



**COMPARATIVE STUDY OF INDONESIAN LAW, FRENCH LAW, AND  
AUSTRALIAN LAW: AUTISM PROFICIENCY IN THE PERSPECTIVE OF  
CIVIL CODE**

**UNDERGRADUATE THESIS**

**Proposed as one of the requirements to obtain *Sarjana Hukum***

**By:**

**ZIDAN NUR RAHMAN**

**017201800030**

**FACULTY OF HUMANITIES**

**LAWSTUDY PROGRAM**

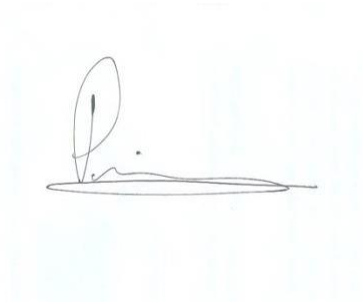
**CIKARANG**

**JANUARY, 2023**

## **PANEL OF EXAMINERS SHEET**

The Panel of Examiners declares that the thesis entitled “**COMPARATIVE STUDY OF INDONESIAN LAW, FRENCH LAW, AND AUSTRALIAN LAW: AUTISM PROFICIENCY IN THE PERSPECTIVE OF CIVIL CODE**” that was submitted by Zidan Nur Rahman has been assessed and approved on January 18<sup>th</sup> 2023.

Cikarang, January 18<sup>th</sup> 2023

A handwritten signature in black ink, appearing to be 'G. P.', written over a light blue rectangular stamp.

**Dr. Gratianus Prikasetya Putra, S.H., M.H.**

Chair of Panel Examiner / Thesis Advisor

A handwritten signature in black ink, appearing to be 'M. Fransisca Mulyadi', written in a cursive style.

**Dr. Maria Fransisca Mulyadi, SH, SE, M.Kn.**

Examiner I

## STATEMENT OF ORIGINALITY

In my capacity as an active student of President University and as the author of the thesis/final project/business plan (underline that applies) stated below:

Name :Zidan Nur Rahman  
Student ID number :017201800030  
Study Program : Law  
Faculty : Humanities

I hereby declare that my thesis/final project/business plan entitled “**COMPARATIVE STUDY OF INDONESIAN LAW, FRENCH LAW, AND AUSTRALIAN LAW: AUTISM PROFICIENCY IN THE PERSPECTIVE OF CIVIL CODE**” is to the best of my knowledge and belief, an original piece of work based on sound academic principles. If there is any plagiarism detected in this thesis/final project/business plan, I am willing to be personally responsible for the consequences of these acts of plagiarism, and will accept the sanctions against these acts in accordance with the rules and policies of President University.

I also declare that this work, either in whole or in part, has not been submitted to another university to obtain a degree.

Cikarang, 18<sup>th</sup> January 2023



**Zidan Nur Rahman**

# **SCIENTIFIC PUBLICATION APPROVAL FOR ACADEMIC INTEREST**

As an academic community member of the President's University, I, the undersigned:

Name : Zidan Nur Rahman  
Student ID Number : 017201800030  
Study program : Law

For the purpose of development of science and technology, certify, and approve to give President University a non-exclusive royalty-free right upon my final report with the title:

**“COMPARATIVE STUDY OF INDONESIAN LAW, FRENCH LAW, AND AUSTRALIAN LAW: AUTISM PROFICIENCY IN THE PERSPECTIVE OF CIVIL CODE”**

With this non-exclusive royalty-free right, President University is entitled to converse, to convert, to manage in a database, to maintain, and to publish my final report. There are to be done with the obligation from President University to mention my name as the copyright owner of my final report.

This statement I made in truth.

Cikarang, January 18<sup>th</sup> 2023



**Zidan Nur Rahman**

# **ADVISOR APPROVAL FOR JOURNAL/INSTITUTION'S REPOSITORY**

As an academic community member of the President's University, I, the undersigned:

Advisor Name : Gratianus Prikasetya Putra, S.H., M.H.

Employee ID number : -

Study program : Law

Faculty : Humanities

Declare that following thesis:

Title of thesis : **COMPARATIVE STUDY OF INDONESIAN LAW, FRENCH  
LAW, AND AUSTRALIAN LAW: AUTISM PROFICIENCY IN  
THE PERSPECTIVE OF CIVIL CODE**

Thesis author : Zidan Nur Rahman

Student ID number : 017201800030

Will be published in **journal/institution's repository** (underline that applies)

Cikarang, January 18<sup>th</sup>2023



**Gratianus Prikasetya Putra, S.H., M.H.**

# PLAGIARISM REPORT

## Plagiarism Check

### ORIGINALITY REPORT

<b>14%</b>	<b>12%</b>	<b>7%</b>	<b>7%</b>
SIMILARITY INDEX	INTERNET SOURCES	PUBLICATIONS	STUDENT PAPERS

### PRIMARY SOURCES

<b>1</b>	<b>repository.president.ac.id</b> Internet Source	<b>2%</b>
<b>2</b>	<b>media.neliti.com</b> Internet Source	<b>1%</b>
<b>3</b>	<b>riviste.unimi.it</b> Internet Source	<b>1%</b>
<b>4</b>	<b>jcreview.com</b> Internet Source	<b>1%</b>
<b>5</b>	<b>ejournal.unmus.ac.id</b> Internet Source	<b>&lt;1%</b>
<b>6</b>	<b>Submitted to University of Queensland</b> Student Paper	<b>&lt;1%</b>
<b>7</b>	<b>lifescienceglobal.com</b> Internet Source	<b>&lt;1%</b>
<b>8</b>	<b>Submitted to President University</b> Student Paper	<b>&lt;1%</b>
<b>9</b>	<b>ojs.umrah.ac.id</b> Internet Source	<b>&lt;1%</b>

# GPTZERO REPORT

## Stats

**Average Perplexity Score: 1260.093**

---

A document's perplexity is a measurement of the randomness of the text

**Burstiness Score: 3412.935**

---

A document's burstiness is a measurement of the variation in perplexity

## **ABSTRACT**

People with autism were often discriminated without proper and adequate protection granted towards them. Many jurisdictions determine that they are legally incapable of performing any actions and rendering them not possess legal capacity. People with autism are often deprived of their agency and their choices are made by third party. This study aims to assess the protection granted by Indonesian law over these vulnerable actors. Then we will compare the how other country, namely France and Australia, treat people with autism in terms of their legal capacity. This study will utilize normative legal research. Finally, the author would present recommendation on what values and/or provision existing on France and Australian law that Indonesia can integrate to ensure the betterment of people with autism.

***Keyword: people with autism, legal capacity, comparative law***

## **ABSTRAK**

Penyandang autisme sering didiskriminasi tanpa perlindungan yang layak dan memadai diberikan kepada mereka. Banyak yurisdiksi menentukan bahwa mereka secara hukum tidak mampu melakukan tindakan apa pun dan membuat mereka tidak memiliki kapasitas hukum. Orang dengan autisme sering kehilangan hak pilihan mereka dan pilihan mereka dibuat oleh pihak ketiga. Penelitian ini bertujuan untuk mengkaji perlindungan yang diberikan oleh hukum Indonesia terhadap aktor-aktor rentan tersebut. Kemudian kita akan membandingkan bagaimana negara lain, yaitu Perancis dan Australia, memperlakukan penyandang autisme dari segi kapasitas hukumnya. Penelitian ini akan menggunakan penelitian hukum normatif. Terakhir, penulis akan memberikan rekomendasi tentang nilai dan/atau ketentuan apa yang ada dalam hukum Prancis dan Australia yang dapat diintegrasikan oleh Indonesia untuk memastikan perbaikan penyandang autisme.

***Keyword: penyandang autisme, kapasitas hukum, komparasi hukum***



## ACKNOWLEDGEMENT

All praise and thanks go to Allah SWT, the almighty creator, for all the outpouring of mercy and guidance so that I was able to complete the thesis entitled “COMPARATIVE STUDY OF INDONESIAN LAW, FRENCH LAW, AND AUSTRALIAN LAW: AUTISM PROFICIENCY IN THE PERSPECTIVE OF CIVIL CODE”. This thesis was written in order to fulfill the requirements to achieve a law degree in the law study program at President University. During this college life and this thesis preparation, luckily that Author is surrounded by a lot of people provided advice, support, and also motivation. Author would like to say some words to people who help, motivate, advice, and supports, which are;

1. The author's parents, M. Yunus and Rita Angraini, this thesis is dedicated to both of them. Thank you for all the love that has been given in raising and guiding the writer all this time so that the writer can continue to struggle in achieving his dreams.
2. Mr. Bayu Imantoro, SH, MH, as the head of the law study program at President University, who always gives author mental support in completing this thesis.
3. Mr. Gratianus Prikasetya Putra, SH, MH, as the supervisor who has spent time in the midst of his busy life, providing criticism, suggestions, and directions to the author in the process of writing this thesis.
4. Lecturers who have taught author in the law study program, Mrs. Zenny, Mrs. Yasmine, Mrs. Fennieka, Mr. Prika, Mr. Sujana, Mr. Handa, Mr. Bayu, and other Lecturers that I can't state one by one. Thankyou for all knowledges and your kindnesses.
5. For author's beloved organization PUMA LAW, Thankyou for the opportunities, experiences and memories i will never forget.
6. Law student friends batch 2018 who have helped the author in living and surviving University life.
7. Senior Law students batch 2016 and 2017, who have provided guidance and a sense of kinship to their juniors.
8. Anyone who i cannot mention their names one by one, but deeply in my heart i always feel thankfull for everything.

As an ordinary human being, the writer realizes that the preparation of this thesis is far from perfect due to the limitations of the writer's ability and knowledge. Therefore, for the mistakes and shortcomings in this writing, the author apologizes and is willing to accept

constructive criticism. Lastly, the author hopes that this thesis can provide benefits to anyone who reads it.

Cikarang, January 18<sup>th</sup> 2023

A handwritten signature in black ink, appearing to read 'Zidan Nur Rahman', written in a cursive style.

**Zidan Nur Rahman**

## TABLE OF CONTENTS

Cover.....	i
Panel of Examiner Sheet .....	ii
Statement of Originality .....	iii
Scientific Publication Approval for Academic Interest.....	iv
Advisor Approval for Journal/Institution's Respository .....	v
Plagiarism Report.....	vi
GPTZERO Report.....	vii
Abstract .....	viii
Acknowledgement.....	ix
Table of Content.....	xi
<b>CHAPTER I.....</b>	<b>1</b>
<b>A. Background Research .....</b>	<b>8</b>
<b>B. Research Question .....</b>	<b>8</b>
<b>C. Purpose of Research and Writing .....</b>	<b>9</b>
<b>D. Research Methodology .....</b>	<b>9</b>
<b>E. Research Approach.....</b>	<b>9</b>
<b>F. Source of Legal Material.....</b>	<b>10</b>
<b>G. Systematic of the Writing .....</b>	<b>11</b>
<b>CHAPTER II .....</b>	<b>13</b>
<b>2.1 Disability and Autism .....</b>	<b>13</b>
<b>2.2 Legal Subjects .....</b>	<b>21</b>
<b>2.3 Indonesia Legal Capacity .....</b>	<b>30</b>
<b>2.4 Australia Legal Capacity .....</b>	<b>33</b>
<b>2.5 French Legal Capacity .....</b>	<b>37</b>
<b>CHAPTER III.....</b>	<b>40</b>
<b>3.1 Indonesia.....</b>	<b>40</b>
<b>A. People with Disabilities as Legal Subjects .....</b>	<b>40</b>
<b>B. Civil and Disability Law-Based Legal Capacity .....</b>	<b>43</b>
<b>3.2 France .....</b>	<b>51</b>
<b>A. Disabled People's Legal Capacity .....</b>	<b>51</b>
<b>B. Disabled People's Legal Protection .....</b>	<b>54</b>
<b>C. Guardian training, supervision, evaluation, and remuneration .....</b>	<b>58</b>
<b>3.3 Australia.....</b>	<b>60</b>
<b>A. Legal Capacity for Disabled.....</b>	<b>60</b>
<b>B. CRPD-based legal capacity .....</b>	<b>62</b>
<b>C. Disability Legal Capacity Based on the National Disability Insurance Scheme.....</b>	<b>65</b>
<b>CHAPTER IV .....</b>	<b>69</b>
<b>4.1 Synchronization of Regulation .....</b>	<b>69</b>
<b>4.2 The Role of Guardianship.....</b>	<b>75</b>

<b>A. Authority .....</b>	<b>75</b>
<b>B. Length of Guardianship .....</b>	<b>76</b>
<b>CHAPTER V .....</b>	<b>78</b>
<b>BIBLIOGRAPHY .....</b>	<b>86</b>