

From Testimonial Credibility to Procedural Equality: Protecting Victims with Disabilities under Indonesia's New Criminal Procedure Code through Decision No. 286/Pid.Sus/2025/PN Skt

Vincentius Patria Setyawan¹

¹ Faculty of Law, Universitas Atma Jaya Yogyakarta, Indonesia

Correspondence: vincentius.patria@uajy.ac.id

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ABSTRACT

This study examined the protection of victims with disabilities in Indonesian criminal proceedings through Decision No. 286/Pid.Sus/2025/PN Skt and the framework introduced by Indonesia's new Criminal Procedure Code. The study addressed the problem of whether judicial assessment of testimony had sufficiently accommodated the specific procedural needs of victims with disabilities and ensured substantive equality during criminal adjudication. A normative legal method was employed by critically analysing the court's reasoning and comparing it with the procedural safeguards governing disability rights in criminal proceedings. The analysis found that equal recognition of testimony had required more than formal acceptance of evidence. It had also depended on reasonable procedural accommodation, accessible communication, and a disability-sensitive assessment of testimonial credibility. The study further found that credibility assessment risked reproducing procedural inequality when disability-related characteristics were treated as indicators of evidentiary weakness. It concluded that the new Criminal Procedure Code should have been interpreted as requiring procedural equality throughout evidentiary examination, rather than merely guaranteeing formal participation of victims with disabilities.



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INTRODUCTION

Equal access to criminal justice for persons with disabilities requires more than formal recognition of their status as victims, witnesses, suspects, or defendants. Participation in criminal proceedings may be affected by communication barriers, difficulties in understanding complex legal language, inappropriate questioning techniques, and institutional assumptions concerning how a “credible” witness is expected to communicate or behave. For persons with intellectual disabilities in particular, these barriers may influence not only their ability to participate effectively but also the manner in which their testimony is interpreted by criminal justice institutions. Recent scholarship has therefore shifted the discussion from formal access to justice towards the need for individualized procedural accommodation capable of securing meaningful participation (Raharjanti et al., 2025). At the same time, studies concerning victims with learning or intellectual disabilities have demonstrated that assumptions about credibility may themselves operate as barriers to justice, particularly in cases involving sexual violence (Williams & Jobe, 2025).

The problem becomes particularly significant in the law of evidence. Criminal adjudication frequently relies upon judicial assessments of the consistency, detail, spontaneity, and plausibility of witness testimony. These conventional indicators of credibility may disadvantage persons with intellectual disabilities when their communication patterns or cognitive characteristics do not correspond with normative expectations regarding witness behaviour. Experimental research has shown

that witnesses with intellectual disabilities may be perceived as less credible even when their testimony contains accurate information (Henry et al., 2011). Similarly, credibility assessments that apply uniform expectations without sufficient consideration of an individual witness's intellectual functioning may undermine equal participation in legal proceedings (Cederborg & Gumpert, 2010). Disability, therefore, should not automatically be treated as an evidentiary weakness. The more important question is whether the procedural conditions under which testimony is obtained and assessed sufficiently respond to the individual needs of the witness.

This distinction places reasonable accommodation at the intersection of disability rights and evidentiary fairness. Procedural assistance cannot be reduced to the physical accessibility of courts or the mere presence of a support person. Effective accommodation may require adjustments to questioning techniques, communication methods, the use of intermediaries, and other procedural arrangements that enable persons with intellectual disabilities to provide evidence accurately and coherently. Comparative research has demonstrated that intermediaries may facilitate communication between vulnerable witnesses and legal actors, thereby improving meaningful participation in criminal proceedings (Hepner et al., 2015). The broader principle of reasonable accommodation similarly requires institutional procedures to respond to the specific functional needs of persons with intellectual disabilities rather than requiring them to conform to procedures designed around persons without disabilities (Wood et al., 2019). In this respect, procedural accommodation performs not only an accessibility function but also an evidentiary function because the quality of the procedure may influence the quality and interpretation of the evidence produced through it.

Indonesia has gradually developed a legal framework addressing these concerns. Earlier studies identified continuing obstacles faced by persons with disabilities in Indonesian courts, including deficiencies in physical accessibility, institutional regulation, and the knowledge of judicial personnel (Wiarti, 2020). The adoption of Government Regulation No. 39 of 2020 on Reasonable Accommodation for Persons with Disabilities in Judicial Proceedings strengthened the normative foundation by emphasizing services, accessible facilities, personal assessment, disability assistance, and interpreters. Nevertheless, empirical research at the investigative stage indicated that the implementation of reasonable accommodation remained limited and depended considerably on institutional resources and the understanding of law enforcement officers (Devi & Prasetyo, 2022). Research concerning victims with disabilities similarly found that inadequate accommodation could impede the continuation and effectiveness of criminal proceedings (Wahyudi et al., 2023).

The challenges are more acute for persons with intellectual disabilities. Indonesian scholarship has emphasized that intellectual disability may create distinct barriers throughout the criminal justice process and therefore requires affirmative measures to achieve substantive equality before the law (Listiwati et al., 2023). In cases of sexual violence, these difficulties intersect with assumptions concerning consent, legal capacity, vulnerability, and testimonial reliability. Irawan (2023) demonstrated that women with intellectual disabilities who experienced sexual violence required protection and procedural support beginning from investigation through adjudication, including personal assessment and reasonable accommodation. These studies have made important contributions by identifying regulatory deficiencies and implementation barriers. However, Indonesian literature has predominantly approached reasonable accommodation as an issue of access, protection, and institutional compliance. Less attention has been devoted to its relationship with the judicial assessment of evidence, particularly whether the absence or inadequacy of accommodation may affect the way courts construct the credibility of victims with intellectual disabilities.

The regulatory landscape changed substantially in 2025. Supreme Court Regulation No. 2 of 2025 introduced specific guidelines for adjudicating cases involving persons with disabilities, including initial identification, personal assessment, and the provision of reasonable accommodation according to individual needs. Recent Indonesian research has emphasized that personal assessment is central to identifying interaction barriers and determining the accommodation necessary for effective participation in judicial proceedings (Damanik & Widjaja, 2026). This development was followed by Law No. 20 of 2025 on the Indonesian Criminal Procedure Code, which entered into force on 2 January 2026. The new Criminal Procedure Code strengthened the procedural position of persons with disabilities and provided a new normative context for evaluating whether participation in criminal proceedings is genuinely equal rather than merely formally available.

These developments provide an important perspective from which to examine Decision No. 286/Pid.Sus/2025/PN Skt of the Surakarta District Court. The case concerned sexual violence involving a victim who was identified through psychological examination as a person with a mild intellectual disability. The proceedings relied on the victim's testimony together with psychological, medical, and other testimonial evidence. The decision also recorded several characteristics of the victim's responses and behaviour that were relevant to the judicial reconstruction of the events. At the sentencing stage, the court further considered a settlement and forgiveness involving the victim, the defendant, and their respective families as part of its restorative justice reasoning. These circumstances make the case significant beyond the question of criminal liability itself. They raise a broader issue concerning how a court should understand statements, conduct, consent, vulnerability, and credibility when the victim has an intellectual disability.

Decision No. 286/Pid.Sus/2025/PN Skt was delivered on 17 December 2025, before the new Criminal Procedure Code entered into force on 2 January 2026. Accordingly, the new Code cannot be retrospectively applied as the governing procedural law of the case. Nevertheless, the close temporal relationship between the decision and the procedural reform creates a useful analytical setting. The decision can be examined as a transitional case through which the previous judicial treatment of disability may be evaluated against the procedural standards subsequently strengthened by the new criminal procedure framework. Such an approach does not seek to judge the legality of the decision by reference to a statute that was not yet effective. Rather, it uses the case to identify procedural problems that the reformed framework should address in future cases involving comparable victims.

This study departed from existing Indonesian research in one important respect. Previous studies have established the importance of access to justice, personal assessment, affirmative treatment, and reasonable accommodation for persons with disabilities (Devi & Prasetyo, 2022; Listiawati et al., 2023; Wahyudi et al., 2023). International scholarship, meanwhile, has demonstrated how conventional credibility assessments may disadvantage witnesses whose communication and cognitive characteristics differ from dominant expectations (Cederborg & Gumpert, 2010; Henry et al., 2011; Williams & Jobe, 2025). What remained insufficiently explored was the connection between these two bodies of scholarship: whether reasonable accommodation should also be understood as a condition for fair and reliable evidentiary assessment. This article therefore positioned procedural accommodation not merely as an accessibility entitlement but as an element of evidentiary fairness that may shape how testimony is produced, communicated, and judicially evaluated.

Against this background, the study aimed to examine how testimonial credibility and procedural equality should be constructed for victims with intellectual disabilities within Indonesia's reformed criminal procedure. It specifically analysed Decision No. 286/Pid.Sus/2025/PN Skt and asked two interrelated questions: first, how did the court construct the victim's intellectual disability, vulnerability, testimony, and credibility in determining the facts of the case; and second, how should reasonable accommodation under Indonesia's emerging disability-sensitive criminal procedure framework influence the judicial assessment of testimony given by victims with intellectual disabilities? The study argued that equal evidentiary status was insufficient if the procedural environment in which testimony was produced and evaluated failed to accommodate disability-related communication and cognitive needs.

The principal contribution of this study was therefore to connect three concepts that have largely developed separately in Indonesian legal scholarship: testimonial credibility, reasonable accommodation, and procedural equality. By treating accommodation as part of the conditions for reliable judicial fact-finding, the article moved beyond a conventional rights-based account of courtroom accessibility. It proposed that disability-sensitive criminal procedure required courts to examine not only whether a victim was formally permitted to testify, but also whether the procedure enabled that testimony to be communicated and evaluated without disability-based credibility deficits. The remainder of the article first explains the research method and analytical framework, then examines the evidentiary reasoning of Decision No. 286/Pid.Sus/2025/PN Skt, evaluates the decision against the evolving framework of reasonable accommodation and the new Criminal Procedure Code, and finally develops the implications of procedural equality for future criminal adjudication involving victims with disabilities.

RESEARCH METHODS

This study employed a normative legal research method using statutory, case, and conceptual approaches. The primary legal materials consisted of Decision No. 286/Pid.Sus/2025/PN Skt, Law No. 20 of 2025 on the Indonesian Criminal Procedure Code, Government Regulation No. 39 of 2020 on Reasonable Accommodation for Persons with Disabilities in Judicial Proceedings, Supreme Court Regulation No. 2 of 2025, and other relevant regulations concerning disability rights and criminal justice. Secondary materials included national and international journal articles discussing reasonable accommodation, testimonial credibility, intellectual disability, evidentiary fairness, and access to justice.

The analysis was conducted qualitatively by examining the court's reasoning concerning the victim's intellectual disability, vulnerability, testimony, and evidentiary position. The findings were then assessed against the emerging disability-sensitive procedural framework under Indonesia's new criminal procedure regime. The study used the decision as a transitional case study to identify the gap between formal evidentiary recognition and substantive procedural equality. The new Criminal Procedure Code was therefore employed prospectively as a normative benchmark rather than retrospectively as the governing law of the case.

RESULTS AND DISCUSSION

Testimonial Credibility and the Judicial Construction of Disability in Decision No. 286/Pid.Sus/2025/PN Skt

Decision No. 286/Pid.Sus/2025/PN Skt illustrates the complexity of evaluating testimony when a victim of sexual violence has an intellectual disability. The case concerned a victim who was identified through psychological examination as having a mild intellectual disability. The psychological examination recorded an intelligence quotient of 59 and estimated her mental age at approximately fifteen years and five months. It also described limitations in general knowledge, memory, concentration, analytical ability, planning, and the ability to distinguish appropriate courses of action, while simultaneously noting that she remained relatively capable of understanding language and communicating verbally. These findings are significant because they demonstrate that intellectual disability did not eliminate the victim's ability to communicate. Rather, it affected particular cognitive functions that could influence how she understood events, responded to questions, reconstructed chronology, and expressed her experience.

The court did not disregard the victim's testimony. On the contrary, it examined her statements together with expert testimony, medical evidence, statements from other witnesses, and the defendant's account. The judgment recorded several details provided by the victim concerning her acquaintance with the defendant, their meetings, the sexual acts, the subsequent pregnancy, and the defendant's conduct after the events. The court also relied upon expert evidence concerning the victim's intellectual functioning when assessing the circumstances surrounding the sexual acts. In this respect, the decision avoided the most exclusionary form of disability-based reasoning, namely treating intellectual disability as automatically rendering the victim incompetent or incapable of giving legally relevant testimony.

Such an approach was consistent with the broader development of Indonesian law. Article 25(4) of Law No. 12 of 2022 on Sexual Violence Crimes expressly provided that testimony given by witnesses or victims with disabilities had the same legal force as testimony provided by persons without disabilities. Article 25(5), however, added an important qualification by requiring such testimony to be supported by a personal assessment. The provision indicated that evidentiary equality did not require courts to disregard disability. Instead, equality required disability to be understood through an individualized assessment capable of identifying the person's actual abilities, barriers, and procedural needs. This approach corresponds with the broader principle that intellectual disability should not function as a categorical indicator of testimonial unreliability (Msipa, 2015; Pillay, 2012).

Nevertheless, the reasoning in Decision No. 286/Pid.Sus/2025/PN Skt reveals a more subtle problem. The victim's intellectual disability was principally incorporated into the court's reasoning as evidence of vulnerability. The expert's explanation of her cognitive limitations assisted the court in understanding the imbalance between the victim and the defendant and the victim's reduced capacity to assess particular situations. Disability therefore performed an important substantive function in establishing the circumstances surrounding the offence. What remained considerably less explicit was its procedural and evidentiary function. The judgment did not systematically explain how the victim's

identified cognitive characteristics influenced the method through which her testimony should be elicited or subsequently assessed.

This distinction matters because an intellectual disability may simultaneously increase vulnerability to victimization and affect the manner in which a person communicates an experience without making the account inherently unreliable. Research on witnesses with intellectual disabilities has consistently demonstrated that the quality of testimony is strongly affected by the manner in which questions are formulated. Open and appropriately structured questions may facilitate accurate recall, whereas complex, repetitive, suggestive, or confrontational questioning may increase confusion and acquiescence (Åker et al., 2020). Antaki et al. (2015), for example, demonstrated how complainants with intellectual disabilities may experience difficulty responding to questions that implicitly attribute responsibility or consensual participation to them. The problem therefore lies not solely in the cognitive characteristics of the witness but also in the interaction between those characteristics and the questioning environment.

This point is particularly relevant to the Surakarta decision. The judgment recorded apparently ambivalent aspects of the victim's testimony. She stated, among other things, that she liked the defendant, considered him a good person, did not describe overt physical threats, and expressed a desire that he assume responsibility. At the same time, the evidentiary record indicated substantial cognitive limitations, difficulty in evaluating right and wrong, weak analytical ability, and an unequal interpersonal situation exploited by the defendant. These statements should not be interpreted through an ordinary binary of consent versus resistance without considering the victim's intellectual functioning and the context in which her responses were produced. Studies concerning sexual violence against persons with intellectual disabilities have shown that the absence of physical resistance, continued emotional attachment, or apparently cooperative conduct cannot automatically be equated with informed and autonomous sexual consent (Murphy & O'Callaghan, 2004; Pillay, 2012).

The same consideration applies to testimonial credibility. Conventional credibility indicators such as chronological precision, consistency across repeated interviews, responsiveness to complex questions, and behavioural conformity with stereotypical expectations of a victim may disadvantage witnesses with intellectual disabilities. Earlier research has demonstrated that witnesses with intellectual disabilities may be evaluated through assumptions concerning their cognitive capacity rather than the actual accuracy of the information they provide (Peled et al., 2004). Other studies have shown that disability may influence the perceptions of fact-finders in different and sometimes contradictory directions, demonstrating that disability labels themselves may shape credibility judgments (Bottoms et al., 2003). Consequently, a disability-sensitive evidentiary approach must distinguish between limitations affecting the form of testimony and factors that genuinely undermine its substantive reliability.

In Decision No. 286/Pid.Sus/2025/PN Skt, the psychological evidence potentially provided the foundation for precisely such a distinction. The expert described both the victim's limitations and her remaining communicative abilities. However, the judgment primarily used those findings to establish vulnerability and did not develop a transparent methodology explaining how particular limitations should affect the interpretation of apparent inconsistencies, memory difficulties, or responses concerning consent. This represents an important evidentiary gap. A personal assessment should not merely identify that a witness has an intellectual disability; it should assist legal actors in understanding how that particular disability interacts with the process of giving evidence.

This observation is consistent with Indonesian scholarship showing that personal assessment should operate from the earliest stages of proceedings and should inform the accommodation provided to persons with disabilities rather than function merely as documentary proof of disability (Irawan, 2023; Wahyudi et al., 2023). More recent research similarly emphasizes that effective access to justice requires accommodation to be individually determined because persons sharing the same diagnostic category may experience different procedural barriers (Raharjanti et al., 2025). The relevant question is therefore not simply whether the victim has an intellectual disability but what adjustments are required for that particular individual to understand questions, communicate experiences, and participate autonomously.

The temporal context of this decision makes this point especially important. Supreme Court Regulation No. 2 of 2025 on Guidelines for Adjudicating Cases Involving Persons with Disabilities had already entered into force before the proceedings in this case were conducted. The regulation introduced

initial identification and personal assessment as mechanisms for determining the accessibility and reasonable accommodation required by persons with disabilities. It consequently moved Indonesian judicial practice beyond mere recognition of disability toward an individualized procedural model. Yet the published reasoning in Decision No. 286/Pid.Sus/2025/PN Skt did not clearly explain whether the psychological assessment was treated as a personal assessment for procedural purposes, what accommodations resulted from that assessment, or how those accommodations affected the manner in which the victim was examined.

The distinction is not merely formal. A psychological report used to prove vulnerability and a personal assessment used to determine procedural accommodation may overlap factually, but they perform different legal functions. The first assists the court in determining facts relevant to the offence. The second identifies barriers that may prevent a person with a disability from participating effectively in proceedings. Treating these functions as interchangeable risks reducing personal assessment to medical evidence concerning impairment. Such an approach may reproduce the medical model of disability rather than the rights-based approach underlying reasonable accommodation.

A related concern arises from the judgment's treatment of restorative justice. The court recorded that it facilitated reconciliation between the victim, her family, the defendant, and his family and subsequently treated the agreement and forgiveness as mitigating considerations. The existence of reconciliation cannot itself be presumed inconsistent with victim protection. Nevertheless, where a victim has an intellectual disability, a disability-sensitive process requires particular attention to whether agreement, forgiveness, or preferences expressed during reconciliation reflect the victim's autonomous and adequately supported decision. Intellectual disability does not justify denying legal agency, but neither should apparent agreement automatically be treated as evidence of fully informed consent without appropriate procedural support.

This issue is especially relevant because the same judgment recognized that the victim experienced difficulties in judgment, analysis, and decision-making. Procedural equality therefore required the court to reconcile two principles: respect for the victim's legal agency and protection against decisions shaped by cognitive barriers, dependency, family pressure, or unequal relationships. The published decision did not provide detailed reasoning explaining how the court satisfied itself that the victim understood the meaning and consequences of the reconciliation process. The problem is not that a person with an intellectual disability cannot forgive or participate in restorative processes. Rather, the procedural question is whether the conditions under which such a choice is made ensure that the choice is genuinely hers.

The principal finding from the decision is therefore paradoxical. The court recognized disability substantively but did not fully articulate disability procedurally. Intellectual disability helped explain vulnerability and supported the factual construction of the offence, but the judgment did not systematically connect the findings of intellectual disability with the conditions necessary for producing and assessing testimony. This distinction forms the bridge between testimonial credibility and procedural equality.

From Evidentiary Equality to Procedural Equality under Indonesia's New Criminal Procedure Code

Indonesia's new Criminal Procedure Code strengthens the normative basis for addressing this gap. Law No. 20 of 2025 expressly guarantees persons with disabilities appropriate services and facilities according to their type of disability at every stage of examination. More specifically, Article 236(3) provides that testimony given by a witness or victim with a disability has the same legal force as testimony provided by a witness or victim without a disability. The provision is important because it transforms a principle already found in the Sexual Violence Crimes Law into a general rule of Indonesian criminal procedure.

The recognition of equal evidentiary force, however, should not be confused with identical procedural treatment. Identical treatment assumes that every witness can understand and respond effectively to the same form of questioning, the same courtroom environment, and the same communication techniques. Procedural equality begins from the opposite premise: differences in communication, cognition, sensory processing, or psychological conditions may require different procedural arrangements to achieve an equivalent opportunity to participate. Reasonable

accommodation is therefore not an exception to equality but a mechanism through which equality becomes effective.

This understanding is already embedded in Government Regulation No. 39 of 2020, which conceptualizes reasonable accommodation as encompassing both services and facilities and gives particular significance to personal assessment, disability assistance, and interpretation. Supreme Court Regulation No. 2 of 2025 further operationalizes this principle by requiring the identification of accessibility and accommodation needs and by placing an active responsibility upon courts to ensure that persons with disabilities can participate effectively. Indonesian studies have nevertheless demonstrated that implementation remains dependent on institutional capacity and the sensitivity of criminal justice personnel (Devi & Prasetyo, 2022; Hutabarat et al., 2025).

The relationship between these procedural guarantees and evidentiary assessment deserves greater attention. Article 236(3) of the new Criminal Procedure Code establishes formal evidentiary equality, but formal equality alone does not determine whether testimony was produced under conditions that allowed the witness to communicate reliably. For example, two witnesses may have equal legal status as sources of evidence, yet one may require simplified language, additional processing time, modified questioning, an intermediary, or a support person to communicate information with comparable accuracy. If such accommodation is necessary but absent, equal legal status at the point of judicial assessment may conceal inequality in the process through which the evidence was generated.

International research supports this procedural understanding of testimonial reliability. Åker et al. (2020) found that interviewing practices significantly affected the quality of accounts provided by alleged victims with intellectual disabilities. Antaki et al. (2015) similarly demonstrated that complex or tendentious questioning could place complainants with intellectual disabilities at a particular disadvantage. Court experiences may themselves become an additional source of distress when legal professionals lack sufficient understanding of intellectual disability or when adequate support is unavailable (Dell'Armo & Tassé, 2019). These findings suggest that reliability cannot be separated entirely from procedural design.

For Indonesian criminal procedure, this creates a distinction between equal evidentiary value and equal evidentiary opportunity. The first means that disability must not, by itself, reduce the legal force of testimony. The second means that the state must provide the procedural conditions necessary for a person with a disability to generate, communicate, and clarify testimony effectively. Article 236(3) should therefore be read systematically with Article 145 of the new Criminal Procedure Code, Government Regulation No. 39 of 2020, the Sexual Violence Crimes Law, and Supreme Court Regulation No. 2 of 2025. Read together, these provisions support a model in which evidentiary equality is inseparable from reasonable accommodation.

This interpretation also provides a more precise role for personal assessment. Personal assessment should not become an instrument for deciding whether a person with an intellectual disability is “credible.” Such an approach would reproduce precisely the stereotype that equality provisions seek to prevent. Instead, assessment should identify the individual's functional abilities and barriers: how the person understands questions, how abstract language affects comprehension, whether repeated questioning increases acquiescence, what communication methods are most effective, and what assistance is necessary. The ultimate determination of factual credibility remains a judicial function, but it should be exercised with an informed understanding of the conditions under which the testimony was produced.

A disability-sensitive approach therefore requires courts to distinguish testimonial difference from testimonial deficiency. A witness may communicate differently, recall chronology imperfectly, require questions to be reformulated, or display emotional responses that differ from conventional expectations without thereby becoming unreliable. The danger of failing to make this distinction is a form of testimonial inequality in which characteristics associated with disability become indirect reasons for discounting evidence. Studies concerning access to justice for victims with intellectual disabilities have repeatedly identified doubts about credibility as a recurring structural barrier (Williams & Jobe, 2025; Hutabarat et al., 2025).

Decision No. 286/Pid.Sus/2025/PN Skt demonstrates why the distinction is necessary. The victim was capable of providing a relatively detailed narrative, yet expert evidence simultaneously established limitations concerning memory, concentration, judgment, and analytical ability. A conventional evidentiary approach might treat those limitations primarily as potential weaknesses in

testimony. A procedural equality approach would ask a different question: were the methods used to obtain and evaluate the testimony appropriately adapted to those identified limitations? This shift does not lower evidentiary standards. Instead, it improves the conditions under which courts determine factual reliability.

On this basis, this study proposes a three-stage disability-sensitive evidentiary framework for the implementation of the new Criminal Procedure Code.

The first stage is individualized identification. Once there is an indication that a victim or witness may have a disability, criminal justice institutions should identify the person's specific procedural barriers rather than relying solely upon a diagnostic label. Initial identification and, where necessary, personal assessment should determine relevant communication, cognitive, psychological, or sensory needs.

The second stage is procedural accommodation in evidence production. The results of the assessment should be translated into concrete adjustments during investigation, prosecution, and trial. Depending on individual needs, these may include simplified language, shorter questions, avoidance of unnecessarily repetitive questioning, sufficient response time, breaks, assistance from trained professionals, accessible courtroom arrangements, or other modifications. The essential point is that assessment must produce procedural consequences; otherwise, it becomes merely descriptive documentation.

The third stage is contextual credibility assessment. When evaluating testimony, judges should differentiate inconsistencies or unusual responses that may arise from disability-related communication and cognitive characteristics from discrepancies that genuinely undermine the reliability of the account. Courts should explain how relevant accommodation was provided and how identified functional limitations were considered in assessing testimony. This does not create a presumption that testimony by persons with disabilities is always reliable. It creates a presumption that disability cannot itself constitute a credibility deficit.

For cases involving reconciliation, forgiveness, withdrawal preferences, or other decisions affecting the victim's legal interests, the same framework should be supplemented by an autonomy safeguard. Courts should ascertain that the victim understood the relevant choices and consequences and was able to express a preference without coercion or inappropriate substitution by family members or other parties. Reasonable accommodation should therefore protect both sides of legal agency: the right not to have one's choices ignored because of disability and the right not to have apparent acquiescence treated as autonomous choice without adequate support.

This framework also clarifies the legal consequences of inadequate accommodation. Indonesian criminal procedure does not expressly provide that every failure to provide reasonable accommodation automatically renders testimony inadmissible or invalidates the proceedings. An automatic exclusionary rule would therefore go beyond the present statutory text. Nevertheless, the absence of accommodation should not be legally irrelevant. Where a procedural adjustment was necessary for a witness to understand questions or communicate effectively, the failure to provide it should form part of the judicial assessment of the fairness and reliability of the evidentiary process. Depending on the circumstances, an appropriate remedy could include renewed examination under accommodated conditions, additional expert assistance, or judicial caution against drawing adverse credibility conclusions from disability-related characteristics.

Accordingly, the principal contribution of the new Criminal Procedure Code should not be understood merely as the insertion of disability rights into the text of criminal procedure. Its more significant potential lies in connecting accessibility with the epistemic function of adjudication. Reasonable accommodation affects not only whether a victim enters the courtroom but also whether the court is capable of accurately understanding the victim once she is there.

The movement from testimonial credibility to procedural equality therefore requires a corresponding transformation in judicial reasoning. The question should no longer be limited to whether the testimony of a person with an intellectual disability can be believed. Courts should also examine whether the procedural environment enabled that person to provide her best and most reliable evidence. Decision No. 286/Pid.Sus/2025/PN Skt demonstrates the importance of this transformation. The case recognized the victim's disability and relied upon expert findings concerning her vulnerability, but the reformed criminal procedure framework provides an opportunity to take the next step: integrating individualized accommodation directly into the judicial methodology of evidentiary assessment.

CONCLUSION

This study found that Decision No. 286/Pid.Sus/2025/PN Skt recognized the victim's intellectual disability primarily as a factor of vulnerability in establishing the circumstances of the offence. However, the judgment did not fully explain how the victim's cognitive and communicative characteristics should influence the process of obtaining and assessing her testimony. This revealed a gap between substantive recognition of disability and procedural accommodation in evidentiary assessment. Equal legal force of testimony should therefore not be understood as requiring identical procedural treatment for all witnesses. Instead, procedural equality requires courts to identify individual barriers and provide appropriate accommodation before drawing conclusions about testimonial credibility.

Indonesia's new Criminal Procedure Code provides a stronger normative basis for developing such a disability-sensitive approach. This study proposed a framework consisting of individualized identification, procedural accommodation, and contextual credibility assessment. Under this framework, courts should distinguish testimonial differences associated with disability from genuine indicators of unreliability. Reasonable accommodation should also be understood as part of the conditions necessary for fair and reliable judicial fact-finding, rather than merely as an accessibility measure. In addition, restorative processes involving victims with intellectual disabilities should include safeguards that ensure their participation is autonomous, informed, and free from undue influence.

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