



ANALYSIS OF JUDGE'S CONSIDERATIONS IN THE RAPE CASE OF AGUS BUNTUNG AS A PERSON WITH DISABILITIES

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Abstract

This study aims to analyze judges' considerations in deciding the case of a criminal act of rape committed by a person with disabilities named I Wayan Agus Suartama (Agus Buntung) and to assess whether the decision is in accordance with the applicable regulations stipulated in Indonesian law, particularly criminal law. This study uses a normative-juridical research method with a case study approach involving court decisions involving Agus Buntung as a perpetrator of rape against a person with a disability. Data were obtained through official documents issued by the Pengadilan Negeri Mataram with decision number 23/Pid. Sus/2025/PN.Mtr and Law number 1 of 2023. The results of the study show that the defendant was found guilty of rape and sentenced to ten years in prison and a fine of one hundred million rupiah, with the provision that if the fine was not paid, it would be replaced with three months' imprisonment. This study used the Pengadilan Negeri Mataram Decision Number 23/Pid. Sus/2025/PN Mtr as the main material, and the analysis was based on official court documents, laws, and regulations. This study serves as a reference for judges, academics, and policymakers in formulating guidelines for handling cases involving perpetrators with disabilities. This research presents a new study related to the analysis of judges' considerations of perpetrators with disabilities in rape cases.

Keywords : *Disability, Rape, Criminalization, Agus buntung*

1. Introduction

Sexual crimes pose a major threat to public safety and welfare, particularly for women. Serial rape is one of the most alarming forms of sexual crime. This crime is not only continuous in nature but also has a widespread social and emotional impact on victims, their families, and society. In the Indonesian legal system, such cases require special attention to ensure that victims obtain justice and perpetrators receive proportionate punishment. Rape can be committed by anyone, from children to adults, including people with disabilities. Despite limitations in their daily lives, people with disabilities are still capable of committing rape.

One case that has attracted public attention recently is a series of rapes committed by a perpetrator with a disability, which has sparked a debate about the protection of victims in the criminal justice system. This occurred in a case that took place in December 2025, which was a rape case committed by a person with physical disabilities named I Wayan Agus Suartama, commonly known as Agus Buntung. In carrying out his actions, Agus allegedly used emotional pressure and psychological threats to force the victim to comply with his demands. The crime pattern showed a certain degree of intent and planning, even though the perpetrator had physical limitations. During the trial, it was proven that the defendant had committed sexual violence against several women in a repetitive pattern, including through persuasion, emotional deception, verbal threats, and direct physical coercion. Based on this evidence, the panel of judges found the defendant guilty of violating the provisions of Article 6 letter c in conjunction with Article 15 paragraph (1) letter e of Law Number 12 of 2022 concerning Sexual Violence Crimes and sentenced him to ten years in prison and a fine of Rp100,000,000 with a subsidiary provision of three months' imprisonment.

The handling of Agus Buntung's case presents both social and legal dilemmas. As a person with a disability, Agus still has rights guaranteed by Law Number 8 of 2016 concerning Persons with



Disabilities, including the right to be treated humanely during legal proceedings. However, protection for the perpetrator should not diminish attention to the victim who has suffered physical and mental trauma as a result of the perpetrator's actions. This case has also drawn public criticism of Indonesia's criminal justice system. Nevertheless, disability was not used as a mitigating factor in the sentencing. The judge ruled that the defendant's physical disability was used as a means to gain sympathy and lower the victim's guard; therefore, disability is not a reason to waive criminal responsibility. Thus, in the construction of the verdict, aggravating circumstances were more dominant than mitigating circumstances because the defendant was proven to have consciously exploited the victim's vulnerability to satisfy his sexual desires.

Many parties believe that the criminal justice system still leans more towards protecting perpetrators than the interests of victims. For example, the availability of legal services and psychological support for victims is still very limited, and victims are often reluctant to report crimes. In addition, inconsistencies in sentencing perpetrators of sexual crimes show that the criminal justice system is not yet fully rigorous or consistent. Therefore, the panel of judges also focused on various pieces of evidence, such as the medical examination report, the results of the victim's psychological examination, witness statements, and material evidence, including a pattern of serial crimes with more than one victim, which reinforced the existence of intent and planning in the defendant's crimes. The combination of these pieces of evidence shows that the defendant's actions were not the result of negligence or an inability to control himself but rather a form of sexual deviance that was carried out consciously and systematically.

This study aims to examine the mechanism of punishment for perpetrators of sexual crimes, particularly in the case of Agus Buntung, and to identify the need for reform in the Indonesian criminal justice system. From a victim protection perspective, this study emphasizes the importance of collaboration between law enforcement officials, social protection agencies, and the community to create a legal system that is more responsive to sexual crimes. Legal education for the community, especially regarding the protection of children and women, is also necessary as a preventive measure to ensure that similar cases do not recur in the future.

Using the case study of Agus Buntung, this study describes the challenges and opportunities for reforming the Indonesian criminal justice system. Victim-oriented legal reforms are expected to create a more just and humane justice system that not only punishes perpetrators but also ensures the physical and psychological recovery of victims and prevents the recurrence of sexual crimes in society.

2. Literature Review and Hypothesis Development

2.1. Sexual Violence from a Criminal Law Perspective

Sexual violence is a serious crime that fundamentally attacks the integrity, dignity, and sexual freedom of individuals and is therefore classified as a significant threat to universal human values. According to Soeroso (2016), the impact of sexual crimes goes far beyond physical harm, as they inherently have the potential to cause permanent psychological disorders and serious social dysfunction, which can significantly hinder the development and quality of life of victims in the long term.

In addition to its profound impact, the development of sexual crime patterns in Indonesia shows an increasing trend of complexity over time. Marlina (2020) explains that perpetrators no longer always rely on the explicit use of physical violence; instead, they increasingly use deception, emotional manipulation, verbal and mental threats, and abuse of their position or power to force victims to comply with their sexual desires.

Based on the complexity of its impact and patterns, sexual violence must be unequivocally viewed as a serious violation of human rights. Consequently, law enforcement against this type of crime must be



carried out strictly and decisively, placing the interests and safety of victims as the top priority in the judicial system. Through this victim-oriented approach to law enforcement, criminal law serves not only as a means of deterrence for perpetrators but also plays a vital role as a strategic tool to restore a sense of security and reestablish a stable social order within society.

2.2. Judicial Considerations in Criminal Sentencing

Judicial considerations play an important role in the law enforcement process because the resulting verdict reflects the value of justice for all the parties involved. According to Mertokusumo (2017), a judge should not decide a case based solely on legislation but must integrate philosophical dimensions as a manifestation of justice and sociological dimensions as a measure of the benefits of law for society. Judges are required to integrate various broader dimensions into the decision-making process. In addition, judges' considerations must also include sociological dimensions, which serve as a measure of the benefits of law, ensuring that decisions have a positive impact and are accepted by the wider community as a fair solution. Therefore, criminal verdicts should not be considered the result of a mathematical calculation of the application of articles but must reflect a proportional balance of interests between the perpetrator of the crime, the victim of the crime, and the public interest in general. This shows that criminal verdicts are not merely the result of the application of articles but must reflect a balance of interests between the perpetrator, victim, and public.

Lilik Mulyadi (2018) states that in handing down a verdict, judges are required to consider aggravating circumstances and mitigating circumstances. Both elements must be explained clearly and proportionally to ensure the transparency and accountability of the judge's considerations in deciding the case. The more complete and objective the judge's analysis, the higher the legitimacy and moral quality of the criminal verdict.

2.3. Persons with Disabilities as Perpetrators of Criminal Acts

According to Nugroho (2021), the fundamental principle in criminal law affirms that persons with disabilities who commit crimes are essentially still subject to legal accountability as long as it can be proven that the individual has adequate cognitive capacity and full awareness to understand the legal and social consequences of their unlawful actions. so that disability cannot automatically be used as a justification or basis for eliminating the element of guilt (schuld); in line with this.

Handayani (2019) reinforces this view by emphasizing that if a perpetrator with a disability is proven to have had a clear intention to plan and carry out the crime and was in a stable psychological condition at the time of the crime, their disability status cannot be used as an excuse to eliminate or reduce the severity of criminal sanctions. In criminal law doctrine, the element of mens rea in the form of an inner attitude or malicious intent accompanying the act and the element of actus reus in the form of actual unlawful acts are fulfilled, respectively. Therefore, as long as these two fundamental elements are proven before the law, persons with disabilities can still be punished like other perpetrators, regardless of their physical condition. as a manifestation of the application of the principle of balance in the Indonesian criminal justice system, which accommodates the protection of the rights of persons with disabilities along with the fulfillment of substantive justice for victims and society.

2.4. Criminal Liability for Perpetrators of Sexual Violence

The concept of criminal responsibility is a fundamental basis in the criminal justice system that serves to ensure that every person who has been proven to have committed an act contrary to the norms and provisions of positive law can be held fully responsible for all the consequences of their unlawful acts, so that no perpetrator of a crime is free from the moral and legal obligation to accept sanctions for the violations of law they have committed. Lamintang (2014) explains that the essential requirement that must be met before a person can be sentenced to criminal sanctions is the existence of an element of fault (schuld) inherent in the perpetrator, which consists of three basic components, namely, first, the



existence of an element of intent (*opzet*) or negligence (*culpa*) that indicates the perpetrator's inner attitude towards their actions; second, the perpetrator's psychological and mental capacity to be legally responsible for their actions so that they can understand the consequences of their actions; and third, the absence of exceptional circumstances that can be used as a justification to negate the unlawful nature of the act or as an excuse to remove the perpetrator's guilt so that they are free from punishment.

In certain cases, particularly sexual violence crimes, the focus of assessing the perpetrator's guilt is generally directed at the simultaneous fulfillment of two core elements in criminal law, namely *mens rea* and *actus reus*, where *mens rea* indicates the existence of an inner attitude, malicious intent, or planning that has been formed within the perpetrator before the crime occurred, while *actus reus* describes the physical actions that were consciously and deliberately carried out by the perpetrator in the form of sexual coercion against the victim, as the legal element that constitutes a criminal act. Muladi and Arief (1992) then enriched the discourse on criminal punishment by emphasizing the need to apply the principle of proportionality in imposing punishment on perpetrators, which means that the severity of the punishment imposed must be truly equivalent, balanced, and in line with the level of wrongdoing committed by the perpetrator. It must carefully take into account the impact of the harm caused both to the victim directly and to social order and the sense of security of society as a whole, so that the criminal justice system not only aims to punish, but also ensures the creation of substantive justice and balance between the rights of the perpetrator, the rights of the victim, and the interests of society.

3. Methodology

This research methodology uses a normative legal approach because the focus of the study is directed at analyzing the judge's considerations through a review of legal norms, doctrines, principles, and legislation related to sexual violence crimes and the accountability of perpetrators with disabilities. This is reinforced by a case approach using Pengadilan Negeri Mataram Decision Number 23/Pid. Sus/2025/PN Mtr was used as the main research object. The legal sources used include primary legal materials in the form of legislation (TPKS Law, Persons with Disabilities Law, and Criminal Code) and court decisions; secondary legal materials such as academic literature, scientific journals, previous research results, and expert opinions; and tertiary legal materials in the form of legal dictionaries and encyclopedias.

Legal materials were collected through literature studies and database searches of doctrines and decisions to obtain relevant and comprehensive information on the subject. Furthermore, all legal materials were analyzed using descriptive-qualitative methods to describe the legal regulations concerning sexual violence and persons with disabilities, examine the application of these regulations in court rulings, and assess their conformity with the principles of justice, legal certainty, and benefit. The entire research process was carried out through document studies in various library sources and electronic databases during the research preparation.

4. Results and Discussion

4.1. Judges' Analysis in Rendering Decisions

The panel of judges was convinced that the defendant had indeed committed sexual assault based on a series of corroborating evidence, including consistent statements from the victims from the investigation stage to the trial, the results of the medical examination showing injuries to the genitals consistent with sexual assault, and the defendant's identical pattern of actions against more than one victim, in which the defendant licked the victim's lips, inserted his genitals into the victim's vagina, and rubbed his head against the victim's breasts. All of this evidence created a coherent and sufficient logical connection to confirm that the defendant's actions did indeed occur and fulfilled the elements of sexual assault as charged. The judge's consideration in passing the verdict in the rape case against the defendant I Wayan Agus Suartama alias Agus was carried out through a comprehensive legal analysis of the



elements of the offense in Law Number 12 of 2022 concerning Sexual Violence Crimes and the facts revealed at the trial. The judge ruled that all elements of the crime had been legally and convincingly fulfilled based on the evidence, witness testimony, the defendant's testimony, and expert examination.

First, the judge emphasized that the defendant was a valid subject of law, in good physical and mental health, and able to respond to the proceedings. Therefore, he was declared legally responsible, and no justifiable or exculpatory reasons that could eliminate criminal responsibility were found. Furthermore, the judge concluded that the defendant was proven to have committed sexual intercourse and molestation against more than one victim, which resulted in the victims suffering from depression and severe psychological trauma. This fulfills all elements of Article 6 letter c in conjunction with Article 15 paragraph (1) letter e of the TPKS Law, so that the elements of the offense, both objectively (*actus reus*) and subjectively (*mens rea*), are fulfilled. When imposing punishment, the judge assessed aggravating and mitigating factors. The aggravating factor was that the defendant's actions caused deep trauma to the victim and unrest in the community, while the mitigating factor was the defendant's young age and polite behavior during the trial. In this case, there is

1. Fulfillment of *Mens Rea*: The defendant clearly had awareness and premeditated intent, as demonstrated through a series of prolonged deception and emotional manipulation.
2. Fulfillment of *Actus Reus*: There was a clear physical act of sexual coercion against the victim (Victim Witness I), including the use of verbal threats, coercion, and blunt force, as evidenced by the victim's report.

The facts of the trial show that the defendant not only committed a crime but also cunningly used his own disability as a tool to manipulate and exploit the victim's vulnerability.

The Defendant deliberately:

1. Built Sympathy and Trust: The Defendant gained the victim's sympathy by discussing his shortcomings and convincing the victim that he was “not like other men who like to hurt women” because of his limitations, even showing his ability to ride a motorcycle with his feet.
2. Abused Trust: After successfully building deep trust, the defendant exploited the victim's vulnerability (including the victim's past) by threatening to expose her shame and using the excuse of performing cleansing rituals and certain knowledge to coerce the victim into submission.

This action fulfills the elements of the charge, namely “abusing one's position, authority, trust or influence arising from deception or taking advantage of a person's vulnerability, inequality or dependence, forcing... sexual intercourse” (Article 6, letter c of the TPKS Law). This shows that the sociological dimension of the verdict must highlight that disability was used as a *modus operandi*, making the perpetrator's level of guilt very high.

Considering all of the above facts, the judge was required to make a decision that not only applied the law but also integrated philosophical dimensions (justice) for the victim and society, as well as sociological dimensions (benefits) to provide a deterrent effect, thereby emphasizing that exploitation of vulnerability, even when committed by persons with disabilities, must be punished to the fullest extent of the law. Based on these considerations, the judge stated that there was no legal basis that could eliminate the defendant's guilt or responsibility; therefore, the defense counsel's plea and the defendant's request for acquittal were rejected. Finally, considering the fulfillment of all elements of the crime and the severe impact on the victims, the judge sentenced the defendant to 10 years in prison and a fine of IDR 100,000,000.00.

4.2. The Judge's Consideration of the Defendant's Disability

In the rape case involving the defendant, I Wayan Agus Suartama alias Agus, the issue of the defendant's disability arose during the trial through witness testimony and legal counsel. However, after a



comprehensive examination, the judge did not consider this condition as a reason to remove or reduce the defendant's criminal responsibility.

First, the panel of judges explicitly stated that the defendant was in good physical and mental health, able to respond to the proceedings as a fully competent legal subject, and not under guardianship. Thus, the judge concluded that the defendant had the mental and psychological capacity to be held accountable for his actions. Second, the judge ruled that there were no justifiable or exculpatory reasons attached to the defendant, either in the form of a disability that would negate guilt or a psychological condition that would eliminate criminal responsibility.

Third, the defense counsel's argument that the public prosecutor's charges were not fulfilled and that the defendant should be acquitted was rejected by the judge because it was not supported by evidence and contradicted the facts of the trial, including the consistent testimony of the victims and psychological evidence of severe trauma resulting from the defendant's actions. In addition, although there was testimony from witnesses stating that the defendant had motor impairments, such as being unable to undress himself, the judge ruled that this information was insufficient to prove legal incapacity or a disorder that affected the defendant's criminal responsibility.

Although the defendant was known to have a physical disability, the panel of judges ruled that this did not automatically negate the defendant's ability to be held responsible for his actions because there was no evidence to show that the defendant had a cognitive impairment or an inability to understand the consequences of his actions. In fact, the trial revealed that the defendant was able to control his actions, plan his actions, and take advantage of his condition to gain the trust and sympathy of his victims, so that his disability was not relevant as a mitigating factor or as a basis for a reduced sentence.

Thus, the judge concluded that the defendant's condition of deficiency/disability was not relevant as a basis for eliminating guilt or reducing the sentence because:

1. The defendant was proven to have consciously and repeatedly committed these acts.
2. The defendant was able to interact with, plan, and organize actions to approach and deceive the victim.
3. There was no psychiatric expert testimony stating that the defendant was incapable of being held responsible for his actions.

Finally, the judge stated that the defendant must still be held fully responsible for his actions because he was capable of being held responsible, and no justifiable or exculpatory reasons were found.

4.3. Aggravating and Mitigating Circumstances

In determining the sentence, the panel of judges considered the aggravating and mitigating factors proportionally, where the aggravating circumstances were more dominant because the defendant's actions were repeated against more than one victim, had a serious impact on the psychological condition of the victims who experienced deep trauma and a loss of security, and there were manipulative actions by the defendant that destroyed the victims' trust through persuasion and emotional approaches. Meanwhile, mitigating circumstances were only found in the fact that the defendant was disabled and had a history of traumatic experiences. However, the judges emphasized that these circumstances were not directly related to the evidence of the crime and, therefore, did not significantly affect the severity of the punishment.

a) Aggravating Factors

Majelis Hakim secara komprehensif menilai bahwa terdapat serangkaian faktor yang aggravating circumstances for the Defendant, who played a significant and crucial role in determining the severity of the sentence imposed. These aggravating circumstances mainly focused on the double impact of the defendant's actions, whereby his acts of rape and sexual abuse caused the victims to suffer massive psychological trauma, resulting in direct damage to their social and emotional lives and their future. In



addition to these profound individual impacts, the judge also considered that the Defendant's sexual crimes collectively caused widespread unrest and concern in the community, thereby threatening public safety and order, given that these crimes did not only affect one person but were committed repeatedly against more than one child.

Thus, the Defendant's actions were deemed not only to have harmed the victims individually, but also to have seriously damaged the social order and moral values that must be upheld, making it reasonable to use this as an aggravating factor. In addition to the massive impact, another crucial aggravating factor is that the crime was not committed only once, but repeatedly (recidivism) against different victims, a pattern that clearly emphasizes the strong element of intent and systematic pattern of action in the series of crimes, indicating that the defendant had a high level of intent and courage to continue violating the law.

b) Mitigating Factors

Although the Defendant has been proven legally and convincingly to have committed a very serious sexual assault, the Panel of Judges still carried out its legal obligations by carefully considering several mitigating circumstances before handing down the final verdict. The first consideration was the defendant's polite and cooperative attitude throughout the trial, which was seen as a partial admission of guilt and a willingness to follow the legal process in an orderly and smooth manner. In addition, the judges also prospectively considered the defendant's relatively young age, a fact that gave hope that after serving his sentence, the defendant would still have a significant opportunity for self-improvement (rehabilitation) and reintegration as a productive member of society. However, in applying the principle of proportionality, the judge firmly assessed that the accumulation of these mitigating factors, which were more procedural and prospective in nature, was not strong enough to significantly reduce the severity of the punishment, especially since the psychological damage and suffering experienced by the victim was considered to be far greater and more substantial than the defendant's cooperative nature during the trial. Thus, the principle of substantive justice for the victim became the top priority in determining the final verdict of the case.

4.4. Passing of Judgments and Legal Basis

Based on all the legal facts revealed, tested, and presented comprehensively during the trial, the Panel of Judges finally declared the Defendant I Wayan Agus Suartama alias Agus guilty of a violation that was legally and convincingly proven to fulfill the elements of Article 6 letter c in conjunction with Article 15 paragraph (1) letter e of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law). The imposed sentence is considered the culmination of dual-oriented law enforcement, which aims to protect the victim from further trauma, provide a deterrent and preventive effect for the perpetrator, maintain social order from the threat of similar crimes, and ensure that the principles of justice, legal certainty, and public interest are achieved in a balanced manner. In making this important decision, the judges strive to ensure that the verdict does not ignore the perpetrator's condition as a person with a disability in the context of human rights, but at the same time, does not ignore the deep suffering and serious losses experienced by the victim as the most disadvantaged party.

This verdict clearly reflects that the Indonesian criminal justice system prioritizes the principle of criminal accountability while upholding the principle of humanity but refuses to use the physical vulnerability or limitations of the perpetrator as an excuse to eliminate guilt if it is proven that the perpetrator has the awareness and ability to understand the consequences of his actions. Furthermore, this verdict also demonstrates a strong legal bias towards victims, especially children as a vulnerable group who require full protection from the state through criminal justice mechanisms. The judge's overall considerations illustrate a commitment to proportional punishment, which not only examines the perpetrator's culpability from the perspective of the act alone but also seriously considers the long-term impact on the victim's psychological, social, and future well-being. More broadly, this verdict sets



an important precedent, affirming that acts of sexual violence are serious violations of human dignity that require firm and restorative legal responses.

5. Conclusion

5.1 Conclusion

Based on an in-depth analysis of Decision No. 23/Pid. Sus/2025/PN Mataram, it can be concluded that the Panel of Judges applied a comprehensive and multi-layered legal consideration process, focusing on proving the elements of the offense, the perpetrator's accountability, and the impact of the crime on the victims and society. Convincingly, the facts of the trial prove that the Defendant was legally proven to have committed sexual violence in the form of sexual intercourse and molestation against more than one victim, which crucially caused deep trauma and significantly disrupted the victims' psychological development and sense of security. In the context of accountability, the judge firmly concluded that there were no psychological disorders or cognitive impairments that could negate the defendant's guilt or prevent him from understanding and controlling his actions.

Therefore, the conditions of deficiency or disability mentioned in the trial were not relevant as justifiable or exculpatory reasons, and the defendant was still considered a legal subject who was fully responsible for his actions. Furthermore, the judge's considerations demonstrate the application of the principle of balance in sentencing, in which aggravating factors, including the severe trauma suffered by the victim, public unrest, and the repetitive nature of the crime, were considered to far outweigh mitigating factors (such as the Defendant's polite demeanor during the trial and his relatively young age). The imposition of a 10-year prison sentence and a fine reflects the application of the principle of proportionality, ensuring that the punishment imposed is commensurate with the level of the perpetrator's guilt and the extent of the damage caused. Overall, this verdict confirms that the Indonesian criminal justice system not only focuses on sentencing perpetrators but also aims to protect victims and maintain public order and safety, sending a strong message that sexual violence, especially against children, is a serious crime that must be responded to through law enforcement oriented towards substantive justice.

5.2. Limitation

The research presented in this journal is strictly limited to a legal analysis of the considerations used by the judge in deciding the rape case involving the Defendant I Wayan Agus Suartama alias Agus, as contained in Decision Number 23/Pid. Sus/2025/PN Mataram. This study focuses specifically and thoroughly on the aspects of the judge's legal considerations in deciding the case, which include the application of criminal elements, proof of the defendant's criminal responsibility, assessment of the relevance of the defendant's disability/disadvantage to the determination of punishment, and evaluation of factors that aggravate and mitigate the sentence imposed.

It is important to note that this journal does not cover non-legal aspects that are outside the scope of the judge's considerations, such as the police investigation process, the social conditions of the defendant's family and the victim, the victim's psychological rehabilitation process, or criminological perspectives that discuss patterns of rape crimes in general. Furthermore, this study does not compare other verdicts or the application of the law in different countries. Given these clear limitations, all analyses are intended to be more in-depth, systematic, and focused on the quality of judges' consideration in interpreting and applying criminal law provisions in cases of sexual violence involving perpetrators with disabilities.

5.3. Suggestion

Based on the findings of this study, it is emphasized that law enforcement officials (including judges, prosecutors, and investigators) must consistently prioritize the perspective of victim protection in handling cases of sexual violence, especially against children, which is manifested not only through



attention to physical evidence but also psychological evidence such as trauma and the emotional condition of the victim. Simultaneously, they must ensure that the perpetrator's disability or impairment is not used as a basis for reducing or eliminating criminal responsibility if it is proven that the perpetrator has the awareness and ability to be held accountable for their actions.

Furthermore, the government, as the policy maker, is urged to strengthen the regulations derived from the TPKS Law and their implementation mechanisms in the field, especially those related to victim recovery and the formulation of guidelines for the legal treatment of perpetrators with disabilities to prevent legal irregularities or loopholes. Judicial institutions are expected to improve the provision of independent psychological and psychiatric assessment facilities for victims and defendants, as well as ensure professional assistance for child victims during the trial process to minimize the risk of further traumatization. For academics, it is recommended to conduct comparative studies of several similar verdicts, with the aim of assessing the consistency of judges' considerations in cases of sexual violence involving perpetrators with disabilities, while also expanding studies on the relationship between victimology theory, criminalization theory, and child protection policies. Finally, it is important for the public to raise awareness of the symptoms of sexual violence against children, create a safe environment (at home, school, and in the community), and actively encourage reporting and support for victims rather than stigmatizing them so that law enforcement and child protection can be carried out optimally and effectively.

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References

- Arief, B. N. (2010). Kebijakan Legislatif dalam Penanggulangan Kejahatan. Kencana.
- Handayani, R. (2019). Pertanggungjawaban Pidana Pelaku Disabilitas dalam Sistem Peradilan Pidana. *Jurnal Hukum & Pembangunan*, 49(2), 215–230.
- Lamintang, P. A. F. (2014). *Dasar-dasar Hukum Pidana Indonesia*. Sinar Grafika.
- Muladi & Arief, B. N. (1992). *Teori-teori & Kebijakan Pidana*. Alumni.
- Nugroho, S. (2021). Tanggung Jawab Pidana Penyandang Disabilitas dalam Perspektif Hukum Nasional. *Jurnal Yudisial*, 14(1), 55–72.
- Republik Indonesia. (2016). Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas. Lembaran Negara Republik Indonesia.



- Republik Indonesia. (2022). Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS). Lembaran Negara Republik Indonesia.
- Siregar, F. (2018). *Asas-asas Pertanggungjawaban Pidana dalam Hukum Pidana Indonesia*. Prenadamedia Group.
- Soesilo, R. (2015). *Kitab Undang-Undang Hukum Pidana & Penjelasannya*. Politeia.
- Abdussalam. (2016). *Hukum Perlindungan Anak*. Restu Agung.
- Arief, B. N. (2010). *Kebijakan Legislatif dalam Penanggulangan Kejahatan*. Kencana.
- Arifin, Z. (2020). *Hukum Pidana dalam Perspektif Pertanggungjawaban Pelaku*. Sinar Grafika.
- Ashsubli, M. (2019). *Perbandingan Sistem Pidana dalam Penegakan Hukum di Indonesia*. Prenadamedia Group.
- Dewi, N. P. (2022). "Kekerasan Seksual terhadap Anak dalam Perspektif Viktimologi." *Jurnal Hukum Republica*, 12(1), 1–15.
- Dwiatmodjo, S. (2017). *Hukum Pidana Indonesia: Konsep Teoritis & Praktik Peradilan*. Pustaka Baru.
- Handayani, R. (2019). *Pertanggungjawaban Pidana Pelaku Disabilitas dalam Sistem Peradilan Pidana*. *Jurnal Hukum & Pembangunan*, 49(2), 215–230.
- Hiariej, E. O. S. (2020). *Prinsip-Prinsip Hukum Pidana*. Cahaya Atma Pustaka.
- Junaidi, A. (2021). "Analisis Pertimbangan Hakim dalam Menjatuhkan Pidana Kekerasan Seksual terhadap Anak." *Jurnal Yustisia*, 10(2), 131–145.
- Lamintang, P. A. F. (2014). *Dasar-dasar Hukum Pidana Indonesia*. Sinar Grafika.
- Muladi & Arief, B. N. (1992). *Teori-teori & Kebijakan Pidana*. Alumni.
- Nugroho, S. (2021). *Tanggung Jawab Pidana Penyandang Disabilitas dalam Perspektif Hukum Nasional*. *Jurnal Yudisial*, 14(1), 55–72.
- Rahardjo, S. (2018). *Penegakan Hukum Progresif*. Genta Publishing.
- Rahayu, W. (2020). "Perlindungan Anak Korban Kejahatan Seksual dalam Sistem Peradilan Pidana." *Jurnal Hukum Ius Quia Iustum*, 27(3), 489–507.
- Republik Indonesia. (2016). Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas. Lembaran Negara Republik Indonesia.
- Republik Indonesia. (2022). Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS). Lembaran Negara Republik Indonesia.
- Republik Indonesia. (1981). *Kitab Undang-Undang Hukum Acara Pidana (KUHP)*. Lembaran Negara Republik Indonesia
- Siregar, F. (2018). *Asas-asas Pertanggungjawaban Pidana dalam Hukum Pidana Indonesia*. Prenadamedia Group.
- Soekanto, S. (2020). *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. RajaGrafindo Persada.
- Soesilo, R. (2015). *Kitab Undang-Undang Hukum Pidana & Penjelasannya*. Politeia.
- Sudarto. (2019). *Hukum Pidana dan Perkembangan Masyarakat*. Pustaka Alvabet.
- Susanto, A. (2023). "Penerapan Asas Proporsionalitas dalam Pidana Pelaku Kekerasan Seksual." *Jurnal Pidana Indonesia*, 4(1), 44–60.
- Putusan Pengadilan Negeri Mataram Nomor 23/Pid.Sus/2025/PN Mataram