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Victims of Rape and The Legal Protection: Problems and Challenges in The Victimological Studies

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ABSTRACT. Victims of the crime of rape have not received optimal legal protection, even though they have been legally protected through the Law on the Protection of Witnesses and Victims, the Law on Child Protection, or the Law on the Elimination of Domestic Violence. However, the concept of Indonesian criminal law, which focuses more on punishing and deterring criminals, has not been able to accommodate the rights of victims, especially in cases of certain crimes such as rape. In the case of rape, the victim receives an immaterial loss (loss of honor) which is legally difficult to materialize, so that the punishment is limited to imprisonment and a fine which is not sufficient to restore the victim's loss and restore the victim's trauma. This study aims to analyze the protection of victims of rape crime in the perspective of victimology and law. This study uses a normative legal approach, literature review and legal analysis. This study found that the juridical sera, the protection of victims of crime, including victims of rape, has been regulated by the state through several laws. The rights of victims have also been mentioned, ranging from restitution to recovery of victims' losses and trauma. However, in cases of rape, victims are often dissatisfied with the punishment given to the perpetrators of this crime.

KEYWORDS. *Victim of Crime, Protection, Victimological Study, Rape*

I. INTRODUCTION

Crimes about rape and decency in general in the Criminal Code (KUHP) have been in effect in Indonesia since independence but acts of rape and other crimes of decency continue to grow even from time to time tend to increase. Indicators of this increase can be seen from the number of

publications both through print and electronic media regarding pornography, pornography, rape and other immoral crimes. The increase in adultery is not a stand-alone thing, apart from the problem of weak statutory provisions, it is also in line with the increase in pornography and pornography, so that the negative impacts are increasingly real, such as the emergence of other crimes, such as rape, abortion, and even murder (Djubaedah, 2009). Rape is a crime that is very heinous, immoral, despicable and violates norms where the victims are women, both adults and minors (Ahmadi, 2021; Dimyati & Angkasa, 2019).

This is very detrimental for women where self-esteem and honor are at stake. Rape violates human rights, especially for women, even though we know that honor must be protected as regulated in the Universal Declaration of Human Rights (UDHR 1948) in Article 2 when viewed based on women's experiences, violations of women's rights and rape are interpreted as acts forbidden (Luhulima, 2000; Syaafi & Haiti, 2018; Nkrumah, 2018; Falcon, 2001). The crime of rape is very worrying, especially if the victims are minors, because this will affect the psychological development of the child and cause lifelong trauma. In Indonesia, there are many criminal acts of sexual abuse accompanied by violence perpetrated against underage girls by those closest to them, such as biological fathers, siblings, biological uncles, and those closest to them. This of course results in trauma to the child, and psychological disorders in the victim, and other negative aspects. Therefore, the perpetrator of the crime of obscenity must receive a punishment commensurate with his actions and the victim must be given legal protection by the state. The crime of rape in the Criminal Code is regulated in Article 285 which states: Whoever by force or threat of violence forces a woman who is not his wife to have intercourse with him, is punished for raping with a maximum

imprisonment of twelve years. In article 285 it can be concluded that, the victim of rape must be a woman without any age limit; then the victim must experience violence or threats of violence.

Victims in a crime, in the National Legal System, the position is not favorable. Because the victim, in the Judicial System (criminal), only as an extra, not as the main character or only as a witness (victim). In reality, the victim of a temporary crime is considered by the community as a victim of a natural disaster, especially a violent crime, so that the victim suffers physical injury, even death. The issue of the interests of the victim has received less attention for a long time, but the object of attention is still more focused on how to give punishment to the perpetrator of a crime, and it is still attached to the phenomenon of mere retaliation (Sayudi, 2016; Indirati, 2014; Putri & Arifin, 2019). In Hamurabi's legal history, his attention is more focused on the problem of the penological aspect of criminal law, namely how the perpetrators of criminal acts can be punished in accordance with the crimes that are proven to have been committed, as a result, problems regarding victims have been overlooked. The implementation of Hamurabi's law then faces obstacles when the perpetrator or his family has a high position and has the power to defend themselves, then revenge does not work or even turns into resistance by the perpetrator against the victim. The position of the victim does not receive proper legal and justice protection, so an alternative solution is sought with restitution if it is private or compensation if it is public in nature and becomes the focus of attention for social reactions (judicial), while the victim experiences a lack of attention and is finally considered less important in the process of social reaction.

Currently, rape victims are a problem that gets enough attention in the community. Often in newspapers or magazines it is reported that rape

victims arise because of the crime of rape. If you study history, actually the type of rape victim has existed for a long time or can be said as a classic form of crime that will always follow the development of human culture itself, it will always exist and develop all the time even though it may not be too different from before. Victims of this rape are not only found in big cities which are relatively more advanced in culture and awareness or legal knowledge, but also occur in rural areas which still hold relatively traditional values and customs. As it is known that in today's social developments, many rape crimes occur, especially among economically weak communities. Although many rape crimes have been processed to the Court, in those cases the perpetrators were not sentenced to the maximum sentence in accordance with the provisions of the legislation contained in the Criminal Code (KUHP) CHAPTER XIV concerning Crimes Against Morality (Article XIV). 281 to 296), especially those that regulate the crime of rape (Article 285). Attention and protection of the interests of rape victims, either through the criminal justice process or through certain social care facilities, is an absolute part that needs to be considered in criminal law policies and social policies, both by the executive, legislative and judicial institutions as well as by existing social institutions.

The protection in the Criminal Procedure Code protects the human rights of the perpetrator of the crime more than the human rights/interests of the victim of a crime, for this it can be stated that provisions that protect/pay attention to the interests of the victim only regarding pre-trial and combined claims for compensation, In other words, the system adopted by the Criminal Procedure Code is retributive justice, which is a policy whose point of protection is the perpetrator of the crime (offender oriented) not restorative justice which focuses on the policy of protecting

the victims of crime (victim oriented). Victims of the crime of obscenity suffer material and immaterial losses. the person who has been harmed is based on the principles of civil law and the loss is caused by the actions of a person who by criminal law is called “the maker” (*dader*) of a criminal act. So, in the matter of compensation in criminal matters, it must be seen in relation to the “*triad*”: offense (criminal act)—maker—victim. It must also be noted that the loss is both material and immaterial.

In the regulation of the rights of victims in the Criminal Procedure Code, there are only 4 (four) aspects, namely:

1. The right to exercise control over the actions of investigators and public prosecutors, namely the right to file objections to the termination of investigations and/or prosecutions in their capacity as interested third parties. This is regulated in Article 109 and Article 140 paragraph (2) of the Criminal Procedure Code;
2. The right of the victim in his position as a witness, as found in Article 168 of the Criminal Procedure Code;
3. The right of the victim's family in the event of the victim's death, to allow or not to allow the police to carry out post-mortem or to dig a grave for an autopsy. Such rights are regulated in Articles 134 to 136 of the Criminal Procedure Code;
4. The right to claim compensation for losses suffered from the consequences of a criminal act in its capacity as the injured party. It can be found in Articles 98 to 101 of the Criminal Procedure Code

II. THE BASIC IDEA OF PROTECTION AGAINST VICTIMS OF THE CRIME OF RAPE

According to Article 1 Number 2 of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, a victim is someone who has suffered physical, mental, and/or economic loss caused by a criminal act. According to the General Indonesian Dictionary, the victim is (a person) who suffers an accident due to his own actions (lusts, etc.) (Wahid & Irna, 2001). According to I. S Susanto, victims are divided into 2 (two) meanings, namely in a narrow sense and in a broad sense. Victims in a narrow sense are victims of crime, while in a broad sense include victims in various fields such as victims of pollution, victims of arbitrariness and so on (Susanto, 1995).

According to Boy Mardjono Reksodiputro as quoted by J.E Sahetaphy, there are 4 (four) definitions of victims, namely:

1. Victims of conventional crimes such as murder, rape, assault, theft.
2. Victims of unconventional crimes such as terrorism, piracy, illegal narcotics trafficking, organized crime and computer crimes.
3. Victims of unlawful abuses of economic power such as violations of labor regulations, consumer fraud, violations of environmental regulations, fraud in the field of marketing and trade by trans-national companies, violations of foreign exchange regulations, violations of tax regulations and so on.
4. Victims of unlawful abuses of public power, such as violations of human rights, abuse of authority by authorities, including unlawful arrests and detentions and so on (Sahetapi, 21987).

According to Arif Gosita, a rape victim is a woman, who is forced or by threat of violence to have sex with another person outside of marriage (Gosita, 1987) From the definition above, several definitions can be drawn as follows:

1. The victim of rape must be a woman, with no age limit (object) while there are also men who are raped by women.
2. The victim must be subjected to violence or threats of violence. This means that there is no agreement from the victim regarding the intentions and actions of the perpetrator.
3. Sexual intercourse outside of marriage is a goal to be achieved by committing violence or threats of violence against certain women (Gosita, 1987).

The need for adequate legal protection for crime victims is not only a national issue, but also an international issue, therefore this issue needs serious attention (Mansur & Gultom, 2007). The importance of protecting victims of crime has received serious attention, as can be seen from the establishment of the Declaration of Basic Principles of Justice for Victims of Crime and Abuses of Power by the United Nations (UN), as a result of The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which took place in Milan, Italy, September 1985, in one of its recommendations stated: *“Offenders or third parties responsible for their behavior should, where appropriate, make fair restitution to victims, their families or dependents. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights”*.

In the 1985 Milan Declaration, the form of protection provided has expanded not only to victims of crime, but also to protection of victims due to abuse of power. This shows that the protection of victims receives serious attention not only from each country, but also from the world. The UN Declaration provides protection for victims by providing restitution, so that victims get compensation for what they have suffered. In addition,

if it is related to the protection of victims of the crime of rape, it is that providing protection to victims is one of the realizations of the goals of the Indonesian nation as stated in the Preamble of the 1945 Constitution paragraph 4 (four) which reads, “.....*protect all the Indonesian nation and the entire homeland of Indonesia and to promote public welfare, educate the nation's life and participate in carrying out world order based on independence, eternal peace and social justice....*”, which is also regulated in Article 28D (1) which reads: “*Everyone has the right to recognition, guarantee, protection, and fair legal certainty and equal treatment before the law*”. The need for protection for victims of the crime of rape cannot be separated from the consequences experienced by victims after the rape they experienced. Victims do not only suffer physically but also suffer psychologically.

1. Rape is an emergency both psychologically and medically. The goals of medical treatment for rape victims include physical injuries, crisis intervention with emotional support, prophylaxis for venereal disease and treatment of possible pregnancies. The above opinion in more detail is as follows:
2. Psychological suffering, such as feeling no longer valuable due to loss of virginity (chastity) in the eyes of society, in the eyes of husbands, prospective husbands (fiancés) or other parties related to them. Other psychological sufferings can be in the form of anxiety, loss of self-confidence, no longer cheerful, often shut down or stay away from busy life, growing hatred (antipathy) towards the opposite sex and excessive suspicion of other parties who mean well to him.
3. Pregnancy is possible. This can be even more fatal if the existing fetus grows to be large (there is no desire to have an abortion). This means that children born as a result of rape do not have a clear legal status and religious norms.

4. Physical suffering, meaning that the result of rape will cause injury to the victim. Wounds are not only related to the torn vital organs (female genitals), but it is also possible that other body organs will be injured if the victim first puts up a tough fight, which at the same time encourages the perpetrator to be more violent and cruel in order to conquer the resistance of the victim.
5. There is a growing sense of distrust in the handling of law enforcement officers, when the cases they handle grab their attention more, while the handling of suspects seems less serious. Victims feel that they are being discriminated against and are conditioned to suffer more and more mentally or are mentally weak as a result of being pressured continuously by the process of settling cases that never ends.
6. Victims who are faced with difficult situations such as no longer feeling valuable in the eyes of society, their families, husbands and prospective husbands may fall into the world of prostitution. That is, the place of prostitution is used as a place to release oneself to take revenge on men and seek awards ([Wahid & Irfan, 2001](#)).

Not only that, if the victim decides to report her rape to law enforcement officers, it is possible that the victim will experience re-victimization in the judicial process. The stages of suffering victims of the crime of rape in the judicial process can be divided as follows:

1. Prior to the trial, the victim of the crime of rape suffered mentally, physically and socially because she tried to report to the police when she was sick and mentally disturbed. Then in order to collect data for evidence of a rape crime, he must tell the police about the traumatizing incident. The victim is also frightened by the threat of the perpetrator as a result of reporting so that there will be retaliation against him.

2. During the Court Session, the victim of the crime of rape must be present at the court hearing at his own expense to become a witness. The victim in giving testimony must repeat the story about her bitter experience and make a reconstruction of the rape incident. He was confronted with the perpetrator who had raped him as well as the person he hated. In addition, he must face a defense or lawyer from the perpetrator's side who tries to eliminate the perpetrator's guilt. Prosecutors in criminal justice, representing the victim. However, it can happen that the representation does not benefit the victim.
3. After the Court Session After the trial, victims of the crime of rape still face various kinds of difficulties, especially not receiving compensation from anyone. The maintenance of his health remains his responsibility. He is still haunted by the fear of threats from the perpetrators. It is possible that he is not accepted in his family and his environment as before, because he has a disability. His mental suffering increases, the knowledge that the perpetrators of the crime of rape have been punished is not a solution to the problem.

It is the government's obligation to provide protection to victims (rape) which is implemented in laws and regulations as a legal product that favors victims (rape). The basis of legal protection for women victims of violence is contained in Law no. 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which states:

1. That all citizens have the same position in law and government, so that all forms of discrimination against women must be abolished because they are not in accordance with Pancasila and the 1945 Constitution;

2. Whereas the General Assembly of the United Nations, in its session on 18 December 1979, approved the Convention on the Elimination of All Forms of Discrimination Against Women;
3. Whereas the provisions in the above-mentioned Convention are basically not contradictory to Pancasila, the 1945 Constitution and the laws and regulations of the Republic of Indonesia.

The above convention aims to prevent violence against women which also protects women from all forms of discrimination. Legal protection for victims of violence against women (rape) can also be seen in the Presidential Decree No. 181 of 1998 concerning the National Commission on Violence Against Women which states:

1. Whereas the 1945 Constitution guarantees that all citizens have the same position in law and government;
2. Whereas based on Pancasila, the 1945 Constitution, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention Against Torture and Other Cruel, Inhuman, or Other Treatment or Punishment Degrading the Dignity of Women (Convention Against Torture And Other Cruel, Inhuman or Degrading Treatment or Punishment), and the 1993 United Nations Declaration on the Elimination of Violence Against Women, all forms of violence against women are a form of violation of human rights;
3. That in accordance with the principles of the state based on law, the efforts made in order to prevent the occurrence and eliminate all forms of violence against women need to be further increased and realized in real terms.

The considerations of the Presidential Decree above are the basis that humans have the same degree in law, especially women who are victims of acts of violence. This is intended so that women victims of violence

(rape) receive humane treatment without discrimination. The abolition of violence in the foregoing considerations also aims to prevent further violence against women so that there will be no further victims. Above all, the most important thing is to immediately establish an institution to protect victims of crime, as has been done in many developed countries. Through this institution, it is hoped that the protection of victims of crime will be more adequate, in order to support the creation of a fair law enforcement process. This institution should be built based on the perspective of the victim by making the safety factor a priority. When examined further, victimology has the same goals as Pancasila in its practice. Therefore, it can be said that victimology has a certain harmony and harmony with Pancasila, especially in the field of achieving a just society and spiritual and material purposes in order to increase the dignity of human victims so that humans can carry out their rights and obligations as Indonesian citizens. In the context of protection for victims of crime, there are preventive and repressive efforts carried out, both by the community and the government (through law enforcement officers),

III. RAPE IN THE PERSPECTIVE OF VICTIMOLOGY

Sudarto argues that tackling crime requires a rational effort from the community, namely by means of criminal politics. Policies or efforts to overcome crime are essentially an integral part of efforts to protect the community (social defense). Therefore, it can be said that the main goal of criminal politics is "*protection of society to achieve public welfare*" (Arief, 2002). Some of the consequences include the victim feeling ashamed and not wanting the disgrace that happened to her to be known by others, or the victim feeling afraid because the perpetrator had threatened her that she

would be killed if she reported the incident to the police. This of course affects the mental/mental development of the victims and also affects the law enforcement process itself to create a sense of justice for victims and the community.

The victim factor plays an important role in being able to overcome or resolve this rape case, this requires courage from the victim to report the incident that happened to him to the police, because in general the victim experiences threats of being raped again from the perpetrator and this makes the victim afraid and traumatized. It is hoped that this complaint then the case can be open, and an examination process can be carried out so that the victim will get justice for what happened to him. Based on positive law, the victim can claim damages or compensation against the convict. The crime of rape is a form of violence against women which is an example of the vulnerability of women's position, especially to men's sexual interests. The sexual image of women who have been placed as sexual objects for men, turns out to have far-reaching implications on women's lives, so that they are forced to always face violence, coercion and physical and psychological torture. Attention and protection of the interests of victims of the crime of rape either through the criminal justice process or through certain social care facilities is an absolute part that needs to be considered in criminal law policies and social policies, both by the executive, legislative and judicial institutions as well as by social institutions. which exists. Based on the aim of realizing equitable distribution of justice and general welfare, the rights of victims of rape to be protected are basically an integral part of human rights in the field of social security.

IV. LEGAL PROTECTION FOR VICTIMS OF RAPE CRIME

The crime of rape can be classified as a violent crime, because usually this crime is accompanied by violence/threats of violence. According to Soerjono Soekanto quoted by Mulyana W. Kusuma, the causes of violent crimes are:

1. There is an object orientation that creates a desire to get material easily.
2. There is no channeling of will and there is some kind of mental pressure on a person.
3. Courage to take risks.
4. Lack of feelings of guilt and lack of good example (Kusuma, 1984).

Violence against women prevents or excludes women from enjoying their human rights and freedoms (Sadli, 2001). In the crime of rape, it is the victim who suffers the most. The Declaration of Basic Principles of Justice for Victims of Crime and Abuses of Power defines victims as follows: "*Victims*" means persons who, individually, or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or commissions that are in violating of criminal laws operative within Member States, including those laws proscribing criminal abuse of power. Victims of crime are defined as persons who, individually or collectively, suffer harm, including physical or mental harm, emotional suffering, economic loss or substantial impairment of their basic rights.

With regard to the protection of victims of crime, it is necessary to establish an institution that specifically handles it. However, it is necessary to convey in advance adequate information regarding what rights the victim and her family have, if in the future they experience loss or suffering as a result of the crime that befell them. United Nations Declaration No.

40/A/Res /34 of 1985 has stipulated several rights of victims (witnesses) to make it easier to get access to justice, especially in the criminal justice process. The legal provisions regarding the protection of victims of violence against women (rape) can be seen from the description below: provisions relating to women, women are only seen partially, which only protects certain parts of the body. Even some of the articles depart from the assumption that women are weak and are in the same breath with children (men) (Ihromi, 2000). Although in 1984 the Convention on the Elimination of Discrimination Against Women was ratified by Law No. 7 of 1984 (because the current general policies and regulations still reflect the strong patriarchal values), but in practice discrimination and exploitation still occur.

Efforts to protect victims of the crime of rape are not solely the duty of law enforcement officers, but also the obligation of the community to help restore the condition of rape victims in social life. Efforts to protect rape victims are as follows:

a) Protection by Regulations

In general, the existence of positive laws in Indonesia is a rule that one of the objectives is to prevent crime. This means, the law also aims to protect people from becoming victims of crime before the crime occurs. Based on legal knowledge, the victim can claim damages or compensation against the convict. The regulation of victim protection in the Indonesian Positive Criminal Law is regulated in 116:

- 1) In the Criminal Code (KUHP), 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 convicted person will not commit a crime, the*

judge may make special conditions that the convicted person will compensate for the loss. happened because of the crime, 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) In the Criminal Procedure Code (KUHAP) Chapter III concerning the Merger of Compensation Cases, Articles 98 to 101 which regulates the compensation given by the victim by combining criminal and civil cases.

So, in addition to the perpetrator has received a punishment commensurate with his actions, the victim also gets compensation for the losses he suffered. From the dimensions of the criminal justice system, the interests of victims in the process of resolving criminal cases have two aspects, namely:

- a. Positive aspects, KUHAP through pretrial institutions, provides victims with protection by exercising control if the investigation or prosecution of the case is stopped. The existence of this control is a manifestation of the form of protection for victims so that the case is complete and can be resolved through legal mechanisms. The Criminal Procedure Code also places the victim in the case settlement process through two quality dimensions, namely: First, the victim is present at the court hearing in the examination of a criminal case as a "*victim witness*" to testify about what he heard and experienced himself (Article 1 point 26 of the Criminal Procedure Code). Second, the victim is present at the court hearing in the examination of a criminal case as a "*victim witness*" who can file a

combined claim for compensation in the form of a sum of money for the losses and suffering he experienced as a result of the defendant's actions. Therefore, the victim's witness, in his capacity, gave passive testimony. The presence of a "victim's witness" in front of the trial fulfills the statutory obligation, provides information regarding the events that he has seen, heard and experienced himself. However, in his capacity as a victim who demands compensation, the victim is active in the case of combining claims for compensation. provide information about events that they have seen, heard and experienced themselves. However, in his capacity as a victim who demands compensation, the victim is active in the case of combining claims for compensation. provide information about events that they have seen, heard and experienced themselves. However, in his capacity as a victim who demands compensation, the victim is active in the case of combining claims for compensation.

- b. Negative Aspects As explained above, the interests of victims in the process of resolving cases in the criminal justice system have positive aspects. However, the reality has a negative aspect. By still referring to the optics of the Criminal Procedure Code, victim protection was found to be limited, relatively imperfect and inadequate. Concretely, the victim has not received proportional attention, or the protection of the victim is more of an indirect protection.

The state's efforts to provide protection with laws and regulations have not been maximized. Only assistants (NGOs/LBH) who provide services for women victims of rape have been working optimally so far. Although there is already a Law on the Protection of Witnesses and

Victims, but what is in it has not been implemented by law enforcement officials. From the description above, there are still law enforcement officers who in treating victims in rape cases do not have a female perspective. The handling of rape cases is also too long because they have to follow legal procedures which make victims reluctant to face the law, which is a very tiring process. Therefore, there is a need for legal and policy reform, especially a law enforcement system that is gender-just.

b) Protection by Law

Efforts that can be made to provide legal protection for child victims of the crime of rape are:

- a. Rehabilitation efforts, both within the institution and outside the institution;
- b. efforts to protect from identity reporting through mass media and to avoid labeling;
- c. providing safety guarantees for victim witnesses and expert witnesses, both physically, mentally, and socially; and
- d. providing accessibility to obtain information regarding the progress of the case.

Legal protection for child victims of rape states that a child who is a victim of a crime has the right to receive rehabilitation from the government both physically and mentally, spiritually and socially, besides that his privacy must be protected, his good name is protected and maintained, his safety is also a witness for the victim to be a victim. the responsibility of the government, and the child who is the victim has the right to always know the progress of the case he is facing. including the right to be notified when the perpetrator has been released or released from prison (if he is convicted). If they are not punished, for example because of

insufficient evidence, the victim should be given access to protection to prevent retaliation by the perpetrator in all its forms. Coordination with the police must be carried out so that the police immediately seek assistance from this institution when they receive reports of acts of violence against women. These institutions need to be supported at least by social workers, psychologists, lawyers and doctors. In regional conditions that are not possible, efforts should be made to place people with qualifications that are closest to the professionals above, with the aim that this institution can achieve the desired goals properly.

V. CONCLUSION

The basic idea of protecting the victims of the crime of rape, apart from experiencing physical suffering, is also experiencing psychological suffering which takes a long time to recover. Considering that the suffering experienced by victims of the crime of rape is not light and it takes a long time to recover, law enforcement officers are obliged to provide protection for victims of the crime of rape which is implemented in laws and regulations as a legal product that favors the victim. Factors in the occurrence of rape against children from the aspect of victimization are several factors, including the victim feels ashamed and does not want the disgrace that befell her to be known by others, or the victim is afraid because the perpetrator has threatened her that she will be killed if she reports the incident to the police. This of course affects the mental/mental development of the victims and also affects the law enforcement process itself to create a sense of justice for victims and the community. Efforts that can be made to provide legal protection for victims of the crime of rape are

Rehabilitation efforts, both within the institution and outside the institution, efforts to protect from identity reporting through mass media and to avoid labeling, provide safety guarantees for victim witnesses and expert witnesses, both physical, mental, and social and providing accessibility to obtain information regarding the development of the case. It is recommended to law enforcement officers in providing protection to child victims of rape by paying attention to the rights of the victim, so that the victim definitely gets mental and social rehabilitation. It is recommended that the government provide facilities and infrastructure for the recovery of child victims of rape, so that victims can continue their lives in the future.

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