Abstract

This study aims to determine the extent of the fulfillment of Human Rights in Criminal Cases Against Persons with Disabilities in Indonesia (Gorontalo Province Study). This study uses a Normative Juridical method using legal instruments related to the research title.The results of the study indicate that the Fulfillment of Human Rights (HAM) in the criminal process against persons with disabilities in Indonesia, as studied in Gorontalo Province, is quite adequate from a regulatory perspective, in the form of applicable laws and regulations. Although Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) does not specifically regulate the criminalization process for persons with disabilities, Law Number 8 of 2016 concerning Persons with Disabilities and Law Number 19 of 2011 concerning the Convention on the Rights of Persons with Disabilities are sufficient references for law enforcement officials. In the context of Gorontalo Province, the fulfillment of human rights in the criminalization process for persons with disabilities is stipulated in Regional Regulation (Perda) Number 4 of 2023 concerning the Protection and Fulfillment of the Rights of Persons with Disabilities, which can serve as a reference for law enforcement officials and local governments in protecting the rights of persons with disabilities before the law to fulfill human rights.

Keywords: *Analysis, Human Rights, Criminalization, Persons with Disabilities.*

Abstrak

Hasil penelitian menunjukkan, bahwa Pemenuhan Hak Asasi Manusia (HAM) dalam proses pemidanan terhadap penyandang disabilitas di Indonesia studi di Provinsi Gorontalo sudah cukup memadai dari aspek regulasi berupa peraturan perundang-undangan yang berlaku. Meski dalam ketentuan Undang-Undang Nomor 8 tahun 1981 tentang KUHAP tidak terdapat klausul yang mengatur secara spesifik tentang bagiamana proses pemidanaan terhadap penyandang disabilitas, namun keberadaan Undang-Undang Nomor 8 tahun 2016 tentang Penyandang Disabilitas dan Undang-Undang Nomor 19 tahun 2011 tentang Konvensi Hak Penyandang Disabilitas sudah cukup memadai menjadi rujukan aparat penegak hukum. Dalam konteks Provinsi Gorontalo, pemenuhan Hak Asasi Manusia dalam proses pemidanaan terhadap Penyandang Disabilitas telah tertuang dalam Peraturan Daerah (Perda) Nomor 4 tahun 2023 tentang Perlindungan dan Pemenuhan Hak Penyandang Disabilitas yang dapat menjadi rujukan bagi aparat penegak hukum dan Pemerintah Daerah dalam memberikan perlindungan hak-hak penyandang disabilitas di hadapan hukum demi pemenuhan Hak Asasi Manusia.

Kata Kunci : Analisis, Hak Asasi Manusia, Pemidanaan, Penyandang DIsabilitas.