



Proceeding Book of  
**THE 1 st INTERNATIONAL CONFERENCE  
ON HUMAN RIGHTS**

Theme: The Protection and Enforcement of Human Rights  
in the Covid-19 Pandemic Period

12-13th April 2021  
Amaris Hotel Pettarani, Makassar  
South Sulawesi  
INDONESIA

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## THE 1st INTERNATIONAL CONFERENCE ON HUMAN RIGHTS

### The Protection and Enforcement of Human Rights in the Covid-19 Pandemic Period

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## PREFACE

Assalamu'alaikum Warahmatullah Wabarakatuh

Grateful to Allah SWT, all praises are only to Him, the Most Gracious and Merciful. We glorify Him for His blessing in giving us the precious opportunity and moment to gather at this auspicious and memorable event. The 1st International Conference on Human Rights (ICHR) was held from 12-13th April 2021 and participated by the World scholars from various academic backgrounds to share the latest research findings in their studies on Human Rights, particularly in the Covid-19 pandemic period.

Given this opportunity to write on behalf of the Organizing Committee, I would like to thank all distinguished guests, researchers, and academicians from the global countries for realizing: The 1st International Conference on Human Rights (ICHR).

This Conference is an excellent platform to bring together the World scholars in one meeting to share and exchange views and subsequently collaborate in research and publications on the issues centered on Human Rights.

The Organizers, Law Department, Faculty of Sharia and Law, Universitas Islam Negeri Alauddin Makassar has put his efforts together to offer such auspicious program: The 1st International Conference on Human Rights (ICHR). On behalf of the Organizers, I would like to express my utmost gratitude for the support given by distinguished guests, researchers, and academicians from global countries which make this event possible.

We have invited many expert scholars to share their views towards enhancing the academic discourse in issues about Human Rights and more than 44 papers contributed by Asian scholars, of which 16 of them were published in this proceeding. Although in the pandemic situation, we can hold the event online via zoom meeting.

On behalf of the Organizing Committee, I would like to express my gratitude to all honorable guests and participants to The 1st International Conference on Human Rights (ICHR).

Wassalam.

Dr. Muammar Muhammad Bakry, Lc. M.Ag  
Dean of Faculty of Shariah and Law  
Universitas Islam Negeri Alauddin Makassar

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## **Legal Protection on The Rights of Blind Persons in Public Facilities Services in Makassar City**

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### **Abstract**

The gap between public facilities services for normal people and blind persons in Makassar City, still cannot be fully resolved. Blind persons are seen as a burden oftenly which results in their position that being neglected even more. This study aims to (1) find out the implementation of the Convention on The Rights of Persons with Disabilities in fulfilling the rights of blind persons to public facilities in Makassar City, (2) to find out the strategy of the Government of Makassar City in fulfilling the rights of blind persons to obtain public facilities. This research is normative-empirical, research location in Makassar City. Techniques and data collection through literature and interviews. The results of the study show that (1) the implementation of the Convention on The Rights of Persons with Disabilities in fulfilling the rights of public facilities for blind people in Makassar has not been fully implemented even though there is a Regional Regulation regarding the fulfillment of the rights of blind people, due to the lack of available public facilities. 2) the strategy of the Government of Makassar City in fulfilling the rights of blind persons in obtaining public facilities is to provide friendly facilities for blind persons such as guiding blocks on sidewalks.

**Keywords:** Protection, Blind Persons, Public Facilities Services.

### **1. Introduction.**

One form of human rights (HAM) is when everyone gets the same rights regardless of the background of one's shortcomings. As a democratic country, the government is obliged to guarantee and protect the human rights of its citizens, as well as in providing public facilities that are not only based on a sense of security and comfort for users but can also be right on target. Human rights are not limited to normal citizens in general, but also people with disabilities, one of which is blind.

Persons with disabilities are each individual who encounters physical, scholarly, mental, and/or tangible impediments for an extensive stretch of time who in associating with the climate may encounter deterrents and challenges to partake completely and adequately with different residents dependent on equivalent rights [1]. According to the World Health Organization, in 2018 more than one billion people from the world's seven billion people live with physical limitations and it continues to increase every year. The increase in chronic diseases such as diabetes, cancer and mental disorders is the reason for the increase in disability [2].

However, having limitations is not an obstacle in fighting for the rights of persons with disabilities. Moreover, constitutionally persons with disabilities must be viewed and treated equally as citizens. Persons with disabilities are not a disgrace that must be covered up and ignored by the state, it is appropriate for the government and society to embrace and recognize the existence of persons with disabilities as brothers of humanity.

This is comparative as what to Yulia A Hasan passed on in her journal, which said that public advancement is the obligation of all Indonesian residents which ought to be completed together. "National development is the mandate of all the people of Indonesia should be implemented together, by the Central Government and local governments as well as all elements of the nation. The construction was carried out by all the Nations of Indonesia, in all aspects of public life during this

time, gradually has been able to improve the welfare and improvement of the sense of security the majority of the community” [3].

So based on the description on how the persons with disabilities has to deal with those struggles. There are the matters that will be discussed as formulation of the problem been collected. That are:

- a. How is the implementation of the Convention on the Rights of Persons with Disabilities in the legislation for the fulfillment of public facilities for blind persons?
- b. What is the strategy of the Makassar City government in fulfilling the rights of blind persons to obtain public facilities in Makassar City?

## **2. Methods**

In perusing the data. This research used a qualitative descriptive method. Qualitative descriptive analysis is data analysis that classifies and selects data obtained from field research according to its quality and truth, then is linked with theories and legal principles obtained from literature studies in order to find answers to formulated problems. The type of research that I use is the normative-empirical research type. The normative-empirical legal research method is a combination of the normative legal approach with the addition of empirical elements. The purpose of research with the normative-empirical research method is to see how the implementation of normative law (legislation) works by looking at the facts that exist in certain legal events that occur in a society. The research location is the city of Makassar. Through the data collection was accomplished by literature study, interviews, and observation.

## **3. Research Results and Discussion**

### **3.1. Covention on The Rights of Persons With Disabilities**

In the interaction of the increasingly complex global world, various global values have emerged which have become benchmarks and generalizations for each country. One of them is Human Rights (HAM). Thus, when human rights violations occur in various countries, it is considered a threat to national and international security. Human rights values are universal values whose respect is respect for humanity.

Even so, human rights violations continue to occur, such as discrimination. Where there are certain groups who are not treated the same as people in general. They are ignored, ostracized, and sometimes even tortured. They are people with disabilities who are often seen as a mental, physical and intellectual burden.

Particularly in developing countries such as Indonesia, the neglect of the diffable problem is caused by the existence of socio-cultural factors, in addition to economic factors and weak policies and law enforcement that favor the diffable community. This causes people with disabilities to be neglected in all aspects of life. There are more people with disabilities who are unemployed or who cannot get an education than non-disabled people who get decent jobs and education. The problem of diffability and disability or diffability is structurally positioned as something that is disfigured by society and the government in various parts of the country [4].

For this reason, the Convention on The Rights of Persons With Disabilities was born. The Convention on the Rights of Persons with Disabilities was first held at the headquarters of the United Nations (UN) in New York, United States on 13 December 2006 and entered into force on 8 May 2008. This convention was signed by 160 countries out of a total of 173 participating parties. this agreement.

The purpose of this Convention is to shows, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms for all persons with disabilities, and to promote respect for the dignity inherent as an integral part [5]. There are 8 principles that inspired the birth of the Convention on the Rights of Persons with Disabilities, namely [6]:

- a. Respect for inherent dignity, individual autonomy; including freedom of choice and individual liberty;
- b. Non-discrimination;

- c. Full and effective participation and participation in society;
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;
- g. Equality between men and women;
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to defend their identity.

As a participants of the Convention on the Rights of Persons with Disabilities, States parties undertake to guarantee and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination in any form on the basis of disability. To that end, the States Parties undertake to [7]:

- a. Adopt all statutory, administrative and other policy laws as appropriate for the implementation of the rights recognized in this Convention;
- b. Take all appropriate policies, including laws and regulations, to change or revoke applicable legal provisions, regulations, customs and practices that contain elements of discrimination against persons with disabilities;
- c. Taking into account the protection and promotion of the human rights of persons with disabilities in all policies and programs;
- d. Refrain from engaging in any act or practice that is contrary to this Convention and ensures that public authorities and institutions act in accordance with this Convention;
- e. Take all appropriate measures to eliminate discrimination based on disability by any private person, organization or institution;
- f. Carrying out or promoting research and development of goods, services, equipment and facilities of universal design, as defined in Article 2 of this Convention, which require the minimum possible adjustment and the least cost to meet the special needs of persons with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
- g. Carry out or promote research and development, and to promote the availability and use of new technologies, including information and communication technologies, mobility aids, assistive devices and technologies, suitable for persons with disabilities, by giving priority to technology at affordable costs;
- h. Provide accessible information to persons with disabilities regarding mobility aids, assistive equipment and technology for persons with disabilities, including new technologies and other forms of assistance, services and support facilities;
- i. Promote training of professionals and personnel working with persons with disabilities in human rights as recognized in this Convention so that they are more able to provide the assistance and services guaranteed by these rights.

The Convention on the Rights of Persons with Disabilities perceives that inability is a developing idea and that handicap results from associations between people with incapacities and mentalities and a climate that thwarts their full and successful support in the public eye on an equivalent premise with others. Perceiving that victimization everybody based on an incapacity is an infringement of the nobility and qualities characteristic in everybody, Recognizing additionally the variety of persons with disabilities.

### **3.2. Ratification of Covention on The Rights of Persons With Disabilities.**

The relationship between domestic law law and international law is the most important matters. There is the difference between international law and domestic law. Both of which can complement each other to form a rule that can be used as a guide in behaving in accordance with the objectives or purposes of making these rules [8]. In principle, if an international rule is to be applied to a country,

then the international rule must be changed. become a national law, if required by the state constitution [9].

The Republic of Indonesia which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia respects and upholds human dignity. Human rights as basic rights that are inherently human, universal and lasting, are also protected, respected and defended by the Republic of Indonesia, so that the protection and promotion of human rights for vulnerable groups, especially persons with disabilities, need to be improved.

On December 13, 2006, the United Nations General Assembly issued Resolution Number A/61/106 about the Convention on the Rights of Persons with Disabilities. The resolution contains the rights of persons with disabilities and states that steps will be taken to ensure the implementation of this convention [10]. The Indonesian government has signed the Convention on the Rights of Persons with Disabilities. The signing shows that Indonesia attaches great importance to respecting, protecting, realizing and promoting the rights of persons with disabilities, which in turn is expected to realize the welfare of persons with disabilities. Departing from that, not only signing it, Indonesia is deemed necessary to immediately ratify the Convention on the Rights of Persons with Disabilities so that Indonesia has an additional legal framework in protecting, guaranteeing and advancing the rights of persons with disabilities.

Based on Law Number 24 of 2000 about International Treaties, it is regulated in Article 10 letter (d) that the ratification of international treaties in the field of human rights and the environment is carried out by law [11]. With the ratification of the Convention on the Rights of Persons with Disabilities by the Indonesian government, the Indonesian government is lawfully obliged to change the laws, guidelines, laws and regulatory administration of different nations, including evolving laws, to understand the rights contained in the Convention. The laws, guidelines, customs and practices that oppress ladies and ladies with handicaps guarantee that the incapacitated take part in all parts of life, like instruction, medical services, work, legislative issues, sports, craftsmanship and culture as innovation, data and correspondence.

However, this Law is not sufficient to guarantee the rights of persons with disabilities. There needs to be another legal umbrella that truly guarantees and protects persons with disabilities. At the formal juridical level, the next steps to fulfill the human rights of Persons with Disabilities must start from the existence of a Regional Regulation (Perda) which guarantees the fulfillment of the human rights of Persons with Disabilities. South Sulawesi Province has issued Provincial Regulation Number 5 of 2016 about Protection and Services for Persons with Disabilities.

### **3.3. Public Facilities.**

Public facilities are means provided for the public interest, such as sidewalks, road name signs and pedestrian bridges. The facilities provided are facilities that make it easy for the community so that they must be properly maintained. One of the supporting public facilities for blind people is the availability of guiding blocks made of ceramics that have a special design as a sign that is specifically for blind people.

Persons with disabilities have the full right to be given easy access to all facilities in public buildings and in the surrounding environment like other people. This Regulation of the Minister of Public Works No. 30/PRT/M/2006 is a follow-up to Article 18 of Government Regulation No. 43 of 1998 about Efforts to Improve the Welfare of Persons with Disabilities.

Guiding block is working to guide the visually impaired, on this textured floor there is a braille-inspired pattern for the visually impaired to walk forward or stop at the right time. With a guide that can avoid dangerous risks such as hitting other pedestrians, trees, and objects around blind people so that it will provide a sense of security and comfort when walking.

### **3.4. Implementation of the Convention on The Rights of Persons With Disabilities.**

The government is the most important state instrument in guaranteeing and protecting the rights of blind persons in obtaining facilities, one of which is obtaining friendly public facilities for blind people. Endeavors to give legitimate assurance to the position, rights, commitments and jobs of people with inabilities, notwithstanding the Law on Persons with Disabilities, have additionally been helped out through different laws and guidelines, one of which is the guideline that directs public office administration issues. This guideline ensures that equivalent chances for people with incapacities in the fields it covers, and in the structure of furnishing this assurance to people with inabilities are given offices.

Since the the first, the Government of Indonesia has made efforts to increase understanding and awareness of persons with disabilities. As a signatory to the show on the Rights of Persons with Disabilities, Indonesia sanctioned Law Number 19 of 2011 about the Ratification of the Convention on the Rights of Persons with Disabilities, exhibiting the responsibility and earnestness of the Indonesian Government to regard, ensure and satisfy the privileges of people with disabilities [12]. In the end, it is hoped that it can improve the welfare of persons with disabilities. Indonesia also has Law Number 8 of 2016 about Persons with Disabilities which replaces Law Number 4 of 1997 about Persons with Disabilities who are considered not to have a basic liberties viewpoint, It is more caring and the satisfaction of the privileges of people with disabilities is as yet seen as a social issue where arrangements to satisfy their privileges are just as government backed retirement, social restoration, social help and improvement of social government assistance. People with handicaps ought to have equivalent freedoms in endeavors to create themselves through autonomy as individuals with respect.<sup>15</sup>

In any case, this Law isn't adequate to ensure the privileges of people with incapacities. There should be another lawful umbrella that really ensures and secures people with inabilities. At the formal juridical level, the subsequent stages to satisfy the basic liberties of Persons with Disabilities should begin from the presence of a Regional Regulation (Perda) which ensures the satisfaction of the basic freedoms of Persons with Disabilities. South Sulawesi Province has given Provincial Regulation Number 5 of 2016 about Protection and Services for Persons with disabilities.

Long before that, the Makassar City Government had issued Makassar City Regional Regulation Number 6 of 2013 about the Fulfillment of the Rights of Persons with Disabilities. The Makassar City Government as the executor of the running of the Government wishes to continuously uphold and advance the protection and guarantee of Human Rights (HAM) in social life.

In article 1 point 6 of the Makassar City Regional Regulation Number 6 of 2013 about the Fulfillment of the Rights of Persons with Disabilities, it is clarified that people with disabilities are individuals who have physical, mental, scholarly or tactile limits for a significant stretch of time where when confronted with different impediments, this can prevent their full investment and viability in the public arena on an equivalent premise with others. As per Article 4 passage (1) of Law Number 8 of 2016 about Persons with Disabilities, daze people are named people with actual disability.

## **4. Conclusion**

The implementation of the convention on the rights of persons with disabilities in Makassar City is the spearhead which is very influential in protecting and guaranteeing the rights of blind persons. The availability of the Makassar City Regional Regulation which specifically regulates the fulfillment of the rights of persons with disabilities has become evidence of the seriousness of the Makassar City Government in dealing with social inequality between blind people and normal people

in general in obtaining public facilities. However, equal distribution of public facilities for blind people still cannot be fully utilized and felt.

## **5. Acknowledge**

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