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Implementation in Providing Compensation, Restitution, and Rehabilitation to Child Rape Victims

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Abstract

Children who are the victims of crimes have a right to reparations, compensation, and government-funded physical, mental, spiritual, and social rehabilitation. In addition, the government bears the responsibility of safeguarding their safety and the protection of victim witnesses, as well as protecting their privacy and upholding their good reputation.

Theoretically, depending on the victim's level of pain or harm, different sorts of protection against crime victims can be offered. For instance, when it comes to losses that are psychological or mental, material or monetary compensation is obviously insufficient if it is not coupled with efforts to restore the victim's mental.

Keywords: Compensation, Restitution, Rehabilitation, Implementation, Child

Introduction

In addition to the rights held by adults, every child possesses human rights. Few people consider and wish to take proactive measures to safeguard children's rights. Young people lack social maturity on top of their physical and mental immaturity. Therefore, it is obvious that children will be more vulnerable to abuse and neglect than adults. In general, the following are some effects of violence on children¹:

1. Kids start acting aggressively, negatively, and quickly irritated.
2. Acting incredibly docile and indifferent.
3. Lacking a distinct individuality, he spends his entire life carrying out his parents' desires.
4. Have humility.
5. It's challenging to build reality with other people.

The realm of crime appears to be impacted by the way society has developed as a result of the globalization age. One of them is sexual assault, which can worry and unsettle parents as well as the general public. If the victim is a youngster who does not physically feel attracted to other people, such as teenage or adult women, then the crime of decency, specifically rape, is an act that transgresses religious and social values. Children are, as we all know, national treasures that need to be shielded from all types of crime and violence, which can jeopardize their safety and result in feelings of guilt, offense, humiliation, rage, loss of self-worth, and even the denial of their childhood rights².

From the perspective of formal law, an act is considered criminal when it is assigned to society (the state in this example). This type of criminal legislation seeks to uphold reason and challenge the ruler's capricious behavior, not to safeguard society. Furthermore, wickedness is a component of deviant behavior³.

1. Suparman Marzuki. 1995. *Pelecehan Seksual*. Yogyakarta: Fakultas Hukum UII, hlm. 90
2. Rena Yulia. 2010. *Viktimologi Perlindungan Hukum terhadap Korban Kejahatan*. Bandung: Graha Ilmu, hlm. 10-11
3. Andi Hamzah. 1986. *Hukum Pidana dan Acara Pidana*. Jakarta: Ghalia Indonesia, hlm. 64

Discussion

A victim is an individual who has been harmed by a crime and/or whose perception of justice has been negatively impacted due to their experience as a target or potential target of crime. In this instance, the victim of the crime of decency, namely rape, is a child, meaning that the victim is not yet eighteen years old.

Rape is a violent crime because it frequently involves threats or acts of violence in addition to the actual criminal conduct. Mulyana W. Kususma cites Soerjono Soekanto as saying that the following factors contribute to violent crime⁴:

1. An object's direction, which fuels the drive to obtain things quickly.
2. A person has a sort of mental tsssekanan, and there is no channeling of the will.
3. The guts to take chances.
4. A bad example and a lack of guilt.

Theoretically, depending on the victim's level of pain or harm, different sorts of protection against crime victims can be offered. For losses that are psychological or emotional, for instance, material or monetary compensation alone is obviously insufficient if it is not coupled with initiatives to help the victim regain their mental state. Conversely, psychological treatments look excessive if the victim merely experiences tangible losses (such as misplaced items)⁵.

As a result, given the various criminal cases that have taken place, victims of crime are typically granted a number of legal protections, such as:

a. Compensation and restitution

Article 35 of Law Number 26 of 2000 explains the distinction between restitution and compensation. Restitution is defined as money given to victims or their families by perpetrators or other third parties, whereas compensation is defined as money provided by the state because the offender is unable to provide the full amount of money for which he is responsible⁶.

b. Counseling

Generally speaking, Korba receives this protection when the detrimental psychological ramifications of a criminal act become apparent. Counseling is an excellent way to provide support to victims of crimes that leave them with long-lasting pain. Examples of crimes involving decency include domestic abuse and rape, which leave victims with long-lasting suffering on both a physical and mental level.

c. Medical Support and Services

Victims who suffer medically as a result of criminal conduct are given medical care and help. The disputed medical service may take the form of a written report and medical examination (a visit or medical certificate that carries the same legal weight as proof). This medical information is required, particularly if the victim wishes to notify the police officer about the crime so that they can be followed up on.

d. Legal Assistance

Victims of crime can receive assistance in the form of legal aid. Non-governmental organizations are primarily responsible for providing legal help in Indonesia. Because so many individuals continue to have doubts about the legitimacy of government-provided legal aid, victims of crime rarely use this service.

e. Information Provision

Giving victims' relatives information about the illegal crimes they have been the victims of, as well as the investigation and examination procedure. In order to ensure that community control over police performance can function successfully, it is intended that the dissemination of this information will play a significant role in attempts to engage the community as a partner with the police. Several police offices have created websites where all police activities—operational and policy—are disclosed. This is one method by which the police have given victims or their families information⁷.

It can be argued that Indonesian victim protection is still far from comprehensive. Up until now, law enforcement has tended to focus more on offenders than victims. The community at large, the government, and law enforcement have not provided victims with the best care and attitudes. Victims can seek compensation for their losses through a variety of protective measures. If the victim is actively involved in the case's resolution, it will have greater significance.

Rape victims often endure physical and psychological pain in addition to psychological pressure from sexual activity, which can include feelings of sinfulness, hopelessness, and even unfair treatment by society as a result of having sex outside of marriage. When victims in this situation are forced to travel to the hospital for treatment of their injuries, pay for their own transportation expenses, and obtain hospital care, they frequently become double victims.

The full extent of the law's provision of legal protection for minors who are victims has not been applied. While not yet ideal, children who are victims of crime are granted many legal protections. These include those listed in Article 69A, Child Protection Law No. 35 of 2014, which states that children who are victims of crime receive:

Special Protection for Children Victims of Sexual Crimes, as referred to in Article 59, paragraph (2) the letter J is done through the efforts of:

- a. A. Education about reproductive health, religious values, and moral values;
- b. Social rehabilitation;
- c. Psychosocial assistance at the time of treatment until recovery; and
- d. Provision of protection and assistance at every level of examination, starting from investigation, prosecution, and examination in court hearings.

It is imperative that children who are raped have legal protection in order to preserve their rights and lessen the pain they endure. Multiple protections are required, and these can be achieved by offering restitution, compensation, and compensation.

4. Mulyana W. Kususma. 1982. *Analisa Kriminologi tentang Kejahatan-Kejahatan Kekerasan*. Jakarta: Ghalia Indonesia, hlm. 41

5. Tinton Slamet. 2007. *Reparasi Terhadap Korban Pelanggar HAM di Indonesia*. Semarang: Universitas Diponegoro, hlm. 172

6. Arif Gosita. 2003. *Masalah Korban Kejahatan*. Jakarta: Akademika Pressindo, hlm. 50

7. Didik M. Arief Mansur dan Elisatris Gultom. 2007. *Urgensi Perlindungan Korban Kejahatan*. Jakarta: PT. Raja Grafindo Persada, hlm. 31

A kid who is the victim of a criminal crime has the right to rehabilitation from the government on all levels, including social, emotional, spiritual, and physical. This is known as legal protection for child rape victims. Aside from that, the government has a duty to safeguard his privacy, uphold his reputation, and ensure his safety as a victim witness. The victimized youngster has a right to be informed at all times about the status of his case. This includes having the right to know when the offender—if found guilty—has been freed from custody or released from prison. In cases where it is illegal due to weak evidence, for instance, victims should have recourse to protection to prevent any form of retaliation on the part of the offender. Additionally, there needs to be cooperation with the police so that, in the event that they get reports of sexual crimes against minors, the police know to come to this institution first for assistance.⁸

Closing

Legal protection for child victims of rape in criminal law enforcement takes the form of the victim's right to protection for their personal, family, and property security; freedom from threats; information without coercion; updates on the case's status; reimbursement for necessary transportation expenses; legal advice; and assistance for temporary living expenses until the deadline, which in some cases is extended to victims of criminal acts until the witness and victim protection agency's decision.

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11. Undang-Undang Nomor 26 Tahun 2000 Tentang Pengadilan Hak Asasi Manusia.

8. Gede Nyoman Gigih Anggara. *Perlindungan Hukum terhadap Anak sebagai Korban Kekerasan*. Kertha Wicara, Vol. 07, No.05, Tahun 2018, hlm. 190