DISABILITY AND SOCIAL EXCLUSION IN THE LEGAL PROCESS: WOMEN AS VICTIMS OF SEXUAL VIOLENCE

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ABSTRACT

Women with disabilities are undoubtedly one of the most vulnerable at risk of social exclusion. This article highlights the social exclusion against women with disabilities as a victim of sexual violence during the legal process. Unlike the previous study on people with disabilities which tend to discuss the social inequalities in the field of work, education, health, and political participation, this study fills the gap on the legal aspect which has a lack of attention. This study contributes to methodological novelty through digital approach using NVIVO and Gephi Software. The data from online media news related to sexual violence against women with disabilities are analyzed using Textual Network Analysis (TNA). The findings show that families and society tend to ignore the violence experienced by women with disabilities. The inequalities of regulations and lack of knowledge from the law enforcement officers give them multiple experiences of social exclusion. This article also provides an inclusive recommendation for the legal process of women with disabilities to prevent social exclusion against women with disabilities in the future.

Keywords: disabled women; sexual assault; social inequality; multiple discrimination

ABSTRAK

Perempuan difabel tidak diragukan lagi menjadi salah satu kelompok paling rentan mengalami eksklusi sosial. Artikel ini menyoroti masalah eksklusi sosial terhadap perempuan difabel sebagai korban kekerasan seksual dalam proses peradilan pidana. Berbeda dari penelitian sebelumnya terhadap penyandang disabilitas yang cenderung membahas ketidaksetaraan dalam hal pekerjaan, pendidikan, kesehatan, dan partisipasi politik, penelitian ini mengisi kekosongan dalam aspek proses legal yang diabaikan dalam penelitian terkait penyandang disabilitas. Studi ini berkontribusi dalam kebaruan metodologi melalui penelitian digital dengan menggunakan perangkat lunak NVIVO dan Gephi. Data dari media online terkait kasus kekerasan terhadap perempuan difabel dianalisis menggunakan teknik Textual Network Analysis (TNA). Temuan penelitian ini menunjukkan bahwa keluarga dan masyarakat cenderung mengabaikan kekerasan yang dialami oleh perempuan difabel. Ketidakadilan dari regulasi hukum dan kurangnya pemahaman aparat penegak hukum memberikan pengalaman eksklusi berganda pada perempuan difabel. Artikel ini juga memberikan rekomendasi proses peradilan yang inklusif bagi perempuan difabel untuk mencegak praktik eksklusi sosial ke depannya.

Keywords: disabled women; sexual assault; social inequality; multiple discrimination

INTRODUCTION

Both women and children with disabilities were at a greater risk of sexual violence. Annual Notes of the National Commission on Violence Against Women (KOMNAS Perempuan) noted that there were 77 cases of the violence against women with disabilities in Indonesia throughout 2020 (KOMNAS Perempuan, 2021). Sexual violence is the most common form of violence experienced by women with disabilities, such as rape, sexual harassment, and sexual exploitation (KOMNAS Perempuan, 2021). The latest rape case occurred at January 2022, a woman with disabilities in Bogor was force-fed with alcohol and raped by two street children. Another example, the rape cases experienced by a woman with disabilities in Jambi (antaranews.com, 2021) and a girl with disabilities in Makassar (cnnindonesia.com, 2021). Furthermore, the other cases of rape also happened to a disabled woman in Kalideres, Jakarta, carried out by three perpetrators (kompas.com, 2020). Ironically, the perpetrators of violence against women with disabilities are their closest person such as family, neighbors, caregivers, or relatives. According to the Association of Indonesian Women with Disabilities (HWDI), the reported cases of sexual violence against women with disabilities are just like the tip of the iceberg, and half of them were never legally processed or tended to be ignored (HWDI, 2020).

This research aims to analyze the inequalities in the investigation and judicial process of the sexual violence cases which involve women with disabilities in Indonesia, which tend to be ignored. Since women with disabilities as victims of sexual violence often experience discrimination during the investigation and judicial process. On the other hand, the investigation process tends to find a dead end. Generally, law enforcement officers do not understand how to handle gender-based violence cases. Criminal Procedure Act (KUHAP) article 1 Number 26 stated that witnesses are people who have seen, heard, and experienced criminal acts themselves. Based on this article, the statement from people with disabilities is often considered invalid information during the examination process. For example, the judge doubted the testimony of a victim with a mental disability in Makassar because she could not give a clear statement (HWDI, 2020). Besides the perspective that saw their functional disability, this also shows a form of discrimination against women with disability to access the equal legal process. Based on this view, I argue that women with disabilities undergo multiple discrimination, leading to social exclusion.

As a vulnerable group, women with disabilities may struggle with negative stereotypes against them and develop a positive mind with their body function limitation. This struggle does not even leave for the difference in one's individuality (Addlakha, 2006). They are are also at a greater risk of violence both within and outside the home. And a woman with mental illness is the most vulnerable to experience physical or sexual violence. Women with disabilities who experienced physical abuse and sexual violence faced pressure from their families and did not report the violence (Daruwalla et al., 2013).

In the scope of social exclusion studies against people with disabilities, previous research tends to focus on the discussion about inequality in the field of work (Barnes & Mercer, 2005; Priestley, 2005; Sakakibara, 2020), education (Dube et al., 2021), health (Temple et al., 2020), and political participation (Smith, 2003). Yet despite the growing research interest on the social exclusion against disabled people, the research on women with a disability as victims of sexual violence is scarce, particularly in Indonesia. Given this lack of concern, this paper explores the

social exclusion against women with disabilities as a vulnerable group that tends to experience various forms of social exclusion (Ingstad & Whyte, 1995) on the judicial process.

In this research, the social exclusion concept is used as a theoretical framework to explain the discrimination and inequality experienced by women with disabilities as victims of sexual violence in the investigation and judicial process. Although there is no universal definition of social exclusion, The United Nations concludes that the lack of participation in society is the main focus of all social exclusion definitions put forth by the government, non-governmental organizations (NGO), scholars, and others. European Commission DG Employment and Social Affairs describes social exclusion as a multidimensional phenomenon which not only related to incomes and expenditure but also the activities, educational achievement, housing, health, subjective value in making ends meet, and the satisfaction of the citizen about health and welfare services (European Commission, 2008). Based on this definition, I argue that equality in the legal process is also a part of the social exclusion concept.

Diffable women are exposed to physical and gender deprivation which reflect on multiple endangered population. As part of the most vulnerable group, women with disabilities should be treated equally in the various aspect of life, including in the legal process. Ironically, the community and law enforcement officers tend to ignore the special rights of women with disabilities during the legal process which causes multiple discrimination against them. In particular, this research is designed to answer the main question on how the process of social exclusion against disabled women as a victim of sexual violence during the investigation and judicial process in Indonesia.

In short, Section 1 or Introduction explores the importance of the study of social exclusion against women with disabilities as victims of sexual violence. The research method to answer the main question is described in Section 2. The result of this study is presented in Section 3. Next, Section 4 explores the Discussion and Conclusion of this study. The last section provides the recommendation on the legal process for women with disabilities as a victim of sexual violence.

METHODS

The research method in this study used a qualitative research design with literature reviews methods. I used data from online news media related to the case of sexual violence, which involve women with disabilities as a victim in Indonesia. The study starts with collecting data from online news media using Google News which display news list from online news media portal. I use the filter keywords "Perempuan difabel korban kekerasan seksual" to filter the news about sexual violence against women with disabilities in Indonesia. I used the period for the last two years, particularly since the COVID-19 pandemic reduced the number of reports of violence due to activity limitations. Based on the Google News filters, there is 44 news related to the case of sexual violence against women with disabilities from 2020 to 2021. From 44 news, only 18 news talked about the legal process of the cases, including the investigation and trial process.

All of the 18-news pages are captured using NCapture tools from NVIVO software. The pages were captured and saved as PDF files using the NVIVO Software. The PDF file is converted to a .txt file for the visualization process. The text file was then visualized using Gephi Software for the analysis process. I used Textual Network Analysis (TNA) as an analysis technique to map a discourse related to the cases of sexual violence which involve women with

disabilities. According to Segev (2020), textual network analysis is like content analysis but focuses on the network of words that appear together in the text. Using TNA, we could identify the main issues, frame, topics, and theme and reveal possible biases (Segev, 2020). Textual Network analyses in this research are used to identify discourse on the legal process of sexual violence cases against women with disabilities in Indonesia. The discourses help determine the form of social exclusion experienced by women with disabilities during their legal process. In the network graph, there are nodes and edges. The node represents each word as an actor of the analysis, while edges represent the connection between nodes.

The limitation of this study is the data only limited to online news media that appear in Google News index only.

RESULTS AND DISCUSSION

The online news article related to the legal process of sexual violence cases against women with disabilities is visualized with Gephi Software. According to statistical calculation on the data using the Gephi software, the following results were obtained:

Table 1. The Statistical Network of Online News Media Data

Statistic Element	Value
Nodes	289
Edges	196
Average Degree	1,236
Network Diameter	12

Source: Data Processed (Gephi), 2022

The network analysis on online news media related to the legal process of sexual violence cases against women with disabilities has 289 nodes and 196 edges. It means that there are 289 words as actors that appear together in the text of online news media related to sexual violence cases against women with disabilities. These nodes have 196 edges that connect them in the text. The average degree explains the average connection of nodes in the network. If the value of the average degree is higher, then each node has many relationships with other nodes, thus expanding the network. In Table 2, the average degree of the data is 1,236, which means the average distance between one node to the other node is 1. The next statistical network element is network diameter which is the longest distance from one node to another in a network. The smaller the number of network diameter, the stronger the connection is. In this research, the longest diameter between one note to the other node is 12.

Discourse is a tool to guide the researcher in finding social exclusion in the legal process of sexual violence cases against women with disabilities. As Room (1995) stated that one indicator of social exclusion is a lack of power, the discourse on the online news media related to the legal process on sexual violence cases against women with disabilities explains the form of social exclusion. This article processed data from online news media to identify social exclusion during the legal process involving women with disabilities as victims.

The visualization of the textual network analysis is presented in Figure 1a and Figure 1b. As we can see in Figure 1a. the nodes/words with the bigger dot means that it appears more

frequently and have a strong relationship in the network. For example, the words of "anak/child", "lembaga/institution", "pelaku/perpetrators", "perlindungan/protection", and "Makassar". The thickness of the edges/line between nodes shows the relationship strength between the words. As we could see in Fig 1a. the word of "lembaga/institution" have a strong connection with "LPSK/Lembaga Perlindungan Saksi dan Korban". These connections show that Lembaga Perlindungan Saksi dan Korban has an important role in the legal process of sexual violence cases involving women with disabilities. LPSK has an advocacy and protection role for the victims during the legal process. According to the online news media data, LPSK has already taken proactive action against child victims by visiting their residences to offer protection. LPSK then concluded that the victim of sexual violence needed extra protection and assistance in undergoing the legal process in the future.
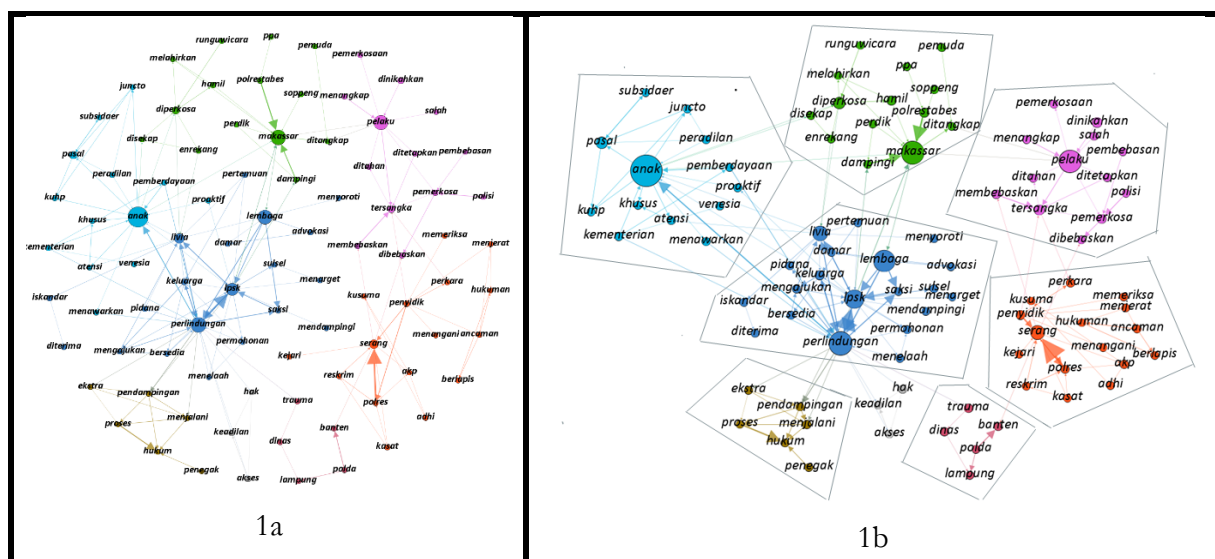

Figure 1. Textual Network Graph on The Discourse of Sexual Violence Against Women with Disabilities (Source: Data Processed, 2022)

Figure 1b presents the textual network graph using modularity class measurement. We could see seven big clusters as the discourse on the legal process of sexual violence cases against women with disabilities in online news media. In the blue-sky cluster is the discourse on sexual violence against women and children, which needs more attention, particularly in the judicial process. The frequent words that appear in this cluster are "Anak/children," "khusus/special," proaktif/proactive." The law enforcement officers must be proactive in judging the sexual violence cases involving children and women. In the case of protection, the role of the victim's family is also required. Their parts are important to fight the right of the victims, especially in the judicial process. Next, the green cluster shows the discourse about the multiple loss suffered by the victims with disabilities. They not only became the victim of rape, but they also became pregnant and gave birth to the perpetrator's child. This cluster also shows that women with disabilities are treated inhumanely by the perpetrators. According to this cluster, we could see that the women with disabilities experienced multiple victimizations. The most frequent words that appear are "Makassar," "diperkosa/being raped," and "Hamil/pregnant."

On the other hand, the purple cluster identifies the legal process of sexual violence cases which tends to stop the judicial examination and solve the problem through marriage. In specific cases, the perpetrators, who are the victim's closest person, will marry the victim to solve the problem. In the other cases, the perpetrator was released because there was no solid evidence. The most frequent words that appear in this cluster are "pelaku/perpetrators," "pembebasan/released," "dinikahkan/get into marriage."

In the dark blue cluster, the discourse is about advocating and protecting the victim of sexual violence cases against women with disabilities in the legal process. The most frequent words are "perlindungan/protection", LPSK/Lembaga Perlindungan Saksi dan Korban", and "lembaga/institution". We could see that LPSK/Lembaga Perlindungan Saksi dan Korban has an important role in protecting the victims during the legal process. LPSK assistance is also very much needed in the trial process. Assistance to victims is required to ensure that victims' rights have been fulfilled in the judicial process. In several cases, the trial process, which involves women with disabilities, already got the assistance and protection, but there are still many cases that go unnoticed. It is because the family is not aware of the existence of these institutions. Next, the orange cluster shows the dominant actors involved in the legal process of the cases, i.e., the investigators, the prosecutors, and the police. Meanwhile, in red cluster explain the discourse about the traumatic effect experienced by the victims. The most frequent words that appear are "trauma/trauma." Particularly for the case that happened in the Banten and Lampung. Two perpetrators were being released in the Banten Province even after their status changed to suspects. It was because the perpetrators have a close relationship with the victim. The case in Lampung Province shows the difficulty of realizing guarantees of protection of rights and access to justice for women with disabilities who are victims of violence because the limited information from victims is considered insufficient evidence, thus delaying the legal process. Last, the brown cluster shows a similar discourse with the dark blue group, which discusses the importance of advocacy during the judicial process. The advocacy is for the victims and law enforcement officers, who often do not understand the victims' position as the vulnerable group.

Figure 2. Word Cloud on Online News Media Related to Sexual Violence Against Women with Disabilities (Source: Data Processed, 2022)

Word cloud is very helpful in identifying the mainframe in the news related to the legal process of sexual violence against women with disabilities since it visually interprets text and gives insight into the most prominent items in a given text. To support textual network analysis, I used the word cloud graph that shows the most frequent words appearing in the online news media related to the topics. As we can see in Figure 2, the word "korban/victim" is the most frequent word used in the text. It shows that the news related to the legal process of sexual violence cases emphasizes the importance of victims' rights and equality in the legal process.

Women, Disability, And Social Exclusion

The concept of social exclusion does not have a universal definition, either by scholars, government, or non-governmental institutions. However, the United Nations agreed that deprivation and lack of participation in society are the main concern in several definitions of social exclusion that have been used. Walker & Walker (1997) expressed the definition of social exclusion as a dynamic process of exclusion from social, economic, political, and cultural systems that determine a person's social integration in society. Meanwhile, Gordon et al. (2000) defines social exclusion as a lack and denial of access to social relations, social habits, and social activities. On the other hand, Room (1995) identifies social exclusion as inadequate social participation, lack of social integration, and lack of power. Based on these several definitions, I argue that the main concern in social exclusion is the inequality and lack of participation, including in the legal process.

In the scope of disability studies, the development of disability theory is inseparable from the social movement towards the practice of inequality experienced by disabled groups to gain experience and full participation in all aspects of life (Priestley, 2005:373). The significance of this movement for disabled groups is the presence of a social model perspective that criticizes the weaknesses of the conventional perspective or known as the individual model. Priestley (2005) explores these two perspectives to study the social inequalities against disabled people. The view of the individual model understands that individuals with limited body functions have difficulty carrying out various normal activities that impact efforts to fulfill social roles that are also considered normal. Meanwhile, the view of the social model criticizes that the individual model only looks at the disabled from the biomedical aspect (Priestley, 2005:373).

Priestley (2005) highlights that the view of the individual model identifies the disabled based on two aspects, namely biological and psychological. The biological aspect, known as the biomedical aspect, emphasizes the disabled based on the characteristics of body functions that cause social inequalities experienced by disabled groups. The unit of analysis from a biomedical perspective is body function disorders with empirical analysis methods. Limitations of physical conditions different from "normal" people are seen as "disorders" that prevent individuals from carrying out daily activities. From the individual model's perspective, disability is also seen from the psychological aspect, which considers the individual's failure to manage or negotiate the stigma of "broken identity" (Goffman, 1963 in Priestley, 2005:376).

Meanwhile, the psychological aspect focuses more on cognitive and symbolic interactions between the disabled and non-disabled groups. This aspect also looks at how their affective experience is. The unit of analysis is the identity and understanding of the individual using subjective idealistic analysis methods, phenomenology, interpretive psychology, and symbolic

interactionism. Diffable is constructed as a psychological disorder so that its solution leads to the process of coping, adjustment, and adaptation. Several mitigation measures in social inequality caused by psychological aspects include counseling and psychological rehabilitation. In the view of the individual model, the responsibility and authority for dealing with psychological problems are left to professional intervention, especially to those who are not disabled (Priestley, 2005:376).

While the individual model emphasizes more on biomedical and psychological aspects of body functions, the social model perspective emphasizes how people with impaired bodily functions experience injustice and oppression in society and alternative solutions to this oppression in social life. The basis of the social model's criticism of the individual model is the failure to explain social inequality. The biomedical application is considered inappropriate for solving social inequality problems of a social nature. Social models identify certain aspects of the characteristics of body functions that are considered abnormal and how they are "labeled" that impact the level of social inclusion in different societies and cultures (Priestley, 2005:377). This social model emerges from the stigma of society that sees people with disabilities as individual tragedies that create conditions of social oppression. The societal stigma causes the internalization of values to disabled groups, which causes the distrust of disabled groups. Diffable groups are considered abnormal and become social problems that cause them to be separated from institutions and out of the mainstream of social life (Oliver, 1986).

The social model focuses on the cultural and structural aspects of positioning individuals with impaired body functions. This cultural aspect consists of values and social relations in society that are often based on traditional matters, for example, folklore, which gives rise to a discriminatory impression in the mass media. Meanwhile, the structural aspect consists of political, economic, and environmental relations and structures that hinder the participation, control, and access of persons with disabilities. The life values of people with disabilities, including awareness, ability, opportunity, and empowerment, have been disabled by the community and contribute to social inequality. The failure of these values is caused by the negative label given by the community to people with disabilities as a group that has no potential is unable to work, or has no future (Priestley, 2005:378).

Social exclusion tends to affect vulnerable groups, such as women, children, and people with disabilities. Women with disabilities face difficulties in their daily life. Moreover, they are also more vulnerable to be the victim of violence than women without a disability (Hughes et al., 2012; Jones et al., 2012). The research has shown that 80% of women with disabilities in Spain are the victims of violence and four times more likely to experience sexual violence than the others (Monedero et al., 2014). According to the study of Simmons & Dodd (2003), only a small number of sexual violence cases on women are followed up by law enforcement officers, get legal protection, and crime prevention programs or preventive care. The United Nations also noted that women with disabilities experienced double discrimination as they are at greater risk of violence, sexual violence, neglect, and exploitation.

A previous study on social exclusion against people with disabilities explains that people with mental disabilities tend to experience physical violence, sexual violence, and bullying. The research of Hall et al. (2019) shows the stigma that people with disabilities are the result of spiritual power, the consequences of the ancestors' action that must be faced by the current generation, which make people with disabilities excluded from social life. In the cases of sexual

violence faced by women with disabilities, the community and government stated that the perpetrators who harassed women with mental disabilities justified their actions because the women did not understand what they were going through. In this regard, legal assistance for cases involving people with disabilities nearly non-exist due to communication difficulty (Hall et al., 2019).

In several countries of Latin America, Ozemela et al. (2019) highlight that one of the violence experienced by people with disabilities is sexual violence, including unwanted sexual contact, rape or forced oral sex, unwanted touching or showing unwanted private parts, and sexual activity without consent. Although there is a public institution in Latin America that is responsible for preventing violence against women with disabilities, there are no specific indicators for the implementation (Ozemela et al., 2019).

My views on the legal process of sexual violence cases experienced by women with disabilities, the lack of power and lack of participation are the forms of social exclusion. According to the concept of social exclusion and previous studies on violence against women with disabilities, I argue that the multiple discrimination experienced by women with disabilities in the legal process led to social exclusion. Although the regulations related to the prevention and assistance of women with disabilities in the legal process have been carried out in several countries, the implementation is still going through difficulties.

Social Exclusions Against Diffable Women on Legal Process in Indonesia

The vulnerability of women and children with disabilities in social inequality is seen from the injustice experienced in general aspects of life. Attention to equal rights for women with disabilities in dealing with the law is also important considering the limitations of disabled groups. The discrimination experienced by women with disabilities who experience multiple exclusion in terms of sexual violence has become a concern among disabled activists. The results of MaPPI FHUI's research in the past few years have shown that, on average, cases of women with disabilities who face the law are often not continued to the next stage by law enforcement officers due to communication difficulties. Even though it was processed to the court, the dilemma of the Criminal Procedure Code (KUHP) article 1 paragraph 26 made the testimony of the blind and deaf people not considered valid as information during the examination. Diffable groups are often regarded as weak and legally flawed. In addition, material legal protection, the quality of the apparatus, and culture are also inadequate (Syafi'ie, 205 in MaPPI FHUI, 2018).

In the previous section, it is clear that the legal process of sexual violence cases involving women with disabilities as victims tends to ignore equality. The lack of assistance to victims in the judicial process causes the special rights of victims to be neglected as people with disabilities. It is in line with the research results of MaPPI FHUI, which shows that the trial involving 22 cases of violence against women with disabilities did not deliver justice for the victims. A total of 82% of cases did not present an expert, 41% were not accompanied by legal counsel, and an interpreter did not attend 9% of cases. The judge's highest sentence for cases of sexual violence against women with disabilities was only 11 years, while the lowest was four years (MaPPI FHUI, 2018). It can be seen that women with disabilities who are victims of sexual violence have been excluded from their need to obtain legal justice.

Before discussing the judicial process, it must be noted that the position of women with disabilities is at greater risk of experiencing sexual violence. It has been found in several previous studies (Hall et al., 2019; Ozemela et al., 2019) that women with disabilities have a greater risk of sexual violence than other women. Ironically, the perpetrators of this violence are the closest people, such as healthcare, neighbors, and family relatives. Another dilemma is that the sexual violence experienced by women with disabilities is difficult to detect because of the limitations in their body functions. It is due to the condition of people with disabilities who may not understand that they have been victims of violence. There have been repeated rapes because the victims do not know that they have been sexually assaulted (Ramadhan et al., 2016).

Even though there is Law Number 8 of 2016 concerning Persons with Disabilities, disabled groups still experience discrimination in various aspects, both economic, educational, political, subjective views, and position in legal cases. For example, cases of sexual harassment and violence that have been mentioned in the introduction to women with disabilities. Only a few of these sexual violence cases go to court. Most of them only finished on examination by law enforcement officers because of communication problems with victims and the absence of companions or advisors from experts, as described in the results of the MaPPI FHUI research. The position of women with disabilities has made them experience multiple vulnerabilities in terms of limited body functions and gender as women. However, the Law on People with Disabilities has stipulated that the Government and Local Governments are required to provide information services and quick action for women and children with disabilities who are victims of violence. However, the facts on the ground show that only a small number of cases are brought up and processed legally.

The government, as the regulator, has already issued a regulation regarding people with disabilities in the judicial process. The discrimination of disabled people in the legal process has drawn protests from activists and pressured the government to publish the regulation. In PP Number 39 of 2020, it is written that law enforcement agencies (including the police, prosecutors, supreme court, and constitutional court) and other institutions related to the judicial process are required to provide adequate accommodation for persons with disabilities. In addition, the use of expert statements is also offered to people with disabilities, as mentioned in article 3. In the regulation, decent accommodation that meant in the form of non-discriminatory treatment, fulfillment of a sense of security and comfort, effective communication, fulfillment of information related to the rights of persons with disabilities and the development of the judicial process, provision of communication facilities, and others. Although there is already a legal regulation that regulates proper treatment for women with disabilities in the law process, law enforcement officers still do not understand this. So, implementing these policies in the field is still far from perfect.

For legal advocacy involving people with disabilities, Lembaga Sasana Inklusi dan Gerakan Advokasi Difabel (SIGAB) found several major obstacles in assisting people with disabilities in the legal process. As an institution appointed to assist people with disabilities in the judicial process according to PP No. 39 of 2020, SIGAB highlights that legal substance, legal procedures, and accessibility are three major obstacles for people with disabilities in the legal process (liputan6.com, 2020). Although there are regulations that prioritize the position of people with disabilities in the judicial process, the legal substance itself does not support the implementation

of these regulations in providing equality for people with disabilities. The legal substance in the laws still discriminates against persons with disabilities.

In addition, the long legal process starting from the investigation to the judicial process, also leads to a form of inequality in the legal process for women with disabilities. The long process of collecting evidence shows that disabled women have been excluded due to the slow handling of cases on the grounds of difficulty in collecting evidence.

Another obstacle encountered in the legal process for people with disabilities is the issue of accessibility. In PP Number 39 of 2020 Article 21, it has been stated that law enforcement agencies must provide facilities and infrastructure that are easily accessible to people with disabilities. However, the accessibility to physical infrastructures such as police and court buildings still needs improvement. Moreover, access to information related to the legal process, starting with reporting guidelines, need to be properly socialized to support equality, especially in the judicial process for people with disabilities, particularly women with disabilities in the context of this study.

In the scope of policies related to people with disabilities, the existing regulations in Indonesia adopt a social model in viewing the problems of social exclusion faced by disabled groups. Such structural aspects in terms of relational and political, economic, and environmental elements hinder the participation, control, and access of people with disabilities. The PP Number 39 of 2020, which supports the implementation of Law Number 8 of 2016, presented government attention to groups with disabilities. Unfortunately, the implementation process is still lacking due to the unpreparedness of the relevant institutions, especially in the judicial process for women with disabilities who are victims of sexual violence. The cultural aspects in regulations related to people with disabilities have not been achieved. How to eliminate discriminatory views against people with disabilities and stop sexual violence against women with disabilities.

In a global context, people with disabilities continue to be marginalized in terms of access to economic capital and the benefits of its exploitation. Poverty and access to income sources are priority issues. Access to subsistence income or survival is simply not guaranteed for people with disabilities in most parts of the world. Consequently, the disabled are the poorest among the poorest people in the world, especially women, children, and the elderly. Social capital also becomes important because differences in access to social information networks and support shape inequality and life opportunities. The history of social exclusion has removed disabled groups from direct engagement with social capital networks and the benefits that come with them. In addition, access to cultural and symbolic capital is limited because of the negative cultural construction of people with disabilities.

CONCLUSION

In conclusion, the legal process of sexual violence cases involving women with disabilities in Indonesia has led to social exclusion. They are already excluded because of their body function limitation as the vulnerable group. The inequalities during the legal process give them multiple experiences of social exclusion. The inequality not only come from the law but also from the lack of knowledge of law enforcement officers on how to treats people with disabilities. A culture that places the victim as the cause of harassment also contributes to the sexual harassment of women

with disabilities. This study findings also show that families and society tend not to see the importance of violence experienced by women with disabilities. The assumption is that women with disabilities are asexual (no sexual desire). Then the family felt ashamed to report and was pessimistic that the case could be resolved. Lastly, the criminal justice system in Indonesia is not integrated with the victim recovery system. The trauma experienced by women with disabilities as victims of sexual violence is often ignored. At the same time, the physical and psychological trauma experienced by women with disabilities who are victims of sexual violence is much deeper than we imagine.

Based on the cases of social exclusion faced by the women with disabilities groups above, the inclusive policies implemented by the government have not been effective. There are still many people with disabilities who do not feel this policy and are treated unequally in various aspects. Several government policies to support the interests of people with disabilities and social equality for people with disabilities, especially for women with disabilities who faced the legal process, have been stated in Law Number 8 of 2016 and PP Number 39 of 2020. However, in practice, the social exclusion of women with disabilities who are victims of sexual violence and undergo legal processes still occurs. One of them is an exclusion in terms of legal substance in the judicial process. Based on the problems discussed in the previous section, I offer several recommendations for inclusive policies for people with disabilities (especially women) in the legal process:

1) Realizing an inclusive judicial process through the Lex Specialis law or special laws for people with disabilities in the legal process. Particularly special rules concerning the adjustment of legal substances such as the Criminal Procedure Code. So, we could overcome the obstacles in the legal substance that make disabled groups excluded. So, the statements of victims or witnesses of persons with disabilities have the same legal power as statements of victims or witnesses of non-disability

2) I think that the government also needs to redefine the law and system regarding the rights of persons with disabilities to get support and services according to their needs.

3) The pro-active role of non-governmental organizations and institutions as a companion, advisor, and protector of women with disabilities who are victims of sexual violence undergoing legal processes. The implementation of Law Number 39 of 2020 concerning proper accommodation for people with disabilities in the judicial process needs to be supported and controlled by these institutions. In addition, regular monitoring is required to ensure the implementation of equal rights for women with disabilities in the legal process.

4) Involving the community, in this case, the victims' families, in socializing the rights of people with disabilities and special treatment for people with disabilities so that they are free from negative stigma and fight for women with disabilities who are victims of violence.

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