



**Sexual harassment among disabilities in Makassar City: An Islamic  
law perspective**

**Radhiah Tulhidayah\*✉, Siti Aisyah Kara\*\*, Indo Santalia\*\*\*, Usman Jafar\*\*\*\*,  
Zulfahmi Alwi\*\*\*\*\***

*\*Universitas Islam Negeri Alauddin Makassar, Indonesia  
Email: radhiahtulhidayah@gmail.com*

*\*\*Universitas Islam Negeri Alauddin Makassar, Indonesia  
Email: siti.aisyah@uin-alauddin.ac.id*

*\*\*\*Universitas Islam Negeri Alauddin Makassar, Indonesia  
Email: indosantalia@uin-alauddin.ac.id*

*\*\*\*\*Universitas Islam Negeri Alauddin Makassar, Indonesia  
Email: jafarusman1958@gmail.com*

*\*\*\*\*\*Universitas Islam Negeri Alauddin Makassar, Indonesia  
Email: zulfahmi.alwi@uin-alauddin.ac.id*

**ABSTRACT**

*The main objective of the research is to find out the risk of sexual harassment of persons with disabilities in Makassar City from the perspective of Islamic Law. This type of research is qualitative research (field research), with the research approach being theological-normative, sociological, and juridical. Primary data sources were eight subjects. The subjects were five women with disabilities, a psychologist, two social workers, and a religious figure. The secondary data is obtained through books, journal articles, government data, laws, fatwas, and research reports by utilizing libraries, online databases, and websites of related institutions. The data collection methods used are observation, interviews, documentation, and reference searches. Data processing and analysis techniques are carried out in three stages: data reduction, presentation/display, and conclusion drawing. The results of this study show, from an Islamic law perspective, that the protection of women with disabilities is supported by principles such as human dignity (*al-Karāmah al-Insāniyah*), equality (*al-Musawah*), justice (*al-'Adalah*), and freedom (*al-Hurriyah*). Islam underscores the importance of safeguarding and respecting the rights of all individuals, including those with disabilities. Islamic sanctions for sexual harassment can range from *ta'zir* (discretionary punishments) to *had* (prescribed punishments), depending on the severity of the offense. These Islamic principles align with human rights standards and provide a foundation for fostering a more equitable and secure environment for women with disabilities. The research implications include the development of an Islamic law-based protection system, raising social awareness, and establishing a support network to create a safe environment for women with disabilities.*

**Keywords:** Sexual Harassment; Women; People with Disabilities; Islamic Law.

✉ Corresponding author:

Email Address: radhiahtulhidayah@gmail.com

Received: August 29, 2024; Accepted: September 25, 2024; Published: September 30, 2024

Copyright © 2024 Radhiah Tulhidayah, Siti Aisyah Kara, Indo Santalia, Usman Jafar, Zulfahmi Alwi

DOI: <http://dx.doi.org/10.22373/equality.v10i2.25849>

## ABSTRAK

*Tujuan penelitian adalah untuk membahas praktik pelecehan seksual terhadap perempuan penyandang disabilitas di Kota Makassar dari perspektif hukum Islam. Jenis penelitian ini penelitian kualitatif (field research) dengan pendekatan penelitian yang digunakan adalah teologis-normatif, sosiologis dan yuridis. Sumber data primer terdiri dari delapan subjek, yaitu lima perempuan penyandang disabilitas, satu psikolog, dua pekerja sosial, satu tokoh agama. Data sekunder diperoleh melalui buku, artikel jurnal, data pemerintah, hukum, fatwa, dan laporan penelitian dengan memanfaatkan perpustakaan, basis data daring, dan situs web lembaga terkait. Metode pengumpulan data yang digunakan adalah observasi, wawancara, dokumentasi, dan penelusuran referensi. Teknik pengolahan data dan analisis data dilakukan dengan melalui tiga tahapan, yaitu reduksi data, penyajian data, dan penarikan kesimpulan. Hasil penelitian ini menunjukkan, dalam perspektif hukum Islam, perlindungan terhadap perempuan penyandang disabilitas didukung oleh prinsip-prinsip seperti martabat manusia (al-Karāmah al-Insāniyah), kesetaraan (al-Musawah), keadilan (al-'Adalah), dan kebebasan (al-Hurriyah). Islam menggarisbawahi pentingnya menjaga dan menghormati hak-hak semua individu, termasuk penyandang disabilitas. Sanksi Islam untuk pelecehan seksual dapat berkisar dari ta'zir (hukuman kebijaksanaan) hingga had (hukuman yang ditentukan), tergantung pada tingkat keparahan pelanggaran. Prinsip-prinsip Islam ini selaras dengan standar hak asasi manusia dan memberikan landasan untuk membangun lingkungan yang lebih adil dan aman bagi perempuan penyandang disabilitas. Implikasi penelitian mencakup pembangunan sistem perlindungan berbasis hukum Islam, peningkatan kesadaran sosial, dan pembentukan jaringan pendukung untuk menciptakan lingkungan aman bagi perempuan penyandang disabilitas.*

**Kata Kunci:** Pelecehan Seksual; Perempuan; Penyandang Disabilitas; Hukum Islam.

## 1. INTRODUCTION

The city of Makassar, although known as a large metropolitan city with high cultural values, faces serious problems related to sexual violence against persons with disabilities. The media have reported several shocking cases in recent years. These cases involve various forms of sexual violence, ranging from repeated rape to harassment by people close to the victim. The rise of these cases points to serious problems in protecting vulnerable groups in the city.

In the last three years, survivors of sexual harassment crimes have increased. In 2020, sexual harassment crimes experienced amounted to 1.24 percent, then increased to 1.71 percent in 2021 and 2.13 percent in 2022 (Badan Pusat Statistik, 2023). In particular, the Annual Record (Catahu) of the National Commission on Violence against Women (*Komnas Perempuan*) shows that there were 105 cases of violence experienced by women with disabilities throughout 2023. The number in 2023 increased compared to 2022, which recorded 72 cases of violence against women with disabilities (Pristiandau, 2024).

People with disabilities are twice as likely to experience violence compared to people without disabilities, and those with psychosocial or mental disabilities are six times more likely to experience violence. The marginalization of disability perspectives in policy has an impact

on how violence, including sexual harassment, is understood, as the intersection of gender, disability, and all social inequalities shapes women's experiences of sexual harassment. Women with disabilities experience sexual harassment at higher rates than women without disabilities. Existing stereotypes, stigma, and discrimination have permeated cultural assumptions about how society views disability, legitimizing some forms of violence or not considering abuse as sexual harassment. These stereotypes and stigma also impact men with disabilities, who experience sexual abuse at higher rates than men without disabilities. Prejudices about their manhood—not being a “real man”—the notion that they are weak or harmless can make them potential targets for sexual harassment (United Nations Entity for Gender Equality and the Empowerment of Women, 2020).

Sexual harassment expresses and reinforces power inequalities. Anything that puts someone in a less powerful or lower-status unequal position increases the risk of sexual harassment (United Nations Entity for Gender Equality and the Empowerment of Women, 2020). Therefore, the problem of sexual harassment is not ordinary. It involves complex and inclusive aspects of human life, such as morals, religion, and others. Sexual harassment can undermine moral and religious values and cause trauma and suffering to the survivor.

Law of the Republic of Indonesia No. 8 of 2016 on Persons with Disabilities provides protection for persons with disabilities, especially children, from all forms of violence, including sexual abuse. However, in practice, this protection has not been effective. Persons with disabilities are still often victims of sexual violence. This is due to several factors, such as their limited access to services and protection, lack of public awareness of the rights of persons with disabilities, and not optimal law enforcement against perpetrators of sexual violence against persons with disabilities.

Islam views people with disabilities and people without disabilities equally. One form of Islamic attention to people with disabilities is reflected when Allah Almighty gave a warning to the Prophet Muhammad in QS 'Abasa/80: 1-3. The rebuke was given because the Prophet frowned and turned away from a blind man named Abdullah bin Ummi Maktum, who came to see him. Examining cases of sexual harassment against persons with disabilities from the perspective of Islamic Law is not just an academic study. It is a significant and urgent issue in Makassar society. Islamic law, as a way of life for many people in Makassar, has a crucial role in creating a just and humane environment. The principles of justice and protection for vulnerable groups, such as people with disabilities, are deeply embedded in Islamic teachings.

In the social and cultural context of Makassar, these principles should be implemented in the community. Chairman of MUI (Indonesian Ulema Council) K.H. Baharuddin said that:

*“MUI's duty as khadim ummah or servant of the people. MUI's duty is to preach and convey to the community related to problems, including sexual violence, how to prevent this kind of problem. We from MUI hope all of us together to handle this matter. So it's not only MUI but also the role of the community. Because the problem is also influenced by social media and the internet, which is very dangerous”.*

MUI, as a religious institution, has a crucial role in providing understanding to the community about religious values related to the protection of others, especially vulnerable groups. K.H. Baharuddin underlined the importance of collaboration of the whole community, who also have a responsibility to prevent the problem of sexual harassment against women with disabilities. In addition, all people must use social media and the internet wisely. This reflects

an inclusive and participatory approach where every community member is responsible for addressing the issue. The principle of equality in Islam provides a strong basis for building a just and inclusive society for all, including people with disabilities.

## **2. LITERATURE REVIEW**

### *2.1. Definitions and Concepts of Persons with Disabilities*

The appearance of the term disability is one of the efforts to humanise people with disabilities who were previously underestimated as second-class humans in society. The terms used previously were abnormal, mental retardation, special needs, and people with disabilities (Syamsuri, 2019). Several terms are still used in formal and popular contexts in Indonesia, namely persons with disabilities, *tuna* (visually impaired, deaf, speech impaired, disabled), children with special needs, diffable, and persons with disabilities (Widinarsih, 2019). Disability is formally introduced and used in Law No. 8 of 2016 on Persons with Disabilities. Persons with disabilities are people who experience physical, intellectual, mental, and/or sensory limitations for an extended period of time in interacting with the environment and may encounter obstacles and difficulties in participating fully and effectively with other citizens based on equal rights.

Islam recognizes the diversity of disabilities and pays special attention to them. Therefore, Islam appreciates people with disabilities, which means appreciating Allah's creation. Islam's view on the equality of people with disabilities is critical to emphasize, especially in a society where there is still a lot of stigma and discrimination against people with disabilities. Society needs to understand and accept them as they are, not demean and belittle them, and give them equal opportunities to live and work optimally.

### *2.2. Variety of Disabilities*

Convention on the Rights of Persons with Disabilities (CRPD) and Indonesian Law No. 8 of 2016, Article 4, persons with disabilities are divided into persons with physical disabilities, persons with intellectual disabilities, persons with mental disabilities and/or persons with sensory disabilities. The four categories of disability help to understand the different types of disabilities and the specific needs of each group. Understanding the types and forms of disability also helps in developing effective policies and programmes to support persons with disabilities, as well as creating a more inclusive and disability-friendly society.

### *2.3. Risk of Sexual Harassment*

Sexual harassment is a violation of the human right to be free from gender-based discrimination, regardless of sex, in the context of unequal power relations, such as in the workplace and/or gender hierarchies. It intersects with all structural social inequalities, such as disability, race and ethnicity, age, social status, sexual orientation, and gender identity. The dynamics of intersectionality influence who is subjected to sexual harassment, and they can shape its nature; they also privilege certain perpetrators, undermining efforts at accountability despite their reported behaviour (United Nations Entity for Gender Equality and the Empowerment of Women, 2018).

This shows the importance of taking the issue of sexual harassment seriously and effectively and the need to protect the rights and dignity of individuals from all forms of sexual harassment.

#### 2.4. Islamic Law

The nature of Islam aims to be a mercy for all nature, so Islamic law can be applied at all times, for all nations, because there is such a wide scope and elasticity for all times and places. This is because Islamic law stands on two models: first, Islamic law provides general principles in addition to detailed rules given by the sunnah as an interpretation of the Qur'an, with the determination of the broadest possible things. It opens the door as wide as possible for human progress. Global Islamic laws contain principles and rules of *kulliyah* that do not change. Second, Islamic laws contain detailed regulations in matters that are not affected by the times, such as the matter of *mahrims* (people who are forbidden to marry), pure worship, and inheritance. The rulings are detailed, clear, and directly applicable to a particular incident or case (Al-Shiddieqy, 1966).

Islamic law, as a comprehensive legal system, places the protection of human dignity as one of its main principles. The concept of *maslahah* (public interest) becomes the foundation for regulating various aspects of life, including protecting vulnerable groups such as persons with disabilities. In the context of sexual harassment, Islam teaches the importance of maintaining the honour of individuals, both men and women. The principles of justice, equality, and protection of the weak become the basis for providing legal protection to persons with disabilities who are victims of sexual harassment.

### 3. METHOD

This research is qualitative research (field research). Field research is conducted to describe factual conditions in the field through observations and interviews with informants related to the problem under study. This research analysis method is descriptive qualitative, which aims to understand the experiences of persons with disabilities, risk factors, and the impact of sexual harassment experienced by persons with disabilities in Makassar City from the perspective of Islamic law so that it will present factual data. This research uses several approaches, such as theological, normative, sociological, and juridical. The informants in this study were determined based on the data needed and had categories in determining them, including five persons with disabilities, two social workers, a psychologist, and a religious leader.

Persons with disabilities: The main focus consisted of 1 person with intellectual disabilities, two people with physical disabilities, and one person with sensory disabilities, who provided a variety of experiences related to sexual harassment. Social Worker: Interacted directly with persons with disabilities and families, understanding the challenges faced, including the issue of abuse. Psychologist: Provides perspectives on the psychological impact of sexual abuse on persons with disabilities. Religious Leaders: Members of MUI Makassar City provide religious views on the issue of sexual harassment and protection for vulnerable groups.

Secondary data is obtained through books, journal articles, government data, laws, fatwas of ulemas, and research reports related to the discussion under study. Secondary data was collected by visiting university libraries or repositories, using online databases such as Google Scholar, ResearchGate, and Publish or Perish, visiting the websites of government agencies such as the UN, BPS, the Ministry of PPA, and National Commission on Violence against Women, and visiting the websites of non-profit organizations such as UNICEF.

The data collection methods used are observation, interviews, documentation, and reference searches. Observations were made on aspects of responses to sexual harassment cases, observing the attitudes of the community and institutions when facing cases of sexual harassment against women with disabilities. Data processing and analysis techniques are carried out through three stages: data reduction, data presentation/display, and conclusion drawing.

#### 4. FINDINGS AND DISCUSSION

Sexual harassment of women with disabilities in Makassar City is a serious problem that is influenced by various factors. These factors come from the personal conditions of persons with disabilities themselves but are also influenced by the surrounding social and cultural environment. Mrs Rifka, a psychologist (*Interview*, 22 July 2024), said:

*“Persons with intellectual disabilities are easily seduced and lured, thus increasing the risk of abuse against them. Because the cases I deal with are mostly intellectual disabilities. This is an experience outside Sentra. Because he has an intellectual disability, he does not know or understand how people treat him”.*

Rifka explained, based on her experience in handling persons with disabilities outside the Sentra, which indicated that persons with intellectual disabilities were often easily persuaded and lured. This statement shows that women with intellectual disabilities are more easily manipulated and exploited by people with malicious intentions. In line with these findings, various studies indicate that children and adolescents with intellectual disabilities are unable to protect themselves from sexual abusers (Zareei Mahmoodabadi & Akrami, 2021).

Communication limitations in people with hearing and speech disabilities put them at risk of sexual harassment. As a result, they find it difficult to report the incidents experienced, so the perpetrators feel safer to carry out their actions. Meanwhile, women with visual disabilities experience the inability to see, which makes them more dependent on others, thus creating opportunities for perpetrators of sexual harassment (National Commission on Violence against Women, 2020). In addition, the lack of sexual education for people with disabilities makes them less aware of their body boundaries and personal rights, thus increasing the risk of sexual harassment.

In the social and cultural context, people with disabilities are still stigmatised and discriminated against. Stigma that considers people with disabilities weak and powerless is one of the risk factors for sexual harassment against them (Rohim, 2023). In addition to being stigmatised, women with disabilities also experience discrimination. Women with disabilities experience discrimination caused by gender status in a patriarchal society structure, as well as due to disabilities that face obstacles in their environment (National Commission on Violence against Women, 2020). Social-cultural factors are one of the factors of sexual harassment, which is a manifestation of the patriarchal system where men are considered more powerful and have greater social control, while women are considered to act more passively and submissively (Tangri, Burt & Johnson, 1982).

Patriarchal culture is one of the causes of sexual harassment. As explained by Bhasin (2000) in his book *“Understanding Gender”*, gender imbalance is caused by patriarchy. Women are considered the most guilty party in the event of sexual behaviour with a partner, but the

same does not apply to men (N. Fadhilah, 2020). In addition to stigma and discrimination, one factor that exacerbates this condition is the lack of social support. Families often feel overwhelmed or don't know how to provide appropriate support, thus ignoring or even blaming people with disabilities for the problems they face. Mr Ikhwan, a social worker (*Interview*, 23 July 2024), said:

*“Beneficiary A had been handled in Palu rehabilitation for six months before returning to socialise with the surrounding community. Actually, he has improved quite a lot, but because he did not get the care he should have, he ended up hanging out carelessly, and he went everywhere, causing the community to consider him a nuisance. In fact, children like that need to be understood just like everyone else”.*

In the interview, Mr Ikhwan highlighted the importance of social support and proper care for people with disabilities. Without such support, they will face rejection and discrimination from society. The lack of understanding and support from the surrounding environment leads to people with disabilities being marginalised and not getting the protection and care they need. This lack of social support has serious consequences. People with disabilities who experience sexual harassment are often afraid to report the incident for fear of additional stigma or even blame. All of this leaves women increasingly marginalized and vulnerable to oppression and violence in various aspects of life (N. & R. Fadhilah, 2023). A study by Dorota Habrat shows that the risk of sexual abuse of people with disabilities who are in a state of helplessness is higher within the family and immediate environment (Habrat, 2023). Many survivors of sexual abuse find that the experience is hidden from their social environment in the hope that not everyone will know what has happened. Survivors choose to keep the matter private and hope that the traumatic events that have befallen them will be forgotten over time (Joko Sampurno, 2024). One of the informants, referred to as informant F, a woman with a speech impairment (*Interview*, 11 July 2024), said:

*“My friend was sexually abused by her uncle, and he is also a person with a speech impairment, not married and has children; no one knows except his family. She told me only a little because she was ashamed”.*

In his story, informant F mentioned that his friend had experienced sexual abuse in the family environment. From the story, there is limited information obtained from informant F, so the perpetrator's modus operandi cannot be ascertained. Informant F only mentioned that the incident was only known by the family and did not tell much to others. This indicates that the family chose to remain silent or close the case.

Apart from the context of family and the immediate environment, women with disabilities have also not received maximum support in the justice system, which has not fully taken a disability perspective. The government has issued Government Regulation (PP) No. 39 of 2020 concerning Reasonable Accommodation for Persons with Disabilities in the Judicial Process. However, the regulation has not been well implemented for handling cases of violence, including sexual harassment against women with disabilities. For example, not all PPA (Women and Children's Services) Unit rooms in Police Offices are friendly to persons with disabilities and have Sign Language Interpretation services. In addition, some law enforcement officers (APH) do not have a good perspective on disability, especially perspectives on persons

with intellectual disabilities. Many law enforcement officers do not realise that persons with intellectual disabilities or mental disabilities have a calendar age and a mental age. Meanwhile, the judicial system and existing laws do not recognise the existence of mental age (National Commission on Violence against Women, 2020).

Islam as *rahmatan lil 'alamin* has paid great attention to the protection of the rights of all human beings, including women with disabilities. In this context, Islamic law has been established with principles that aim to protect the rights and dignity of every individual. The principles of Islamic law are in line with the principles of human rights. Human rights emphasise the importance of justice, equality and respect for human dignity without discrimination.

In the context of protecting women with disabilities, Islamic law offers comprehensive principles to ensure their rights are respected and protected. The principles of Islamic law that can protect the rights and dignity of women with disabilities in Makassar City, such as principles of human dignity (*al-Karāmah al-Insāniyah*), equality (*al-Musawah*), justice (*al-'Adalah*), freedom (*al-Hurriyah*).

Every human being has a dignity that must be respected, regardless of their physical or social condition. Islam emphasizes that every individual has a dignity that must be respected. Therefore, protecting the soul and honour (*hifzu al-nafs wa al-'ird*) is a fundamental principle in Islam that is crucial in life. The principle of human dignity (*al-karamah al-insaniyah*) is a solid foundation to prevent and overcome sexual harassment against women with disabilities in Makassar City. In a research interview with the Chairman of MUI Makassar City, K.H. Baharuddin (*Interview*, 11 July 2024), said that:

*“In Islam, all people must be protected. Not seeing that people with disabilities are compared to other people because there are deficiencies. For example, in terms of the body, they are not protected. Let alone humans, even animals must be loved and protected. Especially humans as noble creatures. So, someone who does something like sexual harassment, let alone rape, is not justified in Islam. It is obligatory to help women with disabilities, normal people we need to protect and nurture them, let alone people who do not have strong defences.”*

This statement aligns with Islam's principle of human dignity, which emphasizes that every individual, without exception, has equal value before Allah Almighty. In addition, it shows that the protection of women with disabilities is not just a moral obligation but a universal religious command. In Islam, every living creature, including animals, has the right to be treated well. Especially humans, who are the most noble creatures. Thus, acts of sexual harassment against women with disabilities are severe offences and contrary to the teachings of Islam.

Islamic law views all human beings as equal before the law, which aligns with the principle of equality in the Universal Declaration of Human Rights. Article 6 states that everyone has the right to be recognized as a person before the law, wherever they may be. Article 7 affirms that all people are entitled to equal protection of the law without discrimination, including protection from all forms of discrimination and incitement to discrimination. The principle of non-discrimination is part of the principle of equality, which guarantees that a person's human rights cannot be abrogated due to external factors such as race,



gender, religion, political views, nationality, birth status, disability, or other factors (National Commission on Violence against Women, 2020).

Justice should be established without discrimination, reflecting broader human values and emphasizing the importance of fair treatment for all. The principle of justice can be applied to prevent and overcome sexual harassment against women with disabilities in Makassar City through justice in law enforcement.

Islamic law regulates sanctions through the concept of *hadd* and *ta'zir*. *Ta'zir* is a punishment determined by the ruler (judge) against various forms of sin that harm or interfere with the general public interest (Syarbaini, 2018). Sexual harassment is included in *jarimah ta'zir*, which is related to crimes of honour and morals. According to Ahmad Wardi Muslich, *jarimah ta'zir* includes crimes such as murder, wounding, honour, property, individual benefit, and public security (Muslich, 2005). *Ta'zir* punishment for offences below the level of adultery is left to the judge, such as lashes, imprisonment, fines, or social sanctions. However, if proven to be adultery or rape, the offender is subject to the sharia-compliant *hadd* punishment, based on the example of the Prophet's time.

حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ، حَدَّثَنَا مَعْمَرُ بْنُ سُلَيْمَانَ الرَّقِّيُّ، عَنْ الْحَجَّاجِ بْنِ أَرْطَاةَ، عَنْ عَبْدِ الْجَبَّارِ بْنِ وَايِلِ بْنِ حُجْرٍ، عَنْ أَبِيهِ، قَالَ: "اسْتُكْرِهَتْ امْرَأَةٌ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَدَرَأَ عَنْهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَدًّا، وَأَقَامَهُ عَلَى الَّذِي أَصَابَهَا"، وَلَمْ يُذَكَّرْ أَنَّهُ جَعَلَ لَهَا مَهْرًا. ~ رواه الترمذي حديث رقم ١٤٥٣

Meaning:

Narrated 'Abdul-Jabbar bin Wa'il bin Hujr: That his father said: A woman was forced to commit illegal sexual relations during the time of the Messenger of Allah (ﷺ). The Messenger of Allah (ﷺ) did not enforce the legal punishment upon her, but he enforced it upon the one who had done it to her. The narrator did not mention that he had assigned a dowry to her. (HR Imam al-Tirmidzi no. 1453) (Al-Tirmidzi, 1996).

According to the Syafi'i, if a man commits rape, the *hadd* punishment should be imposed on him and not on the woman because she was forced and helpless, and the survivor is entitled to her dowry. If a pregnancy occurs and a child is born, then the child's *nasab* is linked to the man, and the woman must undergo *iddah* (Al-Jaziri, 2003). Thus, the Shafi'i Mazhab asserts that a rapist must have a punishment that can be applied, which includes stoning (for married people) or flogging (for unmarried people), in accordance with the provisions of sharia. In addition, MUI Fatwa No. 57/2014 on Lesbian, Gay, Sodomy, and Molestation also stipulates that the punishment for the perpetrator of molestation is *ta'zir*. In the event that the victims of the crimes (*jarimah*) of homosexuality, sodomy, and molestation are children, the perpetrators are subject to the aggravated death penalty.

Meanwhile, positive law in Indonesia provides criminal sanctions in accordance with Law No. 8 of 2016 on Persons with Disabilities and other laws and regulations, such as the KUHP (Penal Code of Indonesia) and Law No. 12 of 2022 on Criminal Acts of Sexual Violence (UU TPKS).

In Islamic law, Freedom (*al-hurriyah*) is one of the fundamental human rights that must be respected and safeguarded, including for women with disabilities. If freedom is shackled, then what will happen is the oppression of one group against another. Islamic law emphasizes

the importance of creating a safe environment and protecting them from intimidation. This principle supports efforts to develop a sense of security and comfort for people with disabilities so they can live their daily lives calmly and freely.

In addition to the community environment, families and legal institutions are crucial in taking a role to protect women with disabilities in accordance with these principles. As the first protector, the family has a great responsibility in maintaining the safety and well-being of family members with disabilities. Ensure that moral and ethical values are instilled early on so children can understand personal boundaries and applicable social norms. Legal institutions should practice the principles of equality (*al-Musawah*) and justice (*al-'Adalah*) in the law enforcement process. This means there should be no discrimination in the investigation, trial or sentencing of sexual harassment cases involving women with disabilities. Effective legal protection will reflect a commitment to the principle of freedom (*al-Hurriyah*), which asserts that every individual, including women with disabilities, has the right to be free from intimidation and threats.

Therefore, collaboration between families, communities and legal institutions is necessary to create a safe and fair environment for women with disabilities, in accordance with the principles of Islamic law that uphold the humanity and dignity of every individual.

## 5. CONCLUSION

Based on the research findings, the researcher can draw the following conclusions: sexual harassment of women with disabilities in Makassar City is a serious problem that is influenced by various factors, both from the personal condition of the disability itself and the surrounding social and cultural environment. Some of the factors that increase the risk of this abuse include communication limitations, lack of sexual education, stigma, discrimination, and lack of social support and legal protection.

In the perspective of Islamic law, the protection of women with disabilities is upheld through principles such as human dignity (*al-Karāmah al-Insāniyah*), equality (*al-Musawah*), justice (*al-'Adalah*), and freedom (*al-Hurriyah*). Islam emphasizes protection and respect for the rights and dignity of every individual, including vulnerable groups such as persons with disabilities. Sanctions in Islamic law against perpetrators of sexual harassment can be *ta'zir* or *hadd* punishments, depending on the level of offence committed. These principles of Islamic law are in line with human rights and can be the basis for creating a more just and safer environment for women with disabilities.

## References

- Al-Jaziri, Abd al-Rahman bin Muhammad Awad. (2003). *Kitābu al-fiqh 'ala mazāhib al-arba'ah*, Juz 5 (Cet.II; Lebanon: Dar al-Kutub al-Ilmiyah.
- Al-Shiddieqy, Tengku Muhammad Hasbi. (1966). *Syari'at Islam Menjawab Tantangan Zaman*. Cet. II; Jakarta: Bulan Bintang.
- Al-Tirmizi, Abu 'Isā Muhammad bin 'Isa. (1996). *Al-jāmi' al-kabir Sunan al-Tirmizi*. Jilid 3. Cet.I; Beirut: Dar al-Garbi al-Islamiy.
- Badan Pusat Statistik. (2023). Statistik kriminal. *Badan pusat statistik, 021*, 1–62. <https://www.bps.go.id/id/publication/2023/12/12/5edba2b0fe5429a0f232c736/statistik->

kriminal-2023.html.

- Fadhilah, N. (2020). Kecenderungan perilaku seksual beresiko di kalangan mahasiswa: kajian atas sexual attitude dan gender attitude. *Marwah: Jurnal Perempuan, Agama Dan Jender*, 19(2), 171. <https://doi.org/10.24014/marwah.v19i2.9746>.
- Fadhilah, N. & R. (2023). Problematic preventive efforts ff sexual harassment through islamic gender justice values-based education. *Gender Equality: International Journal of Child and Gender Studies*, 9(2), 220–234. <https://doi.org/http://dx.doi.org/10.22373/equality.v9i2.19586>.
- Habrat, D. (2023). State of helplessness of a victim in the context of sexual abuse of a person with disabilities. *Studia Prawnoustrojowe*, 62, 43–55. <https://doi.org/10.31648/sp.9436>.
- Joko Sampurno, R. D. (2024). The myth of equality: Sexual harassment behind a woman's desk. *Gender Equality: International Journal of Child and Gender Studies*, 10(1), 80. <https://doi.org/10.22373/equality.v10i1.22302>
- Majelis Ulama Indonesia, *Fatwa MUI Nomor 57 Tahun 2014*.
- Muslich, Ahmad Wardi. (2005). *Hukum pidana Islam*. Jakarta: Sinar Grafika.
- Pristiandau, D. L. (2024). *Perempuan penyandang disabilitas rentan jadi penyintas kekerasan*. Kompas.Com. <https://lestari.kompas.com/read/2024/03/19/140000886/perempuan-penyandang-disabilitas-rentan-jadi-penyintas-kekerasan>
- Republik Indonesia, *Undang-Undang RI Nomor 12 Tahun 2022*, Pasal 5-6.
- Rohim, A. (2023). Stigma dan diskriminasi dalam dunia pendidikan untuk disabilitas: disabilitas dan pendidikan di Indonesia. In *Tahta Media Group*. Tahta Media Group.
- Syamsuri. (2019). Pesantren dan fiqih disabilitas: studi atas pemahaman santri pondok pesantren di Probolinggo Jawa Timur. *At-Turas: Jurnal Studi Keislaman*, 6(2), 272–305.
- Syarbaini, A. (2018). “Teorita’zīrdalam hukum pidana Islam.” *Jurnal Ius Civile: Refleksi Penegakan Hukum Dan Keadilan*, no. 2, 9–10.
- Tangri, S. S., Burt, M. R., & Johnson, L. B. (1982). Sexual harassment at work: Three explanatory models. *Journal of Social Issues*, 38(4), 33–54. <https://doi.org/10.1111/j.1540-4560.1982.tb01909.x>
- United Nations Entity for Gender Equality and the Empowerment of Women. (2018). *Towards An End To Sexual Harassment : The Urgency And Nature Of Change In The Era Of # Metoo*. UN Women.
- United Nations Entity for Gender Equality and the Empowerment of Women. (2020). *Sexual harassment against women with disabilities in the*. UN Women.
- Widinarsih, D. (2019). Penyandang disabilitas di indonesia: perkembangan istilah dan definisi. *Jilid Ilmu Kesejahteraan Sosial*, 20, 127–142.
- Zareei Mahmoodabadi, H., & Akrami, L. (2021). Sexual abuse in adolescent girls and boys with mild intellectually disable. *Journal of Community Health Research*, 10(2), 128–135. <https://doi.org/10.18502/jchr.v10i2.6589>