "the parties in their original positions will adopt two main principles of justice. First, everyone has the same right to the most basic freedoms and is compatible with similar freedoms for others. Second, social and economic inequalities are regulated in such a way that: (a) maximum benefits are obtained for the most disadvantaged members of society, and (b) positions and positions must be opened to all people in circumstances where there is equality of opportunity fair".

The first principle is known as the "equal liberty principle", for example, political freedom (political of liberty), freedom of speech and expression (freedom of speech and expression), and freedom of religion. While the principle of the two parts (a) is called the "principle of difference" (the difference principle) and in part (b) it is called the "principle of equal opportunity" (equal opportunity principle). The "principle of difference" in part (a) departs from the principle of inequality which can be justified through controlled policies as long as it

benefits the weaker groups of society. Meanwhile, the principle of equality of opportunity contained in section (b) not only requires the existence of the principle of quality of ability alone but also the existence of willingness and need for that quality. In addition, the first principle requires equality of basic rights and obligations, while the second principle rests on the presence of conditions of social and economic inequality which can then be allowed in achieving justice values if it benefits everyone, especially those of disadvantaged groups (the least advantage) .

If a party is harmed due to a default by another party, then he is responsible for losses resulting from his actions. According to Kranenburg and Vegtig, there are two underlying theories related to responsibility, namely the theory of persons and the theory of services de services. The fautes personnelles theory is that which states that losses to third parties are borne by officials who because of their actions have incurred losses. The burden of responsibility is directed at humans as individuals. The fautes de services theory is a theory which states that losses to third parties are borne by the agency of the official concerned.

2.2. Indonesian Transportation Legal Framework Regarding Disability

Satya Arinanto said that persons with disabilities experience physical, mental, intellectual, or sensory barriers for a long time in interacting in their social environment, to prevent their full and effective participation in society. Persons with disabilities constitutionally have the same rights and position before the law and government. Therefore, increasing the role and respect, protection and fulfillment of the rights and obligations of persons with disabilities in national development is very urgent and strategic.

Special treatment for disabled passengers in transportation laws in Indonesia, namely:

1). Law No. 1 of 2009 concerning Aviation.

Article 134 states that: "Persons with disabilities, elderly people, children under 12 years of age and or sick people are entitled to receive services in the form of special treatment and facilities from commercial air transport business entities.

Article 134 paragraph (2) of the Aviation Law states that the Service in the form of special treatment and facilities include:

- a. offering need to extra seating;
- b. Arrangement of offices for jumping on and off airplane;
- c. arrangement of offices for people with handicaps while in the plane;
- d. helps for debilitated individuals;
- e. arrangement of offices for kids while on planes;
- f. the accessibility of staff who can speak with individuals with incapacities, old, youngsters, and additionally wiped out individuals; and
- g. the accessibility of manuals on flight wellbeing and security for airplane travelers and different offices that can be comprehended by individuals with inabilities, older, and debilitated individuals.

The introduction of Law No. 1 of 2009 concerning Aviation is one type of execution of proposals of The International Civil Aviation Organization (ICAO).

2). Law No. 22 of 2009 concerning Road Traffic and Transportation.

Determination of the location of the Terminal is done by taking into account the level of accessibility of the Users of the transport service (Article 37). Furthermore, it is stated, "The Government, Regional Government, and/or Public Transportation Company must provide special treatment in the field of traffic to persons with disabilities". Special treatment as referred to in paragraph (1) includes:

- a. accessibility;
- b. service priority; and
- c. service facilities.

3). Law No. 17 of 2008 concerning Shipping

Transportation companies in waters must provide special facilities and facilities for people with disabilities, pregnant women, children under the age of 5 (five) years, the sick, and the elderly" (Article 42 paragraph 1). Norms for the special treatment of passengers with disabilities are not regulated in this law.

4). Law No. 23 of 2007 concerning Railways

Article 54 paragraph (1) states: "The train station for passenger and boarding up and down as referred to in Article 35 paragraph (3) letter a shall be equipped with the lowest facilities: a. safety; b. security; c. convenience; d. passenger boarding; e. people with disabilities; f. health; and g. public facilities." The Railway Law does not specifically regulate the form of special treatment for disabled passengers.

III Methodology/Materials

This research is a normative study described in a qualitative descriptive form juga disebut sebagai doctrinal research . In accordance with the concept and scope of the problem under study, statute approach, conceptual approach, and case approaches are used with the aim of examining positive law, in the feeling of gathering, portraying, systematizing, dissecting , deciphering and evaluating lawful standards positively related to disability, more focus on disability passengers in commercial flights. Empirical social facts found in the case of the Court Decision are needed as analytical material to develop and develop models of better accessibility for disabled passengers in disability services. So that the model can provide basic independence without discrimination.

The research material in the form of normative-prescriptive legal materials is processed through the stages of structuring, describing and systematizing legal materials, which are carried out in 3 (three) levels, namely (a) The technical level; (b) The teleological level; and (c) The level of external systematization (futuorology) .

IV Results and Findings

4.1 Criticism of Accessibility Regulation for Fulfilling Disabled Passenger Rights

Accessibility is "convenience provided for persons with disabilities to realize equal opportunities. Disability passengers have the right to justice and legal protection for equal treatment before the law, are recognized as legal subjects, protection from all discrimination, gain access to services, obtain accessibility in justice services.

A person with disabilities is any person who experiences physical, intellectual, mental, and/or sensory limitations in the long term that in interacting with the environment can experience obstacles and difficulties to

participate fully and effectively with other citizens based on equal rights (Article 1 Regulation of the Minister of Transportation of the Republic of Indonesia No.PM 98 of 2017 concerning the Provision of Accessibility to Public Transportation Services for Users with Special Needs). Therefore, it is necessary to further regulate the accessibility of the fulfillment of the rights of passengers with disabilities in commercial flights includes the right to get accessibility to utilize public facilities and the right to get adequate accommodation as a form of accessibility for individuals.

The types of people with disabilities include physical disabilities; intellectual disability; mental disability; and/or people with sensory disabilities. Disability can be experienced single, multiple, or multiple for a long period of time determined by medical personnel in accordance with statutory provisions (Explanation of Article 4 of the Disability Law). While people with "physical disabilities" are disrupted by the function of motion, including amputation, paralysis or stiffness, paraplegia, cerebral palsy (CP), due to stroke, due to leprosy, and small people. Meanwhile, people with "intellectual disabilities" are disturbed function of thought because the level of intelligence is below average, among others, slow learning, disability, and down syndrome. Furthermore, people with "mental disabilities" are disturbed functions of thought, emotion, and behavior, including a. psychosocial disorders include schizophrenia, bipolar confusion, sadness, nervousness, and character issue; and b. formative incapacities that influence the capacity of social communications including chemical imbalance and hyperactivity. Next, individuals with "tactile handicap" are upset one of the functions of the five senses, including blindness, hearing impairment, and/or speech disability. Persons with multiple disabilities are persons with disabilities who have two or more types of disabilities, including speech impairments and deaf-blind people.

Ideally, every citizen has the same right to get services provided by the government without exception . Persons with disabilities have lacked access to accessibility services that can facilitate their activities and receive discrimination when they use air transportation. So that it can harm them due to the discrimination treatment which leads to the realm of the Court as the case of Dwi Aryani vs Etihad (2017) in the Ridwan Sumantri vs Lion Air case (2016).

Giving special treatment to persons with disabilities in the field of transportation needs to be considered, to create equal rights and justice for Indonesian citizens who are less helpless.

Article 28 H Paragraph (2) of the 1945 Constitution (2nd Amendment) states "Everyone has the right to get special facilities and treatment to obtain the same opportunities and benefits to achieve equality and justice ". Ideally, every citizen has the same right to get services provided by the government without exception .

Accessibility regulations for people with disabilities (a term in the Aviation Act) in Law No. 1 of 2009 concerning Aviation need to be changed with the consideration that it is not in accordance with changes in the strategic environment and the need for transportation service users to achieve the realization of ease and independence for service users with special needs in using transportation. It needs to be emphasized again about the regulation of the rights of persons with disabilities to get access to public transportation services including air transportation.

The policies stipulated in the legislation include Law No. 1 of 2009 concerning Aviation, Law Number 39 of 1999 concerning Human Rights, Law Number 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities, Law Number 8 of 2016 concerning Disability and Regulation of the Minister

of Transportation of the Republic of Indonesia No. PM 38 of 2015 concerning Domestic Air Transport Passenger Service Standards and Minister of Transportation Regulation of the Republic of Indonesia No. PM 98 of 2017 concerning Provision of Accessibility in Public Transportation Services for Service Users with Special Needs. Thus, the accessibility arrangements in the laws and regulations in Indonesia are better so that in the future it can create benefits, justice, and not discrimination. But it needs to be emphasized again that accessibility regulations for disabled passengers must accommodate persons with disabilities, such as physical, intellectual, mental, and sensory disabilities.

The adoption of the term "disability" has implications for the Government of Indonesia's policy orientation since the ratification of the Convention on the Rights of Persons with Disabilities in 2011. In addition, the use of the term impairment in Aviation Law has to be improved by using the term disability. Vehmas and Makela emphasized that the perspective of social construction is the basis of ontology and epistemology in the study of disability. The social construction perspective views disability as: "Disability is not the same as impairment, and cannot be understood properly based on impairment. Although the notion of equating impairment with a disability is deeply rooted in our culture, it is not determined by the nature of things; it is not inevitable. " The 'Western' origination of inability as a person's natural condition is off base and destructive."

In this regard, there is quite a lot of literature that attempts to define "impairment", "disability, and" handicapped ".

The use of disability terminology aims to invite all stakeholders to explore disability issues by identifying and analyzing causality between internal factors (functional impairment) and external (social barriers) of people with disabilities . The term disability is better used as a substitute for the term with an impairment that has a negative sense of value and seems discriminatory. The term disability is based on the reality that every human being is created differently. So that what is just a difference is not disability or abnormality .

4.2 Unlawful Actions of Airlines towards Disabled Passengers

The quantity of travelers conveyed via air in Indonesia has been expanding altogether. There is a normal traveler increment of 15-20% per year . The increase should be balanced with good service to passengers as users of commercial aviation services. If the passenger rights are not fulfilled, it can cause discrimination and disadvantage the passengers, which in turn will lead to conflicts that will end in court.

Unlawful acts by businesses can cause harm to the consumer. If the airline harms the passenger, it must be held responsible. Legal liability can be requested if there is an element of error it did. If someone harms another party, then he/she must be responsible for the losses done as mentioned in Article 19 paragraph (1) of Law Number 8 of 1999 concerning Consumer Protection. Liability for damages applies the principle liability based on fault , which is a principle stating that a person can only be held lawfully accountable if there is an component of mistake committed as stated in Article 1365 of the Civil Code, namely:

"Every act that violates the law and brings harm to others, obliges the person who caused the loss due to his mistake to replace the loss".

The element of mistake is an aspect against the law. Understanding the directive is not only perverse to the law but also propriety and decency in the society. Being accountable to the community means being willing to provide the best possible service without differentiating between paid services and free services and producing quality services, which have a positive impact on the community. The services provided are not solely motivated

by profit, but also devotion to fellow human beings. Responsible also dare to bear all risks arising from the service .

Unlawful acts carried out by airlines to disabled passengers as mentioned in 2 (two) cases below are related to physical disability passengers due to the non-fulfillment of passenger's rights.

1. Dwi Maryani vs Etihad Airways (Decision Number 846 / Pdt.G / 2017 / PN JKT. SEL)

The Plaintiff is Dwi Aryani (an Indonesian citizen) who is a physically disabled passenger using a wheelchair, suing Etihad Airways (Foreign Airlines) on November 29, 2016, since she was down from the plane and stated that she had no companion and could not evacuate herself in the event of an aircraft accident which would ultimately result in the Plaintiff's flight canceled. The Plaintiff is an Etihad Airways passenger who departed on April 3, 2016, from Soekarno Hatta (Indonesia) airport transiting at Abu Dhabi Airport to Switzerland. The purpose of the plaintiff's departure was to attend an invitation from the "International Disability Alliance (IDA)" in the workshop program "The advanced training workshop on Implementation and monitoring of the convention on the right of a person with disabilities", on March 8, 2016.

Because the plaintiff did not bring a companion, she was asked to get off the plane. The act of forcibly demanding the Plaintiff should be down from the fuselage is an act that humiliates the Plaintiff in front of other passengers and is an act of discrimination. Disabled passengers also have the right to justice and legal protection for equal treatment before the law. Therefore, the Plaintiff filed a lawsuit with Etihad Airways, Jasa Angkasa Semesta Inc., and the Minister of Transportation to the South Jakarta District Court.

Prohibiting the Plaintiff from flying for any reason that not based on law is an illegal act that brings harm to the Plaintiff both materially and immaterially. The condition imposed by the Etihad Airways crew cabin to provide a companion for the Plaintiff during the flight is unwarranted legal and discriminatory measures. Etihad Airways' discriminatory attitudes and actions towards the Plaintiff do not permit and reduce the Plaintiff as a legitimate passenger to harm the Plaintiff's rights and eliminate the Plaintiff's opportunity to attend the workshop, the only participant representing Indonesia .

The treatment of the Defendant (Etihad Airways) is an act against the law that is in addition to violating Article 28 Letter 1 paragraph (2) of the 1945 Constitution which states "Every person has the right to be free from discriminatory treatment on any basis and has the right to get protection against the treatment discriminatory in nature ", also violates the principle without discrimination and the right of accessibility (Article 2, 18.19, 143 and 145 of Law No. 8 of 2016 concerning Persons with Disabilities), Article 7 of Law No. 8 of 1999 concerning Consumer Protection, also violates Articles 134, 140, 141 of Law No. 1 of 2009 concerning Aviation which precisely provides good service to passengers is no exception for passengers with disabilities.

For illegal acts committed by the Defendant (Etihad Airways), by canceling the Plaintiff's flight, the defendant must be responsible for compensating all Plaintiffs losses as stipulated in Article 1365 of the Civil Code.

Based on the evidence of the violation above, then the Chairperson of the South Jakarta District Court granted the plaintiff's claim in part, stated that Defendant I (Etihad Airways committed illegal acts), sentenced Defendant I to apologize to the Plaintiff through the Kompas Daily print media and sentenced the Defendant I to pay material compensation in the amount of IDR 37,500,000 (thirty-seven million five hundred thousand rupiah) and immaterial loss in the amount of IDR 500,000,000 (five hundred million rupiahs) to the Plaintiff due to illegal acts committed by Defendant I.

2. Ridwan Sumantri vs Lion Mentari Airlines or Lion Air (Decision No. 2368 K / Pdt. / 2015)

Ridwan Sumantri (RS) is a Plaintiff who is a disabled passenger of a wheelchair user, filed a lawsuit to the Central Jakarta District Court on May 31, 2011, with register Number 231 / Pdt.G / 2011 / PN.Jkt.Pst for not getting good service where the plaintiff and his partner flew from the International Airport via the Lion Air JT-12 with a flight route from Soekarno-Hatta International Airport Jakarta to Denpasar-Bali. Because he did not get good service and harmed the Plaintiff, the Plaintiff filed a lawsuit to the Defendant (Lion Air) with the subject matter as follows:

The Plaintiff did not receive service during check-in and received only seat facility (No seat 23) which is located in the middle of the fuselage, causing difficulties to reach it, even though the check-in officer has seen the Plaintiff's condition as a disabled passenger in a wheelchair. In addition, the Plaintiff did not receive services according to the service standards at the airport, such as assistance to move the gates that needed to descend the stairs. Furthermore, the service is not good where the Plaintiff as a disabled passenger is not prioritized to enter the fuselage, and this shows less professional. As a result, the Plaintiff's feet touched the heads and shoulders of other passengers. The lack of priority for disabled passengers for early entry to the fuselage proves that the carrier does not provide services and special treatment for disabled passengers with a wheelchair. The absence of special officers to serve passengers with disabilities upon check-in and to the plane is very detrimental to the plaintiff in violating the plaintiff's constitutional rights as mentioned in Article 28 H (2) of the 1945 Constitution which states "everyone has the right to get special facilities and privileges to obtain opportunities and benefit the same to achieve equality and justice". The treatment, namely requiring the Plaintiff to sign the form of disability without proper and legally appropriate reasons, was a very abusive and detrimental action to the Plaintiff's rights because the action was carried out in front of hundreds of passengers who had been inside the plane . Such conditions are contrary to Article 29 paragraph (1) of Law No. 25 of 2009 concerning Public Services which states "Organizers are obliged to provide services with special treatment to certain community members in accordance with the laws and regulations.

On December 1, 2011, the Panel of Judges of the Central Jakarta District Court granted the Plaintiff's claim in part. In the Decision stated that the Defendant (Lion Air airline company, PT. Angkasa Pura II and the Ministry of Transportation had committed illegal acts that harmed the Plaintiff, and punished the Defendants to pay the loss jointly in the amount of Rp. 25 million to the Plaintiff as compensation for material losses and morale committed by the defendants because of illegal acts.

But then the Defendant was still not satisfied and filed an appeal against Decision Number 231 / Pdt.G / 2011 / PN.Jkt.Pst. Appellant, I (originally Defendant I) filed a memorandum of Appeals dated January 11, 2012, with the contents of the decision Receiving Appeal Appellant I, amending Decision of the Central Jakarta District Court No. 231 / Pdt.G / 2011 / PN.Jkt.Pst on December 8, 2011, the petition for appeal. So the verdict set at the Jakarta High Court Judge Meeting on April 7, 2015 reads in full: Punish Defendants I, II and III jointly pay compensation of Rp. 50 million to the Plaintiff as the cost of compensation for material and moral damages resulting from the illegal acts committed by the defendant. There is a difference in the Appeals Verdict, where the amount of the loss paid jointly by the Defendant to the Plaintiff is greater than initially 25 million to 50 million.

This case was resumed at the Cassation level, which was petitioned by PT. Lion Mentari Airlines (Lion Air), in Decision No. 2368 K/Pdt/2015, wherein the Decision the Panel of Judges rejected the appeal of the Cassation Appellant PT. Lion Mentari Airlines (Lion Air). After a careful examination of the cassation memory received on November 5, 2014, it was proven that the Defendant committed an unlawful act against the Plaintiff. This decision was pronounced during a Panel of Judges meeting on January 26, 2016.

Based on the two cases, it shows that the services of airlines, both foreign and national airlines, were not good for disabled passengers. Even though in the Ridwan Sumantri case, the Judge's Decision used the term handicapped and not disabled, at least the Judge's Decree has given a sense of justice to people with disabilities who need to get legal protection from the treatment of discrimination against them. Even in the United States, it happened. So the airline industry and each airline need to identify ways to improve services for disabled passengers.

V Conclusion

Accessibility regulation for disabled passenger's rights is still not optimal. Meanwhile, disability transportation facilities and infrastructure regulations are more directed towards "physical disabilities" compared to the intellectual, mental, and sensory disabilities. It is necessary to reform the terminology "handicapped" in the Transportation Law in Indonesia by using the term "disabled". The term handicapped is considered to not reflect the actual condition of persons with disabilities and this terminology has a negative connotation and even denigrates the sufferer.

Unlawful acts carried out by commercial airlines to disabled passengers are proven to have violated the law and caused material and immaterial losses. The forms of acts against the law include: not serving passengers with special treatment such as not providing wheelchair services needed by passengers, not helping passengers to access the fuselage, canceling the departure of disabled passengers without fundamental legal reasons, and not preparing facilities for the safety of passengers. An unlawful act committed by an airline must be accounted for to the aggrieved disabled passenger.

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