

## **Normative Policy on Local Government Rights With Disabilities Accessibility in The Field of Public**

**Retno Sariwati, Eduardus Marius Bo**

Faculty of Law, University of Merdeka Malang, Indonesia

*Corresponding Author: Retno Sariwati*

---

**Abstract:** Since its inception, the Republic of Indonesia based on Pancasila and the Constitution of the Republic of Indonesia Year 1945 fully respects and upholds human dignity. Respect and protection of human rights as the basic rights that are naturally inherent in human beings contained in our Constitution, the Constitution of the Republic of Indonesia, the bail in the Preamble and its Articles. Therefore, protection and enforcement of human rights, particularly of vulnerable groups, ie persons with disabilities (or often called the disabled or handicapped). The UN Convention on the Rights of Persons with Disabilities, signed by the Government of Indonesia on 30 March 2007 in the preamble (point e) states: Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders Reviews their full and effective participation in society on an equal basis with others. Law Number 19 Year 2011 on Ratification of the Convention On The Rights Of Persons With Disabilities (the UN Convention on the Rights of Persons with Disabilities, signed by the Government of Indonesia on 30 March 2007), and Law No. 4 of 1997 on Persons with Disabilities amended by Law of the Republic of Indonesia Number 8 Year 2016 About Disability, Disability states that have the right to accessibility, both physical and non-physical. Specific Goals to be achieved through this study is to assess the fulfillment of normative policy of accessibility rights of persons with disabilities in government Malang, Malang and Batu. Ultimately generate recommendations normative model (draft Regional Regulation) tentanghak accessibility of persons with disabilities. The issue was whether Policymakers (policy maker) in the government of Malang, Malang and Batu understand the message of accessibility of their rights, and how their understanding of the right to accessibilityphysical and non-physicalpersons with disabilities? How does the government party policy in fulfilling the rights of physical and non-physical accessibility of persons with disabilities in the region? With this method of legal materials research through search, and distributing questionnaires: the Department of Social and Legal Division in three of the government, the result, as follows: 1). Local government is not yet fully understand the rights of physical and non physical accessibility of persons with disabilities because of differences in the interpretation of these rights, 2). Still partial understanding, and better understand as economic rights, health and the right to preserve life, 3). There are no policy that is friendly to people with disabilities 4). Kebijakan LGs still a). partial and charity (on the basis of mercy). b). more emphasis on the fulfillment of certain requirements such as the need wheelchairs, walkers, hearing aids, guidance and skills training for the potential of persons with disabilities, the provision of social assistance, skills, empowerment, motivation, 5). Normative policy of the local government in the context of a non-physical physical accessibility has not appeared accommodate orders of legislation and the Convention on the Rights of Persons with Disabilities, especially regarding the right to accessibility. Needed Normative Policy Local Government to protect and implement the right to physical and non-physical accessibility of persons with disabilities in conformity with the Convention and the Act.

**Keywords:** Physical and Non Physical accessibility, disability, Normative Policy, Disability

---

Date of Submission: 05-12-2018

Date of acceptance: 22-12-2018

---

### **I. INTRODUCTION**

Term<sup>1</sup> **disability** often described as a condition of inability to do anything. So Hornby, AS<sup>2</sup>, Et al.ada party defines "disability" (disability) as "the state of not being Able to do something". Definitions like this creates problems since it confuses the concept of disability and limitations. Someone says "persons with

---

<sup>1</sup>**Term** is the word or words that have a meaning that makes the concept, see: Jan Hendrik Rapar, Introduction to Logic principles of systematic reasoning, Publisher Doubleday, 1995: p. 27; E. Sumaryono defines Termsebagai verbal statement about an idea. Term is sound articulated and serves as a symbol or sign. Term usually is conventional and can be understood as an idea or cluster the ideas expressed in the form of words, see also E. Sumaryono, Basics of Logic, Doubleday, 1999: p. 32.

<sup>2</sup>Hornby, AS, et al. A Learner's Dictionary Of Current English (Oxford University Press.London: Geoffrey Cumberlege, 1948), hlm.330.

disabilities" or "can not afford", is not in itself or not synonymous with someone who is "not Able to do something", because they are still able to do something according to his ability. Therefore, the proper term should be the "limitations". WHO (2002) himself preferred to use in explaining the meaning of disability categories. WHO uses the term Impairment, Disability, A handicap to explain what was then called disabilities.

Indonesia itself was originally used the term "disabled" (see: Law no. 4 of 1997 on Persons with Disabilities), and some use the term "disabled". The term disabilities are formally recognized as a term that replaced the term with disabilities with the ratification of Convention On The Rights Of Persons With Disabilities (the Convention on the Rights of Persons with Disabilities) by **Constitution Number 19 Year 2011 on Ratification of the Convention On The Rights Of Persons With Disabilities.**

**Law of the Republic of Indonesia Number 8 Year 2016 About Disability** Disability defined as any person who has limited physical, intellectual, mental, and / or sensory long periods which in interaction with the environment may experience obstacles and difficulties to participate fully and effectively with other citizens based on equality of rights

For the Republic of Indonesia, attention to the existence of persons with disabilities is not something new. Since Indonesia's independence, the State has launched a presumption in favor of the protection of human rights. State of Indonesia based on Pancasila and the Constitution of the Republic of Indonesia Year 1945 fully respects and upholds human dignity. Human rights as the basic rights that are naturally inherent in human beings, are universal and lasting, protected, respected, and defended by the Republic of Indonesia. So that the protection and promotion of human rights, including vulnerable groups, especially persons with disabilities need to gain the attention of state / government through Normative Policy. What is a normative policy is a legal act of local government in the form of the establishment of regional regulation that is friendly to the accessibility rights of persons with disabilities, especially physical and non-physical accessibility in the public domain. Public sphere is an area that is open to the general public activity.

In an effort to protect, respect, promote and fulfill the rights of persons with disabilities, the Government of Indonesia has established a variety of laws and regulations, including ratifying the Convention on the Rights of Persons with Disabilities (the Convention on the Rights of Persons with Disabilities) on March 30, 2007 in New York.

At the world level, the United Nations produces a Convention, the Convention on the Rights of Persons with Disabilities (the Convention on the Rights of Persons with Disabilities) on March 30, 2007 in New York. The Convention on the Rights of Persons with Disabilities requires States that become parties to the Convention, including Indonesia to respect and uphold the principles of Equality and Non-Discrimination. Important issues which are the principles of the Convention, as follows:

- 1) States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the protection and benefit of the law (*States Parties Recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law*),
- 2) States Parties shall prohibit all discrimination based on disability and guarantee equal legal protection and effective for persons with disabilities against discrimination based on any reason (*States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds*),
- 3) In order to promote equality and eliminate discrimination, States Parties shall take appropriate measures to ensure the availability of accommodation rational (*In order to promote equality and Eliminate discrimination, States Parties shall take all Appropriate steps to Ensure that reasonable accommodation is provided*) (See Article 5).

According to Article 5, paragraph (1) letter "m" Law of the Republic of Indonesia Number 8 Year 2016 About Disability, Disability rights Accessibility. Accessibility rights include the right accessibility to infrastructure: a). building; b). Street; c) settlement; and D). landscaping and cemetery. In addition, the right accessibility to communication and information.

### **Research purposes**

1. Reviewing policies, norms, and program accessibility fulfillment of the rights of persons with disabilities in government Malang, Malang and Batu.
2. Produce recommendations normative model (draft local laws) concerning the rights of persons with disabilities on the physical and non physical accessibility in government Malang, Malang and Batu.

## II. RESEARCH METHODS

### Types of research

This research is a normative or "doctrinal research" with a historical approach, philosophical perspectives, concepts, legislation. This study has the object of study in the form of legal materials, and not in the form of empirical data (field research). Normative research or referred to a study of legal norms (as related to what ought to be) includes a study of legal principles, systematic law and legal history<sup>3</sup>

### Data collection technique

Searches done through the legal materials: (1) search the literature, (2). Search a wide range of legislation, (2). Download material from the Internet. Legal materials collected, arranged systematically, then do the grouping of material in accordance with the problems examined and analyzed by the method of deductive and inductive reasoning as to produce general statements, concepts, models, or principles.

### Data analysis method

The process of data analysis (secondary) / legal materials in this study was conducted in three stages, namely stage re-checking of the data (secondary) / legal materials that have been collected. Rechecking intended to ascertain whether there is data (secondary) / legal materials that are not needed.

Second Stage, is a stage grouping legal material / data (secondary) by providing code to items of legal materials / data. Then the third stage, is analyzing descriptive - qualitative manner categorization data / legal material which is then given a description and commentary for the conclusion in the form of general statements, concepts, models, or principles.

Several approaches will be used in the analysis, namely Approach concept (conceptual approach), Approach legislation (statute approach)<sup>4</sup> And theoretical approaches (theoretical approach)<sup>5</sup>

Approach concept (*conceptual approach*) Aims to understand the concepts related to the "legislative drafting", the concept of rationality, and the concept of "legisprudence" as ways and new approaches in designing legislation. Approach legislation (*Statute approach*) appraises Law Number 23 Year 2016 on Regional Government in order to reflect the principles of formation / legislative drafting properly.

The theoretical approach (theoretical approach) is an approach that is intended as an attempt to discover and explore the theoretical foundations of each of the concepts related to the legislative process is good and right<sup>6</sup>. Approaches above, will be used jointly in the research / study is to produce a "general statement" (conclusion), as well as concepts, models, or new principles could be *ius constituendum*, *iure constituendo* good, fair, true as well as valid and *terhandalkan* (reliable).

## III. DISCUSSION

### Concept of Disability and Persons with Disabilities.

Description of the Disability (Disability) as "the state of not being Able to do something" as stated at the beginning of this article can lead to misinterpretation, as if the disability is a person who can not do something or helpless. Though this group actually has the ability, only in certain limitations.

WHO<sup>7</sup> (2002) use the term Impairment, Disability, A handicap to explain what was then called disabilities.

#### a. *impairment*,

*Impairment is' any loss of abnormality of psychological, physiological, or anatomical structure of function."*

#### b. *Disability*,

*Disability is a "restriction or lack (the resulting from an impairment) of ability to perform an activity in the manner or within the range Considered normal for human being."*

#### c. *A handicap*,

*Handicap is a "disadvantage for a given individual, the resulting from an impairment or disability, that limits or prevents the fulfillment of a role that is normal (Depending on age, sex and social and culture factors) for that individual.*

Robyn Edwards and Karen Fisher<sup>8</sup> outlines the difference between 'impairment' and 'disability' is said, "Impairment Refers to the physical, sensory, psychiatric, intellectual or behavioral conditions people experience" ( "Impairment 'refers to the physical, sensory, psychiatric, intellectual or behavioral experienced people) , It may be present at birth or acquired at any time; they may be sustained or intermittent; and may or

---

<sup>3</sup>Soerjono Soekanto, *Penelitian Hukum Normatif Suatu Tinjauan Singkat* (Jakarta:, PT. Raja Grafindo Persada, 1985), hlm.13-14).

<sup>4</sup>Ibrahim, Johnny. 2007. *Teori & Metodologi Penelitian Hukum Normatif* ( Malang: Bayumedia Publishing) hlm.302-307.

<sup>5</sup>Philipus M. Hadjon, *Penelitian Hukum Normatif* (Fakultas Hukum Universitas Airlangga), tanpa tahun.

<sup>6</sup>Ibid.

<sup>7</sup>WHO, (<http://www.ilo.org/public/english/region>).

<sup>8</sup>Robyn Edwards and Karen Fisher (*Disability Policy – Sources for Evidence* (University of New South Wales, Sydney, 2008), hlm. :2).

may not be the same as undiagnosed medical condition. While the "Disability Refers to the social experience of people as a result of Reviews their impairments (Disability refers to the social experience of people as a result of 'impairment').

On the basis of the above categories, *The World Health Organization (WHO)* defining, People with disabilities as anyone who has physical disorders and / or mental, which can interfere with or constitute obstacles and barriers for him to do it properly. Persons with Disabilities, which consists of:

- a. Persons with physical disabilities;
- b. Persons with mental disabilities;
- c. Persons with physical and mental disabilities

Before the use of the term disability - in the formal and informal conversation in Indonesian - individuals who have certain limitations known by the term disability. Law of the Republic of Indonesia Number 4 of 1997 on Persons with Disabilities states that the definition of disability is any person who has a physical disorder and / or mental, which can interfere with or constitute obstacles and barriers for him to perform properly, comprising: Meeting physical disability; mentally disabled people and people with physical and mental disabilities.

Roll-term changes into persons with disabilities<sup>9</sup> Term changes occur when the United Nations General Assembly (UN) passed Resolution No. A / 61/106 of the Convention on the Rights of Persons with Disabilities<sup>10</sup>(Convention on the Rights of Persons with Disabilities) on December 13, 2006, signed by the Government of the Republic of Indonesia on March 30, 2007 in New York, United States. Three years later, after the signing, on 29 March until 1 April 2010, the Ministry of Social Affairs held a meeting to undertake the preparation of materials ratification of international convention on the rights of those with disabilities.

Changes in these terms occur based on manuscript agreements signed by 30 representatives of various institutions and organizations (ministries of social, labor ministry, KOMNASHAM, disabled persons organizations, NGOs and so on) at a meeting in Singapore on March 31, 2010 (ibid.) , These changes are based on rational considerations, that the use of the word "disabled" connotes a negative connotation: not afford, not perfect, and defects that seems unable to do anything. When in fact the persons with disabilities only have limitations in certain aspects, it is not capable. Thus, the real persons with disabilities are individuals who have limitations that can hinder or limit the activities of life. So, not in the sense of inadequacy.

Arie Purnomosidi<sup>11</sup> from the Faculty of Law of the University of Surakarta suggests a paralyzedn use the term disability as "the disabled during the term is used to describe the figure of Adam's offspring who experience physical disorders and / or mental. Thus the term disabled people is judged to be in line with human rights principles and Me- lowered human dignity ".

While **Law of the Republic of Indonesia Number 8 Year 2016** About Disability, in Article 4 paragraph (1) describe Variety Disability includes:

- a. Physical Disability;
- b. Intellectual Disability;
- c. Mental Disability; and / or
- d. Sensory Disability.

### **Rights of Persons with Disabilities Accessibility**

Disability as a recognition that human beings have the same rights as other human beings, internationally, among others set forth in the Convention On The Rights Of Persons With Disabilities (the Convention on the Rights of Persons with Disabilities).

*Article 9 set Accessibility.*

1. ... *States Parties shall take Appropriate Measures to Ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, Including information and communications technologies and systems, and to other facilities and services open or Provided to the public, both in urban and in rural areas ( ... States Parties shall take appropriate measures to ensure access for persons with disabilities, on an equal basis with others, to the physical environment, transportation, information and communication, including technologies and information and communication systems, and facilities and other services are open or provided to the public, both in urban and in rural areas).*

*Reviews These measures, the which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:*

---

<sup>9</sup>Maria Wirastari, <http://www.kartunet.com/definisi-disabilitas-668/13-1-12>.

<sup>10</sup> Convention on the Rights of Persons with Disabilities (UN, 2006).

<sup>11</sup>Arie Purnomosidi, Konsep Perlindungan Hak Konstitusional Penyandang Disabilitas Di Indonesia, *Jurnal Refleksi Hukum Vol. 1 NO 2* (Fakultas Hukum Universitas Surakarta, 2017.), hlm. 162.

- (A) Buildings, roads, transportation and other indoor and outdoor facilities, Including schools, housing, medical facilities and Workplaces;
- (B) Information, communications and other services, Including electronic services and emergency services (These measures must include the identification and elimination of obstacles and barriers to accessibility, apply to, among others:
  - (A) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
  - (B) Information, communications and other services, including electronic services and emergency services).

**The UN Convention on the Rights of Persons with Disabilities** This was signed by Indonesia on March 30, 2007, states have the right Disability Accessibility.

Article 27 of the UN Convention on the Rights of Persons with Disabilities, states that (d) *Enable persons with disabilities to have effective access to general technical and vocational guidance Programs, placement services and vocational and continuing training* ( "Enable persons with disabilities to have effective access to the program guide to general technical expertise and skill, placement services and expertise, as well as skills training and sustainable").

Article 28 of the Convention regulates the standard of living and social protection Eligible for Persons with Disabilities, among others,

- a. "Ensuring equal access for persons with disabilities to clean water services, and to ensure access to services, devices and other assistance related to disability decent and affordable".
- b. Ensure access for persons with disabilities, especially women with disabilities, girls, and the elderly to social protection programs and poverty reduction programs.
- c. Ensure access for persons with disabilities and their families living in poverty to assistance from the State with disability-related expenses, including training, counseling, financial assistance and respite care;
- d. Ensure access for persons with disabilities to public housing programs;
- e. Ensure equal access for persons with disabilities to retirement benefits and programs.

In Article 11 (1) and (2) of Law no. 4 of 1997 on Persons with Disabilities - subsequently amended by Law of the Republic of Indonesia Number 8 Year 2016 About Disability - explicitly states that the provision of accessibility of physical objects held in public facilities and infrastructure include: (a) the accessibility in public buildings; (B) accessibility on public roads; (C) the accessibility of the landscape and the public cemetery; and (d) the accessibility of public transport.

Furthermore, in Article 11 (2) states that the provision of accessibility in the form of non-physical, including: (a) information services; and (b) special services.

Article 5, paragraph (1) letter "m" stating that the accessibility Disability rights. Whereas Article 18 set the scope of the Right to Accessibility, which includes the right:

- a. Accessibility to utilize public facilities; and
- b. Eligible get accommodation as a form of accessibility for individuals.

Article 19 deals with the Rights of Public Services for Persons with Disabilities which includes the right:

- a. obtain adequate accommodation in the Public Service optimally, fairly, with dignity without discrimination;
- b. advocacy, translation, and the provision of facilities that are easily accessible in the public service without any extra charge.

Article 97 regulates the obligation of the government and local authorities to ensure the fulfillment of the right of accessibility to infrastructure accessible to Persons with Disabilities. Infrastructure that is easily accessible by Disability referred to include:

- a. building;
- b. Street;
- c. settlement; and
- d. landscaping and cemetery. Accessibility on Physical Infrastructure categorized as accessibility in Act no. 4 1997,

In addition, there is a right of accessibility on Communication and Information, referred to as a right Non Physical accessibility.

Article 98 regulates the obligation of the government and local authorities to ensure the fulfillment of the right to accessibility to the Building are easily accessible by Disability. Buildings that are accessible to Persons with Disabilities has the following functions:

- a. occupancy;
- b. religious;
- c. business;
- d. social and cultural rights;

- e. Sports; and
- f. special.

Buildings that are accessible to Persons with Disabilities in question must be equipped with facilities and accessibility by considering the needs, functionality, breadth, and height of the building in accordance with the provisions of the legislation.

### **Local Government Response**

In addition to the mandate of the UN Conventions that have been ratified by the Indonesian Government, the Law of the Republic of Indonesia Number 8 Year 2016 About Disability Disabilitas has expressly require local governments to, (1). include facilities that are easily accessible by Disability as a prerequisite for the construction permit application, (2). conduct audits the availability of facilities for accessibility Disability in every building (Article 99).

The mandate of the same law requires the local government to, (1). providing facilities for walkers are easily accessible by Disability (Article 101). Article 102 requires the local government to, (1). provide a pedestrian crossing that is easily accessible to Persons with Disabilities. Article 103 requires the local government to, (1). Local Governments provide public facilities and landscape environment easily accessible public cemeteries by Disability (2). Parks and cemeteries are accessible as referred to in paragraph (1) is equipped with facilities and Accessibility for Persons with Disabilities.

**Local government**It shall also provide the accessibility of non-physical form of communication and information. Section 122 requires local governments to, (1). recognize, accept, and facilitate communication with Disabilities by using certain way, (2). Communication using certain way done in a way, tools, and other forms that can be reached **corresponding with a choice of Persons with Disabilities** in interaction.

Local Government shall also provide accessibility to information for Persons with Disabilities. Article 123 requires the local government to, (1). ensure access to information for Persons with Disabilities, (2). Access for Persons with Disabilities on information provided in the form of audio and visual.

Government response Malang, Kabupaten Malang and Batu against the mandate of the Convention and the Constitution above vary greatly. By using two perspectives, namely the perspective of understanding, and perspective of government policy, these findings, the following facts.

### **Malang government's response.**

Malang government through the Social Service has to collect data on populations with Disabilities. The result, recorded population numbering 340 people (in Panti 340, outside the orphanage: 600 in Bakti Luhur, YPAC 50). Policy actions or what the city government in respect of the Rights of persons with disabilities accessibility is very dependent on government understanding on the Rights of persons with disabilities accessibility.

### **Comprehension Side**

The study shows a link between the level of understanding on the Rights of the accessibility of persons with disabilities with the policies adopted by the city government. An understanding of the bureaucratic apparatus of Physical accessibility, both listed in the Convention and in the Act, less comprehensive. Understanding thereby resulting in attitudes and normative policy choice or government action against persons with disabilities.

### **Policy Side**

Malang government actually has had Malang City Regional Regulation No. 2 of 2014 on the Protection and Empowerment Penyandang Disabilitas. But the substance of the Regulation Rights of persons with disabilities is very broad accessibility, not specifically the Rights accessibility of persons with disabilities. Moreover, the Regulation has not regulated further with the establishment of its implementing regulations. So that actions / policies pursued by the city government is very limited, such as the following, namely: a). The availability of the accessibility of existing infrastructure but very limited and not maximized, b). Accessibility infrastructure road crossings, pavements, existing only in a few specific points, not all of them, c). Access to the park is already there, though not entirely;

Research conducted by Slamet Thohari<sup>12</sup>, From the Department of Sociology, University of Brawijaya, Malang, Indonesia (*Indonesian Journal of Disability Studies*, 2014: 29) showed di Malang, many public facilities are not accessible for persons with disabilities. By using standardization in the rules that have been treated by the government, especially the regulation of Public Works No. 30 / PRT / M / 2006 Year 2006 on Technical Guidelines Facilities and Accessibility in Buildings and Environment shows that there are no public

---

<sup>12</sup>Thohari, Slamet, Pandangan Disabilitas dan Aksesibilitas Fasilitas Publik bagi Penyandang Disabilitas di Kota Malang, (Universitas Brawijaya, *Indonesian Journal of Disability Studies*, 2014), hlm.29.

facilities in the city of Malang is correct -Right accessible in accordance with the standards adopted by the government.

Therefore, the normative policy, Malang City Local Ordinance No. 2 of 2014 on the Protection and Empowerment of Disability Panyandang be revised, dibutuhkan normative policy which accords with the Convention and the Act relating to the physical and non-physical accessibility of persons with disabilities.

Likewise, the city government has not fully understand the rights of Non-Physical accessibility. Thus, the normative policy can not be implemented optimally. Policies regarding physical and non-physical accessibility of persons with disabilities, whatever they are still partial and based on the attitude of charitable purposes only and have not been able to protect and implement the right to physical and non-physical accessibility of persons with disabilities.

### **Government Response Malang**

Malang Regency Government through the Department of Social Welfare have to collect data on populations with Disabilities. The result, recorded Population Disability berjumlah 11.997 people.

### **Comprehension Side.**

The study shows a link between the level of understanding on the Rights of the accessibility of persons with disabilities with the policies adopted by the District government. An understanding of the bureaucratic apparatus of the Physical and Non Physical accessibility, both listed in the Convention and in the Act, less comprehensive. Understanding thereby resulting in attitudes and normative policy choice or government action against persons with disabilities.

The following facts show the level of understanding about the accessibility of government officials Physical and Non-Physical. The fact remains, though the government knew about the accessibility of persons with disabilities, but has not been able to prepare a wide range of physical and non-physical such as transport, mobility, means in public facilities for basic normative policy has not been set. Even understanding the accessibility rights identified with the right to physical access as a means of mobility aid, wheelchairs, walkers, hearing aids, as well as guidance and skills training.

### **Policy Side**

Malang Regency Government has had a Regional Regulation No. 11 Year 2013 on the Implementation of Children's Rights. The basic orientation is the Regulation on Children's Rights, and not related to the rights of persons with disabilities the accessibility of persons with disabilities. Seen that Malang regency government policy is very partial. Accessibility of infrastructure, such as road crossings, pavements, existing but not yet all is not based on a normative policies such as regional regulation or decree. Access in the garden, and in the cemetery also has not been set. Likewise, non-physical accessibility is not set up, such as hearing aids, and support information. Partiality appeared also in terms of policy, the limited scope of the policy pursued with regard to physical and non-physical accessibility of persons with disabilities, which is only in the form of wheelchairs, walkers, hearing aids pickup. Also only in the form of guidance and skills training for persons with disabilities potential, both in the home and outside the home. All charitable activities, and not on the basis of a comprehensive normative policy, and not become a liability to accommodate orders of legislation and the Convention on the Rights of Persons with Disabilities Accessibility. Thus, the District Government requires Normative policy in the form of local regulation that is friendly to Disability in particular in the context of the provision of physical and non-physical accessibility of persons with disabilities.

### **Government response Batu.**

Stone City Government through the Department of Social Welfare have to collect data on populations with Disabilities. The result, recorded Disability Population: 471 adults, children 207.orang.

### **Comprehension side.**

The study shows a link between the level of understanding on the Rights of the accessibility of persons with disabilities with the policies adopted by the city government. An understanding of the bureaucratic apparatus of the Physical and Non Physical accessibility, both listed in the Convention and in the Act, less comprehensive. Understanding thereby resulting in attitude and choice of actions or policies of the State government normative disability.

Understanding of government officials about the Physical and Non Physical accessibility. In general, the bureaucratic apparatus (Social, and Legal Department) understand accessibility, both in the Convention, as well as in the Act, but very limited. Can not even distinguish between the economic rights, social rights, physical and non physical accessibility. Being understanding is evident, for example, permits the establishment of a new building, not provided always feasible for persons with disabilities, have not given attention to the availability of infrastructure in all public facilities, amenities physical access for Persons with Disabilities, is limited, such as

toilet specifically only at City Hall Among Tani. Limited understanding as described above resulted in the policies pursued by the municipality Stone.

#### **Side Policies**

Stone City Government fully basing using Social Ministerial Decree No. 8 Year 2012 on Guidelines for Data Collection and Data Management of Persons with Social Problems, Social Ministerial Decree No. 129 / HUK / 2008 on Minimum Service Standards Social Affairs Provincial and District / Municipal and Regulatory Mayor of Batu No. 24 Year 2018 on the Implementation of Inclusive Education.

All of the above rules none concerning the rights of Physical and Non Physical accessibility for persons with disabilities. Command has not appeared accommodate legislation and the Convention on the Rights of Persons with Disabilities, especially regarding the right to accessibility. Improper understanding about the accessibility rights resulted in policies relating to the right physical and non physical accessibility of persons with disabilities are not appropriate. For example, the provision of social assistance, skills, empowerment, motivation is regarded as non-physical accessibility rights.

Furthermore, the absence of regional regulation on the right to accessibility also resulted in the government's policy on physical access to the City of Disability is not significant and are not yet integrated. Likewise, the accessibility infrastructure road crossings, pavements, have not been prepared, including access to the park, as well as in the funeral has not been set.

Batu current government policy, not only insufficient, but have not paid attention to the accessibility rights of persons with disabilities, both physical and non-physical. That is to say, the policy of the City Government has not completely friendly to persons with disabilities, particularly in the fulfillment of the right to accessibility.

### **IV. CONCLUSION**

Overview factual understanding of normative policy and government in the administration of the above, as follows:

#### **Comprehension side.**

Generally seems there is a difference of understanding and lack of proper understanding of the Rights of Non-Physical Physical Accessibility and Disability. Understanding of government officials is more on economic rights, the right to health, the right to preserve life, and social rights. In addition, still partial understanding, and to better understand as economic rights, health and the right to survival

#### **Side Policies**

In general, local government .Kebijakan still a). partial and charity (on the basis of mercy). b). more emphasis on the fulfillment of certain requirements such as the need wheelchairs, walkers, hearing aids were not designed through a comprehensive normative policies on the basis of the Act, c). policies to provide guidance and skills training for persons with disabilities potential, provision of social assistance, skills, and empowerment, as well as the motivation is regarded as the fulfillment of the right to accessibility, when in fact not so, d). Normative policy of the local government in the context of a non-physical accessibility has not appeared accommodate orders of legislation and the Convention on the Rights of Persons with Disabilities, especially regarding the right to accessibility, e). There are no policy that is friendly to people with disabilities in the enjoyment of the right to accessibility, e). Dibutuhkan Normative Policy Local Government to protect and implement the right to physical and non-physical accessibility of persons with disabilities in conformity with the Convention and the Act. By this we mean that not enough general regulation relating to the protection of persons with disabilities, but need special arrangements relating to the right of accessibility both physical and non-physical for persons with disabilities. Especially in the government who do not regulate the rights of persons with disabilities, especially concerning the right of accessibility. Dibutuhkan Normative Policy Local Government to protect and implement the right to physical and non-physical accessibility of persons with disabilities in conformity with the Convention and the Act. By this we mean that not enough general regulation relating to the protection of persons with disabilities, but need special arrangements relating to the right of accessibility both physical and non-physical for persons with disabilities. Especially in the government who do not regulate the rights of persons with disabilities, especially concerning the right of accessibility. Dibutuhkan Normative Policy Local Government to protect and implement the right to physical and non-physical accessibility of persons with disabilities in conformity with the Convention and the Act. By this we mean that not enough general regulation relating to the protection of persons with disabilities, but need special arrangements relating to the right of accessibility both physical and non-physical for persons with disabilities. Especially in the government who do not regulate the rights of persons with disabilities, especially concerning the right of accessibility. but need special arrangements relating to the right of accessibility both physical and non-physical for persons with disabilities. Especially in the government who do not regulate the rights of

persons with disabilities, especially concerning the right of accessibility. but need special arrangements relating to the right of accessibility both physical and non-physical for persons with disabilities. Especially in the government who do not regulate the rights of persons with disabilities, especially concerning the right of accessibility.

#### REFERENCES

- [1] Bruggink ,JJ, dalam Bernard Arief Sidharta, *Refleksi Tentang Hukum*, Citra Aditiya Bakti, Bandung, 1999..
- [2] *Convention on the Rights of Persons with Disabilities*, 2006.
- [3] Departemen Pendidikan Dan Kebudayaan. 1989. Kamus Besar Bahasa Indonesia, Balai Pustaka.
- [4] Edwards, Robyn and Karen Fisher, *Disability Policy – Sources for Evidence*, SPRC Report 15/08, , Social Policy Research Centre, University of New South Wales, Sydney, . 2008.
- [5] Hadjon M. Philipus, Penelitian Hukum Normatif (Fakultas Hukum Universitas Airlangga), tanpa tahun.
- [6] Hornby, A.S, et all. 1948. *A Learner's Dictionary Of Current English*, Oxford University Press.London: Geoffrey Cumberlege. H.330.
- [7] Ibrahim, Johnny, *Teori & Metodologi Penelitian Hukum Normatif* ( Malang: Bayumedia Publishing), 2007.
- [8] Konvensi PBB mengenai Hak-hak Penyandang Disabilitas yang ditanda tangani oleh Pemerintah Indonesia pada tanggal 30 Maret 2007.
- [9] Maria Wirastari,<http://www.kartunet.com/definisi-disabilitas-668/13-1-12>.
- [10] Markus, S., *Indonesia Country Report*. UN-ESCAP Workshop on Regional Follow-up to the Fifth Session and Preparation Session of the Ad Hoc Committee on an International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, Bangkok, 26-27 July, 2005.
- [11] Purnomosidi, Arie, Konsep Perlindungan Hak Konstitusional Penyandang Disabilitas Di Indonesia, *Jurnal Refleksi Hukum Vol 1 NO 2*, UNS, Surakarta, 2017.
- [12] Soekanto, Soerjono, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta., PT. Raja Grafindo Persada, 1985.
- [13] Thohari, Slamet, *Indonesian Journal of Disability Studies*, Universitas Brawijaya, 2014.
- [14] *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*.
- [15] Undang-Undang Nomor 19 Tahun 2011 Tentang Pengesahan *Convention On The Rights Of Persons With Disabilities*
- [16] Undang-Undang Nomor 39 Tahun 1999 tentang *Hak Asasi Manusia*.
- [17] Undang-Undang Nomor 4 Tahun 1997 tentang *Penyandang Cacat*.
- [18] Undang-Undang Nomor 8 Tahun 2016 tentang *Penyandang Disabilitas*.

Retno Sariwati. ” Normative Policy on Local Government Rights With Disabilities Accessibility in The Field of Public. ” IOSR Journal of Humanities and Social Science (IOSR- JHSS). vol. 23 no. 12, 2018, pp. 87-95.