

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES ON THE RIGHT TO A FAIR TRIAL FOR PERSONS WITH INTELLECTUAL DISABILITIES

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Abstract

Human rights are rights inherent in every individual as a gift from God Almighty, which must be respected, protected and fulfilled by the state. The Convention on the Rights of Persons with Disabilities (CRPD) is an international treaty that aims to promote, protect and guarantee the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. This research aims to increase awareness and understanding of the rights of persons with intellectual disabilities, particularly in ensuring access to a fair trial in accordance with the principles of the Convention on the Rights of Persons with Disabilities (CRPD). This research uses a normative juridical method by analyzing international and national laws and regulations related to the implementation of the CRPD in ensuring the right to a fair trial for persons with intellectual disabilities. The results showed that although Indonesia has ratified the Convention on the Rights of Persons with Disabilities (CRPD), its implementation in the judiciary is still constrained by the lack of understanding of legal officials, limited facilities, bias against the right to testimony of persons with disabilities, and weak enforcement of regulations.

Keywords : persons with disabilities; CRPD implementation; right to justice

INTRODUCTION

Human rights are rights inherent in every individual as a gift from God Almighty, which must be respected, protected and fulfilled by the state. In the international legal system, the protection of human rights is the foundation for the creation of global justice and prosperity (Sinaga, 2018). Pentingnya perlindungan hak-hak individu tercermin dalam berbagai instrumen internasional, One of them is the Convention on the Rights of Persons with Disabilities (CRPD) which was adopted by the United Nations (UN) in 2006. People with intellectual disabilities are individuals who experience limitations in intellectual functioning and adaptive behavior, which affect their ability to understand information, learn, and interact socially (Wijaya & Nurhajati, 2018). Intellectual disabilities are classified into several levels of severity, ranging from mild to severe, each of which has different characteristics and support needs.

The Convention on the Rights of Persons with Disabilities (CRPD) is an international treaty that aims to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. The CRPD emphasizes the importance of respect for the dignity, individual autonomy, and full participation in society of persons with disabilities (Mu'in dkk., 2021). In the context of the right to a fair trial, the CRPD requires states parties to ensure that persons with disabilities, including those with intellectual disabilities, can access the justice system equally and effectively. This includes the provision of accessible information, adequate support throughout the judicial process, and recognition of their legal capacity to make decisions (Eddyono & Kamilah, 2015). However, implementation of the CRPD in this context still faces various challenges, such as a lack of understanding of the specific needs of persons with intellectual disabilities in the justice system and limited resources to provide the necessary support.

The right to a fair trial is a fundamental principle in the international legal system, ensuring that every individual receives an equal, transparent and impartial judicial process. For people with intellectual disabilities, the application of this principle becomes more complex due to their specific needs in understanding legal procedures and communicating effectively (Yuliansa dkk., 2024). According to the International Disability Alliance (IDA), people with intellectual disabilities often face barriers in accessing comprehensible legal information, which reduces their ability to participate fully in the judicial process (Meyers, 2014).

The main challenges faced by people with intellectual disabilities in the justice process include the inability to understand legal procedures, lack of adequate support, and potential discrimination (Astuti, 2014). A lack of understanding of the legal process can leave them unable to make informed decisions or understand the consequences of their actions. In addition, the lack of support from professionals trained in dealing with their specific needs can hinder their access to justice. Social stigma and negative stereotypes towards people with intellectual disabilities can also lead to discriminatory treatment in the justice system, such as unfair assessments of their capacity to be legally responsible (Lepar & Sari, 2024). For example, in guardianship cases in Indonesia, individuals with intellectual disabilities are often considered incapable of making legal decisions, which may limit their right to participate in judicial processes.

The implementation of the Convention on the Rights of Persons with Disabilities (CRPD) faces various obstacles in the context of the right to a fair trial for persons with intellectual disabilities. Although Indonesia has ratified the CRPD through Law No. 19/2011, challenges in its implementation remain significant. Lack of understanding and training for law enforcement officials regarding the special needs of persons with intellectual disabilities is a major obstacle. In addition, judicial infrastructure that is not yet fully disability-friendly and a lack of resources to provide necessary accommodations exacerbate this situation. According to a report from the Australian Government Department of Foreign Affairs and Trade, although Indonesia signed the CRPD in 2007, effective implementation still requires greater efforts to

ensure access to justice for persons with disabilities. This gap shows the need for further efforts in ensuring that people with intellectual disabilities can enjoy the right to a full and equal fair trial. It is important to improve training for law enforcement officials, provide appropriate accommodations, and eliminate stigma and discrimination in the justice system. Thus, persons with intellectual disabilities can obtain access to justice on an equal basis with other individuals, in accordance with the country's commitment to the CRPD (Almahdi, 2023).

The Convention on the Rights of Persons with Disabilities (CRPD), adopted by the United Nations in 2006, is an international instrument that aims to protect and promote the rights of persons with disabilities worldwide (Soleh & others, 2016). Indonesia, as a country committed to human rights, ratified the CRPD through Law No. 19/2011. This ratification signifies Indonesia's commitment to integrate the principles of the CRPD into the national legal system, so that the rights of persons with disabilities can be effectively recognized and protected. In the context of national law, the ratification of the CRPD has significant implications for various aspects of legislation in Indonesia. One of the impacts is the changes and adjustments to existing laws and regulations, to be in line with the provisions in the CRPD (Wajdu, 2019). For example, in the field of education, the CRPD requires the state to ensure accessibility of education for persons with disabilities without discrimination. This has prompted revisions to the National Education System Law to make it more inclusive and responsive to the needs of persons with disabilities. In addition, the implementation of the CRPD also encourages the establishment of new laws and regulations that specifically regulate the rights of persons with disabilities (Mei Ie dkk., 2024). For example, Law No. 8/2016 on Persons with Disabilities provides a legal basis for persons with disabilities to obtain their rights equally with other citizens. This law covers various aspects, from education, employment, accessibility, to participation in political and social life.

However, despite efforts to integrate the CRPD into the national legal system, implementation challenges remain. Lack of understanding and awareness among law enforcement officials regarding the rights of persons with disabilities is a major obstacle. In addition, the implementation of the CRPD also requires support from various parties, including civil society, non-governmental organizations, and the private sector, to ensure that the rights of persons with disabilities can be fulfilled optimally (Dahlan & Anggoro, 2021). Collaboration between the government and the community is key in realizing inclusivity and justice for people with disabilities in Indonesia.

In Indonesia, the implementation of policies and regulations related to the protection of the right to a fair trial for persons with intellectual disabilities has undergone significant development (Nazifah dkk., 2024). One important step was the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) through Law No. 19/2011, which signaled the state's commitment to protect the rights of persons with disabilities, including in the judicial context. Subsequently, Law No. 8/2016 on Persons with Disabilities became a more comprehensive legal foundation in protecting the rights of persons with disabilities in Indonesia. Article 11 of this law affirms that persons with disabilities are entitled to equal treatment before the law and accessibility in the judicial process. To ensure effective implementation, the Supreme Court of the Republic of Indonesia has issued Decree of the Director General of Military and State Administration Courts Number 252/DJMT/Kep.OT.01.3.VI.2022. This decree provides guidelines for courts in handling cases involving persons with disabilities, including persons with intellectual disabilities, with the aim of ensuring equal and fair access to justice.

Nonetheless, challenges in implementing this policy still exist. The lack of understanding and training for law enforcement officials on the special needs of people with intellectual disabilities is a major obstacle. According to M. Saleh Partaonan Daulay, a legal expert from the University of North Sumatra, "It is important for law enforcement officers to

receive specialized training on the rights of persons with disabilities in order to apply the law fairly and equally.” In addition, a judicial infrastructure that is not yet fully disability-friendly and a lack of resources to provide necessary accommodations exacerbate the situation (Subroto & Muktya, 2024). Therefore, sustained efforts are needed from the government, judicial institutions and the community to ensure that persons with intellectual disabilities can enjoy the right to a full and equal fair trial.

The implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in justice systems across countries shows significant variation, with some countries successfully implementing inclusive policies, while others face challenges in implementation (Kurniaty dkk., 2021). In Australia, for example, specific procedures have been put in place to ensure accessibility for people with disabilities in the justice system. The Supreme Court of Australia provides comprehensive guidance on service procedures for persons with disabilities, including persons with intellectual disabilities, to ensure that they can participate effectively in the judicial process.

However, in some countries, the implementation of the CRPD in the justice system still faces obstacles. In Indonesia, although there have been efforts to integrate the CRPD into the national legal system, challenges in its implementation still exist. The lack of understanding and training for law enforcement officials regarding the special needs of persons with intellectual disabilities is a major obstacle. In addition, judicial infrastructure that is not yet fully disability-friendly and the lack of resources to provide necessary accommodations exacerbate this situation (Sholihah, 2016). Therefore, sustained efforts are needed from the government, judicial institutions and communities to ensure that persons with intellectual disabilities can enjoy the right to a full and equal fair trial. This comparison shows that although some countries have successfully implemented policies that are inclusive of persons with disabilities in the justice system, challenges in implementation still exist in many countries, including Indonesia. Therefore, it is important to continue to improve understanding, training and resources needed to ensure accessibility and fairness for persons with intellectual disabilities in the justice process.

The main objective of this research is to analyze the impact and challenges of the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) on the right to a fair trial for persons with intellectual disabilities. This research aims to identify the extent to which the CRPD has been adopted in national justice systems and how its implementation affects accessibility and fairness for individuals with intellectual disabilities. In addition, this research will explore the challenges faced in the implementation of the CRPD, such as lack of understanding among law enforcement officials, limited resources, and other structural barriers that may affect the effectiveness of implementing the right to a fair trial for persons with intellectual disabilities.

The benefits of this research are expected to provide valuable insights for policy makers, legislators and relevant stakeholders in efforts to improve judicial accessibility for persons with intellectual disabilities. The results of this research can serve as a basis for formulating public policies that are more inclusive and responsive to the needs of persons with disabilities, as well as encouraging reforms in the justice system that ensure the right to a fair trial for all individuals without discrimination. In addition, the findings from this research can serve as a reference for relevant institutions in designing training and education programs for law enforcement officers regarding the rights of persons with disabilities, so as to improve their understanding and skills in handling cases involving individuals with intellectual disabilities. Thus, this research is expected to significantly contribute to efforts to realize a fair and inclusive justice system for persons with intellectual disabilities, as well as ensuring that their rights are respected and protected in accordance with international standards set by the CRPD.

This research has deep significance in raising awareness and understanding of the rights of persons with intellectual disabilities, particularly in the context of access to a fair trial. By analyzing the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in the justice system, this research is expected to reveal the challenges faced by persons with intellectual disabilities in obtaining justice. The findings will serve as a basis for policy makers, law enforcement officials, and the wider community to understand the importance of providing appropriate accommodations and inclusive procedures for persons with intellectual disabilities in the justice process. In addition, this research contributes significantly to the development of theory and practice of human rights protection for persons with disabilities at the international and national levels. By identifying gaps in the implementation of the CRPD, this research can serve as a reference for countries in formulating policies that are more effective and responsive to the needs of persons with intellectual disabilities. In Indonesia, for example, although there have been efforts to integrate the CRPD into the national legal system, challenges in its implementation still exist. The lack of understanding and training for law enforcement officers regarding the specific needs of persons with intellectual disabilities is a major obstacle. As such, this research does not only increase understanding of the rights of persons with intellectual disabilities.

RESEARCH METHODS

The research method used in this study is a normative juridical approach, which focuses on analyzing existing laws and regulations, both at the international and national levels, related to the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in the context of the right to a fair trial for persons with intellectual disabilities (Ani Purwati & others, 2020). This research will examine the legal norms governing the rights of persons with intellectual disabilities, particularly in relation to their access to the justice system, and explore the extent to which the principles contained in the CRPD have been implemented in Indonesian national regulations (Al-Fatih, 2023). By using a normative juridical approach, this research will assess the suitability between existing legal provisions and the expected implementation, as well as analyze the obstacles that exist in its implementation. In addition, this research will also explore the views of various legal experts and practitioners to understand more deeply the challenges faced in providing equal access to justice for persons with intellectual disabilities.

RESULT AND DISCUSSION

Implementation of the Convention on the Rights of Persons with Disabilities in Indonesian Courts

Indonesia's ratification of the Convention on the Rights of Persons with Disabilities (CRPD) through Law No. 19/2011 demonstrates the country's commitment to ensuring that persons with disabilities have equal rights in various aspects of life, including in the justice system. The Convention prioritizes the principle of nondiscrimination, which is used as the basis for policy formation to ensure that persons with disabilities, including those with intellectual disabilities, can access a fair legal system without barriers. This is reflected in the provisions that regulate the state's obligation to provide full access to them. As part of this commitment, Indonesia also passed Law No. 8/2016 which provides a legal basis for the provision of services and protection of the rights of persons with disabilities, hopefully providing more comprehensive recognition and regulation of their rights.

Despite the existence of a strong legal framework, the implementation of these rules in the justice sector still faces various obstacles. One of the main challenges is the lack of understanding and capacity of legal officers in addressing the specific needs of persons with disabilities. According to Jimly Asshiddiqie, this lack of competence contributes to the neglect of the basic rights of persons with disabilities in the judicial process. The lack of training and

knowledge on how to provide inclusive legal services means that they are often denied fair and equal treatment in the legal system (Luttrell dkk., 2011). Therefore, further efforts are needed to raise the awareness and skills of legal officers so that they can understand and meet the needs of persons with disabilities, so that the principle of nondiscrimination can be truly implemented in judicial practice.

In the judicial context, not understanding the importance of special accommodations for persons with intellectual disabilities is one of the main challenges. Article 5 of the CRPD emphasizes the importance of providing advocates who can understand the needs of persons with disabilities, but in reality, this is often ignored in judicial practice. As a result, persons with intellectual disabilities are often subjected to unequal treatment, which prevents them from fully participating in the legal process (Prasojo & Pabbajah, 2023). Not only are they deprived of access to justice, but they are often not treated in accordance with their rights, which in turn can exacerbate the discrimination they face in the legal system. In addition, law enforcement officials' lack of understanding of how to handle cases involving persons with disabilities exacerbates this situation. Knowledge of inclusive legal mechanisms is very limited among law enforcement officers, so the approach used in handling cases is often not in accordance with the principles of equality mandated by the CRPD (Ginting dkk., 2024). Siti Zuhro argued that the government should pay greater attention to strengthening the capacity of legal officials, especially in terms of understanding the rights of persons with disabilities and ways of handling them that are sensitive to their needs. With these steps, it is hoped that the principle of equality can be effectively applied in the judiciary, giving people with disabilities an equal opportunity to obtain justice (Bahrudin & Zuhro, 2016).

The provision of adequate physical facilities in courts is a significant challenge for persons with disabilities in Indonesia. Although the Supreme Court has issued Circular Letter No. 2/2016 regulating accessibility for persons with disabilities, its implementation has not been evenly distributed across courts. Many courts in the regions do not have adequate accessibility, such as ramps, elevators, or disability-friendly courtrooms. These infrastructure barriers are exacerbated by the lack of relevant communication aids. People with intellectual disabilities often have difficulty understanding the proceedings due to the absence of language adjustments or supportive visualizations. This inequality contradicts the principle of accessibility set out in Article 9 of the Convention on the Rights of Persons with Disabilities (CRPD) (Hafni & Rahmawati, 2020). In addition, current legal procedures often do not consider the special needs of persons with disabilities. The existing legal procedures in some cases are still interpreted textually, thus hindering the rights of persons with disabilities when dealing with the law either as witnesses/victims or perpetrators. The lack of understanding from law enforcement officials about the conditions and needs of persons with disabilities means that they are often overlooked in the legal process. In addition, procedural law procedures involving persons with disabilities are still interpreted rigidly by law enforcement officials, resulting in their rights being neglected. Therefore, it is important to ensure that the justice system in Indonesia can accommodate the needs of persons with disabilities, both in terms of infrastructure and legal procedures, so that they can obtain equal justice.

Article 12 of the CRPD affirms the right of persons with disabilities to be recognized as equal before the law. However, in reality, many are still considered incompetent to give testimony. This approach reflects a systemic bias that ignores their right to be heard. According to Mulyana W. Kusumah, a paradigm shift in the legal system is needed to overcome this bias. Supervision of policy implementation is a crucial issue. The Ombudsman of the Republic of Indonesia has recorded complaints regarding the inability of legal officers to handle cases involving people with disabilities. This reflects the gap between national regulations and their implementation at the local level. Government institutions, such as the Supreme Court and the Ministry of Social Affairs, need to be improved to ensure the specific needs of persons with

disabilities are accommodated (Nurcahya dkk., 2021). These needs range from providing competent advocates to developing inclusive procedures. This step is important to ensure the implementation of Article 13 of the CRPD on access to justice.

Legal processes involving people with disabilities also require a more adaptive approach. For example, legal documents need to be designed to be easily understood by those with intellectual disabilities. These adjustments not only improve accessibility but also ensure the right to information is fulfilled. According to legal experts such as Sulistyowati Irianto, a human rights-based approach should be the cornerstone of judicial reform. This means that every policy should be designed to remove barriers faced by people with disabilities (Limpulus, 2024). This principle has been regulated in Article 5 of Law No. 39/1999 on Human Rights. The government also needs to strengthen existing regulations by adding sanction mechanisms for violations of the rights of persons with disabilities. Without strict sanctions, policy implementation will be difficult to monitor effectively. In addition, periodic evaluations of policy implementation need to be carried out to ensure compliance with the CRPD principles.

The Supreme Court must play an active role in ensuring that its lower courts adopt inclusive policies. A thorough evaluation of the readiness of the courts, both in terms of infrastructure and procedures, needs to be conducted systematically. The results of this evaluation should be published as a form of accountability. In addition, the government could consider providing special funding to support the implementation of inclusive policies in the judiciary. This budget could be allocated for training of legal officers, construction of facilities, and provision of communication aids. This step reflects the state's commitment to the principle of sustainability (Jumantoro dkk., 2024). The role of civil society in supporting the implementation of the CRPD is also very important. These organizations can serve as a liaison between persons with disabilities and the government. Through this cooperation, the aspirations of persons with disabilities can be conveyed more effectively.

To ensure policy sustainability, there needs to be integration of CRPD principles into the legal curriculum. Early understanding will shape a more inclusive generation of law enforcers. According to Harkristuti Harkrisnowo, inclusive legal education is a long-term investment to create an equitable justice system. Public awareness of the rights of persons with disabilities must also be increased. Existing stigma and stereotypes are often a major obstacle to the fulfillment of their rights. By strengthening public understanding, discrimination against people with disabilities can be significantly reduced. The government needs to continue to innovate in creating effective complaint mechanisms. Persons with disabilities should have easily accessible channels to report violations of their rights. These channels should be designed to be responsive to their needs (Harkrisnowo, 2000). It is expected to accelerate the implementation of the CRPD in the justice system in Indonesia. By prioritizing the principle of inclusivity, Indonesia can build a fairer legal system for all its citizens.

Implementation Challenges of the Convention on the Rights of Persons with Disabilities at the Global Level

Globally, the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in ensuring the right to a fair trial for persons with intellectual disabilities reflects varying degrees of success. Some developed countries such as Australia have become examples of comprehensive implementation. There, the justice system is designed to provide full access to persons with disabilities through a variety of approaches. These include the provision of interpreters, the use of easy-to-understand information formats, and adaptive measures in legal procedures. This process not only ensures the participation of people with intellectual disabilities in court, but also protects their rights from systemic discrimination (Diantha & Wisanjaya, 2023). On the other hand, major challenges are still faced by many developing countries, including Indonesia. Despite having ratified the CRPD through Law No.

19/2011 and supporting the rights of persons with disabilities through Law No. 8/2016, implementation in the field is still far from optimal. One of the main obstacles is the lack of legal infrastructure adjustments that can accommodate the needs of persons with intellectual disabilities, both in physical and procedural forms.

The mismatch between policies set at the central level and their implementation at the regional level is often a significant obstacle in realizing accessibility for people with intellectual disabilities in Indonesia. There are still many regional courts that are not equipped with supporting facilities such as special communication aids, interpreter services, or disability-friendly courtroom settings (Rahmayani, 2023). This not only creates unfairness in the legal process, but also violates the principle of accessibility stipulated in the Convention on the Rights of Persons with Disabilities (CRPD) and the Indonesian Law on Persons with Disabilities.

According to Jimly Asshiddiqie, an expert in constitutional law, successful implementation of the CRPD requires not only good regulations, but also a system that is able to adapt to the diverse needs of persons with intellectual disabilities. The justice system must provide access to clear information and flexible procedures so that persons with disabilities can properly understand their rights and obligations. For example, the provision of visual aids or sign language interpreters can be a concrete step to ensure every individual gets equal opportunities in accessing justice (Asshiddiqie, 2011). In addition, the government needs to integrate the principle of inclusiveness into monitoring mechanisms so that violations of the rights of persons with disabilities can be minimized.

Building an inclusive justice system requires commitment from various parties, including the government, legal institutions and the wider community. In addition to strengthening the capacity of judicial institutions, adequate budget allocations are also key to realizing facilities and services that support special needs. By adopting best practices from other countries and adapting them to local conditions, Indonesia can improve existing gaps and ensure that people with intellectual disabilities have equal access to justice (MH, 2024). Only with concrete, results-oriented measures can the principle of comprehensive justice be truly realized.

In developed countries such as Canada and the UK, the justice system has adopted a structured approach to support individuals with special needs in the legal process. Canada, for example, has integrated special needs into every stage of the justice system, including the provision of accessibility facilities in court as well as the engagement of expert consultants in relevant cases. This approach not only ensures compliance with the Convention on the Rights of Persons with Disabilities (CRPD) but also strengthens the sense of substantive justice. In contrast, in developing countries, constraints such as lack of budget and low understanding of the needs of individuals with disabilities are significant barriers (Polii, 2024). In Indonesia, despite the existence of Supreme Court Circular Letter No. 2/2016 on Disability Services, many courts are still not consistently implementing disability-friendly procedures. These obstacles point to the need to strengthen institutional capacity in understanding the special needs of people with disabilities.

According to Siti Zuhro, a public policy expert, it is important for the government to develop an integrated approach to supporting the rights of persons with disabilities. This includes providing human resources who are competent in dealing with special needs, as well as developing facilities that support accessibility in courts. This holistic approach can help close the gap between policy and practice. In addition, it is important to ensure that legal procedures provide flexibility for persons with intellectual disabilities in giving testimony (Satrio dkk., 2023). In countries such as Australia, this policy has been implemented through special arrangements, such as the use of recorded media to document testimony and the provision of additional time to understand questions during the trial. This could be a good example to adopt

in Indonesia.

The provision of legal information that is easily accessible to persons with intellectual disabilities is crucial in ensuring their equal participation in the judicial process. Such information should be presented in a simple format, using easy-to-understand language, or through effective visual media. This way, persons with disabilities can understand their rights and obligations throughout the legal process. However, to date, this basic right remains a challenge for the government in its efforts to realize inclusive public services for persons with disabilities. In addition, commitment to the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) requires close monitoring (Purnomo dkk., 2020). The Ombudsman of the Republic of Indonesia can play an important role in monitoring compliance with policies related to persons with disabilities. With better oversight, violations of the rights of persons with disabilities can be minimized. In the long term, the government needs to strengthen the regulatory framework to ensure alignment between national policies and local practices. One way is to require each judicial institution to produce an annual report on their efforts to fulfill the rights of persons with disabilities. This report can be an effective evaluation tool to assess the success of CRPD implementation (Achmadi dkk., 2020). In addition, successful implementation of the CRPD also requires ongoing support in the form of budget. The government must ensure that sufficient funds are allocated to support the rights of persons with disabilities in the justice sector. This funding can be used to build inclusive infrastructure, provide assistive devices, and support legal assistance services.

At the international level, many countries have made strides in realizing commitments to the Convention on the Rights of Persons with Disabilities (CRPD). They are integrating approaches that involve various parties, including governments and community organizations (Nurdjanah & others, 2013). Community organizations are often strategic partners in providing policy input, monitoring the implementation of regulations, and encouraging effective advocacy for the rights of persons with disabilities. This practice can be an important example for Indonesia to strengthen its inclusive approach, especially in creating policies and procedures that are more responsive to the specific needs of persons with intellectual disabilities. In addition, a paradigm shift at the community level is also an important aspect in supporting the implementation of the CRPD (Mustafa dkk., 2023). Social stigma towards people with intellectual disabilities remains a significant barrier. Many of them feel isolated due to negative stereotypes developed in the community. To overcome this, sustainable efforts that are educative and informative are needed to build public understanding. By raising public awareness, acceptance of people with intellectual disabilities in various sectors, including in the justice system, can increase. This will not only enhance the dignity of individuals with disabilities but also create a more inclusive environment. Indonesia faces significant challenges in implementing the CRPD, especially in the context of the justice system (Rozi dkk., 2021). However, with a systematic approach and support from all stakeholders, the right to justice for persons with intellectual disabilities can be realized. Indonesia can learn from best practices in other countries while still adjusting the strategies implemented based on the local context. Measures such as strengthening the capacity of legal institutions, providing disability-friendly facilities, and ensuring budget sustainability to support accessibility are part of the solution that should be prioritized. That way, the principle of inclusive justice can be realized in real terms.

CONCLUSIONS

The ratification of the Convention on the Rights of Persons with Disabilities (CRPD) through Law No. 19/2011 demonstrates Indonesia's commitment to respecting and fulfilling the rights of persons with disabilities, however its implementation in the justice system still faces significant challenges. The main obstacles include a lack of understanding by legal officers of the needs of persons with disabilities, limited accessibility facilities in the courts, systemic bias that overrides the testimony rights of persons

with intellectual disabilities, and weak policy enforcement despite regulations such as Law No. 8/2016 and Supreme Court Circular Letter No. 2/2016. To overcome these problems, strategic steps are needed such as increasing the capacity of legal apparatus through training, providing inclusive infrastructure, strengthening regulations with strict sanction mechanisms, monitoring and evaluating policies regularly, and integrating inclusivity principles into the legal curriculum. In addition, the government can learn from developed countries such as Australia and Canada that have successfully implemented inclusive justice and established partnerships with civil society organizations to support advocacy. With a systematic approach and strong commitment, Indonesia can build a fairer, friendlier and more inclusive justice system for people with disabilities.

REFERENCES

- Achmadi, I. D. I., Hariadi, E., & others. (2020). *Whole of Government: Praktik di Pemerintah Provinsi DKI Jakarta*. Media Nusa Creative (MNC Publishing).
- Al-Fatih, S. (2023). *Perkembangan Metode Penelitian Hukum di Indonesia*. UMMPress.
- Almahdi, P. (2023). Analisis Pasal 24 Ayat 5 Konvensi Hak-Hak Penyandang disabilitas Terkait Pemenuhan Hak atas Pendidikan Tinggi Bagi Penyandang disabilitas. *UNJA Journal of Legal Studies*, 1(3), 340–353.
- Ani Purwati & others. (2020). *Metode Penelitian Hukum Teori dan Praktek*. Jakad Media Publishing.
- Asshiddiqie, J. (2011). Gagasan negara hukum Indonesia. *Makalah Disampaikan dalam Forum Dialog Perencanaan Pembangunan Hukum Nasional yang Diselenggarakan oleh Badan Pembinaan Hukum Nasional Kementerian Hukum dan*.
- Astuti, M. (2014). Implementasi kebijakan kesejahteraan dan perlindungan anak. *Sosio Konsepsia: Jurnal Penelitian dan Pengembangan Kesejahteraan Sosial*, 4(1), 215–235.
- Bahrudin, M., & Zuhro, S. (2016). Pengaruh kepercayaan dan kepuasan pelanggan terhadap loyalitas pelanggan. *BISNIS: Jurnal Bisnis dan Manajemen Islam*, 3(1), 1–17.
- Dahlan, M., & Anggoro, S. A. (2021). Hak atas pekerjaan bagi penyandang disabilitas di sektor publik: Antara model disabilitas sosial dan medis. *Undang: Jurnal Hukum*, 4(1), 1–48.
- Diantha, I. M. P., & Wisanjaya, I. G. P. E. (2023). *Analisis Kejahatan Transnasional dalam Berbagai Instrumen Hukum Internasional*. Prenada Media.
- Dirkareshza, R., Wahid, U., Wijaya, S., Dirkareshza, N. P., Permatasari, E. D., & others. (2023). *Inklusi Politik untuk Semua: Menuju Pemilihan Umum yang Lebih Responsif terhadap Penyandang Disabilitas*. PT Idemedia Pustaka Utama.
- Eddyono, S. W., & Kamilah, A. G. (2015). Aspek-Aspek Criminal Justice Bagi Penyandang Disabilitas. *Jakarta: Institute For Criminal Justice Reform bekerja sama dengan Aliansi Nasional Reformasi KUHP dan Pantau KUHP*, 4.
- Ginting, Y., Gisella, V., & Arcelya, A. (2024). Pemeriksaan dan Penanganan Pertama Laporan Kekerasan Seksual di Perguruan Tinggi berdasarkan pada Teknik dan Isu Etik. *Indonesian Journal of Law and Justice*, 2(2), 12–12.
- Hafni, D. A., & Rahmawati, F. M. (2020). Aksesibilitas permodalan perbankan bagi wirausahawan difabel di Yogyakarta untuk mewujudkan ekonomi inklusi. *Kompartemen: Jurnal Ilmiah Akuntansi*, 17(2).
- Harkrisnowo, H. (2000). Tindakan Kekerasan terhadap Perempuan dalam Perspektif Sosio-Yuridis. *Jurnal Hukum Ius Quia Iustum*, 7(14), 157–170.
- Jumantoro, T. R. P., Albanna, S. A., Antikowati, A., & Wada, I. A. (2024). Constitutional Question dan Constitutional Complaint: Pembaharuan Mahkamah Konstitusi dan Terjaminnya Hak Konstitusional Warga Negara. *AL-MIKRAJ Jurnal Studi Islam dan Humaniora (E-ISSN 2745-4584)*, 4(02), 1020–1036.
- Kurniaty, R., Saraswati, A. A. A. N., Susanto, F. A., & others. (2021). *Pengantar Hukum HAM Internasional*. Universitas Brawijaya Press.

- Lepar, B., & Sari, W. (2024). Strategi Pengembangan SDM untuk Keberlanjutan Desa Wisata Cikolelet, di Banten. *Jurnal Pariwisata dan Perhotelan*, 2(1), 15–15.
- Limpulus, N. R. M. (2024). Penegakan Hukum terhadap Pelaku Tindak Pidana Penganiayaan pada Penyandang disabilitas ditinjau dari Hak Asasi Manusia. *LEX CRIMEN*, 12(4).
- Luttrell, C., Obidzinski, K., Brockhaus, M., Muharrom, E., Petkova, E., Wardell, A., & Halperin, J. (2011). *Pembelajaran bagi REDD+ dari berbagai tindakan untuk mengendalikan pembalakan liar di Indonesia: Laporan Ringkas*. CIFOR.
- Mei Ie, Haris Maupa, Madris, & others. (2024). *Disabilitas dan Kewirausahaan: Jalan Menuju Kemandirian Ekonomi*. Takaza Innovatix Labs.
- Meyers, S. (2014). Global civil society as megaphone or echo chamber?: Voice in the international disability rights movement. *International Journal of Politics, Culture, and Society*, 27, 459–476.
- MH, R. S. T. S. (2024). *Reformasi Hukum Tata Negara: Menuju Keadilan dan Keseimbangan*. Ruang Berkarya.
- Mu'in, F., Nawawi, M. A., & others. (2021). Hak Perempuan Disabilitas Dalam UU. No. 1 Tahun 1974 Tentang Perkawinan: Perspektif Convention On The Rights Of Persons With Disabilities (CRPD). *Yurisprudencia: Jurnal Hukum Ekonomi*, 6(2), 228–247.
- Mustafa, D., Farid, M. R. A., & Sari, E. A. (2023). Strategi Advokasi Komite Perlindungan dan Pemenuhan Hak Penyandang Disabilitas DIY di Masa Pandemi Covid-19. *Inklusi*, 10(1), 1–22.
- Nazifah, N., Somad, K. A., & Rostarum, T. (2024). Pelaksanaan Kebijakan Diskriminasi Positif Bagi Penyandang Disabilitas Untuk Memperoleh Pekerjaan di Kota Jambi. *Jurnal Ilmiah Universitas Batanghari Jambi*, 24(3), 2308–2322.
- Ndaumanu, F. (2020). Hak penyandang disabilitas: Antara tanggung jawab dan pelaksanaan oleh pemerintah daerah. *Jurnal Ham*, 11(1), 131–150.
- Nurcahya, Y., Kusumah, W., Mulyana, D., & Kodrat, H. (2021). Analysis of Football Referee Satisfaction in Making Decision Based on Experience Levels. *Jurnal Pendidikan Jasmani dan Olahraga*, 6(1), 110–114.
- Nurdjanah, N. & others. (2013). Kebutuhan Fasilitas Transportasi Jalan Bagi Mobilitas Penyandang Ketunaan Requirements Of Facilities Road Transportation For Disabilities Mobility. *Jurnal Penelitian Transportasi Darat*, 15(2), 71–90.
- Polii, J. L. S. S. (2024). *Keadilan dalam inklusi menyuarakan hak-hak minoritas di tengah dinamika global*. Gema Edukasi Mandiri.
- Prasojo, Z. H., & Pabbajah, M. (2023). Akomodasi kultural dalam resolusi konflik bernuansa agama di Indonesia. *Aqlam: Journal of Islam and Plurality*, 5(1).
- Purnomo, R. A., Aviantoro, D., Santoso, A., & Astuti, I. P. (2020). *Digitalisasi Pengelolaan Retribusi Parkir di Tepi Jalan Umum*. Gracias Logis Kreatif.
- Rahmayani, E. (2023). Hak Politik Penyandang disabilitas dalam Pemilihan Kepala Daerah Kota Surabaya Tahun 2020. *Indonesian Journal of Political Studies*, 3(2), 68–89.
- Rozi, S., Noor, F., Gayatri, I. H., Pabottingi, M., & others. (2021). *Politik Identitas: Problematika dan Paradigma Solusi Keetnisan Versus Keindonesiaan di Aceh, Riau, Bali dan Papua*. Bumi Aksara.
- Satrio, H., Zuhro, S., & Harmonis, H. (2023). Media dan Pemasaran Politik Anies Baswedan dalam Penyelenggaraan Formula E di Jakarta Tahun 2022. *Perspektif Komunikasi: Jurnal Ilmu Komunikasi Politik dan Komunikasi Bisnis*, 7(1), 89–102.
- Sholihah, I. (2016). Kebijakan Baru: Jaminan Pemenuhan hak bagi penyandang disabilitas. *Sosio Informa*, 2(2).
- Sinaga, T. B. (2018). Peranan Hukum Internasional dalam penegakan hak asasi manusia. *Jurnal Hukum Unsrat*, 1(2), 94–105.

- Soleh, A. & others. (2016). *Aksesibilitas Penyandang Disabilitas terhadap Perguruan Tinggi; Studi Kasus di Empat Perguruan Tinggi Negeri di Yogyakarta*. LKIS Pelangi Aksara.
- Subroto, M., & Muktya, Y. D. Y. (2024). Aksesibilitas Fisik dan Sosial bagi Narapidana disabilitas di Rumah Tahanan Negara Kelas I Surakarta. *Innovative: Journal Of Social Science Research*, 4(5), 8163–8174.
- Wajdu, F. (2019). Pemenuhan Hak-Hak Kaum difabel dalam Kerangka Hak Azasi Manusia. *Palita: Journal of Social Religion Research*, 4(2), 137–160.
- Wijaya, A. T., & Nurhajati, L. (2018). Implementasi CRPD dalam Aspek Aksesibilitas Transportation Publik di DKI Jakarta. *Bricolage: Jurnal Magister Ilmu Komunikasi*, 4(02), 180–209.
- Yuliansa, D., Helandri, J., Sahary, A. N. A., Pusfitasari, Y., & Artika, H. (2024). Implementasi Prinsip Negara Hukum dalam Meningkatkan Good Governance di Indonesia. *Hutanasyah: Jurnal Hukum Tata Negara*, 3(1), 39–60.