

PERLINDUNGAN HUKUM TERHADAP PENYANDANG DISABILITAS SEBAGAI PENGUSAHA DAN *DRIVER* PADA DIFA *BIKE PRIORITY TRANSPORTATION*

INTISARI

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Tujuan penelitian ini adalah untuk mengetahui hubungan hukum antara pengusaha dengan *driver* dan mengetahui perlindungan hukum terhadap pengusaha dan driver pada Difa *Bike Priority Transportation*.

Penelitian ini merupakan penelitian yang bersifat deskriptif. Penulis menggunakan metode pendekatan normatif empiris. Data dan informasi diperoleh dari penelitian kepustakaan dan penelitian lapangan. Data hasil penelitian kemudian dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa hubungan hukum di antara para pihak pada pelaksanaannya merupakan hubungan kerja, meskipun para pihak menganggap bahwa hubungan yang timbul diantaranya ialah hubungan kemitraan akibat disepakatinya perjanjian kemitraan. Berkaitan terhadap pelaksanaan perlindungan bagi pekerja, menunjukkan bahwa pelaksanaannya belum dilakukan karena pengusaha menganggap hubungan para pihak adalah hubungan kemitraan, bukan hubungan kerja. Pelaksanaan perlindungan hukum telah diberikan oleh negara kepada penyandang disabilitas melalui aturan dalam peraturan perundang-undangan. Kenyataannya pemerintah selaku Satuan Kerja Perangkat Daerah (SKPD) yang berkaitan tidak memberikan perlindungan hukum sebagaimana yang sudah ditentukan perundang-undangan. Dinas Perhubungan D.I.Y tidak merespon terkait usaha transportasi umum untuk mempermudah mobilitas penyandang disabilitas, kendaraan modifikasi dan perizinan operasional kendaraan modifikasi masih menjadi kendala bagi usaha Difa *Bike*. Dinas Sosial D.I.Y yang seharusnya bertugas mengoordinasi, memfasilitasi, dan menyelenggarakan pemberdayaan sosial belum dapat melaksanakan tugas dan fungsinya kepada pihak Difa *Bike*. Belum adanya proposal pengajuan oleh Difa *Bike* dan banyaknya jumlah penyandang disabilitas di provinsi DIY menjadi alasan Dinas Sosial belum melakukan perlindungan hukum terhadap Difa *Bike*. DISKOP UMKM yang seharusnya memberikan pemberdayaan kepada pihak Difa *Bike* selaku penyandang disabilitas yang berwirasusaha juga belum melaksanakan tugas dan fungsinya. Dinas Tenaga Kerja dan Transmigrasi D.I.Y juga belum dapat melakukan pengawasan terhadap Difa *Bike* yang mempekerjakan penyandang disabilitas, dikarenakan belum mengetahui keberadaan Difa *Bike* dan keterbatasan jumlah pegawai.

Kata Kunci : hubungan hukum, perlindungan hukum, penyandang disabilitas

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LEGAL PROTECTION TOWARD PERSON WITH DISABILITIES AS ENTREPRENEUR AND DRIVER AT DIFA BIKE PRIORITY TRANSPORTATION

ABSTRACT

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This research aimed to find out the legal relationship between entrepreneur and drivers and to understand the legal protection towards employers and drivers at Difa Bike Priority Transportation.

This research is a descriptive study. The researcher used the empirical normative approach. Data and information were collected from library and field research. The results of the research data were then analyzed qualitatively.

The results of the study show that the legal relationship between the parties in its implementation is a working relationship, although they consider it as a partnership relationship due to the deal of the partnership agreement. Regarding the implementation of protection for workers, it indicates that the implementation has not been carried out since the employers consider the relationship between parties as a partnership relationship, not a working relationship. The implementation of legal protection has been given by the state to persons with disabilities throughout rules in legislation. In fact, the government as a related Regional Work Unit (SKPD) does not provide legal protection as stipulated in legislation. Transportation Agency of D.I.Y does not respond to efforts of public transportation to facilitate mobility of persons with disabilities, vehicle modification, and operational licensing of modified vehicles is still a drawback for Difa Bike business. Social Service of D.I.Y. that should coordinate, facilitate, and organize social empowerment, not yet able to undertake their duties and functions to the Difa Bike. The absence of proposal submission by Difa Bike and the considerable number of persons with disabilities in DIY province is the reason the Social Service has not provided legal protection against Difa Bike. DISKOP UMKM that should give empowerment to Difa Bike as a representative of a person with disabilities who have entrepreneurship also have not undertaken their duties and functions. The Department of Labor and Transmigration D.I.Y also has not been able to supervise Difa Bike that employs people with disabilities since they do not seem aware of the existence of Difa Bike and the limited number of employees.

Keywords: legal relationship, legal protection, person with disabilities

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