

# UNIVERSITAS INTERNASIONAL BATAM

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## **LEGAL PROTECTION OF DISABILITY RIGHTS AS A VICTIM WITNESSIN THE PROCESS OF CRIMINAL JUSTICE IN INDONESIA (DECISION NUMBER: 28 / Pid.B / 2013 / PN.SKH)**

**Shyntia Auliya Pasaribu  
NPM: 1651104**

### **ABSTRACT**

Indonesia is one of the country that has a high scale population of persons with disabilities. This potential violation of the rights of persons with disabilities will happens. In addition, negative views towards people with disabilities are widespread in the society. Persons with disabilities are considered vulnerable people which is often being a victim of criminal acts, for example discrimination and immoral acts such as sexual harassment and rape.

This does not only stop in the social sphere, but within the scope of process and implementation of law itself, inequality often occurs so which is not in accordance within the principle of Equality Before Of Law. The regulation on disability are already regulated but sadly its not implemented optimal and the implementation itself still far away from good.

An example case from Sukoharjo with Court Decision Number 28 / Pid.B / 2013 / PN.Skh regarding criminal acts attacking moral dignity as a compiler reference to find out the extent of legal protection for persons with disabilities who are dealing with the law. In this research, the conclusion for the regulation regarding legal protection for victims with disabilities is not yet widely discussed as a specificaly and regulated, havent mentioned straight to the point the rights of persons with disabilities before the law. the legal protection of witnesses and victims as stated in the legislation still has not been fulfilled, besides from the limitations of experts, and also not all types of protection could be contextualized in cases where the victim is a person with a disability. The solution is there must be firmness in the formulation of regulations relating to difabe dealing with the law.

**.Keywords :** *legal protection, person with disability, rape, public law, law enforcer*