

CRIMINAL OF THE CRIMINAL ACTION OF RAPE AGAINST PERSONS WITH DISABILITIES

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ABSTRACT

Persons with disabilities have the same position, rights and obligations as non-disabled people. As part of Indonesian citizens, it is appropriate for persons with disabilities to receive special treatment, which is intended as an effort to protect against vulnerability to various acts of discrimination and especially protection from various violations of human rights. Such special treatment is seen as an effort to maximize the respect, promotion, protection and fulfillment of universal human rights.

Keywords: Criminals, Perpetrators, Rape, Persons with Disabilities

INTRODUCTION

Persons with disabilities are a diverse group of people, including persons with disabilities who experience physical disabilities, mental disabilities or a combination of physical and mental disabilities. The condition of persons with disabilities may have little impact on their ability to participate in society or even have such a big impact that they require support and assistance from others. In addition, people with disabilities face greater difficulties than non-disabled people due to obstacles in accessing public services, such as access to education, health and employment services.

Disability should not be an obstacle for persons with disabilities to obtain the right to life and the right to defend their life. The foundation for the protection of persons with disabilities in Indonesia can be seen in the provisions of Article 28 A of the 1945 Constitution, namely "Everyone has the right to live and has the right to defend his life and existence". The right to life is the most basic human right for all human beings. The right to life is part of human rights which are non-negotiable. Everyone must have the absolute right to life, because without the right to life, there are no other human rights.

The Convention on the Rights of Persons with Disabilities, namely the convention on the Rights of Persons with Disabilities, has been ratified by the Republic of Indonesia in the Law of the Republic of Indonesia Number 19 of 2011 concerning Ratification of the CRPD. CRPD is an international and national human rights instrument in an effort to respect, fulfill and protect the rights of persons with disabilities in Indonesia (Development tool an Human Rights Instrument). The purpose of this convention is to promote, protect and guarantee equal rights and fundamental freedoms for all persons with disabilities, as well as respect for the dignity of persons with disabilities as an integral part of this.

Indonesia as a member of the United Nations must comply with international human rights instruments. As a rule of law, Indonesia is a country that has laws which regulate all the activities of the people left in it. For this reason, people who carry out all activities must be based on the values, norms or rules that apply in society. The law cannot be separated from the behavior carried out by the community in daily life, therefore the community must comply with all the rules that are made, but if the law does not exist in society then there will be chaos in society, but basically the law has been made for the community. often ignored and violated by society itself.

Crime and criminal acts will increase and continue to increase because many people ignore the laws that govern them, to regulate all people's lives it is necessary to have rules that bind every member of society so that crimes and violations of public order do not occur, therefore to create a society peace, serenity, comfort and security then their lives must be managed as well as possible.

LITERATURE REVIEWS

DEFINITION OF CRIMINAL

Every human being is a creature of God who is never free from mistakes. Mistakes can be in the form of actions that are detrimental to oneself or others. These things often disturb the peace of social life. A person who commits a mistake regulated in criminal law legislation can be given a criminal sanction. According to Andi Hamza, criminal punishment is a sentence imposed on a person who is proven guilty of committing an offense based on a decision that has permanent legal force.

Criminal is suffering to someone who has made a mistake and undergoes a process of proof so that the sentence is determined by a panel of judges in a decision in court. Criminal is suffering that is intentionally imposed on someone who commits an act that meets certain conditions. Currently, there are a lot of crimes that are given to children who are underage as a result of juvenile delinquency which is carried out by bringing children who are commonly referred to as naughty children entangled in legal problems and through the juvenile justice process, so that (criminal) punishment is given to them.

A child who commits an act that is contrary to criminal law undergoes an evidentiary process in court known as juvenile court, to impose sanctions on the child. Juvenile crime is punishment for children who commit acts that are contrary to criminal law.

Indonesia is familiar with the principle of legality, where no act can be punished if it is not regulated by law. The punishment or punishment imposed and what actions are punishable by punishment must first be stated in the criminal law. A principle referred to in the *nullum crimen sine lege* listed in Article 1 paragraph (1) of the Criminal Code. The difference lies between the terms punishment and criminal in that a crime must be based on statutory (criminal) provisions, while punishment has

a broader meaning, including for example parents pinching their child's ears, all of which are based on decency, decency, decency and habit. These two terms also have similarities, namely that both have a background of good and bad values, polite and impolite are allowed and prohibited.

Punishment is slightly different from punishment, because punishment is given to someone through a judicial process in accordance with applicable laws, while punishment applies whenever and with anyone who commits a disgraceful act, even though this is not regulated in statutory provisions.

PURPOSE OF CRIMINAL AND CRIMINAL

Punishment has a more general or broader meaning compared to the meaning of punishment which only revolves around the type of punishment, according to Sudarto punishment itself is synonymous with the term punishment which is more complete, namely "Punishment comes from the word legal basis, so that it can be interpreted as establishing a law or deciding about punishment (berechten). Determining punishment for an event does not only concern the criminal field, but also civil law, because it only revolves around criminal punishment, the term must be narrowed in meaning, namely punishment in criminal cases, which is often synonymous with punishment or punishment or sentencing. by the judge. Punishment in this case has the same meaning as a sentence or *veroordeling*.

Crime is essentially a tool to achieve goals and how to formulate these goals in the concept or material of a law which its formation wants to enforce by including a crime. In addition to being enforced, there are also sentencing objectives and sentencing requirements. The purpose of punishment is the protection of society and the protection/guidance of individual perpetrators.

Punishment in everyday life is more with the punishment of someone who commits a crime. According to Sudarto, that punishment comes from the word legal basis so that it is interpreted as establishing the law or deciding about the law. Punishment is an action against a perpetrator of a crime where punishment is aimed not because someone has committed a crime but so that the perpetrator of the crime will no longer do evil and other people are afraid of committing the same crime.

DEFINITION OF RAPE

Criminal behavior is behavior that violates the criminal law. Regardless of the level of immorality, the error or inappropriateness of an act is prohibited by criminal law, on the other hand criminal law is conventionally a set of rules regarding human behavior that has been promulgated by political power (rulers) and applies to all members of society, with accompanied by threats of punishment carried out by the state.

Some argue that crime is likened to a nation's energy sucker. Maybe that's an exaggeration, but what is clear, is that crime causes harm to society, smoothness of work and so on. However, a healthy society certainly has sufficient resistance to crimes both committed by its citizens and by outsiders. The crimes in question can involve losses to the state, society or individuals. That personal crimes that occur against community members are very detrimental, both to self-esteem and psychologically, for example the crime of rape.

Rape is a criminal act that occurs when a person forces another person to have sexual intercourse in the form of vaginal penetration with the penis, forcibly or by force. The term rape comes from the Latin word *rapere* which means stealing, forcing, depriving or taking away. Rape is also not absolutely done by men against women, but there are also cases of rape that can be done by a woman against a man.

FACTORS THAT CAUSED RAPE

Many people say cases of sexual harassment and rape of women occur because of the woman herself. And what often becomes a problem is because of the way women dress themselves and men's sexual appetite is out of control when and after seeing women dressed in miniskirts. Thoughts and assumptions like this are often reported when cases of harassment and rape occur. This simple thought is just an assumption without doing research and research. And as if it was women who caused a rape to occur. Already a victim of rape and blamed as well as the cause.

In general, the factors of rape that occur when viewed from the motives of the perpetrators are:

- a. Seductive Rape, Rape occurs because the perpetrator feels aroused by his lust and usually this rape occurs to those who already know each other. For example rape by boyfriend, family, friends or other close people.
- b. Sadistic Rape, Rape that is carried out sadistically, in which the perpetrator will feel that he is getting sexual satisfaction not because he has intercourse, but gets satisfaction from the way he tortures the victim which is not obtained in normal sexual relations.
- c. Anger Rape, this rape only wants to advance its dominance over the victim and the perpetrator only wants to control the victim sexually. For example, the employer raped his maid.
- d. Exploitation Rape, Rape that occurs because there is a sense of dependence of the victim on the perpetrator both economically and socially. And usually these cases occur without any violence by the perpetrator against the victim. For example superiors to their subordinates, employers to their assistants.

It turns out that factors in the occurrence of rape can be influenced by environmental factors. The motives of the perpetrators of rape, situations and opportunities, economic factors and one's association. The large number of rape cases that occur in the community are often resolved amicably and are resolved outside the law. Usually, the offender and the victim are soon married, with the hope of closing the disgrace in the future. That's fine if it's done by just one person, but what if it's done in groups or done by more than one person.

The Law and Law that regulates the Crime of Rape is Article 285 of the Criminal Code which states "Anyone who by force or by threat forces a woman who is not his wife to have sex with him, because of rape, will be punished with imprisonment for a maximum of twelve years".

Because most cases of rape occur under the age of five, parents should pay extra attention by paying attention to where their children socialize with friends or their environment. and don't forget to provide religious knowledge and don't leave children if you experience this case. However, it is still covered with affection so that the victim still feels that someone loves him.

PREVENTION OF RAPE

Rape cases dominate the news everywhere. Like a chain, cases of sexual violence go on and on creating fear for women and their parents. Rape doesn't only happen to girls who dress seductively. Children also often become victims of male impingement suddenly rampant, perhaps the effect of losing their outlet since the closure of several locations.

There are several efforts that can be done to avoid rape.

- a. make it a habit to pray to ask God Almighty for protection
- b. dress modestly. Dressing seductively becomes a magnet and harm should be avoided
- c. otherwise don't travel alone, especially if the intended location is quite far and at night.
- d. if forced to go alone. It is better to avoid places that are lonely and vulnerable,
- e. don't be easily tempted by the seduction and lure of people you just met.
- f. be selective and careful about the people who receive help. Often times our good intentions are actually used by others. Not a few people pretend to ask for help but in fact direct the victim to a lonely place.
- g. it is also good for women to study. Self-defense. Self-defense can be a fairly reliable protector for women in times of emergency.
- h. even if they cannot defend themselves, women can keep self-protection tools such as pins, pins, pepper/chili powder
- i. you should not play gadgets too often and wear earphones. Because it will make us less sensitive to environmental conditions. Paying attention to gadgets will make us less sensitive if someone shows bad and suspicious behavior.

DEFINITION OF DISABILITY

Persons with disabilities are people who have physical, mental, intellectual or sensory limitations for a long time which, in interacting with the environment and attitudes of society, may encounter obstacles that make it difficult to achieve full and effective results based on equal rights (Law Number 19 of 2011 concerning Ratification of Rights - rights of persons with disabilities)

The term disability comes from English, namely different abilities, which means that humans have different abilities. There are several terms referring to persons with disabilities, the Ministry of National Education refers to them as having special needs and the ministry of health refers to persons with disabilities.

Some definitions of persons with disabilities are:

- a. According to UN Resolution Number 61/106 dated 13 December 2006, persons with disabilities are any person who is unable to guarantee by himself, in whole or in part, normal individual needs and/or social life, as a result of their disability, whether congenital or not, in terms of physical or mental abilities.
- b. According to Law No. 39 of 1999 concerning Human Rights, persons with disabilities/disabilities are a vulnerable group of people who are entitled to receive treatment and protection that is more favorable to their particularity.
- c. According to Law Number 11 of 2009 concerning Social Welfare, persons with disabilities/disabilities are classified as part of society who have a life that is not humanely feasible and has criteria for social problems.
- d. According to Law Number 4 of 1997 concerning Persons with Disabilities, persons with disabilities are any person who has physical and/or mental disorders that can interfere with or constitute obstacles and obstacles for him to perform properly, consisting of persons with physical disabilities, persons with physical disabilities and mentally.

TYPES OF PERSONS WITH DISABILITIES

According to Law Number 4 of 1997 concerning Persons with Disabilities, Persons with Disabilities are categorized into three types, namely:

- a. Physical Disability Physical disability is a disability that results in disturbances in bodily functions, including movement, vision, hearing and the ability to speak. Physical Disabilities include:

1. Deformed legs
2. Back Defects
3. Deformed Hands
4. Deformed Fingers
6. Neck defects
7. Blind defects
8. Deafness
9. Speech defects
10. Touch defects (taste)
11. Congenital Defects.

- b. Disability or physical disability comes from the word tuna which means loss or lack, while daksa means body. So the disabled is intended for those who have imperfect limbs.

Body defects can be classified as follows:

1. according to the cause of disability is a birth defect, caused by disease, caused by an accident, and caused by war
2. According to the type of disability, there are 9 (amputations) of broken limbs, pelvic bone defects, cerebral palsy, other defects included in bodily disabilities, orthopedics, paraplegia.

c. Mental Disability. Mental disability is a mental disorder and or behavior, both congenital defects and the result of disease, including:

1. Mental retardation
2. Functional psychiatric disorders
3. Alcoholism
4. Organic mental disorders and epilepsy.

d. Multiple Disabilities or Physical and Mental Disabilities. That is the condition of a person who has two types of disability at once. If both are disabled, it will be very disturbing for persons with disabilities. According to Reefani, persons with disabilities are divided into several types, namely:

1. Mental Disabilities

Mental disabilities or mental disorders consist of:

- a. High mentality. often known as intellectually gifted people, in addition to having above average intellectual abilities they also have creativity and responsibility towards tasks.
- b. Low mentality. Low mental ability or intellectual capacity/IQ (Intelligence Quotient) below average can be divided into 2 groups, namely children who are slow learners, namely children who have an IQ (Intelligence Quotient) between 70-90, while children who have an IQ (Intelligence Quotient) under 70 is known as a child with special needs.
- c. Specific Learning Difficulties. Learning difficulties related to learning achievement (achievement) obtained.

2. Physical Disabilities

Physical disability or physical disorder consists of:

- a. Abnormalities of the body (Disabled Physical Impairment). Physically disabled are individuals who have movement disorders caused by neomuscular or bone structural abnormalities that are congenital, illness or due to accidents (loss of organs), polio and paralysis.
- b. Impaired sense of sight (Blind Blind). Blind people are individuals who have visual impairments. Blind people can be classified into two groups, namely total blind (blind) and low vision.
- c. Hearing impairment (Deaf). Deaf people are individuals who have permanent or non-permanent hearing impairments. Because they have hearing impairments, deaf individuals have speech impairments, so they are commonly called mute.
- d. Speech disorder (Mute Impairment). Speech impaired is someone who has difficulty expressing thoughts through verbal language, making it difficult or even incomprehensible to others. This speech disorder can be understood by others. This speech disorder can be functional which is possibly caused by deafness, and organic which is caused by imperfect speech organs as well as disturbances in motor organs related to speech.

3. Double Disability (Double Disability)

Multiple disabilities or people with more than one disability (physical and mental disabilities) are those who have more than one type of disability, for example a blind person who is deaf at the same time, a disabled person accompanied by mental retardation or even all at once.

The degree of disability of persons with disabilities based on the Regulation of the Minister of Health of the Republic of Indonesia Number: 104/MENKES/PER/II/1999 concerning Medical Rehabilitation in Article 7 stipulates that the degree of disability is assessed based on the limitations of a person's ability to carry out daily activities, namely as follows:

- a. Defect degree I; Able to carry out activities or maintain posture with difficulty
- b. Degree of disability 2: In carrying out activities or maintaining attitudes with the help of assistive devices
- c. Degree of disability 3: In carrying out activities some require the assistance of other people with or without assistive devices.
- d. Degree of disability 4: In carrying out activities without the full assistance of other people and the availability of a special environment
- e. Degree of disability 5: Inability to carry out activities without the full assistance of other people and the availability of a special environment.
- f. Degree of disability 6: Not able to fully carry out daily activities even though fully assisted by another person.

DISABILITY RIGHTS

Workers with disabilities have the same rights and opportunities to get decent work, as regulated under Law Number 8 of 2016 concerning Persons with Disabilities. Based on regulations other than based on Law Number 8 of 2016 concerning Persons with Disabilities. Based on regulations other than based on Law Number 8 of 2016 concerning Persons with Disabilities, you can find regulations that regulate the same topic, namely:

- a. Article 27 of the 1945 Constitution of the Republic of Indonesia which states: "Every citizen has the right to work and a decent living for humanity"
- b. Law Number 4 of 1997 concerning Persons with Disabilities
- c. Law Number 8 of 2016 concerning persons with disabilities when compared with Law Number 4 of 1997 concerning Persons with disabilities, has fundamental differences related to regulations in the field of employment.

The arrangements in the field of employment in Law Number 4 of 1997 concerning Persons with Disabilities are:

- a. Based on compassion (charity)
- b. Both the government and the private sector are required to employ
- c. Persons with disabilities at least 1% of the total employees
- d. There are no incentives for companies that employ people with disabilities.

Meanwhile, the regulations in the field of employment in Law Number 8 of 2016 concerning Persons with Disabilities are:

- a. Based on rights (human rights)
- b. The Government, Regional Government, BUMN and BUMD are required to employ persons with disabilities 2% of the total employees
- c. The private sector is obliged to employ persons with disabilities 1% of the total employees
- d. There are incentives for companies that employ persons with disabilities.

In order to fulfill the mandate of Law Number 8 of 2016 related to the field of employment, it is necessary to realize that the placement of workers with disabilities is the right of persons with disabilities as well as the obligation of the government and regional governments, BUMN and BUMD as well as private companies. So it needs to be implemented as well as possible while still paying attention to occupational health and safety.

The affirmation of the minimum number of persons with disabilities who get quotas for employment opportunities is regulated in Law Number 8 of 2016 Article 53, namely:

- a. The Government, Regional Governments, State-Owned Enterprises and Regional-Owned Enterprises are required to employ at least 2% (two percent) of persons with disabilities from the total number of employees or workers.
- b. Private companies are required to employ at least 1% (one percent) of persons with disabilities from the number of employees or workers.

In the placement of workers with disabilities, from the demand side, companies/institutions can go through 5 (five) steps/stages as follows:

- a. The most important thing is to make up your mind/determination for the placement of workers with disabilities where stakeholders are aware that persons with disabilities have the same right to work
- b. Company manpower planning (preparing manpower requests including for persons with disabilities)
- c. Recruitment (carrying out an announcement and selection process that provides the same opportunities as non-disabled workers)
- d. Training/Apprenticeship (conducting training or apprenticeship in other companies or the company concerned).
- e. Placement for decent work (work according to interests, talents and abilities without discrimination).

Another thing to facilitate and connect access to job seekers with disabilities with companies/institutions that will employ them, persons with disabilities can register online through the job info site as follows which is directly supported by the government through the ministry of manpower:

- a. [www. Infowork, kemnaker.go.id](http://www.infowork.kemnaker.go.id)
- b. www.kerjabilitas.com
- c. [www. dnetwork. net](http://www.dnetwork.net) or
- d. through disability social organizations.

So far, some of the government's efforts to protect people with disabilities to support the implementation of various policies and laws are as follows:

- a. Making of MOU between Ministry of Social Affairs, Ministry of Transmigration and APINDO on 3 December 2013 regarding Training and placement of workers with disabilities in companies.
- b. Submission of a letter from the Minister of Manpower to the Minister of BUMN regarding the placement of workers with disabilities in BUMN companies
- c. Carrying out job fairs and expos on work products of people with disabilities assisted by the Ministry of Manpower and Transmigration in collaboration with the Office that handles employment in Provinces, Regencies/Cities
- d. Give awards to companies that employ people with disabilities
- e. Implementation of empowerment with entrepreneurship training for persons with disabilities in offices that handle employment in provinces, districts/cities
- f. Helping facilities for companies that want to recruit workers with disabilities.

LEGAL PROTECTION FOR PERSONS WITH DISABILITIES

The need for adequate legal protection for victims of crime is not only a national issue, but also an international one. The state's obligation to protect (the obligation to protect) is the obligation to not only focus on efforts to protect against violations committed by the state, but also against violations or actions committed by other (non-state) entities or parties that will interfere with the protection of the rights of persons with disabilities. . Included in this is protection by the state to prevent persons with disabilities from being wasted, neglected or exploited and so on. Meanwhile, the obligation to fulfill (the obligation to full fill) is the state's obligation to take legislative, administrative, judicial and practical steps that need to be taken to fulfill the rights of persons with disabilities guaranteed by the constitution and laws and regulations, in this case the state is obliged provide various physical and non-physical facilities, especially guarantees for maintenance and permanent welfare for persons with disabilities from the heavy category.

The 1945 Constitution includes a series of provisions that guarantee human rights. These provisions explicitly regulate the state's obligations to human rights. Article 28 I paragraph (4) of the 1945 Constitution emphasizes that the protection,

promotion, upholding and fulfillment of human rights is the responsibility of the state, especially the government. It is further stated that in order to uphold and protect human rights in accordance with the principles of a democratic rule of law, the implementation of human rights is guaranteed, regulated and set forth in laws and regulations.

The obligations of state administrators that need to be realized in respect, to protect and to fulfill are human rights in the socio-economic, cultural (Ecosob) as well as civil and political (sipol) fields. This is important because the two fields of human rights are human rights material contained in two international human rights instruments, namely the international covenant on economic, socio-cultural rights and the international convention on civil and political rights which was ratified by the UN General Assembly. in 1966. However, the government of the Republic of Indonesia was only able to ratify these two human rights instruments in 2005 which later became laws, namely Law Number 11 of 2005 which ratified the Covenant on Economic, Socio-Cultural Rights. Meanwhile Law Number 12 of 2005 ratified the Covenant on Civil and Political Rights. Law Number 11 of 2005 concerning Ratification of the International Covenant on Economic, Social and Cultural Rights contained in the State Gazette of the Republic of Indonesia of 2005 Number 118, Supplement to the State Gazette of the Republic of Indonesia Number 4557, and Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights contained in the State Gazette of the Republic of Indonesia of 2005 Number 119, Supplement to the State Gazette of the Republic of Indonesia Number 4558, provides the hope of justice and legal certainty for the community, especially persons with disabilities who desire to uphold their human rights. These human rights are not given by the state let alone the government. He was not born from legal arrangements because human rights are natural rights from the creator to all creatures on earth.

With the existence of these two laws, Indonesia has completed its acceptance of the International Law on Human Rights including persons with disabilities, which was done before. Indonesia's acceptance of the International Human Rights Act or in the international world known as the International bill of human rights, was carried out against the Universal Declaration of Human Rights, even though the declaration is a non-judicial instrument, all members of the United Nations The United Nations, including Indonesia, must recognize and accept the main ideas contained in the declaration. In the Indonesian context, the Universal Declaration of Human Rights is a consideration in terms of legal reform regarding persons with disabilities in Indonesia.

SANCTIONS AGAINST RAPE PERSONS WITH DISABILITIES

Rape is based on the word rape which means forcefully or proudly. Rape has the meaning of subduing someone by force, coercion, or through the threat of violence to have intercourse with a woman. One form of violence against women is a threat to women, especially regarding men's sexual interests. Men's interests show that there is a gender imbalance where women have to face violence, coercion, and physical and psychological torture, which constitutes a crime of rape. Any person who through violence or threats forces a woman to have sex with him outside of marriage with an intentional element is deemed to have committed the act of rape as stated in Article 285 of the Criminal Code. The element of intent referred to above must be proven by the public prosecutor and by the panel of judges in the realm of trial. The perpetrators of the crime of rape against women are not only limited to age, occupation or social status, but men who have experience in carrying out these acts of rape. Understanding of the imposition of criminal sanctions is inseparable from the word punishment. Where the criminal sanction is a causal law, because it is a crime committed and the result of the crime creates binding sanctions imposed on the perpetrators who commit it. The crime of rape is contained in general in Law Number 1 of 1946 concerning the Criminal Code, namely in Chapter XIV concerning Crimes Against Morality which is further regulated in articles 285 to 288 of the Criminal Code. Sanctions for perpetrators of rape against persons with disabilities refer to Articles 285 and 286 of the Criminal Code where persons with disabilities are included in the powerless element in Article 286 of the Criminal Code where persons with disabilities are powerless to fight or save themselves because of the deficiencies they have.

CONCLUSION

1. Legal protection for persons with disabilities as victims of rape crimes must be monitored or seen because they are very sensitive to various kinds of social, mental and physical disturbances. Protection of persons with disabilities as non-criminal victims of rape is emphasized in Article 5 paragraph (2) of Law Number 8 of 1981 concerning Persons with Disabilities, namely: women with disabilities have the following rights: a) The right to have children; b) Free to accept or not to use contraceptives; c) Receive supervision from criminal treatment in layered discrimination; and d) The right to get more security from acts of violence, including sexual violence. The forms of protection that can be given to persons with disabilities as victims of the crime of rape are: 1) Restitution, which is compensation handed over to the victim or his family by the perpetrator, in the form of returning property, payment of compensation for loss or suffering, or material compensation in the form of money for certain actions contained in the Government Regulation of the Republic of Indonesia Number 44 of 2008 concerning Provision of Compensation, Restitution and Assistance to Witnesses and Victims; 2) Medical Assistance and Rehabilitation Assistance; this assistance is a service provided to victims and/or witnesses to undergo treatment or guidance by the Witness and Victim Protection Agency (LPSK).
2. Sanctions for perpetrators of rape with disabilities are also contained in positive law in Indonesia. The crime of rape is contained in general in Law Number 1 of 1946 concerning the Criminal Code, namely in Chapter XIV concerning Crimes Against Morality which is further regulated in articles 285 to 288 of the Criminal Code. In the Cassation Decision Number 736 K/PID/2013 PN.Cn the sanctions for the perpetrators of the crime of rape against a person with disabilities refer more to Articles 285 and 286 of the Criminal Code where a person with a disability is included in the powerless element in Article 286 of the Criminal Code where a person with a disability is powerless to fight or save themselves because of the deficiencies they have.

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