

The Fulfillment of the Rights of Deaf People to Obtaining Sign Language Interpreters at Religious Practices in Indonesia: A Law and Human Rights Perspective

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ABSTRACT

the current development nowadays has provided lots of conveniences for everyone to access everything they need, including religious needs. At present days, even Persons with Disabilities can fulfill their religious needs as easily as those of normal people's. However, that is not the case for all Persons with Disabilities. Deaf people, for instance, currently have almost no places of worship such as mosques, churches, and others that provide facilitators/volunteers acting as sign language interpreters to interpret the content of lectures or sermons from religious leaders (priests, pastors, etc.). So that there is a need for a policy that accommodates at least every relatively large place of worship to provide a facilitator to interpret the content of lectures or sermons for deaf people. This study will use a normative juridical method that uses primary legal materials such as literature studies, and secondary data such as interviews and field research in the areas of Jakarta, Bandung, and Medan. This study aims to provide views and recommendations to the government as an organizer of public services to meet the needs of deaf people in obtaining worship facilities, especially in terms of understanding the content of lectures, sermons, or other worship activities related to the sense of hearing.

Keywords: *deaf people, worship facilities, rights fulfillment, communication accessibility*

1. INTRODUCTION

Considering that until 2016, the number of Persons with Disabilities in Indonesia reached 12.7 percent, according to the survey conducted by the Central Bureau of Statistics (BPS), the figure was divided into several categories, both gender and degree of disability (moderate and severe). Activists from Disability Organizations have often voiced the demands for rights and the holding of facilities and infrastructure for physical and non-physical accessibility for Persons with Disabilities. Disabled people activists who are members of the Disabled People Organization (DPO) strongly demand accessibility facilities and infrastructure that enable them to access public services and equal opportunities to participate in various daily activities. Apart from some of the rights that have been attempted and realized by the government, there are still some fulfillment of rights that have not been done, one of which is the facilitation of sign language interpreters for people with deafness in order to fulfill their religious needs according to their respective religions and beliefs. Deaf people are not physically different from normal people in general, except for those using hearing aids. The

writer thinks that very little attention has been given by various parties to the rights of deaf people. Simply because it is difficult to notice the fact that they have limitations in hearing, so the right to obtain the same information as normal people in religious matters has not been given much nor facilitated. Whereas as we have seen, religious rights are rights that should be granted by the constitution to every citizen without exception. Article 14 letter d of Law No. 8 of 2016 concerning Persons with Disabilities states that religious rights for Persons with Disabilities include the right to obtain services based on their needs when carrying out worship according to their religions and beliefs.[1] Thus it can be interpreted that deaf people should also be able to fulfill their rights in worship by getting a sign language interpreter a basic requirement for deaf people to be able to understand what is being conveyed by the religious leaders (priests, etc.) during worship practices.

For example, the United States of America has implemented the Accessible Congregation Campaign. The accessible congregation is a term used to refer to places of worship that are physically and communicatively easy to access for Persons with Disabilities. In America, ADA (the American Disability Act) requires places of worship to have architectural designs, means of communication, and

community attitudes that do not prevent children and Persons with Disabilities from being able to pray, study, and lead prayers.[2] In Indonesia, in fact, some places of worship have been architecturally designed to be disability-friendly, but communication facilities have not been provided in places of worship for the deaf.

The regulations and policies issued by the current government on minority groups such as people with hearing impairments do not accommodate the rights of deaf people specifically in religious matters. Therefore, according to the writer, this is a crucial matter to be investigated. It involves the fulfillment of the rights of deaf people which are the basic needs and also a civil right that has been guaranteed by the state. Based on the explanation above, the main problem in this study is: How do the laws and regulations in Indonesia regulate the fulfillment of the rights of deaf people in Indonesia, especially in religious matters? In addition, this study also needs to analyze whether the role of the government as a guarantor of the rights of every citizen to be able to access public services has been carried out as stipulated in the legislation. Finally, this study analyzes the fulfillment of the rights of deaf people to get sign language interpreters during religious services.

This research will be conducted with a qualitative analysis method by analyzing primary sources and secondary sources that have been obtained during the study. This research is normative juridical research. The data source that will be used is secondary data in the form of the results of literature study. The legal materials to be examined are primary legal materials such as Law No. 8 of 2016 concerning Persons with Disabilities and other related laws and regulations. In addition to secondary data, this study will also be supported by data from interviews. Based on these data, this study will analyze the normative juridical method of the legislation in Indonesia which regulates the rights of Persons with Disabilities; and analyze whether the applicable laws and regulations have fulfilled all or most of the rights of Persons with Disabilities.

This study will apply the analytical method using secondary data, namely literature study. However, to support data originating from secondary sources such as books, article magazines, and journals, primary sources are also used, namely interviews. In collecting data, primary legal sources and secondary legal sources are used. Primary legal sources used include: (books and laws). In particular, primary data will be obtained through interviews with speakers in four cities, namely Jakarta, Bandung, Medan and Makassar. This study will also use other primary data, such as voice recordings during the interviews.

1.1. The Rights of Persons with Disabilities in Worship Based on Legislation

Philosophically and constitutionally, based on the philosophy of Pancasila and the 1945 Constitution, every citizen has equal opportunities in terms of employment,

accessing public facilities, and obtaining life and decent livelihoods, etc.[3] without distinguishing physical condition, race, ethnicity, religion, and skin colour in practising their religious beliefs. Like normal people, Persons with Disabilities also have the same rights and opportunities, as stated in the law. Therefore, a regulation that regulates the protection of the rights of Persons with Disabilities is formed in general, for example in Article 26 of Law No. 8 of 2016 concerning Persons with Disabilities, which states that Persons with disabilities have the right to be free from discrimination, abandonment, abuse, and exploitation which includes the following:[4]

- a. *to socialize and interact at the family, the community, and the State level without fear; and*
- b. *to be protected from any forms of physical, psychological, economic, and sexual violence*

Regarding the rights stipulated in a quo article, it is explained that everyone is prohibited from obstructing and prohibiting Persons with Disabilities from obtaining their rights. Every person who violates the rights of Persons with Disabilities is threatened with criminal sanctions by Article 145 of Law No. 8 of 2016, which reads:[5]

“Any person that hinders and bans Persons with Disabilities from obtaining their rights as stipulated in Article 143 shall be penalized by a maximum imprisonment of 2 (two) years and a maximum fine of IDR 200,000,000.00 (two hundred million Indonesian rupiahs)”

The provisions stipulated in Article 143 of Law No. 8 of 2016 is about the prohibition to obstruct and prohibit Persons with Disabilities from obtaining their rights in all aspects of life, such as public services, politics, health, education, expression, communication, and obtaining information and so forth.[6] According to Article 1 No. 1 and Article 4 paragraph (1) Law No. 8 of 2016, Persons with Disabilities are any person who has long-term physical, mental, intellectual and/or sensory impairments who may face various challenges and barriers in their interaction with their surroundings to be able to fully and effectively participate together with other citizens on the basis of equal rights, consisting of:

- a. Persons with Physical Disabilities;
- b. Persons with Intellectual Disabilities;
- c. Persons with Mental Disabilities; and
- d. Persons with Sensory Disabilities.[7]

Thus, the relation to religious rights, namely in terms of performing worship, for Persons with Disabilities, specifically the deaf person, the supposed mandate of the constitution which says that performing worship is the right of every citizen that should not be hindered, including in the process that hinders a person from worshipping because of absence of facilities. So, it is proper for a place of worship not only to be physically friendly (accessible for Persons with Disabilities) but also to be friendly in terms of communication.

1.1.1 Deaf People's Right to Obtain Information in Sign Language

Deaf, according to the Explanation of Article 4 paragraph (1) letter d of Law No. 8 of 2016, is included in the types of Persons with Sensory Disabilities, namely: The definition of "Person with Sensory Disabilities" is a person with impairment in one of the five senses, among others, are visual disability, hearing disability, and/or speech disability.[8] Deaf is a person with hearing impairment both permanently and impermanently. Because deaf people experience trouble in hearing, they also experience trouble in speaking. In reality, Persons with Hearing Disabilities have the right to get information. Therefore, the government provides facilities for Persons with Hearing Disabilities called the Indonesian Language Signing System ("SIBI").

The presence of the SIBI is also inseparable from the right of Persons with Hearing Disabilities to obtain information, including getting information to understand the content of lectures or sermons while performing worships. But there are no rules that explicitly require the use of SIBI language given by a facilitator/volunteer to interpret the contents of lectures or other worship performances related to the sense of hearing in a place of worship.

To realize equality in opportunity for Persons with Disabilities in everyday life, the government creates a facility for Persons with Disabilities to access, known as *accessibility*. Article 9 of the UNCRPD states that accessibility is important in providing opportunities for those who have disabilities to live independently and participate fully in life. Accessibility is very much related to various things:

- Physical accessibility--buildings, transportation, etc. Access to education facilities, access to court, access to hospitals, and access to workplaces is important for someone to enjoy their human rights. This includes ramp (other than or in addition to stairs).
- Accessibility of information and communication accessibility in cyberspace is very important due to the importance of the internet in accessing information, but also accessibility to documentation (Braille) or aural information (sign language).[9]

Accessibility specifically made for the deaf is sign language, known as the Indonesian Language Signing System ("SIBI"). The presence of the SIBI language is also inseparable from the right of deaf people to obtain information, including getting information on matters of performing worship. Because as stated in Article 14 letter d of Law No. 8 of 2016 concerning Persons with Disabilities; religious rights for Persons with Disabilities include the right to obtain facilities according to their needs when performing worships according to their religions and beliefs. Thus it can be concluded that deaf people also have the right to perform worships, for example by providing interpreters for deaf people to be

able to understand what is conveyed by religious leaders (priests, pastors, etc.) during religious lectures.

A. Obligations of the Government in Meeting the Rights of Deaf People

One of the government's duties is to guarantee the rights of every citizen without exception. In this case, the government has the responsibility to ensure that every citizen gets a guarantee in matters of worship, including the rights of Persons with Hearing Disabilities. In Indonesia, around 2000, there were interpretation services for deaf people, they started to develop along with the Disability Rights Agreement which was set out in the Convention on the Rights of Persons with Disabilities (CRPD), Law No. 19 of 2011 concerning the ratification of CRPD, and Law No. 8 of 2016 concerning Persons with Disabilities.

After the ratification of the Convention on the Rights of Persons with Disabilities, it is hoped that the State will be able to prioritize the fulfilment of human rights protection for Persons with Disabilities. Strong support from the government is needed so that the ratification of this Convention is not only a complement to existing legal regulations. The government must also have strong standards in the protection and fulfilment of the rights of Persons with Disabilities. Of course, the protection and fulfillment of human rights for Persons with Disabilities are not only the duty and responsibility of the government but also the responsibility of all elements of society in Indonesia. Protection of human rights for Persons with Disabilities is still a problem in this country.

Law No. 8 of 2016 emphasizes that access to sign language interpreters is one of the accessibility that should be facilitated for deaf people. Sign language interpreters are often needed at seminars, workshops, formal and informal education, health, justice, public services, spirituality, labour.[10] Lately, there have been many requests for sign language interpreters for education, training, and religious matters, especially for Islam. Sign language interpreters need to learn more about specific signs, for example, legal signs, health, education, and religion. To be able to change the signs smoothly, unfortunately, there is not much corpus/sign vocabulary.

In this case, the government as the organizer and facilitator of public services which includes providing facilities in performing worship does have an obligation to fulfill the rights of deaf people. However, the author found a discrepancy with reality because Article 82 of Law No. 8 of 2016 states that the National and the Local Government shall strive to provide sign language interpreters in liturgies.[11] As seen in this phrase, the Central and Local Governments' duty in terms of facilitating sign language interpreters for deaf people is only limited to 'striving to provide'. On the other hand, simply 'striving to provide' is

not sufficient in settling this matter. It is indeed a problem that must be settled by mandatory facilitation by both the Central and Local Governments.

So according to the writer, improvement in this field is required. Considering the research that the writer has done on the internet, the number of places of worship in Indonesia that are communication-friendly for the deaf does not even reach 1%. Thus, it is clear that the government has not been providing sign language interpreters for deaf people in matters of worship, contradictory to what is mandated in Article 82 of Law No. 8 of 2018. Therefore, the writer argues that this mismatch needs to be improved so that deaf people's rights in comprehending the contents of religious lectures and sermons can immediately be fulfilled.

B. Government's Role to Fulfill the Rights of Persons with Deaf in Accessing Worship Facilities

Government having a proportional and clear role and responsibility will produce a social protection system as a basis for sustainable development. Efforts can be made, among others, by providing equal and equitable opportunities for persons with disabilities especially those with hearing impairment to obtain their rights in worship such as the provided of sign language interpreters. The government makes it easy for people with hearing impairment disabilities with an Indonesian Sign Language System ("SIBI"). The presence of the SIBI language is also inseparable from the deaf's right to obtain information. In the context of religious rights, especially in matters of worship such as listening to lectures or sermons from religious leaders, not many worship places have special attention to the needs of the deaf. Which all regions in Indonesia should be friendly i communication for persons with disabilities, because this is the role of the government as an agency that has an obligation to guarantee the rights of deaf people in worship to be fulfilled.

Based on these reasons, the authors conducted research in several cities on the role of government to provide worship facilities for deaf people in terms of worship as a basic right that must be guaranteed by the state. The research had been conducted in 4 (four) cities including Medan, Jakarta, Bandung and Makassar as follows:

a. Medan

Field research activities began in Medan, by interviewing Mr. Hamdan as the administrator of the Masjid Raya Al Mashun. Based on the results of the interview, Masjid Raya Al Mashun has not provided sign language translator for deaf worshippers. The reason is indeed the lack of attention from the environment and also the parties that should be related having a lack of support on this matter. The author focuses on question by taking one example of prayers in Islam, namely Friday Pray, about how the implementation of Friday prayers where listening to lectures becomes one of the pillars in Friday prayers,

then the author gets answer from Mr. Hamdan for this is that it unnecessary to have Ijtima ulama regarding the procedures for implementing language translators This gesture is because according to Mr. Hamdan when a preacher is giving a lecture, it is not permissible for one another to speak. So that it still needs a special study on this matter, is it permissible for a sign language translator to be used for deaf worshippers? If not, how then are their rights that should be fulfilled as the basic rights of every citizen, instead of violating their right to worship?

b. Jakarta

1. Gereja Katedral

Cathedral Church has provided sign language translator facilitators for deaf congregations since 2001. These facilitators were provided by the deaf community in the Cathedral church. This community is called Paturga (Tunarungu Cathedral Society). Regarding the technical or implementation, during the worship service, deaf worshippers are provided with a special place located on the right side of the church. They are put together to make it easier for the facilitator to translate the sermon content of the pastor. In terms of funding, the Cathedral Church is independent by using the money that is collected both from the community itself and from the cathedral church worshippers outside of the Cathedral Church's Deaf Society. The funding is not only used for activities inside the church such as providing training, fostering faith, learning and teaching but also including international meetings. The number of deaf worshippers who worship at the cathedral church is around 30-40 people. Although they have provided facilities for deaf worshippers, according to Pastor Hani there are still some obstacles / constraints, such as psychological reasons from the family or the deaf themselves which stop them from coming to the church.

2. Masjid Istiqlal

The next field research activity was interviewing Mr. Abu Khurairah Abdu Salam, M.A. as the Head of Public Relations and Information of the Istiqlal Mosque. Based on the results of the interview, the facts that was obtained is the Istiqlal mosque has not provided sign language translator facilities for deaf worshippers who worship at the Istiqlal Mosque. The same reason as other mosque that researchers found based on the information given by Mr. Abu was regarding the lack of awareness from the environment and also the lack of support from related parties, one of which is the role of the government as a public service provider. Currently the Istiqlal Mosque is undergoing a major renovation, so this research that the author does could be one of the suggestions for the Istiqlal Mosque renovation planning. Because the renovation of the mosque is not only facilities in physical access but also facilities in communication. This suggestion has indeed run into a serious direction as they are planning to provide sign language

translators for deaf worshipers at the Istiqlal Mosque at the time of the Ied Adha Prayer. The Istiqlal Mosque also discussed this matter during a coordination meeting with the Ministry of Religion, including the preacher who will be on duty on the D-day, namely Ustad Yusuf Mansyur to give lectures relating to the rights of persons with disabilities including worshipers with deaf people in worship. After the interview, on Ied Adha day, the plan on facilitating sign translator was realized on the Ied Adha Pray, which shows that the mosque have concerns in this regard.

This is a very appropriate action / step taken by the Istiqlal Mosque as the largest mosque in the Capital City of Jakarta, which could be a model for other mosques. Nevertheless, there are some obstacles which need more specific studies related to the implementation of this facility. First in terms of financing, who will pay for the language translator? Because there would be more than a few people would be employed to become sign language facilitators at the Istiqlal Mosque. Mr. Abu as the field executor at the Istiqlal Mosque said that later in the day the provision of sign language translator facilities would not only be conducted during the celebrations of major holidays such as Eid Fitri or Eid Adha or Friday prayers, but they would also create a special assemblies for people with hearing impairment. So hopefully many deaf friends who want to worship and learn about the religion of Islam (Fiqh, aqeedah, etc.) could do that at the Istiqlal Mosque.

c. Bandung

The field research activity began with interviewing Mr. DR. KH. Sulhan as deputy chairman of the Masjid Raya Bandung Prosperity Council (DKM). Based on the results, information that was obtained is that the Masjid Raya Bandung as the center mosque of coordination of other mosques in West Java, until now has not provided sign language translator facilities for persons with hearing impairment. However, in recent times there has been discourse / discussion related to several proposals for disabled friends. In addition, Masjid Raya Bandung also indeed opens as wide as possible to policies made for disabilities. According to Mr Sulhan, in practice there are many obstacles that are often unknown to the public, limited funds for example. If later in the future, the movement of sign language translation facilities is implemented, the Masjid Raya Bandung will respond as soon as possible for the benefit of the deaf. Because, the mosque as a place of worship has a responsibility to accommodate the needs of all worshipers, so that the mosque can be a blessing for anyone.

He also wishes that there would be an opportunity to work with third parties, like what has been done in the provision of generator facilities at the Masjid Raya Bandung with BRI Syariah Bank. So, he wished that it would also happened the same in terms of providing sign language translator facilities for deaf worshipers,

they could work together with third parties, like communities or related organizations.

d. Makassar

1. Masjid Raya Makassar

In Masjid Raya Makassar researchers conducted an interview with one of the administrators of the Masjid Raya Makassar named Mr. Amboseka, based on the results of the interview the researchers found that the Masjid Raya Makassar has not yet provide sign language translator facilities for people with hearing impairment. At present, the mosque, which is undergoing renovation, has just provided a sloping path for people with physical disabilities (for people in wheelchairs). From a statement from Mr. Amboseka, there are two people who are deaf and blind, but the facilities are not provided yet, for example the quran with braille letters are not available in the Masjid Raya Makassar. So that this research can be an input for Masjid Raya Makassar in the future to provide language translator facilities in collaboration with the community and other relevant parties. In terms of funding, the Masjid Raya Makassar receives funding from the government every year, but only for the usual operation and renovation of the mosque buildings, not including for the financing of sign language translators.

2. Gereje Katedral Makassar

Afterward, researchers also conducted the research in Makassar cathedral church. This church is the center of a Catholic church in Sulawesi, which covers 3 provinces including South Sulawesi, Southeast Sulawesi and West Sulawesi. The researcher had an interview with Pastor Paulus as the head of the Makassar Cathedral Church Parish. Father Paulus said that the number of worshipers who have a history of chronic diseases, including the disability was recorded at the church reached the number of 2,783 people. For people with hearing impairment itself, it reaches 10% of the total available or around 278 people spread over the 3 provinces mentioned above. Father Paulus also said that indeed until now the Makassar cathedral church has not provided sign language translator facilities for deaf worshipers.

Until now, the worship services provided by the church to congregations who have special needs only by visiting the community of the congregation and makes special worship with a shorter time compared to worship in the church in general. However, please note, the service is provided by the cathedral church bishop for free by dividing it into 5 zones, which are Makassar and its surroundings, Toraja, Luwu, West

Sulawesi and Southeast Sulawesi, which has the majority of Catholics who lives in Toraja and Makassar. The data collection is carried out by this diocese with the aim of facilitating how many congregants need special services.

However, other facilities provided by the Makassar Cathedral church in terms of physical are sufficient to accommodate. Although not all have been available, for example, the needs of people with disabilities for the sloping track. At the time of this interview the cathedral church was also undergoing a major renovation considering that this church was a historic church that still had the same shape as when it was first built, so that it needs to be expanded to accommodate all worshipers. Sp. this research was also an input for cathedral church with the hope that this church will be able to provide sign language translator facilities for the deaf because the cathedral church is the center of 3 provinces in the island of Sulawesi.

2. CONCLUSION

Based on what has been described above, the author concludes that up to now there can be said that there are many places of worship in Indonesia, especially places of worship which are classified as large, there are no places of worship that provide communication from a deaf language interpreter though this facilitator or sign language translator is needed by those, who have obstacles in hearing. This turned out to also not be a concern of both central and regional governments because there was no regulation or policy made to accommodate the rights of deaf persons in matters of worship specifically to understand the contents of the lecture material that they should be able to feel like a basic right as citizens country in worship. Therefore, it is necessary to make a policy that

can accommodate the rights of deaf persons in terms of worship as a manifestation of the role of the government and the implementation of the government's obligation as the state administrator to guarantee the rights of its citizens without exception

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