

**TANTANGAN DAN PELUANG AMERIKA SERIKAT DALAM MERATIFIKASI
KONVENSI DISABILITAS (UN CRPD) MENURUT HUKUM HAK ASASI
MANUSIA INTERNASIONAL DAN HUKUM PERJANJIAN INTERNASIONAL**

INTISARI

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Dewasa ini, banyak sekali negara yang meratifikasi perjanjian internasional, khususnya perjanjian internasional yang berkaitan dengan hak asasi manusia, meskipun sebenarnya tidak semua negara berkewajiban untuk meratifikasinya. Salah satunya adalah *Convention on the Rights of Persons with Disabilities* (CRPD). Namun, Amerika Serikat merupakan salah satu negara yang tidak bersegera meratifikasi CRPD meskipun sudah menandatangani (*signatory party*). Amerika Serikat memiliki beberapa alasan, salah satunya adalah karena CRPD dirasa akan berkonflik dengan hukum nasionalnya, yaitu *American with Dissabilities Act* (ADA). Penulisan hukum ini bertujuan untuk melakukan tinjauan yuridis normatif terhadap keputusan AS yang tidak bersegera meratifikasi CRPD berdasarkan hukum perjanjian internasional yang berlaku. Hasil penelitian menunjukkan bahwa alasan AS tidak bersegera meratifikasi CRPD bermacam-macam, mulai dari karena CRPD dianggap akan mengesampingkan hukum nasional AS, dalam hal ini ADA, sampai CRPD dianggap tidak akan memberikan perlindungan hukum bagi warga negara AS, padahal sebenarnya perlindungan hukum CRPD bisa mencakup ruang lingkup yang luas karena didasarkan pada model sosial tidak seperti ADA yang didasarkan pada model medis. Meski demikian, AS tetap memiliki kewajiban hukumnya sebagai *signatory party* dari CRPD.

Kata Kunci: Ratifikasi, CRPD, ADA, Hak Asasi Manusia, Perjanjian Internasional

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THE CHALLENGES AND OPPORTUNITIES FOR THE UNITED STATES IN RATIFYING THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (UN CRPD) IN ACCORDANCE WITH INTERNATIONAL HUMAN RIGHTS LAW AND INTERNATIONAL LAW OF TREATIES

ABSTRACT

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Nowadays, many countries have ratified international agreements, especially those related to human rights, even though not all countries are obligated to ratify them. One of these agreements is the Convention on the Rights of Persons with Disabilities (CRPD). However, the United States is one of the countries that has not promptly ratified the CRPD, despite being a signatory party. The United States has several reasons for this, one of which is that it believes the CRPD may conflict with its national law, the Americans with Disabilities Act (ADA). This legal writing aims to conduct a normative juridical review of the United States' decision not to promptly ratify the CRPD based on applicable international law of treaties. The research results show that the reasons for the United States' delay in ratifying the CRPD vary, ranging from concerns that the CRPD may override U.S. national law, specifically the ADA, to the belief that the CRPD may not provide legal protection for U.S. citizens, even though in reality, the CRPD's legal protection can cover a broad scope as it is based on a social model, unlike the ADA which is based on a medical model. Nevertheless, the U.S still has its legal obligations as a signatory party to the CRPD.

Keywords: Ratification, CRPD, ADA, Human Rights, International Treaty

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