**ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES AS VICTIMS OF SEXUAL VIOLENCE (FULFILMENT OF REASONABLE ACCOMMODATION IN JUDICIAL PROCESS IN INDONESIA)**

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Abstract

The purpose of this study is to find out the fulfilment of reasonable accommodation for persons with disabilities as victims of violence and the obstacles experienced in the judicial process. This research is a non-doctrinal study using primary data and secondary data with data collection techniques in the form of interviews, observations, and documentation. Data analysis techniques used are through certain stages, namely data reduction, data presentation, and conclusion. Research on the fulfilment of reasonable accommodation for people with disabilities in the judicial process has never been done, with this research expected to provide improvements in the implementation of handling of disability cases in the judicial process. From this study, it was found that the fulfilment of reasonable accommodation there has been fulfilled and some have not been fulfilled and there are obstacles experienced by persons with disabilities or families.

Keywords: disabilities, reasonable accommodation, victim, violence, judicial process, access to justice.

1. **Introduction**

Violence experienced by women and children in Indonesia is increasing day by day as well as experienced by persons with disabilities, although integrated women and children's service centres in Indonesia already exist in every district nevertheless, almost all these services do not have a special part of handling disability even though persons with disabilities include groups that are vulnerable to violence and getting justice.

Persons with disabilities as victims of violence need special attention because they have different abilities. There are several cases of persons with disabilities as victims of violence, including DW is cerebral palsy, tremors, calendar age 16 years, mental age 7 years (mental retardation) she was raped by her neighbour's 70-year-old. The case did not continue to the court because it was mediated by the Village authorities (Harjani, 2019). Another case experienced by DS aged 17 years and 10 months who has mental retardation in which he was raped by toll workers, the case was examined in the District Court and the judges were to sentence the defendant with a prison sentence of ten (10) years and each fine of Rp2,500,000,000.00 subsidiary 3 months of confinement. AN case, mental retardation, dumb and deaf who was raped by her employer. The legal process stopped at the police level due to the DNA tests were not identic and there was intervention from village devices with family settlement mechanisms. DW case, mental retardation was raped by a close neighbour. The legal process stopped at the police level because the victim was unable to testify due to communication difficulties. (Purwanti, 2019).

From that various cases do not examine to the court allegedly because of obstacles, both on victims with disabilities, the judicial process, law enforcement officials, family, and the community do not have a disability perspective to inhibit persons with disabilities from getting access to justice. (MHH PWA Jateng, 2017).

The same thing was also revealed from Sigab Indonesia paralegal interviews many people do not care and are not sensitive to persons with disabilities as victims of sexual violence. They do not have the ability and knowledge about persons with disabilities, the perspective of law enforcement officials is still dominated by positivistic perspectives, the legal regulations related to criminal justice processes do not regulate specifically for persons with disabilities as victims, they are reluctant or even unwilling to make creations that exceed the regulation. Causality, affect how access to justice for persons with disabilities as victims of sexual violence (Purwanti, 2019). Other problems do not only occur during the judicial process, but also there are problems after the judicial process is completed, such as trauma, access to education, active sexual, and stigma from the community, and rehabilitation efforts after the judicial process (Harjani, 2019).

Instruments of international law and national law have many regulations on persons with disabilities. Such as Law No. 8 of 2016 on Persons with Disabilities. This Law orders that a Government Regulation be made governing suitable accommodation for persons with disabilities in the judicial process and it has been established by the President with Government Regulation No. 39 of 2020 on Reasonable Accommodations for Persons with Disabilities in the Judicial Process. The Government Regulation regulates the adaptation that must be done by law enforcement officials, advocates, community supervisors, in examining cases of persons with disabilities according to the obstacles that are owned by both reasonable accommodations in services and facilities and infrastructure. Reasonable accommodations in services, i.e. personal assessment, appointing doctors or psychologists or psychiatrists or social workers, appointing law enforcement officials (Police, Prosecutor or Judge) who specialize in disability cases, non-discriminative treatment, fulfilment of a sense of security and comfort, effective communication, fulfilment of information related to the rights of Persons with Disabilities and the development of the judicial process, provision of remote visual audio communication facilities, provision of standard procedure for Persons with Disabilities, provision of procedure of legal aid services, Provision of Legal aid, Disability Assistance, interpreter, and facilities and infrastructure according to the obstacles owned by each Person with Disabilities

From various cases of persons with disabilities as victims of sexual violence above in the examination process from the Police, Prosecutors, and courts came to the provisional conclusion that the examination of persons with disabilities as victims of sexual violence has not met the reasonable accommodation in the judicial process.

Previous studies conducted on persons with disabilities have been widely conducted with the focus of studies on handling cases, recovery, and rehabilitation of persons with disabilities (Kasiyati, 2017). Meanwhile, special research on the fulfilment of reasonable accommodations for persons with disabilities was only conducted at the Immigration Checkpoint at the Airport (Hidayat, 2020) and the fulfilment of accommodation for persons with disabilities in electronic court (e-court) (Panggabean, 2021). This study is new and has never been studied by other researchers, the focus of this study is the fulfilment of accommodation for people with disabilities as victims of sexual violence in the judicial process.

Based on the above, this study wants to comprehensively examine the fulfilment of access to justice for persons with disabilities as victims of sexual violence, especially for the fulfilment of reasonable accommodation in the judicial process and to find obstacles experienced by persons with disabilities. This study is needed to know the fulfilment of reasonable accommodation for persons with disabilities in the judicial process so that the results of this study have good implications for the judicial process of persons with disabilities, especially as victims of sexual violence to achieve access to justice.

1. **Discussion**
2. **Reasonable Accommodations for Persons with Disabilities**

A reasonable accommodation is a proper modification and adjustment necessary to ensure the completion or implementation of all human rights and fundamental freedoms for persons with disabilities on an equal before the law. Reasonable accommodation for persons with disabilities in the judicial process includes two meanings, 1) Reasonable accommodation for persons with disabilities in the judicial process includes legal proceedings that take place at the stage of an investigation, prosecution, trial, and correctional institutions; 2) Reasonable accommodation for persons with disabilities applies to all persons with disabilities, whether those with physical, intellectual, mental, sensory or multiple-disability.

The purpose of reasonable accommodation for persons with disabilities in the judicial process aims to eliminate the practice of distinction, exclusion, restriction, harassment, or exclusion on disability base and has an impact on the restriction or elimination of the recognition, completion, or exercise of the rights of persons with disabilities. Meanwhile, according to Panggabean (2021), reasonable accommodation is needed to realize a fair trial, the judicial process includes the process of investigation, prosecution, and trial.

1. **Kinds of Reasonable Accommodations for Persons with Disabilities in Judicial Processes**

To fulfil reasonable accommodation in the judicial process there must be a personal assessment by appointing a doctor to examine health, psychologist, or psychiatrist to examine psychiatric or social workers to examine psychosocially.

Two types of accommodation suitable for persons with disabilities in the judicial process, namely reasonable accommodation in services and infrastructure facilities. *First*, reasonable accommodation in services: 1) Non-discriminative treatment, 2) Fulfillment of a sense of security and comfort, 3) Effective communication, 4) Fulfilment of information related to the rights of Persons with Disabilities and the development of the judicial process, 5) Provision of remote visual audio communication facilities, 6) Provision of standard examination of Persons with Disabilities and standards of legal services, and 7) Provision of Disability Assistance and Interpreter (Article 5 and Article 6 of the Government Regulations No. 39 of 2020).

Non-discrimination treatment is all actions that are carried out free from all forms of discrimination. The actions that eliminate the basic rights and fundamental freedoms for every human being have called human rights to be respected and fulfilled human rights as a gift of God inherent in man by nature and impossible to deny (Rini, 2018). Discrimination is the treatment of abuse, or exclusion either directly or indirectly based on human differences based on religion, ethnicity, race, group, social status, economic status, gender, language, political belief resulting in the reduction, deviation, or elimination of recognition, implementation, or use of human rights and basic freedoms in life both individually and collectively in the political field, economic, legal, social, cultural, and other aspects of life (Article 1 number 3 of Law No. 39 of 1999). Discrimination should not be treated in any form including distinction, exclusive or other comparison based on the variety of disabilities. Because it will result in the elimination of recognition, connoisseurship, and fulfilment of the rights of persons with disabilities who face the law (Kurniawan, 2015).

The fulfilment of a sense of security and comfort is the fulfilment of one of the basic human needs as stated by Abraham Maslow about the hierarchy of basic human needs, according to humans to achieve certain needs, physiological needs, security, social appreciation, and self-actualization. Security is a basic need that includes security that is physical and psychic (Pratama, 2021). Physical security such as safe from torture, humiliation, persecution, or other violence, security in the form of a sense of security from fear, anxiety, anxiety, worry. The fulfilment of a sense of security and comfort as referred to in reasonable accommodation, for example, victims with disabilities who experience trauma can be attempted not to be met with the suspect during the judicial process.

Effective communication must be able to be built by law enforcement officials with persons with disabilities who are being examined using all communication media that can facilitate to get the excitement of persons with disabilities, forms of communication media such as communication through translators, visual audio tools, screen reader, props, writing, calendars, dolls, and images or photos. The explanation of PP No. 39 of 2020 mentioned that effective communication is the exchange of information, ideas, feelings, which results in a change in attitude so that a good relationship between the messenger and the recipient of the message is established. Measurement of the effectiveness of a communication process can be seen from the achievement of the purpose of the sender of the message (Explanation of Article 9 paragraph (1) of Government Regulation No. 39 of 2020).

In the examination of persons with disabilities, the law enforcement officer who examines must provide information on the rights of persons with disabilities, both rights stipulated in international legal instruments such as, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on the Rights of Persons with Disabilities and national law instruments contained in the Constitution of the Republic of Indonesia Year 1945, Human Rights Act, The Persons with Disabilities Act as well as related laws and regulations the rights of persons with disabilities. The rights of persons with disabilities are the right of life; freedom from stigma; privacy; justice and legal protection; education; employment, entrepreneurship and cooperatives; health; politics; religion; sports; culture and tourism; social welfare; accessibility; public services; protection from disasters; habilitate and rehabilitation; concessions; data collection; living independently and being involved in society; freedom of expression, communication, and obtaining information; change of place and nationality; and free from acts of discrimination, neglect, torture, and exploitation.

The right to information on the development of cases experienced by persons with disabilities should be given to them. The provision of information is carried out at every level in the Police Department, District Prosecution General, and District Court. Practice during this time persons with disabilities as witnesses or victims after giving evidence do not get information about the development of the case. The development of information is very important for victims with disabilities because it can be used as a measure of the extent to which the case process takes place. Whether the case that befell him was processed or stopped to get legal certainty. Information about the development of the judicial process including information about the court's decision is important as a sign of appreciation for the willingness of witnesses and victims in the judicial process (Syafi'i, 2014).

Remote audiovisual communication facilities can be used in the trial process of persons with disabilities. These facilities must be following the applicable Regulations, whether the laws and regulations allow by using facilities then the examination with remote audiovisual communication is legal. The use of this facility must pay attention and consider the obstacles that persons with disabilities have because not all disabilities require these communication facilities.

Persons with disabilities who are faced with the law are often unable to access justice. In the processing disability case, special approaches are needed based on the uniqueness of the individual and the diversity of society. It is important to remove obstacles in the examination of cases so far procedures or procedures. The examination of persons with disabilities does not yet exist, thus causing injustice for persons with disabilities who face the law because the formal law does not side with persons with disabilities. Standards for the examination of persons with disabilities need to be established by individual law enforcement institutions and others related to the judicial process. The examination standard is the standard operating procedure made by the institution based on its authority including, qualifications; a) investigators, prosecutors, judges, and correctional officers, b) building facilities, c) handling facilities, d) examination procedures. The standard of examination of persons with disabilities is regulated in the internal regulations of law enforcement institutions to be followed and implemented at every examination of persons with disabilities who face the law. In addition to law enforcement institutions, advocate organizations also create and develop standard operating procedures for providing legal services for persons with disabilities in the judicial process. The establishment of standards for the examination of persons with disabilities is carried out by involving organizations with disabilities and community organizations whose activities are aimed at persons with disabilities.

The role of disability assistance in the disability examination process is very important to fight for the rights of persons with disabilities companion bridging the interests of persons with disabilities and also mediating communication with law enforcement officials when communication does not work as it should (Syafi'i, 2014). As persons with disability assistance must have the requirements; a) understand the needs and obstacles of persons with disabilities, b) be able to facilitate persons with disabilities during the judicial process, c) be able to get along and interact well with persons with disabilities who are accompanied, d) get approval from persons with disabilities or their families.

Communication with persons with disabilities is not easy to do, in some disabilities, it will be difficult to understand the language used to avoid the sensitivity of communication or understand the language used by persons with disabilities needed interpretation. The interpretation here is not in the sense of interpreting foreign languages only but also interpreting the daily sign language used by persons with disabilities. Understanding the language of persons with disabilities is more difficult if they have never been educated/learn sign language need an interpreter who knows and understands the language used daily by persons with disabilities (Syafi'i, 2014). The requirements of interpreter have good at socializing, interacting, and communicating well and effectively and obtaining approval from persons with disabilities or their families

The second reasonable accommodation for persons with disabilities in the judicial process is the infrastructure facilities. The provision of infrastructure facilities is adjusted to the obstacles owned by each person with disabilities. Infrastructure facilities must be met for each person with disabilities: 1) The obstacle of vision. Facilities, and infrastructure provided to persons with disabilities who have visual impairments, at least are computers with screen reader applications; pages that are easy to read; documents printed in Braille and/or audio communication; 2) The obstacle of hearing, speech, and communication. Facilities and infrastructure provided to persons with disabilities who have resistance to hearing, speech, and communication at least are visual information boards; communication media using writing and other visual forms; and/or props. 3) The obstacle of mobility. Facilities and infrastructure provided to persons with disabilities who have the obstacle of mobility are at least wheelchairs; wheeled beds; and/or other mobility aids as needed; 4) The obstacle of memory and concentration. Facilities and infrastructure provided to persons with disabilities who have the obstacle of memory and concentration at least are images; mockups; dolls; calendars; and/or other props according to the needs; 5) The obstacle of intellectual. Facilities and infrastructure provided to persons with disabilities who have the obstacle of intellectual at least are medicines; health facilities; and other facilities according to needs; 6) The obstacle of behavioural and emotional. Facilities and infrastructure provided to persons with disabilities who have the obstacle of behavioural and emotional at least are medicines; health facilities; comfortable and noiseless room; and/or other facilities as needed; 7) The obstacle of taking care of themself. Facilities and infrastructure provided to persons with disabilities who have the obstacles of taking care of themselves at least are medicines; accessible dressing room; and/or necessity and/or other necessities concerning the needs; 8) Other obstacles; The infrastructure facilities provided to persons with disabilities who have other obstacles that have not been mentioned above are determined based on the results of personal assessments.

1. **Research Methods**

This type of research is non-doctrinal research (Wignjosoebroto, 2002) reviewing the practice of investigation, prosecution, and court proceedings for people with victims of violence. The type of data used is in the form of prime data and secondary data. Primary data is in the form of data obtained directly from the field about behaviour or empirical data (Soekanto, 1992) through in-depth interviews with victims of violence, victims' families, advocates, paralegals, disability assistance. Secondary data is obtained through the study of documents (Moleong, 1991) by way of literature, such as books, manuscripts, journals, articles, and other relevant literature (Soekanto, 1992). The data obtained in the form of handling cases of persons with disabilities in the police, prosecutors, and courts was been analyzed with the concept of reasonable accommodations for disabled people in the judicial process be regulated in Government Regulation No. 39 of 2020 based on Miles and Huberman data analysis techniques (1991) so that it can be presented in the form of a description so that it can be classified in the form of a pattern of handling cases then presented in the form of a set of information that allows for the withdrawal of conclusions. Based on data, patterns, explanations, flows obtained can be found te conclusions about the fulfilment of reasonable accommodation in the judicial process for persons with disabilities as victims of sexual violence.

1. **Research Findings**
2. **Cases of Persons with Disabilities Victims of Violence in The Judicial Process**
	* + 1. **DS Case**

DS is a person with disabilities victim of sexual violence. The case was carried out by 3 people Solo-Kartasura toll workers precisely carried out in an empty garden in the Boyolali area. After a few weeks, the victim get fear, the victim told her family about the raping committed by the suspect. Then the victim's family searched for information on the suspect and found the person and bring them to the victim’s house to confront the suspect and the victim. Arriving at the victim's house, the victim was immediately emotional and fainted (MS, 2021).

The defendants were sentenced with the district court with a prison sentence of 10 years each with a fine of two billion five hundred million rupiahs with the provision that if the fine is not paid then the defendant is exposed to imprisonment for three months (Supriyanto, 2021).

* + - 1. **VL Case**

Sexual violence against VL was carried out by his teacher precisely in the classroom at an extraordinary school in Sukoharjo. A victim is a person with deaf and mental retardation who is 22 years old. He has shortcomings and does not grow like his peers so when asked for information has not been able to give a clear description because previously the victim was also threatened by the suspect with his movement signal that clenched the grip of his right hand then beaten to the left hand as a signal will hit and right hand cut the neck as a sign to be killed. The results of the psychological examination explained that the age of the victim was 22 years but his mental age was equivalent to that of a 9-year-old and 10-month-old child, there were prominent barriers to socializing and communicating. And it has been implemented *visum et repertum* and showed evidence of sexual violence results. (Sri Harjani, 2021)

This case process is processed in the police then carried out prosecution by the state prosecutor and has been decided by the District Court by criminally charged against the defendant with a prison sentence of 8 years 6 months (Supriyanto, 2021).

* + - 1. **SF Case**

SF has shortcomings and does not grow up like his child but the victim can tell the events that happened to him. The victim is mental retardation. The results of psychological examinations explain the potential intelligence of victims far below the child's age with an IQ of 59, the scale of social problems of victims equivalent to children aged 7 years 6 months there is prominent obstacles in socializing and communicating.

SF is a victim of a sexual abuse case committed by a person close to the victim. The victim's relationship with the suspect is very close and has been considered as a brother. The suspect was very familiar with the victim's family. The suspect committed his heinous deeds to the victim who was done in the victim's house and was directly contested by the victim's sister. The suspect confessed his deeds and has done them twice. Then the victim and family reported to the Police. Finally, the report had been processed at the Police level. And it has been implemented *visum et repertum* and showed evidence of sexual violence results (Harjani, 2021).

1. **Fulfilment of Reasonable Accommodations in the Police Department**

The examination conducted by police to the DS victim is accompanied by the family without any legal counsellor reporting in the police. The Police appoint a legal counsellor to accompany the case. In this process, the Police appoint unspecial investigators who handle cases of persons with disabilities.

At the beginning of the examination, the investigator does not conduct a personal assessment by appointing a doctor (to check health), or a psychologist/psychiatrist (to examine the psychiatric), or a social worker (to examine the psychosocial). The appointment was made in the middle of the examination process experiencing obstacles. Investigators pointed to or referred to Rumah Sakit Jiwa Daerah Surakarta (Regional Mental Hospital of Surakarta). Except in the case of SF directly referring the victim to the hospital for personal assessment.

The police conduct discriminatory actions on victims of DS and VL by distinguishing legal treatment between disabled and non-disabled persons, while in the lens of law regulates equality before the law and regulates access to justice. Meanwhile, SF victims have non-discrimination treatment.

The police did not bring together directly between the victim and the suspect but to ensure the information that the suspect, the victim is shown with the suspect by investigators. However, the victims of DS and VL felt scared and traumatized, VL victims until several times fainted.

In the process of examination, investigators are not hasty and tend to be communicative by adjusting the condition of the victim so that the examination process can be done in detail. By using props such as calendars, dolls, writing, photos, and pictures.

The police are cooperative in providing information on the development of cases to the complainant through a lawyer or escort. Whenever the family, legal counsel, or disability assistance asks for information on the development of cooperative police cases to provide their information.

The police do not provide disability assistance in the process of examining cases, but instead the initiative of the companion himself. The police have appointed disability assistance except for the victim of SF from the beginning of the examination already provided disability assistance. So, with the disabilities assistance, it makes it easier for the police to complete the evidence of cases, because previously the police had difficulty. In addition, it also makes it easier to communicate and how to interact with victims.

The examination process is still in the standard of ordinary case examination even though the examination of persons with disabilities requires special examination standards to make it easy in the resolution of cases. The provision of legal services when receiving a criminal case report is not appointed advocates/legal counsellors to provide legal assistance to victims. It is precisely the family that appoints an advocate in the middle of the examination process (Purwanti and Harjani, 2021).

Considering the condition of the victim as a person with a mental disability, so there are some obstacles experienced such as communication, and intellectual. However, in the process of examination of victims are not met with facilities and infrastructure that can remove communication barriers. While to remove intellectual barriers the police provide health facilities to victims for examination by referring to mental hospitals to be carried out *visum et repertum* and *visum et pshicotrum* (Harjani, 2021).

The fulfilment of reasonable accommodation in the case of victims of sexual violence in the police is fulfilled and not fulfilled. Reasonable accommodation that has been fulfilled by the police is a personal assessment in providing doctors and psychologists/psychiatrists, effective communication, providing information related to the development of the judicial process, provision of disability assistance, provision of an interpreter, provision of legal aid, provision of facilities and infrastructure.

Reasonable accommodation that is not fulfilled by the police is to appoint a special investigator who handles cases of persons with disabilities, personal assessment, provision of social workers, non-discrimination treatment, fulfilment of security and comfort, the provision of information related to the rights of persons with disabilities. provision of standards of examination and provision of legal services, and provision of infrastructure facilities based on emotional and communication barriers.

1. **Fulfilment of Reasonable Accommodations in The District Prosecution General**

The examination of cases in the police is considered complete and then carried out the filing of the case file in the District Prosecution General, the appointed prosecutor is not a prosecutor who is specifically to examine cases of persons with disabilities, and also there is no procedure established by the institution in dealing with cases of persons with disabilities. The case file from the Police back and forth from the District Prosecution General to the Police several times so that the case process becomes very long because it is considered not enough to prove the case. For these difficulties, legal counsellor s and disability assistance conduct hearings with prosecutors related to the characteristics of persons with disabilities by bringing the results of psychologist examinations of victims. After the hearing, the prosecutor examined the victim to complete the case file.

Prosecutors at the time of receiving the first file from the police and know there has been no personal assessment, the prosecutor gave instructions to conduct a personal assessment. The personal assessment is carried out by the police in the middle of the process of examining cases.

Prosecutors did not conduct personal assessments of victims as well as the appointment of doctors to check health or psychologists/psychiatrists to examine the psyche because it has been done in the examination process in the police. The prosecutor's office did not appoint social workers to examine psychosocial in the proceedings. Based on the report of the psychological examination from the Mental Hospital of Surakarta.

Conducting examinations of the victim are carried out in a comfortable room, not noisy, and the victim does not feel disturbed by the surroundings. This treatment is a form of discrimination by distinguishing the treatment between non-disabled people with persons with disabilities, while in the lens of the law regulates equality before the law and regulates access to justice. Communication with the victim is done directly and occasionally communication is done through the intermediary of the victim's companion to something difficult for the victim to understand.

In providing information the Prosecutor tends to passively provide information to victims or families, active information requests are carried out by disability assistance by requesting information to the prosecutor's office and the prosecutor always provides information on the development of victim cases through disability assistance. Regarding the appointment of disability assistance, it is not appointed because since the Police Department there has been disability assistance appointed by the family. In conducting examinations the prosecutor does not have a standard examination of cases of persons with disabilities. In the case of the appointment of legal aid, the prosecutor also does not appoint an advocate/legal counsellor because the victim has been accompanied by an advocate/legal counsellor appointed by his family starting from the examination process in the Police.

Considering the condition of the victim as a person with a mental disability, so there are several obstacles experienced such as communication, intellectual, and emotional. However, in the process of examination of victims are not met with facilities and infrastructure that can remove communication barriers. In communication barriers there are no communication tools or props to facilitate communication, communication barriers can be overcome by communicating slowly and through the intermediary of a companion with disabilities. To remove intellectual barriers the prosecutor does not provide health facilities to victims because it has been provided earlier in the examination process in the Police (Supriyanto and Aripin, 2021).

The fulfilment of reasonable accommodation for victims of sexual violence in the District Prosecutor General is fulfilled and not fulfilled. Reasonable accommodation that has been fulfilled is a personal assessment in providing doctors and psychologists/psychiatrists, fulfilment of security and comfort, effective communication, providing information related to the development of the judicial process, provision of disability assistance, provision of an interpreter, provision of legal aid, provision of infrastructure facilities according to the barriers of communication. Reasonable accommodation that is not fullfilled by the prosecutor is to appoint a special prosecutor who handles cases of persons with disabilities, provision of social workers, non-discrimination treatment, provision of information related to the rights of persons with disabilities. Provision of standards examination, and provision of infrastructure facilities based on intellectual barriers.

1. **Fulfilment of Reasonable Accommodations in District Court**

Trial process of cases of persons with disabilities as victims of sexual violence at the trial, the District Court does not appoint a special judge for disability cases. Judges / Judges do not conduct personal assessments of victims as well as the appointment of doctors to check health or psychologists/psychiatrists to examine the psyche because it has been done in the examination process in the prosecutor's office and police. Neither does it appoint social workers to examine psychosocial in the process. In conducting a trial examination of the victim is carried out in a comfortable courtroom, not noisy, and the victim does not feel disturbed by the surroundings. The judge conducts the trial examination by not discriminating. Examine all cases entered into the Court without distinguishing between persons with disabilities and non-disabilities.

The trial process of cases of persons with disabilities victims of sexual violence in District Court did not appoint a special judge for disability cases. Judges did not conduct personal assessments of victims as well as the appointment of doctors to check health or psychologists/psychiatrists to examine the psyche because it has been done in the examination process in the District Prosecution General and the Police Department. Neither does it appoint social workers to examine psychosocially. The trial process of the victim is carried out in a comfortable courtroom, not noisy, and the victim does not feel disturbed by the surroundings. The judge conducts the trial process by non-discrimination. The District Court processed all cases without distinguishing between persons with disabilities and non-disabilities.

Communication with the victim is done directly and occasionally communication is done through the intermediary of the disability assistance to something difficult for the victim to understand. Information on the development of the case can be accessed by the victim/his lawyer through the trial process information. Regarding the appointment of disability assistance, the Judge /Panel of Judges did not appoint because since the District Prosecution General and the Police Department there has been an appointment of disability assistance pointed by the family. In conducting examinations, judges did not have a standard examination of cases of persons with disabilities. In the case of the appointment of legal aid, the Judge/Panel of Judges also did not appoint an advocate/legal counsellor because the victim has been accompanied appointed by his family starting from the examination process in the Police Department.

Considering the condition of the victim as a person with a mental disability, so there are several obstacles experienced such as communication, intellectual, and emotional. However, in the process of examination of victims are not met with facilities and infrastructure that can remove communication barriers. In communication barriers there are no communication tools or props to facilitate communication, communication barriers can be overcome by communicating slowly and through the intermediary of a companion with disabilities. To remove intellectual barriers the Judge/Panel of Judges does not provide health facilities to victims because it has been provided earlier in the examination process in the police (Supriyant and Aripin, 2021). The fulfilment of reasonable accommodation for persons with disabilities victims of sexual violence in court is fulfilled and not fulfilled and there is decent accommodation that is not needed in this case because it is not necessary.

Reasonable accommodation that has been fulfilled by the District Court is a personal assessment in providing doctors and psychologists/psychiatrists, fulfilment of a sense of security and comfort, effective communication, nondiscrimination treatment, providing information related to the development of the judicial process, provision of disability assistance, provision of an interpreter, provision of legal services, provision of infrastructure facilities according to the intellectual and communication barriers. Reasonable accommodation that has not been fulfilled by the District Court is to appoint a special judge who handles cases of persons with disabilities, personal assessment in terms of the provision of social workers, the provision of information related to the rights of persons with disabilities. provision of the examination standards.

1. **The Obstacles in the Fulfillment of Reasonable Accommodations**

According to the cases above, ranging from the investigation process at the Police Department and the District Prosecution General to the District Court there are obstacles faced, i.e.

1. society, family, educational institutions, and law enforcement officials do not have a perspective on disability.

In the case experienced by DS, VL, and SF communities, families, and educational institutions around the victims who are ignorant of the case that befell, the community did not want to know and even try to cover up the case because it is considered a disgrace in the community (Maesaroch, 2021). As a result of these actions the case did not immediately handle by the authorities, the evidence supporting the existence of criminal acts is increasingly difficult to obtain (Supriyanto, 2021).

Law enforcement officials in receiving reports or complaints from victims or their families, consider reports or complaints untenable because victims with disabilities are considered unable to legally provide information or become witnesses in criminal cases. This shows that law enforcement officials have ignored the right of equality before the law, as well as the rights of persons with disabilities to access the law and justice. The actions of the community, families, education agencies and law enforcement officials illustrate that the perspective on disability has not been well awakened. Whereas for cases of persons with disabilities all parties involved must have a disability perspective to provide justice to persons with disabilities who face the law. Law enforcement officials who initially reject reports or complaints, ultimately want to conduct the examination process after getting pressure from legal counsellor s and disability assistance by bringing convincing evidence. The process of examining cases against victim investigators does not pay attention to the obstacles owned by victims with disabilities, so the victim cannot provide run well and smoothly.

1. The Police Department, District Prosecutor General, and District Courts do not yet have special investigators, prosecutors, or judges in handling persons with disabilities cases.

Law enforcement officials Investigators, Prosecutors, and Judges were appointed to conduct examinations of disability cases not special officials for disability cases such as The Police Department have special investigators, the District Prosecutor General has a prosecutor, and the District Court has a judge for juvenile cases. A special official is needed so that the examination process can run well and smoothly and victims can get justice.

1. Personal assessments are not carried out at the beginning of the examination, especially in the Police Department.

There was no personal assessment is carried out for DS and VL cases at the beginning of the examination causing difficulties, obstacles, and understanding characteristics of persons with disabilities. Many obstacles were founded in communication, proof, finding evidence, and tending to consider persons with disabilities unable to be legally competent.

1. No legal aid/legal counsellor was provided.

There was not provided legal aid/legal counsellor s in DS case from the beginning of the examination. Provision of legal aid/legal counsellor for persons with disabilities must be according to the requirements regulated in the legislation. Legal services / legal counsel for persons with disabilities must have the ability to get along and interact well, understand the needs and obstacles, and can facilitate persons with disabilities to follow the judicial process properly.

The provision of legal aid/legal counsellor for persons with disabilities is useful for the examination process so that it does not drag on and take a long time and to ensure persons with disabilities get legal assistance. In this case, legal aid/legal counsellor s are provided by the family because in the process of examination investigators have difficulty proving criminal acts committed by the suspect. Provision of legal aid/legal counsellor s for persons with disabilities must be according to the requirements regulated in the legislation. Legal aid/legal counsellor s for persons with disabilities must have the ability to get along and interact well, understand the needs and obstacles, and can facilitate people with disabilities to follow the judicial process properly.

1. No interpreter was provided.

The beginning of the examination VL case in the police was not guided by the interpreter was provided on the initiative of disability assistance but was. Investigators in the examination of persons with disabilities must provide an interpreter. Requirements of Interpreter regulated in regulation are people who are good at getting along, interacting, communicating well and effectively with persons with disabilities in the hope that communication built between investigators and persons with disabilities can run effectively and remove barriers in communicating. The interpreter was also useful for the examination process not taking a long time. The interpreter also makes it easier for investigators to corroborate evidence based on information from investigators.

1. No disability assistance was provided.

Disability assistance was not provided in DLS and VL Cases from the beginning of the examination. The provision of disability assistance must be according to the requirements regulated in the legislation. Disability assistance must have the ability to get along and interact well, understands the needs and obstacles and can facilitate persons with disabilities to the judicial process well. The provision of disability assistance is useful for the examination process was not taking a long time. Disability assistance also makes it easier for investigators to corroborate evidence based on information from persons with disabilities. In this case, disability assistance is provided by the family because in the process of examination investigators have difficulty proving criminal acts committed by the suspect.

1. Many infrastructure facilities were unavailability can be accessed by persons with disabilities.

The examination of cases of persons with disabilities must meet the standards of minimal infrastructure facilities based on obstacles owned by persons with disabilities. DS case has obstacles in communication did not use communication media in the form of writing or other visual forms and props to remove communication barriers between law enforcement officials and persons with disabilities. The examination can be completed quickly if infrastructure facilities in communication have been fulfilled.

The procedural law was impartial to persons with disabilities.

The Code of Indonesia Criminal Procedure (KUHAP) regulates persons with disabilities as witnesses in article 168 paragraph 1 which reads “*If the defendant or witness is mute or deaf, or unable to write, the presiding judge of the trial appoints a person who is good at associating with the accused or the witness as an interpreter*.” This regulation is only regulated for disabled people who have a speech impediment (mute) and hearing (deaf) while other people with sensory disabilities such as net, people with mental disabilities, people with intellectual disabilities are not regulated in the Code of Indonesia Criminal Procedure. The absence of this arrangement results in the examination experiencing obstacles so that the process drags on and takes a long time.

1. **Conclusion**

Reasonable accommodations that are mostly fulfilled is a personal assessment in the provision of doctors or psychologists/psychiatrists, the fulfilment of a sense of security and comfort, effective communication, fulfilment of information related to the rights of persons with disabilities and the development of judicial processes, provision of companion with disabilities, interpreter, provision of legal aid. The reasonable accommodations have not been fulfiled by investigators, prosecutors, judges specifically handling disability cases, nondiscrimination treatment, provision of social workers for psychosocial examinations, provision of examination standards, provision of infrastructure facilities according to the obstacles owned by persons with disabilities.

The obstacles in the fulfilment of reasonable accommodation are that communities, families, educational institutions, and law enforcement officials did not yet have a perspective on persons with disabilities; The Police, Prosecutors and Judges did not yet have special investigators, prosecutors or judges in dealing with disability cases; Personal assessments are not carried out at the beginning of the examination, especially in the Police Department; Not provided legal aid/legal counsellors, interpreters, disability assistance, any unavailability of infrastructure facilities that can be accessed by persons with disabilities in every.

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