



## The Concept of Psychological Impact Compensation for Rape Victims

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### **Abstract**

There is domestic violence, sexual violence, rape, is part of a crime against women. In fact, rape can be carried out and experienced by anyone. Rape is a one of violence that is not distinguish with gender, age, socio-economic status, place and time. It also does not matter what clothing or makeup is worn at the time, in sick or healthy condition. The suffer from rape victims has been experienced since the occurrence of rape. Suffering includes social burdens in society, fears of pregnancy and the onset of illness or infection, and others. As a result of rape causes physical and psychological damage to rape victims. Psychological losses can affect the daily life of rape victims as a psychological impact. Psychological effects on rape victims appear with symptoms that appropriate to Posttraumatic Stress Disorder (PTSD), including sadness, depressed mood, insomnia, loss of interest in usual activities, negative self-concept, self-blame, feeling useless and guilty, difficult to concentrate, often think about suicide or death. Compensation for rape victims needs to be obtained by considering the psychological condition. There has not yet been any compensation for the psychological impact on rape victims. About compensation has been regulated in Law No. 31/2014 Regarding Amendment to Law No. 13/2006 concerning Protection of Witnesses and Victims. the regulation does not include compensation for psychological effects. In this regard, it is necessary to address the urgency of regulating compensation for psychological effects on rape victims.

**Keywords:** *Compensation; Psychological Impact; Rape Victim*

### **Introduction**

The psychological loss of a rape victim is a suffer related to psychiatric or psychological suffering suffered by a victim who has experienced an act of rape. Psychological suffering that is borne by victims of rape is a stress. According to John W. Santrock, stress is an individual's response to circumstances and events (called "stressors") that threaten individuals and reduce the ability of individuals to deal with all forms of stressors.<sup>1</sup>

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<sup>1</sup> John W. Santrock, *Live-Span Development Perkembangan Masa Hidup*, ed. by Achmad Chusairi and Juda Damanik, 5 edition (Jakarta: Erlangga, 2002).

Stress in life causes stress disorders due to exposure to traumatic events, i.e; a). Acute Stress Disorder / ASD, is a maladaptive reaction that occurs in the first month of a traumatic experience; b). Posttraumatic Stress Disorder / PTSD, is an ongoing maladaptive reaction to a traumatic experience. PTSD may happens for months, years or decades, and may only appear after a few months or years after exposure to a traumatic circumstance. Both types of stress disorder are found in soldiers on the battlefield, victims of rape, victims of vehicle accidents, homes destroyed by natural disasters, or technological disasters, such as train collisions or aircraft accidents.<sup>2</sup>

Suffering from rape victims will affect the physical and psychological victims themselves. One possible result of rape is the occurrence of an unwanted pregnancy. Unwanted pregnancy conditions will also create psychological and psychological burdens. Physically, as the fetus gets older, significant body changes will be experienced by the victim. Psychologically, the burden borne by the victim will also be even bigger because of preparing for the process of becoming a mother.

Susan Nolen-Hoeksema stated, post-traumatic stress due to rape can be reduced psychological burden with social support from family and relatives and psychological treatment.

*Studies of rape survivors have found that about 95 percent experience posttraumatic stress symptom severe enough to qualify for a diagnosis of the disorder in the first 2 week following the rape. About 50 percent still qualify for the diagnosis 3 month after rape. As many as 25 percent still suffer from ptsd 4 to 5 years after rape. The risk of long-term ptsd can be reduced when a child or an adult who recives compassionate support from family members and friends and professional mental-health care as needed. PTSD and other psychological problems are more likely when abused people try to hide or deny their abuse.<sup>3</sup>*

With psychological conditions experienced by rape victims, it is necessary to consider compensation. In Law No. 31/2014 Concerning the Protection of Witnesses and Victims, restitution and compensation has been regulated in relation to witnesses and victims in general. Specifically, the compensation aimed at psychological effects has not yet been regulated. Compensation for psychological impact is a form of responsibility of the culprit. In this regard, it is necessary to address the urgency of regulating compensation for psychological effects on rape victims.

### **Research Methods**

The research method used is normative or doctrinal legal research. The approach used is the statute approach, conceptual approach, and philosophical approach or philosophical approach.<sup>4</sup>

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<sup>2</sup> Jeffrey S. Nevid, Spencer A. Rathus, and Beverly Greene, *Psikologi Abnormal*, Edisi keli (Jakarta: Erlangga, 2005).

<sup>3</sup> Susan Nolen-Hoeksema, *Abnormal Psychology*, Second Edi (New York: Mc Graw Hill, 2001).

<sup>4</sup> Elvinda Rima Harliza and Tomy Michael, *Penegakan Hukum Illegal Fishing*, *Mimbar Keadilan* Volume 13 Nomor 1 Februari 2020 – Juli 2020.

## Discussion

### Psychological Impact of Rape Victim

Rape is a traumatic experience for the victim and those close to her. Suffering or loss suffered by a rape victim will last a lifetime of the victim. Losses incurred by rape victims include physical and psychological (psychological) losses. Losses that have an impact on the psychological condition of the victim include, being very afraid of being alone, afraid of others, nervous, hesitant (sometimes paranoia), often shocked, very worried, very careful with strangers, hard to trust someone, no longer trust in men, afraid of men, afraid of sex, feel that other people do not like it, cold (emotionally), difficult to deal with the public and his friends, hate anything, isolate themselves, bad dreams, and others.

Some women shows their feelings of distress through words and tears, while in others women shows internalized suffering. Many rape victims have experienced lifestyle changes, moved residence or were unwilling to go out at night. About one fifth of rape victims commit suicide.<sup>5</sup> Someone who is under stress, psychologically the body will react to stress in order to reduce or eliminate the stress. Referring to the Guidelines for the Classification and Diagnosis of Mental Disorders in Indonesia III (PPDGJ III), that:

“to stress, a person will experience disturbances as a maladaptive response that gives rise to an acute stress reaction. An acute stress reaction is a fairly severe temporary disorder that occurs in a person without any other real mental disorder, in response to extraordinary physical or mental stress and which usually disappears within a few hours or days. The stressors can be extraordinary traumatic experiences which can include serious threats to the safety or physical integrity of the individual or loved ones (for example, catastrophic natural disasters, accidents, war, criminal attack, rape) ...The risk of this disorder increases if there is physical fatigue or other organic factors (for example old age).<sup>6</sup>”

Rape can not be suspected, the place, time, perpetrators and their consequences, as well as the consequences that are feared will arise. The emergence of disease or infection as a result of rape will be the responsibility of the rape victim. These diseases or infections are classified as sexually transmitted diseases (STDs), "diseases that are transmitted through sexual contact. This contact is not limited to vaginal intercourse but also includes oral-genital and anal-genital contact."<sup>7</sup>

Another problem that must be borne by victims of rape who are pregnant (mothers) is that later the mother gives birth to a child. The child will be cared for by the mother (victim) with a psychological burden due to the rapes that have been experienced. The psychological impact of rape victims (mothers) also affects the fetus and the birth process. Mother's emotional state is less stable because of psychological conditions will cause irregular contractions.

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<sup>5</sup> John W. Santrock, *Adolecence Perkembangan Remaja*, ed. by Shinto B. Adelar and Sherly Saragih, Edisi Keen (Jakarta: Erlangga, 2003).

<sup>6</sup> *Pedoman Penggolongan Dan Diagnosis Gangguan Jiwa Di Indonesia III*, Departemen Kesehatan. Direktorat Jenderal Pelayanan Medis, 1993).

<sup>7</sup> Santrock, *Adolecence Perkembangan Remaja*, p. 418.

“Irregular contractions cause an irregular air supply to the baby or tend to produce irregularity after birth. Babies born through a long birth process also adjust more slowly to their world and are more irritable.”<sup>8</sup>

### **Urgency of Compensation Regulations**

Compensation arrangements in positive law in Indonesia, among others, are contained in the Civil Code (KUHPerdata), the Criminal Code (KUHP), and the Criminal Procedure Code (KUHP). Regarding rape and compensation arrangements more broadly its scope is contained in Law No. 31/2014 Regarding Amendment to Law No. 13 of 2006 concerning Protection of Witnesses and Victims. Even though, there is still a lack of material content in the law, namely compensation for psychological effects. In the Law of the Republic of Indonesia Number 15 of 2019 concerning Amendment to the Law of the Republic of Indonesia Number 12 of 2011 concerning Formation of Legislation, there is a juridical basis. Juridical foundation is a consideration or reason that illustrates that regulations are formed to overcome legal issues or filling in the blanks of the norm.

Juridically, in Law No. 31/2014 there has been a void in norms about compensation for psychological effects for rape victims. Juridical basis involves legal issues relating to the substance or material that is regulated so that it is necessary to make changes to the existing legislation. Some legal issues, among others, are regulations that are lagging, regulations that are not harmonious or overlapping, types of regulations that are lower than the Law so that the force is weak, the existence of inadequate laws and regulations, and or the absence of the same rules once.

Regarding compensation, it should be given directly in the form of money or in the form of property owned by the rapist or his family. For these material deficiencies, changes and additions to Law No. 31/2014 Regarding Amendment to Law No. 13 of 2006 concerning Protection of Witnesses and Victims.

### ***Closing***

Law is an important part of human life in society. The legal consequences for the perpetrators and victims of rape have not been balanced. In this case, the rapist must provide direct compensation for the psychological impact on the victim. There has not yet been any compensation for the psychological impact on rape victims. Therefore, there is an urgency in regulating compensation for the psychological impact on rape victims. These arrangements can be made by making changes to Law No. 31/2014 Regarding the Protection of Witnesses and Victims.

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<sup>8</sup> Santrock, *Adolence Perkembangan Remaja*, p. 114.

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