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New Regulation on Ease-of-Access Requirement for Buildings

The ease-of-access requirement must be enforced for all buildings and their environments, including individual open spaces, private open spaces and government open spaces.

The Ministry of Public Works and Public Housings (“**Ministry**”) has issued Regulation [No. 14/PRT/M/2017](#) on Ease-of-Access Requirements for Buildings (“**Regulation 14/2017**”), which will serve as a set of guidelines for building organizers as they look to ensure that their buildings and their surrounding environments are accessible by all parties in a safe and comfortable way.¹

Prior to the issuance of Regulation 14/2017, these same matters were regulated under Ministry Regulation [No. 30/PRT/M/2006](#) on Technical Facilities and Accessibility Guidelines for Buildings and Their Surrounding Environments (“**Regulation 30/2006**”).

Regulation 14/2017 addresses several provisions which pertain to the following matters:

1. Principle requirements of building services;
2. Ease-of-access requirements; and
3. Enforcement of ease-of-access requirements.

This edition of Indonesian Legal Brief will confine its discussion to points (2) and (3) above.

¹ Art. 2, Regulation 14/2017.

Ease-of-Access Requirements

All buildings are required to comply with the ease-of-access requirements, which encompass two main elements, as set out in the following table:²

Element	Details
Ease of connection to, from and within buildings³	Building organizers must ensure the availability of: ⁴ <ol style="list-style-type: none"> 1. Horizontal connections between rooms/between buildings through the provision of the following facilities:⁵ doors, pedestrian pathways, interconnecting bridges between rooms/ buildings and so forth. 2. Vertical connection between floors (for multi-storey buildings), through the provision of the following facilities:⁶ stairways, ramps, elevators and so forth. 3. Evacuation facilities, through the provision of the following facilities: exit access, exit discharge and other evacuation support facilities (e.g., assembly points, firefighter's elevator, etc.).⁷
Facilities and infrastructure equipment for building utilization	Facilities and infrastructure comprise of: ⁸ <ol style="list-style-type: none"> 1. Prayer rooms; 2. Dressing rooms; 3. Lactation rooms; 4. Daycare; 5. Video-surveillance systems; and so forth. Note that the design and provision of public building facilities and infrastructure should take the following matters into consideration: 1) Building function; 2) Building area; and 3) The amount of building users and visitors. ⁹

In addition, Regulation 14/2017 also addresses a number of specific additional requirements which should be met by several types of building in order to comply with the additional ease-of-access requirement, as elaborated upon in the table below:¹⁰

² Art. 8, Regulation 14/2017.

³ Art. 9, Regulation 14/2017.

⁴ Art. 9 (2), Regulation 14/2017.

⁵ For a complete list, see Art. 10 (2), Regulation 14/2017.

⁶ For a complete list, see Art. 17 (2), Regulation 14/2017.

⁷ Arts. 24 (1) and 28 (1), Regulation 14/2017. Note that this requirement does not apply to single residential houses and simple terrace houses.

⁸ For a complete list, see Art. 36 (1), Regulation 14/2017.

⁹ Art. 36 (2), Regulation 14/2017.

¹⁰ Section B, Appendix IV to Regulation 14/2017.

Building Type	Additional Requirement
Buildings which are utilized by the public in large numbers (e.g., shopping centers, halls)	Must provide wheelchairs and sitting areas for visitors with disabilities
Banks, post offices and other similar public-service offices	Must provide at least one service desk which complies with the ease-of-access requirement
Hotels, inns and other similar places	Must provide at least one bedroom (per 200 bedrooms) which complies with the ease-of-access requirement
Cinemas, stadiums and other similar places with permanent seating	Must provide at least provide two seats (per 400 seats) which comply with the ease-of-access requirement
Buildings which have a religious function	All building areas must comply with the ease-of-access requirement
Dormitories and similar places	Must provide at least one bedroom (preferably on the ground floor) which complies with the ease-of-access requirement
Restaurants and outdoor dining areas	Must provide at least one dining table (per 10 tables) which complies with the ease-of-access requirement

By way of comparison, Regulation 30/2006 did not set out any comprehensive guidelines which addressed the ease-of-access requirement, as is now the case under Regulation 14/2017.¹¹

Enforcement of the Ease-of-Access Requirement

The ease-of-access requirement must be enforced for all buildings and their environments, including individual open spaces, private open spaces and government open spaces. This enforcement is divided up into two types, namely mandatory and recommended enforcement, based on the following considerations:¹²

1. Building functions and types, covering:¹³
 - a. Residential function (e.g., simple, single residential houses, dormitories);
 - b. Religious function (e.g., mosques, churches);
 - c. Business function (e.g., offices, malls);
 - d. Socio-cultural function (e.g., schools, museums);
 - e. Special function (e.g., nuclear reactors, presidential palaces);
 - f. Composite function (buildings which have more than one function); and
2. Building Classifications.

¹¹ Compare: Arts. 8-54, Regulation 14/2017 with Art. 4, Regulation 30/2006.

¹² Art. 55 (1-3), Regulation 14/2017.

¹³ For a complete list, see Art. 55 (4-11), Regulation 14/2017.

The determination of ease-of-access requirements for other building types not covered under Regulation 14/2017 is to be carried out in accordance with requirements which are stipulated by the relevant regional head based on recommendations which are made by an expert building team (*tim ahli bangunan gedung*).¹⁴

It is important to note that the enforcement of the ease-of-access requirement is not mandatory for the following building types:¹⁵

1. Buildings which are not publicly utilized and are which are being used temporarily;
2. Supporting buildings for equipment which is being directly utilized as part of a construction process, such as scaffolding and material warehouses;
3. Buildings and their components which are not intended for permanent habitation and which can only be reached by specific means (e.g., through freight elevators) such as components in areas used for maintenance purposes; and so forth.

Previously, Regulation 30/2006 did not separate the enforcement of ease-of-access requirement into two types. In addition, Regulation 30/2006 did not recognize building types which had a composite function.¹⁶

Regulation 14/2017 has been in force since 21 August 2017 and simultaneously repeals and replaces Regulation 30/2006.^{AP2}

¹⁴ Art. 55 (12), Regulation 14/2017.

¹⁵ For a complete list, see Section A.3, Appendix IV to Regulation 14/2017.

¹⁶ Compare: Art. 55 (4), Regulation 14/2017 with Chapter I.C.2, Appendix to Regulation 30/2006.

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