

## REHABILITATION MECHANISM FOR VICTIMS OF RAPE

**Fakultas Hukum, Universitas Simalungun**

Email: [fakultashukumusi68@gmail.com](mailto:fakultashukumusi68@gmail.com)

Novelina Mutiara S Hutapea (NIDN 0017116501)

Email : [novelinamutiarasariatihutapea@gmail.com](mailto:novelinamutiarasariatihutapea@gmail.com)

Sarles Gultom (NIDN 0109116503)

[sarlesgultomlawyer@gmail.com](mailto:sarlesgultomlawyer@gmail.com)

Bramayana Nababan (NPM 216000107)

Email : [anda.19267@gmail.com](mailto:anda.19267@gmail.com)

Chris Jolly Gunanta Telaumbanua (NPM 216000026)

Email : [chrisjolly03@gmail.com](mailto:chrisjolly03@gmail.com)

Kevin Sturges Sirait (NPM 216000019)

Email : [sirait24112000@gmail.com](mailto:sirait24112000@gmail.com)

### ABSTRACT

The perpetrator of rape should be burdened with the responsibility to, among other things, provide compensation (restitution), treat, and bear the costs incurred for the victim's mental or psychological recovery from the traumatic experience. If the perpetrator is unable to carry out these obligations, then the obligation becomes the responsibility of the state and society. Meanwhile, perpetrators who are unable to fulfill their obligations are burdened with substitute punishment in the form of imprisonment as a subsidiary punishment. The question is, in which law should these provisions be regulated? Because all criminal justice processes culminate in the Criminal Procedure Code, the first provision regarding the imposition of responsibility for compensation must be expressly stated in the Criminal Procedure Code. Furthermore, of course in the Criminal Code as the umbrella of national criminal law, which is then also regulated in laws that are *lex specialis*. The form of compensation can be submitted to the court through the LPSK by the victim of the crime of rape, their family, or their attorney, which can be in the form of material and immaterial. Material compensation in the form of restitution and compensation, and immaterial compensation can be in the form of assistance, namely psycho-social rehabilitation. In providing compensation, the priority is psycho-social rehabilitation, because restoring a person's condition cannot be done through material provision alone.

**Keywords: Rehabilitation; Victim; Crime; Rape.**

### A. Introduction

Rape victims often become double victims, when they have to go to the hospital to treat their wounds, pay for their own transportation costs, and hospital care,

while the perpetrator, if injured and in need of treatment, receives special treatment. Thus, the examination procedure from investigation, prosecution, to examination is passed by the victim if she wants to fight for her right to legal protection, which examination process actually adds to her list of suffering. Often this process must be passed by the victim before her health is fully recovered. Not to mention if the rape victim experiences pregnancy due to rape which usually triggers an abortion.<sup>1</sup>

The role of the victim in the trial is more as part of the search for material truth, namely as a witness. In the examination stage, as with rape victims, not a few ignore the victim's human rights, for example, the victim is examined without being accompanied by medical personnel, asked using sentences that seem vulgar, and so on. Meanwhile, at the stage of the judge's verdict, the victim is disappointed with the criminal verdict because the verdict imposed on the perpetrator is relatively light, not comparable to the suffering that must be borne by the victim. In relation to this, the author sees the victim from the aspect of victimology where, the Orientation of Victimology in studying victims provides orientation for the welfare of society, the development of community humanity, in its efforts to make members of society not become victims in the broad sense. As Mendelshon stated that "that victimology should be a separate and autonomous science, should have its own institutions and should be allowed to develop for the well-being and progress of humanity" Victimology which must be a separate and autonomous science, must have its own institutions and must be allowed to develop for the welfare and progress of humanity ". This is also in line with victimology thinkers such as Ellias and Separanovic who provide victimology studies to prioritize human rights insights and from the perspective of human suffering in order to better express "the right to life, freedom and security".<sup>2</sup>

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<sup>1</sup> Dikdik M.Arief Mansur& Elisatris Gultom,Urgensi Perlindungan Korban Kejahatan antara Norma dan Realita,PT. RajaGrafindo Persada,Jakarta,2008.hlm.29

<sup>2</sup> C. Maya Indah S,Perlindungan korban suatu perspektif viktimologi dan kriminologi,Kencana prenadamedia group,Jakarta,2014,hlm.17

The Criminal Procedure Code regulates the provisions on compensation for victims regulated in Article 98-Article 101 of the Criminal Procedure Code, namely that Article 98 (1) "if an act that is the basis for an indictment in a criminal case examination by the court causes harm to another person, then the presiding judge at the request of that person may determine to combine the claim for compensation with the criminal case". (2) The request as referred to in paragraph (1) may only be submitted no later than before the public prosecutor files a criminal charge. In the event that the public prosecutor is not present, the request must be submitted no later than before the judge makes a decision. Article 99 (1) "if the injured party requests the combination of his claim with the criminal case as referred to in Article 98, then the district court shall consider its authority to try the claim, the truth of the basis of the claim and the penalty for compensation for costs incurred by the injured party". (2) except in cases where the district court declares that it is not authorized to try the lawsuit as referred to in paragraph (1) or the lawsuit is declared inadmissible, the judge's decision only contains the determination of the penalty for reimbursement of costs incurred by the injured party. (3) the decision regarding compensation automatically has permanent legal force, if the criminal decision also has permanent legal force. Article 100 (1) "if there is a merger of cases between a civil case and a criminal case, then the merger can automatically take place in the appeal level examination. (2) if no appeal request is submitted for a criminal case, then a request for an appeal regarding the compensation decision is not permitted. The above article provides space for victims to claim compensation in criminal cases based on the losses they have experienced, both material and immaterial, which are caused by a criminal act. By combining the compensation claim in the criminal case by the victim with the perpetrator. The merger of the compensation claim in this criminal case is so that the lawsuit case is examined and decided at the same time as the criminal case in question.

Various types of crimes are developing in society. Crime as a symptom is always crime in society, and is part of the entire social processes of historical products

and is always related to economic processes that greatly affect human relations<sup>1</sup>. As a result of the crime that occurs, there will be parties who are harmed both physically and spiritually, called victims. The crime that is rampant is the crime of rape. The crime of rape is generally experienced by women and this causes fear for women in carrying out their activities and not infrequently men, especially those who are still children, become victims. The losses that are often suffered by victims due to a crime, for example physical, mental, economic, self-esteem and so on.<sup>3</sup> Sexual rape and various other types of rape are a manifestation of a person's lack of or absence of a sense of responsibility towards other human beings.<sup>4</sup> Starting from this problem, through a victimology study, we will review the form of compensation that can be submitted by the victim against the perpetrator of the crime of rape.

## **B. Research Methods**

A research cannot be said to be research if it does not have a research method.<sup>5</sup> Research methods are one of the factors of a problem that will be discussed.<sup>6</sup> The study was carried out using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from the results of research, studies and reviews of several papers which are then summarized into a work of scientific.

## **C. Analysis And Discussion**

### **1. Forms of Compensation for Victims of Rape Crimes**

Referring to the nature of law enforcement, then against the perpetrators of rape, comprehensive law enforcement must be carried out. This means that in every rape crime, law enforcement is not only carried out by simply punishing the perpetrator with a heavy sentence, but must also be able to restore the suffering experienced by the

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<sup>3</sup> Bambang Waluyo, 2012, *Viktimologi Perlindungan Korban dan Saksi*, Sinar Grafika, Jakarta, h. 18.

<sup>4</sup> Arif Gosita, 1987, *Relevansi Viktimologi Dengan Pelayanan Terhadap Para Korban Perkosaan – Beberapa Catatan*, Indhill Co, Jakarta, h. 12

<sup>5</sup> Ismail Koto, “Perlindungan Hukum Terhadap Korban Tindak Pidana Terorisme”, *Proceeding Seminar Nasional Kewirausahaan*, 2.1, (2021): 1052-1059.

<sup>6</sup> Ida Hanifah, Ismail Koto, “Problema Hukum Seputar Tunjangan Hari Raya Di Masa Pandemi COVID-19”, *Jurnal Yuridis* 8.1, (2021): 23-42.

victim, so that there is just law enforcement. In compiling the concept of regulations regarding compensation for victims of rape, it is necessary to put forward 2 (two) theories, as a basis, namely the theory of compensation and retribution put forward by Mardjono Reksodiputro and the theory of restorative justice put forward by Muladi. Mardjono Reksodiputro stated that there are two undercurrents that also need to be known which may have brought victimology to the fore and attracted the attention of scientists. The two undercurrents in question are as follows: The first is the idea that the state is also guilty of the occurrence of victims of crime and therefore it is only natural for the state to provide compensation to the victim, in addition to the possibility of restitution given by the perpetrator to the victim. The second stream is a new school of thought in criminology that abandons the positivist approach (which seeks the causes of crime; criminal etiology) and pays more attention to the processes that occur in the criminal justice process and the structure of society.

Based on the opinions of criminal law experts above, it is concluded that in every crime, there are at least 2 (two) parties who can be held accountable, namely the state which is considered guilty because it is unable to protect its people from crime, and the perpetrator himself, who has clearly caused losses and suffering to the victim, due to the crime he committed. Therefore, the state is obliged to provide protection in the form of compensation to the victim, while the perpetrator is obliged to provide compensation or restitution. Meanwhile, Muladi put forward a theory about restorative justice or restorative justice model, with the following characteristics: Crime is formulated as a violation of one person against another and is recognized as a conflict:

- a. Focus on solving problems of accountability and obligations in the future;
- b. Normative nature is built on the basis of dialogue and negotiation;
- c. Restitution as a means of repairing the parties, reconciliation and restoration as the main goal;
- d. Justice is formulated as a relationship of rights, assessed on the basis of results;
- e. Target of attention on repairing social losses;

- f. Society is a facilitator in the restorative process;
- g. The role of victims and perpetrators of criminal acts is recognized, both in the problem and resolution of the rights and needs of victims. Perpetrators of criminal acts are encouraged to be responsible;
- h. The perpetrator's responsibility is formulated as the impact of understanding the act and to help decide the best;
- i. Criminal acts are understood in a comprehensive, moral, social and economic context; and
- j. Stigma can be removed through restorative actions.

Referring to the concept of the Restorative Justice Model above, it can be concluded that the state through the Law must encourage a constructive relationship between the perpetrator and the victim of the crime, to jointly reconcile the conflict between them and repair the wounds that have occurred. From the two theories above, a concept of regulation regarding compensation for victims of rape can be built. As previously stated, that in every occurrence of rape, the victim, her parents and her family will experience losses that are not only material in nature such as loss of property, but also more severe than that, namely immaterial suffering, such as lifelong disability, loss of honor and prolonged psychological trauma. One can imagine the suffering experienced by victims who experience rape. She will not only experience physical suffering, such as injury, disability, or loss of hymen, but even deeper, she will experience psychological suffering in the form of feelings of inferiority, fear, anxiety, and trauma, which if not successfully restored, will be borne by the victim for the rest of her life. Therefore, it is appropriate that the perpetrator of rape is burdened with the responsibility to, among other things, provide compensation (restitution), treat, and bear the costs incurred for the mental or psychological recovery of the victim from the traumatic experience. If the perpetrator is unable to carry out these obligations, then the obligation becomes the responsibility of the state and society. Meanwhile, for perpetrators who are unable to fulfill their obligations, they are subject to substitute

punishment in the form of imprisonment as a subsidiary punishment. The question is, in which law should these provisions be regulated? Because all criminal justice processes culminate in the Criminal Procedure Code, the first provision regarding the imposition of responsibility for compensation must be expressly stated in the Criminal Procedure Code. Furthermore, of course in the Criminal Code as the umbrella of national criminal law, which is then also regulated in laws that are *lex specialis*.

In a criminal case decision, a defendant in a rape case who is found guilty will usually be sentenced to imprisonment. However, the perpetrator's responsibility does not stop there, victimology as a science that studies victims of crime seeks to provide legal protection for the rights of victims so that they are not neglected, one of which is the right of victims of rape to receive compensation. The provision of this compensation does not immediately eliminate the punishment imposed on the perpetrator. To obtain this compensation, the victim, his/her family, or his/her attorney must submit an application to the court through LPSK. This form of compensation can be material and immaterial. The form of material compensation is restitution, namely as stated in Article 1 point 5 of PP No. 44 of 2008, restitution is compensation given to the victim or his/her family by the perpetrator or a third party, which can be in the form of returning property, payment of compensation for loss or suffering, or reimbursement of costs for certain actions and compensation, namely as stated in Article 1 point 4 of PP No. 44 of 2008 is compensation given by the state because the perpetrator is unable to provide full compensation which is his responsibility. Then for the form of immaterial compensation can be in the form of assistance, namely services provided to victims and/or witnesses by LPSK in the form of medical assistance and psycho-social rehabilitation, this definition as contained in Article 1 point 7 of PP No. 44 of 2008. For victims of rape, the compensation that must be prioritized is psycho-social rehabilitation, because the impact of the rape crime on the victim makes the victim's mental state depressed and gets a negative stigma from society. Through psycho-social rehabilitation, efforts are made to restore the mental state of victims of

rape to their original state and so that victims can re-socialize normally with the social environment around them, because usually victims of rape will feel ashamed of their social environment. And no less important is material compensation in the form of restitution. This restitution is a reflection of the perpetrator's responsibility for the crime that he has committed in the form of punishment in the form of compensation to the victim of the crime.<sup>7</sup>

## **2. Rehabilitation of Rape Victims in Indonesian Positive Law**

In the Criminal Code, the crime of rape is categorized as a crime (*rechtsdelicten*) which is listed in Book Two (II) Chapter XIV. Rape is categorized as a crime because it is contrary to the values of justice, regardless of whether rape is threatened in a law or not.<sup>8</sup> The act of rape as a crime is called a crime against morality (*misdrifven tegen de zeden*), which legal experts also call a crime concerning decency.<sup>9</sup> or crimes against decency.<sup>10</sup>

The suffering experienced and suffered makes rape victims try to forget the tragedy they experienced as quickly as possible, some try to deny the fact that the rape has happened. Rape victims try to keep the rape incident from their families, neighbors and friends, even the victims are afraid that the mass media will reveal their identity and where they live. Rape victims believe that hospitals, police and courts do not help much and the victims are afraid that the evidence process will expose their personal lives and blame them for the rape and the fear or worry that no one will accept the rape according to their version. The perspective of victim protection as an element in the policy of community protection is also included in the results of the Congress in Milan which states that victims of criminal acts have the right to be an integral part of the

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<sup>7</sup> Lilik Mulyadi, 2008, *Bunga Rampai Hukum Pidana-Perspektif, Teoritis, dan Praktik*, P.T. Alumni, Bandung, h. 253-254.

<sup>8</sup> Sudarto, 2013, *Hukum pidana I*, Semarang: Penerbit Yayasan Sudarto, hal. 94.

<sup>9</sup> Wirjono Prodjodikoro, 2010, *Tindak-Tindak Pidana Tertentu Di Indonesia*, Bandung: Refika Aditama, hal. 111

<sup>10</sup> R. Soesilo, 1995, *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal*, Bogor: Politeia, hal. 204.



criminal justice system. Therefore, it is emphasized that attention to the rights of victims must be seen as an integral part of the overall criminal policy. Based on the terminology above, it is clear that in the context of legal protection for victims, victim protection must be made part of efforts to enforce criminal law as part of social policy which is a joint effort to improve welfare or social welfare policy and social defense policy that accommodates the rights of victims. Protection of victims, especially the victim's right to receive compensation, is an integral part of human rights in the field of welfare and social security. This is also stated in the Universal Declaration of Human Rights Article 25 paragraph 1 which states that: "Everyone has the right to a standard of living adequate for the well-being and health of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control". In the practice of criminal law enforcement, victims are positioned as witnesses (victim witnesses) which often ignores the position of victims as seekers of justice. In court, the position of the victim is represented by law enforcement, where the reaction to the perpetrator of the crime becomes the full right of the state to be resolved. In this case, the violation of a citizen's rights (legal interests) is prosecuted by the state because first, the violation is considered an 'attack' on society, second, the state's actions are considered a state reaction to the crime to take over the interests and needs of the victim to satisfy the desire for revenge. These state actions often do not include victims regarding violations of their rights) to determine the decision-making of law enforcement agencies.

In criminal law, compensation is known to be in the form of restitution or compensation. In this case, restitution is compensation imposed on the perpetrator of the crime, while compensation is compensation given by the state to the victim of the crime. Article 98 of the Criminal Procedure Code provides an opportunity for victims to combine compensation claims into the criminal justice process, where this compensation is accounted for by the perpetrator of the crime. Combining

compensation claims in criminal cases will make it easier for victims or their families because they do not need to file a separate lawsuit. This compensation claim remains civil in nature even though it is given through a criminal process. In addition, the Criminal Procedure Code does not regulate what happens if the perpetrator does not want or is unable to pay the compensation to the victim. The process of combining compensation cases is also optional, where Article 99 paragraph (2) of the Criminal Procedure Code states that the judge can reject or accept the application for combining compensation claims filed by the victim or his family. Article 99 paragraph (1) of the Criminal Procedure Code imposes restrictions, where the compensation submitted is compensation for costs incurred by the victim or compensation for material losses, while immaterial losses cannot be accepted.

These immaterial losses must be filed in a civil case. Article 100 paragraph (20) of the Criminal Procedure Code states that if the defendant in his criminal case does not file an appeal, then the plaintiff for compensation cannot file an appeal against the decision or determination of his claim for compensation. The accessory or dependent nature of the decision to merge the cases according to the Decree of the Minister of Justice of the Republic of Indonesia Number M.01.PW.07.03 of 1982 concerning Guidelines for the Implementation of the Criminal Procedure Code states that compensation can be requested for all types of cases that can cause material losses to the victim. Meanwhile, immaterial losses cannot be requested for compensation through this procedure. Based on the Decree of the Minister of Justice, it reflects that the protection of victims in the criminal justice process is not optimal because only material losses are compensated while immaterial losses are not. Whereas in reality, immaterial losses (for example physical or psychological trauma) require a long time to heal. Based on the description above, in general, the Criminal Procedure Code regulates several rights that can be used by victims of crimes, especially rape, in a criminal justice process, namely:

- a. The right to exercise control over investigators and public prosecutors. This right is the right to file an objection to the termination of the investigation and/or prosecution in their capacity as interested third parties. This is important to provide in order to avoid efforts by certain parties with various motives that intend to stop the examination process.
- b. The victim's rights are related to their position as witnesses. This right is the right to withdraw as a witness (Article 168 of the Criminal Procedure Code). The victim's testimony (witness) is very important to obtain in order to achieve material truth. Therefore, to prevent victims from withdrawing as witnesses, a proactive attitude is needed from law enforcement officers to provide security guarantees for victims and their families when applying as witnesses.
- c. The right to claim compensation for a criminal act/crime that befell the victim by combining a civil case with a criminal case (Articles 98 to 101 of the Criminal Procedure Code). This right is given to make it easier for victims to claim compensation from the suspect/defendant. A request for consolidation of compensation claims can only be submitted no later than before the public prosecutor files a criminal charge, or if the public prosecutor is not present, the request must be submitted no later than before the judge issues a verdict. Consolidation of compensation claims can be submitted if the injured party files for consolidation of compensation against the defendant in the case charged against him.
- d. The right of the victim's family to allow or not allow the police to conduct an autopsy (Articles 134-136 of the Criminal Procedure Code). Allowing or not allowing the police to conduct an autopsy is also a form of protection for victims of crime, considering that the issue of autopsy for some groups is closely related to issues of religion, customs and other aspects of morality/decency.

In relation to the victim's right to file a claim for compensation through the method of consolidating cases as regulated in Articles 98-101 of the Criminal Procedure Code, interested parties need to pay attention to several things, namely:

- a. The losses that occur must be caused by the crime itself.
- b. Losses caused by the crime or other people who suffer losses (victims) as a direct result of the crime.
- c. The claim for compensation resulting from the crime is addressed to the "perpetrator of the crime" (defendant).
- d. The claim for compensation submitted to the defendant is combined or examined and decided simultaneously at the examination and verdict of the criminal case charged to the defendant and in the form of one verdict.

In the Criminal Code, there is no known type of criminal sanction in the form of compensation. The Criminal Code only regulates compensation in conditional sentences regulated in Article 14 c, which is basically not criminal in nature but merely a substitute to avoid or not serve the sentence for the perpetrator. The provisions of conditional sentences in the Criminal Code do not guarantee that the victim automatically receives compensation if the judge imposes a conditional sentence, this is because even though the defendant is sentenced to a conditional sentence, there is no obligation for the judge to include special conditions in the form of compensation. In imposing a conditional sentence, the judge is required by law to include/impose general conditions as absolute conditions in a conditional sentence, if the judge imposes a maximum imprisonment of one year or imprisonment. Compensation in Article 14 c of the Criminal Code seems to function as a substitute for the main sentence, and cannot be imposed by the judge as a stand-alone sanction. So compensation is only a special condition that is optional for not serving the main sentence imposed by the judge on the convict. In this case, the judge does not have a normative legal guideline for applying a conditional sentence, so it can be concluded that the application of the conditional sentence institution in the Criminal Code does not reflect protection for

victims because it is still oriented towards the interests of the perpetrator. Victims must be treated with compassion and respect for their dignity. They have the right to access the judicial mechanism against them and immediately obtain compensation that is legitimated by law from the suffering they have suffered. The judiciary and its administrative processes must be built and strengthened for the needs of victims to obtain compensation both through formal and informal procedures that are best, fair, and acceptable to victims. Victims must be informed about their rights in requesting a continuous compensation mechanism. Law No. 13 of 2006 regulates several rights of witnesses and victims, namely:

- a. obtain protection for the security of his/her person, family and property, and be free from threats related to the testimony that will be, is being, or has been given;
- b. participate in the process of selecting and determining the form of protection and security support;
- c. provide information without pressure;
- d. receive an interpreter;
- e. be free from questions that are ensnaring;
- f. obtain information regarding the development of the case;
- g. obtain information regarding court decisions;
- h. know in the event that the convict is released;
- i. obtain a new identity;
- j. obtain a new place of residence;
- k. obtain reimbursement of transportation costs according to Needs;
- l. obtain legal advice; obtain temporary living costs assistance until the protection period ends.

Based on Article 28 of Law No. 13 of 2006, the conditions for protection are based on the importance of providing information to witnesses or victims, the level of threat, the results of medical assistance and psychological analysis, and the witness's

criminal record. The law does not mention the motive behind the threat or any indication made in which aspects of assistance are required. To end protection, convincing evidence of insecurity is not an absolute requirement. Without such evidence, any authorized officer can end witness protection requested by the same officer. The formulation of protection in Law No. 13 of 2006 is very vague or unclear, such as "providing a sense of security" in Article 1 number 6, the right of witnesses or victims to obtain a new identity, relocation, legal advice and temporary living expenses in Article 5 number 1 but does not absolutely require relocation abroad or getting a new job for witnesses or victims as is common in other countries. These forms of protection are not clarified either in the procedural explanation or implementation instructions. As a result, the implementation of protection is not touched on in the law and thus opens up all kinds of arbitrary interpretations and implementation. There is no provision to provide protection for witnesses from armed forces to ensure physical security or indications that show who is authorized to take such steps. Article 36 paragraph 1 only mandates LPSK to "cooperate with other relevant authorized agencies".

However, the agency is only required to implement LPSK decisions in accordance with its authority. The law does not mention the requirements for LPSK members in terms of professional training. However, Article 11 paragraph 3 states that LPSK has representatives in the regions as needed. If the police are involved in protection as required by law, then the safety of witnesses will certainly not be guaranteed, this is because most perpetrators of human rights violations are police officers. LPSK to overcome the problems faced. This law cannot meet the demands of countless crime victims for a fair justice system in a country plagued by impunity and a corrupt and inefficient command structure in the police, military and prosecution systems. In the positive criminal law that is currently in force, victim protection is more of an "abstract protection" or "indirect protection". This means that with the various formulations of criminal acts in the laws and regulations so far, it means that in essence

there has been indirect "in abstracto" protection of various legal interests and basic rights of victims. This is because criminal acts according to positive criminal law are not seen as acts that attack / violate the legal interests of a person (victim) personally and concretely, but are only seen as violations of "norms / legal order in abstracto". As a result, the protection of victims is not direct and "in concreto", but only "in abstracto". In other words, the system of sanctions and criminal liability is not aimed at protecting victims directly and concretely, but only protecting victims indirectly and abstractly. So criminal liability for the perpetrator is not liability for the victim's losses / suffering directly and concretely, but is more focused on personal / individual liability.

### **C.Conclusion**

The perpetrator of rape should be burdened with the responsibility to, among other things, provide compensation (restitution), treat, and bear the costs incurred for the victim's mental or psychological recovery from the traumatic experience. If the perpetrator is unable to carry out these obligations, then the obligation becomes the responsibility of the state and society. Meanwhile, perpetrators who are unable to fulfill their obligations are subject to substitute punishment in the form of imprisonment as a subsidiary punishment. The question is, in which law should these provisions be regulated? Because all criminal justice processes culminate in the Criminal Procedure Code, the first provision regarding the imposition of responsibility for compensation must be expressly stated in the Criminal Procedure Code.

Furthermore, of course in the Criminal Code as the umbrella of national criminal law, which is then also regulated in laws that are *lex specialis*. The form of compensation can be submitted to the court through the LPSK by the victim of the crime of rape, their family, or their attorney, which can be in the form of material and immaterial. Material compensation in the form of restitution and compensation, and immaterial compensation can be in the form of assistance, namely psycho-social rehabilitation. In providing compensation, the priority is psycho-social rehabilitation, because restoring a person's condition cannot be done through material provision alone.

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