

ABSTRAK

Anak merupakan bagian yang tidak terpisahkan dari keberlangsungan kehidupan bangsa dan negara yang memiliki hak konstitusional untuk memperoleh perlindungan dari segala bentuk kekerasan, diskriminasi, dan perlakuan yang merendahkan martabat. Namun, fenomena perundungan (bullying) terhadap anak berkebutuhan khusus (ABK) masih sering terjadi karena mereka dianggap berbeda, baik dari segi kemampuan komunikasi, perilaku, maupun kondisi fisik. Meskipun Indonesia telah memiliki berbagai peraturan perundang-undangan, implementasi perlindungan hukum terhadap ABK belum berjalan secara optimal sehingga terjadi kesenjangan antara norma hukum dengan realitas sosial. Oleh karena itu, penelitian ini bertujuan untuk mengetahui pengaturan hukum dalam perlindungan anak berkebutuhan khusus di Indonesia, penerapan perlindungan hukumnya di Dinas Pemberdayaan Perempuan, Perlindungan Anak, Pengendalian Penduduk dan Keluarga Berencana (DP3AP2KB) Kota Medan, serta hambatan dan upaya yang dihadapi dalam penerapannya. Metode penelitian yang digunakan adalah penelitian hukum empiris dengan pendekatan yuridis sosiologis. Penelitian ini mengkaji ketentuan hukum yang berlaku beserta implementasinya di masyarakat dengan fokus di Dinas DP3AP2KB Kota Medan. Sumber bahan hukum yang digunakan meliputi bahan hukum primer (peraturan perundang-undangan), bahan hukum sekunder (buku, jurnal, artikel ilmiah), dan bahan hukum tersier (kamus hukum). Pengumpulan data dilakukan melalui studi kepustakaan dan wawancara, yang kemudian dianalisis secara kualitatif untuk disusun secara sistematis guna menjawab rumusan masalah penelitian. Hasil penelitian menunjukkan bahwa pengaturan hukum perlindungan ABK di Indonesia secara normatif telah dijamin dalam Pasal 28B ayat

(2) UUD 1945, Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak, dan Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas. Di lapangan, Dinas DP3AP2KB Kota Medan menerapkan perlindungan hukum melalui mekanisme penerimaan pengaduan, pelaksanaan asesmen awal, pemberian pendampingan psikologis dan bantuan hukum, hingga koordinasi lintas sektor. Kendati demikian, penerapannya masih menghadapi hambatan berupa rendahnya kesadaran masyarakat untuk melaporkan kasus karena takut akan stigma sosial, keterbatasan tenaga profesional yang memiliki kompetensi ABK, kurangnya pemahaman sekolah mengenai pendidikan inklusif, serta lemahnya koordinasi antarlembaga.

Upaya yang dilakukan untuk mengatasi hambatan tersebut mencakup program preventif berupa sosialisasi anti-bullying dan karakter di sekolah, penguatan pengawasan kebijakan, peningkatan kapasitas tenaga pendamping, serta upaya represif berupa penegakan hukum yang tegas demi efek jera sekaligus pemberian rehabilitasi psikologis yang berkelanjutan bagi korban.

Kata Kunci: Perlindungan Hukum, Anak Berkebutuhan Khusus, Perundungan (Bullying), Dinas DP3AP2KB Kota Medan.

ABSTRAC

Children are an integral part of the continuity of the life of the nation and state who have the constitutional right to receive protection from all forms of violence, discrimination, and degrading treatment. However, the phenomenon of bullying against children with special needs (ABK) still often occurs because they are considered different, both in terms of communication skills, behavior, and physical conditions. Although Indonesia has various laws and regulations, the implementation of legal protection for ABK has not been running optimally, resulting in a gap between legal norms and social reality. Therefore, this study aims to determine the legal regulations in the protection of children with special needs in Indonesia, the implementation of legal protection in the Medan City Women's Empowerment, Child Protection, Population Control and Family Planning (DP3AP2KB) Service, as well as the obstacles and efforts faced in its implementation. The research method used is

empirical legal research with a sociological juridical approach. This study examines the applicable legal provisions and their implementation in society with a focus on the Medan City DP3AP2KB Service. The sources of legal materials used include primary legal materials (statutory regulations), secondary legal materials (books, journals, scientific articles), and tertiary legal materials (legal dictionaries). Data collection was conducted through literature studies and interviews, which were then analyzed qualitatively to be systematically compiled to answer the research problem formulation. The results of the study indicate that the legal regulations for the protection of children with special needs in Indonesia have been normatively guaranteed in Article 28B paragraph (2) of the 1945 Constitution, Law Number 35 of 2014 concerning Child Protection, and Law Number 8 of 2016 concerning Persons with Disabilities. In the field, the Medan City DP3AP2KB Service implements legal protection through a complaint acceptance mechanism, initial assessment, psychological assistance and legal assistance, and cross-sector coordination. However, its implementation still faces obstacles in the form of low public awareness to report cases due to fear of social stigma, limited professional staff with special needs competencies, lack of school understanding of inclusive education, and weak inter-institutional coordination. Efforts made to overcome these obstacles include preventive programs in the form of anti-bullying and character education in schools, strengthening policy supervision, increasing the capacity of companions, and repressive efforts in the form of firm law enforcement for a deterrent effect as well as providing ongoing psychological rehabilitation for victims.

Keywords: *Legal Protection, Children with Special Needs, Bullying, Medan City DP3AP2KB Service.*