

Rights and Obligations of Persons with Intellectual Disabilities as Perpetrators of Criminal Acts

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Abstract

In criminal law, an act is a fundamental element in determining a criminal offense. Often described as strafbaar feit or a punishable act, criminal behavior can be committed by any individual. Although people with special conditions, such as intellectual disabilities, have a lower incidence of committing crimes, this does not negate the possibility of their involvement in criminal acts. Individuals with intellectual disabilities are recognized as human beings with both rights and obligations. However, under criminal law, certain individuals with disabilities may receive special consideration through the protection of Article 44 of the Indonesian Criminal Code (KUHP). This has led to a debate regarding the legal status of persons with disabilities: should they be held responsible for their actions as perpetrators of crimes, or should they be protected as individuals with special needs whose rights must be safeguarded? Psychiatric Forensic Evaluation (Visum et Repertum Psikiatri or VeR Psikiatri) plays a critical role in legal decisions concerning the mental condition of individuals with intellectual disabilities who have committed criminal offenses. This research, focusing on a case study from the Wonosobo District Court (Case No. 16/Pid.Sus/2019/PN.Wsb), employs a qualitative research approach, analyzed juridically and normatively. The research is based on a review of legal literature and interviews with relevant authorities.

Keywords: *criminal responsibility, intellectual disabilities, legal rights, disability rights*

Introduction

One of the significant elements of the amendments to the 1945 Constitution is the state's recognition of the rights and obligations of its citizens (Johan, 2009, p. 1). Every individual has the right to equal protection under the law, without discrimination, as stipulated in Article 27 (1) of the Indonesian Constitution, which guarantees equal rights for all citizens (Tri, 2019, p. 1). This provision establishes the equal legal standing of all subjects before the law, including individuals with intellectual disabilities (Dio, 2019, p. 10).

Consequently, persons with disabilities are recognized as legal subjects, bearing both rights and obligations. In 2011, Indonesia ratified the Convention on the Rights of Persons with Disabilities (CRPD), which is incorporated into national law through Law No. 8 of 2016 on Persons with Disabilities (Lestari et. al., 2017, p. 1). This law provides a more detailed regulation concerning the rights and obligations of persons with disabilities. It addresses the misconception that persons with disabilities cannot commit criminal offenses due to their condition. In criminology, there is a field known as criminal psychology, which studies

offenders from the perspective of their mental state, as well as criminal psychopathology and neuropathology, which focuses on offenders with mental or neurological disorders (Santoso, 2017, p. 10).

The determination of criminal liability in cases involving intellectually disabled persons differs somewhat from the general criminal justice process. Intellectual disabilities do not exempt individuals from the responsibility for their actions (Wonosobo District Court Decision, 2019). However, Article 44 of the Criminal Code classifies individuals who cannot be held legally responsible for their actions, including those with certain mental or neurological conditions (Soesilo, 1995, p. 60).

It is essential to understand that Article 44 provides exemptions from criminal liability for individuals who are considered to have significant mental impairments. Nevertheless, Law No. 8 of 2016 offers a different definition of intellectual disabilities than the one provided for individuals diagnosed with mental illness, commonly referred to as "Orang dengan Gangguan Jiwa" (ODGJ) or people with mental disorders (Indonesian Legislation, 2016).

The distinction between individuals with intellectual disabilities and those with mental disorders creates several legal consequences, both for the disabled individual and the court. Inconsistent legal decisions can result in trauma and discrimination against individuals with disabilities, even though the person in question may be the perpetrator of a criminal offense (Prasetyo, 2017, p. 132). This paper examines the legal status of intellectually disabled individuals as perpetrators of criminal offenses and explores how their rights and obligations as legal subjects are upheld under Indonesian law.

Research Methodology

The research employs a qualitative approach, utilizing a literature-based review of legal texts, statutes, and relevant case law. This study adopts the Law in Book method, conceptualizing law as a set of normative rules that govern societal behavior. To achieve a comprehensive understanding of the topic, three categories of data are used: primary, secondary, and tertiary.

Primary data serves as the foundation of legal analysis and is drawn from core legal sources (Taufani, 2018). These include the 1945 Constitution of Indonesia, the Criminal Code (KUHP), the Criminal Procedure Code (KUHP), Law No. 39 of 1999 on Human Rights, Law No. 19 of 2011 on the Ratification of the Convention on the Rights of Persons with Disabilities, Law No. 8 of 2016 on Persons with Disabilities, and the Wonosobo District Court Decision No. 16/Pid.Sus/2019/PN.Wsb. These legal documents provide the framework for analyzing the rights and obligations of persons with intellectual disabilities in the context of criminal responsibility.

In addition to primary data, secondary data are drawn from the findings of previous researchers, which provide further context and comparative analysis. This includes academic books, scholarly journals, online resources, and other relevant research, which complement the legal framework and offer different perspectives on the issue.

Finally, tertiary data, sourced from legal dictionaries and encyclopedias, helps clarify specific legal terms and concepts that are crucial to understanding the complexities of criminal liability for individuals with intellectual disabilities. In this study, resources such as the Kamus Hukum (Legal Dictionary), Kamus Besar Bahasa Indonesia (Indonesian Dictionary), and the Encyclopedia of Indonesia are consulted.

The data collection process involves reviewing and extracting relevant information from these various sources. This is complemented by interviews with legal experts and professionals in the field, ensuring that the research incorporates practical insights alongside theoretical frameworks. Through these methods, the study provides a comprehensive analysis of the legal standing of individuals with intellectual disabilities in criminal law.

Theoretical discussion

The intersection of disability and crime, particularly in the context of victimization and the criminal justice system, presents a complex landscape that necessitates a multifaceted theoretical approach. Theories surrounding disability hate crime, victimization, and the systemic barriers faced by individuals with disabilities provide critical insights into the dynamics of crime and justice for this marginalized group.

One prominent theory relevant to understanding crime against individuals with disabilities is the 'Routine Activities Theory', which posits that the likelihood of crime is influenced by the convergence of motivated offenders, suitable targets, and the absence of capable guardianship. This theory is particularly applicable to individuals with disabilities, who often experience increased vulnerability due to social marginality and a lack of protective measures (Petersilia, 2001). The heightened risk of victimization is compounded by societal perceptions that label disabled individuals as "less than" or "different," which can lead to their victimization being normalized or overlooked (Ralph et al., 2016; Capewell et al., 2015). This normalization of violence against disabled individuals is echoed in the work of Hall, who emphasizes the need to shift focus from extreme acts of hate crime to the pervasive low-level harassment that many disabled individuals encounter daily (Hall, 2018).

The 'Dependency-Stress Model' further elucidates the unique vulnerabilities faced by individuals with disabilities. This model suggests that the stress associated with dependency on others can increase the likelihood of victimization, as perpetrators may exploit these dependencies (Petersilia, 2001). This is particularly relevant in the context of "mate crime," where individuals with learning disabilities may be targeted by those they trust, leading to exploitation and abuse (Landman, 2014). The systemic barriers that prevent disabled individuals from reporting crimes exacerbate this issue, as many feel that their experiences will not be taken seriously by law enforcement (Sin et al., 2009; Healy & Dray, 2022).

Moreover, the 'Social Model of Disability' posits that societal structures and attitudes, rather than individual impairments, create barriers that hinder the full participation of disabled individuals in society. This model is crucial for understanding the criminal justice system's failures to adequately address the needs of disabled victims. For instance, the lack of

accessible reporting mechanisms and the prevalence of discriminatory attitudes within law enforcement can deter individuals from seeking justice (Vantrees, 2022; Macdonald et al., 2021). The systemic inadequacies in addressing disability hate crimes have been highlighted in various studies, which call for improved training and awareness among criminal justice professionals to better serve this population (Nunna et al., 2022; Sin et al., 2012).

The concept of 'intersectionality' also plays a significant role in understanding the experiences of disabled individuals within the context of crime. Disabled individuals often face compounded vulnerabilities due to overlapping identities, such as race, gender, and socioeconomic status, which can further exacerbate their risk of victimization and hinder their access to justice (Macdonald et al., 2021). This intersectional approach is essential for developing comprehensive policies that address the unique needs of disabled victims and ensure their voices are heard within the criminal justice system (Luo, 2024).

Intellectual Disabilities before Indonesian Law

The legal framework for individuals with intellectual disabilities in Indonesia is significantly shaped by Law No. 8 of 2016 concerning Persons with Disabilities, which aims to ensure equal rights and opportunities for this demographic. This law aligns with the principles outlined in the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which Indonesia ratified in 2007. The CRPD emphasizes the importance of recognizing the rights and dignity of persons with disabilities, advocating for their inclusion in all aspects of society, including education, employment, and social participation (Rosdianti, 2021; Akpambang & Akanle, 2023).

Despite these legal advancements, individuals with intellectual disabilities in Indonesia continue to face substantial challenges. Stigmatization and social exclusion are prevalent, often leading to limited social interactions and opportunities for community engagement (Handoyo et al., 2021; Shubhi et al., 2024). Research indicates that societal perceptions of intellectual disabilities are largely negative, which perpetuates barriers to inclusion and reinforces stereotypes (Handoyo et al., 2021; Shubhi et al., 2024). This stigma not only affects the social lives of individuals with intellectual disabilities but also impacts their access to healthcare and educational resources, as evidenced by the inadequate training of healthcare professionals in addressing the needs of this population (Tumanggor, 2023; Desroches et al., 2019).

Moreover, the implementation of inclusive policies remains inconsistent. While Law No. 8/2016 mandates that companies employ a minimum percentage of persons with disabilities, many organizations still lack the necessary infrastructure and awareness to support this demographic effectively (Poernomo et al., 2022; Saraswati, 2024). The gap between policy and practice is evident, as many individuals with intellectual disabilities struggle to find meaningful employment and face discrimination in the workplace (Anomsari & Mursalim, 2020; Priadi, 2023). This situation is exacerbated by the lack of comprehensive support systems that address the unique needs of individuals with intellectual disabilities,

including tailored educational programs and vocational training (Poernomo et al., 2022; Supartono et al., 2022).

A Case Study in Wonosobo District

Cases involving individuals with intellectual disabilities as perpetrators of criminal acts are relatively rare. As a result, the issue of whether their actions should be held accountable from a legal standpoint becomes a point of contention. This study examines a specific case from the Wonosobo District Court, which handled a criminal case of sexual misconduct by an intellectually disabled person against a minor, as recorded in Decision No. 16/Pid.Sus/2019/PN.Wsb.

In the decision delivered on Wednesday, May 29, 2019, the court ruled as follows:

1. Declares that the defendant SUH is legally and convincingly proven to have committed the crime as charged by the prosecution. However, the defendant cannot be held accountable for the act due to an excusable condition under Article 44 (1) of the Criminal Code.
2. Releases the defendant from all legal charges.
3. Orders the public prosecutor to place the defendant in Prof. Dr. Soerjono Mental Hospital, Magelang, for treatment for a period of three (3) months.
4. Orders the immediate release of the defendant from detention.
5. Restores the defendant's rights to his previous legal status, position, and dignity.
6. Returns the following evidence to the minor victim M: a. One (1) pair of red trousers, b. One (1) pair of pink shorts, c. One (1) pink undershirt, d. One (1) dark pink t-shirt.
7. Charges the legal costs to the state.

The decision to exempt SUH from legal responsibility due to the excusable condition is a key link between the act or crime and the accountability question. From a legal perspective, cases brought to court typically go through multiple stages, including investigations by authorities before being processed by the prosecutor and eventually brought to trial. This implies that the suspect is presumed capable of being held accountable for their actions since courts are prohibited from rejecting a case that has been filed.

However, cases that are eventually dismissed due to an excusable condition may indicate that proper vetting was not conducted, leaving the court as the final arbiter of truth. Despite fulfilling the elements of the crime, including intent and deliberate actions (as noted in the judgment, the perpetrator was able to coerce the victim), the court determined that the defendant could not be held responsible under Article 44 of the Criminal Code, which exempts those who are deemed mentally unfit.

In this case, the defendant was found to have an intellectual disability based on expert testimony from a psychologist, in accordance with the evidence requirements in court in the

form of statements from experts, specifically a *Visum et Repertum*. The psychologist reported that the defendant had undergone a psychological evaluation at Wonosobo Detention Center on April 9, 2019. The results indicated that the defendant had suffered from developmental mental disorders since childhood, with an IQ ranging from 50 to 55, which is significantly below the average IQ of 100. Despite being 28 years old, the defendant's cognitive abilities were equivalent to those of a 5- to 8-year-old child. Based on this assessment, the defendant was classified as intellectually disabled or "tuna grahita."

In light of these facts and Article 44 of the Criminal Code, the defendant cannot be punished as they are not legally accountable for their actions. However, the court mandated that the defendant undergo rehabilitation at Prof. Dr. Soerjono Mental Hospital for three months.

According to R. Soesilo's analysis of Article 44 of the Criminal Code, several points are worth noting:

1. Under this article, a defendant cannot be punished if: a. They are of unsound mind, meaning they lack cognitive capacity, intelligence, or the ability to reason (referred to in Dutch legal terms as *verstandelinjke vermogens* or *geest vermogens* in the Criminal Code). b. They suffer from a mental disorder caused by an illness (referred to as *zeikelijke storing der verstandelijke vermogens*), which includes conditions such as insanity, epilepsy, melancholy, hysteria, or other psychological disorders.
2. Individuals who temporarily lose their mental faculties due to intoxication may also be exempt from punishment.
3. When the police encounter such cases, they are required to investigate and compile a report. The final decision on the defendant's responsibility lies with the judge.

In my view, while intellectual disability is legally recognized as a condition that may exempt individuals from criminal responsibility, the current legal framework lacks clear guidelines for how these cases should be handled. This is particularly true for individuals with intellectual disabilities who are protected by Article 44 of the Criminal Code but remain legally unaccountable for their actions.

Although intellectually disabled individuals may fulfill the material elements of a crime, their internal mental state (as determined by psychological experts) is the key factor in deciding whether they can be held criminally responsible. Intellectual disability should be treated differently from insanity; the latter automatically falls under Article 44, whereas in the case of intellectual disability, the court must call in experts to assess the defendant's mental capacity.

Criminal Liability of Intellectually Disabled Offenders

Errors and criminal liability continue to pose various issues within criminal law, not only in theoretical aspects but also in practical application. The reality in Indonesia's judicial

practice shows a lack of uniformity in determining error and criminal liability. For instance, in the Supreme Court ruling dated September 18, 1991, No. 1352/K.Pid/1991, the defendant's fault was deemed proven. Conversely, in the Supreme Court ruling dated September 18, 1992, No. 14K/Pid/1992, the panel of judges, after confirming the crime charged, also considered the defendant's intent in establishing their criminal liability.

In another case from the Wonosobo District Court (Number 16/Pid.Sus/2019/PN.Wsb), even though the defendant was found to have committed an act constituting a crime, the judges still took into account several factors, including the mental condition of the defendant, calling in experts to evaluate them. This reality can be briefly explained through Schaffmeister's view, which posits that using fault as a basis for sentencing is not a legal necessity but rather a normative principle. Criminal liability, referred to as *teorekenbaardheid* or *criminal responsibility*, pertains to the punishment of the perpetrator, aiming to ascertain whether a defendant can be held accountable for their actions.

Understanding the capacity for responsibility from various expert perspectives includes several criteria as follow (Ilyas, 2012). According to Pompe, the capacity for responsibility must meet specific criteria: first, the ability to think (*psychisch*) must reflect that the perpetrator is mentally capable of carrying out their actions. Second, the individual should be able to determine or understand the consequences of their actions. Third, they must have the ability to determine their will in accordance with their opinion. Van Hamel adds that the capacity for responsibility is characterized by a state of normal psychological functioning and maturity of thought, which encompasses three abilities: understanding their actions, being aware of their actions in relation to societal norms, and being able to determine their actions. Similarly, G.A. Van Hamel argues that a person who can be held responsible is one who acknowledges their actions, understands them within the context of societal rules, and can determine their will concerning their actions. In the Criminal Code, the elements of criminal liability are classified into three categories: the ability to be held responsible, fault, and the absence of exculpatory reasons.

The points outlined above elaborate on liability leading to sentencing, which can only be imposed if it meets the elements stipulated by law and the capacity for responsibility, or *teorekeningvatbaar*. There are two inherent traits in cases involving individuals with intellectual disabilities as perpetrators: internal and external traits. The external trait refers to actions taken by the disabled individual concerning liability, while the internal trait relates to the conditions present within the individual. An error is always associated with the perpetrator, as it indicates the legal accountability of a human subject for committing a crime, which can only occur under a normal mental state. This internal condition is one of the requirements necessary to determine responsibility.

The Criminal Code does not explicitly define what is meant by criminal liability but regulates it negatively using the phrase "not punishable" in Articles 48, 49, 50, and 51, and "not accountable" in Article 44 paragraphs (1) and (2). In criminal theory, criminal liability according to the civil law system is always linked to fault, often referred to as the principle of fault, which states "no punishment without fault." The Criminal Code recognizes a monistic

theory that understands the grounds for eliminating punishment. This implies that if all elements of a crime are met, the perpetrator can be proven guilty and punished. However, if exculpatory reasons or justifications are found, they are considered exceptions (Rusianto, 2016).

The separation of criminal acts and criminal liability carries various consequences, not only arising in formulation or drafting stages, where various provisions regarding crimes and liabilities are codified, but also in enforcement or execution stages, where the prosecutor charges and prosecutes defendants in court, and in the application of criminal law, meaning judges carry out their duties to examine, adjudicate, and decide cases. The consequence of separating criminal acts and liability arises in the functions of the legislative, executive, and judicial branches.

In case Number 16/Pid.Sus/2019/PN.Wsb, where the defendant is an individual with intellectual disabilities, clarity was achieved through an acquittal ruling by the Wonosobo District Court, citing exculpatory reasons as a shield for release. The implication of liability when the perpetrator of a crime is declared not accountable for their actions is reflected in the ruling, which states:

1. The defendant, SUH, is proven to have committed the crime as stated in the public prosecutor's indictment, yet cannot be held accountable for the act due to exculpatory reasons as provided in Article 44 paragraph (1) of the Criminal Code.
2. The defendant is released from all legal charges.
3. The prosecutor is ordered to place the defendant in Prof. Dr. Soerjono Mental Hospital in Magelang for treatment for three (3) months.
4. The defendant is ordered to be released from detention.
5. The defendant's rights are restored to their previous state in terms of ability, position, dignity, and honor.
6. The following evidence is returned to the victim's child, M: a. One (1) pair of red pants; b. One (1) pair of pink shorts; c. One (1) pink undershirt; d. One (1) dark pink T-shirt.
7. The costs of the case are borne by the state.

In the ruling's third order, it is explicitly stated that the panel of judges ordered the public prosecutor to place the defendant in Prof. Dr. Soerjono Mental Hospital for three (3) months of treatment. This clarifies that even though the perpetrator, an individual with intellectual disabilities, is found guilty of intentionally committing a crime, the internal requirements regarding their status as an intellectually disabled person (as proven by psychological expert examination) are protected by exculpatory reasons or Article 44 of the Criminal Code as a basis for eliminating punishment. The presence of exculpatory reasons does not imply that the perpetrator is entirely free from legal consequences, as Indonesian law recognizes the principle that "there is no punishment without fault." The punishment is still carried out through treatment at Prof. Dr. Soerjono Mental Hospital for three (3) months.

This treatment or care becomes a duty for the perpetrator, who, as a citizen or legal subject, must comply with the law. However, the responsibility shifts to the state, corresponding with the application of one of the constitutional rights as stipulated in the 1945 Constitution of the Republic of Indonesia, Article 28 I paragraph (2), which clarifies that the state fulfills the rights of its citizens. The state's obligation as a guarantor of the rights and responsibilities of legal subjects does not end there. The implementation of the court's decision requires the prosecutor to send a copy of the execution report of the court ruling to the District Court that adjudicated the case in the first instance, based on the P-48 model order and to create an execution report model BA-8.

The execution report must be signed by the prosecutor as the executor, the head of the correctional facility where the defendant serves their sentence, and the convicted person. The registrar must record the report in the monitoring and observation register (Article 278 of the Criminal Procedure Code). This monitoring register must be administratively closed, signed by the registrar, and the supervising judge in accordance with Article 279 of the Criminal Procedure Code. The supervision and observation of court rulings are the responsibility of judges assigned to oversee and monitor the implementation of the court's decisions. The supervising judge is appointed by the presiding judge per the regulations of Article 277 of the Criminal Procedure Code.

The supervising and observing judges conduct oversight to ensure that court rulings are executed properly, and they are entitled to receive periodic information and provide guidance in the rehabilitation process (Article 282 of the Criminal Procedure Code). The results of the observations must be reported to the Chief Judge periodically (Article 283 of the Criminal Procedure Code).

Conclusion

An act constitutes one of the elements for imposing a criminal penalty if it contains criminal elements or fault (*schuld*), without exception to the category of legal subjects. This also applies to persons with disabilities, who have equal standing under the law as legal subjects. This is evident after the ratification of the CRPD (Convention on the Rights of Persons with Disabilities) in Law No. 19 of 2011 regarding the Ratification of the Convention on the Rights of Persons with Disabilities, as well as Law No. 8 of 2016 concerning Persons with Disabilities. This consequence negates any special rights that could protect individuals with disabilities; in other words, they are obligated to be responsible for all their actions, regardless of whether they contain criminal elements. However, certain conditions may exempt them from punishment. Article 44 of the Penal Code provides an explanation regarding individuals who may be released for excusable reasons. This remains the full authority of the judge as the party authorized to adjudicate, taking into account the *Visum et Repertum* from a psychiatrist.

Accountability arises from a specific act, namely a criminal act, or, in other words, one that contains elements of punishment. In the Penal Code, the elements of accountability are classified into three categories: (1) ability to be held responsible; (2) fault; (3) absence of excusable reasons. In the decision of the Wonosobo District Court regarding the case

presented in this thesis, the individual with intellectual disabilities was declared incapable of being held accountable for their actions. This was because the perpetrator fell within the category of Article 44 of the Penal Code or had protections due to excusable reasons. The ruling states that the perpetrator is obligated to undergo treatment at Prof. Dr. Soerjono Psychiatric Hospital in Magelang, whereby the responsibility is transferred to the state, as stipulated in the 1945 Constitution of the Republic of Indonesia, Article 28 I, paragraph (2), which clarifies that the fulfillment of citizens' rights is the responsibility of the state.

References

- Akpambang, E. and Akanle, K. (2023). Evaluation of opportunities provided under the normative frameworks for protection of persons with disabilities in nigeria and indonesia. *International Journal of Multidisciplinary Research and Analysis*, 06(01). <https://doi.org/10.47191/ijmra/v6-i1-21>
- Anomsari, E. and Mursalim, S. (2020). Mainstreaming disability: challenges and strategies toward equality and decent work in indonesia. *Soshum Jurnal Sosial Dan Humaniora*, 10(1), 1-9. <https://doi.org/10.31940/soshum.v10i1.1444>
- Capewell, C., Ralph, S., & Bonnett, E. (2015). The continuing violence towards disabled people. *Journal of Research in Special Educational Needs*, 15(3), 211-221. <https://doi.org/10.1111/1471-3802.12112>
- Desroches, M., Sethares, K., Curtin, C., & Chung, W. (2019). Nurses' attitudes and emotions toward caring for adults with intellectual disabilities: results of a cross-sectional, correlational-predictive research study. *Journal of Applied Research in Intellectual Disabilities*, 32(6), 1501-1513. <https://doi.org/10.1111/jar.12645>
- Dio, d. (2019). *Panduan Penanganan Perkara Penyandang Disabilitas Berhadapan dengan Hukum*. Bogor: MaPP FHUI, AIPJ 2.
- Hall, E. (2018). A critical geography of disability hate crime. *Area*, 51(2), 249-256. <https://doi.org/10.1111/area.12455>
- Handoyo, R., Ali, A., Scior, K., & Hassiotis, A. (2021). A qualitative exploration of stigma experience and inclusion among adults with mild to moderate intellectual disability in an Indonesian context. *Journal of Intellectual Disabilities*, 26(2), 293-306. <https://doi.org/10.1177/17446295211002349>
- Healy, J. and Dray, R. (2022). Missing links: safeguarding and disability hate crime responses. *The Journal of Adult Protection*, 24(1), 43-53. <https://doi.org/10.1108/jap-09-2021-0030>
- Ilyas, A. (2012). *Asas-Asas Hukum Pidana, Rangkang Education*. Yogyakarta: Rengkang Education Yogyakarta dan PUKAP Indonesia.
- Indonesian Legislation. (2016). *Regulation no. 8 of 2016 on requirements and procedures for Recordal of IP licence agreements, Indonesia*. available at <https://www.wipo.int/wipolex/en/legislation/details/16515>
- Johan, Y. (2009). Hak Azasi Manusia Dan Hak Serta Kewajiban Warga Negara Dalam Hukum Positif Indonesia. *Syjar Hukum: Jurnal Ilmu Hukum*, 11(2), 147-160.

- Landman, R. (2014). "a counterfeit friendship": mate crime and people with learning disabilities. *The Journal of Adult Protection*, 16(6), 355-366. <https://doi.org/10.1108/jap-10-2013-0043>
- Lestari, E. Y., Sumarto, S., & Isdaryanto, N. (2017). Pemenuhan hak bagi penyandang disabilitas di kabupaten Semarang melalui implementasi convention on the rights of persons with disabilities (CPRD) dalam bidang pendidikan. *Integralistik*, 28(1), 1-9.
- Luo, X. (2024). Obstacles to inclusive disability hate crime policy process: targeting the cognitively impaired elderly victim group. *Journal of Research in Social Science and Humanities*, 3(1), 89-94. <https://doi.org/10.56397/jrssh.2024.01.09>
- Macdonald, S., Donovan, C., & Clayton, J. (2021). 'i may be left with no choice but to end my torment': disability and intersectionalities of hate crime. *Disability & Society*, 38(1), 127-147. <https://doi.org/10.1080/09687599.2021.1928480>
- Nunna, B., Kirchhoff, G., & Palit, M. (2022). Improving criminal justice system responses to crime victims with disabilities in india. *Law and Humanities Quarterly Reviews*, 1(2). <https://doi.org/10.31014/aior.1996.01.02.11>
- Petersilia, J. (2001). Crime victims with developmental disabilities. *Criminal Justice and Behavior*, 28(6), 655-694. <https://doi.org/10.1177/009385480102800601>
- Poernomo, B., Omboto, C., & Tinka, J. (2022). Accessibility for persons with disabilities in employment opportunities in private companies: a case study of indonesia. *Ilomata International Journal of Social Science*, 3(1), 379-391. <https://doi.org/10.52728/ijss.v3i1.413>
- Prasetyo, T. (2017). *Hukum Pidana*. Depok: PT Raja Grafindo Persada.
- Priadi, D. (2023). Evaluation of the effectiveness of csr programs for persons with disabilities in the energy sector at pt xyz. *Devotion Journal of Research and Community Service*, 4(11), 2114-2124. <https://doi.org/10.59188/devotion.v4i11.593>
- Ralph, S., Capewell, C., & Bonnett, E. (2016). Disability hate crime: persecuted for difference. *British Journal of Special Education*, 43(3), 215-232. <https://doi.org/10.1111/1467-8578.12139>
- Rosdianti, Y. (2021). Quo vadis komisi nasional disabilitas?. *Jurnal HAM*, 12(2), 209. <https://doi.org/10.30641/ham.2021.12.209-226>
- Rusianto, A. (2016). *Tindak Pidana dan Pertanggungjawaban Pidana: Tinjauan Kritis Melalui Konsistensi Antara Asas, Teori, dan Penerapannya*. Prenada Media.
- Santoso, T. (2017). *Kriminologi*. Dalam d. Topo Santoso, *Kriminologi*. Jakarta: PT Raja Grafindo Persada.
- Saraswati, N. (2024). Organizational capacity building in disability empowerment by upt sentra wirajaya makassar. *Journal La Sociale*, 4(6), 569-574. <https://doi.org/10.37899/journal-la-sociale.v4i6.1272>
- Shubhi, M., Hasina, R., & Lestariningsih, D. (2024, April). The Intellectual Disability Figures in Indonesian Folktales. In *Proceedings of the 2nd International Conference on Environmental, Energy, and Earth Science, ICEEES 2023, 30 October 2023, Pekanbaru, Indonesia*.
- Sin, C., Mguni, N., Cook, C., Comber, N., & Hedges, A. (2009). Disabled victims of targeted violence, harassment and abuse: barriers to reporting and seeking redress. *Safer Communities*, 8(4), 27-34. <https://doi.org/10.1108/17578043200900035>

- Sin, C., Sheikh, S., & Khanna, M. (2012). Police readiness for tackling hate crime against people with learning disabilities - areas for improvement and examples of good practice. *Safer Communities*, 11(3), 145-153. <https://doi.org/10.1108/17578041211244058>
- Soesilo, R. (1995). *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal*. Bogor: Politeia.
- Supartono, B., Kusumaningsih, P., & Zahra, D. (2022). Empowerment of persons with disabilities affected by covid-19 through assistance in repairing disability motorcycles. *Indonesian Red Crescent Humanitarian Journal*, 1(2), 59-68. <https://doi.org/10.56744/irchum.v1i2.21>
- Taufani, S. d. (2018). *Metode Penelitian Hukum, Filsafat, test dan Praktik*. Depok: Raja Grafindo.
- Tri. (2019). *Pertanggungjawaban Pidana Penyandang Disabilitas Intelektual Sebagai Pelaku Tindak Pidana*. Universitas Airlangga
- Tumanggor, R. (2023). A survey of indonesian nurses' educational experiences and self-perceived capability to care for people with intellectual disability and/or autism spectrum disorder. *Journal of Advanced Nursing*, 80(5), 1838-1851. <https://doi.org/10.1111/jan.15943>
- Vantrees, A. (2022). 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(922), 542-565. <https://doi.org/10.1017/s1816383122000728>
- Wonosobo District Court Decision Nr. 16/Pid.Sus/2019/PN.Wsb (Pengadilan Negeri Wonosobo February 14, 2019).