

ABSTRAK

PERLINDUNGAN HUKUM PENYANDANG DISABILITAS SEBAGAI PEKERJA MENURUT *UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES* DAN IMPLEMENTASINYA DI INDONESIA

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Penyandang disabilitas merupakan seseorang dengan keterbatasan fisik, intelektual, mental dan/atau sensorik dalam jangka waktu yang lama. Penyandang disabilitas yang dapat memperjuangkan haknya dalam bekerja harus memenuhi syarat di antaranya masih dapat melaksanakan aktivitas baik fisik dan mental dengan memerlukan bantuan orang lain atau tanpa alat bantu. Namun, tidak semua penyandang disabilitas memiliki kemampuan yang sama dalam pekerjaan seumumnya, sehingga mereka dituntut untuk berjuang sendiri. Penelitian ini bertujuan untuk menganalisa perlindungan hukum, hak-hak penyandang disabilitas terutama bidang ketenagakerjaan yang diatur di dalam *United Nations on the Rights of Persons with Disabilities* (UNCRPD) dan bagaimana implementasinya di Indonesia. Penelitian yang digunakan adalah penelitian normatif, dengan teknik pengumpulan data perundang-undangan dan literatur kepustakaan yang berkaitan dengan perlindungan hukum ketenagakerjaan bagi penyandang disabilitas.

Hasil dari penelitian ini menemukan bahwa penyandang disabilitas memiliki perlindungan hukum secara internasional sehingga hak-haknya termasuk hak ketenagakerjaan telah diatur melalui Pasal 27 UNCRPD. Indonesia telah memiliki perlindungan hukum mengenai penyandang disabilitas sebelum adanya UNCRPD, yaitu Undang-Undang No. 4 tahun 1997 tentang Penyandang Cacat dan pada bidang ketenagakerjaan terdapat pada Undang-Undang No. 13 tahun 2003 tentang Ketenagakerjaan. Dengan diratifikasinya konvensi tersebut, peraturan perundang-undangan di Indonesia diharmonisasikan agar bisa sejalan dengan UNCRPD. Selain implementasi kebijakan dalam melaksanakan peraturan-peraturan tersebut, pemerintah turut memberikan program salah satunya program prakerja kepada penyandang disabilitas sehingga penyandang disabilitas memiliki kesempatan yang sama dalam bidang ketenagakerjaan.

Kata Kunci: Perlindungan Hukum, Penyandang Disabilitas, UNCRPD.

ABSTRACT

LEGAL PROTECTION OF PERSONS WITH DISABILITIES AS WORKERS IN UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND ITS IMPLEMENTATION IN INDONESIA

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A person with a disability is a person with physical, intellectual, mental and/or sensory limitations for a long period of time. Persons with disabilities who can fight for their rights to work must meet the requirements, including still being able to carry out activities both physically and mentally by requiring the help of others or without assistive devices. However, not all people with disabilities have the same abilities in general work, so they are required to support themselves. This study aims to analyze legal protection, the rights of persons with disabilities, especially in the field of employment, which are regulated in the United Nations on the Rights of Persons with Disabilities (UNCRPD) and how it is implemented in Indonesia. The research used is normative research, with techniques for collecting legal data and literature related to the protection of labor law for persons with disabilities.

The results of this study found that persons with disabilities have international legal protection so that their rights, including the right to employment, have been regulated through Article 27 of the UNCRPD. Indonesia already had legal protection regarding persons with disabilities before the UNCRPD, namely Law No. 4 of 1997 concerning Persons with Disabilities and in the field of employment contained in Law No. 13 of 2003 concerning Manpower. With the ratification of the convention, the laws and regulations in Indonesia are harmonized so that they can be in line with the UNCRPD. In addition to the implementation of policies in implementing these regulations, the government also provides programs, one of which is a pre-employment program to people with disabilities so that people with disabilities have the same opportunities in the field of employment.

Keywords: Legal Protection, Persons with Disabilities, UNCRPD.