

Sexual Violence Against Disability Women in A Matrilineal Society

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Abstract. Women with disabilities who are victims of sexual violence urgently need protection not only because of the sexual treatment they receive but also due to their physical and mental limitations. On the other hand, the rules that protect them have not been maximally in favor of them. Thus, this study looks at how the social system of the Minangkabau community in resolving sexual violence cases that occurred them. The method used in this research was descriptive qualitative, supported by primary and secondary data. Primary data were obtained through interviews, observation, and documentation, whereas secondary data were gained from books, magazines, journals, and others. The results uncovered that in both cases, it was found that normal men had committed sexual violence against women with disabilities. Women's disability status caused them to accept violent treatment because of their unbalanced relationship easily. In Padang City, the perpetrator was sentenced to six months in prison by the state, while in Nagari Aie Angek, the customary law contained in the PERNA (Nagari Regulation) applies. Under the regulation, the perpetrator must be responsible for the victim and pay a fine of a cow for the wedding ceremony. Yet, PERNA has not specifically regulated sexual violence against disabilities, let alone considered the long psychological impact on victims.

Keywords: Disability, Sexual violence, Nagari regulations, Women.

Introduction

Minangkabau culture based on customs and religion (known as *Adat Basandi Syarak, Syarak Basandi Kitabullah*) strongly emphasizes taking sides with women, but in reality, it is not always able to protect women from the risk of violence. Women with disabilities, specifically, become objects of violence in various forms, not only based on their disability status but also on their gender as women. Data from 34 provinces compiled by 232 service provider partner institutions with

National Commission on Violence against Women documented 16,217 cases of violence against women. In the West Sumatra Province, which is included in the middle category in cases of violence, there were 112 cases against women in 2016.¹ West Sumatra is actually a province that does not rank the highest in terms of cases of violence against women in Indonesia, but the problem of violence against women cannot be left alone. Moreover, the Minangkabau tribe in West Sumatra strongly adheres to the matrilineal family system, where the mother's position is highly respected and upheld.

Minangkabau is also one of Indonesia's regions and ethnic groups known as one of the archipelago's pillars of customs and culture. Thousands of years ago, in Minangkabau, their ancestors formulated the norms and values of life to ensure order, prosperity, and happy life for the people. Norms regulate the relationship between men and women, wealth, manners, and the kinship system. All aspects of their life have been arranged in such a way based on *alam takambang jadi guru* (developed nature becomes teacher). In addition, one of the unique characteristics of the Minangkabau people is that their kinship system is known as matrilineal. A matrilineal is a family group that adheres to a lineage calculated based on the mother's line. Matrilineal comes from the word *matri*, which means mother, and *lineal*, which means line. In all legal actions, the Minangkabau community prioritizes lineage from the mother.²

In this matrilineal kinship system, there are three crucial elements: lineage based on the mother, marriages that must be carried out with other groups, and mothers with a major role in education, family welfare, and securing wealth.³ Amir explained that marriage has several functions. The first is to legalize sexual relations between men and women from the point of view of customs, religion, and laws in force in the country. The second is a place to determine the rights, obligations, and

¹Komnas Perempuan, "Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan)", 2016.

²Yaswirman, *Hukum Keluarga Adat dan Islam: Analisis Sejarah, Karakteristik, dan Prospeknya dalam Masyarakat Matrilineal Minangkabau* (Padang: Andalas University Press, 2006).

³Amir M.S., *Adat Minangkabau Pola dan Tujuan Hidup Orang Minang* (Jakarta: Mutiara Sumber Widya, 2006).

the protection of husband, wife, and children. The third is fulfilling human needs for a mate and social status and obtaining peace in life itself. Fourth is a way to maintain the survival of kinship and avoid extinction.

In addition, the Minangkabau people's understanding of the noble teachings of their ancestors is contained in the *tambo*. *Tambo* makes them live in rules that bind them to social life's complex and unique realities. In the concept of *urang sabana urang* (to be a real human being), Minangkabau people are required to have shame, be polite, have much knowledge, and be role models for those around them. According to the Minangkabau traditional provisions, their life goals will be achieved if the infrastructure and facilities have been properly prepared. The meaning of infrastructure here is the nature and character described. Humans with such qualities will be relied on to lead a safe, peaceful, prosperous, and blessed life. In accordance with the meaning of the Minangkabau proverb, it describes: *Bumi sanang padi manjadi* (Earth is happy that rice can be harvested); *Padi masak jaguang maupie* (rice cooked with corn can be picked up); *Anak buah sanang santoso* (Subordinates are happy to be at peace); *Taranak bakambang biak* (Livestock breed); *Bapak kayo mandeh batuah* (Father is rich, mother is lucky); *Mamak disambah urang pulo* (Mamak is also respected by people).⁴

Apart from the real human concept (*urang sabana urang*), the Minangkabau people must adhere to four elements. First, *Saiyo Sakato* (one agreement, one word) means that when facing a problem, the Minangkabau people always conduct deliberation for consensus. If there is consensus on all the decisions taken, the decisions must be accepted and implemented by all parties without exception. Second, *Sahino Samalu* (one humiliated, all embarrassed) denotes that if a tribal member in Minangkabau society is belittled in the community, all tribal members will feel offended. In other words, if a member of the tribe is humiliated, all members of the tribe will jointly defend the good name of the tribe. This "sehino samalu" forms an intense sense of solidarity in the Minangkabau community. The third is *Anggo Tanggo* (household rules), where the community is required to obey the rules, laws, and guidelines that apply in Minangkabau customs, which are useful for creating an orderly and peaceful society. Fourth, *Sapikue Sajinjiang* (carried and held

⁴*Ibid.*

together) signifies that all tasks in Minangkabau society are a shared responsibility to help each other. Heavy problems are carried together, while light problems are held together. From these four elements, it is expected that the Minangkabau people can achieve their life goals by following the concepts and ideals of their ancestors.

In Minangkabau leadership, there is also an institution called *Tungku Tigo Sajarangan*. It combines three institutions: custom, religion, and *cerdik pandai* (government). It is also a social institution and a form of leadership fused in the social life of the Minangkabau community, consisting of a *penghulu*, *alim ulama*, and *cerdik pandai*. These three figures have distinct roles but have the same goal in building the *Nagari* to suit the traditional philosophy in Minangkabau, i.e., *Basandi Syarak Adat, Basandi Syarak Kitabullah*. *Penghulu* is usually called *ninik mamak*, who has a title of greatness in his clan and oversees leading the community of the people in the *Nagari*. *Alim ulama* serves as extension workers and establishes the correct social law in the *Nagari*. Here, educating nephews means being a guardian of the character of nephews in all aspects of the *Nagari*. Meanwhile, *cerdik pandai* is a leader with broad knowledge and insight who can find a way out of every problem faced by society.⁵ Today, Minangkabau customs and culture continue to face challenges that are not easy, facing the onslaught of technology and new world developments, which must be responded to quickly, including various issues of sexual violence against women, especially people with disabilities.

There have been several studies on violence against women, especially women with disabilities. According to Harnoko, violence against women is rooted in a culture that considers men superior and women inferior, a daily practice that causes women to be subordinated and marginalized. Historically, violence against women stems from unequal gender relations between men and women. The position of women, who are marginalized socially, economically, educationally, and others, is triggered by unfair policies to women. In fact, the state has long been considered to have institutionalized

⁵*Ibid.*

gender inequality through compliance and commodity norms.⁶ For similar reasons, violence experienced by women with disabilities, as May and Bessell argue, occurs due to the existence of gender and disability dimensions. In other words, the disability status has exacerbated the situation that opens up spaces for violence against women.⁷ Rifa'at and Farid added that acts of violence could happen to anyone, anytime and anywhere. Sexual violence also has a lot to do with human rights and health. Violence is often carried out to maintain and enforce the subordination of women to men. Furthermore, Farid explained that acts of violence and sexual harassment occur because of the low understanding and mindset of the community about equality between men and women, which do not benefit both parties. In this case, the single factor that causes sexual violence is socio-cultural factors, where there is an imbalance of power relations that causes the subordination of women.⁸

Moreover, Sri Haryono highlighted sexuality and reproductive health for women with disabilities (different abilities), which still leaves various debates until now, especially regarding state policies in responding to this issue.⁹ On the one hand, although the state has ratified the convention on the rights of persons with disabilities through Law No. 19 of 2011, the regulation implementation is still far from effective. The study found that many women with disabilities still do not understand how to take care of their reproductive organs, thus affecting their health. The reproductive organs' control is also very low, so they experience sexual violence, causing unwanted pregnancies. Several cases in the research showed that people with disabilities who experienced sexual violence did not get justice because their statements are legally unacceptable, and it is reinforced by the stigma of society that labels them as crazy. In addition, Irawan explained that the Provincial Government of

⁶B. Rudi Harnoko, *Dibalik Tindak Kekerasan terhadap Perempuan* (Malang: Staf Pengajar di Balai Besar Pemberdayaan Masyarakat Desa Kemendagri, 2010).

⁷Kathryn May Robinson dan Sharon Bessell, *Women in Indonesia: Gender, Equity and Development* (Singapura: Institute of Southeast Asian Studies, 2002).

⁸Muhammad Rifa'at dan Adiakarti Farid, "Kekerasan terhadap Perempuan dalam Ketimpangan Relasi Kuasa: Studi Kasus di Rifka Annisa Women's Crisis Center", 14.2 (2019), 16.

⁹Tri Joko Sri Haryono, Sri Endah Kinasih, dan Siti Mas'udah, "Akses dan Informasi bagi Perempuan Penyandang Disabilitas dalam Pelayanan Kesehatan Reproduksi dan Seksualitas", *Masyarakat, Kebudayaan dan Politik*, 26.22 (2013), 65-79.

the Special Region of Yogyakarta (DIY) has made related legal regulations and provided government agencies whose duty is to provide legal protection for women victims of violence with disabilities.¹⁰ The DIY Government has also formed a committee for the fulfillment and protection of disability rights as an ad hoc non-structural institution based on the Yogyakarta Special Region Regulation No. 4 of 2012. The DIY Disability Committee was born to oversee and ensure the implementation of the Yogyakarta Special Region Regulation No. 4 of 2012. The objectives of this committee's establishment are, first, to encourage the mainstreaming of persons with disabilities in public policies and services. The second is to help realize the protection and fulfillment of the rights of persons with disabilities, including rights in the fields of education, health, employment, social, arts, culture, politics, sports, law, disaster management, accessibility, and housing. The third is to encourage the realization of opportunities and equality for persons with disabilities.

Ardiyantika also elucidated that by some Indonesians, people with disabilities are purely personal problems because of their body and mind conditions. People with disabilities also have social welfare problems and are marginalized.¹¹ This perspective tends to discriminate against persons with disabilities and has major implications for them, making it difficult to obtain a decent life. Consequently, people with disabilities are victims of marginalization and exclusion by society. For this reason, several strategies must be carried out for handling victims of violence against disabilities.

The advocacy strategies conducted by SAPDA (Advocacy Unit for Women and Children with Disabilities) can be divided into three types: micro, mezzo, and macro. In its implementation, the mezzo strategy is the most dominant strategy used by SAPDA. Meanwhile, internal inhibiting factors for the advocacy implementation are weak human resources,

¹⁰Andrie Irawan, "Peranan Pemerintah Daerah Istimewa Yogyakarta dalam Perlindungan Hukum terhadap Perempuan Penyandang Disabilitas Korban Kekerasan", *Jurnal Ilmiah Hukum De'jure: Kajian Ilmiah Hukum*, 2.2 (2017), 202–218.

¹¹Sulistary Ardiyantika, "Strategi Advokasi Perempuan Difabel Korban Kekerasan di SAPDA", *INKLUSI*, 3.2 (2016), 139–162 <<https://doi.org/10.14421/ijds.030203>>

inadequate control, and a weak management planning and development system. Meanwhile, constraints from external factors comprise management that has not been maximized, inappropriate recruitment and selection, and lack of training regarding client data collection. Mumpuni added that the ability of people with disabilities to manage themselves should be directly proportional to their facilities and policies.

Many found that the service units provided by the government did not support access to services for people with disabilities.¹² Mumpuni's study results in Tegal Regency revealed a significant relationship between the accessibility of people with disabilities in public services. Here, the involvement of the family as the closest person who can help and support the community so that people with disabilities can socialize with their environment are key factors that strengthen the correlation between the accessibility of people with disabilities in public services. The services for the disabled are provided in four areas: First, religious and cultural fields; Second, the health sector; Third, the economic sector; Fourth, education and politics. In this case, strengthening people with disabilities to be independent and socialize is a form of improving community welfare. Moreover, Purinami explained that people with disabilities who have various limitations have not been widely looked at by companies to work and have not utilized their abilities, even though people with disabilities need attention for their survival and social recognition to show their existence. Thus, the provision of skills is urgent so that people with disabilities can work for themselves and others and be independent so that they are not labeled as a burden on society.¹³

Furthermore, Afifah and Hadi found that, in reality, people with disabilities are vulnerable to receiving discriminatory treatment for the fulfillment of their rights, especially in the field of education, even though the right to education is a human right as stipulated in the 1945

¹²Sesya Dias Mumpuni dan Arif Zainudin, "Aksesibilitas Penyandang Disabilitas dalam Pelayanan Publik di Kabupaten Tegal", *Jurnal Komunikasi Pendidikan*, 1.2 (2018), 133-138 <<https://doi.org/10.32585/jkp.v1i2.24>>

¹³Geminastiti Purinami A, Nurliana Cipta Apsari, dan Nandang Mulyana, "Penyandang Disabilitas dalam Dunia Kerja", *Focus: Jurnal Pekerjaan Sosial*, 1.3 (2019), 234-244 <<https://doi.org/10.24198/focus.v1i3.20499>>

Constitution of the Republic of Indonesia Article 31 Paragraph 1.¹⁴ Various legal grounds strengthen the right of persons with disabilities to access education: first, the International Convention on Human Rights, the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Rights of Persons with Disabilities by Resolution 61/106, Article 28 C Paragraph (1) and Article 28 E Paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The second is Law No. 39 of 1999 concerning Human Rights, particularly Article 12. The third is Law No. 8 of 2016 concerning Disabilities. Fourth is the provincial level regulation, i.e., Regional Regulation No. 3 of 2013 concerning Protection and Services for Persons with Disabilities in East Java. Fifth is Governor Regulation No. 6 of 2011 concerning the Implementation of Inclusive Education.

On the other hand, the fulfillment of the rights of persons with disabilities, which have not been maximized, was also found by Ndaumanu. Ndaumanu uncovered that the percentage of services for people with disabilities was only around 12.65% of the total number of people with disabilities in the South Timur Tengah, East Nusa Tenggara Province. Efforts to protect, respect, and serve the rights of persons with disabilities are still far from being maximized due to the lack of programs and activities for persons with disabilities. Services are also still partial, and there is no coordination between stakeholders. Constraints from the lack of maximum respect, service, and protection of the rights of persons with disabilities include the absence of more detailed and comprehensive regulations at the regional level, the absence of complete data collection and information, and stigmatization and various obstacles found in socio-culture¹⁵.

For this reason, this paper aims to complete the lack of studies on various issues of violence against women, which ignore cases of disability on the one hand and tend to analyze disability separately from gender

¹⁴Wiwik Afifah dan Syofyan Hadi, 'Hak Pendidikan Penyandang Disabilitas di Jawa Timur', *DiH Jurnal Ilmu Hukum*, 14.28 (2019), 85-101.

¹⁵Frichy Ndaumanu, 'Hak Penyandang Disabilitas: Antara Tanggung Jawab dan Pelaksanaan oleh Pemerintah Daerah', *Jurnal HAM*, 11.1 (2020), 131-50 <<https://doi.org/10.30641/ham.2020.11.131-150>>

issues on the other hand and to reveal how the Minangkabau social system handles cases of violence against disabilities. In line with this, three questions can be posed as a reference for the discussion of this paper. How did sexual violence against women with disabilities occur? What are the factors causing sexual violence against women with disabilities? How does the cultural dimension contribute significantly to the slow handling of victims? In this case, there is a need for a paradigm shift from customary stakeholders, especially *Nagari*, so that the basic rights of women with disabilities can be enforced. In addition, this paper is based on three arguments. *First*, violence against women with disabilities should not occur because women with disabilities socially are creatures of God who are naturally weak and must be protected. *Second*, sexual violence against women with disabilities happens because they take advantage of their powerlessness. *Third*, the religious culture of the Minangkabau community should be able to reduce the sexual violence against women with disabilities, but in reality, it is hampered by cultural values that are not in place.

According to Article 4 of the Law on TPKS (sexual violence), sexual violence includes non-physical sexual harassment, physical, sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence.¹⁶

Since ratifying the United Nations Convention on the Right of Persons with Disability, Indonesia has changed the word "*cacat*" to the word disability. This convention explains that persons with disabilities are people with physical, mental, and intellectual (sensory) limitations for a prolonged period. These limitations will hinder their full and effective interaction in the community based on equal rights. The same definition of the term disability is found in Law No. 8 of 2016 that disability is anyone who experiences physical, mental, intellectual, and sensory limitations for a long time in integrating with the environment so that they experience obstacles and difficulties to

¹⁶Presiden Republik Indonesia, "Rancangan Undang-undang Republik Indonesia Nomor... Tahun ... Tentang Penghapusan Kekerasan Seksual" (DPR RI) <<https://www.dpr.go.id/doksileg/proses2/RJ2-20170201-043128-3029.pdf>>.

participate fully and effectively with other citizens based on equal rights.¹⁷

Further, all the regulations stipulated in the law require the efforts of all parties to socialize. At the practical level, various NGOs grew up and took responsibility for disseminating the government's programs. For example, Women's Crisis Center (WCC) *Nurani Perempuan* is an NGO domiciled in Padang, a community social institution that continuously makes efforts to eliminate gender-based discrimination and violence and is responsible for protecting, fulfilling, and promoting women's rights, which are the human rights. The President Director of the Women's Crisis Center (WCC), *Nurani Perempuan*, Yefni Hariani, said that the most common cases in West Sumatra were sexual violence against women, with 54 cases (49.5%).¹⁸ The biggest challenge faced by *Nurani Perempuan* in handling various cases is not only about the long recovery of victims but also related to the law enforcement process. Few cases of sexual violence against women stagnated in the middle due to the peaceful process carried out by the family and even facilitated by law enforcement officers.

In addition, there are cases of sexual violence against women, which have been resolved by custom. Hariani stated that one of the cases of sexual violence against women with disabilities (deaf/A) that had been handled occurred in Sijunjung.¹⁹ The handling of cases that befell victims of sexual violence was not resolved legally but was settled according to local customary rules. However, the customary rules used do not provide justice to the victims. In this case, A dated the perpetrator, who promised to marry her by taking advantage of the weaknesses and shortcomings of the deaf victim. A eventually became pregnant, and then A complained about this to the man's family. However, the man's family denied the victim's existence and took action, resulting in a miscarriage. Then, case A was settled by custom. Local customary law dictates that men must receive a penalty for paying one cow. The cow was then slaughtered to serve as a banquet, a sign of peace.

¹⁷Presiden Republik Indonesia, "Undang-undang Republik Indonesia Nomor 8 Tahun 2016 Tentang Penyandang Disabilitas" (Dewan Perwakilan Rakyat Republik Indonesia dan Presiden Republik Indonesia, 2016).

¹⁸Yefni Hariani, Interview with the President Director of Women's Crisis Center (WCC) *Nurani Perempuan* about cases of sexual violence against women in West Sumatra, 2019..

¹⁹Ibid.

This research was conducted in two regencies in West Sumatra: Sijunjung Regency and Siteba, Padang City. In Sijunjung Regency, there were cases of sexual violence against disabilities resolved by the Nagari Regulation (PERNA), which regulates legal issues in a *Nagari*. Meanwhile, the settlement of sexual violence cases in Padang City does not have a legal product like in the *Nagari* but is directly processed according to positive legal rules. These two areas were selected simultaneously, showing the representativeness of the location: rural-urban. This research is qualitative. This study focuses on how sexual violence against women with disabilities is resolved in both regions/regencies.

The data used were primary and secondary. Primary data were obtained from observations, interviews, and document studies. Observations focused on various incidents of violence experienced by women with disabilities, and the various treatments addressed to them. Aside from the victim's family, interviews were conducted with traditional stakeholders (*Ninik mamak*, *Alim ulama*, and *Cerdik pandai*), stakeholders, and organizations advocating for cases of violence against women with disabilities. Meanwhile, documentation studies were performed to obtain information in the form of legal decisions contained in documents or statutory products, such as the Nagari Regulations.

On the other hand, secondary data were obtained through a literature search supporting this article's problem analysis. The data collected in several ways above were grouped according to their respective tendencies for analysis. The data grouped were then coded, interpreted, and concluded. In analyzing the data, the authors used a phenomenological approach focusing on the assumption that cases of violence against women with disabilities are a text that can be given context, thus providing a complete understanding of the problem.

Results and Discussion

The Process of Sexual Violence against Women with Disabilities

Violence against women has become part of social practice in Minangkabau society. Culture becomes a practice of violence because some sexual violence stems from the dominance of patriarchal customs. The violence against women with disabilities can be found in several

forms, i.e., physical and psychological. Sexual violence against women with disabilities is also a serious phenomenon that must be resolved. Women with disabilities are vulnerable to sexual violence in their daily lives due to their physically, mentally, and intellectually weak conditions. This weak condition is taken advantage of by perpetrators of sexual crimes to act.

In Padang City, the sexual violence incident that happened to D occurred within her family. D is the youngest of four siblings. D lives with her parents and one of D's older sisters, who is married. The perpetrator of the crime was the husband of D's older sister, who worked as a security guard at a higher education institution in Padang City. The perpetrator often came home from work in the morning when the house was quiet. According to D's older sister, the perpetrator had long shown strange behavior when he was with D at home. The perpetrator took the opportunity to carry out his evil intentions when D was not under surveillance. This strange behavior aroused suspicion from D's older sister. The suspicion grew when D showed several changes, both physical and mental. The family finally sought help by visiting the WCC *Nurani Perempuan*, KPAI, and the Social Service. After being assisted by a third party, the perpetrator finally admitted that he had committed a sexual crime after being urged by KPAI and the Social Service. The perpetrator of the sexual crimes, a close relative of the victim, finally apologized. The perpetrator also asked the family to make peace so that it would not be processed legally, but the family could not accept it. The confession was then processed by taking legal action so that the incident could be followed up. The perpetrator was later sentenced to six years in prison.²⁰

In addition, family D belongs to the economically and educationally disadvantaged. The perpetrator deliberately took advantage of the victim's helplessness and sought time when his wife went to work and the victim was not under family supervision. D, who used to be healthy, cheerful, and eat and drink regularly, was severely traumatized after being sexually assaulted. After the incident, D's physical condition drastically changed to become thin, lost her appetite, was moody, and liked staying in her room. Also, the limitations of the victim made the perpetrators argue not to admit their actions; besides

²⁰I., Interview with I, one of the victims of sexual violence with disabilities, 2019.

that, no one witnessed the incident. Moreover, the victim's family said that D had been taken to a psychiatrist for treatment. However, it was only done once due to the family's economic limitations.

Meanwhile, the next form of sexual violence occurred in S. S and her family living in Sijunjung, precisely in Aie Angek Muaro Sijunjung. The victim has a family consisting of a mother, father, brother, and sister. All the victims' families have disabilities, namely deafness. Her neighbor raped victim S. They previously dated, and the perpetrator promised to marry the victim. S was invited out of the house to a quiet place once. Although S initially refused, with limited communication between the perpetrator and the victim, there was sexual violence in the end that caused S to become pregnant.

The victim reported this incident to her family, and then the family reported it to *ninik mamak*. The customary institution then held a meeting and decided the case by finding a peaceful way to cover up the shame of the two by uniting the two in an underhand marriage. According to local Nagari regulations, perpetrators must redeem a cow for a wedding. After the two were married, the husband never came home and lived with the victim. Victim S ended up living with her in-laws. At the in-laws' house, S was subjected to violence in the form of harsh treatment, so she miscarried because her parents-in-law did not want to accept the existence of S, who is deaf or mute.²¹

Sexual violence experienced by women with disabilities in various conditions is not only related to situations that allow violence to occur but is also determined using the disabilities that place women as victims. A woman with a disability has a considerable risk of experiencing various types of violence. Several reasons and conditions were found in the research that contributed to the occurrence of violence. This cause can be from several factors, both in the victim with limitations as a disability and the public's perspective on the victim's condition. In resolving cases of sexual violence, it is difficult to cooperate with the community, especially those who live around the victim. It is because society's stigma against women who experience sexual violence is still considered despicable and shameful. In fact, women who experience sexual violence are victims who really need to be accompanied and assisted in recovering from deep

²¹A., Interview with A et al., one of the victims of sexual violence with a disability, 2019.

trauma.

The psychological impact of sexual violence is unbelievably bad for the victim, coupled with the pressure from both outside and within. The most feared risk is unwanted pregnancy or hormonal changes in the body, as happened to D in the first case above. In the past, D was known as a healthy, fat woman who ate and drank as usual, but since the incident that happened to her, D has been traumatized that has not been cured. D also came from a low-income family who could only go to the hospital once for treatment to deal with the trauma she suffered due to lack of funds. The trauma also caused D to be moody, prefer to lock herself in her room, have a weak memory, and be slow to respond to something. Her body was also getting thinner because her appetite was decreasing daily.

Marnis Nurut (2019) described that many cases of sexual violence are not revealed or are actually covered up so that the public does not know them because they are considered a disgrace to the family.²² According to the Integrated Service Center for the Empowerment of Women and Children, *Limpapeh Rumah Nan Gadang*, West Sumatra Province, at least three factors cause people to prefer silence. The first is to regard the incident as a disgrace; when one wants to report it, it is the same as *mancabiak baju didado* (tearing clothes on the chest) since the one who did it could be a father, uncle, and other close relatives. Thus, the victim's family finally chose to remain silent and closed the matter. Second, if the head of the family commits the disgrace, family members will think twice because if he is imprisoned, family life will be chaotic, and no one will earn a living to support family members. Hence, they choose not to report rather than lose the head of the family who supports the economy. Third, another thing that also makes the incident unreported is when the violence occurs in one family. Others do not care because they think it is a family affair, so other parties do not have to interfere.

The psychological impact of sexual violence is not an easy matter and is not easily overcome since deep trauma takes a long time to heal. What is really needed by the victim is help from the closest family in

²²Marnis Nurut, Interview with Marnis Nurut, as Chair of AP2TP2A, about cases of sexual violence in West Sumatra, 2019.

supporting the victim in the recovery period. The most important thing from this incident is to change the perspective of the community to want to embrace victims of sexual violence, especially those with disabilities who are physically and mentally weak. It is as described by the following respondent.²³ Mr. I, one of the families of victims of sexual violence with disabilities, who is a member of the community in *Jorong Sungai Buluah Aie Angek*, Sijunjung Regency, explained that the perspective and awareness of the community must be increased on issues of sexual violence by protecting women with disabilities who become victims of sexual violence, and the community needs preventive action by conducting much socialization and activating PERNA maximally to create a safe and peaceful atmosphere in people's lives.

Factors Causing Sexual Violence in Women with Disabilities

Once again, in addition to being linked to environments that encourage violence, sexual assault on women with disabilities is also influenced by their disability, which makes them more vulnerable. A woman with disabilities is far more likely to experience various forms of violence. The study identified a variety of factors and situations that related to the prevalence of violence.

First, the victim's communication limitations are exploited by the perpetrator. The limited communication possessed by the victim impacts the victim's weak position in dealing with the perpetrator, especially on the assumption that the victim cannot communicate what is experienced to others. The incident experienced by the victim and her family is that it was difficult to get a confession from the perpetrator and prove the violence due to communication barriers. Second, economic and educational limitations place women in a vulnerable position. The status of low-income families and the low level of education of both victims and their families became the basis for violence, especially related to women's low understanding and ability to anticipate existing conditions. Third, the impartiality of customs and society to women with disabilities has become a precondition for violence. The views and support of the community, which are still at the level of normative philosophies and have not yet reached the implementation stage, could not

²³Mr. I., Interview with Mr. I, one of the families of victims of sexual violence with disabilities, 2019.

protect women. Related to that, Marnis Nurut said that, in general, "*Pucuk payuang limbago Adat*" (truthfully, customary leaders generally have not implemented the customary values of *Basandi Syara', Syara' Basandi Kitabullah*). It was made worse by the public response, which is not always good for the victim. Clearly, the community tends always to find fault with the victim.²⁴ Fourth, there is negligence (not completely resolved by law) in the incidents that are the basis for the repetition of violence experienced by women. The absence of a complete legal case settlement in the cases of sexual violence against disability gives the impression of negligence for every act of violence. It is a precondition for the birth of further acts of violence.

Cultural Contribution to Weak Handling of Victims of Sexual Violence

The violence that occurs in Minangkabau society, precisely in *Nagari Aie Angek*, cannot be separated from culture. In other words, acts of violence experienced by women have involved institutional and customary considerations in the resolution. Customary considerations are often not in favor of women, especially on considerations based on customary values. Several trends can be seen in handling cases of violence against women with disabilities. First, an act of violence is resolved through customary procedures that prioritize traditional handling before being formally handled by the police. The handling of customs uses the Nagari Regulation (PERNA), based on the legitimacy of *ninik mamak*, *alim ulama*, and *cerdik pandai*. They make considerations for decision-making based on agreement. Decisions usually take the form of so-called "peaceful ways," which are not really related to formal legal decisions.

Second, it appears that there is indecision from traditional stakeholders in handling cases of sexual violence against women with disabilities. It is evidenced by the method of resolving very discriminatory cases due to the dominance of patriarchal factors. The handling of cases starts from the customary level with the reason of balancing the burden and responsibility of the perpetrator responsible for his family. Frequently, considering the importance of the position and role of the perpetrator for the household and his family, the perpetrator can be released from punishment by customary decisions. The

²⁴Nurut, Interview with Marnis...

assumption is that putting the perpetrator in prison will result in a burden that the perpetrator's family and children must bear. Unfair customary decisions for women with disabilities have sparked protests from HWDI (Indonesian Association of Women with Disabilities). Here, the *ninik mamak*, traditional officials, and the entire community have tried to provide a solution to the S case, but the custom that is so deeply embedded in the body of the *Nagari* community itself cannot remove the trauma for victims of sexual violence. It is where the injustice of the traditional perspective on victims lies. Also, community pressure still looks down on it and considers it a family disgrace that must be closed tightly. Thus, the victim's family is reluctant to report it to a higher level because it will be ostracized by the community in the end (Atri, 2019). At the same time, the victim's family must obey and accept the customary decision for fear of expulsion or ostracism if they reject it even though it is discriminatory.

Third, customary discrimination against women with disabilities shows that the violence experienced by women is basically rooted in a patriarchal culture, which opens space for various parties to commit acts of violence in various conditions. Violence has also received cultural understanding of customary considerations that make women victims maintain a harmonious social system. When women are placed in a weak position by custom, violence becomes part of a practice accepted with full understanding. When the social system is maintained to ensure the common good, the interests of women are neglected.

From the three descriptions above, it can be stated that violence against women with disabilities is because of not only structural factors but also cultural reasons. Various relations and institutional patterns have structured women in subordinate positions, such as patriarchal structures. At the same time, values and ideologies rooted in the culture that emphasizes harmony and collectivism have oppressed and neglected women's interests. In other words, women's efforts to get justice rights are a long way to go.

It is clear from the three explanations above that there is violence towards women with impairments for cultural and institutional reasons. Women have been institutionalized inferior roles through various relationships and institutional patterns, such as patriarchal institutions.

The interests of women have also been suppressed by ideals and beliefs entrenched in the culture that promotes peace and collectivism. In other words, there is still a long way to go for women's struggles to get justice rights.

Conclusion

The most important finding of this research is that the Minangkabau community has a value system in dealing with various diseases, including deviant behavior such as sexual violence. The value system is contained, among others, in the Nagari Regulations. However, the Nagari Regulations have not experienced significant development, so there are no regulations regarding victims of sexual violence with disabilities. PERNA's perspective is also still limited to saving both parties from the law of adultery, regardless of the psychological aspects of women victims of violence who need serious remedies.

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