

From Formal Recognition to Effective Access: Regulatory Gaps in the Driving Rights of Persons with Disabilities in Indonesia

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ABSTRACT

The right to drive for persons with disabilities is not merely an administrative entitlement attached to a driver's license; it is a practical component of the right to mobility, independent living, and equal participation. Indonesia has formally recognized this right through the Convention on the Rights of Persons with Disabilities (CRPD), Law No. 8 of 2016 on Persons with Disabilities, and Law No. 22 of 2009 on Road Traffic and Transportation, including the recognition of Class D and D1 driving licenses. Nevertheless, formal recognition has not been matched by operational norms that enable the right to be exercised safely and equally. This article analyzes the regulatory gaps surrounding the driving rights of persons with disabilities in Indonesia through the lenses of Amartya Sen's capability approach to justice and the doctrine of legal certainty. Using normative legal research with statutory, conceptual, and comparative-supportive approaches, the study examines Indonesian legislation, implementing regulations, international human rights instruments, and relevant legal scholarship. The findings show that the central problem is not the absence of recognition but the incompleteness of implementation: Indonesia lacks comprehensive national standards for adaptive vehicles, disability-responsive driver's license procedures, and inclusive road-safety mechanisms. These gaps produce legal uncertainty, procedural inequality, and capability deprivation by limiting the real freedom of persons with disabilities to drive independently, safely, and with dignity. The article argues that regulatory reform should shift from declaratory recognition toward enforceable technical standards, functional competence-based licensing, and disability-inclusive safety governance.

Keywords: right to drive; persons with disabilities; mobility rights; adaptive vehicles; legal certainty; social justice; capability approach; Indonesia

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INTRODUCTION

Mobility is a precondition for participation in education, work, family life, public services, and civic engagement. For persons with disabilities, mobility is often mediated not only by the availability of transportation infrastructure but also by the legal and technical systems that determine whether they may operate a vehicle independently. In this context, the right to drive should be understood as a concrete expression of the broader right to personal mobility and independent living rather than as a narrow administrative privilege. The Convention on the Rights of Persons with Disabilities (CRPD) requires States Parties to ensure accessibility, personal mobility, reasonable accommodation, and independent living for persons with disabilities (United Nations, 2006). These obligations are closely aligned with the principle that rights are meaningful only when persons can effectively convert them into actual life opportunities.

Indonesia has formally incorporated disability rights into its domestic legal order. The CRPD was ratified through Law No. 19 of 2011, and Law No. 8 of 2016 on Persons

with Disabilities affirms the state's duties to respect, protect, and fulfill accessibility, reasonable accommodation, public-service access, and independent living for persons with disabilities (Republic of Indonesia, 2011, 2016). In the field of road traffic, Law No. 22 of 2009 on Road Traffic and Transportation recognizes driver licensing as a legal requirement for operating motor vehicles and provides a Class D licensing category for persons with disabilities (Republic of Indonesia, 2009). Subsequent police regulations further distinguish Class D and D1 licenses. On paper, therefore, Indonesian law appears to recognize that persons with disabilities may drive.

The practical problem lies in the gap between legal recognition and effective access. Recognition of a Class D or D1 driver's license is insufficient when the legal system does not specify technical standards for adaptive vehicles, does not guarantee accessible and disability-responsive licensing procedures, and does not provide inclusive safety standards for drivers with different functional capacities. Such gaps are not merely technical defects. They determine whether a formally recognized right can be exercised in real life. When persons with disabilities must modify vehicles without nationally recognized standards, undergo licensing procedures designed for non-disabled applicants, or drive under safety rules that impose obligations without proportionate support, the law produces uncertainty and unequal access.

This article therefore advances the argument that the Indonesian regulatory framework has moved from exclusion toward formal recognition, but it has not yet achieved effective access. The issue is not that the right to drive is entirely absent from Indonesian law; rather, it is under-operationalized. This under-operationalization generates what may be called regulatory incompleteness: the existence of general norms without the technical, procedural, and institutional mechanisms required to make those norms function for the intended rights-holder group. In disability-rights terms, this condition risks converting the right to drive into a symbolic entitlement rather than a practical mobility right.

The study makes three contributions. First, it reframes driving for persons with disabilities as part of mobility justice and independent living, thereby moving beyond the narrower administrative focus of driver's license issuance. Second, it links regulatory gaps in adaptive vehicles, licensing procedures, and road safety with legal certainty, showing that unclear or incomplete norms expose persons with disabilities to inconsistent administrative treatment. Third, it applies Sen's distinction between institutional justice and realized justice to explain why formal recognition without conversion factors results in capability deprivation (Sen, 2009).

Against this background, the article addresses three questions: (1) how does Indonesian law formally recognize the driving rights of persons with disabilities; (2) what regulatory gaps prevent that recognition from becoming effective access; and (3) how do these gaps affect social justice and legal certainty?

Literature Review and Conceptual Framework

1. Disability, mobility, and the shift from access to effective participation

Contemporary disability law is grounded in a rights-based model that views disability not solely as an individual impairment but as the interaction between impairments and environmental, attitudinal, institutional, and legal barriers. The CRPD embodies this shift by requiring States Parties to remove barriers and provide reasonable accommodation so that persons with disabilities can participate equally in society (United Nations, 2006). In mobility contexts, this means that legal systems must evaluate not only whether a right is formally recognized but also whether the surrounding infrastructure, administrative procedures, and safety systems enable persons with disabilities to exercise that right.

International literature increasingly treats mobility as a condition for social inclusion. Jo (2024), for example, shows that struggles over mobility rights are not merely transportation disputes but claims to recognition, accessibility, and equal citizenship. Kim et al. (2024) similarly demonstrate that disability is associated with differentiated patterns of social participation, and that participation outcomes vary by socioeconomic status and type of activity. These findings support the proposition that barriers to mobility can produce broader social consequences, including dependence, reduced employment access, restricted education opportunities, and limited participation in public life.

Accessibility research also emphasizes that inclusive design and social justice must be integrated into legal and policy frameworks. Mohapatra et al. (2024) argue that accessibility problems are produced by a complex interaction of institutional agencies, systemic barriers, discriminatory practices, and social attitudes. Although their study concerns public buildings, the same logic applies to driving rights: formal access is inadequate without operational standards, institutional accountability, and participatory design involving persons with disabilities. In transport safety, the safe-system approach also requires policy design to account for human vulnerability and system-level risk, rather than placing responsibility solely on individual road users (World Health Organization, 2023; Ross, 2021).

2. Legal certainty and regulatory completeness

Legal certainty is a foundational requirement of the rule of law. In the Indonesian doctrinal context, legal certainty requires norms to be clear, precise, coherent, and predictable so that legal subjects can understand what is permitted, what is prohibited, what procedures must be followed, and what consequences attach to legal acts (Fadli & Hadi, 2023). Legal certainty is therefore not satisfied merely by the existence of a norm; it depends on the quality of norm formulation and the capacity of the norm to guide conduct in concrete circumstances.

Regulatory incompleteness occurs when a legal system recognizes a right or obligation but does not provide adequate implementing rules. In the context of disability and driving, incompleteness may appear in at least three forms. First, technical incompleteness arises when the law does not define adaptive vehicle standards, modification specifications, certification mechanisms, or safety testing. Second, procedural incompleteness arises when licensing rules do not accommodate the

functional diversity of persons with disabilities. Third, protective incompleteness arises when safety obligations apply equally to all drivers, but the system does not provide proportionate risk mitigation and training for drivers who require adaptive arrangements. These forms of incompleteness produce legal uncertainty because they leave both rights-holders and administrators without clear operational guidance.

3. Social justice, capability, and the distinction between formal and realized rights

Sen's capability approach provides a useful analytical framework for evaluating the gap between formal legal recognition and lived access. Sen (2009) distinguishes between justice as institutional arrangement and justice as realized social outcome. The existence of legal institutions and formal rights is important, but justice must ultimately be assessed by what people are actually able to do and to be. In this sense, a legal entitlement is incomplete if persons cannot convert it into meaningful functioning because of social, economic, technical, or regulatory barriers.

Applied to driving rights, the capability approach shifts the analytical question. The relevant question is not simply whether Indonesian law recognizes Class D or D1 licenses. The more important question is whether persons with disabilities have the real capability to drive safely and lawfully. That capability depends on conversion factors: access to adaptive vehicles, affordable modification services, disability-responsive testing, understandable administrative procedures, and safety standards that recognize diverse functional capacities. If these conversion factors are absent, then legal recognition remains institutional justice without realized justice.

This article uses the capability approach together with legal certainty to assess regulatory adequacy. Legal certainty asks whether norms are clear, predictable, and complete. The capability approach asks whether those norms enable real freedom and participation. Together, these frameworks allow the analysis to move beyond the mere cataloguing of legal instruments toward an evaluation of whether the law works for persons with disabilities in concrete mobility contexts.

METHOD

This study employs normative legal research, also described as doctrinal legal research. The object of analysis is not the statistical behavior of road users but the structure, content, coherence, and implications of legal norms governing the driving rights of persons with disabilities. The study uses three approaches. First, the statutory approach examines Indonesian laws and implementing regulations related to disability rights, driver licensing, vehicle modification, and road safety. Second, the conceptual approach develops an analytical framework based on legal certainty and Sen's capability approach to justice. Third, a comparative-supportive approach is used in a limited manner by drawing on international disability-rights and road-safety literature to clarify what effective mobility access requires.

The legal materials consist of primary, secondary, and tertiary sources. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 19 of 2011 ratifying the CRPD, Law No. 8 of 2016 on Persons with Disabilities, Law No. 22 of 2009 on Road Traffic and Transportation, Government Regulation No. 55 of 2012 on

Vehicles, Government Regulation No. 37 of 2017 on Road Traffic and Transportation Safety, Presidential Regulation No. 1 of 2022 on the National Road Safety Action Plan, National Police Regulation No. 5 of 2021 as amended by National Police Regulation No. 2 of 2023, and Minister of Transportation Regulation No. PM 45 of 2023 on Motor Vehicle Customization. Secondary materials include peer-reviewed articles, books, reports, and doctrinal scholarship on disability rights, legal certainty, mobility justice, and road safety. Tertiary materials include legal dictionaries and official legal databases used to support statutory identification.

The analysis is qualitative and prescriptive. It proceeds in four steps: mapping the formal legal recognition of driving rights; identifying regulatory gaps in adaptive vehicles, licensing procedures, and safety governance; evaluating the implications of those gaps for legal certainty and substantive justice; and formulating normative recommendations. The study does not claim to measure empirical implementation across all Indonesian regions. Instead, it identifies structural legal gaps that require regulatory reform.

RESULTS AND DISCUSSION

1. Formal recognition of the right to drive as a mobility right

Indonesian law contains several layers of formal recognition relevant to the driving rights of persons with disabilities. At the constitutional level, the rule-of-law principle and the social-justice orientation of Pancasila provide a normative foundation for equal protection and substantive welfare. At the international level, Indonesia's ratification of the CRPD through Law No. 19 of 2011 commits the state to ensure accessibility, personal mobility, independent living, and participation in the community (Republic of Indonesia, 2011; United Nations, 2006). At the statutory level, Law No. 8 of 2016 affirms the rights of persons with disabilities to accessibility, reasonable accommodation, public services, and independent living (Republic of Indonesia, 2016).

In road-traffic law, Law No. 22 of 2009 establishes driver licensing as a legal requirement and recognizes a licensing category for persons with disabilities (Republic of Indonesia, 2009). Police regulations subsequently operationalize the classification of Class D and D1 licenses. In addition, Government Regulation No. 55 of 2012 acknowledges special vehicles for persons with disabilities and mandates further regulatory arrangements regarding vehicle requirements (Republic of Indonesia, 2012). These instruments show that the Indonesian legal system has moved away from total exclusion. Persons with disabilities are not categorically denied the legal possibility of driving.

However, formal recognition alone cannot guarantee equal access. The regulatory architecture remains fragmented. Disability-rights norms are framed broadly, traffic norms are framed generally, and vehicle and safety regulations rarely translate disability rights into technical standards. This creates a structural gap between declaratory legal recognition and the operational arrangements required to make the right to drive usable in practice.

Table 1. Formal recognition and operational realization of driving rights

Dimension	Formal recognition	Operational gap	Justice implication
Driver legality	Class D/D1 licenses are recognized in road-traffic and police regulations.	No nationally uniform disability-responsive testing system is clearly established for different functional needs.	Formal legality does not automatically become equal access.
Vehicle suitability	Special vehicles for persons with disabilities are acknowledged in Government Regulation No. 55 of 2012.	No comprehensive national standards specify adaptive vehicle design, modification, certification, and inspection.	The capability to drive depends on private adaptation rather than public legal support.
Safety protection	General road-safety obligations apply to all drivers.	No specific adaptive risk-mitigation, training, or safety-audit framework is provided for drivers with disabilities.	Legal obligations are imposed without proportionate enabling measures.
Mobility independence	Disability law recognizes accessibility, accommodation, and independent living.	Driving regulations do not fully translate these rights into procedures and technical instruments.	The right remains formal unless converted into practical mobility.

2. Regulatory gap I: the absence of comprehensive adaptive vehicle standards

Adaptive vehicle accessibility is the first condition for exercising the right to drive. Before a person with a disability can lawfully and safely drive, the vehicle must be suited to that person’s functional capacity. This may involve modified steering systems, hand controls, pedal adaptations, transfer supports, seating modifications, assistive devices, or other technical arrangements. A legal system that recognizes driving rights but fails to define adaptive vehicle standards leaves the core instrument of mobility unregulated.

Law No. 22 of 2009 regulates motor vehicles, technical roadworthiness, and vehicle operation in general terms. Government Regulation No. 55 of 2012 provides more detailed vehicle rules and recognizes special vehicles for persons with disabilities. The problem is that this recognition has not been followed by a comprehensive technical framework that sets national standards for adaptive vehicles. Minister of Transportation Regulation No. PM 45 of 2023 addresses motor vehicle customization, but its focus is general customization rather than a disability-specific adaptive vehicle regime. It does not establish a detailed system for adaptive modification specifications, assistive-driving devices, certification procedures, inspection protocols, or safety validation for modified vehicles used by persons with disabilities.

This gap creates legal uncertainty at the earliest stage of access. Persons with disabilities may need to modify their vehicles, but they lack clear legal guidance on which modifications are lawful, safe, certifiable, and acceptable for licensing purposes. Workshops and modification providers also lack a uniform national standard to follow. Administrative officials may therefore assess modified vehicles inconsistently. The result is a legal environment in which the burden of adaptation is shifted onto persons with disabilities without an adequate regulatory infrastructure.

From the capability perspective, the absence of adaptive vehicle standards is a conversion-factor failure. The state recognizes the mobility right, but it does not provide

the legal and technical conditions that allow rights-holders to convert that recognition into actual driving capability. From the perspective of legal certainty, the same gap is a norm-quality problem: the law is insufficiently clear and incomplete in defining what counts as a legally acceptable adaptive vehicle.

3. Regulatory gap II: non-adaptive driver's license issuance procedures

The second regulatory gap concerns procedural equality in driver licensing. Article 77 of Law No. 22 of 2009 requires drivers to hold a license corresponding to the vehicle category, while Article 80 recognizes licensing categories, including a category for persons with disabilities. Police Regulation No. 5 of 2021 and its amendment through Police Regulation No. 2 of 2023 regulate the issuance and marking of driver's licenses. These instruments recognize the existence of Class D and D1 licenses, thereby acknowledging that persons with disabilities may be licensed drivers.

The problem is that the licensing procedure remains largely built around general standards that do not fully accommodate disability diversity. Health requirements, written examinations, and practical driving tests are not clearly structured around functional capacity, reasonable accommodation, accessible communication, or the availability of adaptive vehicles during testing. For example, a licensing system may formally accept applicants with disabilities, but if practical tests cannot be taken using appropriate adaptive vehicles, if written tests are not accessible to applicants with sensory disabilities, or if medical assessments do not distinguish between impairment and driving competence, the procedure is formally neutral but substantively exclusionary.

This is a form of indirect discrimination. A rule may appear equal because it applies to all applicants, yet it disadvantages persons with disabilities when it fails to account for their different circumstances. Disability-rights law requires reasonable accommodation, which means that equality is not achieved by identical treatment alone. Equality requires procedures that assess actual competence while removing unnecessary barriers. A disability-responsive licensing system should focus on functional driving capacity, not on generalized assumptions about impairment.

The absence of a nationally uniform disability-responsive licensing mechanism also generates administrative disparity. Access to Class D or D1 licenses may depend on local interpretation, availability of testing equipment, officer understanding, or institutional willingness. Such variability undermines legal certainty. Rights-holders cannot predict the procedures, evidentiary requirements, or accommodations that will be available to them. In practice, some persons with disabilities may be pushed into a dilemma: either forego independent mobility or drive without a valid license because the legal pathway is inaccessible.

4. Regulatory gap III: the absence of disability-inclusive driving safety standards

Driving safety is not only an individual duty; it is also a system responsibility. Article 106 of Law No. 22 of 2009 requires drivers to operate vehicles prudently and with full concentration. Articles 205 to 207 place responsibility on the state to develop road-safety programs. Government Regulation No. 37 of 2017 and Presidential Regulation No. 1 of 2022 further establish national road-safety frameworks. These provisions demonstrate

that Indonesian law recognizes road safety as a public concern and not merely a private matter.

Yet the safety framework remains insufficiently inclusive. Existing safety regulations do not clearly provide disability-specific risk mitigation, adaptive driving training, safety audits for modified vehicles used by persons with disabilities, or guidance for emergency response involving adaptive equipment. General safety rules apply to all drivers, including persons with disabilities, but the system does not provide proportionate institutional support to help them comply with those rules. This is normatively inconsistent: the state imposes universal safety obligations while failing to provide differentiated support for drivers who require adaptive arrangements.

International road-safety discourse increasingly emphasizes the safe-system approach, under which transport systems must be designed to account for human vulnerability and foreseeable risk rather than relying solely on individual compliance (World Health Organization, 2023; Ross, 2021). For persons with disabilities, such an approach requires safety rules that address the interaction between the driver, the adaptive vehicle, road infrastructure, licensing competence, assistive devices, and emergency-response systems. Without this integrated approach, persons with disabilities may face increased safety risks and legal vulnerability.

A disability-inclusive safety framework would not lower safety standards. On the contrary, it would make safety standards more precise and enforceable. It would define the conditions under which adaptive vehicles are safe, establish training modules for adaptive driving, require certification of modifications, and ensure that licensing decisions are based on demonstrated functional competence. Such measures would protect both persons with disabilities and other road users.

Table 2. Main regulatory gaps in Indonesian driving-rights regulation

Regulatory aspect	Current legal basis	Identified gap	Legal implication
Adaptive vehicles	Law No. 22 of 2009; Government Regulation No. 55 of 2012; Minister of Transportation Regulation No. PM 45 of 2023.	No comprehensive disability-specific standards for modifications, assistive devices, testing, certification, and inspection.	Uncertainty about legality and safety of modified/adaptive vehicles.
Driver licensing	Law No. 22 of 2009; National Police Regulation No. 5 of 2021 as amended by No. 2 of 2023.	Procedures are not clearly based on disability-specific accommodation and functional competence assessment.	Procedural inequality, indirect discrimination, and inconsistent administrative access.
Road safety	Law No. 22 of 2009; Government Regulation No. 37 of 2017; Presidential Regulation No. 1 of 2022.	No adaptive risk-mitigation framework, disability-specific safety training, or safety audit for adaptive vehicles.	Legal obligations are imposed without proportionate enabling and protective instruments.

5. Implications for legal certainty

The three regulatory gaps produce a cumulative legal-certainty problem. First, uncertainty arises because persons with disabilities cannot determine in advance which adaptive vehicle modifications are lawful and certifiable. Second, uncertainty arises because licensing procedures may differ in practice across police units, particularly where officers lack clear technical guidance on disability accommodation. Third, uncertainty arises because safety obligations are general but the specific means of compliance for adaptive driving remain undefined.

Under the doctrine of legal certainty, law must guide conduct and protect legal subjects from arbitrary or inconsistent treatment (Fadli & Hadi, 2023). A legal system that recognizes a right but leaves its technical and procedural implementation unclear does not adequately guide either rights-holders or administrators. In this case, persons with disabilities are left without reliable information on how to prepare a vehicle, how to undergo testing, what evidence of competence is required, and what safety measures must be satisfied. Administrative officials, meanwhile, may rely on discretion rather than clear national standards.

This does not mean that discretion is always unlawful. Some discretion is necessary in assessing individual functional capacity. However, discretion must operate within a clear legal framework. Without standards, discretion becomes vulnerable to inconsistency, paternalism, or indirect exclusion. Legal certainty therefore requires the state to issue technical norms that define adaptive vehicle categories, certification procedures, licensing accommodations, functional driving assessments, and safety obligations.

6. Implications for social justice and capability deprivation

From the perspective of social justice, the core issue is the gap between institutional recognition and realized freedom. Sen's capability approach helps explain why formal legal equality is inadequate when conversion factors are missing. Persons with disabilities may formally hold the right to obtain a license, but they may not have the effective capability to use that right if adaptive vehicles are not standardized, tests are inaccessible, and safety supports are absent (Sen, 2009).

This gap reflects the distinction between formal or institutional justice and realized justice. Formal recognition appears in statutes and regulations: the right to accessibility, the right to reasonable accommodation, the recognition of Class D/D1 licenses, and the acknowledgment of special vehicles. Realized justice, however, requires that persons with disabilities can actually drive independently, lawfully, and safely. When this does not occur, the law remains at the level of recognition without substantive effect.

The social consequences are significant. Mobility barriers can restrict access to education, employment, health care, public services, and social participation. International evidence shows that disability and social participation are closely linked, and that participation barriers are shaped by socioeconomic status and institutional conditions (Kim et al., 2024). In mobility-rights struggles, lack of access is not merely inconvenience; it is a limitation on equal citizenship (Jo, 2024). In Indonesia, regulatory incompleteness

may therefore contribute to dependence, reduced autonomy, and exclusion from opportunities that require independent mobility.

Capability deprivation occurs when persons are prevented from achieving valuable functionings that they have reason to value. Independent mobility is one such functioning. The state’s obligation is not necessarily to guarantee that every person drives, but to ensure that persons who are functionally capable of driving have an equal, safe, and legally certain pathway to do so. This requires regulatory conditions that expand rather than restrict capability.

Table 3. Layered implications of regulatory incompleteness

Area of incompleteness	Legal implication	Social implication	Justice implication
No comprehensive adaptive vehicle standards	Uncertainty about lawful modification, certification, and safety compliance.	Persons with disabilities adapt vehicles privately and unevenly, often depending on cost and local availability.	Capability deprivation: real driving capacity depends on private resources rather than equal legal support.
Non-adaptive licensing procedures	Procedural inequality and inconsistent administrative practice across licensing offices.	Barriers to lawful driving may increase dependence on others or informal driving practices.	Inequality of opportunity: formally recognized licensing rights are not equally accessible.
No disability-inclusive safety framework	General safety obligations without proportionate enabling instruments.	Increased safety vulnerability for drivers using adaptive arrangements and for other road users.	Substantive justice remains unrealized because protection and responsibility are not balanced.

7. Toward a more complete regulatory model

The analysis indicates that Indonesian law requires a shift from declaratory recognition to operational implementation. A more complete regulatory model should be built around three interrelated pillars: adaptive vehicle governance, disability-responsive licensing, and inclusive safety governance.

First, adaptive vehicle governance should be established through national technical standards. These standards should define categories of adaptive modifications, minimum safety requirements, testing and inspection procedures, certification mechanisms, responsibilities of workshops or modification providers, and recognition of assistive-driving technologies. Such standards should be developed with participation from persons with disabilities, disability-rights organizations, traffic-safety experts, vehicle engineers, medical rehabilitation specialists, and licensing authorities. Participation is essential because adaptive driving needs vary widely and cannot be adequately captured by a purely top-down regulatory design.

Second, driver licensing should be reoriented toward functional competence and reasonable accommodation. Functional competence means that the decisive question is whether the applicant can drive safely using appropriate adaptive arrangements, not whether the applicant fits a generalized non-disabled testing model. Reasonable

accommodation may include accessible written examinations, sign-language or alternative communication where needed, practical testing using adaptive vehicles, and medical assessment standards that distinguish impairment from actual driving ability. This reform would preserve safety while making the procedure legally fair.

Third, road-safety governance should include disability-specific risk mitigation. This may involve adaptive driving training modules, certified instructors, post-modification safety checks, periodic inspection of adaptive devices, emergency-response guidance for adaptive equipment, and data collection on adaptive driving safety. Road safety should be framed as a shared responsibility between drivers and the state. Persons with disabilities should meet safety obligations, but the state must provide the regulatory instruments that enable compliance.

Finally, inter-agency coordination is essential. The Ministry of Transportation, the National Police, disability-rights institutions, vehicle-testing authorities, local governments, and standards bodies must harmonize their regulatory functions. Without coordination, disability law, vehicle law, licensing law, and road-safety law will continue to operate in separate silos. Harmonization would transform the right to drive from a fragmented recognition into a coherent mobility-rights framework.

Table 4. Proposed regulatory reform agenda

Reform area	Proposed norm	Responsible institutions	Expected outcome
Adaptive vehicles	Issue national standards on adaptive vehicle design, modification, inspection, certification, and assistive devices.	Ministry of Transportation; standards agencies; vehicle-testing authorities; disability organizations.	Legal certainty regarding the legality and safety of adaptive vehicles.
Driver licensing	Adopt disability-responsive licensing rules based on functional competence and reasonable accommodation.	National Police; Ministry of Health; disability-rights institutions; rehabilitation professionals.	Equal and predictable access to Class D/D1 licenses.
Safety governance	Develop adaptive driving training, risk-mitigation protocols, safety audits, and emergency-response guidelines.	National road-safety bodies; National Police; Ministry of Transportation; local governments.	Higher safety protection for drivers with disabilities and other road users.
Institutional harmonization	Create inter-agency coordination mechanisms and participatory rulemaking involving persons with disabilities.	Central and local governments; disability-rights organizations; transport and police authorities.	A coherent framework that links recognition, access, licensing, and safety.

8. Theoretical and Practical Implications

Theoretical implications

Theoretically, this study demonstrates that legal recognition should not be treated as the endpoint of disability-rights analysis. A rights-based legal system must be evaluated through the operational conditions that allow rights to be exercised. By combining legal certainty with the capability approach, the study shows that regulatory incompleteness is both a rule-of-law problem and a social-justice problem. It is a rule-of-

law problem because unclear norms reduce predictability and permit inconsistent administration. It is a social-justice problem because unclear norms restrict real freedom and participation.

The study also contributes to mobility-rights scholarship by identifying private driving as part of disability mobility justice. Discussions of disability and transport often focus on public transportation. While public transport accessibility remains crucial, private driving may be essential in contexts where public transport is insufficiently accessible, geographically limited, or unreliable. A complete mobility-rights framework must therefore consider both public transport accessibility and the legal conditions for adaptive private mobility.

Practical implications

Practically, the findings indicate that reform should not be limited to issuing a general affirmation that persons with disabilities may drive. The most urgent legal tasks are technical and procedural. Policymakers should develop adaptive vehicle standards, ensure the availability of adaptive testing mechanisms, train licensing officers, create functional competence assessment guidelines, and integrate disability-specific safety measures into national road-safety planning.

These reforms should be designed in a participatory manner. Persons with disabilities are not passive beneficiaries of regulation; they are rights-holders and experiential experts. Their involvement is necessary to avoid regulations that appear inclusive but fail to address real driving needs. Participation also enhances legitimacy, effectiveness, and compliance.

9. Limitations and Future Research

This study is limited to normative legal analysis. It does not conduct interviews with licensing officers, persons with disabilities, vehicle-modification providers, or road-safety agencies. It also does not measure regional variation in Class D/D1 licensing practices. Future empirical research should examine how licensing procedures are implemented across provinces, what barriers applicants experience, how adaptive vehicle modifications are currently performed, and how police and transport officials interpret existing rules.

Future research should also compare Indonesia's regulatory framework with jurisdictions that have more developed adaptive driving standards and functional assessment systems. Comparative analysis could help identify regulatory models suitable for Indonesian legal culture, administrative capacity, and road-safety conditions.

CONCLUSION

The regulation of driving rights for persons with disabilities in Indonesia has progressed from non-recognition toward formal recognition. The CRPD, Law No. 8 of 2016, Law No. 22 of 2009, and implementing police regulations acknowledge the rights of persons with disabilities to accessibility, mobility, and driver licensing. However, the principal legal problem lies in the incompleteness of operational regulation. Indonesia does not yet provide a comprehensive national framework for adaptive vehicle standards, disability-responsive licensing procedures, or inclusive road-safety governance.

These gaps have significant consequences. They create legal uncertainty regarding the legality and safety of modified vehicles, procedural inequality in access to driver licensing, and inadequate safety protection for drivers with disabilities. From Sen's capability perspective, they also produce capability deprivation: the formal right to drive cannot be converted into the real freedom to drive independently, safely, and with dignity. From the perspective of legal certainty, the law remains insufficiently clear, predictable, and complete.

The right to drive should therefore be regulated as a mobility right requiring both recognition and implementation. Regulatory reform should include national adaptive vehicle standards, functional competence-based licensing, accessible testing and reasonable accommodation, disability-specific safety training, and inter-agency harmonization. Only through such reforms can Indonesia move from formal recognition to effective access, thereby realizing legal certainty and substantive justice for persons with disabilities.

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