

TANGGUNG JAWAB ORANG TUA TERHADAP ANAK BERKEBUTUHAN KHUSUS : PERSPEKTIF PERATURAN PERUNDANG-UNDANGAN DI INDONESIA

ABSTRAK

Penelitian ini bertujuan untuk menganalisis tanggung jawab hukum orang tua terhadap anak berkebutuhan khusus setelah perceraian berdasarkan peraturan perundang-undangan di Indonesia serta penerapannya dalam putusan pengadilan. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Melalui penelitian ini diharapkan dapat memberikan pemahaman mengenai bentuk perlindungan hukum terhadap anak berkebutuhan khusus pasca perceraian. Hasil penelitian menunjukkan bahwa tanggung jawab hukum orang tua terhadap anak berkebutuhan khusus secara normatif telah diatur dalam KUH Perdata, Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak, dan Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas. Namun, seluruh ketentuan tersebut belum secara tegas mengatur batas tanggung jawab hukum terhadap anak berkebutuhan khusus pasca perceraian, sehingga menimbulkan kekaburan norma dalam penerapannya. Berdasarkan analisis terhadap Putusan Pengadilan Negeri Jakarta Utara Nomor 808/Pdt.G/2023/PN Jkt.Utr dan Putusan Pengadilan Negeri Denpasar Nomor 537/Pdt.G/2021/PN Dps, ditemukan adanya kecenderungan progresif hakim dalam menafsirkan tanggung jawab orang tua terhadap anak berkebutuhan khusus, meskipun masih terdapat kelemahan dalam aspek kepastian dan pelaksanaan hukum. Penelitian ini juga menyoroti pentingnya perhatian orang tua dan aparat peradilan terhadap aspek sosial dan psikologis anak berkebutuhan khusus dalam menentukan kebijakan hukum yang berkeadilan.

Kata Kunci: Tanggung Jawab Hukum, Orang tua, Anak Berkebutuhan Khusus.

PARENTAL RESPONSIBILITY TOWARDS CHILDREN WITH SPECIAL NEEDS: THE PERSPECTIVE OF LEGISLATION IN INDONESIA

ABSTRACT

This research aims to analyze the legal responsibility of parents toward children with special needs after divorce based on Indonesian laws and regulations, as well as its implementation in court decisions. This study is a normative legal research employing statutory, conceptual, and case approaches. Through this research, it is expected to provide a better understanding of the form of legal protection for children with special needs after divorce. The results show that the legal responsibility of parents toward children with special needs has been regulated in several legal instruments, including the Civil Code, Law Number 1 of 1974 on Marriage, Law Number 35 of 2014 on Child Protection, and Law Number 8 of 2016 on Persons with Disabilities. However, these provisions remain general and do not explicitly regulate the scope and limits of parental responsibility after divorce, resulting in ambiguity in their application. An analysis of the North Jakarta District Court Decision Number 808/Pdt.G/2023/PN Jkt.Utr and the Denpasar District Court Decision Number 537/Pdt.G/2021/PN Dps reveals a progressive judicial interpretation of parental responsibilities toward children with special needs, although weaknesses still exist in terms of legal certainty and implementation. This study also highlights the importance of parental and judicial awareness of the social and psychological aspects of children with special needs in ensuring fair and equitable legal protection.

Keywords: *Legal Responsibility, Parents, Children with Special Needs.*