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Efforts to Protect Victims of Rape Crime: Law and Society Study

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ABSTRACT. Victims of rape often do not get adequate rights and legal protection. In many cases of rape, the law is not able to fully accommodate the rights of the victim, the law is only limited to fulfilling the desire to punish the perpetrator. The complexity of the legal process usually makes victims prefer the peaceful path. Even though the injuries received by the victim have a serious impact even for the future of the victim. Moreover,

many rape cases have reached court but the perpetrators have not been sentenced to the maximum penalty as stated in the Criminal Code. This study is intended to analyze and examine the victim of rape protection in the context of law and society. The study analyzes and compares some related laws concerning to victim protection, women protection, child protection, and human right protection in national context of Indonesia.

KEYWORDS. *Victim of Rape, Victim Protection, Human Rights*

I. INTRODUCTION

The crime of rape and decency is one of the crimes that are mushrooming in Indonesia, the development of an increasingly modern environment and sexual education which is still considered taboo are included in the causes of this crime so mushrooming in Indonesia. The culture of Indonesia as an eastern country makes its people highly respect shame and a sense of honor, this causes people to tend to be closed when discussing sexuality so that it also has an impact on the psychology of its people who tend to be closed about sexuality. This crime of rape does not only occur in big cities which are relatively more advanced in culture and awareness of the dangers or knowledge of the law, but also occurs in rural areas which still hold relatively traditional values and customs ([Sibarani & Alhakim, 2021](#); [Shahrullah, Syarief, Sudirman & Surya, 2020](#)).

The crime of rape is one of the crimes that have existed since ancient times, and has developed over time as well, this causes the crime of rape to become one of the crimes that are difficult to solve, both in the

investigation, prosecution and decision stages because these crimes are usually occurs in a quiet place and there are no eye witnesses, especially in this crime the victim has such a heavy responsibility because in addition to being a victim, he must also be a witness for the crime. This is what causes many rape crimes that end in peaceful ways. How not? as a victim who should receive protection because he suffered a lot of losses, in addition to being physically but psychologically very depressed, victims are also required to follow procedures that are very complicated and take a lot of time, even though at such times the victim should get enough rest to relieve trauma and sometimes need psychological help.

The trial process also often makes the victim even more depressed because the victim has to retell everything that happened because of the lack of eyewitnesses, such a thing will have a big psychological impact on the victim. Because not everyone is able to retell the bad memories they experienced. The trial process also often makes the victim even more depressed because the victim has to retell everything that happened because of the lack of eyewitnesses, such a thing will have a big psychological impact on the victim. Because not everyone is able to retell the bad memories they experienced. The trial process also often makes the victim even more depressed because the victim has to retell everything that happened because of the lack of eyewitnesses, such a thing will have a big psychological impact on the victim. Because not everyone is able to retell the bad memories they experienced (Loney-Howes, 2018; Brooks-Hay, 2020; Long, 2018).

The complexity of this process usually makes the victims prefer the peaceful path. Even though the injuries received by the victim have a serious impact even for the future of the victim. Moreover, there are many cases of rape that have reached court, but the perpetrators have not been

sentenced to the maximum sentence as stated in the Criminal Code Articles 281 to 285, namely: "Whoever by violence or threats of violence forces a woman to have sex with him outside of marriage, threatened with rape, with a maximum imprisonment of twelve years" (Heryanto, 2020; Dharmapadmi & Dewi, 2021)

In criminology, legal protection is one of the important things in the legal elements of a legal state. Because a legal protection is the right of every community and the obligation of the state as a government administrator. Legal protection for rape victims is getting rehabilitation from the government both physically and mentally because the impact of rape as described is very bad, spiritual and social protection (Dewi & Purwani, 2020; Amrullah, 2020; Setiyawan, et.al. 2019; Putri, 2021). In addition to the privacy of the victim must also be guarded and protected, the good name of the victim and family must be protected because in our society, rape victims will actually receive criticism from the surrounding community because they are considered to have committed despicable acts, because rape victims usually also act as witnesses, the victim must also receive protection as a witness and have the right to know any developments in the case he or she faces. In victimology as a science that studies the victim, starting from the cause of the emergence of the victim and the consequences (Pinciotti & Orcutt, 2021; Amanda & Krisnani, 2019; Rizkal & Mansari, 2019). So, it will be studied below how the protection of rape victims in the scope of victimology will be studied.

II. PROBLEMS EXPERIENCED BY VICTIMS OF THE CRIME OF RAPE

In Indonesian law, the crime of rape is generally explained in article 285 of the Criminal Code which explains that rape is a crime in which anyone with violence or threats of violence forces a woman to have sex with him outside of marriage, is threatened with criminal rape, namely: imprisonment for a maximum of twelve years (Putri, 2021; Andriani, 2021).

In some references and studies, rape considered as a type of sexual assault usually involving sexual intercourse or other forms of sexual penetration carried out against a person without that person's consent. The act may be carried out by physical force, coercion, abuse of authority, or against a person who is incapable of giving valid consent, such as one who is unconscious, incapacitated, has an intellectual disability, or is below the legal age of consent (Krug, et.al., 2002; Schulhofer, 2017). The term rape is sometimes used interchangeably with the term sexual assault (Petra & Hedge, 2003).

As for some explanations about rape according to experts, among others:

1. According to Soetandyo Wignjosoebroto, rape is defined as an attempt to vent sexual desire by a man against a woman in a way that violates morals or applicable laws (Marzuki, 1997).
2. According to Wirdjono Prodjodikoro, "rape is a man who forces a woman who is not his wife to have sex with him, so that in such a way the victim is unable to resist the wishes of the perpetrator, then the victim is forced to commit the act of sexual intercourse" (Prodjodikoro, 1986).

As for the occurrence of the crime of rape based on the motives of the perpetrators who share various kinds, in the perspective of criminology according to Mulyani W Kusuma, the motives of the perpetrators of raping are as follows:

1. Seductive rape

Rape that occurs because the perpetrator feels aroused by lust, and this is very subjective. This kind of rape occurs precisely between those who already know each other, because social factors or social interactions greatly influence the occurrence of rape.

2. Sadistic rape

Rape committed sadistically. In this case, the perpetrator gets sexual satisfaction not because of intercourse, but because of acts of violence committed against the victim's body, especially on her genital organs.

3. Anger rape

Rape committed as an expression of the perpetrator's anger. This type of rape is usually accompanied by physically brutal acts to vent anger.

4. Domination rape

In this case, the perpetrator wants to show his dominance over the victim. This kind of rape is carried out on the pretext that the perpetrator can prove to himself that he has power over certain people, for example a victim of rape by an employer against his assistant.

5. Exploitation rape

This type of rape can occur because of the victim's dependence on the perpetrator, both economically and socially. In this case, without using physical violence, the perpetrator can impose his will on the victim. For example, rape by employers against workers. Even though there was agreement, it was not because there was a sexual desire from the

victim, but because there was a fear of being fired from his job (Wahid & Irfan, 2011; Tamatae & Sumantri, 2020; Budiono et.al., 2020).

The vulnerability of this crime to occur certainly requires special attention, especially for those who have experienced it or are victims of rape because it has an impact not only physically but also psychologically. It makes many rape victims reluctant to take the case to court and many rape cases only end with the word "sorry" from the perpetrator, and many do not even get an answer from the perpetrator. Victims who receive accountability from the perpetrators are also not necessarily lucky because when the victim lives with the perpetrator, that is when the victim's psychology will become even more chaotic because they have to live with people who hurt them in order to maintain the honor and good name of the family. From this it can be seen that this kind of crime is more profitable for the perpetrators (Kosvanti, et.al., 2020; Ariyad & Masyhar, 2020).

For this reason, as a state of law, the existence of legal rules regarding the crime of rape still cannot make the victims of rape crimes to speak up about what has happened, some things that make victims of rape do not want to report it because they feel that the incident, they experienced is a disgrace that should be covered up instead of exposing it in front of them. other people, especially as an eastern country, we still tend to be closed to dealing with this kind of problem (Nurdiana & Arifin, 2019; Wibowo, 2020). Apart from being considered a disgrace, victims are also usually afraid of similar threats in the future if the perpetrator takes revenge and when the legal process is complete, he will take revenge on the victim. What's more, considering the legal process is quite complicated plus the victim who usually has to act as a victim and a single eyewitness due to rape incidents which usually do not have other eyewitnesses, the victim is reluctant to deal with the law because the longer the problem goes on the

court, the victim will remember everything. what happened to him. The problems experienced by rape victims are quite complex problems because the problems faced are not only about the crimes that befell them but also occur in the legal process that the victim must undergo.

III. THE ROLE OF VICTIMOLOGY IN A CRIME

Victimology comes from the word victim which means victim and logos which means knowledge. Victimology is a knowledge that studies victimization or victimization as a problem in human life which is a form of social reality that is happening. While the victim is seen in the legislation in Article 1 paragraph (2) of Law Number 13 of 2006 what is meant by a victim is someone who has suffered physical, mental, and/or economic loss caused by a criminal act. So, the victim in this law is said to have suffered both material (property) and immaterial (mental, psychological, injuries, etc.) losses as a result of a criminal act (Sitorus, 2019; Ilyasa, 2021).

The emergence of victimization cannot be separated from the concerns that arise from within the victim of a crime who is often ignored as the loser, victimology is used to analyze various aspects related to the victim, trying to explain the cause of the crime and most importantly to overcome the occurrence of the crime. that has happened before. The development of victimology to the current state did not occur by itself, but has undergone various developments which are divided into three phases, namely:

1. *Penal or special victimology*: victimology only studies victims of crime.
2. *General victimology*: victimology not only examines the problem of crime victims, but also includes accident victims.

3. *New victimology*: victimology has developed more broadly, namely examining the problems of victims due to abuse of power and human rights ([Wedde, 1995](#)).

When discussing victimology, of course, it will never be separated from the existence of criminology as a science that studies the pattern of perpetrators in a crime and victimology discusses victims of a crime, it is not surprising that the two sciences are always juxtaposed together. JE Sahetapi also argues that criminology and victimology are sides of a coin that are interrelated, the attention to crime that exists should not only revolve around the emergence of crime but also the consequences of crime, because from this it will be seen that attention shifts not only to perpetrators of crime but also to the position of the victim of the crime. This is also discussed by 20 other legal experts in paying attention to this relationship, or at least paying attention to the occurrence of crime not only from one point of view, if someone becomes a victim of a crime, it is clear that a crime has occurred, or there is a victim there is a crime and there is a crime there is a victim. So, if you want to describe and prevent crime, you must pay attention and understand the victims of a crime ([Sahetaphy, 1987](#)).

The occurrence of this crime can also be analyzed from what the victim did before the crime occurred, there is a theory put forward by Mendelsohn, which states that there are five kinds of degrees of victim error, namely, the first is a victim who is completely innocent, the second is a victim who has experienced a crime. because of his negligence, the third is the victim who has the same level of error as the perpetrator, the fourth is the victim who is more guilty than the perpetrator and the last is that the victim becomes the guilty party (so in this case the perpetrator can be released) ([Sahetaphy, 1987](#)). With the degree of guilt of the victim but

does not necessarily override the rights that must be given to the victim at the time of the investigation.

The legal rights of victims can be seen in the legislation, namely: Law Number 13 of 2006 concerning the Protection of Witnesses and Victims (hereinafter referred to as the Law on the Protection of Witnesses and Victims). Article 5 of the Law on the Protection of Witnesses and Victims mentions several rights of victims and sanctions, namely as follows:

1. Obtain protection for the security of his personal, family and property, and be free from threats related to the testimony that he will, is currently, or has given.
2. Participate in the process of selecting and determining the form of security protection and support.
3. Provide information without pressure.
4. Get a translator.
5. Free from ensnaring questions.
6. Obtain information regarding the development of the case.
7. Obtain information about court decisions.
8. Knowing when the convict is released.
9. Got a new identity.
10. Get a new residence.
11. Obtain reimbursement of transportation costs in accordance with needs.
12. Get legal advice.
13. Obtain temporary living expenses assistance until the protection period ends.

In addition to having rights, victims of course have obligations that must be carried out by victims in order to realize comprehensive protection for victims. According to Arif Gosita, the obligations of victims include:

1. Do not make victims yourself by taking revenge (take the law into your own hands).
2. Participating with the community prevents the creation of more victims;
3. Prevent the destruction of the victim, either by oneself or by others;
4. Participate in fostering victim makers;
5. Willing to be fostered or nurtured yourself so as not to become a victim again;
6. Give the victim maker an opportunity to compensate the victim according to his ability (in installments in stages/remuneration for services);
7. Be a witness if you do not endanger yourself and there is a guarantee ([Widiartana, 2013](#)).

In addition to the rights mentioned in Article 5 of the Law on the Protection of Witnesses and Victims, there are several rights to obtain medical assistance and psychosocial rehabilitation assistance for victims of serious human rights violations, this is explained in Article 6 of the Law on the Protection of Witnesses and Victims ([Annisa, 2020](#); [Ramada, 2017](#); [Huda & Astrovanapoe, 2021](#)). The definition of medical assistance is clear, but for psychosocial rehabilitation assistance it needs to be explained, according to the explanation of Article 6, it is stated that psychosocial rehabilitation assistance is assistance provided by psychologists to victims who suffer from trauma or other mental problems to restore the victim's mental condition. In the context of the protection of victims of crime, preventive and repressive efforts are carried out, both in society and the government (through law enforcement officers), such as providing protection/supervision from various threats that can endanger the lives of victims, providing adequate medical and legal assistance, a fair

examination and trial process for perpetrators of crimes, basically one of the manifestations of the protection of human rights as well as a balancing instrument. This is where the philosophical basis behind the importance of crime victims (their families) getting protection ([Mansur & Gultom, 2007](#); [Yudhanti, Arifin, & Rismadini, 2017](#)).

IV. ANALYSIS VICTIMOLOGY OF EFFORTS TO PROTECT VICTIMS OF RAPE CRIME

The existence of a victim is certainly triggered by an action that harms another person, so that person is called a victim. The existence of rape victims can be caused by various things. Under Indonesian law, a rape victim is a woman who is threatened or forced with violence to have sex with the perpetrator and the woman is not the wife of the perpetrator. The victim of rape must be a woman who is not the wife of the perpetrator. despite the fact that in the field there are men who are victims of rape and a wife who is raped by her husband. However, in Indonesian laws and regulations, especially the Criminal Code, Article 285 only explains that the victim of rape is a woman. There are no laws and regulations in Indonesia which state that the victim of rape is a man as well as regarding marital rape. even though there have been so many cases of rape where the victim is not only a woman, and it is also felt that there is a need for clear rules to protect victims.

In this way, it can be said that rape victims can be anyone and regardless of age. And often the occurrence of a rape is associated with the victim's mistakes who are not careful in taking care of himself, or the victim who provokes the perpetrator to do it even though it is clear that the rape is purely the fault of the perpetrator. There is no justification for an act that

compels, let alone tortures, let alone just for the sake of mere lust. even though there have been so many cases of rape where the victim is not only a woman, and it is also felt that there is a need for clear rules to protect victims. In this way, it can be said that rape victims can be anyone and regardless of age. And often the occurrence of a rape is associated with the victim's mistakes who are not careful in taking care of himself, or the victim who provokes the perpetrator to do it even though it is clear that the rape is purely the fault of the perpetrator. There is no justification for an act that compels, let alone tortures, let alone just for the sake of mere lust. even though there have been so many cases of rape where the victim is not only a woman, and it is also felt that there is a need for clear rules to protect victims. In this way, it can be said that rape victims can be anyone and regardless of age. And often the occurrence of a rape is associated with the victim's mistakes who are not careful in taking care of himself, or the victim who provokes the perpetrator to do it even though it is clear that the rape is purely the fault of the perpetrator.

There is no justification for an act that compels, let alone tortures, let alone just for the sake of mere lust. And often the occurrence of a rape is associated with the victim's fault who was not careful in taking care of himself, or the victim who provoked the perpetrator to do it even though it was clear that the rape was purely the fault of the perpetrator. There is no justification for an act that compels, let alone tortures, let alone just for the sake of mere lust. And often the occurrence of a rape is associated with the victim's fault who was not careful in taking care of himself, or the victim who provoked the perpetrator to do it even though it was clear that the rape was purely the fault of the perpetrator. There is no justification for an act that compels, let alone tortures, let alone just for the sake of mere lust.

1. The Impact of The Crime of Rape on The Victim

A crime is a sexual crime whose impact is very heavy felt by the person who is the victim. In this case, the rape victim will not only suffer physically (because of the violence that preceded or accompanies the rape) but will also have her rights as a woman violated (because of forced sexual intercourse). Rape will also leave a prolonged psychological trauma on the victim, not to mention the stigma of society that continues to haunt their lives.

Victims of sexual harassment can have different levels; this is because the rape incident is a traumatic event that leaves a deep imprint on the victims. Some of the impacts of the crime of rape on victims include:

a) Trauma

Trauma which means injury, tissue damage, injury or shock. While trauma does not only occur physically but can also occur in a person's psyche, in psychology it is defined as severe and sudden anxiety due to an event in a person's environment that exceeds the limits of his ability to survive, overcome or avoid. Physical trauma has examples such as bruising or bruising, swelling, and other injuries that are on the victim's body. While psychological trauma is much more dangerous because the victim can experience it for a lifetime so that it can affect the behavior of the victim in the future. Which is indicated by a response in the form of a strong fear and a sense of helplessness or always being haunted by excessive feelings of fear. Traumatic events are experienced again by victims such as: imagining the incident,

b) Panic attacks

Panic attacks are effects that occur due to psychological trauma, victims can experience panic attacks when faced with something that reminds

them of the trauma. Which can be characterized by a strong feeling of fear or discomfort that accompanies physical or psychological symptoms. Physical symptoms include heart palpitations, sweating, shaking, shortness of breath, chest pain, body heat, numbness, loss of control.

c) *Avoidance behavior*

One of the symptoms of the impact of sexual abuse is avoiding things that can remind the sufferer of the traumatic event. A rape victim can continue to relate all events in her entire life every day. days with a traumatic incident, even though the current living conditions are far from traumatized as a result of the impact of the sexual abuse she has experienced. This often becomes more severe so that sufferers are afraid to leave the house, meet with the opposite sex, pass through the scene of a rape that occurred in the past because they are always in the shadow of the incident and must be accompanied by other people if they have to leave the house.

d) *Feeling distrustful*

After the victim has had a sad experience, the sufferer may lose trust with others, feeling that men are bad. Victims of the crime of rape may think that men are bad, so that they are harassed, and they lose trust in others, so they are more closed because of the trauma of the sexual abuse case they suffered, and they are afraid to meet new people.

e) *Easily angry*

Anger and irritability are common reactions among trauma sufferers. Indeed, it can be wrong at any time, especially when the sufferer feels hurt, angry and more sensitive to his feelings is a normal and justifiable reaction. The sufferer or victim is still hurt or hurt by the incident, so

the victim needs time to be alone and accept the reality, and the time it takes is different for each victim.

The impacts above can be experienced by all of the victims and can also only be experienced by some of the victims, cannot be beaten evenly, as well as treatment to be given to the victim.

2. Forms of Protection for Victims of the Crime of Rape

Everyone can be a victim of rape, especially women who are prone to become victims of crime because of their weak position. Rape victims experience double suffering which includes physical, psychological, and social suffering. The position of rape victims in the judiciary also adds to their suffering. Because a rape victim has to be a witness as well as a victim in a court of law and recount the rape incident she experienced, this is certainly traumatic. Therefore, rape victims need legal protection in their efforts to obtain justice and recovery from all the suffering they have experienced.

One form of protection provided by the state is the administration of justice, although many cases do not reach this stage for various reasons, one of the reasons that is often encountered is the perception of the Indonesian people that rape is a disgrace that should be covered up. invitation, Witness and Victim Protection Agency (hereinafter as LPSK), law enforcement, relevant government agencies, and other relevant parties, the judicial function plays an important role.

The function of the court, apart from being a case breaker, is also to receive reports on the implementation of compensation, or restitution, to announce them and to order agencies or parties to implement decisions and so on. By applying legal sanctions to perpetrators, then indirectly it is

a form of legal attention (protection) to victims of crime. Legal protection for women who are victims of this crime is not only limited to the punishment of the perpetrator, but also to the consequences that befall them, such as pregnancy due to rape (Wahid & Irfan, 2001).

The victim factor plays an important role in being able to overcome or resolve cases of rape, this requires courage from the victim to report the incident that happened to him to the authorities, because in general victim's experience threats of raping again from the perpetrator and this makes the victim afraid and traumatized. It is hoped that from this complaint, the case can be opened, and an examination process can be carried out so that the victim will get justice for what happened to him. Based on the law in force in Indonesia, the victim can claim damages or compensation for the perpetrator. The regulation of victim protection in Indonesian criminal law is regulated in:

1) In the Criminal Code (KUHP)

Implicitly, the provisions of Article 14c paragraph (1) of the Criminal Code have provided protection for victims of crime. The article reads:

"In the order referred to in Article 14a, except in the event that a fine is imposed, then together with the general condition that the person convicted will not commit a crime, the judge may make special conditions that the person convicted will compensate for the losses incurred due to the crime. the sentence, all or part of it, which will be determined in the order, which is less than the probationary period."

According to the provisions of Article 14c paragraph (1), as well as Articles 14a and b of the Criminal Code, the judge can impose a sentence by stipulating special conditions for the convict with the intention of compensating for the loss caused to the victim.

2) According to the provisions of criminal law outside the Criminal Code.

Protection of crime victims can also be seen in laws outside the Criminal Code. However, the protection orientation is also implicit and abstract. Strictly speaking, protection is not imperative, real, and direct. The laws in question are as follows:

- a. Law Number 39 of 1999 concerning Human Rights.
- b. Law Number 26 of 2000 concerning Human Rights Courts.
- c. Law Number 13 of 2006 concerning the Protection of Witnesses and Victims.

Then there is the right of the victim of a crime, namely the fulfillment of compensation for the suffering or loss suffered. Compensation for victims of rape, among others, can be in the form of restitution, compensation and Medical Assistance and Psycho-social Rehabilitation Assistance.

a. Restitution

The issue of restitution to victims of crime in the context of the relationship between the perpetrator and the victim, according to Romli Atmasasmita, is a manifestation of the resocialization of the responsibility of the perpetrator as a citizen. Through the resocialization process, it is intended and expected to instill a sense of social responsibility in the perpetrator. So that the value of restitution in this case does not only lie in its efficacy in helping the victim, but also functions as a tool to awaken the perpetrator of the crime against his *debt* (due to his actions) to the victim (Iswanto, 1995). Restitution is more directed at the responsibility of the perpetrator for the consequences caused by the crime so that the main target is to overcome all the losses suffered by the victim. In determining the amount

of restitution given is not easy in formulating it. This depends on the social status of the perpetrator and the victim.

In the event that the victim with a lower social status than the perpetrator, will prioritize compensation in the form of material, and conversely if the social status of the victim is higher than the perpetrator, the restoration of dignity and good name will be prioritized (Yulia, 2010).

b. Compensation

The difference between compensation and restitution is that compensation arises from the victim's request, and is paid by the community/state, or is a form of community or state responsibility (The responsible of the society), while restitution is more criminal in nature, which arises from a criminal court decision and is paid by the convict. or is a form of liability of the convict (Schafer, 1968). The issues of providing compensation to victims have been discussed in depth in the international context. One of the international instruments related to the implementation of compensation is the "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" which was ratified through UN General Assembly Resolution No. 40/34 dated November 29, 1985. Letter A number 12 of this Declaration stipulates: "*If compensation (restitution) is not fully available from the guilty person or other sources, the state should seek to provide financial compensation to: victims who suffer bodily injury or deterioration of physical or mental health as a result of a serious crime, the family or especially dependents of persons who died or became physically or mentally disabled as a result of the crime.*"

From the above provisions it implies that compensation in this case is domiciled as a complement or addition to the insufficient restitution given

by the perpetrator to the victim. However, this instrument clearly imposes the responsibility of the state to participate in providing concrete and individual protection to victims (ie as a form of state and community responsibility) in the form of compensation.

c. Medical Assistance and Psycho-social Rehabilitation Assistance

According to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims of Rape, victims of rape are also entitled to medical assistance and psycho-social rehabilitation assistance. Such assistance is a service provided to victims and/or witnesses by the Witness and Victim Protection Agency (LPSK). Requests for medical assistance and psycho-social rehabilitation assistance can be submitted by the victim, the victim's family, and their attorney with a special power of attorney. The application is submitted in writing in Indonesian and on paper stamped to the LPSK.

V. CONCLUSION

This study highlighted and concluded that rape victims need protection because victims experience very complex impacts. The impact felt by the victim is a double suffering which includes physical, psychological, and social suffering. The position and role of the rape victim as a witness in the trial also adds to the suffering of the victim. The victims of rape are experienced by victims before the trial, during the trial and after the trial, therefore rape victims need protection so that the victim feels safe from all forms of threats and to guarantee the victim in her recovery efforts. The form of protection that can be given to rape victims is the protection provided in Article 14c paragraph (1) of the Criminal Code (KUHP),

and other provisions outside the Criminal Code, namely Law Number 13 of 2006 concerning Protection of Witnesses and Victims Law Number 39 of 1999 concerning Human Rights. Law Number 26 of 2000 concerning the Court of Human Rights. And victims of criminal acts of rape have the right to receive Compensation, Restitution, as well as Medical Assistance and Psycho-social Rehabilitation Assistance obtained through the Witness and Victim Protection Agency (LPSK).

VI. REFERENCES

- Amanda, A., & Krisnani, H. (2019). Analisis kasus anak perempuan korban pemerkosaan inses. *Focus: Jurnal Pekerjaan Sosial*, 2(1), 120-136.
- Amrullah, S. (2020). Perlindungan Hukum Terhadap Korban Tindak Pidana Pemerkosaan. *Jurnal Andi Djemma: Jurnal Pendidikan*, 3(1), 59-65.
- Andriani, M. (2021). Model Bantuan Terhadap Anak Korban Pemerkosaan. *Petitum*, 1(1), 59-72.
- Annisa, S. F. (2020). Children as Victims of Sexual Abuse: Has the Law Provided Enough Justice?. *The Indonesian Journal of International Clinical Legal Education*, 2(4), 435-448.
- Ariyad, F., & Masyhar, A. (2020). Abortion by Rape Victim: A Dilemma in the Draft of Penal Code and Indonesian Health Law. *Journal of Law and Legal Reform*, 1(4), 631-640.
- Brooks-Hay, O. (2020). Doing the “right thing”? Understanding why rape victim-survivors report to the police. *Feminist Criminology*, 15(2), 174-195.
- Budiono, A., Silalahi, W., Hendriana Ngestiningrum, A., Vivid Izziyana, W., Suparji, S., Agung Pradnyawan, S. W., & Budiarta, I. (2020). Visum Et Repertum in the Evidencing Process of Rape in

- Indonesia. *Indian Journal of Forensic Medicine & Toxicology*, 14(2), 168-171.
- Dewi, A. K., & Purwani, S. P. M. (2020). Perlindungan Hukum Terhadap Anak Sebagai Korban Perkosaan yang Melakukan Aborsi. *Kertha Wicara: Journal Ilmu Hukum*, 9(4), 65-79.
- Dewi, N. (2018). Child marriage in short stories from Indonesia and Bangladesh: victor, survivor, and victim. *International Journal of Humanity Studies (IJHS)*, 2(1), 51-60.
- Dharmapadmi, N. L. P. S. L., & Dewi, A. A. S. L. (2021). Tanggung Jawab Pidana Korban Pemerkosaan Aborsi Janin Ditinjau dari Perspektif Hak Asasi Manusia. *Jurnal Konstruksi Hukum*, 2(2), 283-289.
- Heryanto, B. (2020). Korban Tindak Pidana Pemerkosaan dalam Perspektif Viktimologi. *Jurnal Hukum Mimbar Justitia*, 6(1), 90-101.
- Huda, M. W. S., & Astrovanapoe, S. U. (2021). Contribution of Islamic Law to the Draft Law on the Elimination of Sexual Violence. *Jurnal Scientia Indonesia*, 7(2).
- Ilyasa, R. M. A. (2021). Legal and Victimological Perspective on Sexual Violence against Children Cases in Indonesia. *The Indonesian Journal of International Clinical Legal Education*, 3(3), 281-300.
- Iswanto, I. (1995). "Restitution for Dead or Seriously Injured Victims as a Condition Conditional Crime on Traffic Crime", *Dissertation*. Yogyakarta: , Gadjah Mada University.
- Kosvianti, E., Susanti, E., Purnomo, W., & Suhadi, A. (2020). The Role of Child Sexual Abuse Victims and Pornography as the Etiology of Rape by Male Adolescents in Bengkulu Province, Indonesia. *Medico-Legal Update*, 20(4), 1625-1629.
- Krug, E. G., Dahlberg, L. L., Mercy, J. A., Zwi, A. B., & Lozano, R (Eds). (2002). *World Report on Violence and Health*. Geneva: World Health Organization.
- Loney-Howes, R. (2018). Shifting the rape script: "Coming out" online as a rape victim. *Frontiers: A Journal of Women Studies*, 39(2), 26-57.

- Long, L. M. (2018). Rape victim advocates experiences with law enforcement in the emergency room. *Feminist Criminology*, 13(5), 498-515.
- Mansur, D. M. A., & Gultom, E. (2007). *Urgency of Protection Victims of Crime (Between Norm and Reality)*. Jakarta: PT Rajagrafindo Persada.
- Marzuki, S. (1997). *Sexual Harassment*. Yogyakarta: Faculty of Law University Indonesian Islam Yogyakarta.
- Nurdiana, M. A., & Arifin, R. (2019). Tindak Pidana Pemerkosaan: Realitas Kasus dan Penegakan Hukumnya di Indonesia. *Literasi Hukum*, 3(1), 52-63.
- Petrak, J. & Hedge, B. (Eds). (2003). *The Trauma of Sexual Assault Treatment, Prevention and Practice*. Chichester: John Wiley & Sons.
- Pinciotti, C. M., & Orcutt, H. K. (2021). Understanding gender differences in rape victim blaming: The power of social influence and just world beliefs. *Journal of Interpersonal Violence*, 36(1-2), 255-275.
- Prodjodikoro, W. (1986). *Certain Crimes in Indonesia*. Bandung: Eresco.
- Putri, H. A. (2021). Perlindungan Hukum terhadap Hak Anak Korban Pemerkosaan dalam Lingkungan Keluarga. *Lex Renaissance*, 6(1), 12-24.
- Ramada, D. P. (2017). Reality of Protection for Sexual Violence Victims: Comprehensive Protection Analysis for Sexual Violence Victims. *IJCLS (Indonesian Journal of Criminal Law Studies)*, 2(2), 168-183.
- Rizkal, R., & Mansari, M. (2019). Pemenuhan ganti kerugian anak sebagai korban pemerkosaan dalam kasus jinayat Aceh. *Gender Equality: International Journal of Child and Gender Studies*, 5(2), 33-46.
- Sahepaty, J. E. (1987). *The Victimology of a Potpourri*. Jakarta: Pustaka Sinar Harapan.
- Sahetapi, J. E. (1987). *Capita Selecta Criminology*. Bandung: Alumni.
- Schafer, S. (1968). *The Victim and His Criminal: A Study in Functional Responsibility*. New York: Random House.

- Schulhofer, S. J. Reforming the Law of Rape. *Law & Inequality: A Journal of Theory and Practice*, 35(2), 335-352.
- Setiyawan, W. B., Anggraeny, P. S., & Setiyawan, W. B. M. (2019). Perlindungan Hukum Aborsi Bagi Korban Pemerkosaan Menurut Undang-Undang Nomor 36 Tahun 2009 Tentang Kesehatan. *QISTIE*, 12(2), 117-128.
- Shahrullah, R. S., Syarief, E., Sudirman, L., & Surya, T. (2020). Analisis Yuridis Pengaturan Abortus Provokatus Terhadap Korban Pemerkosaan di Indonesia. *Jurnal Hukum Samudra Keadilan*, 15(2), 251-263.
- Sibarani, R., & Alhakim, A. (2021, September). Kajian Hukum Terhadap Korban Pemerkosaan: Perspektif Hukum di Indonesia. In *Conference on Business, Social Sciences and Technology (CoNeScINTech)* (Vol. 1, No. 1, pp. 719-727).
- Sitorus, J. C. (2019). Victims of Sexual Abuse: How Does the Law Protect Her?. *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang*, 5(2).
- Tamatae, S., & Sumantri, I. N. (2020). Perlindungan Hukum Terhadap Perempuan Korban Pemerkosaan. *Jurnal Hukum Agama Hindu Widya Kerta*, 3(2), 104-114.
- Wahid, A., & Irfan, M. (2011). *Protection for Victims Sexual Violence, Advocacy on Women's Human Rights*. Bandung: PT Refika Aditama.
- Wede, M. D. (1995). *Some Notes About Victims of Crime Corporations, in a Potpourri of Victimization*. Bandung: Eresco.
- Wibowo, S. A. (2020). Child Sexual Violence and the Violation of Human Rights: The Darkest Side of Law Enforcement in Indonesia. *The Indonesian Journal of International Clinical Legal Education*, 2(4), 421-434.
- Widiartana, G. (2013). *Victimology Perspective of Victims in Handling Crime*. Yogyakarta: Atma Jaya University Yogyakarta.
- Yudhanti, R., Arifin, S., & Rismadini, F. (2017). The Protection to Victims of Violence Based on Gender as a Fulfillment of the Constitutional

Rights in the Perspective of Human Rights in Boyolali's District, Indonesia. *JILS (Journal of Indonesian Legal Studies)*, 2(1), 15-24.

Yulia, R. (2010). *Victimology of Legal Protection for Victims*. Yogyakarta: Graha Ilmu.

In order to escape accountability for his crimes, the perpetrator does everything in his power to promote forgetting. If secrecy fails, the perpetrator attacks the credibility of his victim. If he cannot silence her absolutely, he tries to make sure no one listens.

Judith Lewis Herman

Trauma and Recovery: The Aftermath of Violence - From Domestic Abuse to Political Terror

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