



Implementation of Legal Protection for Women with Disabilities Victims of Rape Crime in Langkat District

Rizky Ayu, Talita Samantha

Study Program of Law, Faculty of Law, Putra Abadi University, Langkat, Indonesia. E-mail: rizkyayuunpal5@gmail.com, talitasjamantha18@gmail.com

ARTICLE INFO

Keywords:

Disability;
Rape;
Legal protection.

Article history:

Received Jan. 20, 2023;
Revised Feb. 15, 2023;
Accepted March 26, 2023;
Online April 30, 2023.

ABSTRACT

Women with disabilities are weak creatures and have deficiencies in themselves. Women with disabilities are vulnerable to becoming victims of criminal acts, especially women who are vulnerable as victims of rape. Especially women with disabilities in the city of Langkat. Women with disabilities are victims of the crime of rape, so they need a legal protection that is provided based on relevant laws and regulations and already has regulations. It is necessary to provide legal protection, especially legal protection for women with disabilities who are victims of rape in Langkat district. The problem in this writing is in the form of legal regulations, various forms of legal protection provided to women victims of disabilities in Langkat district and prevention that can be taken to reduce the number of criminal acts of rape in Langkat district. The research method used in this journal article is in the form of normative and empirical juridical, analytical description and data collection which is taken through library research and file research.

This is an open access article under the [CC BY-NC](https://creativecommons.org/licenses/by-nc/4.0/) license.



Corresponding Author:

Rizky Ayu,
Study Program of Law, Faculty of Law, Putra Abadi University,
Langkat, Indonesia,
Putra Abadi University Langkat, Indonesia,
Jl. Letjen R. Soeprapto No. 10, Kwala Bingai, Kec. Stabat, Langkat
Regency, North Sumatra 20814
Email: rizkyayuunipal5@gmail.com

1. Introduction

Legal protection for women with disabilities as victims of criminal acts of rape in Langkat Regency has not comprehensively obtained the rights that should be given to victims of criminal acts of rape, the lack of implementation related to the form of legal protection provided to victims of disabilities with disabilities, so that the problems of criminal acts of rape experienced by persons with disabilities are excluded. Even though there are already relevant legal regulations regarding victim protection. A woman with a disability as a victim of the crime of rape is not only detrimental physically but also psychologically.

Products of laws and regulations regarding the protection of women with disabilities where it is appropriate for the State of Indonesia to place women with disabilities as the top priority for

obtaining protection. This protection, both from a juridical and non-juridical perspective and the existence of equal rights and status before the law, also applies to persons with disabilities. Persons with disabilities must be treated the same as other normal women so that they get the same access as normal women in general. Legal protection and guarantees must be provided by the State, in particular,

One of the vulnerable groups that often experiences sexual violence is women with disabilities. The Annual Records of the National Commission or Komnas Perempuan released in March 2020 show that there has been an increase in cases of sexual violence against women with disabilities by 43%. There was an increase of around 87 cases, mostly experienced by women with deaf and mental intellectual disabilities (disabilities).

The crime of rape is a crime that has an extraordinary impact on the physical and psychological aspects of the victim. It is not uncommon for victims to experience prolonged trauma, fear, confine themselves at home, damage to the female reproductive organs and cause pregnancy. This of course causes the future of the victim to be bleak, not to mention if the victim is a person with disabilities, both physical and non-physical. Apart from having physical or mental limitations, the burden on his life will increase.

Protection of weak, vulnerable people such as disabilities should be guarded by their families, not only the family but the surrounding community participate in protecting or protecting a woman and there is a need for an institution that can protect these women who are subject to treatment such as discrimination, sexual violence and rape, there is a need for a place to complain and accompany and provide recovery to women and children, both normal and abnormal, in helping protect women and children victims of problems related to victims of crimes such as: cases of discrimination, sexual harassment, and rape.

This article will explain the rules of law and regulations regarding the rights granted to victims, namely persons with disabilities as victims of the crime of rape and find out that the form of protection provided to victims based on laws and regulations has been fulfilled, overcoming the rather non-occurrence of the crime of rape against women with disabilities.

2. Method

The research method of this article uses analytical description specifications, namely articles that explain or describe events or events, as well as real behavior and are thoroughly researched. The data collection tool used in this research is library research, which is based on written rules and field research (data in the field). Data analysis used in this article is data analysis which is the result of research that is described in a comprehensive manner, by trying to look at the factors behind certain programs, cultures and policies, such as the selection of principles, theories, norms, doctrines and the articles contained in the law that are relevant to the issues to be discussed in this study.

3. Analysis and Results

Many people in Langkat Regency do not know about the existence of the Langkat Regency Women Empowerment and Community Protection Service (DP3AM), the low level of awareness on the part of victims or their families to follow up on the cases they experience and the lack of optimal handling of sexual violence such as rape in handling them. the community or family should be able to quickly report the case.

Women with disabilities in Indonesia are still found to have a negative stigma and think of women with disabilities as weak and unable to do anything, so they often become victims of crime and the victims are women, even the perpetrators are only those closest to them. The perpetrators came from the victim's surroundings, neighbors, friends, from acquaintances, relatives, fathers to grandfathers. Most of them experience discrimination and sexual harassment up to rape, because some people think that women with disabilities are weak creatures. Women

with disabilities often receive inappropriate treatment, even those who become perpetrators of rape victims are the people closest to them and even their own families. Because of the mental limitations they have, it is easy for women with disabilities to become victims. Rape crime cases are considered as a reflection of the failure of law enforcers to place the law as a supremacy force. The law is not used as a force capable of preventing and taking action against violators and criminals, including perpetrators of rape crimes.

There are many factors that cause someone to commit rape, these factors can be internal factors (within the victim) and external factors that trigger someone to become a victim. At present the perpetrators of rape are not only adults, minors who commit this crime of rape, so do the victims, even in some cases rape victims are people with disabilities, both physically and non-physically disabled who are included in the vulnerable group, so it is easy and provides opportunities for perpetrators crime crime. All forms of action that can be detrimental to women's lives must be abolished, however legal protection and guarantees must be able to be provided by the State for women with disabilities

3.1. Legal perspective on legal protection for women with disabilities as victims of rape

Rape is included in the classification of types of criminal acts of decency where this is regulated in the Criminal Code (KUHP), in the Criminal Code itself criminal acts of decency are divided into 2 types, namely, the crime of rape for sexual intercourse which is regulated in Article 285, Article 286, Article 287 and Article 288 of the Criminal Code, the crime of rape to commit obscenity which is regulated in Article 289, Article 290, Article 291, Article 292, Article 293, Article 294, Article 292, Article 296 of the Criminal Code.

The Criminal Code (KUHP) does not specifically regulate rape experienced by persons with physical and psychological disabilities, Article 285 applies to women as victims of rape in its entirety, there are no specific rules in the Criminal Code regarding special protection for persons with disability as a victim of rape. Rape is also a criminal act of a sexual nature which occurs when a human being (or more) forces another human being to have sexual intercourse in the form of vaginal or penile penetration which is carried out by force either by force or by means of violence against women.

3.2. The form of protection provided for women with disabilities as victims of rape

It is important to immediately draw up a law that specifically regulates the protection of women as victims of crime, especially women with disabilities, in which it will regulate comprehensive victim protection, such as physical, financial, psychological and medical protection. The most important thing in the law here is that protection is not only aimed at victims of crimes that attract public attention, such as crimes against human rights (HAM) or terrorism, but for all types of crimes, especially crimes of sexual violence and victims of which are persons with disabilities.

Victim protection can be seen from 2 meanings, namely, the first can be interpreted as "legal protection not to become a victim of a crime (meaning protection of human rights or one's legal interests and secondly can be interpreted as protection to obtain guarantees/legal compensation for suffering/loss a person who has become a victim of a crime (so synonymous with victim compensation). This form of compensation can be in the form of restoration of good name (rehabilitation), restoration of equanimity, among others, by utilization, provision of compensation (restitution, compensation, social welfare guarantees/compensations). and so on

3.3 Ways to overcome so that the criminal act of rape does not occur again against women with disabilities in Langkat Regency.

Community efforts are also needed in preventing the occurrence of criminal acts of rape against women with disabilities which are very important. Of course it benefits people with other disabilities, preventive measures so that it doesn't happen again can be done by providing a sense of security and comfort to the surrounding area. So that people do not need to be afraid to carry out all their daily activities. This prevention provides benefits for oneself and society, as well as many things that can be done by society in preventing crimes against persons with disabilities. Barda Nawawi also explained "crime prevention efforts can be broadly divided into 2 (two), namely through the penal route (criminal law) and the non-penal route (not criminal law).

Based on data from the Simponi Office of Women's Empowerment, Child Protection and Communities in the City of Langkat Regency, which handles cases of sexual violence against women with disabilities in the City of Langkat Regency, namely:

No	Year	Complaint	Legal Assistance	Health	Return
1.	2018	1	7	2	1
2.	2019	-	-	-	8
3.	2020	-	21	-	7

4. Conclusion

Legal protection for persons with disabilities is regulated in Law Number 8 of 2016 concerning Persons with Disabilities regarding the rights of persons with disabilities to have the right to legal protection. Law Number 19 of 2011 regarding ratification of the Convention on the Rights of Persons with Disabilities. And the Criminal Code (KUHP) does not specifically regulate rape experienced by persons with physical and psychological disabilities, Article 285 applies in its entirety to women as victims of rape. Meanwhile, the form of protection provided by persons with disabilities as victims of rape is in the form of compensation (restitution, compensation, guarantees/social welfare benefits) and so on.

References

- Abdul Wahid, Muhammad Irfan. Protection for Victims of Sexual Violence Advocacy for Women's Human Rights, Bandung: Refika Aditama, p. 18.
- Abdul Wahid. (2011). Protection for Victims of Sexual Violence Advocacy for Women's Human Rights. Bandung: Refika Aditama.
- Akbar Sayuti, "Efforts to Protect Victims of Rape Crimes in the Indonesian Criminal Justice System", Accessed January 19, 2021.", <https://Jurnal.fh.Unila.ac.id>. At 21.48 WIB
- Arie Afriansyah. (2015). "Foreigners Land Rights Regulations: Indonesia's Practice". Journal of Law Pulpit, 27(1): 98-116
- Local Democracy: Evaluation of Pilkada in Indonesia. Jakarta: Constitution Press, p.182
- Dikdik M. Arief Mansur, Elisatris Gultom, The Urgency of Crime Victim Protection Between Norms and Reality. PT Grafindo Persada, Jakarta, p.20
- Dikdik M. Arief Mansur. Elisatris Gultom, The Urgency of Crime Victim Protection Between Norms and Reality. PT Grafindo Persada, Jakarta, 2007
- Eddy OS Hiarij. "Current and Future Regional Elections from a Criminal Law Perspective" on Achmad D. Haryadi (ed). (2012).
- Mohammad Efendi, 2004. Introduction to Psychopedagogic Children with Disabilities, Bumi Aksara, Jakarta, 2006.
- Siska Lis Sulistiani. (2016). Sexual Crime & Deviance in the Perspective of Islamic Law and Indonesian Positive Law. Bandung: Shades of Aulia.
- Werner Menski. (2000). Comparative Law in a Global Context, The Legal Systems of Asia and Africa. London: Platinum Publishing Ltd, p. 16

