

# Efforts to Address Sexual Violence Against Girls with Disabilities

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## Abstract

**Purpose:** This study aims to examine the effectiveness of legal responses to sexual violence against girls with disabilities in Indonesia, identifying gaps in protection and enforcement.

**Methodology/approach:** Employing a normative-empirical legal analysis, the research reviews positive law provisions namely the Child Protection Act (UU No. 35/2014 as amended), the Disability Act (UU No. 8/2016), and the Sexual Violence Criminal Act (UU No. 12/2022) and analyzes Supreme Court and lower court decisions. Empirical data were gathered through semi-structured interviews with law enforcement officers and observations of case handling in selected provincial offices.

**Results/findings:** Despite a comprehensive statutory framework, implementation is hampered by limited officer training, inadequate facilities, and low public awareness. Criminal legal protection for girls with disabilities remains neither fully effective nor sufficiently inclusive, with procedural delays and accessibility barriers persisting.

**Limitations:** The study is constrained by its qualitative focus on selected jurisdictions and does not include quantitative victim-survey data, which may limit generalizability across all regions of Indonesia.

**Contribution:** Engagement this research informs policymakers, legal practitioners, and disability rights advocates on improving justice outcomes for one of Indonesia's most vulnerable groups.

**Conclusion:** Legal protection for girls with disabilities who are victims of sexual violence is regulated by several laws in Indonesia, but its implementation remains ineffective due to limited understanding among law enforcement, inadequate facilities, and low public awareness. The main obstacles include unintegrated regulations, insensitive law enforcement officers, and limited legal services.

**Keywords:** *Criminal Law, Girls With Disabilities, Indonesia, Legal Protection, Sexual Violence*

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## 1. Introduction

Indonesia is a state governed by law, as stated in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which declares, "The State of Indonesia is a law-based state." The law functions as the highest authority in realizing justice, truth, and legal certainty for all citizens. One branch of law that plays an important role in maintaining order and protecting human rights is criminal law, which is recognized as an effective instrument to address and prevent crimes (Sari, Dewi, & Suryani, 2021). In the context of criminal law, one serious issue that requires attention is sexual violence against children. Children are considered to be unable to protect themselves without adequate protection from family, society, and the government (Nurmala & Hanapi, 2023). Children have distinct characteristics,

and each child has value and dignity as a human being. Therefore, children have rights that must be absolutely protected, including legal protection (F. R. Siregar, Rambe, & Ardiansyah, 2023).

As stipulated in Undang-Undang Nomor 35 Tentang Perlindungan Anak, (2014), a child is defined as someone who is under the age of 18, including those still in the womb. The law also emphasizes that every child is entitled to protection so they can live, grow, and develop optimally according to their dignity and humanity and be free from all forms of violence and discrimination (Kaley & Aryana, 2023). The most vulnerable victims of sexual violence are girls (K. A. A. Siregar, Monica, & Susanti, 2024). This indicates that girls are in a very vulnerable position regarding various forms of sexual violence, whether it occurs in the family, school, or other social settings (Agustini, Rachman, & Haryandra, 2021). The facts show that violence against children, particularly sexual violence against girls, remains prevalent. According to data from the Online PPA Information System of the Ministry of Women's Empowerment and Child Protection (Kementerian PPPA RI), the following data presents the number of sexual violence victims against children with disabilities.

Table 1. Data on Sexual Violence Cases Involving Disabled Girls in Lampung Province, 2024.

No	City	Number of Victims	Number of Cases
1	Bandar Lampung	108	94
2	South Lampung	47	47
3	East Lampung	33	33
4	North Lampung	22	22
5	West Coast Lampung	22	14
6	Way Kanan	17	14
7	Metro City	13	13
8	West Tulang Bawang	13	12
9	West Lampung	12	10
10	Central Lampung	11	9
11	Tanggamus	9	7
12	Pesawaran	7	6
13	Pringsewu	3	3
14	Mesuji	1	1
	<b>Total</b>	<b>330</b>	<b>296</b>

Source: SIMFONI PPA, Ministry of Women's Empowerment and Child Protection (Kementerian PPPA RI), 2024.

Based on Table 1 above, the total number of cases of sexual violence against disabled girls in Lampung Province is 296 cases, with 330 victims. This indicates that the incidence of sexual violence against disabled girls in Lampung Province remains relatively high. Various cases show that the legal process has not been able to deliver justice because law enforcement officials have not maximized their duties, which ultimately disappoints and harms the victims, especially those with disabilities who require protection and justice. According to data from the Online Information System for Women and Children's Protection (Simfoni PPA) by the Ministry of Women's Empowerment and Child Protection KemenPPPA (2021), in 2024 there were 28,831 cases of violence against children, with 86.7% of the victims being girls. Of these cases, 8,674 were sexual violence, making it the most dominant form of violence. This figure reflects the high vulnerability of girls to sexual crimes, particularly in their immediate environments, such as family and school (Hertati, 2023).

This vulnerability increases when the girl is disabled. Disabled children are often victims of sexual violence due to physical, intellectual, or mental limitations that hinder their ability to protect themselves and report the crime (Pakpahan & Pakpahan, 2024). Data from *KemenPPPA*, (2021) shows that of 987 cases of violence against children with disabilities, 591 were sexual violence. This condition illustrates that more than half of the cases of violence against disabled children are sexual violence, highlighting the weak legal and social protection for this vulnerable group (Burhanudin, 2018).

Normatively, legal protection for children has been regulated in Law No. 35 of 2014 on Child Protection and Government Regulation in Lieu of Law No. 1 of 2016, which increases penalties for perpetrators of sexual violence against children. Additionally, Undang-Undang Nomor 19, (2011) on the Ratification of the CPRD, (2006) affirms that persons with disabilities have equal rights and status as other citizens. However, despite being regulated normatively, the implementation and enforcement of legal protection for disabled girls often remain ineffective. This is due to weak coordination among law enforcement agencies, limited victim assistance facilities, and persistent social stigma against persons with disabilities.

This condition shows a gap between the ideal legal norms and their implementation in the field. The weakness in law enforcement, along with the lack of protection mechanisms specifically tailored to the needs of disabled girls, causes them to remain one of the most vulnerable groups to sexual violence. This study differs from previous research as it integrates both normative and empirical approaches in the context of disabled girls. The normative approach is used to examine existing laws and legal policies, while the empirical approach is used to assess how they are implemented in the field through data, case studies, and socio-legal findings.

Compared to studies in other countries, such as the United States and the United Kingdom, research on sexual violence against disabled children has progressed through the application of inclusive justice systems that emphasize accessibility to the law and the protection of disabled witnesses in judicial processes. Meanwhile, in Indonesia, research on similar topics tends to focus more on normative aspects without addressing the implementation and restorative justice dimensions. Therefore, this study is important to strengthen the scientific and practical foundation for developing a more inclusive and effective legal protection system for disabled girls who are victims of sexual violence.

## **2. Literature Review and Hypothesis Development**

Child protection refers to efforts to create a state where all children can fulfill their duties and rights. In Indonesia, child protection has been normatively regulated in various national legal instruments, including the "Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak"), which affirms that every child is entitled to protection from violence, exploitation, and discrimination. This provision broadens the state's mandate to ensure the welfare of children in all aspects of life, including children with disabilities. A disabled child is one who has special characteristics that typical children do not possess. A disabled child is also in a vulnerable and disadvantaged position, meaning they are at a significantly higher risk of being subjected to harm and criminal acts (Maidin, 2013).

Meanwhile, "Undang - Undang No. 8 Tahun 2016 tentang penyandang disabilitas") emphasizes that persons with disabilities have the same legal status as other citizens. In the context of protecting girls with disabilities who are victims of sexual violence, both laws form a complementary legal basis to ensure the victims' rights are fulfilled. However, as outlined in previous studies by Sari et al. (2021) there is still a gap between normative provisions and their implementation on the ground, especially due to limitations in facilities and the low capacity of law enforcement officers.

There is no specific law regulating criminal sanctions for perpetrators of sexual abuse against children with disabilities, but in the Child Protection Law No. 35 of 2014, and the government regulation in lieu of law No. 1 of 2016, which is the second amendment to "Undang-Undang No 23 Tahun 2002 tentang perlindungan anak") (Mukmin, 2020). Sexual violence crimes are regulated in "Undang-Undang Nomor

12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual"). This law strengthens the previous legal framework by recognizing the rights of victims, including the right to psychological, medical, and legal assistance. Article 4 paragraph (2) of the Law on Sexual Violence Crimes even emphasizes that women and children with disabilities who are victims have the right to special protection.

However, as stated by (Sitepu et al., 2022) dan (Siagian, Sunarmi, & Ekaputra, 2023) the implementation of the Law on Sexual Violence Crimes still faces obstacles such as limitations in human resources and disability-friendly facilities at law enforcement institutions. This condition shows that an ideal regulation does not necessarily guarantee the effectiveness of legal protection if it is not supported by an inclusive implementation mechanism. Legal protection for victims of sexual violence is still weak in its implementation due to a lack of training for officers, insufficient facilities, and low public awareness (Agustini et al., 2021) and (Tanti, 2025). Furthermore, research by Yunfa and Khofivantunnisa (2024) emphasizes that the Indonesian legal system is not yet fully friendly to victims with disabilities, particularly in terms of access to justice and recovery services. Based on this literature, it can be concluded that although Indonesia has a relatively comprehensive legal framework, the effectiveness of legal protection for girls with disabilities who are victims of sexual violence still depends on inter-institutional synergy and the improvement of human resource capacity in the legal sector.

### 3. Research Methodology

This research uses a normative-empirical mixed method approach. This approach combines a normative approach that examines the law as a written norm in laws and regulations or court decisions, and an empirical approach that looks at how the law works in society, especially in the context of handling sexual violence crimes against girls with disabilities (Nasution, 2003). Normatively, this research is conducted through a literature study to identify and examine relevant laws, such as "Undang-Undang Nomor 8 Tahun 2016 Tentang Penyandang Disabilitas", "Undang-Undang Nomor 17 Tahun 2016") and other implementing regulations that regulate the rights of victims, law enforcement, and protection of vulnerable groups. In addition, this research examines court decisions, including decisions from the Supreme Court, which serve as primary legal sources to see how law enforcement is applied in similar cases. Empirically, this research collects field data to understand the reality of handling cases of this type. The informants in this study are as follows:

No	Informant	Number
1.	Investigator for Women and Children Services, Sukarame Police Station	1 Person
2.	Damar Lampung Association	1 Person
3.	Lecturer in Criminal Law Department, Faculty of Law, Lampung University	1 Person
		<b>3 Person</b>

Source: Thesis

The types of data used include secondary and primary data. Secondary data includes primary legal materials such as laws and court decisions, as well as secondary legal materials in the form of books, scholarly journal articles, and other legal documents. Meanwhile, primary data is obtained through interviews and observations of law enforcement practices, which involve going directly to the field in the city of Bandar Lampung. This research is descriptive-analytical, which attempts to both describe and analyze the legal problems systematically by linking normative and empirical aspects. Thus, this method allows for a more comprehensive understanding of the dynamics of legal protection for girls with disabilities as victims of sexual violence crimes.

### 4. Results and Discussion

#### 4.1 Legal Provisions on Sexual Violence Crimes against Girls with Disabilities in Indonesia

Normatively, Indonesia already has a fairly comprehensive legal framework to address sexual violence crimes against girls with disabilities. These provisions are regulated in Undang-Undang Nomor 12

Tentang Tindak Pidana Kekerasan Seksual, (2022). These three regulations affirm protection for children and persons with disabilities from all forms of violence and discrimination, and guarantee their rights to recovery and access to justice. Article 76D states that every person is prohibited from committing violence or threats of violence to force a child to engage in sexual intercourse with themselves or with another person. Furthermore, Article 82 paragraph (1) stipulates that violators of this provision are subject to imprisonment for a minimum of five years and a maximum of fifteen years, as well as a fine of up to five billion rupiah (Carmela & Suryaningsi, 2021).

Substantively, these laws and regulations have imposed strict sanctions on perpetrators of sexual violence, recognized the vulnerability of victims with disabilities, and required the state to provide assistance and recovery services. This indicates that normatively, the Indonesian legal system has sided with victims and acknowledged the need for special protection for vulnerable groups. However, research findings show that the implementation of the law in practice is still far from ideal. Many law enforcement officers do not yet have adequate understanding of disability-friendly approaches. For example, in a case in Central Java in 2021, a deaf girl who was a rape victim had difficulty giving testimony because a sign language interpreter was not provided. As a result, the legal process proceeded slowly and was almost terminated due to being considered lacking evidence. This shows that without support in the form of facilities and competent human resources, even progressive legal provisions become ineffective.

In addition, the research found that many victims with disabilities do not report their cases due to communication barriers, economic dependence on the perpetrator, or social pressure. Reports from the National Commission on Disabilities and the Indonesian Child Protection Commission (2022–2023) show more than 1,300 cases of sexual violence against girls, including those with disabilities, yet the number of cases actually processed through the legal system remains very small. This indicates a serious gap between “law in the books” and “law in action” (Sitepu, Ediwarman, Yunara, & Trisna, 2022). In the context of protecting children with disabilities, the implementation of the Sexual Violence Crimes Law has also not fully accommodated the special needs of victims. Although "Pasal 4 ayat (2) UU TPKS. (2022).") affirms the right of victims with disabilities to recovery and protection, in practice services such as psychosocial assistance, sign language interpreters, and trauma counseling are still very limited, especially in regional areas. This shows that legal protection for victims with disabilities has not been implemented evenly and remains centralized in nature.

In terms of law enforcement, although Indonesia already has a relatively adequate legal framework such as Undang-Undang Nomor 35 Tentang Perlindungan Anak, (2014), Undang - Undang No. 8 Tentang Penyandang Disabilitas, (2016), and Undang-Undang Nomor 12 Tentang Tindak Pidana Kekerasan Seksual, (2022). its implementation remains weak. Law enforcement officers at the levels of the police, prosecution, and courts have not fully applied non-discriminatory principles and a victim-centered perspective. In several regions, police officers are not yet trained to handle victims with disabilities and still lack understanding of the importance of disability-friendly approaches. In some cases, legal processes proceed very slowly and tend to burden the victims. One example is a case that occurred in Central Java in 2021, where a deaf girl who was a rape victim had difficulty giving testimony because no sign language interpreter was provided. As a result, the examination process was prolonged, and the case was almost terminated due to a lack of evidence deemed valid. The implementation of criminal law in addressing sexual violence crimes against girls with disabilities has been normatively regulated in a number of national legal instruments, but at the level of implementation, it is still far from expectations. Protection of children in general, especially children with disabilities, should receive special attention given their status as a vulnerable group with special needs, both in terms of access to justice and protection from violence.

In the context of sexual violence against children, Article 82 paragraph (1) of Law Number 35 of 2014 on Child Protection emphasizes that anyone who commits sexual violence against a child shall be punished with imprisonment for a minimum of five years and a maximum of fifteen years and a fine of up to five billion rupiah. This provision shows that the state views sexual violence against children as a

serious crime that must be severely punished. However, in practice, these sanctions do not always operate effectively due to various obstacles, especially when the victim is a child with a disability. Violations of children's rights as guaranteed in the Convention on the Rights of the Child (CRC) and in national law such as Undang-Undang Nomor 35 Tentang Perlindungan Anak, (2014), do not only lie in the occurrence of sexual violence itself, but also in the failure of the legal system to provide proper procedures and protection mechanisms. Children with disabilities are entitled to special treatment and protection from all forms of discrimination, as also emphasized in Article 5 and Article 9 of Law Number 8 of 2016 on Persons with Disabilities, which guarantee equality in legal protection and accessible judicial procedures.

Theoretically, legal protection as expressed by Satjipto Rahardjo does not only mean the existence of regulations, but also the effectiveness of their implementation to ensure substantive justice. In this context, girls with disabilities who are victims of sexual violence often do not receive justice because the judicial system is unable to adjust to their limitations. This indicates the existence of structural inequality in law enforcement that should be inclusive and responsive to vulnerable groups. Furthermore, access to protection institutions such as the Witness and Victim Protection Agency (LPSK) has not yet reached all victims with disabilities. Many of them are unaware of protection application mechanisms or experience difficulties in administrative processes. This shows that the legal protection system in Indonesia remains elitist in nature and has not yet reached the root of the problems at the community level. It can be concluded that although the national legal framework has firmly regulated the protection of children and persons with disabilities, the effectiveness of its implementation remains low. Weak inter-agency coordination, a lack of trained human resources, and minimal supporting facilities have caused the law to not function optimally as a protector of victims. This shows the need to strengthen legal implementation through a more inclusive, rights-based approach oriented toward the needs of victims.

#### ***4.2 Efforts in Legal Protection for Girls with Disabilities Who are Victims of Sexual Violence***

Efforts to provide legal protection for girls with disabilities who are victims of sexual violence can be pursued through two main approaches, namely repressive (law enforcement) and preventive (prevention). The repressive approach is carried out by strictly enforcing criminal law against perpetrators of sexual violence. The criminal provisions in the Child Protection Law and the Sexual Violence Crimes Law affirm the state's commitment to protecting children from sexual violence and ensuring that perpetrators receive proportionate punishment. This indicates that the Indonesian legal system has normatively recognized the urgency of protecting children and persons with disabilities as vulnerable groups (Sari et al., 2021). This is reinforced in *Pasal 4 Ayat (2) Undang-Undang Nomor 12 Tentang Tindak Pidana Kekerasan Seksual*, (2022), which recognizes that women and children with disabilities who are victims of sexual violence are entitled to legal protection and recovery that take into account their special needs. Here, criminal law does not merely punish, but also provides guarantees for the protection of dignity and the recovery of victims.

In the context of children with disabilities, criminal legal protection must be provided in multiple layers, because they face physical, social, and communication barriers in seeking justice. Law does not only function to punish perpetrators, but also to protect and restore victims so that they can live their lives with dignity. This shows that the paradigm of modern criminal law has shifted from retributive to restorative, by placing victims at the center of attention. Effective legal protection does not stop at the imposition of criminal sanctions, but also includes access to justice and assistance services. Victims must obtain legal assistance, sign language interpreters, psychological counseling, and adequate medical rehabilitation. In practice, many law enforcement officers do not yet have the capacity to apply trauma-informed approaches or understand the special needs of victims with disabilities. This indicates that the implementation of legal protection is still constrained by a lack of training and sensitivity among officers regarding disability issues.

Recovery efforts also constitute an integral part of penal protection. The principle of restorative justice emphasizes the restoration of victims' rights and social reconstruction after acts of violence. For victims with disabilities, this includes the provision of safe houses, psychological rehabilitation services, post-

incident education, and guarantees of protection from intimidation by perpetrators. Without comprehensive recovery mechanisms, criminal sanctions will not bring substantive justice. Therefore, victim recovery must be a priority at every stage of law enforcement. The effectiveness of legal protection also depends on inter-institutional synergy, such as among the Police, Prosecutors, Courts, LPSK, KPPPA, and community service institutions. Many cases show that weak coordination causes victims to move from one institution to another without obtaining clear outcomes. This indicates that legal protection in Indonesia remains sectoral in nature and has not yet been oriented toward victims' needs in an integrated manner.

From the perspective of child protection law, as regulated in Law Number 35 of 2014 on Child Protection, it is stated that child protection comprises all activities to guarantee and protect children so that they can live, grow, develop, and participate optimally. Efforts to prevent sexual violence crimes against girls with disabilities are regulated in Article 1 paragraph (2), which emphasizes that child protection is the collective responsibility of parents, families, communities, the state, and the government. Thus, society has a crucial legal role as an actor obligated to actively contribute to protecting children, especially those with disabilities groups that are inherently vulnerable and often face difficulties in voicing their rights.

One crucial form of community involvement is in reporting and uncovering incidents of this type of crime in the surrounding environment. Often, cases of sexual violence against children with disabilities are not disclosed to the public because they occur in private spaces, such as within families or caregiving institutions, and the perpetrators are often those closest to the victims. In this condition, the role of the community is urgently needed as an active social watchdog to detect signs of violence and encourage families to report such incidents. In many cases, community involvement can determine whether victims will obtain justice or continue to experience violence in silence. This shows that the role of society is a concrete form of implementing preventive functions and social control over legal norms. Society also plays a role in eliminating stigma and discrimination against victims of sexual violence, especially girls with disabilities. Not a few victims experience social exclusion, are blamed, or are considered to have tarnished the good name of the family and community. These negative views not only psychologically harm victims, but also become major obstacles in the processes of reporting, healing, and recovery. In a legal context, discriminatory attitudes in society contradict the principle of non-discrimination guaranteed in the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), which Indonesia has ratified through "Undang-Undang Nomor 19 Tahun 2011 Tentang Pengesahan Konvensi Hak-Hak Penyandang Disabilitas"). Therefore, society has a moral and legal obligation to create an inclusive and supportive social environment for victims (Siagian et al., 2023).

Legal protection also requires society to be involved in post-incident victim recovery efforts. Not all victims have access to safe houses, psychological services, or legal assistance. This is where the role of society, including civil society organizations, advocacy communities, religious leaders, and traditional leaders, becomes important in providing social assistance, moral support, and access to necessary services. This participation is also in line with the participatory principle in modern criminal law, which emphasizes that justice is not only determined in the courtroom, but also in recovery processes that respect the dignity of victims.

In addition, society plays a role in education and legal literacy, especially for victims' families and the broader community. Many cases of sexual violence are not reported due to public ignorance of children's legal rights, reporting procedures, or which institutions can be contacted. Society, whether through schools, religious organizations, or local media, can act as agents of social transformation that shape collective awareness of the importance of protecting children and persons with disabilities. This education is also a form of implementing social responsibility to support the substantive functioning of the law, not merely its formal application.

Society is a key pillar supporting the success of the legal system in providing protection for girls with disabilities who are victims of sexual violence. This role must be understood as part of collective legal

responsibility, in line with the spirit of criminal law that prioritizes not only enforcement, but also prevention and recovery. The existence of progressive laws will lose their meaning if society is apathetic, permissive toward violence, or even blames victims. Therefore, to realize comprehensive legal protection, synergy must be built between law enforcement authorities and society as partners in upholding justice for the most vulnerable groups.

#### ***4.3 Barriers in Legal Protection for Girls with Disabilities Who are Victims of Sexual Violence***

Legal protection for victims of sexual violence among girls with disabilities often faces various obstacles that contradict the ideal expectations. Although regulations have been set and should be implemented properly, in practice, they often do not align with the established provisions. The implementation of legal protection by the state is not always smooth and does not always meet the expectations of all interested parties or the legal provisions that should be applied consistently. This shows a gap between theory or rules and the reality of their implementation in the field. Legal protection for children who are victims of sexual violence is also not free from various obstacles that can affect the effectiveness of its implementation. According to Soerjono Soekanto in Tanti et al. (2025), several factors affect the enforcement or implementation of legal protection, namely:

##### **1. Obstacles from the Legal Framework**

Obstacles from the legislative aspect occur because the specific legal needs for girls with disabilities have not been fully addressed. Although the Child Protection Law, the Sexual Violence Crimes Law (TPKS Law), and the Disability Law exist, these three laws have not been fully integrated into legal practice. Not all law enforcement officers understand how to accommodate the needs of children with disabilities in criminal proceedings. Technical provisions, such as the mandatory provision of sign language interpreters, professional accompaniment, or disability-friendly examination methods, are often not explicitly found in the implementing regulations or have not been well socialized. Additionally, some regulations are merely declarative and are not accompanied by clear sanctions against officers who neglect to protect victims.

##### **2. Obstacles from Law Enforcement**

Law enforcement is a key actor in the implementation of legal protection, but it often becomes a source of obstacles in cases of sexual violence against children with disabilities. Many officers do not have sufficient knowledge or training in handling victims with special needs. As a result, the examination process becomes non-inclusive and can even cause the victim to experience further psychological pressure (revictimization). In many cases, the police do not provide sign language interpreters or do not understand the appropriate communication techniques for children with intellectual disabilities. Another barrier arises from the lack of gender and disability sensitivity among investigators, prosecutors, and judges, which results in tolerance for perpetrators or the disregard of victim testimony. Furthermore, delays in handling reports and prolonged legal processes weaken the legal protection that should be provided quickly and comprehensively.

##### **3. Obstacles from Facilities and Infrastructure**

The facilities supporting legal protection implementation are still very limited, especially in rural areas. Not all police stations have child- and disability-friendly examination rooms. Safe houses with accessible facilities are also very few, even though children with disabilities need protection spaces that meet their physical, emotional, and psychological needs. On the other hand, professional companions, trauma counselors, sign language interpreters, and child psychologists are not always available at every stage of the legal process. Budget limitations and the low priority of local governments regarding the protection of children with disabilities are the root causes of the weakness in this infrastructure support. Without adequate facilities, the legal process will proceed procedurally, without ensuring the comfort and safety of victims as legal subjects who need protection.

##### **4. Obstacles from the Community**

The social environment around the victim often becomes an obstacle in the enforcement of legal protection. Many cases of sexual violence against girls with disabilities are not reported because the family feels ashamed, fears stigma, or is economically dependent on the perpetrator, who is often from their closest circle. Additionally, the low public awareness of the rights of children and



persons with disabilities prevents victims from being supported to go through the legal process. This barrier is exacerbated by the lack of legal education for the public and the limited role of social institutions or advocacy communities that can bridge the gap between victims and law enforcement. In such situations, victims are isolated and do not receive the legal guarantee they should.

#### 5. Obstacles from Cultural Factors

Cultural values that are still conservative, patriarchal, and marginalizing to people with disabilities pose their own obstacles in legal protection efforts. In many communities, sexual violence is still considered a taboo subject to discuss openly. Victims are often blamed or seen as tarnishing the family's reputation, leading to efforts to "resolve the matter privately" rather than through formal legal processes. At the same time, people with disabilities are still viewed as burdens or individuals who do not have a voice, so their testimonies are often ignored or doubted in terms of validity. This type of culture creates a social atmosphere that does not support the victim, even when legal protection is available normatively.

After discussing the barriers to addressing sexual violence against girls with disabilities, these obstacles must be resolved with effective solutions. Speaking of these efforts actually refers to the goal of child protection. In the legal context, this protection should be rooted in criminal law protection (penal protection), which functions as both a repressive and preventive tool for the state to safeguard the victim's rights and punish the perpetrator fairly and firmly. Criminal law, as part of public law, has the primary function of maintaining public order and protecting the legal interests of society from harmful actions, including sexual crimes against children. In the context of protecting children with disabilities, criminal law does not only play a role in punishing the perpetrator but is also responsible for providing mechanisms that can guarantee the victim's rights, from the reporting process, investigation, to post-incident recovery.

#### ***4.4 Efforts in Legal Protection for Girls with Disabilities Who are Victims of Sexual Violence***

Penal protection efforts for victims of sexual violence can be viewed through two main approaches, namely the repressive (enforcement) approach and the preventive (prevention) approach. The repressive approach is carried out by enforcing existing criminal laws strictly against sexual offenders, as stipulated in Pasal 82 Undang-Undang Nomor 35 tentang perlindungan anak, (2014) which states that anyone who commits sexual violence against a child can be sentenced to imprisonment for at least five years and at most fifteen years. This criminal threat shows that the state firmly protects children as legal subjects with the right to be free from sexual violence (Sari et al., 2021).

From the perspective of children with disabilities, criminal protection for them must be provided in layers, given their status as a vulnerable group. This is reinforced in pasal 4 ayat 2 *Undang-Undang Nomor 12 Tentang Tindak Pidana Kekerasan Seksual*, (2022) which acknowledges that women and children with disabilities who become victims of sexual violence are entitled to legal protection and recovery that considers their special needs. Here, criminal law is not only about punishment, but also guarantees protection for the dignity and recovery of the victims.

Penal protection cannot stop at merely punishing the perpetrator. The state must ensure access to justice for the victim, including in the form of legal assistance services, easily understandable legal information, as well as psychosocial and medical support. In a victim-centered legal system, law enforcement officers such as police, prosecutors, and judges must have a special understanding of a trauma-informed approach and be capable of using inclusive communication methods, such as sign language interpreters or assistants who understand the needs of children with disabilities.

Another step that is part of penal legal protection is victim recovery. Modern criminal law is no longer oriented solely toward retaliation against the perpetrator (retributive justice), but also emphasizes the importance of restorative justice that focuses on restoring the rights of the victims and social recovery. For girls with disabilities, restorative justice must be carried out with consideration of their psychological, social conditions, and continuity of life after experiencing violence. This includes providing safe houses, psychological rehabilitation services, post-incident special education, and security guarantees

from the perpetrator's intimidation or their environment. Institutionally, penal protection must also be supported by synergy between state institutions, such as the Police, the Prosecutor's Office, the Witness and Victim Protection Agency (LPSK), the Ministry of Women's Empowerment and Child Protection (KPPPA), and community-based service providers. This collaboration is important to ensure that legal protection is not partial and bureaucratic, but operates in a coordinated manner centered on the needs of the victim.

In practice, legal protection must be accompanied by supervision and evaluation of the effectiveness of law enforcement. Heavy criminal sanctions will not have a maximal impact if the law enforcement process is inconsistent or discriminatory. Therefore, the establishment of implementing regulations, law enforcement training, and strengthening the capacity of service agencies must be part of the penal protection strategy. In terms of legal substance, penal protection for girls with disabilities should contain elements of non-discrimination, special treatment (affirmative action), and the fulfillment of the right to justice. Every legal provision used to convict the perpetrator and protect the victim must consider that the victim is not only a child but also an individual with limitations who requires extra legal support. This is in line with the principles of child and disability protection recognized internationally, including in the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), which have been ratified by Indonesia.

Efforts to protect girls with disabilities who are victims of sexual violence cannot be solely entrusted to criminal law instruments or law enforcement agencies. Society plays a very important and strategic role in forming a comprehensive, inclusive, and just protection system. The protection in question is not just a legal response after the crime occurs, but also includes prevention efforts, early detection, and social support for the victim post-incident. In the context of a rule of law state that upholds human rights, such as Indonesia, society is not a passive party, but part of the legal subject that also bears responsibility in creating a safe environment and protecting children from criminal acts, especially sexual violence (Anindya, Dewi, & Oentari, 2020).

From the perspective of child protection law, as stipulated in Law No. 35 of 2014 on Child Protection, it is stated that child protection is all activities to guarantee and protect children so they can live, grow, develop, and participate optimally. Efforts to prevent sexual violence crimes against girls with disabilities are regulated in Article 1, paragraph (2), which emphasizes that child protection is a collective responsibility of parents, families, society, the state, and the government. Therefore, society has a crucial legal role as an actor that must actively contribute to protecting children, especially those with disabilities a group that is inherently vulnerable and often faces difficulties in expressing their rights.

One of the crucial roles of society is in reporting and uncovering criminal acts of this type in the surrounding environment. Often, cases of sexual violence against children with disabilities are not revealed to the public because they occur in private spaces, such as within the family or care institutions, and the perpetrators are often close individuals. In such situations, the role of society is essential as an active social monitor to detect signs of violence and encourage the family to report the incident. In many cases, societal involvement can determine whether the victim will obtain justice or continue to experience violence in silence. This shows that the role of society is a concrete form of implementing preventive functions and social control over legal norms. Society also plays a role in eliminating stigma and discrimination against victims of sexual violence, especially girls with disabilities. Many victims experience ostracism, being blamed, or being considered a disgrace to the family and community. This negative perception not only harms the victim's psychological well-being but also becomes a major obstacle in the reporting, healing, and recovery process. In the legal context, societal discriminatory attitudes contradict the principle of non-discrimination guaranteed in the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), which Indonesia has ratified through Undang-Undang Nomor 19 Tahun 2011 Tentang Pengesahan Konvensi Hak-Hak Penyandang Disabilitas. Therefore, society has a moral and legal obligation to create an inclusive and supportive social environment for victims (Siagian et al., 2023).

Legal protection also requires society to be involved in the victim's recovery efforts after the incident. Not all victims have access to safe houses, psychological services, or legal assistance. This is where the role of society, including civil society organizations, advocacy communities, religious leaders, and traditional figures, becomes crucial in providing social support, moral encouragement, and access to necessary services. This participation also aligns with the participatory principle in modern criminal law, which emphasizes that justice is not only determined in the courtroom but also in the recovery process that respects the dignity of the victim.

Furthermore, society has a role in education and legal literacy, especially for the victim's family and the broader community. Many cases of sexual violence go unreported due to the public's lack of knowledge about children's legal rights, reporting procedures, or which institutions to contact. Society, whether through schools, religious organizations, or local media, can become agents of social transformation that build collective awareness about the importance of protection for children and people with disabilities. This education is also a form of implementing social responsibility to substantively support the law, not just in a formal sense.

Society is a key pillar supporting the success of the legal system in providing protection for girls with disabilities who are victims of sexual violence. This role should be understood as part of collective legal responsibility, in line with the spirit of criminal law, which prioritizes not only enforcement but also prevention and recovery. The existence of progressive laws would lose their meaning if society is apathetic, permissive of violence, or even blames the victim. Therefore, to achieve comprehensive legal protection, a synergy must be built between law enforcement and society as partners in upholding justice for the most vulnerable groups.

## **5. Conclusion**

Based on the discussion presented, it can be concluded that the national legal framework through the Child Protection Law, the Disability Law, and the Sexual Violence Crimes Law (UU TPKS) has normatively provided a foundation for the protection of girls with disabilities who are victims of sexual violence. However, its implementation has not been effective due to the gap between legal norms and practices in the field. This indicates that the existence of regulations does not automatically guarantee substantive justice for victims. The main obstacles to legal protection include the low understanding of law enforcement officials regarding the special needs of people with disabilities, the limited supporting facilities such as sign language interpreters and inclusive examination rooms, as well as the lack of coordination between institutions. This highlights the need for structural improvements and increased capacity in human resources. This research contributes to strengthening inclusive legal policies for persons with disabilities by emphasizing the importance of synergy between normative and empirical aspects in the protection of victims of sexual violence.

## **Limitations and Further Research**

This study has several limitations that should be considered to avoid over-interpreting the findings. First, this research focuses more on a juridical-normative approach, thus the analysis is limited to the study of legislation, literature, and relevant legal documents, without involving direct field research. Therefore, the findings of this study have not been able to fully capture the empirical dynamics occurring in society, particularly regarding the experiences of female child victims with disabilities in the legal process. Based on these limitations, further research is recommended to expand the approach and scope of the study to produce more comprehensive findings. Empirical research or socio-legal research is needed to explore how the implementation of legal protection for girls with disabilities who are victims of sexual violence takes place at the practical level, including the roles of law enforcement officials, service institutions, and society. With further studies that are empirical, comparative, and multidisciplinary, it is hoped that a more effective, inclusive model of legal protection can be created, one that aligns with the values of social justice and humanity, which are the main objectives of law in Indonesia.

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