



Legal protection of persons with disabilities in sungailiat tourism area: criminal and CRDP perspectives (sungailiat tourism)

Nurul Hikmah, Luthfi Felysia Putri Juharsah, Muhamad Syafiq Hidayat, Ave Agave Christina Situmorang,

Legal Studies, Faculty of Law, Bangka Belitung University, Indonesia. E-mail: nuruulhikmaah23@gmail.com

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ABSTRACT

This paper aims to analyze the need for regulation to protect individuals with disabilities within minority communities. During this time, the concept of tourism is only designed for people who are normal and has not been designed for disabled people. Tourism is right for human being including disabled people. Defines that there requirements for disabled people in tourism, those are: availability for accessibility, transportation, and accommodation. Toursim places proposed in this research are marine tourism (Tanjung Pesona Beach, Parai Tenggara Beach, Puri Ansell Beach), urban tourism (Taman Kota), and natural tourism (Pemandian Air Panas Tasya). Data collected in this research use interview technique and observation. Of the five tourist attractions we researched, we still found several that were not friendly to people with disabilities. Hence, the research result recommends the tourism policy maker to provide friendly facility and accesibility for disabled people.

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Corresponding Author:

Nurul Hikmah,
Legal Studies, Faculty of Law,
University of Bangka Belitung, Indonesia,
Gang IV No.1, Balun Ijuk, Bangka Belitung Islands, Indonesia, 33172,
Email: nuruulhikmaah23@gmail.com

1. Introduction

Tourism is a place of creation or vacation that exists in various countries, usually covering natural tourism such as beaches, and artificial tourism such as lodging, playgrounds, or culinary places. According to (Haryati & Hidayat, 2019) Tourism is a temporary movement of people within the population to destinations outside the place where they usually live and work until their activities during the date at a destination. According to Law No. 10 of 2009 concerning Tourism, namely various tourism activities supported by various facilities and services provided by the local community, government and local government. The facilities in question are public facilities provided by the manager of the tourism site. Public services at

tourism sites can affect the number of tourist visits that come to visit (Maulini & Andriyani, 2021).

Services in tourism are public services that are the right of citizens where these services should be able to touch all groups including tourists who fall into the disabled category (Afifah, 2023). Judging from the data of the World Health Organization (WHO) and the International Organization (ILO), people with disabilities are a minority group scattered in the world or more than one billion people from the world's population and around 10 percent of the population in Indonesia (Jati, 2019). Each individual certainly has the right to carry out tourism without seeing far does not understand whether he is rich or poor, old or young, sick or healthy, as well as a normal person or a person with a disability. In fact, various infrastructures that have been built in many tourist attractions and urban infrastructures are not oriented to accommodate the needs of tourists with disabilities (Riyadi, 2020).

The provision of public service facilities in Indonesia is still far from expectations (Muslim, 2022). Until now, there are still many problems related to the provision of public facilities and facilities that are considered unable to meet the needs of people with disabilities in Indonesia (Pratiwi et al., 2022). This includes the tourism sector, which is still considered to have inadequate facilities for people with disabilities. This should be a special concern of the government and the management of the tourist attractions themselves, especially since tourist attractions are widespread to various regions including areas outside big cities that lack information about the importance of public facilities for people with disabilities (Maesaroh, 2019).

One of the areas outside the big city that is famous for its natural beauty and tourist attractions is Sungailiat (JUNINDRA, 2021). Sungailiat is located in Bangka Regency, Bangka Belitung Province. This area is famous for its natural tourist beauty, not only among local residents but also outside the region. The existence of this statement can be described as the quality of tourist attractions in the Sungailiat area is no doubt. Famous tourist attractions in Sungailiat such as Parai Tenggara Beach, Tanjung Pesona Beach, Puri Ansel, to the City Park have facilities that have been provided by the managers for visitors to use. From this study, it identifies and describes in general the managers of tourist attractions, namely the local government and the private sector in terms of providing public facilities for people with disabilities, have fulfilled the rules or not. This is of course to increase information and awareness of the importance of fulfilling public facilities for people with disabilities in the tourism sector in Indonesia ((Fitriani, 2024).

2. Method

This research method uses the Juridical-Empri method (Tan, 2021). which is a research used to understand and analyze law in a social context and some legal behavior, for example collecting primary and secondary data that is still relevant to the problem to be studied at each specific legal event that occurs in society in order to achieve predetermined goals (Tan, 2021). This researcher also conducts research directly in the field by collecting data through interview techniques around the research. This research was conducted in the Tourism area in Bangka Regency, Sungailiat (Afifulloh, 2018). Such as several places, namely: Parai Tenggara Beach, Tanjung Pesona Beach, Puri Ansell, Sungailiat City Park, Tasya Hot Springs from July 16, 2024 - August 1, 2024. This research involves several staff who work in the Tourism department, how many people with disabilities come to visit (Rachman & Wibowo, 2022).

3. Analysis and Results

3.1. Disability rights in criminal law (national) and international conventions

Disability can be defined as a condition such as illness or injury that limits a person's mental and physical abilities. (Andesita & Firmansyah, 2019) is a convention on the Rights of Persons with Disabilities, which has been ratified by Indonesia in Law Number 19 of 2011 concerning

the Ratification of the CRPD. The CRPD is an international and national human rights instrument for the fulfillment and protection of the rights of persons with disabilities in Indonesia. Article 1 aims to promote, protect and ensure equality without discrimination of all human rights and fundamental freedoms for all persons with disabilities. Persons with disabilities include those with physical, mental and intellectual impairments who have barriers to interaction, in terms of speech or walking. All living things have the same interests, such as in refreshing such as traveling to tourism places, as well as people with disabilities, it is possible that they also want to travel (Oktari, 2022). As we know the walking data from 2020 from the Central Bureau of Statistics (BPS) people with disabilities in Indonesia reached 22.5 million or around 5%.

According to (Syifa, 2024) About the Rights of Persons with Disabilities (United Nations Convention on the Rights of Persons with Disabilities, 2018) has 50 articles in it, including Article 8 awareness raising, where we as social beings must have awareness of this. Article 13 access to justice that all creatures on this earth are the same should not differentiate each other. Article 16 freedom from exploitation, violence and harassment. Article 21 The right to freedom of expression, opinion and access to information, persons with disabilities have the right to travel without discrimination of fellow human beings. Article 28 decent standard of living and social protection. This effort is made so that people with disabilities feel safe because of legal protection without feeling different (Wulansari & Prabawati, 2021).

(Law on Persons with Disabilities, 2016) on the right to life for persons with disabilities. Article 145 has a broad scope such as not neglecting persons with disabilities, as well as in the Tourism Area for building protection. Accessibility is an opportunity for people with disabilities to fight for opportunities and equality in various areas of their lives (Arrivanissa, 2023). When targeting persons with disabilities, the purpose of accessibility refers to the ease with which persons with disabilities have equal rights to use accessibility, including the right: a. to respect for integrity, b. not to be deprived of life. c. to receive care and care that ensures their survival, d. to be free from neglect, confinement, confinement and exclusion, e. to be free from threats and various forms of exploitation. From the International Convention on the Rights of Persons with Disabilities and Indonesian Criminal Law, it is sufficient to care for persons with disabilities, the legal regulations that have been ratified both have similarities, namely, the protection and enforcement of human rights (HAM) for persons with disabilities that must be protected (Kristiandy, 2021).

3.2. Fulfillment of Facilities and Accessibility for persons with disabilities in tourism areas in Sungailiat

In fact, currently there are still many problems regarding the provision of public facilities and facilities that are still not fulfilled for people with disabilities, such as the provision of minimal stairs and wheelchairs (Kristiandy, 2021). Based on research conducted directly in the field, several beaches in Bangka Regency, especially Sungailiat, already have accessibility infrastructure such as Parai Tenggara Beach, Tanjung Pesona, Puri Ansell, Tasya Hot Springs, already have two lanes for disabilities and the availability of wheelchairs for those in need. This aims to facilitate people with disabilities in carrying out their activities while on vacation in the tourism area (Sulistiowati, 2022). Buildings or buildings available for disabilities, such as parking areas, toilets, wheelchairs, are common things that must be available, because it makes it easier for them if they want to do their own activities without asking for help from others (Ima Rachima, 2020). Accessibility for people with disabilities is very necessary, because success in the tourism business is the main goal of tourist arrivals. To find valid data, researchers conducted research in various tourism areas, especially Sungailiat, which is on the Bangka Belitung islands (Suryaningsih et al., 2020). Related to this research, we concluded that there is some data about the availability of facilities for people with disabilities whether adequate or not. This is useful for tourists so that they can be comfortable if they bring their families on vacation to a distant place with comfortable lodging man funds (Asaga et al., 2019).

Parai Tenggiri Beach area is located on Jl. Matras Sinar Baru Village, Sungailiat District. Where it still has a stretch of white sand that is still clean and beautiful, this beach can be said to be the most expensive and most beautiful beach in the eastern region of Bangka Island. The results of field research show several facilities for people with disabilities in the tourism area, presented in the form of a table as follows.

Table 1. Facilities for people with disabilities at Parai Tenggiri Beach

Location	Facilities	Adequate
Pantai Parai Tenggiri	Wheelchair	v
	Inclined Plane	v
	Toilets	
	Disability Room	
	Parking Area	v

Overall, the results of this study show that the availability of buildings and the tourism environment is disability-friendly, in the sense that it is sufficient and can be used, because employees also pay attention and care about people with disabilities who are traveling. Based on interviews conducted by the manager of Parai tenggiri beach itself, they always prioritize safety, and they have a biring field to facilitate transportation to go down to see the beautiful beach waves (Haryanto et al., 2021). According to Jhonnie Sugiarto, the owner of PT El Jhon, as well as the owner for rooms and toilets related to special disabilities have not been fulfilled due to cost constraints, this must be maximized because it is not cheap.

Table 2. Facilities for people with disabilities at Tanjung Pesona Beach

Location	Facilities	Adequate
Pantai Tanjung Pesona	Wheelchair	v
	Inclined Plane	v
	Toilets	v
	Disability Room	
	Parking Area	v

Famous for its spacious villas with terraces facing the beach, this beach is ideal for visiting. Through research related to the availability of disability access in this tour, the facilities available in the Tanjung Pesona beach area are fairly adequate, because they are equipped with various assistance tools for people with disabilities, especially even though the building has been consumed by time, it still stands firmly, related to accessible roads, and the availability of wheelchairs, parking areas and special toilets for people with disabilities, they will not worry if they travel because of the availability of facilities and accessibility.

Puri Ansell is a beach resort in Sungailiat. This place combines traditional architecture with modern style. Related to research conducted in the Ansell Castle area, related facilities for people with disabilities are sufficient, it's just that the availability of special toilets and rooms for people with disabilities does not yet exist, because public toilets do not have stairs, moreover the average guest who visits already knows the position of disability-friendly rooms, if you have a family with disabilities.

Table 3. Facilities for people with disabilities at Puri Ansell

Location	Facilities	Adequate
Puri Ansell	Wheelchair	v
	Inclined Plane	v
	Toilets	v
	Disability Room	
	Parking Area	v

Based on interviews and observations that have been conducted in the field with the manager of Puri Ansell himself, sensitivity to people with disabilities is very important, because according to him, all creatures have the right to enjoy nature tourism without feeling different. This also applies to all tourist attractions that exist anywhere, not just in one tourist spot.

Table 4. Support facilities at Tasya Hot Springs

Location	Facilities	Adequate
Pemandian Air Panas Tasya	Wheelchair	v
	Inclined Plane	v
	Toilets	v
	Disability Room	
	Parking Area	v

TASYA Hot Spring Eco Park or known as a family amusement park and its hot springs which were formerly known as Tirta Tapta Hot Springs. The results of research conducted directly in the field, the existing facilities are sufficient, related to the large parking area and the entrance using an inclined plane, making access easy to pass, with toilets near the hot spring pool making it easier for people with disabilities to do their activities. However, if you want to visit the safari park, it is quite difficult, because there are many stairs that must be passed and are not friendly to people with disabilities..

Sungailiat City Park has various types of play areas such as slides, swings, and several sports venues. This tour is located on Jl. Jenderal Sudirman Sungailiat city, strategic road access and many culinary offerings of street vendors and kiosks built in this area which was formerly known as Mambo Market.

Table 5. Support facilities in Sungailiat City Park

Location	Facilities	Adequate
Taman Kota Sungailiat	Wheelchair	
	Inclined Plane	v
	Toilets	
	Disability Room	
	Parking Area	v

Based on the research shows the value of providing facilities in Sungailiat City Park is somewhat lacking for people with disabilities, but they provide several facilities for therapy, such as rocky roads to help the blood circulation cycle. The lack of these facilities is unfortunate, for example wheelchairs, inclined planes that have filled all corners of the city park, making the streets accessible to people with disabilities without having to ask for help.

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The results of field research, the availability of disability access in tourism is quite adequate in several places, although there are still many limitations on the budget to make special buildings for disabilities, the place is already environmentally friendly for people with disabilities. Wheelchair facilities are available for people with disabilities who do not bring their own wheelchairs, making tourism management aware of the importance of these facilities, the existence of an inclined plane that makes it easier for wheelchairs and other types of disability equipment to reach the desired location (Haryanto et al., 2021). The availability of special parking spaces for riders with disabilities is considered necessary, because it makes it easier for them to park in special areas. The services provided by the tour staff make people. There is still no provision of special room data on disabilities that is carried out on an ongoing basis from the private sector or the government, because not all tours have lodging resorts (Idrus & Hakim, 2024). Accessibility services in five tourist attractions are still incomplete.

4. Conclusion

The specific target of this research is to find out and understand how the state of tourism in Bangka Induk Regency, Sungailiat whether it fulfils the rights of persons with disabilities in accordance with the provisions of National Law and International Law Law Number 8 of 2016 and Law Number 19 of 2011 concerning the Convention on the Rights of Persons with Disabilities. UN Convention on the Rights of Persons with Disabilities (UNCRPD). It aims to ensure that persons with disabilities enjoy the same human rights as other people and that they can participate fully in society by receiving the same opportunities as other people. Of the five types of research sites (Parai Tenggara Beach, Tanjung Pesona Beach, Puri Ansell, Tasya Hot Springs, Sungailiat City Park) currently have disability-friendly facilities available, but the availability of facilities is not fully complete. Especially in the city park area. Tourism is Indonesia's flagship sector that has significant value and benefits for local and global economic progress, therefore the tourism sector is classified as the largest industry in Indonesia and even in the world and is an economic sector that has very rapid growth and provides many jobs.

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