



Copyright © 2024 by the authors. This article is published as an open access article under the terms and conditions of the Creative Commons Attribution 4.0 International License (CC BY 4.0). License URL: <https://creativecommons.org/licenses/by/4.0/>

## *Implementation of Universal Design to Achieve Equality for Persons with Disabilities in Indonesia*

### **Penerapan Desain Universal untuk Mewujudkan Kesetaraan bagi Penyandang Disabilitas di Indonesia**

**Baiq Salma Widiani Sari<sup>1</sup>**

<i>Received:</i> 29-01-2025	<i>Reviewed:</i> 29-01-2025; 04-02-2025	<i>Accepted:</i> 04-02-2025	<i>Published:</i> 04-02-2025
<b>How to cite (in Chicago Manual of Style 17th Ed.):</b> Baiq Salma Widiani Sari "Implementation of Universal Design to Achieve Equality for Persons with Disabilities in Indonesia" <i>Peradaban Hukum Nusantara</i> Volume 1, No 2 (03, December, 2024): 102-121, <a href="https://doi.org/10.62193/37vn1k27">https://doi.org/10.62193/37vn1k27</a>			

#### **Abstract**

*Kesetaraan bagi penyandang disabilitas merupakan bagian dari hak asasi manusia yang harus dijamin oleh negara. Konvensi Hak-Hak Penyandang Disabilitas yang telah diratifikasi oleh Indonesia melalui Undang-Undang Nomor 19 Tahun 2011 menekankan pentingnya penerapan prinsip Desain Universal dalam menciptakan lingkungan yang inklusif bagi penyandang disabilitas. Penelitian ini bertujuan untuk menganalisis sejauh mana prinsip Desain Universal telah diimplementasikan dalam kebijakan dan regulasi di Indonesia. Dengan menggunakan metode yuridis normatif melalui pendekatan perundang-undangan dan konseptual, penelitian ini menelaah berbagai regulasi terkait aksesibilitas dan hak penyandang disabilitas serta membandingkannya dengan standar internasional. Temuan menunjukkan bahwa regulasi di Indonesia masih menempatkan Desain Universal sebagai aspek teknis semata, bukan sebagai bagian dari hak fundamental yang harus dijamin negara. Akibatnya, aksesibilitas bagi penyandang disabilitas di ruang publik, termasuk tempat ibadah, masih belum optimal. Studi ini menegaskan perlunya reformulasi kebijakan yang lebih komprehensif agar Desain Universal diakui sebagai hak asasi manusia dalam sistem hukum Indonesia. Kesimpulannya, tanpa perubahan signifikan dalam regulasi dan kebijakan, implementasi Desain Universal di Indonesia akan tetap bersifat parsial dan tidak sepenuhnya mendukung terwujudnya kesetaraan bagi penyandang disabilitas.*

**Keywords:** *Desain Universal; Hak Penyandang Disabilitas; Konvensi Hak Disabilitas*

#### **Abstract**

Equality for persons with disabilities is part of human rights that must be guaranteed by the state. The Convention on the Rights of Persons with Disabilities, which has been ratified by Indonesia through Law Number 19 of 2011, emphasizes the importance of applying Universal Design principles in creating an inclusive environment for persons

<sup>1</sup> Faculty of Law, Universitas Brawijaya Malang, Indonesia, Email: [baiqsalmabrawijaya@gmail.com](mailto:baiqsalmabrawijaya@gmail.com)

with disabilities. This research aims to analyze the extent to which Universal Design principles have been implemented in policies and regulations in Indonesia. Using a normative juridical method through legislative and conceptual approaches, this research examines various regulations related to accessibility and the rights of persons with disabilities and compares them with international standards. The findings show that regulations in Indonesia still place Universal Design as a mere technical aspect, not as part of the fundamental rights that the state must guarantee. As a result, accessibility for persons with disabilities in public spaces, including places of worship, is still not optimal. This study confirms the need for a more comprehensive policy reformulation so that Universal Design is recognized as a human right in the Indonesian legal system. In conclusion, without significant changes in regulations and policies, the implementation of Universal Design in Indonesia will remain partial and not fully support the realization of equality for persons with disabilities.

**Keywords:** Universal Design; Rights of Persons with Disabilities; Convention on Disability Rights

## Introduction

The principle of Universal Design is a fundamental concept in realizing equality for persons with disabilities in Indonesia. As part of human rights, accessibility for people with disabilities must be guaranteed by the state, as stipulated in the Convention on the Rights of Persons with Disabilities (CRPD) which has been ratified by Indonesia through Law Number 19 of 2011. This principle emphasizes the importance of an inclusive environment for all individuals, including those with physical, sensory, intellectual or other limitations. From a juridical perspective, several national regulations have accommodated this principle, such as in Law No. 8/2016 on Persons with Disabilities.<sup>2</sup> However, its application is still limited and has not fully become part of spatial planning policies and infrastructure development in Indonesia. Sociologically, the limited accessibility in public spaces, including places of worship, shows that there is still structural discrimination that hinders the participation of people with disabilities in social life. From a philosophical point of view, the idea of Universal Design is in line with the concept of equality contained in Pancasila and the 1945 Constitution of the Republic of Indonesia, so the state is obliged to ensure this principle is effectively implemented in development policies and practices.<sup>3</sup>

---

<sup>2</sup> Firdaus Affandi, "Analisis Yuridis Tanggung Jawab Negara Terhadap Penyandang Disabilitas Yang Terlantar," *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 11, no. 2 (2022): 326, <https://doi.org/10.19109/intelektualita.v11i2.11454>.

<sup>3</sup> Jose Arga Sianipar, Puji- Astuti, dan Turtiantoro, , "Analisis Kebijakan Pemerintah Daerah Dalam Pemenuhan Aksesibilitas Penyandang Disabilitas Terhadap Layanan Moda Transportasi Di Dki Jakarta," *Journal of Politic and Government Studies* 11, no. 2 (4 April 2022): 511, <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/33630>.

Several previous studies have discussed aspects of accessibility and the rights of persons with disabilities in various legal and social perspectives. Hastuti, Dkk (2020), Indonesia has ratified the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) in 2011 and passed Law (UU) No. 8 of 2016 concerning Persons with Disabilities. However, to date, people with disabilities continue to be sidelined in the design and implementation of national development. International studies show that some countries have made Universal Design a mandatory standard in their development policies, while in Indonesia, this principle is still treated as a technical guideline without recognition as a fundamental right.<sup>4</sup> Another study, Triana, F. U., & Astuti, R. S. (2022), also revealed that although there are supporting regulations, the absence of strict supervision and sanction mechanisms leads to weak implementation of accessibility policies.<sup>5</sup> The gap analysis in this research lies in the lack of studies that explicitly examine the legal position of Universal Design in the Indonesian legal system, as well as policy reformulation strategies that can strengthen its implementation in legislation. The novelty of this research is the comprehensive approach in analyzing the gap between national policies and international standards, as well as providing policy recommendations so that Universal Design is recognized as part of human rights that must be fulfilled by the state.

This research is urgent because existing regulations have not fully provided effective protection for persons with disabilities. In *ius constituendum*, there is a need for policy reformulation so that Universal Design is not only a technical aspect, but also recognized as a legal norm that has a stronger binding force in the legislative system. In addition, the lack of accessibility for persons with disabilities has the potential to cause broad social impacts, including their limitations in obtaining public services, education, and participation in social and religious life. This imbalance could further exacerbate the discrimination they face, contrary to the principle of the rule of law that guarantees equality for all citizens.<sup>6</sup>

---

<sup>4</sup> Rika Kumala Dewi dkk., *Kendala Mewujudkan Pembangunan Inklusif Penyandang Disabilitas* (Jakarta: The SMERU Research Institute, 2020), 6, [https://smeru.or.id/sites/default/files/publication/wp\\_disabilitas\\_in\\_o.pdf](https://smeru.or.id/sites/default/files/publication/wp_disabilitas_in_o.pdf).

<sup>5</sup> Fitria Ulfa Triana, Retno Sunu Astuti, dan R. Slamet Santoso, "Determinan Implementasi Kebijakan Pemenuhan Hak Ketenagakerjaan Bagi Penyandang Disabilitas di Kota Semarang," *Journal of Public Policy and Management Review* 11, no. 1 (5 Januari 2022): 71, <https://doi.org/10.14710/jppmr.v11i1.32908>.

<sup>6</sup> Muhammad Dahlan dan Syahriza Alkohir Anggoro, "Hak Atas Pekerjaan Bagi Penyandang Disabilitas Di Sektor Publik: Antara Model Disabilitas Sosial Dan Medis," *Undang: Jurnal Hukum* 4, no. 1 (5 Juni 2021): 33, <https://doi.org/10.22437/ujh.4.1.1-48>.

This research focuses on several key legal issues relating to the implementation of Universal Design in the Indonesian legal system. First, this research will examine how Universal Design principles are regulated in the Indonesian legal system, both in terms of the hierarchy of laws and regulations and in the practice of implementation in various sectors, including spatial planning, infrastructure planning, and public accessibility. The study will evaluate whether existing regulations reflect a commitment to equality for persons with disabilities or are limited to technical guidelines that are not legally binding. Secondly, this study will compare national regulations with international standards, specifically with the Convention on the Rights of Persons with Disabilities (CRPD) which has been ratified through Law No. 19/2011, to identify the extent to which national regulations have met global standards.<sup>7</sup> This research will also examine Universal Design implementation practices in several countries that have successfully implemented it effectively as a comparison for Indonesia. Third, this research will identify the main obstacles in the implementation of Universal Design, from juridical, sociological, and technical aspects. Juridical constraints include regulatory disharmony and weak law enforcement mechanisms, while sociological constraints involve the lack of awareness of the public and policy makers about the urgency of Universal Design. From the technical aspect, challenges include limited infrastructure, lack of standardized standards in building planning, and lack of incentives for the private sector to adopt this principle in the construction of public facilities. Fourth, this research will explore policy reformulation strategies so that Universal Design can have a more binding legal force, either through revising existing regulations, strengthening policies at the national and regional levels, or drafting new, more comprehensive legal instruments. This reformulation is expected to encourage a paradigm shift in Indonesian legislation, so that Universal Design is not only understood as a technical aspect of development, but also as part of human rights that must be guaranteed by the state, as mandated in national law and ratified international commitments.

This research aims to analyze the legal position of Universal Design in the national regulatory system, identify gaps between national regulations and international standards, and provide policy recommendations that are more inclusive in ensuring

---

<sup>7</sup> Indonesia, Pemerintah Pusat, “Undang-undang (UU) Nomor 19 Tahun 2011 tentang Pengesahan Convention On The Rights of Persons With Disabilities (Konvensi Mengenai Hak-hak Penyandang Disabilitas),” 2011.

accessibility for persons with disabilities in Indonesia. The conclusions of this research are expected to serve as a basis for policy makers in formulating regulations that are more effective in accommodating the rights of persons with disabilities comprehensively.

In the context of a state of law that upholds the principles of justice and equality, the urgency of implementing Universal Design is not only related to the fulfillment of state obligations towards the human rights of persons with disabilities, but also as a strategic step in building a more equitable inclusive society.<sup>8</sup> The lack of regulations governing this principle in the national legal system shows that concrete steps are still needed in the form of policy reformulation so that Universal Design can be implemented more systematically and effectively. In addition, with challenges from juridical, sociological and technical aspects, regulatory improvements must be carried out thoroughly so that they are not only normative, but can also be implemented in various aspects of development. This research is expected to provide academic and practical contributions, not only in highlighting various problems in the implementation of Universal Design in Indonesia, but also in formulating policy strategies that are more inclusive, effective, and equitable. Thus, through this study, it is hoped that concrete solutions can be found to ensure that every individual, including persons with disabilities, can enjoy equal accessibility as a basic right that must be fulfilled by the state.

## Method

This research is a normative juridical research that focuses on legal analysis of the application of the Universal Design principle in the Indonesian legal system. The approaches used in this research include a statute approach and a conceptual approach.<sup>9</sup> The statutory approach is used to analyze various national regulations related to Universal Design, including Law No. 8/2016 on Persons with Disabilities and Law No. 19/2011 on the Ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The analysis was conducted to assess the extent to which these regulations have accommodated the principles of Universal Design and whether the existing regulations

---

<sup>8</sup> Irman Syahriar, Jamil Bazarah, dan Khairunnisah Khairunnisah, "Keadilan Sosial Di Dalam Negara Hukum Indonesia," *Journal of Knowledge and Collaboration* 1, no. 2 (21 Juni 2024): 29, <https://doi.org/10.59613/wqx8hn76>.

<sup>9</sup> Chant S. R. Ponglabba, "Tinjauan Yuridis Penyertaan Dalam Tindak Pidana Menurut Kuhp," *LEX CRIMEN* 6, no. 6 (8 Agustus 2017): 31, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/16951>.

are in accordance with international standards. Meanwhile, a conceptual approach is used to dig deeper into the concept of Universal Design in a legal context, how this concept has been applied in various countries, and how it is recognized in international legal instruments.

The sources of legal materials in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations as well as legal decisions related to the application of Universal Design principles. Secondary legal materials include various academic journals, books, and legal publications that discuss the principles of Universal Design and accessibility for persons with disabilities from a legal and public policy perspective. Tertiary legal materials include legal encyclopedias, legal dictionaries, and other references that support the analysis in this research.<sup>10</sup>

The technique of collecting legal materials is carried out through literature studies, namely by examining various legal documents, academic literature, and other secondary data relevant to the issues studied. The legal material analysis technique used in this research is content analysis which is logical, systematic and juridical. Logically, this research uses the deductive method, which draws conclusions from general legal norms to be analyzed in the context of specific regulations related to Universal Design in Indonesia. Systematically, the analysis is carried out by connecting various regulations and legal theories that are interrelated, in order to gain a more comprehensive understanding of the suitability of national regulations with international standards. Juridically, this research focuses on positive legal studies by examining applicable regulations, identifying norm disharmony, and providing recommendations for policy reformulation that is more inclusive and legally binding.<sup>11</sup>

The relevance of this method to the research conducted is to provide an in-depth legal analysis of the position of Universal Design in national regulations, identify gaps between national policies and international standards, and offer stronger policy solutions in guaranteeing the rights of persons with disabilities. With this approach, this research is expected to provide academic and practical contributions in strategizing a more progressive and human rights-based legal policy reformulation.

---

<sup>10</sup> Dyah Ochtorina Susanti dan A'an Efendi, *Penelitian Hukum: Legal Research* (Jakarta: Sinar Grafika, 2022), 2.

<sup>11</sup> Muhammad Syahrums, *Pengantar Metodologi Penelitian Hukum: Kajian Penelitian Normatif, Empiris, Penulisan Proposal, Laporan Skripsi dan Tesis* (Riau: CV. Dotplus Publisher, 2022), 12.

## Result and Discussion

The Universal Design Principles are standards that aim to create an inclusive and accessible environment for all individuals, including people with disabilities. In the context of the Indonesian legal system, the implementation of this principle still faces various obstacles, both in terms of regulation and implementation in the field. One of the fundamental problems faced is legal disharmony after the issuance of the Job Creation Law, which abolished Article 27 paragraph (2) of Law Number 28 of 2002 on Building.<sup>12</sup> The article was previously the main reference in standardizing buildings that accommodate accessibility for persons with disabilities. The abolition of this norm has caused legal uncertainty, especially in the application of accessibility standards in various public facilities, including houses of worship.

In line with that, various national regulations governing the rights of persons with disabilities, such as Law No. 8/2016 on Persons with Disabilities,<sup>13</sup> are still not optimally implemented. In practice, many houses of worship do not meet accessibility standards, thus limiting the rights of persons with disabilities to worship independently and equally. The absence of clear and binding standards causes the implementation of accessibility policies to rely heavily on the awareness of place of worship managers and local governments, which is often not a top priority in development planning. This is contrary to the Convention on the Rights of Persons with Disabilities (CRPD), which has been ratified through Law Number 19 of 2011, which requires the state to guarantee accessibility for persons with disabilities in various aspects of life, including places of worship.<sup>14</sup>

The ineffectiveness of the law in ensuring accessibility for persons with disabilities is not only caused by weak regulations, but also by the lack of monitoring mechanisms and sanctions for parties who do not comply with existing provisions. Therefore, the concept of legal reformulation becomes very relevant in this research. Accessibility policy reformulation is needed so that Universal Design standards are not only technical guidelines, but also have strong legal binding power, with clear monitoring mechanisms and sanctions for violating parties. This reformulation does not only involve the revision

---

<sup>12</sup> Indonesia, Pemerintah Pusat, “Undang-undang (UU) Nomor 28 Tahun 2002 tentang Bangunan Gedung,” 2002.

<sup>13</sup> Indonesia, Pemerintah Pusat, “Undang-undang (UU) Nomor 8 Tahun 2016 tentang Penyandang Disabilitas,” 2016.

<sup>14</sup> Luke Meney, “Apa Itu Konvensi Hak-Hak Penyandang Disabilitas?,” 2025, <https://pryakkum.org/hak-disabilitas/22/apa-itu-konvensi-hak-hak-penyandang-disabilitas.html>.

of laws and regulations, but also involves a policy implementation strategy that involves various stakeholders, including the government, managers of places of worship, and organizations of persons with disabilities.

In this research, the analysis is carried out by comparing international and national provisions related to accessibility, and identifying regulatory gaps that cause the implementation of Universal Design principles in Indonesia to remain partial. To answer the first problem formulation, the discussion in this research is divided into several main parts. First, a review of specific provisions in the Convention on the Rights of Persons with Disabilities (CRPD) that are directly related to accessibility. Second, basic arrangements in national regulations that regulate the rights of persons with disabilities, especially in the context of accessibility in houses of worship. Third, an analysis of the lack of regulations based on international standards, as well as the main obstacles in the implementation of accessibility policies for persons with disabilities in Indonesia.

Using a legal hermeneutics approach, this research examines how accessibility norms are interpreted in various existing regulations and how they relate to the prevailing positive law. Through this approach, this research aims to critically examine the effectiveness of existing regulations and propose a more comprehensive policy reformulation to guarantee the rights of persons with disabilities in accessing worship facilities equally.

#### **A. Universal Design in the Convention on the Rights of Persons with Disabilities**

The Convention on the Rights of Persons with Disabilities (CRPD) is an international legal instrument that aims to protect, fulfill and respect the rights of persons with disabilities. Indonesia has ratified the convention through Law No. 19/2011 and therefore has an obligation to adopt the principles in the convention into the national legal system. The CRPD emphasizes that accessibility for persons with disabilities is not only a necessity, but also part of human rights that must be fulfilled by the state.<sup>15</sup>

In the context of national and international law, the relationship between international law and national law is a fundamental aspect in the implementation of a

---

<sup>15</sup> United Nations, "Convention on the Rights of Persons with Disabilities (CRPD) | Division for Inclusive Social Development (DISD)," 2006, <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>.



convention. National law and international law are inseparable, as international law establishes the validity of national law in various aspects. Kelsen stated that "since the international legal order not only requires the national legal order as a necessary complement, but also determines its validity in all respects, international and national law form an inseparable unity".<sup>16</sup> Although international law functions as a global norm, national law remains the basis for concrete implementation in each country.<sup>17</sup> Therefore, after Indonesia ratified the CRPD, every policy related to the rights of persons with disabilities, including in the aspect of accessibility in houses of worship, must refer to the standards set out in the convention. If there are provisions in national law that conflict with the principles of the CRPD, it can be said that there is a norm conflict or legal disharmony.<sup>18</sup>

In the CRPD, there are several basic principles that relate directly to accessibility for persons with disabilities, particularly in the context of Universal Design. Article 2 of the CRPD defines Universal Design as:

"The design of products, environments, programs and services that can be used by all people, as far as possible, without the need for adaptation or special design".<sup>19</sup>

This definition emphasizes that public spaces should be designed to be accessible to all individuals, including people with disabilities, without the need for additional exclusionary interventions.

Furthermore, Article 9 of the CRPD specifically regulates accessibility in various aspects of life, including public spaces and places of worship. This article asserts that the state must ensure that persons with disabilities have full access to the physical environment, transportation, information, and other facilities open to the public. Thus, every regulation relating to buildings, including houses of worship, must refer to the principles of accessibility contained in the CRPD.

At the national level, the abolition of Article 27 paragraph (2) of Law Number 28 of 2002 on Building through the Job Creation Law has created uncertainty in accessibility standards for persons with disabilities. This article was previously the main reference in

---

<sup>16</sup> Hans Kelsen, *General Theory of Law and State* (New York: Routledge, 2017), 5, <https://doi.org/10.4324/9780203790960>.

<sup>17</sup> Charles G. Fenwick, *International Law*, Third Edition (Appleton-Century-Crofts, 1948), 40.

<sup>18</sup> Andrew T. Guzman, *How International Law Works: A Rational Choice Theory* (Inggris: Oxford University Press, 2010), 62.

<sup>19</sup> United Nations, "Convention on the Rights of Persons with Disabilities (CRPD) | Division for Inclusive Social Development (DISD)."

setting disability-friendly building standards. As a result of its removal, there is no longer an explicit norm in national legislation that binds the manager of houses of worship to implement Universal Design. This is contrary to Indonesia's obligations in the CRPD which requires the state to guarantee accessibility in all aspects of life.<sup>20</sup>

In addition, the approach to the rights of persons with disabilities in the CRPD has evolved from a charity-based approach to a rights-based approach. The old paradigm that sees persons with disabilities as a group that needs to be pitied has shifted to a paradigm that places them as legal subjects who have full rights to participate in society. In this context, the Universal Design serves not only as a technical guideline, but also as a legal mechanism that guarantees substantive equality for persons with disabilities in various aspects of life, including in religious activities.<sup>21</sup>

To clarify the implementation of Universal Design, North Carolina State University developed seven key principles that standardize the design of inclusive environments:<sup>22</sup>

1. Fair use - designs that can be used by everyone, including people with disabilities.
2. Flexibility in use - the design should be able to accommodate various user preferences.
3. Simple and intuitive use - the design should be easy to understand without requiring specialized experience or knowledge.
4. Comprehensible information - the design should communicate information that is clear and easily understood by all users.
5. Tolerance to error - the design should minimize the risk of harm and negative consequences due to user error.
6. Low physical effort - the design should be able to be used comfortably and efficiently.
7. Appropriate size and space for accessibility - the design should provide enough space for users with various body sizes and mobility limitations.

---

<sup>20</sup> Randy Harfian Hamid, "Hak Aksesibilitas Bagi Penyandang Disabilitas Di Rumah Ibadah Dalam Tinjauan Pelayanan Publik Yang Inklusif:(Studi Kasus Pelayanan Aksesibilitas Bagi Disabilitas Di Masjid Raya Sumatera Barat)," *Ekasakti Jurnal Penelitian Dan Pengabdian* 1, no. 1 (22 November 2020): 192, <https://doi.org/10.31933/ejpp.viii.216>.

<sup>21</sup> Fajri Nursyamsi, *Kerangka hukum disabilitas di Indonesia: menuju Indonesia ramah disabilitas* (Jakarta: Pusat Studi Hukum dan Kebijakan, 2015), 71.

<sup>22</sup> Raymond Lang dkk., "Implementing the United Nations Convention on the rights of persons with disabilities: principles, implications, practice and limitations," *Alter* 5, no. 3 (1 Juli 2011): 208, <https://doi.org/10.1016/j.alter.2011.02.004>.

This concept is very relevant to the conditions in Indonesia, considering that many places of worship still do not apply the principles of accessibility optimally. A study conducted by Hamid (2020) shows that most places of worship in Indonesia are still not disability-friendly, due to the lack of infrastructure that supports accessibility, such as special wheelchair paths, braille information boards, or sound systems that support deaf people.<sup>23</sup> This shows that policies that regulate Universal Design standards in places of worship are still not effective and need to be reformulated to comply with international standards.

Thus, the implementation of Universal Design in the Indonesian legal system still faces various challenges, both in terms of regulation and implementation. Policy reformulation that is more inclusive and based on CRPD standards is a strategic step in guaranteeing the right of persons with disabilities to worship equally. The state has an obligation to ensure that accessibility for persons with disabilities in houses of worship is not just a technical recommendation, but a human right guaranteed by national and international law.

**B. Accessibility and Universal Principles in Indonesian Regulations**

As the legal issue raised earlier is about the reformulation of accessibility for persons with disabilities in worship spaces, then in this case the researcher seeks to inventory various regulatory provisions ranging from the statutory level to the technical level, this is done thoroughly considering that one regulation is interrelated with other regulations, and the meaning of reformulation also includes various types of regulations that need to be changed if necessary.

Specifically, regarding building regulations and regulations related to space for persons with disabilities in worship spaces, several related regulations were found, including the following:

LAWS AND REGULATIONS		
Constitution	Article voice	Identification Result
Law No. 8/2016 on Persons with Disabilities	<ul style="list-style-type: none"><li>Article 2 The implementation and fulfillment of the rights of persons with disabilities is based on (h) accessibility</li><li>Article 14 Religious rights for Persons with Disabilities include the right to obtain easy access in utilizing places of worship.</li></ul>	Does not govern Universal Design

<sup>23</sup> Hamid, “Hak Aksesibilitas Bagi Penyandang Disabilitas Di Rumah Ibadah Dalam Tinjauan Pelayanan Publik Yang Inklusif,” 194.

	<ul style="list-style-type: none"> <li>• Article 18 Accessibility Rights for Persons with Disabilities include the following rights:               <ol style="list-style-type: none"> <li>a. obtain accessibility to utilize public facilities; and</li> <li>b. obtaining Appropriate Accommodation as a form of Accessibility for individuals.</li> </ol> </li> <li>• Article 75 (2) The Government and Regional Governments shall guarantee the rights and opportunities of Persons with Disabilities to vote and to be elected.</li> <li>• Article 81 The Government and Regional Governments are obliged to provide holy books and other religious literature that are easily accessible in accordance with the needs of Persons with Disabilities.</li> <li>• Article 82 The Government and Regional Governments strive for the availability of sign language interpreters in worship activities.</li> <li>• Article 98 (2) Building that is easily accessible to Persons with Disabilities as referred to in paragraph (1) must be equipped with facilities and accessibility by considering the needs, function, area, and height of the building in accordance with the provisions of laws and regulations legislation</li> </ul>	
Law No. 28 of 2002 on building	<p>Article 27 paragraph (2)</p> <ul style="list-style-type: none"> <li>• Ease of connection to, from, and within the building as referred to in paragraph (1) includes the availability of facilities and accessibility that are easy, safe, and comfortable, including for people with disabilities and the elderly.</li> </ul>	Removed in the Job Creation Law (Does not regulate Universal Design)

**Source:** Analyzed from primary sources and related regulations, Law No. 8 of 2016 on Persons with Disabilities, UUNo. 28 of 2002 on buildings.

As the results of the identification of various types of legislation that refer to special rooms for persons with disabilities are only found in technical regulations not at the level of the law, as stated in the CRPD, namely Universal Design including in houses of worship. As it is known that the CRPD target group for the Universal Design strategy is

disability from both academic and political concepts,<sup>24</sup> so it is important for Indonesia to start reviewing Universal Design from conceptual arrangements to technical arrangements.

### C. Hermeneutic Study of Accessibility Rules and Universal Design Principles

This sub-section is the result of a study on the suitability of accessibility for persons with disabilities in houses of worship, which in essence Indonesia is in accordance with what is outlined in the normative provisions in the Convention on the Rights of Persons with Disabilities or CRPD. It is evident that Indonesia is committed to building disability-friendly public spaces. However, researchers will still examine it holistically using a hermeneutic approach, which serves to see the contents of the law holistically, thoroughly and the relationship of one rule with another.

On the other hand, in relation to issues, especially legal issues, hermeneutics has an important role. Jazim Hamidi asserts that hermeneutics has an important role for the formation of laws and policy regulations which at the stage of formation are full of interpretive activities.<sup>25</sup>

Policy regulations that are loaded with interpretive activities are also included in the rules, this indicates that in the context of rule formation they are loaded with legal hermeneutics or legal interpretation activities. In understanding the problems that exist in law, various problems can be categorized that complement the legal text, these problems can be in the form of philosophical problems, sociological problems and juridical problems, theoretical problems and functional problems and legal political problems,<sup>26</sup> all of which can be analyzed using a hermeneutic approach.

Schleiermacher posited hermeneutics as the art of understanding which implies a process of uncovering language, texts and symbols.<sup>27</sup> Furthermore, Schleiermacher also linked hermeneutics with text and context. This means that in understanding the text, context cannot be ignored. According to Schleiermacher, in understanding problems, especially legal problems, the interpretation carried out is to interpret problematic legal

---

<sup>24</sup> Kristjana Kristiansen, Simo Vehmas, dan Tom Shakespeare, *Arguing about Disability: Philosophical Perspectives* (Canada: Routledge, 2008), 27.

<sup>25</sup> Jazim Hamidi, *Hermeneutika Hukum: Sejarah, Filsafat, & Metode Tafsir* (Malang: Universitas Brawijaya Press, 2011), 8.

<sup>26</sup> anak agung istri ari atu dewi, "Urgensi Penggunaan Hermeneutika Hukum Dalam Memahami Problem Pembentukan Peraturan Daerah," *Jurnal Harian Regional*, 21 Juni 2018, 162, <https://jurnal.harianregional.com/kerthapatrika/full-39986>.

<sup>27</sup>F. Budi Hardiman, *Seni Memahami, Hermeneutik dari Schleiermacher sampai Derrida* (Depok: PT Kanisius, 2015), 67.

texts by looking at the context. Furthermore, Schleimacher's idea also emphasizes that the hermeneutic circle also needs to be understood and used in understanding the problem. Schleiermacher's hermeneutic circle can be understood as a dialectical relationship between parts and the whole text and vice versa. This idea can be understood that in dissecting a problem based on legal hermeneutics, the problem cannot be understood in isolation but must be analyzed for the relationships between the parts in the overall circle of understanding. In understanding the problem based on Schleiermacher's thought, the influential interpretations are psychological interpretation and grammatical interpretation. Psychological interpretation places the content of the author's mind, while grammatical interpretation places the linguistic elements of the text.

Furthermore, the researcher tends to use hermeneutics which is very influential in understanding the problem from Ricoeur which places it on revealing the meaning hidden behind the text. Furthermore, Ricoeur emphasizes that in revealing the meaning in the text, an element of methodology is required. Ricoeur calls it a circular path to understanding the text. The circular path to understanding the text can be taken by the interpreter through methodology first to arrive at the same goal, namely understanding its ontological meaning. In addition to understanding, Ricoeur also interprets hermeneutics as an activity of explaining. Ricoeur emphasizes that there is a difference between understanding and explaining. Understanding emphasizes interpretation, while explaining emphasizes reflection or analysis. To see a comprehensive understanding, a text is open to explanation. Any understanding of a text must be complemented by the activities of understanding and explaining. Every understanding of a text must be complemented with the activity of explaining so that a critical understanding is produced. Thus, it can be said based on Ricoeur's idea that in understanding the problem, hermeneutics can be done through hermeneutic activities that begin with methodology, then proceed with understanding and explaining activities to find out the meaning behind it and then the meaning can be reconstructed.

Universal Design as far as the researcher observes is a construction concept that is designed for everyone and strives not to require excessive adaptation and as much as possible no special treatment. In addition, Universal Design in the Convention on the Rights of Persons with Disabilities (CRPD) is included in a word that is defined and placed as a value with a normative position in the classification of the objectives of the

convention. In addition, this is an agreement various CRPD member states that also has a strong value on conditions.

As American legal researcher Aimi Hamraie states, Universal Design has the main objectives, first, to provide a more critical and historical view of accessibility and Universal design, second to conceptualize a historical project of knowing and making access through critical, racial, and feminist perspectives, third to outline how shifting figures of users, especially disabled users, have shaped the material justification and practice of Universal Design today.<sup>28</sup> It is evident that Universal Design has not only aesthetic value but also an implicit human rights value that transcends all aesthetic values of buildings.

The pioneers of the CRPD also looked at the socio-political situation in the 19th century which led to the recognition of pure human rights and as a consequence, the principle of equality was upheld. The long history of ratification of the Convention on the Rights of Persons with Disabilities can be said to be a historical peak for people with disabilities demanding equality, especially equality in buildings and other public spaces. Hundreds of physically disabled and visually impaired people protested up the steps of the United States Capitol by abandoning their wheelchairs and crutches and crawling up and framed by the building's stairs, the bodies clearly not fitting; unexpected, inappropriate and time-consuming.<sup>29</sup> They called the event "Capital Crawl" to protest against the urgent passage of disability rights legislation.

The results of research related to the Regulation of the Minister of Public Works and Public Housing of the Republic of Indonesia Number 14/PRT/M/2017 concerning Building Requirements can be understood through the hermeneutics of Schleiermacher, Dilthey and Ricoeur that Universal Design contained in the Ministerial Regulation is clearly placed in an inappropriate place, because the Ministerial Regulation is a technical regulation of the Law above it. The concept of Universal Design with its values is more appropriately placed at the level of the law. Moreover, the birth of the concept of Universal Design from a socio-historical perspective put forward by Dilthey is a concept born from the anxiety of people with disabilities about buildings that are not friendly

---

<sup>28</sup> Aimi Hamraie, *Building Access: Universal Design and the Politics of Disability* (United State: U of Minnesota Press, 2017), 17.

<sup>29</sup> Margaret Price, "The Bodymind Problem and the Possibilities of Pain," *Hypatia* 30, no. 1 (Januari 2015): 269, <https://doi.org/10.1111/hypa.12127>.

and show more equality of discriminatory treatment, so there are several complementary problems, including the following:

First: Indonesia has recognized the rights of persons with disabilities, this recognition is contained in Law No. 8/2016 on Persons with Disabilities which essentially embraces the basic rights of persons with disabilities, one of which is easy access to public spaces. However, it has not embraced the concept of Universal Design but is limited to accessibility, this will result in compliance with regulations, including other Building Laws. In essence, accessibility and Universal Design are two different things, following according to Disability, Washington education, that Accessibility is a design process where the needs of people with disabilities are specifically considered while Universal Design is a broad concept specifically developed by The Center for Universal Design at North Carolina State University as the design of products and environments to be used by all people to the maximum extent possible, without requiring adaptation or special design.

This is also reinforced by the results of research by S. Iwarsson & A. Stahl which states that accessibility cannot be equated with Universal Design. According to them, accessibility is a relative concept that implies that accessibility issues must be expressed as a human-environment relationship. In other words, accessibility is the meeting between the functional capacity of a person or group with the design and physical demands of the environment. Concretely, accessibility refers to compliance with official norms and standards, so it is largely objective.<sup>30</sup>

The concept of accessibility has its own concepts and components that must be collected in three stages including:

1. Personal component (functional description of capacities in the target individual or group, based on knowledge of human functioning)
2. Environmental component (description of barriers in the target environment, related to existing norms and standards)
3. Analysis that juxtaposes personal and environmental components (description of accessibility issues) 4.

---

<sup>30</sup> S. Iwarsson dan A. Stahl, "Accessibility, Usability and Universal Design—Positioning and Definition of Concepts Describing Person-Environment Relationships," *Disability and Rehabilitation* 25, no. 2 (1 Januari 2003): 60, <https://doi.org/10.1080/dre.25.2.57.66>.



Universal design is synonymous with "design for all" and is a design approach that incorporates building products and features that can be used by as many people as possible. Universal design is the best approximation of the environmental side for the maximum number possible. Universal Design is very important in changing the attitude of the whole society, emphasizing the aspects of democracy, equality and citizenship, the point is that Universal Design is more indicative of a process than a definite result. (Iwarsson and A. Stahl, 2003) Universal Design is considered a concept that has a positive impact and has its own values including democratic values and human rights perspectives as well as creating equal opportunities for people with disabilities.<sup>31</sup>

Second: Sociological problems, non-compliance with local regulations that result in the implementation of Universal Design being hampered and not comprehensive. This is because Indonesia still only understands the concept of Universal Design only in terms of technical provisions, even though the concept of Universal Design is a concept that is rich in values and the realization of equality in public spaces, especially for people with disabilities. This is evident as far as research conducted by researchers in the period 2018 to 2019, since the enactment of the Regulation of the Minister of Public Works and Housing of the Republic of Indonesia Number 14/PRT/M/2017 concerning Guidelines for the Preparation of Regional Regulations on the Ease of Building (Universal Design) in the Region, no one has cited, reviewed and implemented Universal Design in their respective regions, with the exception of Article 86 of Bandung Regency Regional Regulation Number 14 of 2018 concerning Building, compared to other regions that only cite green building requirements, resulting in the inability to implement Universal Design in accordance with the mandate of the Convention on the Rights of Persons with Disabilities along with data processed by researchers based on Regional Regulations (Perda) in 2018-2019.

## **Conclusion**

The results of this study show that the principle of Universal Design in the Indonesian legal system is still not fully implemented as part of the human rights of persons with disabilities. Although Indonesia has ratified the Convention on the Rights of Persons with Disabilities (CRPD) through Law No. 19/2011, the application of the

---

<sup>31</sup> United Nations, "Convention on the Rights of Persons with Disabilities (CRPD) | Division for Inclusive Social Development (DISD)."

Universal Design concept in national regulations is still limited to technical aspects and has not been recognized as a binding legal norm. One of the main problems found is the misalignment of national regulations with international standards, especially after the abolition of Article 27 paragraph (2) of Law Number 28 of 2002 on Building through the Job Creation Law, which has implications for weak accessibility standards in national legislation. From the results of the study, it was found that the current regulations are still ineffective in ensuring accessibility for persons with disabilities, especially in public spaces and places of worship. The lack of supervision mechanisms and strict sanctions also causes many public buildings to not meet Universal Design standards, so that people with disabilities still face obstacles in accessing various public facilities. This legal uncertainty in the implementation of Universal Design shows the existence of norm conflict in the national legal system, where regulations that should guarantee accessibility for persons with disabilities still contradict the CRPD standards. This study confirms that policy reformulation is needed so that Universal Design principles are not only technical guidelines, but also recognized as human rights that must be fulfilled by the state. This reformulation should include revisions to existing regulations, strengthening monitoring mechanisms and sanctions, as well as increasing stakeholder awareness of the importance of accessibility in infrastructure development. In addition, this research also recommends the establishment of a specialized agency responsible for the supervision, development and implementation of Universal Design so that it can be effectively applied in various sectors. Thus, without significant changes in regulations and policies, the implementation of Universal Design in Indonesia will remain partial and not optimal in supporting equality for people with disabilities. Therefore, the state must take proactive steps in reformulating related policies so that Universal Design principles can truly be integrated into the national legal system and applied in development planning in a more comprehensive and sustainable manner.

## Bibliography

- Affandi, Firdaus. "Analisis Yuridis Tanggung Jawab Negara Terhadap Penyandang Disabilitas Yang Terlantar." *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 11, no. 2 (2022): 323–35. <https://doi.org/10.19109/intelektualita.v11i2.11454>.
- Dahlan, Muhammad, dan Syahriza Alkohir Anggoro. "Hak Atas Pekerjaan Bagi Penyandang Disabilitas Di Sektor Publik: Antara Model Disabilitas Sosial Dan Medis." *Undang: Jurnal Hukum* 4, no. 1 (5 Juni 2021): 1–48. <https://doi.org/10.22437/ujh.4.1.1-48>.
- dewi, anak agung istri ari atu. "Urgensi Penggunaan Hermeneutika Hukum Dalam Memahami Problem Pembentukan Peraturan Daerah." *Jurnal Harian Regional*, 21 Juni 2018. <https://jurnal.harianregional.com/kerthapatrika/full-39986>.
- Dewi, Rika Kumala, Rezanti Putri Pramana, Hariyanti Sadaly, Dhanita Putri Sarahtika, dan Liza Hadiz. *Kendala Mewujudkan Pembangunan Inklusif Penyandang Disabilitas*. Jakarta: The SMERU Research Institute, 2020. [https://smeru.or.id/sites/default/files/publication/wp\\_disabilitas\\_in\\_o.pdf](https://smeru.or.id/sites/default/files/publication/wp_disabilitas_in_o.pdf).
- Fenwick, Charles G. *International Law*. Third Edition. Appleton-Century-Crofts, 1948.
- Guzman, Andrew T. *How International Law Works: A Rational Choice Theory*. Inggris: Oxford University Press, 2010.
- Hamid, Randy Harfian. "Hak Aksesibilitas Bagi Penyandang Disabilitas Di Rumah Ibadah Dalam Tinjauan Pelayanan Publik Yang Inklusif:(Studi Kasus Pelayanan Aksesibilitas Bagi Disabilitas Di Masjid Raya Sumatera Barat)." *Ekasakti Jurnal Penelitian Dan Pengabdian* 1, no. 1 (22 November 2020): 189–96. <https://doi.org/10.31933/ejpp.viii.216>.
- Hamidi, Jazim. *Hermeneutika Hukum: Sejarah, Filsafat, & Metode Tafsir*. Malang: Universitas Brawijaya Press, 2011.
- Hamraie, Aimi. *Building Access: Universal Design and the Politics of Disability*. United State: U of Minnesota Press, 2017.
- Hardiman, F. Budi. *Seni Memahami, Hermeneutik dari Schleiermacher sampai Derrida*. Depok: PT Kanisius, 2015.
- Indonesia, Pemerintah Pusat. "Undang-undang (UU) Nomor 8 Tahun 2016 tentang Penyandang Disabilitas," 2016.
- . "Undang-undang (UU) Nomor 19 Tahun 2011 tentang Pengesahan Convention On The Rights of Persons With Disabilities (Konvensi Mengenai Hak-hak Penyandang Disabilitas)," 2011.
- . "Undang-undang (UU) Nomor 28 Tahun 2002 tentang Bangunan Gedung," 2002.
- Iwarsson, S., dan A. Stahl. "Accessibility, Usability and Universal Design—Positioning and Definition of Concepts Describing Person-Environment Relationships." *Disability and Rehabilitation* 25, no. 2 (1 Januari 2003): 57–66. <https://doi.org/10.1080/dre.25.2.57.66>.
- Kelsen, Hans. *General Theory of Law and State*. New York: Routledge, 2017. <https://doi.org/10.4324/9780203790960>.

- Kristiansen, Kristjana, Simo Vehmas, dan Tom Shakespeare. *Arguing about Disability: Philosophical Perspectives*. Canada: Routledge, 2008.
- Lang, Raymond, Maria Kett, Nora Groce, dan Jean-Francois Trani. "Implementing the United Nations Convention on the rights of persons with disabilities: principles, implications, practice and limitations." *Alter* 5, no. 3 (1 Juli 2011): 206–20. <https://doi.org/10.1016/j.alter.2011.02.004>.
- Luke Meney. "Apa Itu Konvensi Hak-Hak Penyandang Disabilitas?," 2025. <https://pryakkum.org/hak-disabilitas/22/apa-itu-konvensi-hak-hak-penyandang-disabilitas.html>.
- Nursyamsi, Fajri. *Kerangka hukum disabilitas di Indonesia: menuju Indonesia ramah disabilitas*. Jakarta: Pusat Studi Hukum dan Kebijakan, 2015.
- Ponglabba, Chant S. R. "Tinjauan Yuridis Penyertaan Dalam Tindak Pidana Menurut Kuhp." *LEX CRIMEN* 6, no. 6 (8 Agustus 2017): 31–37. <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/16951>.
- Price, Margaret. "The Bodymind Problem and the Possibilities of Pain." *Hypatia* 30, no. 1 (Januari 2015): 268–84. <https://doi.org/10.1111/hypa.12127>.
- Sianipar, Jose Arga, Puji- Astuti, dan Turtiantoro - -. "Analisis Kebijakan Pemerintah Daerah Dalam Pemenuhan Aksesibilitas Penyandang Disabilitas Terhadap Layanan Moda Transportasi Di Dki Jakarta." *Journal of Politic and Government Studies* 11, no. 2 (4 April 2022): 503–20. <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/33630>.
- Susanti, Dyah Ochtorina, dan A'an Efendi. *Penelitian Hukum: Legal Research*. Jakarta: Sinar Grafika, 2022.
- Syahriar, Irman, Jamil Bazarah, dan Khairunnisah Khairunnisah. "Keadilan Sosial Di Dalam Negara Hukum Indonesia." *Journal of Knowledge and Collaboration* 1, no. 2 (21 Juni 2024): 28–38. <https://doi.org/10.59613/wqx8hn76>.
- Syahrum, Muhammad. *Pengantar Metodologi Penelitian Hukum: Kajian Penelitian Normatif, Empiris, Penulisan Proposal, Laporan Skripsi dan Tesis*. Riau: CV. Dotplus Publisher, 2022.
- Triana, Fitria Ulfa, Retno Sunu Astuti, dan R. Slamet Santoso. "Determinan Implementasi Kebijakan Pemenuhan Hak Ketenagakerjaan Bagi Penyandang Disabilitas di Kota Semarang." *Journal of Public Policy and Management Review* 11, no. 1 (5 Januari 2022): 66–82. <https://doi.org/10.14710/jppmr.viii.32908>.
- United Nations. "Convention on the Rights of Persons with Disabilities (CRPD) | Division for Inclusive Social Development (DISD)," 2006. <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>.