

## PRINCIPLES OF JUSTICE FOR PERSONS WITH DISABILITIES IN THE JUDICIAL PROCESS

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### *Abstract*

*The implementation of a system with fair principles for all groups, including persons with disabilities, requires full supervision due to their vulnerability to discrimination as victims, perpetrators, or witnesses. Law Number 8 of 2016 concerning Persons with Disabilities serves as the legal foundation for protecting and respecting the rights of persons with disabilities. However, challenges persist in its practical implementation. A case in Sumenep, as reflected in Decision Number 135/Pid.B/2024/PN.Smp, serves as the main focus of this study, emphasizing the application of justice principles for persons with disabilities who often face obstacles, particularly regarding adequate accommodation and accessibility, leading to injustice in the rights they receive. This research employs a normative juridical method with a case study approach and secondary data analysis to identify the principles of justice applied, assess the implementation of existing regulations, and examine the criminal justice system in Indonesia. The findings indicate that discrimination in protecting the rights of persons with disabilities persists due to weak regulations on the types of disabilities victims face and the accommodations provided. Based on this decision, it is imperative to provide training for law enforcement officers to be more assertive in implementing justice for all citizens of Indonesia, including persons with disabilities, as victims, witnesses, or perpetrators of criminal acts. Strengthening protection mechanisms is essential to ensuring tangible justice and creating an inclusive criminal justice system that safeguards their rights.*

**Keywords:** *Violence, Justice, Disabilities, Abuse.*

## A. INTRODUCTION

The law-abiding state of Indonesia upholds the principles of justice and equality before the law for all of its citizens, without exception. The Constitution of the Republic of Indonesia explicitly guarantees human rights, including the right to equal treatment before the law and access to justice. Furthermore, various regulations have been enacted to strengthen the protection of the rights of vulnerable groups, including persons with disabilities. Law Number 8 of 2016 concerning Persons with Disabilities is a significant milestone in the effort to achieve equality and full participation of persons with disabilities in all aspects of life, including in the criminal justice system (Luthfia, 2020). The principle of non-discrimination and the obligation of the state to provide adequate accommodations for persons with disabilities serve as the fundamental basis for ensuring that they can effectively access justice.

The implementation of these principles in judicial practice is often encountered with various obstacles. The legal vacuum regulating the procedures and accommodations necessary for persons with disabilities at every stage of the judicial process, from reporting criminal acts, investigation, prosecution, to trial, can lead to injustice and marginalization. Persons with disabilities as victims of crimes often face barriers in providing testimony, understanding legal processes, and receiving support tailored to their disability needs. As a result, their right to obtain equal and effective justice can be overlooked.

The case of Decision Number 135/Pid.B/2024/PN.Smp, recorded in the Case Information System (SIPP) of the Sumenep District Court, serves as an important focal point in examining this issue. Although details regarding the type of disability of the

victim, the forms of accommodation provided during the judicial process, and the judge's considerations regarding disability aspects are not explicitly outlined in the online case summary, the existence of this case in the judicial realm indicates an interaction between the legal system and individuals with disabilities who are victims of criminal acts. This raises crucial questions about the extent to which principles of justice have been concretely applied in this case to protect the rights of victims with disabilities and to ensure a fair and inclusive judicial process.

This research will employ the lens of restorative justice theory and human rights theory to analyze the issues raised. Restorative justice theory emphasizes the restoration of victims' losses, the accountability of offenders, and social reintegration. In the context of persons with disabilities as victims, this approach necessitates a profound understanding of the impact of criminal acts on their disability conditions and the recovery efforts that take those specific needs into account. Human rights theory, particularly concerning the rights of persons with disabilities as outlined in the Convention on the Rights of Persons with Disabilities (CRPD), which has been ratified by Indonesia through Law Number 19 of 2011, provides a strong normative framework to ensure that persons with disabilities enjoy all human rights and fundamental freedoms on the basis of equality with others (Noor Aulia Sari et al., 2024)

Key principles in the CRPD, such as non-discrimination in Article 5, accessibility in Article 9, equality before the law in Article 13, and reasonable accommodation in Article 2, will serve as the primary analytical tools in evaluating the implementation of justice principles in Case Decision Number 135/Pid.B/2024/PN.Smp (*SIPP*, 2024). The concept of full and effective participation of persons with disabilities in legal processes will also be explored as a crucial element in achieving substantive justice.

Issues of violence and the lack of adequate legal protection for persons with disabilities in various regions of Indonesia, including Sumenep, have garnered the attention of various stakeholders, including the media and civil society organizations. Several news reports and case studies illustrate the vulnerability of persons with disabilities to criminal acts and the challenges they face in accessing justice.

Research by Wahyu Andrianto (2018) in the *Indonesian Business Law Review* examines "Legal Protection for Persons with Disabilities as Victims of Criminal Acts." This article analyzes the existing legal framework in Indonesia concerning the protection of persons with disabilities in the context of criminal law. The study highlights the importance of recognizing the rights of persons with disabilities as victims, including the right to accessibility in legal proceedings, adequate assistance, and fair treatment without discrimination. The article also identifies several implementation challenges and provides recommendations for future policy improvements.

The article from Arianto (2017) discusses the rights of people with disabilities in the criminal justice system. This study examines how fair judicial principles should be accommodated for people with disabilities, ranging from the investigation stage to court rulings. This article emphasizes the importance of information accessibility, adequate legal assistance, and adjustment of trial procedures to ensure full and effective participation of people with disabilities (Arianto, 2017).

The journal entitled "Legal Protection for Children with Disabilities as Victims of Sexual Violence" by (Sari et al., 2021) specifically addresses legal protection for children with disabilities who become victims of violence within the context of the criminal justice system. This research highlights the double vulnerability faced by this

group and the necessity for special protective mechanisms that are responsive to their needs. Although its focus is on children, this study provides important insights into the challenges and protection needs for individuals with disabilities in general within the judicial process.

These news reports provide an overview of the problem of violence against people with disabilities in the Sumenep region. However, there has been no academic research that has profoundly analyzed how the principles of justice are applied in criminal justice processes involving people with disabilities as victims in the region. Analysis of Decision No. 135/Pid.B/2024/PN.Smp as a case study is expected to provide insight into the practice of applying the principle of justice and identifying potential obstacles and improvement opportunities in the judicial system.

Case Decision Number 135/Pid.B/2024/PN.Smp has important significance in the context of this study because it is a concrete representation of how the criminal justice system interacts with the rights of people with disabilities at the state court level. The limitation of detailed information in case brief records in the Case Search Information System (SIPP) actually underscores the need for in-depth analysis to understand how aspects of victims' disabilities are considered during the judicial process. This article is unique in that it specifically links the case study of public court rulings to the theoretical framework of the principles of justice and relevant legislation on the rights of persons with disabilities. Previous studies tended to address the issue of legal protection of persons with disabilities in general or focused on specific aspects such as physical accessibility or discrimination.

This research aims to address the gap by holistically analyzing the application of the principles of justice throughout the criminal justice process involving persons with

disabilities as victims, with a case study on first-instance court rulings. This analysis is expected to identify the discrepancies between the ideals of legal norms and the realities of their implementation in the field, as well as to formulate more targeted recommendations to enhance the protection of the rights of persons with disabilities within the criminal justice system in Indonesia.

This problem formulation focuses on the principles of justice and legal protection for persons with disabilities within the judicial system in Indonesia. First, the principles of justice that should be applied to protect the rights of persons with disabilities during legal proceedings in Indonesia. Second, the legislation that governs the protection of the rights of persons with disabilities as victims of abuse, and how these norms can ensure equal access to justice for them. This research aims to identify and outline the relevant principles of justice that should be applied to protect the rights of persons with disabilities at every stage of the criminal justice process in Indonesia. Additionally, it analyzes the legislation that specifically regulates the protection of the rights of persons with disabilities as victims of criminal acts of abuse, including Law Number 8 of 2016 and its implementing regulations. This study also examines Decision No. 135/Pid.B/2024/PN.Smp as a case example to assess the application of justice principles and the regulations governing the rights of persons with disabilities in the trial process at the district court level.

This research employs a normative legal method, using a case study approach. The legal issue of this study is the legal vacuum in the protection of the rights of persons with disabilities during the judicial process, indicating the need for regulatory reform to ensure appropriate accommodations and fair treatment for victims. The data source for this research utilizes secondary data, consisting of primary legal materials and

secondary legal materials (Tinambunan & Prasetyo, 2019). Primary legal materials consist of Court Decisions and Legislative Regulations, including Law No. 8 of 2016 concerning Persons with Disabilities and Law No. 12 of 2022 concerning Sexual Violence Crimes, which provide a legal foundation to be utilized in the criminal justice system for sexual violence crimes against persons with disabilities. The secondary legal materials for this study were obtained from legal books, legal journals, expert opinions, and the internet related to the research object (Rizkia & Fardiansyah, 2023). The author employs a case approach to review the Legal Protection Process for Victims of Sexual Violence Against Persons with Disabilities in Sumenep (Case Approach to Decision Number 135/Pid.B/2024/PN.Smp).

## **B. RESULT AND DISCUSSION**

### **1. PRINCIPLES OF JUSTICE TO PROTECT THE RIGHTS OF PERSONS WITH DISABILITIES IN THE JUDICIAL PROCESS IN INDONESIA**

Efforts to protect the rights of persons with disabilities in the judicial process in Indonesia require the application of several principles of justice. The principle of non-discrimination asserts that people with disabilities should be treated equally before the law without discrimination, in accordance with Article 5 of the Convention on the Rights of Persons with Disabilities (CRPD) (Anwar, 2021). This suggests that each individual, regardless of physical or mental condition, has the same right to fair treatment in the legal system. Therefore, it is essential to ensure that all people, including people with disabilities, can access justice without any obstacles caused by their condition.

Accessibility is a crucial aspect, in which the judicial process must be accessible to people with disabilities, including access to information, facilities, and support needed to fully participate in legal proceedings (Kurniawati et al., 2022). This includes the provision of adequate facilities and infrastructure, such as access routes for wheelchairs and information presented in a format that people with disabilities can understand. In addition, the state also needs to provide appropriate accommodation during the judicial process, which includes necessary adjustments so that people with disabilities can testify and understand the legal process well (Pijar Cahya Devi et al., 2022).

Full and effective participation should be guaranteed, where people with disabilities are given the opportunity to actively contribute to the judicial process, including the right to provide information and receive appropriate legal support (Rahma, 2024). This includes the right to be represented by lawyers who understand their particular needs and can provide appropriate legal advice. Special protection also needs to be implemented to address the vulnerabilities of people with disabilities, including protection mechanisms from intimidation and threats during the legal process (Bhayangkara et al., 2025).

Based on data from the Online Information System for the Protection of Women and Children (simfoni-PPA), the number of victims of violence against women has reached its highest point from early January to May this year, totaling 8,593, compared to 2,041 for men (SIMFONI-PPA, 2023). The number of women with disabilities who are victims of violence is alarmingly high, with 40 individuals with mental disabilities experiencing violence, and 33 individuals with sensory disabilities (Febrianti Lumban Raja et al., 2024). The implementation of these principles is crucial to ensure that the



rights of persons with disabilities are protected within the criminal justice system. Although Law No. 8 of 2016 and Law No. 12 of 2022 provide a strong legal foundation, there are still gaps in regulations governing the necessary procedures and accommodations.

Efforts to realize justice in the judicial system for persons with disabilities in Indonesia still face obstacles both in terms of structure and implementation. In decision number 135/Pid.B/2024/PN.Smp, the defendant who is visually impaired was not provided with adequate means to independently access legal documents, such as through braille format, audio recordings, or assistance from a companion who understands his needs. Throughout the legal process, from the investigation to the reading of the verdict, he did not receive any ease in understanding the content of the indictment, the minutes of examination, or other pieces of evidence. This has rendered him unable to comprehend the case presented against him in its entirety and has hindered his ability to defend himself. In fact, the principle of fair trial demands guarantees of access and full understanding of all stages of the legal process, both from procedural and substantive aspects.

The 2023 report by the National Disability Commission (KND) reveals that 78% of persons with disabilities do not receive supportive facilities during legal proceedings, indicating a serious issue within our justice system. The lack of provisions such as braille formats, audio recordings, or assistance from companions who understand their needs signifies that access to justice remains unequal. This issue is not merely about the lack of facilities, but rather represents a deeper inequality, namely, systematic discrimination (Mawaddah & Haris, 2022). When persons with disabilities cannot comprehend the legal processes that entangle them, they are not

afforded an equal opportunity to defend themselves. This undermines their position before the law and has the potential to perpetuate ongoing injustice. Therefore, fundamental changes need to be made so that the legal process in Indonesia can truly be accessed by all segments of society, including those with special needs.

Decision No. 135/Pid.B/2024/PN. Smp in a case of assault where the victim is a blind person. The assault was committed by three perpetrators and occurred a second time at the same location, namely the victim's home. Based on the statement from the Head of Intelligence at the Sumenep District Attorney's Office, in this case, the demand filed by the Public Prosecutor (JPU) is only 1 year and 6 months of imprisonment, with the requirement that the defendants pay legal costs amounting to IDR 5,000.00. This claim raises significant questions, particularly regarding justice for visually impaired victims who have sustained injuries and bruises to their bodies according to the forensic examination results. The trial process at the Sumenep District Court has received little media attention because information regarding the trial schedule is not known to the public. Meanwhile, Prosecutor Bintang, who is handling this case, has declined to provide his phone number to the media for confirmation purposes. Since the beginning, the family of the defendants has been seeking ways for the defendants to be released from custody. This is seen as not reflecting the severity of the criminal acts committed by the defendants, who had intended to harm the victim with a sharp weapon if not intervened by bystanders. Furthermore, there is a lack of law enforcement officials who are supposed to act in accordance with their code of ethics. Justice must be realized through law enforcement that is transparent, accountable, and impartial. The lack of legal protection in this case reflects that in the judicial process, victims including persons with disabilities have not been fulfilled

optimally. There remains discrimination, especially against the visually impaired, with accessibility not being maximally addressed. The state should provide adequate accommodations, including the presence of psychological support in court to translate the responses and behaviors of victims in a medically-legal context. In this matter, there was no mention of efforts for the victims to provide their statements fully and safely.

According to Article 5 of Law No. 9 of 2016, which states, 'Persons with disabilities have the right to protection from acts of violence, exploitation, and maltreatment.' And in article 145 which states, 'Any person who commits discriminatory acts and violence against persons with disabilities shall be punished with a prison sentence of up to five years and/or a fine of up to five hundred million rupiah'(Law No. 9 Year 2016). According to Article 351 of the Criminal Code regarding the persecution of paragraph (1) of the Criminal Code, the persecution is punishable by imprisonment for a maximum of two years and eight months or by a maximum fine of four thousand and five hundred rupiahs, paragraph (2) of the Law stated that if the persecution resulted in severe injuries, sentenced to a maximum of five years in prison, paragraph (3) states that if it results in death, it is punishable by a maximum of seven years in prison. There is also an article 170 of the Criminal Code on Violence Committed Together that should be used as a basis when the prosecutor gives a charge that the perpetrator can be threatened more severely.

The case study of Decision Number 135/Pid.B/2024/PN.Smp indicates that various principles of justice mandated by Law Number 8 of 2016 and the Convention on the Rights of Persons with Disabilities (CRPD) have not been concretely realized in the implementation of legal processes in the first-instance court. The study by Dewi

(2023) in the *Journal of Law and Human Rights* highlights that law enforcement officials in Indonesia still experience a capacity gap in understanding and implementing the concept of reasonable accommodation (Pijar Cahya Devi et al., 2022). An analysis of final court decisions reveals that the provision of appropriate accommodations for persons with disabilities has not been applied consistently, which ultimately results in violations of their fundamental rights within the legal process (Indriana, 2024). The government needs to undertake regulatory reforms and training for law enforcement officials regarding the rights of persons with disabilities, which is essential for them to better protect those rights. Thus, the criminal justice system in Indonesia can become more inclusive and responsive to the needs of persons with disabilities, allowing them to fully and equitably enjoy their rights before the law. Therefore, it is crucial to continuously monitor and evaluate the implementation of these principles in judicial practice. Research and data collection regarding the experiences of persons with disabilities within the justice system can provide valuable insights for ongoing improvements. With a strong commitment from all parties involved, it is hoped that significant changes can be achieved.

The public also needs to enhance awareness of the rights of persons with disabilities and the importance of inclusion within the justice system. Education and public campaigns can help change the stigma and negative perceptions towards persons with disabilities, allowing them to be accepted and valued as equal members of society. With these measures, it is hoped that persons with disabilities can actively participate in legal processes and obtain the justice they rightfully deserve.

Collaboration between the government, non-governmental organizations, and the disability community is crucial to creating a supportive environment. Training

programs for law enforcement officers and legal service providers need to be designed to enhance their understanding of the rights of persons with disabilities. Furthermore, it is important to develop a safe and confidential reporting system for persons with disabilities who experience violations of their rights.

## **2. REGULATIONS GOVERNING THE PROTECTION OF THE RIGHTS OF PERSONS WITH DISABILITIES AS VICTIMS OF ABUSE**

The protection of the rights of people with disabilities as victims of persecution in Indonesia is regulated by a number of laws aimed at ensuring equal access to justice for them. Here are some relevant regulations:

### **1. Law Number 8 of 2016 concerning Persons with Disabilities**

The main issue that needs to be analyzed in this context is whether Law Number 8 of 2016 provides adequate legal protection for victims with disabilities in the criminal justice process. Additionally, it is important to evaluate whether the rights of these victims are respected during the trial process in this rape case.

The applicable regulation, namely Article 5 of Law Number 8 of 2016, explicitly states that persons with disabilities have the right to not experience discrimination and to have equal access in all aspects of life, including in the fields of law and justice (Putri et al., 2024). This law also establishes that persons with disabilities have the right to the protection of their civil and political rights, including the right to fully participate in legal processes and to receive fair and safe treatment.

In the case of rape involving a woman with intellectual disabilities, the judge applied Article 5 of Law Number 8 of 2016 as the legal basis to ensure that the victim receives fair and equal treatment. The judge also provided special assistance to the victim during the trial, with the aim of creating a safe and supportive atmosphere,

allowing the victim to give testimony without feeling pressured or worried. Furthermore, the decision to impose a 12-year prison sentence on the defendant demonstrates that the justice system is committed to upholding justice regardless of the victim's disability status, while also ensuring the protection of the victim's rights throughout the legal process.

The conclusion of this analysis is that Law Number 8 of 2016 has been effectively implemented in providing legal protection for persons with disabilities, as seen in this case of rape. The application of the rights of persons with disabilities to receive fair treatment and equal legal access can be fulfilled through this law, including the provision of special assistance during the trial. Therefore, this law serves as an important instrument in ensuring justice and the protection of human rights for persons with disabilities in Indonesia.

## **2. Law Number 12 of 2022 concerning Sexual Violence Crimes**

This law includes specific provisions that protect victims of sexual violence, including individuals with disabilities. Within this law, there are norms that regulate protection and recovery for victims, as well as reporting mechanisms that are more sensitive to the needs of individuals with disabilities. For instance, based on the decision of the Medan District Court Number 1245/Pid.B/2023/Pn.Mdn, in a case of sexual violence against a woman with intellectual disabilities in Medan, the panel of judges clearly stated the defendant's guilt after considering the evidence and expert testimony. The fact that the victim has had intellectual disabilities from birth was a significant factor in the judges' assessment, recognizing that this condition makes her particularly vulnerable and necessitates special protection in accordance with Law Number 12 of 2022 on Sexual Violence Crimes (Febrianti Lumban Raja et al., 2024).

The judge sentenced the defendant to 7 years and 6 months in prison, along with a fine of one billion rupiah, with an additional imprisonment threat if the fine is not paid. In its considerations, the panel of judges assessed that the defendant is fully responsible for his actions without any justification or mitigating circumstances. This decision reaffirms the principles of justice and legal certainty, while also providing a deterrent effect for perpetrators of sexual violence, particularly against victims with special needs such as individuals with disabilities.

### **3. Code of Criminal Law (KUHP)**

The Indonesian Penal Code (KUHP) regulates various criminal offenses, including assault. In the context of persons with disabilities, the articles that regulate victim protection and law enforcement must be applied with consideration for their specific needs. For instance, in Decision Number 141/Pid.B/2020/PN.Wkb, Muhammad Imran, a 47-year-old fisherman, was found guilty of having sexual intercourse three times with Niken Ayu Puspita Sari, a 20-year-old woman who is a person with disabilities with a condition of intellectual disability. The perpetrator's actions were accompanied by the provision of money to the victim. The actions resulted in the victim becoming pregnant and experiencing severe psychological distress, which ruined her future (Handayani & Prasetyo, 2025). The judge made a ruling in accordance with Article 286 of the Criminal Code, with all elements of the article being met, namely, the defendant as the perpetrator, the act of sexual intercourse outside of marriage, and the victim's helpless condition due to mental impairment. However, the judge sentenced the defendant to 8 years in prison, which is lighter than the prosecutor's demand of 9 years, considering aggravating factors such as the impact

on the victim and her family, as well as mitigating factors, namely that the perpetrator had no prior convictions, admitted his actions, and expressed remorse.

#### **4. Government Regulation Number 39 of 2020 concerning the Implementation of Law Number 8 of 2016**

This regulation provides further details on the implementation of the rights of persons with disabilities, including in the context of access to justice. It encompasses the provision of reasonable accommodations in legal processes to ensure that persons with disabilities can participate fully. For instance, this regulation stipulates the provision of disability-friendly physical facilities in courts, as well as access to legal information that is easy to understand. The obligation to provide reasonable accommodations, such as sign language interpreters, for persons with sensory disabilities during legal proceedings, including investigations and trials, is a crucial component of this regulation. According to (Pijar Cahya Devi et al., 2022), there are many challenges in implementing these regulations in the field, particularly during the investigation process at the Sleman District Police. Their research indicates that reasonable accommodations, such as sign language interpreters, are often unavailable, which impedes communication between persons with disabilities and legal authorities.

This increases the likelihood of errors occurring during the examination process and reduces the level of justice received by persons with disabilities. Consequently, it is crucial to gain a better understanding of and apply these regulations across various institutions to ensure that persons with disabilities have equal rights in all aspects of their lives, including access to justice.

The norms within these regulations can ensure equal access to justice for persons with disabilities in several ways:



1. **Principle of Non-Discrimination:** All regulations emphasize that persons with disabilities must not be discriminated against in legal processes, ensuring they have the same rights to legal protection. This is important to ensure that they are not treated differently solely because of their condition.
2. **Accessibility:** Regulations require the provision of facilities and information that can be accessed by persons with disabilities, allowing them to actively participate in the judicial process. This includes providing legal documents in accessible formats, such as Braille or audio.
3. **Adequate Accommodations:** Regulations stipulate that the state must provide necessary accommodations, such as sign language interpreters or psychological support, to assist individuals with disabilities in giving testimony and understanding the legal process. These accommodations are essential to ensure that they can effectively participate in the legal proceedings.
4. **Special Protection:** There are provisions that provide additional protection for persons with disabilities who are victims of abuse, including mechanisms to protect them from intimidation and threats during legal proceedings. This includes protection from re-traumatization and the necessary support for recovery.

Efforts to implement the principles of justice within the criminal justice system in Indonesia face significant challenges in providing adequate accommodations for individuals with disabilities, which can lead to injustices. This is evident in the analysis of Decision Number 135/Pid.B/2024/PN.Smp (Rosari dkk., 2024). The lack of sufficient facilities, such as sign language interpreters, physical accessibility, and a comprehensive understanding of the specific needs of individuals with disabilities

among legal authorities remain major barriers that hinder their ability to exercise their rights during the judicial process.

The legal system, which has not fully taken into account the specific needs of victims, is evident from the lack of clarity regarding the types of disabilities and the forms of accommodations provided during the judicial process. Deficiencies in the regulations governing the necessary procedures and accommodations at each stage of the legal process pose a problem, despite the strong legal framework established by Law Number 8 of 2016 concerning Persons with Disabilities and Law Number 12 of 2022 regarding Sexual Violence Crimes (Ali Sodikin, 2021). Persons with disabilities who are victims often face difficulties in providing testimony, understanding legal procedures, and obtaining assistance that is appropriate to their needs. As a consequence, their rights to fair and effective justice are often overlooked (Azali & Purba, 2023).

This research recommends the need for a revision of existing regulations to ensure that individuals with disabilities receive appropriate accommodations during legal proceedings. Furthermore, it is essential for law enforcement officials to receive training and education regarding the rights of individuals with disabilities in order to effectively protect those rights within the criminal justice system. To meet the needs of individuals with disabilities, the criminal justice system in Indonesia must be more inclusive and responsive, including the creation of specific protection mechanisms that can assist them in facing challenges as victims of crime (Mifta Rofina Thenu dkk., 2024). With these measures, it is hoped that justice for individuals with disabilities in the criminal justice process can be realized, allowing them to fully and equally enjoy their rights before the law.

### C. CONCLUSION

Based on the analysis presented in the discussion, the author can draw the conclusion that the principles of justice for the rights of persons with disabilities are already regulated in the Convention on the Rights of Persons with Disabilities (CRPD), as stipulated in Law Number 19 of 2011, and further accommodated in Law Number 8 of 2016. These principles are very important for justice, including non-discrimination, accessibility, reasonable accommodation, participation, and special protection for persons with disabilities. The obstacles and challenges in its implementation remain suboptimal, including limited inclusive facilities, lack of training for legal personnel, and the absence of responsive protection mechanisms for the needs of persons with disabilities, particularly as victims of crime. It is also important to involve persons with disabilities in the policy and regulatory-making processes related to their rights, so that their voices are heard and their needs are met. Secondly, regulations that guarantee the protection of rights to accessibility, assistance, and fair treatment in legal proceedings for persons with disabilities in Indonesia have been comprehensively established in Law Number 8 of 2016 concerning Persons with Disabilities and Law Number 12 of 2022 concerning Sexual Violence Crimes and its implementing regulations. Nevertheless, based on Decision No. 135/Pid.B/2024/PN.Smp, the implementation of these regulations has not been optimal. There appears to be a gap in the procedures and a lack of clarity in providing adequate accommodations, resulting in the protection of persons with disabilities not being fully optimal in practice.

Based on the results of this study, it is recommended that there be updates to policies and improvements to regulations to address legal gaps and clarify protection procedures as well as the provision of adequate accommodations. Furthermore, there is a need to strengthen law enforcement agencies in understanding disability issues through training, so that the principles of justice for persons with disabilities can be inclusively applied. As an integral part of the judicial system, it is necessary to provide accessibility to facilities and infrastructure, professional assistance, and protection mechanisms. Therefore, through these measures, it is hoped that the criminal justice system in Indonesia will realize the rights to provide fair, equitable, and dignified protection for all persons with disabilities, especially those who are victims of crimes.

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