

ABSTRACT

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JURIDICAL REVIEW OF DISCRIMINATIVE AND UNLAWFUL ACT AGAINST PERSON WITH DISABILITIES ON THE FIELD OF AVIATION (CASE STUDY OF SOUTH JAKARTA DISTRICT COURT DECISION NUMBER 846/Pdt.G/2016/PN JKT.SEL)

(x + 88 pages)

Everyone is free from discriminatory treatment on any basis and is entitled to protection against such discriminatory treatment. Law concerning Persons with Disabilities 2016 shows that the State guarantees all the rights of its citizens, including in this case vulnerable groups, namely people with disabilities who have the same legal standing and human rights as other Indonesian citizens. In fact, even though the regulations already exist, the protection of the rights of persons with disabilities is still an issue today, therefore the author has raised this topic as a thesis using a legal approach and a case study. The case being studied is the case in the South Jakarta District Court Decision Number 846/Pdt.G/2016/PN JKT.SEL, where Defendant I refused to transport the Plaintiff to the destination in accordance with the air freight agreement on the grounds that the Plaintiff did not have a companion and could not evacuate themselves in the event of an emergency during the flight and so, may endanger the safety of the flight. The research was conducted using a normative juridical research method or a literature study and the results showed that Defendant I had discriminated against the Plaintiff who is a disabled person who uses a wheelchair. The action of Defendant I was proven to be an unlawful act because it fulfilled the five elements of an unlawful act, hence Defendant I was sentenced to provide compensation to the Plaintiff. This decision is a big victory for the defenders of the rights of persons with disabilities because it has succeeded in protecting the rights of people with disabilities and punishing those who discriminate against and violate the rights of persons with disabilities.

References: 54 (1945-2021)

Keywords: discrimination, person with disabilities, unlawful act, compensation