



Settings Universal Design Concept as Form Equality for Disabilities in Indonesia

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Abstract

Article this discuss about Principles of Universal Design as is results mandate from Convention Rights Persons Disabilities as well as has ratified by Indonesia in Constitution Number 19 of 2011, with use method study juridical normative, reviewed from various related regulations, p this function for review the extent of Indonesia 's commitment to realizing Disability Friendly based on principles that have arranged in convention rights disabled disability. As for the answer is that Universal Design principles by Indonesia still considered as a complementary in regulation technical mere, p this dotted reject with developments in other countries, because universal design concept is fundamental rights for disability while Indonesia only set it in the rules technical.

Keywords: *Disabilities; Universal Design; Indonesia*

Introduction

The state and law are 2 (elements) that are important for realizing the ideals of a state. What is meant is all the authorities and actions of state apparatus or rulers, solely based on law or in other words regulated by law. (Abdul aziz Hakim, 2011). Likewise, a rule of law is synonymous with the recognition of fundamental human rights, because recognition of human rights is an important element in the implementation of a rule of law and democracy, especially in Indonesia, which is fundamentally explicit mentioned in the 1945 Constitution of the Republic of Indonesia (*KONSTITUSI UUD NRI 1945*, n.d.), especially again indeed Indonesia has seriously wanted to encourage respect, protection and fulfillment of human rights by the state for its citizens, this is a strategic step in forming Indonesia as a democratic legal state (Jimly Asshiddiqie, 2008).

Human rights are universal, lasting, cannot be reduced, limited, hindered, let alone revoked or eliminated by anyone , including the state (Jimly Asshiddiqie, 2008) human rights in all circumstances ,

must be respected protected, and fulfilled not only by the state but all elements of the nation including the government to the community. Thus, respect, protection and fulfillment of human rights for citizens must be guaranteed in regulation the prevailing laws and regulations in Indonesia.

The meaning of citizens in Article 25 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, is citizens as a whole included in it disabled disability. Affirmation regarding who is referred to in this Article is very important because human rights for disabled disability still often neglected, even violated, p this because disability no considered as part of the citizens, even not considered human. (Satya Arianto, 2008)

Persons disability experience obstacle physical, mental, intellectual , or sensory in deep long time interact in the environment social, (Satya Arianto, 2008) so that could obstruct their full and effective participation in society on the basis of equality with citizens in general . (*Seventh United Nations Congress on The Prevention Of Crime and The Treatment of Offenders*, 1985) As part from people Indonesian people and citizens, then disabled disability in a manner constitutional have equal rights and status at the front law and government. Hence the increase role as well as respect, protection, and fulfillment rights and obligations of persons with disabilities disability in development national is very urgent and strategic matters.

In the United States, issue disability is the issue to be focus main as fulfillment pure rights, p this showed no only put disability as object research, but has become a subject taught at various universities. (Dewan Perwakilan Rakyat RI, 2015) Besides it, in North American countries and European countries, issue disability in corridor law already including in field security and welfare for disabled disability (Theresia, 2000).Development it was also responded by various other countries , with policy as well as regulations directing persons with disabilities disability no hope positioned as object law but subject that is not inseparable from Public in a manner general.

What's more, the UN General Assembly has adopted the Regulations United Nations standard on *Standard Rules on the Equalization of opportunities for Persons with Disabilities* (STRE) in 1993, which in essence builds disabled disability and highlight equality (*equality*), In a way specifically, Indonesia has ratify *Convention on the Rights of Persons With Disabilities (CRP)* through Law Number 19 of 2011, this at the same time shows that Indonesia is committed to providing protection and fulfillment right disability rights through formal juridical as a form of respect for people with special needs.

Data from WHO, World Bank and ILO show that moment this amount disabled disability in the world is estimated 15 percent of the world's population or 1 billion people(Kesehatan, 2014), while in Indonesia according to results National Socioeconomic Survey (Susenas) conducted as 6,0008,661 people, from amount the about 1,780,200 people is disabled Netra disabilities, 472,855 people with disabilities disability deaf speech, 402,817 people with disabilities disability grahita/ intellectual, 616,387 people with disabilities disability body , and around 2,401,592 people experience it disability double. (*KONSTITUSI UUD NRI 1945*, n.d.)

Regulation related *Spatial Accessibility* starts from Constitution above to be reference formation Government Regulations and other implementing regulations related to spatial planning and systematics pattern building needs will reformulation *spatial accessibility* specifically for disability the more seen clear When the general rules of spatial planning are regulated separately by not relating to each other, as example of Spatial Planning Law no accommodate the principle of " convenience " for disabilities (disabled disability) as stipulated in the Law on Flats (though no arranged in norm concrete), while the Law on Buildings No _ found The principle of " ease for disabilities (Disabled) however there is norm concrete. Meanwhile, from the material aspect, it is specific about protection and fulfillment for disability

set aside a number of problem, **First:** Change term disability Becomes disabled found in various cluster in the Copyright Law work raises disharmony regulations, **Second:** Elimination Article 27 paragraph (2) of Law Number 28 of 2002 concerning Buildings, which became reference Chapter main for regulation underneath related *standardization* building for convenience disability raises incompleteness norm, **Third,** regulation accessibility is limited only to Settlements and Public Services in Government Regulations, not related to aspects of worship facilities. Based on problem the on so could lifted as the focus of the problem, namely, how is the form of regulation of the concept of universal design principles in Indonesia?

Research Methods

This research is a normative juridical research using a statutory approach, and a conceptual approaches. this research is a normative juridical with a literature approach, namely by studying journals, books, legislation and other documents related to this research. normative law is directly related to the practice of law which involves two main aspects, namely the formation of law and the application of law. this approach views law as synonymous with written norms made and promulgated by official institutions or officials. (Poglabba. C, 2017)

In this study there are 3 (three) legal materials: including primary, secondary and tertiary legal materials. Secondary legal materials are all publications on law that are not official documents (books, dictionaries, journals), while tertiary legal materials are: Big Indonesian Dictionary, dictionary law, encyclopedias and others. The technique of collecting legal materials is by using a literature study model.

The legal material analysis technique used is content analysis (content analysis technique). Analysis is any systematic procedure that is encouraged to examine the content of the information obtained. (Cheng, 2018) this analysis focuses on all the secondary data obtained, after obtain the necessary data, this paper analyzes the data logically, systematically and juridically. logical means that the data collected is analyzed in accordance with the principles of deductive logic, namely drawings conclusions from a general problem to the concrete problems faced. (Lisdiyono, 2017) Systematic means analyzing data with one another that are interconnected and dependent. Furthermore, the data were analyzed juridically, namely starting from the existing regulations and related to the positive law that is currently in effect. (Kruyen & van Genugten, 2017)

Results and Discussion

The discussion of the first formulation of the problem is the researcher's attempt to trace the suitability of existing norms in Indonesian regulations with *international standards*. the purpose of these norms and regulations is the rule of law starting from the level of law to the technical level according to the hierarchy of laws and regulations in Indonesia. The researcher is based on legal regulations that are not harmonious after the issuance of the Job Creation Law, especially the issue of abolishing Article 27 paragraph (2) of Law Number 28 of 2002 concerning Buildings, which is the main Article reference for the regulations below regarding *standardization*.

So that there are several articles in several laws concerning accessibility for persons with physical disabilities, especially regarding Houses of Worship, to be amended and revised from various sides, both in terms of legislation and in terms of (effective) legal functioning. The ineffectiveness of the law as a manifestation of the implementation of the law is not necessarily a mistake in its implementation, therefore the researcher will explore the functioning of accessibility norms, especially in the field of houses of worship, from various angles.

Therefore, the researcher uses the meaning of "reformulation" in the title of this study because reformulation is an action or effort in making changes to something. It is the same as the legal reformulation of a statutory regulation that is used in order to realize dynamic legislation at the time of reformulation so that it requires cooperation between *stakeholders*. *holder* which not only has law enforcement officials in it but also the community. so it can be created law reformulation with the aim of being better and more effective in its application so that it has an impact on public services. (M. Harun, 2016). Meanwhile, according to KBBI (Big Indonesian Dictionary) reformulation / formulating means formulating or compiling in the right form. (*Kamus Besar Bahasa Indonesia*, n.d.). So in the context of this research, it will refer to comprehensive policy reformulation starting from normalization in laws to planning for policy implementation, this is done in order to seek effective policies.

Meanwhile, what is meant by *international standards* refers to the convention on the rights of persons with disabilities agreed on December 13, 2006 by the General Assembly of the United Nations with Resolution 61/606 and open for signature by UN member states on March 30, 2007, which then this convention has been ratified by Indonesia in Law Number 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities, in other words that, everything related to the rights of persons with disabilities, the obligation of the state in fulfilling the rights of persons with disabilities must refer to the rules derived from international conventions.

So in the first problem formulation, the researcher in answering the first problem formulation divides the discussion through several sub-sections, including, firstly, regarding special provisions in international conventions that are directly related to accessibility, secondly, the basic arrangements directly related to the implementation of the rights of persons with disabilities disability especially in houses of worship, and the third is an analysis of the lack of regulation based on the convention on the rights of persons with disabilities. Hermeneutics functions to assist researchers in understanding the text and context in laws so that researchers can more easily understand what is written and contained in statutory norms.

1) Universal Design in the Convention on the Rights of Persons with Disabilities

As already mentioned, the international convention on the rights of persons with disabilities is one of the international agreements which is based on important aspects of fulfilling the rights of persons with disabilities. Indonesia as one of the members of the UN general assembly is automatically obliged to implement the convention within the framework of national law through ratification of laws.

Before getting to the heart of the matter, we will first explain the relationship between international law and national law. this is important, because in various theories that explain this relationship there are still various types of schools of thought which both lead to the sovereignty of each country. In this context, various international conventions, both multilateral and bilateral, are intended to address issues that arise in international relations. Even at a more advanced level, various supra -state organizations have been formed which have become international forums in dealing with various inter-state issues. Then immediately a country is subject to and bound by various legal products produced by international conventions.

Starting from this understanding is consistent with Kelsen 's understanding of legal validity that international law and national law are indeed an inseparable unit, which states that: (Hans Kelsen, 2006)

“Since the international legal order not only requires the national legal orders as a necessary complementation, however also determines their spere of validity in all respect , international and national law form one inseparable whole ”.

In this understanding it is clearly said that there is an implied relationship between international law and national law as a supporting need. Furthermore, Kelsen argues that the scope of validity also participates in the legitimacy basis that the relationship between the two is inseparable, on the basis of Kelsen's argument which states that " *the fact that the state as acting persons are international organs law, or the community constituted by it.*" (Hans Kelsen, 2006), It is clear that the meaning of one unit is that international organs and the international community are established by the state. Furthermore, Fenwick does not use validity as described by Kelsen in positioning national law, (Fenwick, 1962) but remains decomposed in the understanding of national law as a place where international law obtains its perfection. In short, from Kelsen's opinion, according to Kelsen, international law norms are *incomplete norms* and become perfect after being approved by national legal norms. (Hans Kelsen, 2006)

From the description above, it can be concluded that one of the implications is that the provisions of national law related to objects of international agreements must automatically adjust to the provisions of international law that have been agreed upon. (Conf, 2008) In the context of this research, the Convention on the Rights of Persons with Disabilities which has been ratified into law is directly applicable and binds all aspects of other technical provisions. So it can be concluded that there are two important things in the study of *international standards* referred to in this study, first: referring to the substance aspect of the Convention on the Rights of Persons with Disabilities, meaning that countries that have agreed to the convention are obliged to follow the contents of the convention without exception so that, with reasonable limits of reasoning, reasonable meaning of *standard international law* is referring to the convention, secondly, from the aspect of legality, that Indonesia has ratified into Law Number 19 of 2011 concerning the Ratification of the Convention on the Rights of Persons with Disabilities in which every rule concerning human rights (including disability rights) must take into account the existence of the Law this law, but if there are statutory provisions or other technical provisions that are different or contradictory to the convention, it can be said that a *conflict has occurred norms* (*norm conflicts*) or even the law is not harmonious.

CRPD (*Convention on The Rights of Persons*) is a human rights instrument as an effort to respect, fulfill and protect the rights of persons with disabilities in Indonesia (*Development tool and Human Rights instruments*). This convention has the specific objective of promoting, protecting and guaranteeing equal rights and fundamental freedoms for all persons with disabilities, as well as respect for the dignity of persons with disabilities as an integral part (*inherent dignity*). (*Seventh United Nations Congress on The Prevention Of Crime and The Treatment of Offenders*, 1985) One of the differences from other human rights conventions is the broad objectives and the meaning of legal protection for disabilities is not discriminatory. This means that this convention seeks to create an inclusive public space by enjoying human rights with fundamental freedoms that can also be enjoyed by people who are not disabled, but further than that they must enjoy them fully and without discrimination based on disability. With another intention, this convention aims to increase awareness of respect for human dignity and dignity inherent in every human being without exception. (*Seventh United Nations Congress on The Prevention Of Crime and The Treatment of Offenders*, 1985)

Regarding the subject referred to in the CRPD, it does not explicitly mention the meaning of disability, but only covers broadly, namely those who have physical, mental, intellectual or sensory suffering for a long time where interaction with these various barriers can make it difficult for full and effective participation in society. on an equal basis with others. (*Seventh United Nations Congress on The Prevention Of Crime and The Treatment of Offenders*, 1985) In essence, this convention gives people the freedom to determine the concept of " disability " and it will develop according to the socio-economic level of the community. (*Seventh United Nations Congress on The Prevention Of Crime and The Treatment of Offenders*, 1985)

While the provisions stipulated in the CPRD include the following:

- General obligations
- Equality and non-discrimination
- Women and children with disabilities
- Awareness raising
- **Accessibility**
- Right to life
- Risky situations and humanitarian emergencies
- Personal mobility/mobility assistive devices rights
- Health Rights
- Education Rights
- The right to work and employment opportunities
- Recreation and Sport Rights
- Equal recognition before the law
- Judicial access
- Freedom from torture or from cruel, inhuman or degrading punishment
- Freedom from exploitation, violence and persecution
- Protection of one's integrity
- Freedom of movement and nationality
- Independent living and involvement in society.

It needs to be underlined, there are 2 (two) important points regarding matters relating to accessibility for persons with disabilities, including in Article 2 and Article 9. These two Articles are the main reference regarding the implementation of Laws relating to Buildings and more specifically in Buildings worship. Interestingly, in Article 2 there are principles that must be pursued for every form of public space to follow **universal design patterns as much as possible, as follows:**

" **Universal Design**" means the design of products, environments, programs, program-environments and services that can be used by everyone, to the maximum extent possible without the need for any special adaptations or designs.

“**Universal Design**” cannot exclude assistive devices for special groups of persons with disabilities when they are needed.”

The elaboration of Article 2 shows a new paradigm on how to respect the rights of persons with disabilities, this perspective is influenced by the historical background and the global level of disability issues which have undergone very significant changes. As this change in perspective begins with a medical paradigm which focuses on a person's physical condition, it changes to a social perspective that focuses on social and environmental interactions. The medical point of view sees barriers or limitations in a person's physique, so the point of intervention that must be carried out is the person with a disability. Meanwhile, in the social approach, barriers are always present in patterns of social interaction or conditions in the surrounding environment, so that the point of intervention moves from the physical appearance of a person with a disability to the pattern of interaction in the community or environment around a person with disabilities (Fajri Nursyamsi, 2015).

This point of view continues to reverberate to the point where it influences the perspectives of thinkers and legal policy makers in viewing disability, this condition is called an objective condition in which the disability legal regime increasingly leads to the goal of equality between persons with disabilities and non-disabilities, in other words, legal treatment must be based on the principle of *equality*.

(equality). There are two perspectives that can help purify the perspective of the legal regime on disability issues. Among them are formal equations and substantive equations. The formal approach is based on the treatment of disability issues, but disability is not used as an object but instead looks at equality in treatment. The term difference becomes the justification for different treatment, although in the end it does not lead to equality in the results. For example, educational institutions that are specifically designed for children with disabilities are different from the general ones. Even though this treatment seems different, it does not eliminate the essence (Renu Addlakha dan Saptarshi Mandal, 2009) from equality, namely the right to a proper education. Whereas substantive equality focuses on the legal impact that occurs, in this context, the debate moves from statements about similarities or differences to issues of adverse circumstances.

From the point of view of recognition from the UN agency in 2006 itself, it also emphasizes the same thing but is slightly different, namely emphasizing aspects of partiality and awareness of human rights as a whole, this is evident that disability is often seen as a burden on society, persons with disabilities often receive unfair treatment and in many areas, it is considered a family disgrace. As a result, persons with disabilities are often separated from the general public, thus the United Nations focuses on changing the perspective of people with disabilities using a *charity approach based*) into an approach on the basis of human rights (*right based*). (Soedjito Suparman, 2014)

Until now, a new paradigm has emerged regarding the perspective and efforts to implement the comprehensive CRPD put forward by Raymond Lang, according to him, the *right approach based* has problems in terms of implementation even though the policies are designed to protect disabilities, therefore a new approach used by Raymond Lang is a capability approach in seeing and responding to disability issues. (Theresia, 2000) This approach focuses on “inclusive development” (Raymond Lang, 216 C.E.) that persons with disabilities should be included in every aspect of the development process, which includes involvement at the grassroots, national and international.

The description above shows a dynamic of recognition and protection of persons with disabilities in the world in general and specifically on national issues. It can be underlined that the two views are between *charity based* and *right based* is a development of thinking about disability issues, although this change is still being criticized by various scholars because of the lack of control over policy implementation and only around the emphasis on human rights in a rule, so researchers assume the *right approach based* can be perfect if it is elaborated with a capability approach.

So apart from the debate about the right approach and perspective in solving the disability issue, everything boils down to the implementation of the CRPD. The researcher focuses on the principle of "Universal Design" pioneered by the CRPD, where basically every public space is built with the principle of "Universal Design." This principle contains the principle of *equality*, but it cannot be interpreted as "same" but as a maximum effort in realizing Universal Design. Universal Design has been developed after it was determined as an alternative by the CRPD, so many legal experts and construction experts developed this idea. As an example of Universal Design developed by Foothold Technology, it defines Universal Design as follows: (*Universal Design*, n.d.)

“Universal designs principles advocate designing inclusive and accessible spaces and products for all people, regardless of physical or cognitive abilities . The universal design philosophy considers the full range of human capabilities to ensure that no one is left out and helps create a more inclusive world.”

Meanwhile according to *disability Studies 101* defines Universal Design as follows:

“Universal designs is a way of designing an environment or product — whether physical, virtual or instructional to ensure ease of use for everyone. Though it's often discussed as a way of

increasing disabilities inclusions and access, we think that if executed correctly, universal design's benefits can extend far beyond the disabled community.” (Universal Design Ualr, n.d.)

Meanwhile, according to the Disability Resource Center, Universal Design is defined as follows:

“A concept that has emerged from the architectural fields and is now being applied in other arenas such as instructions. The term “universal design” was defined by the team of architects, environmental researchers, engineers and product designers who are credited with its origin. They define universal design as “the design of products and environments to be usable by all people, anyway the greatest extents possible, without the need for adaptation or specialized design.”

In terms of meaning, the intent of Universal Design is a building construction effort that can be used by anyone without exception with disabilities so that it does not require excessive adaptation measures. This idea cannot be denied as the initial idea for the development of the CRPD convention, which in essence seeks to be as universal as possible the design of buildings, especially public spaces. So the linkage of this construction idea so that it can be implemented as a whole needs to be supported through adequate legal instruments. It means that Universal Design at the peak of implementation is accepted by all parties, with disabilities and non- disabilities, whereas from a separate regulatory point of view it is necessary to regulate principles or principles that can help realize Universal Design, and this is the duty of the legal function.

North Carolina State University developed Universal Design to the basic principles including 7 (seven) fundamental principles, including the following:

- 1. Equitable use (Fair Use): The Design is Useful and marketable to people with diverse abilities*
- 2. Flexibility in Use (Flexible Usage): The Design accommodates a wide range of individual preference and abilities*
- 3. Simple and Intuitive Use (Simple and Spontaneous): The design's use is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level*
- 4. Perceptible Information (Information that can be understood): the design communicates necessary information effectively to the user , regardless of ambient conditions or the user's sensory abilities*
- 5. tolerance for Error (Tolerance for errors): The design minimize hazards and the adverse consequences of accidental or unintended actions*
- 6. Low Physical Effort (low physical effort): The Design can be used efficiently and comfortably and with a minimum of tired*
- 7. size and space for approach and Use (Size and space for approach and use): The design provides appropriate sizes and spaces for approach, reach, manipulation, and use, regardless of the user's body size, posture, or mobility*

2) Accessibility Provisions and Universal Principles in Indonesian Regulations

As the legal issue that was raised earlier was about reformulation accessibility for persons with disabilities in worship spaces, so in this case the researcher seeks to inventory various regulatory provisions starting from the statutory level to the technical level, this is done thoroughly considering that one rule is related to another, and the meaning of reformulation also includes various types of rules that need to be make changes if needed.

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

Table 1: Regulation convenience for Disabilities in Indonesia

LEGAL REGULATIONS (UU)		
Constitution	Article sound	Identification Results
Law Number 8 of 2016 concerning Persons with Disabilities	<ul style="list-style-type: none"> • Article 2 The implementation and fulfillment of the rights of Persons with Disabilities is based on (h) accessibility • Article 14. Religious rights for Persons with Disabilities include the right to obtain easy access in utilizing places of worship • Article 18 Accessibility Rights for Persons with Disabilities include the following rights: <ol style="list-style-type: none"> a. get Accessibility to take advantage of public facilities; and b. get Decent Accommodation as a form of Accessibility for individuals. • Article 75 (2) The Government and Regional Governments are obliged to guarantee the rights and opportunities for Persons with Disabilities to vote and be elected. • Article 81 The Government and Regional Governments are required to provide easily accessible holy books and other religious literature based on the needs of Persons with Disabilities. • Article 82 The Government and Regional Governments strive for the availability of sign language interpreters in worship activities. • Article 98 (2) Buildings that are easily accessible by 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 regulatory provisions legislation 	Does not regulate Universal Design
Law No. 28 of 2002 concerning buildings	<p>Article 27 paragraph (2)</p> <ul style="list-style-type: none"> • Ease of connection to, from, and inside the building as referred to in paragraph (1) includes the availability of facilities and accessibility that are easy, safe, and comfortable, including for persons with disabilities and the elderly. 	Removed in the Job Creation Law (Does not regulate Universal Design)

As the results of the identification of various types of laws and regulations that refer to a special room for persons with disabilities are only found in technical regulations not at the law level, as stated in the CRPD namely Universal Design including in houses of worship. As it is known that the target group of the CRPD for the Universal Design strategy is disability from both an academic and political concept (Kristiansen, K., S. Vehmas, 2016), so it is important for Indonesia to start studying Universal Design from the concept arrangement to the technical arrangement.

3) Hermeneutical Study of Accessibility rules and Universal Design Principles

sub- section is the result of a study of 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 proven that Indonesia is committed to building disability -friendly public spaces. However, researchers will still examine it holistically using a hermeneutical approach, which functions to look at the contents of the law holistically, as a whole and the interrelationships of rules with one another.

On the other hand, in relation to problems, especially legal problems, hermeneutics has an important role. Jazim Hamidi emphasized 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. (Jazim Hamidi, 2016)

Policy regulations that are loaded with interpretation activities also include rules, this indicates that in the context of rule formation it is loaded with legal hermeneutic activities or legal interpretation. in understanding the problems that exist in law can be categorized as various problems that complement legal texts, these problems can be in the form of philosophical problems, sociological problems and juridical problems, theoretical problems and functional problems and legal political problems, (Anak Agung Istri Ari Atu Dewi, 2017) which everything can be analyzed using a hermeneutic approach .

Schleiermacher put forward hermeneutics as the art of understanding which contains meaning as a process, namely the process of uncovering language, text and symbols. (F. Budi Hardiman, 2016) Furthermore, Schleiermacher also related hermeneutics to text and context. What this means is that in understanding the text the context cannot be ignored. According to Schleiermacher, in understanding problems, especially legal problems, the interpretation that is done is to interpret the problematic legal texts by looking at the context. Furthermore, in Schleiermacher's idea it is also emphasized that in the circle of hermeneutics it also needs to be understood and used in understanding problems. Hermeneutic circle Schleiermacher can be understood as a dialectical relationship between the 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 separately but must be analyzed the relationships between the parts in the circle of understanding as a whole. In understanding the problem based on Schleiermacher 's ideas, the influential interpretations are psychological interpretations and grammatical interpretations. Psychological interpretation places the contents of the author's mind, while grammatical interpretation places the language elements of the text. (F. Budi Hardiman, 2016)

Furthermore, researchers tend to use hermeneutics which is very influential in understanding the problem from Ricoeur which places it on uncovering the meaning hidden behind the text. Furthermore, Ricoeur emphasized that in disclosing the meaning in the text, elements of methodology are needed. Ricoeur calls it a circular path to understand the text. The circular path to understanding the text can be taken by the Interpreter through methodology beforehand to arrive at the same goal, namely understanding its ontological meaning. Apart from understanding, Ricoeur also interprets hermeneutics as an activity of explaining. Ricoeur emphasized that there is a difference in understanding and explaining. Understanding places on interpretation and explaining places on reflecting or analyzing. To see a comprehensive understanding, a text is open to explaining activities. Each understanding of a text must be equipped with understanding and explaining activities. Each understanding of a text must be equipped with explanatory activities so that a critical understanding is produced. Thus, it can be argued based on Ricoeur's idea that in understanding the problem, hermeneutics can be carried out through hermeneutical activities that begin with methodology, then followed by understanding and explaining activities to find out the meaning behind it and then the meaning can be reconstructed.

Universal Design as far as researchers observe is a construction concept that is designed for everyone and strives not to require excessive adaptation and as much as possible no special treatment. Apart from that the Universal Design on the Convention on the Rights of Persons with Disabilities (CRPD) is included in the word that is defined and placed as a value with a normative position in the convention's purpose classification. Besides this, it is an agreement of various CRPD member countries that also hold a strong value on conditions.

As revealed by American legal researcher Aimi Hamraie that, Universal Design has the main objective, firstly, to provide a more critical and historical view of accessibility and Universal design, secondly to conceptualize a historical project to know and make access through critical, racial and feminist perspectives, thirdly to explain in outline how the shift in user figures, particularly disabled users, has shaped the justification and material practice of Universal Design today. (Aimi Hamraie, 2017) It is clear that Universal Design has values not only aesthetic values but implied human rights values that transcend all the aesthetic values of buildings.

The CRPD pioneers also saw the socio-political situation of the 19th century which led to the recognition of human rights purely and consequently, the value upheld was the principle of equality. The long history of ratifying the Convention on the Rights of Persons with Disabilities can be said to be the culmination of history for disabilities who demand equality, especially equality in buildings and other public spaces. Hundreds of hundreds of physically disabled and blind people protested climbing the steps of the United States Capital Building by leaving their wheelchairs and crutches and crawling up and framed by building stairs, those bodies clearly did not fit; unexpected, inappropriate and time-consuming. (Hypatia, 2014) They called the event "Capital Crawl" a protest against the law on disability rights that needs to be ratified immediately.

The results of the study related to the Regulation of the Minister of Public Works and Public Housing of the Republic of Indonesia Number 14/PRT/M/2017 concerning Requirements for Building Facilities can be understood through hermeneutics Schleiermacher, Dilthey and Ricoeur that the Universal Design contained in the Ministerial Regulation is clearly placed in the wrong place, because the Ministerial Regulation is a technical regulation of the Law above it. The concept of Universal Design with values in it is more appropriate to be placed at the level of law. What's more, the birth of the Universal Design concept from a *social-history perspective* put forward by Dilthey is a concept that was born out of the anxiety of persons with disabilities about buildings that are not friendly and show more equality in 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 Number 8 of 2016 concerning Persons with Disabilities which basically adheres to the fundamental rights of persons with disabilities, one of which is easy access to public space. **However, not yet adhering to the concept of Universal Design but limited to accessibility, this will result in regulatory compliance**, including other Building Laws. In essence, accessibility and Universal Design are two different things, followed by Disability, *Washington education*, that Accessibility is a design process in which the needs of persons with disabilities are specifically considered while Universal Design is a broad concept developed specifically by The Center for Universal Design in North Carolina State University as product and environmental design so that it can be used by everyone as much as possible, without requiring special adaptations or designs. (*What Difference Between Accessible Usable and Universal Design*, n.d.)

This is also reinforced by the results of the research by S. Iwarsson & A. Stahl which states that accessibility cannot be equated with Universal Design. According to him accessibility is a relative concept implying that accessibility issues should be expressed as people-environmental relations. In other

words, accessibility is the meeting between a person's or group's functional capacities and the design and physical demands of the environment. Concretely Accessibility refers to adherence to official norms and standards, so they are largely objective in nature. (Iwarsson and A. Stahl, 2003)

The concept of accessibility has its own concepts and components that must be collected in three stages including. (Iwarsson and A. Stahl, 2003)

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

Whereas universal design is synonymous with “design for all” and is an approach to design combining products and building features that can be used by everyone as much as possible. The universal design is the best approximation of the side environment for the maximum possible number of requirements. The Universal Design is very important in changing the attitude of the whole society, emphasizing the aspects of democracy, democracy, equity and citizenship, the point is that the Universal Design shows a process more 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 a human rights perspective and creates equal opportunity for people with disabilities. (*Convention on the Rights of Persons with Disabilities*, 2007)

Second: Sociological problematic, there is non-compliance with regional regulations which results in the implementation of Universal Design not being hampered and not comprehensive. This is due to the fact that Indonesia still only understands the concept of Universal Design only in terms of technical provisions, even though the Universal Design concept is a concept that is rich in value and a manifestation of equality in the public space, especially for people with disabilities. This has been proven as far as research by researchers in the period from 2018 to 2019, since the enactment of the Regulation of the Minister of Public Works and Public Housing of the Republic of Indonesia Number 14/PRT/M/2017 concerning Requirements for Ease of Building Buildings (Universal Design) Regulations in the Regions do not cite, review and implement Universal Design in their respective regions, **with the exception of Article 86 of the Bandung Regency Regional Regulation Number 14 of 2018 concerning Buildings**, compared to other regions which only cite green building requirements, resulting in the inability to apply Universal Design in accordance with the Mandate convention of Rights -The rights of Persons with Disabilities along with data processed by researchers based on Regional Regulations (Perda) for 2018-2019.

Conclusion

Basically deep Indonesian existing rules not yet fully arrange about Regulation draft universal design principles, p this caused because the concept of universal design is not understood as one concept in nature holistic but only technical so there is incompleteness existing norms of rights disabled disabilities in Indonesia especially Relevant laws direct with accessibility of buildings and structures. Moreover, still having problems with obedience head area about Universal Design concept p this caused because Universal Design doesn't placed as rights.

As a suggestion researcher provide some suggestions ie To do reformulation to rights disabled disabilities in general, and in general specifically related laws with buildings and buildings. As well as forming and initiating a special body that oversees, develops as well as help implementation to universal design concept. For academics specifically architects in Indonesia are expected could capable develop universal design concept as form friendly disability.

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