

Pemenuhan Hak Konstitusional Penyandang Disabilitas Atas Persamaan Kesempatan Kerja dalam Industri Perbankan Badan Usaha Milik Negara = Constitutional Rights Fulfillment for Person with Disabilities to Equitable Employment Opportunities within State-Owned Enterprises Banking Industry

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Abstrak

Seluruh warga negara Indonesia berhak atas pekerjaan dan penghidupan yang layak, tidak terkecuali penyandang disabilitas. Sebagai upaya untuk meningkatkan peluang perbaikan kesejahteraan bagi penyandang disabilitas, disusunlah Undang-undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas yang memuat berbagai pengaturan tentang hak penyandang disabilitas dan kewajiban Negara dalam upaya pemenuhan hak-hak penyandang disabilitas. Terkait dengan aspek ketenagakerjaan, dalam Pasal 53 ayat (1) undang-undang tersebut mengamanatkan jumlah keterwakilan minimum tenaga kerja penyandang disabilitas sebesar 2% (dua persen) pada berbagai institusi maupun perusahaan, salah satunya Badan Usaha Milik Negara (BUMN). Penelitian ini membahas kondisi pemenuhan ketentuan tersebut khususnya terkait aspek persamaan kesempatan kerja penyandang disabilitas dalam ruang lingkup industri perbankan BUMN. Hasil penelitian ini menunjukkan banyak faktor yang dapat menghambat optimalisasi pemenuhan ketentuan tersebut, baik dari sisi penyandang disabilitas, pemberi kerja dan pemerintah. Penelitian ini juga merumuskan tindakan-tindakan apa saja yang dapat dilakukan oleh negara sebagai upaya peningkatan pemenuhan hak penyandang disabilitas atas persamaan kesempatan kerja pada sektor formal, khususnya pada industri perbankan BUMN.

.....All Indonesia's citizens have the right to work and get a decent standard of living, including people with disabilities. To enhance the opportunities for enhancing the well-being of individuals with disabilities, the legislative measure known as Law No. 8/2016 on Persons with Disabilities was formulated. This law encompasses a range of additional provisions of the rights of individuals with disabilities and the responsibilities of the State in its endeavours to satisfy these rights. Regarding the matter of employment, Article 53 Paragraph 1 of Law Number 8/2016 on Persons with Disabilities presented a minimum representation of 2% (two percent) of workers with disabilities in various institutions and companies, including State-Owned Enterprises (SOEs). This study examined the factors contributing to satisfying these provisions, explicitly focusing on equitable employment possibilities within the SOEs banking industry for people with disabilities. This study found that there was numerous factors impeded the effective fulfilment of these provisions, encompassing barriers encountered by individuals with disabilities, employers, and governmental entities. This study is anticipated to serve as a valuable resource for informing the State on potential measures that may be implemented to enhance the fulfilment of equitable employment opportunities for individuals with disabilities rights in the formal sector, with a particular focus on the banking industry within SOEs.