

Reconstruction of Norms for Women with Disabilities as Victims of Sexual Violence

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Abstract

This article aims to develop policy recommendations that can be implemented to improve legal protection and accessibility for women with disabilities in the criminal justice system. Women with disabilities are a vulnerable group who often experience physical, social, and structural barriers in accessing justice. The method used in this research is normative juridical. This method relies on the analysis of applicable positive law and is associated with the principles of justice and the protection of human rights. Data was collected through legislation, official documents, and relevant legal literature, including academic studies and reports from disability protection agencies. The results showed that there is a need to revise the law to include special provisions that protect the rights of women with disabilities, as well as increased training for law enforcement officers on issues of disability and gender-based violence. Thus, it is hoped that the criminal justice system in Indonesia will become more responsive, inclusive, and fair in handling cases involving women with disabilities as victims, witnesses, and perpetrators, to achieve substantive justice for all citizens.

Keywords: Policy; Law; Women; Disability.

A. INTRODUCTION

Acts of violence and persecution are very detrimental and can cause apprehension or even traumatized to other people (Parama Hamsa et al., 2021). Sexual violence is a serious offense

against human rights that could devastate physically, emotionally, socially, and even legally. The crime of rape is one of the crimes against morality regulated in Article 285 *Kitab Undang-Undang Hukum Pidana* (KUHP) (Kermite et al., 2021). Women with disabilities are often victims of sexual violence because of their incapacity and disability. Data from 2023 showed 105 cases of violence against women with disabilities, where women with mental disabilities were the most vulnerable group among 40 victims. Individuals with intellectual disabilities are at high risk for sexual abuse, especially if they live in institutions. Even though legal protection for people with disabilities has been established, some cases like rape against people with disabilities are still rampant and are even increasing (Kuntag, 2023). Article 15 of Law No. 12 of 2022 indeed progresses in protecting victims of sexual violence, but in substance, it doesn't fully guarantee recognition of the legal capacity of women with disabilities. One of the fundamental weaknesses lies in the absence of explicit and specific provisions that mention and regulate protection for women with disabilities as a vulnerable group with specific legal needs. This law tends to be general and universal, without accommodating the multiple vulnerabilities faced by women with disabilities, such as limitations in communication, mobility, and access to legal processes. The absence of specific provisions in Article 15 of Law No. 12 of 2022 results in structural injustice for women with disabilities, who remain at risk of being excluded from the legal process through the reduction of their legal capacity as victims.

The practice of law enforcement officers tends to doubt the validity of the testimony of women with intellectual or psychosocial disabilities, because this law does not provide a framework that requires supporting mechanisms, such as trained legal counsel, communication aids, or accessible and adaptive examination procedures (Ibrani, 2024). Furthermore, Article 15 of Law No. 12 of 2022 also fails to guarantee a supported decision-making approach as a fundamental principle in upholding the legal autonomy of women with disabilities. The Supported Decision-Making (SDM) approach emphasizes the principle that every individual,

including people with disabilities, has equal legal capacity to make decisions in both personal and legal aspects of life (Lu'lu'a, 2021). The rape case of a woman with the initials Y in Serang in 2022 reflects the failure of the legal system to provide fair protection for women with intellectual disabilities. The victim who became pregnant due to sexual violence by her uncle and neighbor did not get justice because the police stopped the investigation. After all, the family had withdrawn the report. Even though the crime of rape is a general crime that must still be processed without relying on the victim's report. This case confirms that law enforcement officers do not yet understand the special needs of survivors with disabilities and tend to doubt their testimony. When legal procedures are prioritized over fulfilling the rights of victims, substantive justice becomes difficult to achieve. Within the framework of SDM, support is provided not to replace decisions, but to strengthen the capacity of individuals to make decisions consciously and independently with the help of their own chosen support network, whether family, personal companions, or support institutions. This approach is normatively in line with Article 12 of the Convention on the Rights of Persons with Disabilities, which recognizes the right of all persons, without discrimination, to be recognized as legal subjects and to have equal legal capacity. This uncertainty indicates that the state is still ignoring its constitutional obligations and international commitments to ensure equal and inclusive substantive justice for the most vulnerable groups.

Based on the study of victimology and criminology theories, women with disabilities are included in the group that has a high risk of becoming victims of crime (Pratiwi, 2023). Victimology, which studies the characteristics of victims and factors that increase the risk of victimization, shows that physical limitations and social dependency often make women with disabilities the main targets of crime. Meanwhile, in criminology, theories such as the "Routine Activity Theory" explain that crime occurs when there is a motivated perpetrator, a vulnerable victim, and a lack of supervision. The application of victimology theory in positive law studies,

especially in the analysis of Article 15 of Law Number 12 of 2022, is that victims with disabilities are still considered part of "general victims", even though they experience different forms of violence. The theory of victimology is a strong conceptual basis for explicitly separating protection for women and women with disabilities. The tragedy that happened to a deaf woman with the initials N (23) in Ciumbuleuit, Bandung, in early January 2025 was not just an act of sexual violence, but also revealed the multiple vulnerabilities faced by people with disabilities, especially women, in obtaining protection and justice. This case reveals that the violence experienced by the victim is not only physical and sexual, but also a form of structural offense, when the legal system fails to guarantee accessibility, assistance, and recognition of her legal capacity as a victim. Based on the findings of Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan), the testimony of women with disabilities in Indonesia often does not receive legitimacy from law enforcement officers, due to the assumption that they are unable to convey information coherently and logically (Rizqian, 2021). The communication limitations they faced are often not balanced by the provision of support services such as legal counsel or sign language interpreters, so that the investigation process is discriminatory and non-inclusive. As a consequence, victims have difficulty in describing their experiences of violence comprehensively, which then results in the neglect of testimony and failure to provide evidence in court. The unavailability of sign language interpreters, the lack of understanding of victims by law enforcement officers, and the absence of an inclusive examination mechanism show that the state has not seriously implemented the principle of intersectional justice, which views disability and gender as identities that mutually reinforce vulnerability (Hanryana & Putri, 2025). Instead of being given space to voice their experiences and receive proper protection, victims are faced with a hostile legal system, are doubted in their testimony, and it makes it difficult to prove it. This tragedy is not just a one-time occurrence, but rather part of a pattern of violence that continues to occur because

Indonesian law has failed to reconstruct norms, procedures, and legal culture to be responsive to the needs of women with disabilities. Therefore, justice for victims is not only a matter of punishing the perpetrators, but also a matter of the state's courage to dismantle and correct the roots of discrimination that have long been ingrained.

A critique the types of sexual violence experienced by women with disabilities, showing that this group is in a vulnerable position to be the target of violence due to how often they are marginalized by their physical and social status (Azhar et al., 2023). This study emphasizes that the understanding of sexual violence must be seen not only as a criminal act, but also as an indication of inequalities in complex power relations related to gender and disability. Another research discussing legal protection for women with intellectual disabilities who often face two challenges, which are the difficulty in obtaining justice and doubts from law enforcement officials in recognizing their legal capacity (Irawan, 2023). Another research done by (Hikmah, 2022) to complete this discussion by analyzing the challenges of implementing the law in protecting women with mental disabilities who are victims of sexual violence, especially rape, by highlighting the gap between the legal norms regulated in Article 15 of Law No. 12 of 2022 and other legal instruments with law enforcement practices in the field. This study is also directed to state recommendations concretely aimed at strengthening access to justice, through increasing the capacity of law enforcement officers, providing adequate accommodation at every stage of the legal process, and implementing social advocacy to overcome the stigma and discrimination that still hinder the fulfillment of the rights of women with mental disabilities. Therefore, this article seeks to fill the gap in the existing literature by focusing on more specific legal protection for women with disabilities.

This article contains two main problem statements that are related to each other. First, the importance of special arrangements for women with disabilities who are victims of sexual violence, which is referred to in Article 15 of Law No. 12 of 2022 concerning Criminal Acts of

Sexual Violence. Women with disabilities could be experiencing double vulnerability, both as women and as individuals with special needs, who are often the targets of sexual violence in various forms. Article 15 of Law No. 12 of 2022 already recognizes the existence of vulnerable groups, including people with disabilities. However, the implementation of norms and protection for women with disabilities who are victims still requires more appropriate and practical strengthening. Therefore, it is essential to pay attention to how this legal instrument meets the comprehensive protection needs for victims from this group, including the right to assistance, recovery, access to legal information, and non-discriminatory treatment during the legal process. Second, this paper also discusses the policy of making or directing in law (*ius constituendum*) related to the regulation of women with disabilities as victims of sexual violence. In this case, a progressive legal approach is needed that not only addresses the shortcomings of norms but also ensures that future laws can embrace the principles of substantial justice and respect for human rights. The development of future legal policies must be based on an intersectional approach that takes into account various elements of the victims' vulnerabilities and incorporates the perspective of the rights of persons with disabilities under the Convention on the Rights of Persons with Disabilities (CRPD), which has been recognized by Indonesia (Paruntu et al., 2023). Therefore, the establishment of responsive and inclusive laws must be a necessity in building a just and humane legal protection system for women with disabilities.

RESEARCH METHODS

The research method applied in this article is a normative legal study, which aims to evaluate and state legal norms related to the protection of women with disabilities who are victims of sexual crimes. The legal sources used include legislative regulations, official documents, and relevant legal literature, including Article 15 of Law No. 12 of 2022, which discusses the protection of the rights of women with disabilities (Daullah et al., 2022). This

research was conducted through a literature study approach. The researcher collected and reviewed various legal sources, including laws, government regulations, and academic literature related to the issues of sexual violence and disability (Salmiah et al., 2025). In this way, this research is expected to find deficiencies in existing legal protection and state recommendations for the development of legal norms that are more inclusive and responsive to the interests of women with disabilities.

B. RESULTS AND DISCUSSION

Violence against women with disabilities is not only in the form of physical and sexual violence, but can also be in the form of structural violence influenced by the dominant medical and patriarchal paradigms in the legal system. The medical paradigm positions disability as an individual inability, while it is not entirely based on medical limitations, but is constructed by a legal system that still adopts the traditional medical paradigm and patriarchal values. This approach tends to put people with disabilities not as autonomous legal subjects, but as passive objects and dependent on legal representation from other parties. The crime of rape can be classified into various forms based on the motive and modus operandi of the perpetrator. Sadistic Rape reflects extreme sexual violence with the intensity of hurting the victim physically and psychologically, while Anger Rape is carried out as an emotional outlet through forced labor. Domination Rape occurs in the context of a power relationship, where the perpetrator uses his authority to force the victim. On the other hand, terms such as Seductive Rape and Victim Precipitated Rape are very problematic because they imply that the victim contributed to the violence, thereby obscuring the element of coercion and potentially blaming the victim. Both concepts have been widely criticized for being contrary to the principle of fair and non-discriminatory victim protection. Exploitation Rape refers to the perpetrator's actions taking advantage of the victim's vulnerable situation, such as dependency or unconsciousness, to commit sexual violence without consent.

Structural discrimination occurs when the legal system fails to provide tools, means, and mechanisms that are appropriate to the conditions and needs of the group in question. This causes the legal process to be non-inclusive, ranging from obstacles in reporting, difficulties in providing information, to limited rehabilitation services that are adaptive to disabilities. Thus, the absence of differential norms in Article 15 of Law No. 12 of 2022 increases the risk of revictimization, a condition in which victims experience additional suffering due to the system's unpreparedness in responding to their situation fairly and with dignity. Therefore, an analysis of the substance of Article 15 of Law No. 12 of 2022 needs to consider an intersectional perspective as a critical approach in formulating equitable legal policies. Without it, the law tends to reproduce dominant power relations that ignore the lived experiences of marginalized groups, such as women with disabilities. In the framework of human rights protection, unequal arrangements are not neutrality, but rather a form of tolerance for inequalities that have been rooted in social and legal structures. Therefore, the formulation of more specific and affirmative legal norms for vulnerable groups is the hope for realizing inclusive and transformative justice.

A. Urgency of Regulations Concerning Women with Disabilities as Victims of Sexual Violence Referring to Article 15 of Law No. 12 of 2022

UN Women's thematic report (2022) states that women with disabilities are three times more likely to experience sexual violence than women without disabilities, and that people they know closely, such as companions or service workers, are more likely to commit such violence. The limitations of women with disabilities are often exploited by perpetrators as a loophole to commit violence in the hope of escaping punishment because the crimes they commit are difficult to prove (Aulia, 2021). Article 15 of the TPKS Law contains a provision on the rights of victims of sexual violence, including vulnerable groups such as people with disabilities. However, in substance, this norm is still generalist because it does not provide a clear

distinction between the general needs of victims and the specific needs of women with disabilities. A uniform approach to legal norms actually creates hidden inequality for vulnerable groups who experience multiple vulnerabilities. The structural inequality faced by women with disabilities can be found in the Belis cultural practice in several indigenous communities in East Nusa Tenggara. In this context, women with disabilities are often recognized as social and economic burdens because they are considered not to have equal exchange value in the Belis system. When no party is willing to provide a decent Belis, parents tend to hand over their daughters with disabilities in degrading conditions, including by “selling” them at a very low value. This practice not only reflects the commodification of women with disabilities' bodies, but also encourages tolerance of the violence they experience, because their existence is not considered important to be protected socially or culturally. Women with disabilities, especially intellectual disabilities, are often the targets of sexual violence because they are considered helpless and have difficulty protecting themselves (Manalu & Rajagukguk, 2023). Women with disabilities often face serious barriers in accessing justice due to being labeled as “legally incompetent.” This labeling does not stem entirely from their medical condition, but rather from social construction and a legal system that still adopts a medical approach and patriarchal values.

Judicial practices often reject the testimony of victims with disabilities based on communication limitations or intellectual capacity, giving rise to systemic exclusion that is detrimental to the victim's position. In criminal cases, deafblind rape victims are often blamed by law enforcement officials because they are not considered to have cried out when experiencing sexual violence. Meanwhile, victims with visual disabilities often do not receive legal follow-up because their inability to see the perpetrator is the main reason for stopping the process. Furthermore, in the judicial process, individuals with deaf and speech-impaired disabilities frequently lose their active role because communication during the examination is

entirely left to the interpreter. As a result, the substance of their testimony is often distorted or ignored. Such practices not only increase the vulnerability of women with disabilities to various forms of violence, including physical, sexual, and exploitative violence, but also reflect a systematic disregard for the fulfillment of their basic rights. Especially for victims with mental disabilities, the inability to understand the situation of violence experienced causes them to often misinterpret acts of sexual violence or rape as a form of affection from the perpetrator. The protection of women with disabilities should be derived not only from general norms but also from explicit recognition in strategic articles, such as Article 15 of Law No. 12 of 2022. The difference between chronological and intellectual age is often problematic when handling cases where the victim is legally classified as an adult but is not mentally mature. This condition can cause law enforcement officials to doubt or ignore the validity of the victim's testimony. In fact, the trial process should consider these differences to ensure a fairer assessment of the victim's testimony under their psychosocial conditions. The Convention also directs countries to develop legal support mechanisms that respect the will and personal preferences of persons with disabilities, rather than replacing them through a system of representation that overrides individual autonomy.

Law acts as an instrument of empowerment that enables women with disabilities to actively participate and make decisions independently and with dignity (Suherman, 2024). Thus, the enactment of these discriminatory provisions and practices is not mere negligence, but a form of structural violence that is legalized and perpetuated within the legal framework in the name of “protection”. The absence of specific provisions in Article 15 of Law No. 12 of 2022 has the potential to lead to indirect discriminatory protection and widen the justice gap for this group. The surge in violence against women with disabilities during and after the COVID-19 pandemic confirms the transformation of private spaces into unmonitored arenas of violence. Social distancing policies designed to prevent the spread of the virus have reinforced power

imbalances within households, especially for those who are already structurally marginalized. Dependence on caregivers, limited access to assistance services, and the absence of external social control mechanisms create fertile conditions of impunity for perpetrators. In this context, the domestic space is not just a place to live, but a site of domination where the bodies and autonomy of women with disabilities are silently taken away. This fact shows that normative legal and social protection frameworks fail to reach the intersectional reality of vulnerability, thus urging the presence of policies that are more responsive to the specific needs of this group, especially in emergency and post-crisis situations. Unequal power relations between victims and perpetrators are often family or caregivers who place victims in a position of structural dilemma, where reporting means losing access to daily life. Ironically, a legal system based on standards of verbal communication, logical narrative, and written reporting indirectly excludes victims with disabilities, as their failure to meet procedural standards is considered a lack of evidence.

While the laws in Indonesia are general and cover a wide range of human rights protections, most of these regulations do not specifically accommodate the needs and challenges faced by women with disabilities. Article 15 of Law No. 12 of 2022 has not been revised to explicitly regulate the protection of women and women with disabilities. This lack of regulation can have serious consequences in both the legal and social realms. The lack of specific rules or regulations leads to a lack of protection for women with disabilities. This is especially true when it comes to the responsibility to provide legal counsel, interpreters, communication aids, and examination procedures that adjust to the psychosocial or intellectual condition of the victim. This gap increases the risk of revictimization when victims are harmed again during the law enforcement process due to the absence of accessibility guarantees and respect for their legal capacity. Furthermore, the incompatibility of this article with the principle of supported decision-making and international provisions, such as the CRPD, constitutes a violation of the

state's duty to guarantee equality and non-discrimination before the law. Socially, the absence of favorable arrangements reinforces the stigma that women with disabilities lack the rational capacity to give testimony or understand legal processes. This not only prevents them from accessing justice, but also instills fear and distrust of legal institutions. The result is systemic exclusion that pushes victims away from reporting and recovery processes. When laws are formally neutral but do not address real vulnerabilities, they perpetuate structural injustice. Victims often lack a full understanding of the physical, social, and psychological impacts of violence and rape. Often, victims do not realize that the perpetrator's actions are a form of violence, so they cannot recognize or anticipate such behavior. Emotionally, victims may not exhibit typical reactions; they may only feel physical pain without emotionally processing the incident. In some cases, victims display inappropriate expressions, such as smiling or laughing, due to cognitive limitations in understanding the violent situation they are experiencing or have experienced.

Legal frameworks that do not explicitly regulate can make the rights of women with disabilities experience systemic exclusion from the fulfillment of basic rights, such as protection from violence, access to justice, health services, education, and space for public participation (Rakha Fadhilah dan Farhana, 2024). The presence of special regulations plays a crucial role in overcoming the limitations of a general legal system that is not responsive to the needs of vulnerable groups. Such regulations not only reflect recognition of the existence of differences and structural vulnerabilities in society but also provide normative legitimacy for the provision of differential protection. Without revising the norms of Article 15 of Law No. 12 of 2022, protecting women with disabilities will only be an empty legal symbol. This special protection requires more intensive and targeted enforcement of legal norms to ensure that the rights of vulnerable groups are fulfilled fairly and equally (Laitupa, 2024). The law is not just a neutral instrument in the formal sense. Instead, it is a tool that can actively promote

substantive justice and address systemic social inequality. This special regulation confirms the state's commitment to inclusiveness and anti-discrimination within a legal system that favors justice for all citizens. This regulation aligns with human rights principles that prioritize protecting the most vulnerable groups in society. Furthermore, the creation and implementation of specific regulations can prioritize women with disabilities as survivors of sexual violence as part of ongoing efforts to achieve social justice and ensure equal protection for all individuals.

B. Policy Formulation of Women with Disabilities as Victims of Crime in The Context of Ius Constituendum.

Indonesia has a strong commitment to upholding human rights, but at present, they are not fully implemented, and those who violate them are not strictly held accountable by law. West Papua is one of the regions in Indonesia that is still quite vulnerable to the issue of violence against the community, especially women with disabilities. This vulnerability is complex and multilevel because it arises from their dual identity as women and as individuals with disabilities. In its 2017 annual report (CATAHU), *Komnas Perempuan* highlighted the case of Dwi Aryani, a disabled woman who was removed from an Etihad Airways flight because she was deemed unable to save herself. This treatment violates Law No. 8 of 2016 on Persons with Disabilities. To advocate for this case, *Komnas Perempuan* sent a letter to the Ministry of Transportation and testified as an expert witness at the South Jakarta District Court on August 14, 2017. During the trial, *Komnas Perempuan* presented a gender perspective and compared international practices, showing that victims of discrimination in developed countries are entitled to much greater compensation. Thus, the value of the lawsuit in this case was considered minimal. Without social engineering efforts, awareness about women's rights will not form by itself (Mutamakin & Mahmud, 2022). Within the current legal framework (*ius constitutum*), the protection of this group is far from adequate. Therefore, it is important to

review the existing legal formulation policy in the context of *ius constituendum*, namely the law that is aspired to be able to answer the needs of substantive justice for this vulnerable group. Perpetrators of sexual violence are not only punished but also receive four forms of rehabilitation, namely medical rehabilitation, mental rehabilitation, psychological rehabilitation, and social rehabilitation (Fathonah Oktimalasari & Ediyono, 2023). The ideal law (*ius constituendum*) adjusts to the life of a particular community in a particular region by sanctions, should favor the weakest, especially those who experience multiple vulnerabilities, such as women with disabilities (Mufty, 2023). The ideal legal approach should not be limited to compatibility with the social dynamics of society, but should also reflect a high moral commitment and social responsibility towards groups that are structurally most vulnerable to injustice. In this context, the law is required to go beyond its formal role as a collection of norms, regulations, and transform into an instrument capable of encouraging progressive social change and realizing deep and sustainable social transformation. The revision of Article 15 of the Law on Corruption Crimes requires strategic support from the legislature, especially Commission VIII of the Dewan Perwakilan Rakyat (DPR) and the Badan Legislatif (Baleg), as the main actors in the process of drafting and ratifying regulations. Civil society groups need to build cross-sectoral coalitions involving organizations of persons with disabilities, legal feminist communities, and academics, in order to develop strong policy briefs and conduct legislative hearings directly with members of parliament who have alignments with vulnerable groups. The involvement of factions with a commitment to gender equality and human rights issues is crucial so that this revision proposal can be included in the National Legislation Program (Prolegnas) scheme. Prioritize and gain the political legitimacy needed to be formally discussed in the legislative forum.

Reformulating criminal law policies to take into account the unique experiences of women with disabilities is a demand for justice and a constitutional obligation, as well as part of

Indonesia's commitment to international human rights standards. As a state party to the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Indonesia must take legislative and administrative measures to protect women with disabilities from all forms of violence (CRPD Articles 6 and 16; CEDAW General Recommendation No. 35). The needs of victims of sexual violence are not limited to the litigation aspect alone, but include various other demands that are fought for by legal counsel to ensure the fulfillment of victims' rights as a result of the violence experienced. In addition to demanding appropriate punishment for the perpetrator, victims also need recovery outside of the judicial mechanism, such as guarantees of sustainability of life and access to education for children, which in the context of rape cases, are the responsibility of the perpetrator to fulfill. Society needs to change its perspective so that sexual violence can be seen as a serious offense that must be addressed, not something that naturally occurs in society. Meanwhile, repressive legal protection focuses on law enforcement after a violation or criminal offense (Hikmah, 2022). Therefore, more explicit normative strengthening is needed, reflected in Article 15 of Law No. 12 of 2022, which recognizes women and women with disabilities as vulnerable groups. This recognition is an important basis for adjusting all stages of the legal process, from reporting, investigation, to recovery, to be more inclusive, responsive, and equitable. Self-regulation is not only needed to provide effective legal protection, but also as a form of recognition of the complexity of victims' experiences, fulfillment of the state's constitutional obligations to protect vulnerable groups, and implementation of the principle of non-discrimination as mandated in international human rights instruments. Without specific arrangements, legal protection for women with disabilities risks remaining at a symbolic level and failing to realize true justice. Legal protection should not only focus on post-incident repressive measures, but should also include preventive strategies and a comprehensive recovery approach (Ghoni, 2023). In this regard, the state has

the responsibility to provide an adaptive legal aid system, accessibility to reporting mechanisms, increase the capacity of law enforcement officers to understand disability perspectives, and provide rehabilitation services that are appropriate to the individual conditions of victims. All of these efforts should be integrated into a policy framework that is holistic and sustainable, so that legal protection does not only become a normative narrative, but is present as a reality that can be accessed equally by women with disabilities.

Special Protection

- (1) Women with disabilities who are victims of sexual violence are entitled to special protection during the legal process, but not limited to:
 - a. Accessibility to legal information and services;
 - b. Assistance is provided by professionals. These professionals are trained in handling cases of sexual violence against women with disabilities;
 - c. Reporting procedures that are sensitive to the needs and conditions of victims.

Dewan Pengurus Pusat Perkumpulan Penyandang Disabilitas Indonesia (DPP PPDI) proposes to add a special article aimed at victims with disabilities. This aims to reduce the possibility of the recurrence of crimes and provide more severe sanctions for perpetrators (Puspa et al., 2025). The imposition of heavier criminal sanctions against perpetrators of sexual violence against women with disabilities, namely one-third higher than the general provisions as stipulated in Article 15 of Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence, represents the state's recognition of the double vulnerability experienced by groups of women with disabilities. The position as a woman as well as an individual with a disability is placed in a situation that is more vulnerable to violence and faces structural barriers in accessing justice (Helandri et al., 2024). The increase in punishment is not solely intended as a deterrent effect for perpetrators, but also as a stronger and more affirmative legal protection strategy for

vulnerable groups, as well as a concrete effort in realizing substantive justice. This policy also reflects the fulfillment of the state's responsibility to respect, protect, and fulfill human rights, especially the right to security and freedom from violence. Thus, this provision can be seen as a manifestation of the state's moral and political commitment to build a legal system that is more inclusive, equitable, and oriented towards the protection and recovery of victims.

The provisions on the rights of women with disabilities who are victims of sexual violence state the urgency of special protection in the legal process that is not only normative, but must be implemented in real terms by considering the multiple vulnerabilities experienced. Accessibility to legal information and services needs to be adjusted to the needs of the disabled, assistance by professionals must be based on disability competence and sensitivity, and mandatory reporting procedures must be designed to avoid re-victimization. These three aspects reflect an intersectional approach in an inclusive and just criminal law system regarding gender. However, the effectiveness of these provisions certainly faces implementation challenges that require structural reform, improving the quality of human resources, and active participation of the disability community to ensure substantive protection for women with disabilities as victims of sexual violence.

C. CONCLUSION

Women generally experience gender inequality that leads to discrimination and violence. In addition, women with disabilities face additional barriers, which include accessibility and limitations in obtaining equal rights. Therefore, both of these things require specific legal protection so that women's rights can be fulfilled fairly. In the statement of the concept of the article referring to Article 15 of Law No. 12 of 2022, the rules made must include protection for women in general, including from violence and discrimination. The government must ensure that the policies made can be implemented in real terms so that the rules can run effectively. Socialization of the rights of women with or without disabilities needs to be

expanded so that society better understands and respects these rights. With clear and firm regulations, it is hoped that the rights of women and women with disabilities can be guaranteed, and there will be no more gaps in the fulfillment of their rights. Supervision of the implementation of these regulations also needs to be strengthened so that they truly receive protection and rights that follow the needs of women and women with disabilities.

Article 15 of Law No. 12 of 2022 should ideally be reformulated to explicitly recognize women with disabilities as subjects who have the right to special protection in order to strengthen legitimacy and integrate an intersectional approach normatively in national legal instruments. This revision must be accompanied by a state guarantee for the provision of legal assistance and interpreters or communication facilitators at every stage of the judicial process as a form of fulfilling the right to legal accessibility and preventing systemic discrimination. It is important to provide mandatory training for law enforcement officers based on the perspective of disability and human rights, so that the law enforcement process runs inclusively and does not result in the re-victimization of women with disabilities who are victims of sexual violence.

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