

PERLINDUNGAN HUKUM BAGI ANAK PENYANDANG DISABILITAS SEBAGAI KORBAN TINDAK PIDANA KEKERASAN SEKSUAL

(Studi Perbandingan Hukum Indonesia dan Australia)

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ABSTRAK

Kekerasan seksual terhadap anak penyandang disabilitas seringkali terjadi di berbagai belahan dunia tidak terkecuali di Indonesia dan Australia. Anak penyandang disabilitas seringkali dianggap sebagai pihak yang lemah dan mudah dikontrol sehingga lebih rentan menjadi korban kekerasan seksual. Penelitian ini bertujuan untuk mengetahui perlindungan hukum bagi anak penyandang disabilitas sebagai korban tindak pidana kekerasan seksual di Indonesia dan Australia. Metode penelitian yang digunakan adalah yuridis komparatif dengan spesifikasi penelitian perbandingan hukum. Sumber data yang digunakan adalah data sekunder yang dikumpulkan dengan metode studi kepustakaan dan diolah menggunakan metode display data dan kategorisasi data. Data tersebut kemudian disajikan dalam bentuk teks naratif dan tabel, serta analisis data dilakukan secara normatif kualitatif. Hasil penelitian menunjukkan bahwa perlindungan hukum bagi anak penyandang disabilitas sebagai korban tindak pidana kekerasan seksual di Indonesia, diatur dalam berbagai undang-undang seperti UU HAM, UU SPPA, UU Perlindungan Anak, UU Penyandang Disabilitas, hingga UU TPKS. Sementara itu, di Australia, regulasi terkait tersebar di berbagai ketentuan federal dan negara bagian seperti *Sex Discrimination Act 1984*, *Disability Discrimination Act 1992*, dan *Victims of Crimes Act 2001 of South Australia*. Terdapat pula sejumlah persamaan dalam perlindungan hukum di kedua negara, seperti hak atas perlindungan dari kekerasan seksual, diskriminasi, dan eksploitasi, hak atas bantuan hukum, rehabilitasi, restitusi, serta proses peradilan yang ramah anak. Namun terdapat pula perbedaan signifikan seperti hak atas penerjemah, *service animals*, perlindungan dalam proses pembebasan bersyarat, serta adanya *children's court* di Australia. Ketentuan perlindungan hukum di Australia lebih lengkap apabila dibandingkan dengan Indonesia. Hal tersebut dikarenakan terdapat beberapa hak korban yang belum diakomodir dalam hukum positif Indonesia.

Kata kunci: Perlindungan Hukum; Anak Penyandang Disabilitas; Kekerasan Seksual; Perbandingan hukum

LEGAL PROTECTION FOR CHILDREN WITH DISABILITIES AS VICTIMS OF CRIMINAL ACTS OF SEXUAL VIOLENCE

(Comparative Study of Indonesian and Australian Law)

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ABSTRACT

Sexual violence against children with disabilities often occurs in various parts of the world, including Indonesia and Australia. Children with disabilities are often considered as weak and easily controlled parties so that they are more vulnerable to becoming victims of sexual violence. This study aims to determine the legal protection for children with disabilities as victims of sexual violence in Indonesia and Australia. The research method used is comparative juridical with the specification of comparative legal research. The data source used is secondary data collected by literature study method and processed using data display method and data categorization. The data is then presented in the form of narrative text and tables, and data analysis is carried out normatively qualitative. Legal protection for children with disabilities as victims of sexual violence in Indonesia has several similarities and differences. The results showed that legal protection for children with disabilities as victims of sexual violence in Indonesia is regulated in various laws such as the Human Rights Law, SPPA Law, Child Protection Law, Law on Persons with Disabilities, and TPKS Law. Meanwhile, in Australia, related regulations are scattered in various federal and state provisions such as the Sex Discrimination Act 1984, the Disability Discrimination Act 1992, and the Victims of Crimes Act 2001 of South Australia. There are also a number of similarities in legal protection in both countries, such as the right to protection from sexual violence, discrimination and exploitation, the right to legal aid, rehabilitation, restitution and child-friendly justice processes. However, there are also significant differences such as the right to interpreters, service animals, protection in the parole process, and the existence of a children's court in Australia. The legal protection provisions in Australia are more complete when compared to Indonesia. This is because there are several victims' rights that have not been accommodated in Indonesian positive law.

Keywords: *Legal Protection, Children with Disabilities, Sexual Violence, Comparative Law.*