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The Consumer Protection toward the Public Transportation Service of Bus Rapid Transit for the Disabilities in Semarang City

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Abstract— BRT Trans Semarang is a road vehicle designed to carry passengers from one place to another. BRT Trans Semarang offers eminent features and infrastructures than other kind of transportations. Despite the improvement, the features and infrastructures still had numerous drawbacks especially when it comes to facilities for people with disabilities because the installed ramps on certain shelters is too steep which can be dangerous for people with disabilities. The objectives of this study are (1) to analyze the features and infrastructures of public transportation services BRT Trans Semarang for people with disabilities in Semarang, and (2) to know the consumer protection of public transportation services BRT Trans Semarang for people with disabilities in Semarang. This study used a juridical empiric type of research with qualitative analytical approach. This study was conducted through primary data from interviews, observation, and documentation. While the secondary data obtained from bibliography and legislations. The result of this study showed (1) there are numerous constructions of features and infrastructures of BRT Trans Semarang which not suitable to the Ministry of Public Works and Public Housing Regulation No. 30/PRT/M/2006 concerning Technical Requirements of Accessibility Facilities On Buildings and Environments, particularly the slope of ramps, and (2) protection for people with disabilities as a consumer in terms of security and safety rights is endeavored based on the Law Number 8 of 1999 concerning Protection of Consumer. The conclusions of this study were (1) the construction of features and infrastructures of BRT Trans Semarang for people with disabilities is not fulfilling the standards, and (2) protection efforts for people with disabilities as a consumer consist of: facilitations, advocate care facility and peaceful settlement of disputes, and compensations.

Keywords— BRT Trans Semarang, Shelter, People with disabilities, Security and Safety rights, Consumer protection

I. INTRODUCTION

Transportation is a basic necessity in every big city in Indonesia, its function is to carries humans or goods from one place to another in a period of time. Transportation also helps allocating economic sources sufficiently.¹ Transportation service is the only one access available that supports community mobilization activities. Therefore, each city or region must provide a feasible transportation's facilities and services for its society, without any exception in every groups of society including those with disabilities. As a public transportation, there are certain assessments criteria that needed to fulfill. A good public transportation requires provision of amenities, securities, and speed². Those criteria have to be fulfilled and perceived by all consumers, including people with disabilities.

BRT (Bus Rapid Transit) is one of the public transportation developed by Indonesia's government. They made it available almost in every big city in Indonesia. The advantages of using BRT than any other public transportation is it has more affordable fees and has its own shelter for

passengers to board or alight from the bus.³ The shelter was built as a matter of accessibility in terms of fulfilling public infrastructure to facilitate community activities.

BRT development in Semarang City intended to provide social and economic benefits, and also to reduce the level of traffic noise. BRT in Semarang City or preferably called Trans Semarang Bus, released at 2 May 2009 which also happened to coincide with 462th Anniversary of Semarang City.⁴ Trans Semarang has already supplied safety facilities for passengers, but some of the standardized facilities are not accessible.

The reality shows that the construction of Semarang City BRT shelter is not built evenly and feasibly which still causing obstacles for passengers with disabilities. The physical feature puts disabled passengers at a disadvantage compared with non-disabled passengers, it means Semarang City is utterly not a disabled-friendly city. The fault in its constructions affecting low rate of convenience, safety, and security to passengers with disabilities is a major barrier to participate in normal life. Lack of accessibility mostly found in the shelter's construction, such as ramp that has too steep a

¹ Gunardo, 2014. *Geografi Transportasi*. Yogyakarta : Ombak. p.49
² Dagon Save M. 2006. *Busway, Terobosan Penanganan Transportasi Jakarta*, Jakarta , Pustaka Sinar Harapan. p.126

³ Thoriq Adi Proyoga, Ari Subowo dan Dyah Lituahayu. 2015. *Pelayanan dalam jasa transportasi publik bus rapid transit (BRT) Kota Semarang*. UNDIP. p.5

⁴ <http://brt.nusantara.com>. Accessed on 9th December 2018 at 18.00 WIB

slope which will be inaccessible for wheelchair users, causing them difficulties to use the shelter.⁵ This violates Ministry of Public Works and Public Housing Regulation No. 30/PRT/M/2006 concerning Technical Requirements of Accessibility Facilities On Buildings and Environments. The inaccessible facilities lead to violating the rights of safeness and secureness.

The barriers restrict people with disabilities from participating in society on an equal basis with others every day. People with disabilities confront discrimination almost everywhere in their daily basis. Inaccessible buildings and public transportation impede independent navigation and participation. Overall, accessibility for disabled-people of services and facilities in Indonesia generally and Semarang City particularly still very limited. To live an independent and dignified life, completion in some parts of BRT constructions is necessary. Government of Semarang City needs to provide a feasible facility and infrastructure services evenly for all people with disabilities as ruled on the Law Number 8 year 1999 concerning Protection of Consumer, whereas the law encompasses the relations between consumer and producer relating to their rights and obligations, along with the dispute resolution.

According to the Central Bureau of Statistics (BPS or *Badan Pusat Statistik*) in Semarang City, the number of people with disabilities in 2012 is as much as 3.557 people. It consists of 862 people with physical disability, 806 people with visual impairment, 667 people with mental disability, and 528 people with double disability⁶. Therefore, protection to people with disability in order to gain equality and non-discrimination behavior from non-disabled people is required.

Based on the explanation above, the writer decides to do a study about consumer's protection concerning public transportation services for people with disabilities. The study is entitled "The Consumer Protection Toward The Public Transportation Service Of Bus Rapid Transit For The Disabilities in Semarang City", with the objectives of the study as follows:

1. How is the construction of facilities and services on BRT (Bus Rapid Transit) as a public transportation for people with disabilities in Semarang City?
2. How is the protection of consumer toward people with disabilities relating to BRT (Bus Rapid Transit) service as a public transportation in Semarang City?

This study supported by Legal Protection Theory (Phillipus M. Hadjon). This study used legal protection theory based on the reason that legal protection designed to protect individual from arbitrary laws, to ensure public order and tranquility so people able to relish their dignity as human⁷. Phillipus M. Hadjon said that protection is a legal protection for people as a preventive and repressive government action.⁸

⁵ <http://Sindonews.com>. Accessed on 9th December 2018 at 15.00 WIB

⁶ <https://jateng.bps.go.id/statistictable/2017/10/31/1641/banyaknya-kendaraan-bermotor-yang-telah-diregistrasi-pada-kepolisian-daerah-jawa-tengah-menurut-jenis-kendaraan-di-jawa-tengah-2015.html>. accessed on 10 November 2018 at 15.00 WIB

⁷ Setiono. 2004. *Rule of Law (Supremasi Hukum)*. Surakarta. Magister of Law, Postgraduates Program, Universitas Sebelas Maret. p. 3.

⁸ Phillipus M. Hadjon. 1994. *Pengkajian Ilmu Dogmatik (Normatif)*, Faculty of Law Universitas Airlangga, Surabaya. p. 2.

¹ Preventive legal protection aims to prevent the occurrence of disputes, which directs government actions to be careful in making decisions based on discretion both written and unwritten.⁹

³¹ Phillipus M. Hadjon explains the principle of legal protection for people toward government acts oriented from the concept of human right's recognition and protection. According to its history in the west, the origin of human right's recognition and protection concept aims to the barriers and obligation to people and government.¹⁰ Furthermore, Satjipto Raharjo claims that legal protection is to provide protection for human rights that are harmed by other people and that protection is given to the community in order to enjoy all the rights granted by law.³⁰

As explained above, legal protection is an act to pursue justice by maintaining human's class and dignity.¹²

¹⁹ II. RESEARCH METHOD

This study used qualitative approach with analytical data method, which involves the researcher to defines what the law in a particular area is, associated by legal theories and implementation in the practice relating to the problems.¹³ Qualitative approach is used in order to gain a better understanding of the problem in the related study. This method defines things descriptively so the substantial matter expected to be arranged comprehensively and systematically. Whereas analytical aspect used in order to analyzed obtained data.

As seen from its research approach, this study used juridical empiric type of research or juridical sociology. In juridical empiric type of study, law considered as a manifestation of symbolic means from the subject of law as seen on the interaction between them. For that instance, the writer's duty is to review social interaction arises from the existing norm system.

The juridical approach used to analyze various law regulatory related to the consumer protection toward the public transportation service of Bus Rapid Transit for the disabilities in Semarang city. While the sociological approach is used as a critical effort in order to acknowledge answers by analyzing behavioral and direct relations aspect based on social law comprehensions. This juridical sociologic approach method helps the research to achieve a well-described study of to The Consumer Protection Toward The Public Transportation Service of Bus Rapid Transit For The Disabilities in Semarang City.

⁹ Sudikno mertokusumo. 2009. *Penemuan Hukum*. Bandung: Citra Aditya Bakti. p. 41

¹⁰ Phillipus m hadjon, *Perlindungan Hukum Bagi Rakyat di Indonesia*, PT. Ilmu, Surabaya, p.38.

¹¹ Satjipto Rahardjo, 2003, *Sisi-Sisi Lain dari Hukum di Indonesia*. 8arta: Kompas. p. 121

¹² Hilda Hilmiah Diniyati. 2013. *Perlindungan Hukum bagi Investor dalam Pasar Modal (Studi p. Gangguan Sistem Transaksi di Bursa Efek Indonesia)*. Skripsi. Jakarta : Universitas Islam Negeri Syarif ¹⁴ *layatullah*. p. 19

¹³ Ronny Hanitijo Soemtro 1988. *Metode Penelitian Hukum dan Jurimetri*. Jakarta : Ghalia Indonesia. p. 3

The study focus on to analyze the construction of facility and service of public BRT (Bus Rapid Transit) as a public transportation for people with disabilities in Semarang City and to know the Consumer Protection of public transportation services BRT Trans Semarang for people with disabilities in Semarang City.

The location of the study take place in Public Service Agency (BLU or *Badan Layanan Umum*) in Semarang City, considering BLU plays the role of supervising and managing BRT Trans Semarang as well as the shelters. The writer expect to obtain as many information and data related to BRT Trans Semarang as possible. Furthermore, a research in Roemah Difabel Semarang also conducted in order to gain supportive data.

In this study, the writer conducted through primary data from interviews, observation, and documentation in the specified locations. While the secondary data attained from bibliography and regulatory law. Both primary and secondary data will later be taken to further study to help answer and understand the issue. The primary and secondary data materials are as follows:

- a. *Primary data*, this kind of data can be obtained by the researchers through interviews, direct observations, surveys or documentation. Interviews will be conducted with the head of BLU in Semarang City and also with 1 to 10 disabled people in Semarang City to complete the information about the adaptation of people with disability toward BRT shelter's facilities available nowadays.
- b. *Secondary data*, is the data that has already been gathered by someone else. Secondary data in this research consists of bibliography study that is used to analyzing, reviewing and comparing data and regulatory law related with the issues. The main regulatory law in this research is the Ministry of Public Works and Public Housing Regulation No. 30/PRT/M/2006 concerning Technical Requirements of Accessibility Facilities On Buildings and Environments.

III. RESULT AND DISCUSSION

A. CONSTRUCTION OF TOOLS AND INFRASTRUCTURE RELATING TO BRT TRANS SEMARANG SERVICE FOR PEOPLE WITH DISABILITIES

Regarding to the given rights of secureness and safeness to consumer in transportation aspects that has been ruled by the Law Number 22 year 2009 concerning Indonesia Traffic Law, according to article 141 paragraph (1) order an obligatory for any transportation's companies to ensure the consumer's rights in every business activity.¹⁴ The companies have to fulfill standardized services such as:

1. Security;
2. Safety;
3. Amenity;
4. Affordability;
5. Equality; and

6. Regularity.

Based on the findings, the suitable consumer's rights will be discussed relating to the issue is the rights of security and safety. In this instance, the security and safety rights for consumer toward construction of tools and infrastructure BRT's services, which will be explained as follows:

The security and safety rights are one of the top priorities of BRT Trans Semarang. They had provided transportation's system concerning security and safety aspects for the passengers, encompasses the condition of the bus, the shelter and other assistive facilitates and services.

According to Agustinus Widjatmoko, in terms of constructions of tools and infrastructures aspects, there are several facilitates and services available to support the security and safety rights for passengers, such as every shelter comes equipped with double handrail on the ladder-like steps, some passengers seat, an active security camera (CCTV) in each corridor, lightning at night, and two-ways entrance consists of a ladder and a ramp. The ramps are built on an ideal level to make them accessible and obstacle free path of travel for persons with mobility or visual limitations. There are also security guards in certain points of the shelter to help passengers with ticketing, or if they experience hurdles in accessing facilities and services, the guards also play the role of maintaining orderliness, secureness and safeness.

Despite the services seems optimally feasible, but reality shows that in some points of BRT Trans Semarang's shelter still have numerous imperfections, which means there are lack of security and safety rights given by BRT Trans Semarang. As the main focus of the writer on this study was the ramp slope that found to be too steep and inaccessible for people with disabilities to pass them in numerous shelters in Semarang City.

As ruled on the Ministry of Public Works and Public Housing Regulation No. 30/PRT/M/2006 concerning Technical Requirements of Accessibility Facilities on Buildings and Environments, ramp is known as the circulation path of a surface that tilts from one level to another, as an alternative use for people who cannot work with the stairs. The ideal ramp has the following requirements:

- a. A ramp inside the building all not be more than 7 degrees with the comparison ratio between its height and slope at 1:8. The calculation is not including the tip and the tag end of the ramp (curb ramp/landing), while a ramp outside the building have the maximum of 6 degrees tilt, with the comparison ratio between its height and slope at 1:10.
- b. The length of a ramp with the comparison ration between its height and the slope at 1:8 shall not be more than 900 cm horizontally. The length of a ramp with the slope less than mentioned should be longer than 900 cm horizontally.
- c. Minimum width of a ramp is 95cm without the safe path edge. Except for both the pedestrian and freightage use, the width should be considered carefully. For it able to function both ways or partly.
- d. The space area on the landing and the foot ends of a ramp shall be flat and clear. This is necessary in order to accommodate the wheelchair ramp deployment from the

¹⁴ Rabiah Harahap, 2016 *Asepek Hukum Perlindungan Terhadap Penumpang Bus Dalam Mewujudkan Perlindungan Konsumen*. Journal of *De Lega Lata* Vol. 1. p. 227

bus and to allow for wheelchair movement after clearing the ramp.

- e. The space area on the landing and the foot ends of a ramp also shall be installed with textured surface, for it may not be slippery when rains coming.
- f. The width of low curb shall be 10cm, designed to prevent the wheel in a wheelchair to slip away or get out of the pathway. If its contiguous directly to the road or the street, then it must have been calculated carefully to not interfere with public roads.
- g. A ramp has to be equipped with sufficient lightning at night. The lightning preferably placed on the higher and vital parts of the ramp.
- h. A ramp shall be equipped with a strong handrail in a suitable height for average passengers.

In fact, most installed ramp in Semarang City's BRT shelter have not meet the requirements as supposedly, causing void in the security and safety rights. As focus of the research, a matter of insufficient installed ramp slope is a serious issue for it's a part of the rights given from a service trust to its consumer. Majority of the ramps in Semarang City is way too steep to be accessible mainly for people with mobility limitations. Its utterly not possible for wheelchair's users to access the entrance independently. Every wheelchair user will need the help from someone else to use them because the ramp can be too sleek and dangerous for their own safety.

Based on the data collected by the writer, it has been found that most installed ramps on the BRT shelter in Semarang City are happened to have different measurements. There are only 4 out of 369 shelters that had been rebuilt and has the requirements fulfilled according to the Ministry of Public Works and Public Housing Regulation No. 30/PRT/M/2006 concerning Technical Requirements of Accessibility Facilities On Buildings and Environments. The disabled-friendly shelter as mentioned are as follows: Simpang Lima's shelter, RS Karyadi's shelter, Java Mall's shelter and Ahmad Yani Airport's Shelter. The rest of 365 shelters had not been rebuilt and still have a steep ramp which not accessible for people with disabilities.

After observing and analyzing, the writer ensures about the lack of security and safety in BRT Trans Semarang's shelters. Findings from data collected shows that out of 369 shelters in Semarang City, there's many of the shelters still has a steep slope. The writer has taken 3 shelters as samples. They're all located in the city center where the hustle and bustle of Semarang City immensely occurred. The 3 samples along with its ramp slope are as follows: shelter on Jenderal Sudirman street with 30,46 degrees, Imam Bonjol street with 24,5 degrees, and Diponegoro street with 31,8 degrees. Based on the mentioned data above, indicates the accessibility of Trans Semarang's shelter is far from its requirements where the ideal slope ramp shall be 6 and 7 degrees for outdoor and indoor buildings. Shelters of trans Semarang is too dangerous for people with disabilities to use.

Agustinus Widjatmoko from BRT Trans Semarang explained that the constructions of Trans Semarang shelters are designed through some considerations concerning security and safety aspects resulted the height of the shelter for bigger busses are around 109 cm and for smaller busses to be around

91 cm. As a matter of the ramp with 20-30 degree slope has also considered safe and secure.

He also said that the ramps are likely possible to rebuilt to match the preferred measurements as ruled on Ministry of Public Works and Public Housing Regulation No. 30/PRT/M/2006 concerning Technical Requirements of Accessibility Facilities on Buildings and Environments. But the rebuilt has difficulties if it were to be implemented. The main obstacles of the rebuilt is that a larger space around the shelter is necessary for the slope of preferred ramp shall has more length, whereas most of the shelters has a very limited space due to territorial disputes. As for now, the rebuilt of BRT Trans Semarang shelters has been occurred in certain areas such as Simpang Lima Shelter, RS Karyadi Shelter, Java Mall Shelter and Ahmad Yani Airport Shelter. The rebuilt shelters have the preferred measurements on its ramp and are safe to use for people with disabilities.

Every stakeholder involved in BRT Trans Semarang managerial has been working hard as optimal as they can in terms of providing services and facilities for people with disabilities. They expected people with disabilities never experience such inconveniences and discrimination.

Constructions of BRT Trans Semarang on several shelters have faults that makes it too risky for people with disabilities to pass on, especially wheelchair users. They will experience such difficulties and also risking their own safety when they need to use BRT, even though using public transportations is a part of their rights as a citizen. Wheelchair users can only access them with the help of someone else, because it will be too difficult for them to control the pace of the wheelchair independently. The steeper the surface is, the easier a wheelchair will slip away even more when it rains and the surface becomes too slippery. The risk for wheelchair users to get injured is too real. Ario Risnadi (38), a back-spine disabled considered the ramp on Polrestabes Semarang is too steep, he withdraws his intentions to use BRT due to the fear of getting injured and prefer to use safer public transportations (www.sindonews.com). To make BRT Trans Semarang as a safe public transportations and as a choice to travel around the city easily without any fear, then reconciliation in territorial disputes in order to rebuilt the shelters is crucial.

Observation and re-evaluation in providing a feasible facilities and services of BRT Trans Semarang is necessary. As the ramp is not the only problem that has been found as an obstacle to pursue an accessible public transportation for people with disabilities, the writer found that there are several obstacles that shall be a basic evaluation for the tool and infrastructure of BRT Trans Semarang in Semarang City.

The availability of handrail in both sides of two-ways entrance is not installed in several shelters. A handrail is needed as it is designed to be grasped by the hand so as to provide stability or support so they will not easy to fall. Handrails are as essential requirement for its functional is keeping the passengers safe and secure.

Only a few shelters equipped with a guiding block and braille words signs. Guiding block is an exclusive path to support or help people with visual limitations while walking or to determine direction. For people who are blind and the bus stops announcement may be difficult to locate. Braille words

are guidance to help them to understand the important signs and instructions in the shelter or in the bus.

People with hearing impairment also complained about the lack of assistive facilities such as visual guidance or signs in most of Trans Semarang BRT shelters. Visual guidance or signs is a handy facility for people with hearing impairment to help them understand important information such as direction or desired destination.

Some shelters do not have lightning. Whereas Trans Semarang operates until 18.00 WIB and it may be hard for some people with visual impairment to read the signs in a dim light. Therefore, lightning is a necessary facility that shall be available in every public area such as Trans Semarang shelter.

Based on the explanation above, it can be seen that the construction of tools and infrastructures of BRT Trans Semarang shelters still have some faults and imperfections. The provision of safeness and secureness for the passengers still hard to meet as many of the services and facilities are not suitable with its standardized requirements. Generally, the accessibility services given for people with disabilities has not yet to be fulfilled. This shall be taken in a further evaluation and solutions for better public services are expected.

All of the issues that found in this research are basically referring to Ministry of Public Works and Public Housing Regulation No. 30/PRT/M/2006 concerning Technical Requirements of Accessibility Facilities On Buildings and Environments on chapter II letter f concerning the quittance and requirements of ramp.

According to the law, an act upon the following issues shall be initiates as soon as possible. Many of the Trans Semarang shelters need to be rebuilt concerning the accessibility for people with disabilities. The ramp needs to have a proportional measurements and several support facilities need to be added and installed. People with disabilities have the rights to use public transportation safely and securely as non-disabled people do.

B. CONSUMER PROTECTION TOWARD BRT TRANS SEMARANG FOR PEOPLE WITH DISABILITIES

A consumer protection is all the efforts that ensure legal certainty that aim to protect the rights of consumers and prevent things that would potentially harm them. It shall be given to every consumer from the enterprises without any exception. Consumer protection is a part of the consumer's law in which it encompasses various fundamentals and principles that have the tendency to both rule and protect consumers from anguish such suffering or disadvantage loss caused by enterprises' fault in their produced goods or services.¹⁵

In terms of the Law Number 8 year 1999 concerning Consumer Protection, at article 1 paragraph (1) definite the Consumer Protection such as "all the efforts that ensure legal certainty to give protection toward consumers". The legal certainty to give protection toward consumers such as follows: giving information about goods or services, develop

responsible and truthful figure toward enterprises, and to build consumer's dignity.

People with disabilities who use BRT Trans Semarang as their transportation choice are consumer who needs to be protected. Due to the Law Number 8 year 1999 concerning Consumer's Protection on article 4, there are 9 (nine) general principles in consumer's law which related in different aspects. The rights of consumer discussed on this study are in the case of BRT Trans Semarang's consumer. The following rights are:

1. The rights of comfort, security and safety in consuming goods and/or service.
2. Rights to freely decide and obtain goods according to its value worth and conditions along with the given warranty.
3. Rights for a genuine, unambiguous, and truthful information relating to the goods and/or service.
4. Rights to be heard as if there's any opinions or complaints according to the goods and/or service.
5. Rights to an appropriate advocacy, protection, and an effort to settlement disputes if there's any conflict going on.
6. Rights to receive consumer's education and training.
7. Rights to treated and serviced properly, fairly and not discriminatory
8. Rights to receive compensations, refunds and/or replacement for faulty goods and/or service.
9. Rights which addressed in other laws.

According to the Ministerial Decree of Communications Number: PM10 year 2012 concerning Minimum Standardized Service of Land Base Public Transportation in Article (3) states the requirements of standardized land base public transportation such as:

1. Kind of service, consists of: security, safety, amenities, affordability, and orderliness.
2. Quality service, consists of: indicators, values, size and quantity.

Linked to the regulation above, BRT Trans Semarang has its standardized public service for the consumer in order ensure the protection of consumer's rights. Based on the research findings, the effort to fulfill consumer's protection toward the rights of security and safety is through:

1. The improvement and refinement of facilities and services in some BRT Trans Semarang's shelters.

BLU Semarang has shown effort in providing such facilities and services for the provisions of accessibility such as the availability of two-ways entrance despite the differentiations on its slope, public lightning, handrails, passenger seat, and a steady guard in the certain shelters to help passenger with difficulties like ticketing, the guards also play the role of maintaining orderliness, secureness and safeness. All of those facilities are built by prioritizing both passenger's security and safety despite their physical conditions to provide better services. This support is aimed not only to improve the services but also as the anticipation and preventions for unforeseeable harm.

2. Public participation compliance for complaints in faulty goods and/or service.

BLU Semarang is providing their consumers with an integrated system where people can submit an

issue, suggestions or complaint as a form of fulfil the consumer's rights. Anyone can freely send their issue, suggestions or complaint relating the given facilities and service taking into the concern of security, safety and its ease of use aspects. BLU Semarang believes that consumer complaints are opportunities for improvement. Available channels for submitting complaints are as follows:

- a. Submit to BLU Semarang control room directly as the official gateway for submitting issue, suggestions or complaints.
- b. Through social media such as Instagram to @Trans Semarang, Twitter to @transsemarang and website in www.transsemarang.com. People can also submit issue, suggestions or complaints by calling the number (024) 86577898 and the Call Center's staff will take details of the issue and record it. BLU Semarang customer care staff will then contact shortly to resolve the issue.
- c. Customer or non-customer can directly visit the office center

Paramita stated that concerning submitting the issue, suggestions and complaints shall be delivered politely and effectively. The most effective complainants are those who have a clear idea and description of what they want to achieve from their complaint, and who set it out clearly to the person to whom they are complaining. Complainants shall also submit the background of the issue, along with the events that cause it. For example, if there's any accident causing by the faulty constructions like falling due to a steep steps, then immediate reports shall be conducted with details of where the event take place or if there's any injuries. The received reports will be recorded to help complainants get further help with their issues and help others avoid similar ones. Every complaint provides insight into problems that people are experiencing, help BLU Semarang to identify inappropriate practices and allow them to stop before they become major issue. This will result a better outcome for everyone.

BLU Semarang need to respond submitted issues and complaints immediately. Most people often reluctant to give reports due to slow respond or even no respond at all. Like the fact that the slope ramp is steep and dangerous but until now it had not handled very well.

3. The rights for properly advocacy, protection and settlement disputes regarding consumer protection conflict compliance.

Basically if a conflict occurs between BLU and its consumer, BLU Semarang would prefer and recommend a peaceful settlement disputes procedures through feasible discussions, mediation and arbitration as stated by BLU Semarang officers. Any accident and loss shall be reported immediately in direct or through any available channels, an immediate respond will be given by BLU Semarang as a form of responsibility with monetary and/or non-monetary compensations to be paid as agreed by both parties. Any conflict expected to be resolved and sorted without having to go to the court.

4. The rights to receive compensations, refunds and/or replacement compliance.

Referring to the Law Number 8 year 1999 concerning Consumer Protection on article 19 stated that any enterprises shall be responsible by giving compensations and/or replacement to their consumer as the consequences of any inappropriate practices. Any given compensations and/or replacement shall be reasonable and worth the damage in the form of monetary or non-monetary award.

Based on the interview with Mrs. Pramitha, she stated that BLU Semarang will be fully responsible in giving compensations as if there's any appropriate practices and/or faulty service and facility that would dissatisfied and harm both consumer or non-consumer. If there are any physical injuries or material loss like in a car accident that proved to be caused by BRT Trans Semarang busses, then a replacement in form of monetary and/or non-monetary award will be paid to the claimant as the compensation. The amount at which property is valued for purposes of recovery depends on the agreement between both the claimant and BLU Semarang.

As to give protection for their consumer, BLU Semarang should be scheduling time for an occasional analysis and review on how the ongoing service and facility are running. All the service and facility for disabled support should be distributed evenly in every area in Semarang City. People with disabilities should have access to services and devices that facilitate their participation in the community on an equal basis with others. They have the right to live independently, to be included fully in their communities, and to the highest attainable stander of services specific to their disabilities. People with different types of disabilities require differentiated services. Until recently, the available services and facilities are not provided fully accessible and feasible for them. The slope ramp on most shelters in Semarang City is likely to be too steep and dangerous, which will cause disabled or non-disabled passengers to fall off easily. Moreover, the availability of guiding block to help people with visual limitations is still very limited. A visual guidance for people with hearing impairment only installed in a few shelters.

By analyzing all of the collected facts concerning the implementation of consumer protection toward the security and safety rights, the writer evaluates that BLU Semarang had not optimally concern about the needs of people with disabilities, including the failure to provide people with disabilities a feasible and accessible services and facilities and ensuring that they're given their rights to use public transportation safely and securely. This has been violating the This violates Ministry of Public Works and Public Housing Regulation No. 30/PRT/M/2006 concerning Technical Requirements of Accessibility Facilities On Buildings and Environments on Chapter II letter f concerning quintessence and requirements of ramp.

Based on the previous law, BLU Semarang has an obligation to re-observe and re-evaluating the running services and facilities at BRT Trans Semarang shelters in

order to protect consumer rights, mainly the rights to freely uses public transportation safely and securely as equal as non-disabled people.

IV. CONCLUSION

Regarding to the finding and discussions as above concerning the consumer protection toward the public transportation service of bus rapid transit for the disabilities in Semarang City, the writer concluded that theoretically the establishment on accessibility of BRT Trans Semarang construction relating the service and facilities for people with disabilities is a basic necessity. Unfortunately, the findings uncovered faulty facilities and services that would put people with disabilities in danger, which violates their rights to freely uses public transportation safely and securely as equal as non-disabled people. The ramps installed in Semarang City shelters are dominantly too steep and difficult to access for people with disabilities, which caused by the measurements of the ramps that are not suitable according to the Ministry of Public Works and Public Housing Regulation No. 30/PRT/M/2006 concerning Technical Requirements of Accessibility Facilities On Buildings and Environments. The inaccessible ramps are too dangerous for people with disabilities mainly wheelchair users. In addition, the security and safety rights protection toward people with disabilities as BRT Trans Semarang consumer ruled in the article 4 Consumer's Protection Law. Until recently, the protection had not been given optimally due to the lacking of assistive services and facilities, mainly the not suitable measurements of ramps as stated in the Ministry of Public Works and Public Housing Regulation No. 30/PRT/M/2006 concerning Technical Requirements of Accessibility Facilities on Buildings and Environments. Possible reactive action to be conducted if any violation occurs is to submit the issue, suggestions, and/or complaints through online or offline channels provided by BLU Semarang. If BLU Semarang operational proved to have been causing any loss or harm involve damage to property or mental or physical injury, a compensation will be awarded immediately in reasonable amount for the purpose of replacing the monetary value or rights which have been loss or damaged. A conflict occurs between both parties will be resolved in a peaceful settlement of disputes.

V. REFERENCE

- [1] Dewi, Wuria. 2015. *Hukum Perlindungan Konsumen*. Yogyakarta: Graha Ilmu
- [2] Gunardo, R.B., 2014. *Geografi Transportasi*. Yogyakarta : Ombak.
- [3] M Hadjon, Philipus.1994. *Pengkajian Ilmu Dogmatik (Normatif)*, Faculty of Law Universitas Airlangga, Surabaya.
- [4] M. Hadjon, Philipus 1987 *Perlindungan Hukum Bagi Rakyat di Indonesia*, PT. Bina Ilmu, Surabaya.
- [5] Mertokusumo, Sudikno. 2009. *Penemuan Hukum*. Bandung: Citra Aditya Bakti.
- [6] Rahardjo, Satjipto. 2003. *Sisi-Sisi Lain dari Hukum di Indonesia*. Jakarta: Kompas.
- [7] Save M, Dagun 2006. *Busway, Terobosan Penanganan Transportasi Jakarta*, Jakarta:Pustaka Sinar Harapan.
- [8] Soemitro, Ronny Hanitijo. 1998. *Metode Penelitian Hukum dan Jurimetri*. Jakarta : Ghalia Indonesia.
- [9] Harahap, Rabiah Z., 2016. *Asepek Hukum Perlindungan Terhadap Penumpang Bus Dalam Mewujudkan Perlindungan Konsumen*. Journal of *De Lega Lata* Vol. 1.
- [10] Thoriq Adi Proyoga, Ari Subowo and Dyah Lituhayu. 2015. *Pelayanan dalam jasa transportasi publik bus rapid transit (BRT) Kota Semarang UNDIP*
- [11] Diniyati, Hilda Hilmiah. 2013. *Perlindungan Hukum bagi Investor dalam Pasar Modal (Studi pada Gangguan Sistem Transaksi di Bursa Efek Indonesia)*. Thesis. Jakarta : Universitas Islam Negeri Syarif Hidayatullah.
- [12] Setiono. 2004. *Rule of Law (Supremasi Hukum)*. Surakarta. Magister of Law Faculty, Postgraduate Program, Universitas Sebelas Maret.
- [13] <http://brt nusantara.com>. Accessed on 9th December 2018 at 18.00 WIB
- [14] <http://Sindonews.com>. Accessed on 9th December 2018 at 15.00 WIB
- [15] <https://jateng.bps.go.id/statictable/2017/10/31/1641/banyaknya-kendaraan-bemotor-yang-terlalu-diregistrasi-pada-kepolisian-daerah-jawa-tengah-menurut-jenis-kendaraan-di-jawa-tengah-2015.html>. Accessed on 10th November 2018 at 15.00 WIB.
- [16] Ministry of Public Works and Public Housing Regulation No. 30/PRT/M/2006 concerning Technical Requirements of Accessibility Facilities On Buildings and Environments
- [17] Law Number 22 year 2009 concerning Indonesia Traffic Law, Additional Sheet of Republic of Indonesia State Number 5025
- [18] Law Number 8 of 1999 concerning Protection of Consumer, Additional Sheet of Republic of Indonesia State Number 3821

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