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Legal Protection of Women with Disabilities in an Integrated Criminal Justice System

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Abstrak

Penelitian ini bertujuan untuk menganalisis bagaimana Perlindungan Hukum dari Sistem Peradilan Pidana Terpadu diimplementasikan dalam menangani kasus kekerasan terhadap perempuan penyandang disabilitas. Jenis metode penelitian yang digunakan adalah penelitian hukum normatif atau dormitif karena tidak mempelajari implementasi atau pelaksanaan hukum. Biasanya, pendekatan yang sering digunakan dalam penelitian hukum normatif seperti yang dinyatakan oleh Johnny Ibrahim adalah 7 (tujuh) pendekatan dalam bentuk 1) Pendekatan Legislatif; 2) Pendekatan Konseptual; 3) Pendekatan Analitis; 4) Pendekatan Komparatif; 5) Pendekatan Historis; 6) Pendekatan Filosofis; 7) Pendekatan Kasus. Hasil penelitian menunjukkan bahwa penyandang disabilitas dilindungi oleh Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, yang mengandung prinsip-prinsip Hak Asasi Manusia (HAM), baik dalam Preamble maupun di Badan, terutama setelah Undang-Undang Dasar Tahun 1945 diubah dengan dimasukkannya bab mengenai hak asasi manusia. Begitu juga, berbagai konvensi internasional yang telah diratifikasi mewajibkan Pemerintah Indonesia untuk menghormati, memenuhi, dan melindungi hak asasi manusia untuk semua manusia, termasuk perempuan penyandang disabilitas. Dengan demikian, setiap orang seharusnya setara di hadapan hukum dan memiliki hak atas perlindungan hukum yang sama tanpa diskriminasi, termasuk penyandang disabilitas. Selain sejalan dengan prinsip-prinsip dasar dalam hukum dan hak asasi manusia. Undang-Undang tentang Penyandang Disabilitas menegaskan pentingnya perlakuan khusus mengenai perlindungan penyandang disabilitas dari berbagai bentuk kekerasan berbasis gender dan disabilitas, termasuk aspek pencegahan, perlakuan, dan pemulihan. Pasal 9 Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas menegaskan perlakuan yang sama di hadapan hukum dan pengakuan sebagai subjek hukum. Undang-Undang Tindak Pidana Kekerasan Seksual menetapkan layanan khusus berupa bantuan bagi perempuan penyandang disabilitas yang menjadi korban kekerasan seksual.

Abstract

This research is aimed at analyzing how the Legal Protection of the Integrated Criminal Justice System is implemented in handling cases of violence against women with disabilities. The type of research method used is normative or dormitive legal research because it does not study the implementation or implementation of law. Usually, the approaches that are often used in normative legal research as stated by Johnny Ibrahim are 7 (seven) approaches in the form of 1) Legislative Approach; 2) Conceptual approach; 3) Analytical approach; 4) Comparative approach; 5) Historical approach; 6) Philosophical approach; 7) Case approach. The research results show that people with disabilities are protected by the 1945 Constitution of the Republic of Indonesia, which contains the principles of Human Rights (HAM), both in the Preamble and in the Body, especially after the 1945 Constitution was amended with an inserted chapter on human rights. Likewise, various international conventions that have been ratified mandate the Indonesian Government to respect, fulfil and protect human rights for all humans, including women with disabilities. Thus, everyone should be equal before the law and have the right to equal legal protection without discrimination, including people with disabilities. Apart from being in line with basic principles in law and human rights. The Law on Persons with Disabilities mandates the importance of special treatment regarding the protection of persons with disabilities from various forms of gender-based violence and disability, including aspects of prevention, treatment, and recovery. Article 9 of Law Number 8 of 2016 concerning Persons with Disabilities mandates equal treatment before the law and recognition as legal subjects. The Sexual Violence Criminal Act mandates special services in the form of assistance for women with disabilities who are victims of sexual violence.

Keywords: *Legal Protection, Women with Disabilities, Integrated Criminal Justice System*

INTRODUCTION

The 1945 Constitution of the Republic of Indonesia contains the principles of Human Rights (HAM), both in the Preamble and in the Body, especially after the 1945 Constitution was amended with an inserted chapter on human rights. Likewise, various international conventions that have been ratified mandate the Indonesian Government to respect, fulfill and protect human rights for all humans, including women with disabilities. Thus, everyone should be equal before the law and have the right to equal legal protection without discrimination, including people with disabilities. Apart from being in line with basic principles in law and human rights. However, the fact is that in social and state life, practices of gender injustice and violence against women continue to occur in various fields. Women (both children and adults) are more often the targets of violence in both the domestic and public spheres.

Violence against women, including women with disabilities, is any act based on gender differences, which results in or may result in misery or suffering for women, physically, psychologically, sexually, through threats of certain acts, coercion and deprivation of liberty that occurs in the public and domestic spheres. Viewed from the perspective of women as victims, violence against women as gender-based violence can occur in various forms, namely physical, sexual, and psychological violence (PBB, 1993). These three forms of violence can occur in the family or personal domain, community, or state. Another form is economic violence or economic neglect which typically occurs in the family or personal realm. Physical violence can take the form of beatings, abuse, injuries, or various other forms of action that target the female victim's body parts (Lianawati, 2020)

For example, psychological violence takes the form of cursing, shouting, harsh words, silence, or various other actions that hurt the heart or feelings of the female victim (Lianawati, 2020). Economic violence or economic neglect can include, among other things, prohibiting women from working or not providing support to women who are their dependents (Lianawati, 2020). Various data and research, both obtained from the Ministry of Women's Empowerment and Child Protection (KemenPPPA) and the Annual Records (Catahu) of the National Commission on Anti-Violence against Women (Komnas Perempuan) and women's protection organizations or institutions, show that the amount of violence against women is increasing from year to year. including violence against women with disabilities. In fact, in times of disaster, such as the Covid-19 pandemic, criminal acts against women do not stop.

The 2020 National Commission on Violence Against Women's Catahu report shows that domestic violence (KDRT) is most frequently reported to service institutions, followed by violence in the public/community sphere and violence in the state domain with 24 cases (1%). In the public sphere, cases of sexual violence are of concern. Catahu 2020 shows that the area's most at risk for women experiencing violence are the personal domain, domestic violence and dating relationships, where reports reached 79% (6,480 cases) or an increase of 4% compared to the previous year's 75%. This violence takes the form of physical, sexual, and economic violence.

Sexual violence in the personal realm takes the form of sexual abuse and cyber-based gender violence. The perpetrators consisted of boyfriends, ex-girlfriends, and fathers. Of the 8,234 cases handled by Komnas Perempuan's partner service institutions, it was also recorded that the most prominent type of violence against women was in the Personal Domain (RP) or called KDRT/RP (Domestic Cases/Personal Domain) at 79% (6,480 cases)..

Violence against Wives (KTI) was ranked first with 3,221 cases (50%), followed by violence in relationships with 1,309 cases (20%) which was in second place; The third position is violence against girls with 954 cases (15%), the rest is violence by ex-boyfriends, ex-husbands, and violence against domestic workers. Violence in the personal sphere experienced the same pattern as in previous years, the most prominent form of violence was physical violence with 2,025 cases (31%) ranked first followed by sexual violence with 1,983 cases (30%), psychological violence with 1,792 (28%), and economics 680 cases (10%).

Furthermore, the highest number of cases is violence against women in the public or community sphere at 21% (1,731 cases) with the most prominent case being sexual violence at 962 cases (55%) consisting of other sexual violence (or not specifically mentioned) with 371 cases, followed by 229 cases of rape, 166 cases of sexual abuse, 181 cases of sexual harassment, 5 cases of sexual intercourse, and the remaining 10 cases of attempted rape. In the CATAHU Community Area, this year there was an increase in cases of human trafficking compared to the previous year from 212 to 255, and there was a decrease in cases of violence against female migrant workers from 398 to 157.

For disability groups, according to data released by the National Commission on Violence Against Women, it shows that people with disabilities, especially women with disabilities, still experience various forms of discrimination and violence. According to Komnas Perempuan's records for the 2023 Annual Records (CATAHU) period, there were seventy-nine (79) cases of violence against people with disabilities, 7 of which were reported directly to Komnas Perempuan.

Even though the amount of violence against women continues to increase using various modes, public awareness of the protection and prevention of violence against women is still very low. Patriarchal culture, which views and places women in a lower position than men, is still very strong in society. As a result,

women continue to be victims of violence, including women with disabilities, because society, state officials, including law enforcement do not yet understand the importance of protecting women from violence. This lack of understanding means that women often become victims of violence and are vulnerable to human rights violations (El Muhtaj, 2013). In fact, the term violence against women has been used around the world for almost three (3) decades. In Indonesia itself, since the last two decades, the term violence against women has been echoed by women human rights defenders and has become increasingly prominent along with the presence of service providers that aid women victims of violence.

At the international level, the World Conference on Human Rights in Vienna, 1993 was a breakthrough momentum for the struggle to eradicate violence against women, by introducing to the world community that "the human rights of women and girls are human rights that cannot be taken away, are integral and an integral part of inseparable from universal human rights. Thus, women's human rights must be an inseparable part of UN human rights activities. This conference declared gender-based violence a violation of human rights, as stated in the 1993 Vienna Declaration and Program of Action as follows:

"Gender-based violence, discrimination and all forms of sexual assault and exploitation, including those resulting from cultural prejudice and international human trafficking, are contrary to human dignity and dignity, and must be eliminated. Violence against women is further described in the UN Declaration on the Elimination of Violence against Women, 1993, namely: "Every action based on gender differences that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of certain actions, coercion or deprivation of liberty arbitrarily, whether occurring in public life or in private life" (Article 1 of the UN Declaration on the Elimination of Violence against Women, 1993).

Prior to the presence of the Vienna Declaration, violence against women was formulated by the Committee on the Elimination of Discrimination against Women (CEDAW Committee) in General Recommendation Number 19 concerning Violence against Women, 1992, namely: "Article 1 of the Convention defines discrimination against women. The definition of discrimination against women includes gender-based violence, that is, violence directed against a woman because she is a woman or affecting women disproportionately. This includes acts that result in physical, mental, or sexual harm or suffering or threats of certain acts, coercion, and other deprivation of liberty. Gender-based violence may violate certain provisions of the Convention, even if those provisions do not specifically state the existence of violence.

In other words, gender-based violence is violence that is specifically experienced by women because of unequal gender relations. The concept of gender itself is different from the concept of sex. The concept of gender describes the absolute differences between men and women which refers to the biological characteristics of men and women (Budiman, 1982). Men have a penis and sperm, while women menstruate and have a uterus so they can conceive and give birth and have mammary glands for breastfeeding. The biological nature between women and men lies in their respective unique biological characteristics (Poerwandari, 2008). These differences in biological and reproductive characteristics

apparently lead to interpretations, or constructions, that differentiate the positions, roles and values of men and women 9 (Poerwandari, 2008).

Moore suggests that violence stems from gender-based identity roles linked to power dynamics, often driven by perceived rather than actual threats. For instance (Moore, 1994), a husband's violence towards his wife due to unfounded suspicions of infidelity illustrates how violence is used for social control, negatively impacting the victim. Violence entails exerting physical force and power to control or harm others, extending beyond medical or criminal realms into ethical, cultural, and political domains. Despite legal protections for women, such as those outlined by Dede Kania, implementation gaps persist, leading to the continued marginalization of women. Women victims often face challenges in legal proceedings, including victimization during investigation stages and unfulfilled rights. Law enforcement's limited capacity and systemic biases further exacerbate these challenges, as seen in cases like V's in Karawang, West Java, where a domestic violence victim faced criminalization. Women experiencing sexual violence encounter additional layers of injustice within the legal system, facing obstacles at various levels, including substantive, structural, and cultural, in their pursuit of justice (Kanis, 2015).

This situation and conditions then encouraged the idea of an Integrated Criminal Justice System for Handling Cases of Violence against Women (SPPT PKKTP) to emerge, since 2003. SPPT PKKTP is an integrated system that shows the linkages between the competent agencies in handling cases of violence against women and access to services. which is easy and affordable for women in every judicial process to fulfilled access to justice and recovery for victims. It is hoped that the SPPT PKKTP will be a mechanism that will provide a breakthrough for these obstacles by strengthening coordination between service providers and law enforcement, integrating holistic recovery needs from the beginning of reporting to post-punishment of perpetrators so that they can truly provide conducive conditions for female victims to rise and become survivors.

With this concept in 2008, the MoU regarding SPPT PKKTP was signed by the Ministry of Women's Empowerment and Child Protection, the Ministry of Health, the Police, the Prosecutor's Office, the Supreme Court, and Peradi together with the National Commission on Violence Against Women. Due to joint encouragement, in 2016, SPPT PKKTP was included as a National Priority Program (PPN) led by Komnas Perempuan with the support of various parties, including Bappenas. Since the last five years, several advances have been made, including the growth of regulations in law enforcement institutions, as we see in SEMA 3/2017 Guidelines for Adjudicating Women's Cases in Conflict with the Law and

Prosecutor's Guidelines No. 1 of 2021. In the regions there are also widespread regional policies regarding the implementation of SPPT PKKTP, increasing awareness of the importance of cross-institutional work, including involving civil society. To analyze how the Legal Protection of the Integrated Criminal Justice System is implemented in handling cases of violence against women with disabilities.

RESEARCH METHOD

The type of research used is normative or dogmatic legal research because it does not study the implementation or implementation of law. Usually, the approaches that are often used in normative legal research as stated by Johnny Ibrahim are 7 (seven) approaches in the form of 1) Legislative Approach; 2) Conceptual approach; 3) Analytical approach; 4) Comparative approach; 5) Historical approach; 6) Philosophical approach; 7) Case approach 9 Ibrahim, 2015).

Meanwhile, according to Peter Mahmud Marzuki, there are 5 (five) approaches in normative legal research, namely: 1) Statute approach; 2) Case approach (case approach); 3) Historical approach (historical approach); 4) comparative approach, and 5) conceptual approach 9 (Marzuk, 2009). The five approaches mentioned above were explained systematically by Peter Mahmud Marzuki. The statutory approach is an approach used to review and analyze all laws and regulations that are related to the legal issue being handled.

RESULT AND DISCUSSION

Violence against women is currently still a big problem and needs attention from various groups. The position of women is under male domination because they are considered weak figures. Patriarchal culture, which is still deeply rooted in society, greatly influences elements of daily life such as customs, education, social, political, economic, and also religious. Violence against women can be said to be a global phenomenon because it occurs in various parts of the world. Various incidents of violence experienced by women as data published by the Ministry of Women's Empowerment and Child Protection (KPPPA) and the Central Statistics Agency (BPS) show that in Indonesia, every ten women aged 15-64 years have experienced violence from either partners or non-partners. partners, while within 12 months one in every three women experiences violence.

This data shows the number of incidents of violence against women in Indonesia over a period of 12 years (2007 – 2018). Meanwhile, according to the annual records (Catahu), the National Commission on Violence against Women (Komnas Perempuan) shows an

extraordinary increase in cases. According to Catahu 2019, the number of cases of violence against women in 2018 (406,178) increased 14% (348,446) from 2017 (348,446). Komnas Perempuan released it in the period 2008 to 2020, and in this period Komnas Perempuan gave a red note regarding the high escalation of victims of sexual violence in Indonesia. Data shows that the number of victims of sexual violence among adult women has increased quite high, namely 700%, victims of female children have increased by 65%, victims of online sexual harassment have increased by 300%, and disability groups have increased by 47 in 1 (one) year from 2019-2020.² Then, based on information from the Women and Children Advocacy Institute, it was discovered that during the COVID-19 pandemic, the spike in online-based sexual violence cases also increased, with 4 (four) in half a year.

Especially for women with disabilities, Disabled Peoples' International Asia Pacific (DPIAP) released data showing the number of people with disabilities in the world is a portrait that shows how important the issue of disability is to make a common agenda. The agency said that more than 665 million people in the world are people with disabilities. This means that more than 15% of the world's population has disabilities. The UN notes that around 60% of the 650 people with disabilities worldwide live in the Asia and Pacific region. The UN Department of Economic and Social Affairs in its information sheet states that 80 percent of people with disabilities live in rural areas in poor conditions (Sapda Jogja Disability Bulletin 2010).

Meanwhile for Indonesia, the Ministry of Social Affairs estimates it is 3.11%, according to data from the Ministry of Health the figure is 6%. BPS data states that the disabled population in Indonesia is 2,126,785. WHO notes that an average of 10% of the population in developing countries, including Indonesia, experiences disabilities. Currently, Indonesia's population is estimated to reach 250 million people, an estimated 20 million people are disabled. According to the records of the Indonesian Central Statistics Agency, in 2022 the sex ratio of the Indonesian population will reach 102.2. This means that in every population of 100 women, there are around 102 men. Thus, this ratio shows that there is a balance between the number of men and women.

National census results released by the Central Bureau of Statistics showed that the number of women with disabilities compared to men (52.7% and 47.3%). These conditions create a large opportunity for disabled people to become victims of criminal acts 9 (Badan Pusat Statistik, 2003) Data released by the National Commission on Violence Against Women shows that people with disabilities, especially women with disabilities, still experience various forms of discrimination and violence.

According to Komnas Perempuan's records for the 2023 Annual Records (CATAHU) period, there were seventy-nine (79) cases of violence against people with disabilities, 7 of which were reported directly to Komnas Perempuan. The number of reported cases does not yet reflect the actual reality. The various cases that are revealed are usually not commensurate with the number of cases that occur. Each case is difficult to uncover because it has a special and layered vulnerability to violence. Women with disabilities also experience obstacles in reporting their cases, such as a lack of knowledge regarding reporting mechanisms and handling cases that do not have perspective and handling cases of violence against disabilities and remedies that are not yet accessible.

For this reason, the National Commission on Violence Against Women reminds us that the Law on Persons with Disabilities mandates the importance of special treatment regarding the protection of persons with disabilities from various forms of gender-based violence and disability, including aspects of prevention, treatment, and recovery. So that these various problems do not happen again, Guideline Number 2 of 2023 has been issued regarding suitable accommodation in appropriate and inclusive case handling for Persons with Disabilities in the Judicial process, which was created by the Attorney General's Office as a guideline for its implementation.

Veriyanto Sihotang, a women's commissioner, commends the Attorney General's Office for its efforts and hopes for the effective implementation of their policy. These guidelines signify progress in handling criminal cases involving individuals with disabilities, addressing challenges such as evidential barriers identified by the National Commission on Violence Against Women. Law enforcement's lack of a disability perspective and reluctance to trust disabled victims as witnesses are significant hurdles. Despite legal mandates for equal treatment, such as Article 9 of Law Number 8 of 2016, perceptions of disabled women as unequal persist. Rainy Hutabarat, Commissioner of the National Commission on Violence Against Women, underscores the importance of specialized services for disabled victims of sexual violence. Additionally, she highlights the difficulty in obtaining evidence, especially in cases of sexual violence, where incidents often occur in seclusion and lack witnesses. Particularly vulnerable are women with psychosocial disabilities, who face heightened risks of violence, deprivation of rights, and social exclusion, hindering their integration into society.

Law enforcers should provide equal access to justice and there should be no exceptions or discrimination. All laws starting from the 1945 Constitution, the judicial power law, as well as various regulations in the field of rights protection contain equal and fair

treatment for all citizens. These various tools explain equality before the law. However, in its implementation this has not been implemented, so the principle of justice must be further reaffirmed by prioritizing the rights of every citizen (sudiro, 2001)

Persons with disabilities are entitled to fair treatment in the criminal justice system, as outlined by the Criminal Procedure Code (KUHP). Article 35 of the law emphasizes that their trials must adhere to these procedures without exception. However, despite legal provisions safeguarding their rights, there are still challenges in implementation. Government entities, including the police, prosecutors, and courts, are mandated to ensure equal treatment for individuals with disabilities, even if not explicitly stated in Article 28.

Meanwhile, the explanation in article 29 states that the Government and regional governments have an obligation to provide legal assistance for persons with disabilities in investigations at various law enforcement agencies regarding civil and/or criminal matters following the content and provisions of statutory regulations. These provisions must provide legal assistance for people with disabilities. Law enforcement officials have provided legal assistance in the form of processing crimes committed against people with disabilities, even though the POLRI, Prosecutor's Office and District Court have only just become aware of the existence of a law that regulates the rights of people with disabilities. The government is obliged to provide legal assistance to everyone, including people with disabilities.

If you look at the contents of Article 30 paragraph (1) of the Law on Persons with Disabilities, it is explained that before carrying out examinations of persons with disabilities, law enforcers are obliged to ask for consideration or advice from doctors, psychologists, and social workers. By looking at the contents of this article, law enforcers should ask for consideration or advice from experts with the aim of knowing the condition of people with disabilities who are sane and able to provide information as they should. Expert testimony is also necessary to find out whether the witness or victim has an abnormal or unhealthy physical condition and so on, whether the witness/victim has a psychosocial condition or not. For this reason, when carrying out an inspection you should consider expert advice. This condition is not reported as it should be because the Police, Prosecutor's Office and District Court are sometimes not aware of the existence of this provision.

The involvement of the experts in question is, among other things, necessary during the Visum et Repertum by the doctor or before the examination to ensure that the victim witness is psychologically ready to be questioned soon. If the victim witness with a disability is a student from a special school (SLB), he/she needs to be accompanied by a parent and teacher.

Protection of the Human Rights of Persons with Disabilities

Protection of the Human Rights of Disabled Groups is the same as protection for all Indonesian people. This protection is contained in the 1945 Constitution, which expressly guarantees for people with disabilities. In 28H paragraph (2) of the 1945 Constitution, it is clearly stated that everyone has the right to receive special facilities and treatment to obtain the same opportunities and benefits to achieve equality and justice.

As one of the countries that recognizes and ratifies the Indonesian government's Convention on the Rights of Persons, Indonesia has ratified it into Law No. 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities. Apart from that, according to Albion, the regulation of the human rights of persons with disabilities means that persons with disabilities have the same position without exception in civil relations as regulated in the Civil Code. Meanwhile, several articles in the Civil Code explain that not everyone is considered to understand the law.

In the Civil Code, Article 1330 of the Civil Code, explains that the law has been declared incompetent to carry out legal acts, namely people who are not yet adults (*minderjarigen*) and people who are placed under guardianship (*die onder curatele gesteld zijn*). Albion further explained that Article 433 of the Civil Code explains internal inconsistencies. The explanation of the Article states that the criteria "For every adult who is always in a state of imbecility, suffering from brain disease or dark eyes which implies that the person who can be subject to forgiveness must constantly experience a condition of being unable to use the mind. Although, the sentence "even though he is sometimes capable of using his mind" shows otherwise, the explanation of someone experiencing a condition of not being able to think only at certain times can still be subject to pardon. The inconsistency in the sound of the article is confusing where the subject is under guardianship and has the potential to give rise to arbitrariness by parties who want to take advantage.

Abion also explained that the Civil Code does not specify the three conditions as requirements for this pardon. However, in practice, these criteria often target people who have disabilities, namely psychosocial disabilities, and intellectual disabilities, as well as those who have cognitive impairments (such as people who have brain injuries or Alzheimer's disease). A person who has a mental disability is the target of pardon because he is considered a person with a weak mind. Meanwhile, people who have intellectual disabilities are 'imbecile'.

With the results of the ratification of the Convention on the Rights of Persons with Disabilities and its inclusion in the legislation of the Republic of Indonesia, the concept of

substitute decision making as stated in Article 433 of the Civil Code is no longer relevant to use. Apart from contradicting the objectives of this convention, the content of this article also poses a real threat to persons with disabilities, especially in efforts to realize human rights in the legal field. Therefore, it is time for this concept to be changed to decision-making support.

Justice for Persons with Disabilities

According to the explanation from Komnas HAM Complaints Commissioner Hari Kurniawan, Article 433 of the Civil Code is contrary to human rights norms in the CRPD. The use of the term in Article 433 of the Civil Code, namely the state of imbecility, madness, or dark eyes, is contrary to Article 8 of the Convention on the Rights of Persons with Disabilities, which requires state parties to adopt policies so that they are effective and appropriate for combating prejudiced stereotypes and practices that are detrimental to persons with disabilities in their lives. life.

Article 433 of the Civil Code states that every adult who is stupid, crazy, or dark-eyed must be placed under guardianship even if he is sometimes able to use his mind. The criteria for adults can also be placed under guardianship because extravagance is very contrary to Article 12 of the CRPD which confirms that people with disabilities have the right to be recognized as individuals before the law. According to Article 433 of the Civil Code, it reflects discriminatory actions against people with mental disabilities so that people with mental disabilities have multiple layers of vulnerability in the act of forgiveness because every action must be carried out by forgiveness.

CONCLUSION

Persons with disabilities are protected by the 1945 Constitution of the Republic of Indonesia, which contains the principles of Human Rights (HAM), both in the Preamble and in the Body, especially after the 1945 Constitution was amended with an inserted chapter on human rights. Likewise, various international conventions that have been ratified mandate the Indonesian Government to respect, fulfill and protect human rights for all humans, including women with disabilities. Thus, everyone should be equal before the law and have the right to equal legal protection without discrimination, including people with disabilities. Apart from being in line with basic principles in law and human rights. The Law on Persons with Disabilities mandates the importance of special treatment regarding the protection of persons with disabilities from various forms of gender-based violence and disability, including aspects of prevention, treatment, and recovery. Article 9

of Law Number 8 of 2016 concerning Persons with Disabilities mandates equal treatment before the law and recognition as legal subjects. The Sexual Violence Criminal Act mandates special services in the form of assistance for women with disabilities who are victims of sexual violence.

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Naskah asli Deklarasi dan Program Aksi Wina 1993 berbunyi: "The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. Dokumen dapat diakses di: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>, Vienna Declaration and Programme of Action, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993, Part I paragraph 18.

Naskah asli Deklarasi dan Program Aksi Wina 1993 berbunyi: "Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated."

Naskah asli Deklarasi tentang Penghapusan Kekerasan terhadap Perempuan PBB, 1993, berbunyi: "For the purposes of this Declaration, the term violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." Lihat Deklarasi tentang Penghapusan Kekerasan terhadap Perempuan. Declaration on the Elimination of Violence against Women, A/RES/48/104, 85th plenary meeting, 20 December 1993.

Naskah asli Rekomendasi Umum Nomor 19 tentang Kekerasan terhadap Perempuan, 1992, berbunyi: "The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Genderbased violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence." Lihat

[http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.h](http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm) tm,

General Recommendation No. 19 (eleventh session, 1992), Violence against Women.

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