

## **PROSPEK PENGATURAN DISKRIMINASI USIA DAN *BONAFIDE* *OCCUPATIONAL QUALIFICATIONS* DALAM KESEMPATAN KERJA**

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### **INTISARI**

Penelitian ini bertujuan untuk menganalisis alasan belum adanya pengaturan diskriminasi usia dalam kesempatan kerja di Indonesia beserta prospek pengaturannya dan pelajaran yang dapat diambil dari pengaturan diskriminasi usia di Amerika Serikat berdasarkan *The Age Discrimination in Employment Act of 1967*.

Penelitian ini merupakan penelitian normatif dan empiris yang bersifat deskriptif. Data penelitian ini diperoleh dari studi pustaka dan wawancara dengan seorang narasumber yaitu Direktur Bina Pemeriksaan Norma Ketenagakerjaan Kementerian Ketenagakerjaan Republik Indonesia. Data yang diperoleh dalam penelitian ini dianalisis secara kualitatif dan disajikan secara deskriptif.

Dari hasil penelitian ini dapat diambil kesimpulan bahwa pertama, belum adanya pengaturan diskriminasi usia dalam kesempatan kerja di Indonesia adalah karena pemerintah belum melihat urgensi terhadap hal tersebut sementara prospek pengaturan diskriminasi usia dalam kesempatan kerja sangat terbuka. Kedua, pelajaran yang dapat diambil Indonesia dari *The Age Discrimination in Employment Act of 1967* adalah bahwa larangan kualifikasi usia yang diskriminatif dan *bonafide occupational qualification* dapat membantu mengatasi dampak permasalahan diskriminasi usia dalam kesempatan kerja.

**Kata Kunci: Diskriminasi Usia, *Bonafide Occupational Qualifications*, Kesempatan Kerja**

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***PROSPECT OF AGE DISCRIMINATION AND BONAFIDE  
OCCUPATIONAL QUALIFICATIONS REGULATION IN EMPLOYMENT  
OPPORTUNITY***

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***ABSTRACT***

This study aimed to analyze the reasons for the absence of age discrimination regulation in employment opportunities in Indonesia, the prospect for its implementation, and the lesson learned from the age discrimination law in the United States, The Age Discrimination in Employment Act of 1967.

This study is a descriptive normative and empirical research. The data for this research were obtained from a literature study and an interview with the Director of Labor Norms Inspection Development of the Ministry of Manpower of the Republic of Indonesia. The data obtained in this study were analyzed qualitatively and presented descriptively.

This study concluded that firstly, the absence of regulation of age discrimination in employment opportunities in Indonesia is because the government has not seen the urgency of it while the prospect of regulating age discrimination in employment opportunities is very open. Secondly, the lesson learned from The Age Discrimination in Employment Act of 1967 is that the prohibition of discriminatory age qualifications in job vacancies and bona fide occupational qualifications can effectively address the impact of age discrimination issues in employment opportunities.

**Keywords: Age Discrimination, Bonafide Occupational Qualifications, Employment Opportunity**

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