

Legal Protection for Criminal Acts Against Disabled Perpetrators

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Abstract

The increasing global recognition of disability rights highlights a critical gap in the legal protection of offenders with disabilities. This issue is especially pressing as traditional criminal justice systems often fail to fully address the specific vulnerabilities and needs of individuals with disabilities who come into conflict with the law. These systems frequently lack the necessary accommodations, which may result in continued discrimination and hinder the rehabilitative goals of justice. This study employs normative legal research methods to conduct a comprehensive analysis of relevant laws, regulations, and judicial decisions concerning disabled offenders. The primary aim is to identify deficiencies in the existing legal framework and propose substantive reforms to ensure a more just and equitable application of criminal law. Preliminary findings reveal that while general provisions for vulnerable groups exist, specific and comprehensive protections for disabled offenders remain inadequate. This deficiency often leads to potential miscarriages of justice and obstacles to meaningful rehabilitation. According to the research underscores the urgent need for criminal justice systems to adopt a more inclusive and human rights-based approach in their treatment of individuals with disabilities.

Keywords: *Legal Protection, Disabled Offenders, Criminal Law, Disability Rights, Justice*

A. INTRODUCTION

A country based on law such as Indonesia requires that all citizens should have equal standing before the law, including vulnerable groups such as people with disabilities. The principle of equality before the law as stated in Article 27

paragraph (1) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as Article 27 paragraph (1) of the 1945 Constitution) and various other legal instruments emphasize that there should be no discriminatory treatment of anyone, including those with physical, sensory, mental, or intellectual limitations. However, in practice, perpetrators of criminal acts who are people with disabilities often do not receive fair and equal treatment in the criminal justice system. They experience various structural and cultural barriers that make access to justice very limited. The main legal issue that arises is how to ensure that the procedural and substantive rights of people with disabilities as perpetrators of criminal acts are met comprehensively, considering that the existing criminal law system is not yet fully adaptive to their special needs.

The main problem that often occurs is the absence of a special mechanism in the legal process that comprehensively considers the conditions of people with disabilities. For example, in the investigation process, many people with disabilities, especially intellectual or mental disabilities, do not understand their rights during the examination and can even be forced to admit to crimes they did not commit. The absence of legal counsel who has expertise in dealing with people with disabilities, the lack of sign language interpreters, and the lack of understanding of law enforcement officers regarding the special needs of perpetrators with disabilities are the main factors in unfair treatment. This condition is exacerbated by the lack of supporting facilities and infrastructure, such as examination rooms and detention rooms that are not disability-friendly (Aditya *et al.*, 2020).

The Indonesian government has actually demonstrated its commitment to protecting the rights of persons with disabilities by ratifying the Convention on

the Rights of Persons with Disabilities (hereinafter referred to as CRPD) through Law Number 19 of 2011 (hereinafter referred to as Law No. 19 of 2011). This convention explicitly states that the state is obliged to ensure that persons with disabilities receive fair treatment in the criminal justice system, whether as victims, witnesses, or perpetrators of crimes. In addition, Law Number 8 of 2016 (hereinafter referred to as Law No. 8 of 2016) concerning Persons with Disabilities also provides a legal basis to ensure accessibility and adequate accommodation in various aspects of life, including law and justice. However, the implementation of these norms is still far from expectations due to weak supervision, limited socialization, and lack of human resource capacity in law enforcement agencies. The criminal law system in Indonesia to date tends to prioritize a retributive approach, namely retribution for the actions of the perpetrator of the crime, rather than a restorative or rehabilitative approach. In this situation, perpetrators with disabilities are positioned as equal to non-disabled perpetrators without any special treatment. In fact, the concept of true justice does not only emphasize formal equality, but must also prioritize substantial equality or equity, namely providing fair different treatment for individuals based on their needs. In many cases, a system that is not friendly to disabilities causes people with disabilities to experience criminalization, procedural errors, and even human rights violations during the legal process.

Previous researchers have examined the issue of legal protection for people with disabilities in the criminal justice system, albeit with varying focuses. Fakhrol *et al.*, (2025) in their study on "The Investigation Process Against Criminal Acts with Deaf People in the Criminal Investigation Unit of the Bukittinggi City Police" highlighted specific challenges in the investigation stage

for certain people with disabilities. In line with that, Mutriady (2021) in his article "Legal Protection for People with Disabilities as Victims of Violence" discusses aspects of protection for people with disabilities who are victims, which also shows gaps in the justice system. Meanwhile, Ardini & Melati (2025) through "Analysis of the Implementation of Legal Protection for Women and Children with Disabilities in Indonesia" examines the implementation of legal protection more broadly for vulnerable groups with disabilities, especially women and children.

Previous studies have identified various problems and challenges in legal protection for persons with disabilities in the justice system, this study will focus more deeply on a critical analysis of the effectiveness of existing policies and legal frameworks in providing reasonable accommodation for perpetrators of criminal acts with disabilities, especially in the pre-adjudication stage (investigation and prosecution) and how this accommodation should be systematically integrated into the legal process. Unlike previous studies that tend to be descriptive or identify general gaps, this study will offer a more comprehensive conceptual framework regarding the disability-inclusive criminal justice model, by highlighting the urgency of a paradigm shift from a retributive approach to a more restorative and rehabilitative approach by considering the individual needs of persons with disabilities. We will specifically analyze how the principles of equity and human rights can be implemented in each stage of the justice process, which has not been explored in depth by previous studies.

The government and legal policy makers need to build a legal system that is more inclusive and adaptive to the needs of people with disabilities. Legal protection for perpetrators of criminal acts with disabilities is not intended to free

them from legal accountability, but rather to ensure that the legal process they undergo is fair, transparent, and respects human dignity. This includes the right to receive legal assistance that understands disabilities, accessible facilities, and treatment that takes into account the psychological and mental conditions of the perpetrators. Reforming criminal law, increasing the capacity of law enforcement officers, and integrating human rights principles into the criminal justice system are urgent needs to realize humane justice (Sari *et al.*, 2021). The inequality of legal treatment of perpetrators of criminal acts with disabilities in the criminal justice system in Indonesia, especially at the pre-adjudication stage.

The main problems to be answered in this study are formulated into three main questions, namely: (1) What are the normative provisions related to legal protection for perpetrators of criminal acts with disabilities in the Indonesian criminal justice system? (2) What are the obstacles in implementing this protection at the pre-adjudication stage, especially in the investigation and prosecution process? and (3) How is the formulation of an inclusive and human rights-based criminal justice system model for perpetrators with disabilities? In line with the formulation of the problem, this study aims to analyze the applicable legal framework, evaluate the implementation practices in the field, and offer a model of a justice system that is adaptive to the special needs of people with disabilities. Normative identification is carried out by reviewing the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), Law No. 8 of 2016 concerning Persons with Disabilities, Law No. 19 of 2011 concerning the Ratification of the CRPD, and the Criminal Procedure Code (hereinafter referred to as the Criminal Procedure Code). In addition, the principles of international law, particularly those contained in the Convention on

the Rights of Persons with Disabilities (CRPD), are used as a benchmark to assess the extent to which the national legal system has guaranteed substantive protection and justice for perpetrators of criminal acts involving persons with disabilities.

B. RESEARCH METHODS

This research method uses a normative legal approach.(Sabar et al., 2025) This study aims to examine laws and regulations, legal doctrines, and various relevant literature regarding legal protection for perpetrators of criminal acts with disabilities. The legal materials used include secondary data such as laws and regulations [including the 1945 Constitution of the Republic of Indonesia, Law No. 8 of 2016, Law No. 19 of 2011, the Criminal Code (hereinafter called the Criminal Code), the Criminal Procedure Code], legal textbooks, scientific journals, legal articles, policy documents, court decisions, and international documents such as the Convention on the Rights of Persons with Disabilities and the General Comment of the UN CRPD Committee. The legal material collection technique is carried out by collecting data from various sources. The data analysis technique is carried out qualitatively, namely by describing and interpreting the data that has been collected systematically to answer research problems, as well as examining the gap between ideal legal norms and practices in the field, including comparative analysis between national norms and international legal principles to identify the adequacy of legal protection in Indonesia (Saputro *et al.*, 2020).

C. RESULTS AND DISCUSSION

1. Inequality in Legal Treatment of Offenders with Disabilities in the Criminal Justice System

Criminal law enforcement in Indonesia still experiences unequal treatment of perpetrators of criminal acts who are persons with disabilities. Although national law has regulations governing the rights of persons with disabilities, both as citizens and legal subjects, in reality the implementation of protection for them has not been running optimally. Many perpetrators of criminal acts with disabilities do not receive fair and equal legal treatment, and often become victims of discriminatory and inhumane legal processes. For example, during the investigation stage, there are often no companions or translators who understand certain disabilities such as deafness, blindness, or intellectual disabilities. As a result, perpetrators with disabilities experience confusion and even mental stress when questioned, so that forced confessions or misinformation can occur which result in erroneous law enforcement (Fiqry & Widowaty, 2021).

This unequal treatment also appears in the trial process. Several cases show that judges do not consider the perpetrator's disability aspect in making decisions, and still sentence with the same measure and legal basis as non-disabled perpetrators. This shows that the legal system is still oriented towards formal equality, not substantive justice. In fact, substantive justice requires special treatment for vulnerable groups so that they can access rights equally. For example, a perpetrator with an intellectual disability should first receive a psychological assessment to determine their capacity for criminal responsibility. However, in practice, this assessment is rarely carried out due to the ignorance of the authorities, budget constraints, or the absence of support service facilities. As a result,

people with disabilities who are actually not fully able to understand the legal consequences of their actions are still processed like ordinary criminals (Fiqry & Widowaty, 2021)

Correctional institutions in Indonesia are also not fully disability-friendly. Facilities and infrastructure such as wheelchair ramps, special toilets, accessible prayer rooms, or health facilities that meet the needs of people with disabilities are still very limited. In addition, not all correctional officers have training or understanding of the special needs of prisoners with disabilities. This results in perpetrators serving sentences not only losing their freedom, but also facing additional suffering due to a non-inclusive environment. In the context of legal protection, this is a violation of the principle of respect for human dignity as regulated in various human rights instruments (Komariah & Lewoleba, 2021).

The implementation of legal protection for perpetrators with disabilities shows a large gap between regulations that promise protection and justice, and the reality of implementation in the field which is still far from ideal. The state should be present to fill this gap through concrete and measurable affirmative policies. Fair treatment of perpetrators with disabilities is not a form of impunity, but rather an effort to ensure that the legal system runs fairly, humanely, and respects the rights of every individual, including those with physical, sensory, mental, or intellectual limitations (Komariah & Lewoleba, 2021)

Theoretical approaches can strengthen the analysis of this inequality. John Rawls' theory of justice emphasizes the importance of the principle of difference in designing social and legal systems, namely that

inequality can only be justified if it benefits the most disadvantaged group. In this context, people with disabilities as perpetrators of criminal acts are included in the category of vulnerable groups who are entitled to different but fair legal treatment, in order to achieve substantive justice. In addition, the responsive legal approach developed by Nonet and Selznick is also relevant to apply, because it emphasizes that the law should be able to adapt and respond to the needs of a dynamic society, including paying attention to the social context of individuals who are in conflict with the law. A criminal justice system that is responsive to people with disabilities does not only enforce the rules rigidly, but also considers the values of humanity, empathy, and social responsibility. Therefore, the integration of Rawls' theory of justice and the responsive legal approach can be a strong academic foundation for formulating a criminal justice system that is more inclusive and pro-vulnerable groups such as people with disabilities. (Komariah & Lewoleba, 2021).

2. Legal Review of Legal Protection for Criminal Offenders with Disabilities

Legal protection for persons with disabilities, including those who are perpetrators of criminal acts, has been legally regulated in various provisions of legislation, both at the national and international levels. At the international level, Indonesia has ratified the Convention on the Rights of Persons with Disabilities (CRPD) through Law No. 19 of 2011. Article 13 of the CRPD explicitly states that states parties must ensure effective access to justice for persons with disabilities on equal terms with others, including through appropriate accommodation for their age and condition,

as well as training for those working in the justice system, such as police and judges. Ratification of this convention should be a moral and legal basis for building a criminal justice system that is more inclusive and responsive to groups with disabilities.

Law No. 8 of 2016 concerning Persons with Disabilities establishes a solid legal basis to guarantee and protect the rights of persons with disabilities at the national level. Article 1 number 1 states that persons with disabilities are any person who experiences physical, intellectual, mental, and/or sensory limitations for a long period of time who, in interacting with the environment, may experience obstacles and difficulties in participating fully and effectively. This law expressly includes the right to justice and legal protection, including when facing criminal legal proceedings. In addition, Article 41 states that persons with disabilities have the right to legal assistance, easily accessible legal information, and reasonable accommodation in the judicial process (Simanjuntak *et al.*, 2024).

The Criminal Code and Criminal Procedure Code as the main references in the criminal justice system in Indonesia, have not fully accommodated the needs and conditions of persons with disabilities as perpetrators. There are no specific provisions that provide exceptions or adaptive treatment for perpetrators of criminal acts with disabilities, except for the aspect of criminal responsibility concerning mental disorders (Article 44 of the Criminal Code). However, this provision is limited only to severe medical conditions and does not touch on other types of disabilities that also affect the capacity to understand legal acts,

such as mild intellectual disabilities or autism. In addition, the process of proving these conditions is highly dependent on the initiative of legal counsel or law enforcement officers who often do not have adequate knowledge and perspective on disabilities.

Court decisions also show that there is no consistent legal approach in handling cases involving perpetrators with disabilities. In some cases, perpetrators with disabilities are still sentenced to prison without considering their condition and capacity. In fact, the Supreme Court through Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Cases of Women in Conflict with the Law provides a reference regarding special treatment in the judicial process. Unfortunately, there are no similar regulations governing perpetrators from the disabled group. This shows the need for specific and detailed technical regulations to ensure that the implementation of the rights of persons with disabilities in the criminal legal process runs according to the principles of justice.

The normative aspect shows that there is a legal basis that regulates the protection of persons with disabilities, both at the national and international legal levels. However, the application of this protection to persons with disabilities who are perpetrators of criminal acts is still weak. It is necessary to harmonize criminal law with the principles of disability that prioritize inclusion, accessibility, and adequate accommodation. In addition, it is also important to reform the Criminal Code and Criminal Procedure Code to be more sensitive to the existence of vulnerable groups in the criminal justice system. Without these

concrete steps, legal protection for perpetrators with disabilities will remain an empty norm that fails to provide true justice (Sinaga, 2022).

3. The Role of Law Enforcement Officers in Ensuring Access to Justice for Offenders with Disabilities

Law enforcement officers, namely the police, prosecutors, judges, and correctional officers, have a crucial role in ensuring that the rights of perpetrators of criminal acts who are persons with disabilities are fulfilled. In a just legal system, law enforcement officers not only function to enforce the rules, but must also ensure that the legal process is carried out by paying attention to the principles of non-discrimination, equal access, and humane treatment of all citizens, including groups with disabilities. However, the reality on the ground shows that the understanding and capacity of law enforcement officers regarding the needs and conditions of persons with disabilities is still very minimal (Damanik & Andriyani, 2024).

Investigations, as the initial stage of the legal process, often face obstacles when investigators who are at the forefront are unable to recognize the characteristics of the perpetrator's disability. This has a direct impact on the examination process, especially in terms of taking statements. In many cases, perpetrators with intellectual disabilities or sensory disabilities such as deafness are not provided with special assistance such as sign language interpreters or psychologists, so their statements can be inaccurate or even forced. This violates the principle of fair trial and can lead to mishandling of cases, ranging from false accusations, criminalization, to disproportionate sentences. The police

also often do not have technical guidelines on how to treat perpetrators with disabilities, which ultimately gives the impression that they do not get their rights as legal subjects in full (Simanjuntak *et al.*, 2024).

The prosecution stage places the prosecutor as a party that plays an important role in ensuring a fair legal process, especially for perpetrators who have disabilities. The prosecutor as the party bringing the case to trial must have the sensitivity to propose a medical or psychological assessment of the perpetrator who shows symptoms of disability. However, in practice, this assessment is often ignored or considered an administrative obstacle, even though it is important to determine the legal capacity and criminal responsibility of the individual. In this context, prosecutors should be active parties in encouraging inclusive treatment, not just pursuing maximum charges. Unlike prosecutors, judges as case deciders also hold great responsibility in ensuring that the legal process runs fairly. Unfortunately, there are still many judges who only refer to the normative provisions of the Criminal Code without considering the social, psychological, or medical aspects of perpetrators with disabilities. This is rooted in the lack of training or court guidelines regarding how to try cases with perpetrators with special needs. In fact, the Supreme Court should be able to issue special guidelines, as has been done in cases of women in conflict with the law through PERMA No. 3 of 2017. Without similar guidelines, judicial practices against people with disabilities will continue to be conventional and insensitive to the diversity of needs of perpetrators.

Correctional officers, along with other law enforcement officers,

also have an important role in ensuring protection for people with disabilities. When a disabled offender is sentenced to prison, the responsibility for guidance and protection shifts to them. However, limited facilities and lack of human resource training make the guidance process in correctional institutions unfriendly to people with disabilities. In fact, Law Number 22 of 2022 concerning Corrections has emphasized that the correctional system must be based on human rights and inclusive. Therefore, comprehensive reforms need to be carried out, both in terms of officer training, provision of facilities, and cooperation with social and health agencies to ensure that the rights of disabled offenders remain protected during their sentence.

4. Policy Recommendations and Legal Reforms for the Protection of Disabled Offenders

The government needs to establish a series of affirmative policies and carry out comprehensive legal reforms to create an inclusive and fair criminal justice system for people with disabilities, especially those who come into contact with the law as perpetrators of criminal acts. The first urgent step is to harmonize -criminal laws and regulations, namely the Criminal Code and the Criminal Procedure Code, with Law No. 8 of 2016 concerning Persons with Disabilities and the Convention on the Rights -of Persons with Disabilities (CRPD). This harmonization is important so that the principles of respect for legal capacity, reasonable accommodation, and non-discrimination are integrated into criminal law enforcement.

Concrete recommendations that can be taken are to design technical guidelines for examining perpetrators of criminal acts who are

people with disabilities. These guidelines should include early identification procedures for individuals suspected of having disabilities, the obligation to conduct psychological or medical assessments, and guarantee the right to receive assistance during the legal process. The preparation of these guidelines should ideally be carried out by law enforcement officers such as the Indonesian National Police and the Attorney General's Office, involving the Ministry of Social Affairs, the Ministry of Law and Human Rights, and organizations for people with disabilities. The existence of these guidelines will make it easier for officers in the field to act appropriately and humanely.

Disability inclusion training for law enforcement officers is also an important step that needs to be implemented periodically and in a structured manner. Training materials should not be limited to introducing various disabilities, but should also include human rights perspectives, interdisciplinary approaches (social, psychological, and medical), and adaptive communication techniques. Legal education institutions such as the State Police School (SPN), the Prosecutor's Education and Training Center, and the Supreme Court can integrate this module as part of the mandatory curriculum. With this approach, law enforcement officers are expected to not only understand the normative aspects of the law, but also internalize the underlying humanitarian values.

The next recommendation is to strengthen access to legal aid, especially for perpetrators with disabilities from poor groups. Many of them cannot afford to hire a lawyer, even though their disability requires more intensive legal assistance. The state can strengthen the role of Legal

Aid Institutions (LBH), Pro Bono Advocates, and university legal clinics to pay special attention to cases involving people with disabilities. In addition, access to legal information also needs to be made in an easily accessible format, for example in the form of audio, braille, or video with sign language.

An equally important aspect is the existence of periodic evaluation and supervision of the implementation of legal protection for people with disabilities in the criminal justice system. This evaluation can be carried out by independent institutions such as the National Human Rights Commission, the National Disability Commission, or the Ombudsman. With a reporting and monitoring system, violations or injustice in handling disability cases can be detected and followed up quickly. The government can also implement a reward and punishment system for agencies that show commitment or ignore disability inclusion in their legal practices. (Utami *et al.*, 2025).

Policy and legal reforms as mentioned above are essential steps so that perpetrators with disabilities are no longer victims of a rigid and discriminatory legal system. The state must side with vulnerable groups by providing real protection, not just on paper. Within the framework of a democratic and socially just legal state, the principle of legal protection is not an option, but a constitutional obligation. In the future, only with strong commitment and cross-sectoral work can we present a legal system that is truly inclusive, fair, and humane for all citizens, without exception (Tarigan & Rosmalinda, 2025).

5. Challenges in Implementing Legal Protection for Offenders with Disabilities in the Criminal Justice System

The implementation of legal protection for perpetrators with disabilities in the criminal justice system in Indonesia still faces various complex and multidimensional challenges. Although normatively, Indonesia has relatively adequate legal instruments, both from the ratification of the Convention on the Rights of Persons with Disabilities (CRPD), Law No. 8 of 2016 concerning Persons with Disabilities, to a number of implementing regulations, in practice, this protection does not always run as expected. One of the main challenges is the gap between regulations and practices in the field. Many law enforcement officers still adhere to the old paradigm that places people with disabilities as objects of pity, not as equal legal subjects. This causes the rights of perpetrators with disabilities to often be ignored, both in the examination process, trials, and corrections.

The low level of understanding and capacity of law enforcement officers regarding various types of disabilities is one of the main obstacles in realizing a fair legal process for perpetrators with disabilities. Authorities often fail to identify the specific needs of perpetrators with disabilities, and therefore fail to provide adequate accommodations, such as sign language interpreters for the deaf, or psychological counselors for those with intellectual disabilities. As a result, the legal process for perpetrators with disabilities is unfair and potentially violates human rights. During the investigation process, perpetrators with disabilities may provide inaccurate information because they do not understand the

questions or feel pressured, but this is still used as a basis for further legal proceedings. In addition, psychological or medical assessments are often considered merely formalities, rather than important instruments for determining the perpetrator's legal capacity.

Limited facilities and infrastructure are also a real challenge in the judicial and correctional environment. Physical facilities such as wheelchair ramps, special toilets, accessible waiting rooms, and communication aids are still very limited. This causes disabled perpetrators to not only face a difficult legal process, but also additional suffering due to an environment that does not support their needs. In correctional institutions, disabled prisoners often do not receive appropriate health services, or even experience discrimination from officers and fellow prisoners. This condition is contrary to the principle of respect for human dignity as guaranteed in various national and international human rights instruments (Simanjuntak *et al.*, 2023).

The negative stigma against people with disabilities is still very strong in society, including in law enforcement circles. People with disabilities are often considered unable to take responsibility for their actions, or conversely, are treated exactly the same as non-disabled perpetrators without considering their limitations. This stigma has an impact on the legal process, where perpetrators with disabilities often do not receive fair and humane treatment. Discrimination also appears in the form of ignoring basic rights, such as the right to legal aid, the right to easily accessible information, and the right to special treatment during the criminal process.

Technical guidelines or standard operating procedures (SOPs) that specifically regulate the handling of perpetrators of criminal acts with disabilities do not yet exist. Law enforcement officers often work without clear references, so that the treatment of perpetrators with disabilities is highly dependent on the initiative and understanding of each individual. In fact, the existence of technical guidelines is very important to ensure that there are consistent standards of treatment and in accordance with human rights principles. Without these guidelines, discriminatory practices and rights violations will continue to occur, even though regulations at the national level are quite advanced (Sudaryanto *et al.*, 2023).

Access to adequate legal aid remains a major problem for many criminals with disabilities, especially those from low-income groups. Although Legal Aid Institutions (LBH) and pro bono advocates do exist, but they have not specifically prioritized cases involving people with disabilities. In addition, the legal information available is often not presented in a format that is easily accessible to people with disabilities, such as braille, audio, or video with sign language. As a result, perpetrators with disabilities have difficulty understanding their rights and are unable to defend themselves optimally in the legal process (Pakpahan, 2024).

Supervision of the implementation of legal protection for people with disabilities is still very weak. Supervisory institutions such as Komnas HAM, Komnas Disability, and the Ombudsman do not yet have an effective monitoring mechanism to detect and follow up on violations of the rights of people with disabilities in the criminal justice system.

Evaluation of policies and practices in the field is also rarely carried out, so that necessary improvements are never truly realized. The state should be actively present to ensure that the rights of people with disabilities are truly protected, not just a norm on paper.

The absence of accurate data and minimal research on the number and conditions of perpetrators of criminal acts with disabilities in Indonesia are significant challenges in efforts to improve the criminal justice system. Without valid data, it is difficult for the government and related institutions to formulate policies that are right on target. In-depth research on the barriers, needs, and experiences of perpetrators with disabilities in the criminal justice system is needed to support evidence-based advocacy and legal reform.

1. Cases of violence by authorities against people with disabilities, physical attacks on deaf people in Papua

On July 26, 2021, a deaf man from Merauke, Papua, named Steven Yadohamang was the victim of violence by two members of the Indonesian Air Force Military Police, who stepped on his head. This case went viral and sparked national public condemnation. The deaf victim was not only treated brutally, but also faced obstacles in conveying his testimony due to limited communication. This case emphasizes how the traditional criminal law system has not been able to protect the rights of people with disabilities when dealing with law enforcement officers (Limpulus *et al.*, 2023).

2. National Disability Commission's monitoring of ODGJ witnesses in trials
The National Commission on Disabilities (KND) last year highlighted the

discriminatory aspects against people with mental disorders (ODGJ) in legal procedural regulations, such as the Criminal Procedure Code Article which only recognizes them as evidence and not official witnesses. KND stated that statements from ODGJ should be treated as valid evidence, considering that their statements in a number of cases are the only source of key information. This shows the unequal treatment in the legal process due to the lack of accommodation for the mental and psychological conditions of people with disabilities (Limpulus *et al.*, 2023).

D. CONCLUSION

Based on the results of normative analysis of national laws and international legal principles, it can be concluded that legal protection for perpetrators of criminal acts with disabilities in the Indonesian criminal justice system has not been regulated specifically and comprehensively. Existing provisions, such as Law No. 8 of 2016 and Law No. 19 of 2011, do provide a general legal basis, but are not sufficient to meet the needs of practice in the field, especially in the pre-adjudication stage. The implementation of this legal protection still faces many obstacles, ranging from the lack of legal mechanisms that take into account the conditions of disability, minimal training for law enforcement officers, to the absence of facilities and infrastructure that are friendly to the disabled.

These findings indicate a serious gap between ideal norms and the reality on the ground. Therefore, it is necessary to formulate a model of an inclusive and human rights-based criminal justice system, which not only guarantees accessibility and adequate accommodation, but also integrates the principle of equity in every stage of the legal process. Criminal law reform through a

restorative and rehabilitative approach is an urgent step to ensure that people with disabilities do not experience discrimination in the law enforcement process, as well as to realize substantial justice for all citizens. (Limpulus *et al.*, 2023).

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