Legal Protection for Women with Disabilities as Victims of Sexual Violence: Comparative Lessons from Indonesia and Russia

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Abstract

Study Objectives: This study examines whether the legal frameworks of Indonesia and Russia provide effective, disability-responsive protection for women with disabilities who experience sexual violence.

Method/Approach: The research uses normative and comparative legal methods. It analyses international human rights instruments, Indonesian and Russian legislation, criminal procedure rules, and recent international scholarship through intersectionality, the human rights model of disability, and victim-oriented justice.

Novelty: The article moves beyond a descriptive inventory of rights. It develops a functional comparison of how two legal systems translate equality, reasonable accommodation, and victim participation into investigation, evidence, adjudication, and recovery. It also assesses Indonesia's post-2025 criminal law reforms and Russia's compensatory approach to participants with disabilities.

Findings: Both systems recognize equality and disability rights, but neither formal recognition nor general accessibility rules automatically remove procedural exclusion. Indonesia now has a stronger survivor-centred framework under the Sexual Violence Crime Law, its implementing regulation, and the new Criminal Procedure Code. Russia contributes a useful doctrinal emphasis on individualized compensatory measures, yet its framework also demonstrates the limits of relying on social-protection law without a comprehensive disability-specific procedural status. Effective protection requires early individual assessment, accessible reporting, qualified communication support, non-stereotypical credibility assessment, continuous legal and psychosocial assistance, and enforceable institutional accountability.

Conclusion: Legal protection becomes effective only when reasonable and procedural accommodation operates as an enforceable right at every stage of the criminal process, rather than as administrative discretion.

Keywords: Access to Justice; Disability; Human Rights; Sexual Violence; Women.

Introduction

Violence against women with disabilities is not adequately explained by gender discrimination or disability discrimination in isolation. It develops through the interaction of gender hierarchy, ableism, economic dependence, inaccessible services, and unequal power relations. The Convention on the Rights of Persons with Disabilities (CRPD) therefore requires States to connect equality, women's rights, equal recognition before the law, access to justice, and freedom from exploitation, violence, and abuse.[1] The CRPD Committee further characterizes the position of women and girls with disabilities as one of multiple and intersecting discrimination, which obliges States to adopt measures that are both gender-responsive and disability-responsive.[2]

Recent international evidence confirms that adults with disabilities face elevated exposure to violence, while women and persons with intellectual, psychosocial, sensory, or multiple disabilities encounter distinct risks and barriers.[3] Research from the Global South also shows that violence is reproduced through family dependency, social stigma, poverty, caste or class hierarchy, institutional neglect, and weak access to remedies.[4] These findings challenge the assumption that vulnerability is an inherent personal condition. Vulnerability is frequently produced by legal and institutional arrangements that do not anticipate different communication methods, support needs, or forms of dependency.

A disability justice perspective accordingly treats access to justice as a multidimensional entitlement. It includes recognition, participation, redistribution of institutional resources, and recovery. It also requires the legal system to hear the victim's account without forcing her to conform to an able-bodied model of memory, communication, emotional expression, or courtroom behaviour.[5]

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[1] Augustina Naami and Joana Okine, "CRPD Article 6 – Vulnerabilities of Women with Disabilities: Recommendations for the Disability Movement and Other Stakeholders in Ghana," in *Disability Rights and Inclusiveness in Africa* (Boydell and Brewer Limited, 2022), 193–210, https://doi.org/10.1017/9781800103825.009.

[2] Penelope J.S. Stein and Michael Ashley Stein, "Disability, Human Rights, and Climate Justice," *Human Rights Quarterly* 44, no. 1 (2022): 81–110, https://doi.org/10.1353/hrq.2022.0003.

[3] Mikaela Starke, Anneli Larsson, and Elisabeth Punzi, "People with Intellectual Disability and Their Risk of Exposure to Violence: Identification and Prevention – a Literature Review," *Journal of Intellectual Disabilities* 29, no. 3 (September 7, 2025): 760–83, https://doi.org/10.1177/17446295241252472.

[4] Himanshu Burte and Lalitha Kamath, "The Structural Violence of Spatial Transformation: Urban Development and the More-than-Neoliberal State in the Global South," *City* 27, no. 3–4 (July 4, 2023): 448–63, https://doi.org/10.1080/13604813.2023.2219549.

[5] Rachael Goodman-Williams, Jessica Volz, and Kathryn Fishwick, "Reasons for Not Reporting Among Sexual Assault Survivors Who Seek Medical Forensic Exams: A Qualitative

Intersectional research demonstrates that the risk of exclusion increases when gender, disability, poverty, and social isolation operate together.[6]

Sexual victimization research provides a more specific explanation. Perpetrators may target women with disabilities because of perceived dependence, restricted mobility, limited access to sexuality education, social isolation, or the expectation that their testimony will not be believed.[7] Reporting studies likewise show that disability type, race, ethnicity, and sex can affect whether victimization is reported to police, which cases receive third-party assistance, and which victims become part of the official justice record. The resulting dark figure is not merely a statistical problem. It reflects the capacity of legal institutions to recognize, receive, and process a complaint.

Indonesia has ratified the CRPD through Law Number 19 of 2011 and enacted Law Number 8 of 2016 on Persons with Disabilities.[8] The regulatory framework has expanded substantially through Law Number 12 of 2022 on Sexual Violence Crimes, Government Regulation Number 39 of 2020 on Reasonable Accommodation in Judicial Proceedings, Government Regulation Number 30 of 2025 on prevention, handling, protection, and recovery, the new Criminal Code, and Law Number 20 of 2025 on the Criminal Procedure Code.[9] These reforms create an important opportunity to reassess whether the Indonesian criminal justice system has moved from formal equality to effective participation.

Russia provides a relevant comparison because it has also ratified the CRPD, incorporated disability-based discrimination into federal social-protection legislation, and developed a body of criminal-procedure scholarship that proposes

Analysis," *Journal of Interpersonal Violence* 39, no. 9–10 (May 16, 2024): 1905–25, https://doi.org/10.1177/08862605231211926.

[6] Panayiota Tsatsou, "Vulnerable People's Digital Inclusion: Intersectionality Patterns and Associated Lessons," *Information, Communication & Society* 25, no. 10 (July 27, 2022): 1475–94, https://doi.org/10.1080/1369118X.2021.1873402.

[7] Adam Davies et al., "Sexuality Education for Disabled Children and Youth in Ontario, Canada: Addressing Epistemic Injustice through School-based Sexuality Education," *Children & Society* 40, no. 1 (January 10, 2026): 165–82, https://doi.org/10.1111/chso.12843.

[8] Laurensius Arliman S., Elfrida Ratnawati, and Aida Abdul Razak, "Legal Guarantees for Persons with Disabilities to Secure Decent Work: A Human Rights Perspective from Indonesia," *Jurnal Wawasan Yuridika* 8, no. 2 (September 10, 2024): 94–112, https://doi.org/10.25072/jwy.v8i2.4463.

[9] Muammar Alay Idrus, "Reconstructing Corporate Environmental Criminal Liability in Indonesia: Harmonizing Substantive Environmental Law and the 2025 Criminal Procedure Code," *KRTHA BHAYANGKARA* 20, no. 1 (March 8, 2026): 81–99, https://doi.org/10.31599/krtha.v20i1.5063.

a compensatory approach for participants with disabilities.[10] The Russian experience is not treated as a complete model. Rather, it offers both constructive ideas and cautionary lessons. Its scholarship emphasizes individualized measures and a special procedural status, while international monitoring has identified continuing gaps in multiple discrimination, access to justice, and complaint mechanisms for women with disabilities.[11]

Existing Indonesian studies usually describe statutory rights, reasonable accommodation, or the role of assistance institutions. International studies more often examine victimization, reporting, legal capacity, and lived experiences. A gap remains between these strands. Few studies compare how a rights-based legal framework should operate across the complete criminal process, from disclosure and reporting to evidence, adjudication, restitution, and recovery. This article addresses that gap by asking two questions. First, what structural and procedural barriers prevent women with disabilities from using existing legal protection effectively? Second, what comparative lessons from Indonesia and Russia can support a disability-responsive and survivor-centred model of criminal justice?

The article argues that the central legal problem is not the absence of norms alone. It is the fragmentation of duties among police, prosecutors, courts, protection agencies, health services, interpreters, psychologists, legal aid providers, and local governments. Protection fails when accommodation is delayed, treated as optional, or limited to physical access. A mature framework must recognize procedural accommodation as an enforceable component of equality and due process.

Research Method

This study uses normative legal research with statutory, conceptual, comparative, and analytical approaches. The primary legal materials include the CRPD, the Convention on the Elimination of All Forms of Discrimination against Women, relevant interpretive standards of United Nations bodies, Indonesian legislation governing disability, sexual violence, witnesses and victims, criminal procedure, and regional implementation, as well as Russian disability and criminal-procedure legislation. Secondary materials consist mainly of peer-reviewed international journal articles published between 2019 and 2026, supplemented by earlier sources only when they remain conceptually foundational.

The comparison is functional rather than merely textual. It examines how each legal system addresses five functions: accessible reporting; identification of individual support needs; effective participation in investigation and trial; fair

[10] Polina Sedova, "Assistance Dogs in Russia: Legal Environment Review and Perspectives," *Disability & Society* 39, no. 4 (April 20, 2024): 995–1013, https://doi.org/10.1080/09687599.2022.2090899.

[11] Deborah Stienstra, "(Th)Reading Rights and Justice: Women and Girls with Disabilities," *Global Society* 37, no. 3 (July 3, 2023): 354–74, https://doi.org/10.1080/13600826.2022.2146576.

assessment of testimony and other evidence; and protection, restitution, and recovery. This approach avoids equating the existence of similar statutory language with equivalent legal outcomes.

Three analytical frameworks guide the study. Intersectionality identifies how gender, disability, poverty, age, and dependency combine to shape exposure to violence and access to remedies. The human rights model of disability locates disadvantage in the interaction between impairment and institutional barriers, not in the individual alone. Victim-oriented justice evaluates whether criminal procedure protects safety, autonomy, dignity, participation, and recovery in addition to determining criminal responsibility.[12]

Legal materials were interpreted through systematic and teleological reasoning. National rules were read consistently with the CRPD's purpose of full and effective participation. The comparative findings were then used to formulate institutional standards that can be applied in Indonesia without importing Russian rules mechanically.

Results and Discussion

Intersectional Vulnerability and the Human Rights Model of Disability

The legal category of a vulnerable victim can support additional safeguards, but it can also reproduce paternalism. When vulnerability is treated as an individual defect, the justice system may regard the victim as dependent, unreliable, or incapable of making decisions. Waddington warns that criminal law's use of vulnerability can stigmatize persons with disabilities when it replaces an analysis of barriers and rights.[13] The more defensible approach is relational. A woman becomes procedurally disadvantaged when police stations, interview methods, evidentiary assumptions, or courtroom practices are designed around a single model of communication and cognition.

This distinction has direct legal consequences. Equal treatment does not always require identical treatment. A deaf victim may require a qualified sign-language interpreter and visual information. A victim with an intellectual disability may require plain-language questions, additional time, a support person, and repeated explanation of procedural choices. A victim with psychosocial disability may require a calm interview environment and trauma-informed scheduling. A blind victim may need accessible documents and orientation support. These measures do

[12] Viacheslav Tuliakov, "Victimization and Victim-Oriented Development of Ukrainian Doctrine of Criminal Law through European Union Dimensions," *International Annals of Criminology* 62, no. 2 (June 7, 2024): 426–47, https://doi.org/10.1017/cri.2024.22.

[13] Lisa Waddington, "EU Criminal Law and Persons with Disabilities: Reflections on 'Vulnerability' and the Influence of the CRPD," *AJIL Unbound* 116 (March 14, 2022): 84–89, https://doi.org/10.1017/aju.2022.7.

not confer an evidentiary advantage. They remove barriers that would otherwise prevent equal participation.

Legal capacity is equally important. The denial or restriction of legal capacity can intensify gendered vulnerability by transferring decision-making to family members, guardians, or institutions that may have conflicts of interest.[14] A support person must therefore facilitate the victim's will and preferences, not replace them. The distinction is critical in sexual violence cases because the alleged perpetrator may be a family member, caregiver, intimate partner, teacher, employer, or institutional staff member.

International studies show that violence against women with disabilities often occurs in relational settings where assistance and control overlap. Perpetrators can misuse caregiving, medication, transport, finances, communication devices, or access to personal support. The law must therefore recognize disability-specific forms of coercion and deprivation rather than limiting sexual violence analysis to overt physical force.[15]

The human rights model also changes the meaning of credibility. Inconsistent chronology, delayed disclosure, limited vocabulary, atypical affect, or dependence on alternative communication should not automatically be interpreted as fabrication. Communication differences may result from disability, trauma, repeated questioning, fear of caregivers, or inaccessible interviewing.[16] Research concerning deaf persons and autistic adults documents how communication mismatch and police misunderstanding can distort legal evaluation. A fair evidentiary process separates the reliability of information from conformity to conventional communication behaviour.

Indonesia's Post-Reform Legal Architecture

Indonesia's constitutional framework guarantees equality before the law, legal certainty, and protection from discrimination. Law Number 8 of 2016 translates these principles into disability rights, including recognition as a legal subject, legal assistance, accessibility in justice services, protection from violence, and specific

[14] Adriana Kaulino and Teresa Matus, "Systemic Vulnerability: Towards a Theoretical Framework for Identifying Institutional Failures That Violate Rights," *Feminism & Psychology* 33, no. 3 (August 18, 2023): 411–28, https://doi.org/10.1177/09593535221143595.

[15] Ami Goulden et al., "Experiences of Gender-Based Violence Among Disabled Women: A Qualitative Meta-Synthesis," *Trauma, Violence, & Abuse*, March 27, 2026, https://doi.org/10.1177/15248380261433014.

[16] Esther Steultjens et al., "Tailored Interviewing to Uncover the Perspectives of Children with Multiple Disabilities on Daily Activities: A Qualitative Analyses of Interview Methods and Interviewer Skills," *Australian Occupational Therapy Journal* 70, no. 2 (April 23, 2023): 175–89, https://doi.org/10.1111/1440-1630.12842.

protection for women with disabilities. Government Regulation Number 39 of 2020 further requires reasonable accommodation in judicial proceedings through individual assessment, support persons, interpreters, effective communication, accessible facilities, and disability-sensitive services.[17]

Law Number 12 of 2022 on Sexual Violence Crimes strengthens this framework by organizing prevention, handling, protection, and recovery around victims' rights. Its significance for women with disabilities lies in three elements. First, it recognizes that a criminal case cannot be assessed solely through punishment. Second, it connects criminal procedure with medical, psychological, social, and restitution services. Third, it requires attention to victims who need accessibility and specific support. This structure is more consistent with survivor-centred justice than the older model that treated the victim mainly as a source of evidence.[18]

Government Regulation Number 30 of 2025 supplies an updated implementation framework. It requires integrated prevention, handling, protection, and recovery and expressly incorporates accessibility for persons with disabilities.[19] This regulation is important because many failures occur between institutions rather than within a single statute. A victim may report to police, receive a medical examination elsewhere, seek protection from another agency, and apply for restitution through a separate process. Integration must therefore include case coordination, data protection, referral deadlines, and clear responsibility for funding accommodations.

The new Criminal Procedure Code under Law Number 20 of 2025 also changes the legal context. Its official framework strengthens the rights of victims and persons with disabilities, revises investigative and prosecutorial coordination, and regulates restitution, compensation, rehabilitation, and restorative mechanisms.[20] These changes should be read together with the Sexual Violence Crime Law. General procedural rules must not reduce the specialized protection and recovery rights established for sexual violence victims.

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[17] Roni Rothler, "Access to Legal Capacity: A Disability-Rights-Based Design," *SSRN Electronic Journal*, 2025, https://doi.org/10.2139/ssrn.5727522.

[18] Sarah Ailwood et al., "Beyond Women's Voices: Towards a Victim-Survivor-Centred Theory of Listening in Law Reform on Violence Against Women," *Feminist Legal Studies* 31, no. 2 (July 9, 2023): 217–41, https://doi.org/10.1007/s10691-022-09499-1.

[19] Milica Jevtić et al., "Factors of Vulnerability and Resilience of Persons with Disabilities During Disasters: Challenges and Strategies for Inclusive Risk Reduction," *International Journal of Disaster Risk Management* 7, no. 1 (2025): 91–113, https://doi.org/10.18485/ijdrm.2025.7.1.6.

[20] Oyeleke Oluwademilade John et al., "The Roles of Victims of Crimes in the Administration of Criminal Justice," *SSRN Electronic Journal*, 2026, https://doi.org/10.2139/ssrn.5897002.

The new Criminal Code, effective from 2 January 2026 and adjusted through Law Number 1 of 2026, completes the broader reform of Indonesian criminal law.[21] Its implementation must remain consistent with the lex specialis character of the Sexual Violence Crime Law. The critical issue is not only classification of offences, but also how investigators and courts address consent, power relations, disability-specific dependency, and the consequences of inaccessible communication.

Law Number 31 of 2014 on Witness and Victim Protection remains relevant because it provides a basis for safety, confidentiality, assistance, restitution, and support through the Witness and Victim Protection Agency.[22] Supreme Court Regulation Number 3 of 2017 adds a gender-sensitive judicial perspective by directing judges to consider unequal power relations, discrimination, vulnerability, and the impact of violence.[23] For women with disabilities, these instruments must be integrated rather than applied in parallel silos.

At the regional level, the Special Region of Yogyakarta has adopted Regional Regulation Number 5 of 2022, which requires legal assistance, accessibility, and appropriate accommodation for persons with disabilities in litigation and non-litigation processes.[24] Such regional rules are useful, but equality cannot depend on residence. National minimum standards are necessary so that a victim in a district with limited services receives equivalent procedural protection.

The normative framework is therefore comparatively comprehensive. The remaining problem is implementation. Indonesian research continues to identify obstacles in personal assessment, communication assistance, law-enforcement understanding, evidentiary practice, and continuity of support.[25] The legal system

[21] Abdul Wahid, "Measuring the Effectiveness of the New Criminal Code in Answering Contemporary Criminal Law Challenges," *Lex Journal : Kajian Hukum Dan Keadilan* 9, no. 1 (January 23, 2025): 47–57, https://doi.org/10.25139/lex.v9i1.9681.

[22] Wahab Aznul Hidaya, "The Role of Witness and Victim Protection Agency for Imekko Tribe in Criminal Justice System in Sorong," *Law and Justice* 8, no. 2 (December 31, 2023): 176–91, https://doi.org/10.23917/laj.v8i2.2363.

[23] Gita Mittal and Dipika Jain, "Women's Equal Representation in the Higher Judiciary: A Case for Judicial Diversity in India," *International Journal of Comparative and Applied Criminal Justice* 47, no. 2 (April 3, 2023): 185–99, https://doi.org/10.1080/01924036.2022.2164317.

[24] anon Thuyên and Bùi Kiều Oanh, "The Right of Access to Justice for Persons with Disabilities: Case Study of Vietnam," *SSRN Electronic Journal*, 2025, https://doi.org/10.2139/ssrn.5382567.

[25] Handar Subhandi Bakhtiar et al., "The Utilisation of Scientific Crime Investigation Methods and Forensic Evidence in the Criminal Investigation Process in Indonesia," *Egyptian Journal of Forensic Sciences* 15, no. 1 (May 29, 2025): 39, https://doi.org/10.1186/s41935-025-00456-y.

has moved toward a rights-based model, but institutional routines have not always changed at the same speed.[26]

Reporting, Evidence, and Procedural Exclusion

The first point of failure is often disclosure. Women with disabilities may depend on the perpetrator or the perpetrator's family for housing, money, transport, medication, communication, or daily assistance. They may fear institutionalization, family shame, retaliation, or loss of care. Services may not be available in accessible formats, and hotlines or online reporting systems may be unusable for persons with sensory, intellectual, or psychosocial disabilities. Empirical studies consistently connect under-reporting with distrust, inaccessible services, and the expectation of disbelief.[27]

A lawful response begins before a formal police interview. The receiving institution must identify immediate safety risks, preserve evidence, provide accessible information about rights, and conduct an individual assessment with the victim's participation. The assessment should determine communication preferences, the need for an interpreter or intermediary, support-person arrangements, trauma and health needs, environmental adjustments, and potential conflicts of interest. It should be reviewed when circumstances change.

The second point of failure is the interview process. Repeated, rapid, leading, compound, or abstract questions can produce apparent inconsistency. A rigid demand for eye contact, chronological narration, or immediate detail may disadvantage victims whose communication or memory operates differently. Police and prosecutors need protocols for plain language, one question at a time, adequate pauses, visual or augmentative communication, and recorded interviews that reduce repetition. Zidenberg's analysis of deaf persons in criminal justice demonstrates how the absence of effective communication creates cumulative disadvantage.[28]

The third point of failure is evidentiary interpretation. Sexual violence commonly occurs without independent witnesses. A disability-responsive system

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[26] Roxana Barrantes Cáceres, "Universal Service and Structural Reforms in Latin America: What Have We Learned and Where Are We Going?," *Telecommunications Policy* 50, no. 6 (July 2026): 103193, https://doi.org/10.1016/j.telpol.2026.103193.

[27] Rachel Russell, Freya O'Brien, and Laura Boulton, "'Asked If I Have Experienced Homophobia, I'll Say No. What I Mean by That Is I Have Not Had My Head Kicked in': Understanding LGBT+ Perspectives on Hate Crime and Barriers to Reporting in the UK," *The Police Journal: Theory, Practice and Principles*, November 22, 2025, https://doi.org/10.1177/0032258X251398675.

[28] Alexandra M. Zidenberg, "Avoiding the Deaf Penalty: A Review of the Experiences of d/Deaf Individuals in the Criminal Justice System," *Disability & Society* 38, no. 5 (May 28, 2023): 842–64, https://doi.org/10.1080/09687599.2021.1965546.

should not require corroboration merely because a victim communicates differently. It should assess the totality of evidence, including behavioural change, medical and psychological findings, digital traces, location data, testimony from persons who observed circumstances before or after the event, and evidence of dependency or control. The challenge is to avoid both discounting the victim's statement and treating disability as automatic proof of incapacity.

Legal scholarship on sexual violence and mental health further shows that law may construct an artificial binary between a supposedly normal trauma response and an abnormal diagnosis.[29] Such binaries can be harmful in cases involving psychosocial or intellectual disability. The appropriate question is not whether the victim performs a socially expected response, but whether the evidence was obtained through accessible procedures and evaluated without stereotypes.

The fourth point of failure is discontinuity. An interpreter may be available at the police stage but not during prosecution. A support person may be excluded from court. Psychological assistance may end before trial. Information about hearing dates or restitution may not be accessible. Effective accommodation must follow the case, while preserving the victim's right to change support arrangements. International access-to-justice principles require procedural accommodations throughout all legal proceedings and reject their denial on the basis of proportionality or administrative convenience.[30]

Recovery is also part of legal protection. International studies show that violence can produce long-term health, economic, relational, and participation consequences for women with disabilities.[31] A victim-centred response should include safe housing, health care, psychosocial support, assistive devices, legal aid, education or employment continuity, restitution, and protection against retaliation. Recovery plans must be individualized and should not be conditioned on the success of prosecution.

Non-governmental organizations and organizations of persons with disabilities have a strategic role because they often provide trust, communication support, community outreach, legal assistance, and institutional monitoring. Comparative research on disability organizations shows that civil society can bridge service gaps and make rights usable. Nevertheless, the State cannot transfer its legal duties to

[29] Emma Yapp, "Normal Trauma and Abnormal Diagnosis: A Discursive Analysis of Sexual Violence Law and Policy in England and Wales," *Feminist Legal Studies* 34, no. 2 (July 6, 2026): 187–205, https://doi.org/10.1007/s10691-025-09588-x.

[30] Filippo Fontanelli and Kanstantsin Dzehtsiarou, "Admissibility Criteria and Access to Justice in Regional Human Rights Jurisdictions," in *A Comparison of the European, Inter-American, African and Arab Human Rights Courts: Institutional Aspects* (The Hague: T.M.C. Asser Press, 2025), 99–123, https://doi.org/10.1007/978-94-6265-695-6_5.

[31] Fontanelli and Dzehtsiarou.

NGOs. Public funding, accreditation, confidentiality standards, and formal referral mechanisms are required.

Comparative Lessons from Russia

Russia ratified the CRPD in 2012 and amended Federal Law Number 181-FZ on the Social Protection of Persons with Disabilities to prohibit disability-based discrimination. The Russian legal framework provides general equality, accessibility, interpretation, representation, and participation guarantees. Yet Russian scholarship observes that the Criminal Procedure Code does not establish a comprehensive and coherent procedural status for persons with disabilities across their possible roles as victim, witness, suspect, or accused.[32]

The most useful Russian contribution is the compensatory approach developed in recent criminal-procedure scholarship. The approach begins with identification of functional barriers rather than a generic medical label. It then selects measures that compensate for those barriers so that the participant can exercise procedural rights on an equal basis. Proposed measures include accessible technologies, modified communication, additional time, assistance, and differentiated procedural arrangements.[33]

This approach offers Indonesia an important design lesson. Government Regulation Number 39 of 2020 already requires individual assessment, but assessment must lead to a binding accommodation plan. A form that records a diagnosis without identifying communication, environmental, cognitive, or support barriers has limited legal value. The Russian compensatory concept can help transform assessment into a functional decision that links each barrier to a specific procedural measure, responsible institution, implementation time, and review mechanism.

A second lesson concerns procedural status. Rights scattered across disability, victim-protection, sexual-violence, and criminal-procedure laws can create uncertainty about who must act and when. Russian proposals for a special procedural status seek to consolidate guarantees for participants with disabilities.[34] Indonesia should not necessarily create a separate category that labels all persons

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[32] Leonid Mohilevskyi et al., "Determinants and Methods of Diagnosing Criminal Proceedings Participants False Testimony in Ukraine," *Revista Amazonia Investiga* 11, no. 51 (April 20, 2022): 71–79, https://doi.org/10.34069/AI/2022.51.03.7.

[33] Neil Kenny, Alison Doyle, and Finbar Horgan, "Transformative Inclusion: Differentiating Qualitative Research Methods to Support Participation for Individuals With Complex Communication or Cognitive Profiles," *International Journal of Qualitative Methods* 22 (October 15, 2023), https://doi.org/10.1177/16094069221146992.

[34] S. M. Kurbatova, "On the Need to Form a Special Procedural Status of Participants in Criminal Proceedings from among Persons with Disabilities," *Juridical Journal of Samara University* 9, no. 1 (April 12, 2023): 18–27, https://doi.org/10.18287/2542-047X-2023-9-1-18-27.

with disabilities as vulnerable. It should instead codify a cross-cutting status of a participant entitled to procedural accommodation, triggered by an individualized assessment and applicable regardless of the person's formal role.

A third lesson is cautionary. General social-protection legislation and formal anti-discrimination clauses do not automatically produce effective remedies. Russian disability-law analysis notes that protection mechanisms against discrimination remain underdeveloped, while the CRPD Committee has expressed concern about multiple discrimination against women with disabilities and inadequate access to justice and complaint mechanisms.[35] Indonesia should therefore avoid measuring compliance through the number of regulations or facilities alone. It needs outcome indicators, complaint procedures, judicial remedies, and institutional accountability for denied accommodation.

The comparison also exposes a conceptual risk. A compensatory model can become medicalized when officials decide what a person lacks without meaningful consultation. The CRPD requires respect for autonomy, will, and preferences. Compensation should therefore be co-designed with the victim and, where appropriate, an independent support person or organization of persons with disabilities. The objective is not to normalize the victim's behaviour but to adapt the procedure.

Indonesia currently has a stronger specialized victim-protection framework for sexual violence than the Russian materials examined in this study, particularly through the integration of handling, protection, and recovery. Russia contributes a more explicit doctrinal discussion of functional compensation and special procedural status. The comparative lesson is reciprocal. Indonesia can strengthen operational accommodation, while the Russian debate can benefit from a more intersectional, survivor-centred, and gender-responsive framework.

A Disability-Responsive and Survivor-Centred Protection Model

The combined analysis supports a five-stage protection model. The first stage is accessible entry. Every police unit, hospital, protection service, and legal-aid institution should provide multiple reporting channels, plain-language information, sign-language access, accessible digital content, and emergency support. No victim should be required to secure an interpreter independently before making a report.

The second stage is an early individual assessment that produces a written accommodation plan. The plan should identify communication methods, support-person needs, accessibility adjustments, health and trauma considerations, safety

[35] Ashira Vantrees, "Inaccessible Justice: The Violation of Article 13 of the CRPD and the ICC's Role in Filling the Accountability Gap," *International Review of the Red Cross* 105, no. 922 (April 10, 2023): 542–65, https://doi.org/10.1017/S1816383122000728.

risks, potential conflicts of interest, and the responsible officer. The victim must receive the plan in an accessible format and have a right to request revision.

The third stage is protected evidence production. Interviews should be conducted by trained officers in an appropriate environment, recorded where lawful, and coordinated to minimize repetition. Qualified interpreters and intermediaries must be independent from the alleged perpetrator. Courts should issue directions on questioning style, breaks, remote participation, screens, or other adjustments necessary for effective testimony.

The fourth stage is integrated protection and recovery. Police, prosecutors, courts, the Witness and Victim Protection Agency, local service units, health providers, social services, legal aid organizations, and disability organizations should use a single referral and case-coordination protocol. Confidentiality and informed consent must govern information sharing. Restitution and recovery should be pursued from the beginning, not postponed until conviction.

The fifth stage is enforceable accountability. Denial of reasonable or procedural accommodation should be documented, reviewable, and capable of producing corrective orders. Institutions should collect disaggregated data on reports, case progression, accommodations requested and provided, attrition, protection orders, restitution, and recovery services. Data must protect privacy and should be developed with organizations of women with disabilities.

Training is necessary but insufficient. One-off awareness programs rarely change institutional incentives. Competence standards should be incorporated into police, prosecutorial, judicial, interpreter, medical, and legal-aid certification. Supervisors should audit compliance, and budgets should identify accommodation as a mandatory justice cost. This institutional approach converts disability inclusion from personal goodwill into a legal system requirement.

The proposed model also clarifies the relationship between due process and victim protection. Accessible interviewing and supported participation improve evidentiary quality rather than weaken the rights of the accused. Clear procedures reduce suggestive questioning, preserve the original account, and make judicial evaluation more transparent. Disability-responsive justice is therefore compatible with legality, equality of arms, and reliable fact-finding.

Conclusion

Indonesia has developed a substantially stronger legal architecture for women with disabilities who experience sexual violence. The CRPD, disability legislation, the Sexual Violence Crime Law, reasonable-accommodation rules, the 2025 implementing regulation, witness and victim protection, gender-sensitive adjudication, the new Criminal Code, and the new Criminal Procedure Code

provide a broad normative basis. The central deficit is now the conversion of these norms into coordinated and enforceable practice.

The most persistent barriers occur at reporting, individual assessment, communication, evidence production, credibility evaluation, continuity of assistance, and recovery. These barriers are institutional. They should not be attributed to the victim's impairment. Equal access to justice requires differentiated procedures that respond to actual barriers while respecting autonomy and legal capacity.

The Russian comparison supplies two principal lessons. Its compensatory approach offers a useful method for linking functional barriers to concrete procedural measures. Its debate on a special procedural status demonstrates the need to consolidate scattered guarantees. At the same time, Russia illustrates the limits of general social-protection and anti-discrimination norms when complaint mechanisms, gender analysis, and enforceable procedural rights remain incomplete.

A rigorous legal assessment should therefore evaluate protection by outcomes, not only by statutory recognition. The appropriate standard is whether a woman with a disability can report safely, understand and influence the process, communicate effectively, present evidence without stereotypes, receive continuous support, obtain protection and restitution, and pursue recovery. Reasonable and procedural accommodation must operate as an enforceable right at every stage of criminal proceedings.

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