
Human Rights Protection against Women as Rape Victims

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Abstract

Rape is sexual lust of a business by a man against a woman in a way that moral and or violate applicable law. Problems faced by rape victims is not easy, must obtain the protection of the victims of human rights such as the right to security. Issues to be discussed is how the shape of the protection of human rights of women as victims of rape, whether the protection of human rights in accordance with the principles of human rights, how the forms state responsibility in protecting the human rights of the victims of rape. Responsibility of the state in question is by the National Commission on Violence Against Women (National Commission for Women) as the government agency responsible for women who experience violence. The method used in this paper is to use the method of approach to a problem that is normative, the data sources used are primary and secondary data sources, data collection techniques using interviews (primary data) and through the study of literature (secondary data), data analysis used is descriptive qualitative. The results showed, first, a form of protection of human rights of women as rape victims is through integrated services that include medical services, legal services/legal aid, shelter services (safe house). Protection of victims was also accompanied by a monitoring-based recovery program. However, the protection of human rights of victims of rape perempuan not maximized because the victim has not fully got the same service. Second, the protection of women victims of rape have not been in accordance with the principles of human rights. The study says that the persistence of unequal treatment, discrimination directly and indirectly by the provider of health services, legal assistance, safe houses, even by police, prosecutors, and also hakim. Akibat of the principles of human rights are not appropriate this, so that the right to security of the suffering of the victims in the form of fear, trauma, self- confidence due to the loss of chastity (virginity), which must be owned by the rape victim has not been fulfilled and are still far from expectations. Third, the form of the National Commission the responsibility to protect women victims of rape are still limited to monitoring, collate regulation handling of victims, where the complaint is still a victim. It can be concluded that the protection of human rights of women as victims of rape is not maximized, the National Commission in carrying out its responsibilities women do not directly handling, no guidance, and to the extent received reports from other institutions in collaboration with the National Commission of Women

Keyword: *Women, Rape, Human Rights*

Abstrak

Pemerkosaan adalah usaha nafsu seksual yang dilakukan seorang laki-laki terhadap seorang perempuan dengan cara yang bermoral dan atau melanggar hukum yang berlaku. Permasalahan yang dihadapi oleh korban perkosaan tidaklah mudah, korban harus mendapatkan perlindungan hak asasi manusia seperti hak atas rasa aman. Permasalahan yang akan dibahas adalah bagaimana bentuk perlindungan HAM terhadap perempuan korban perkosaan, apakah perlindungan HAM tersebut sesuai dengan prinsip-prinsip HAM, bagaimana bentuk tanggung jawab negara dalam melindungi HAM para korban perkosaan. Tanggung jawab negara yang dimaksud berada di tangan Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan) sebagai lembaga

pemerintah yang bertanggung jawab terhadap perempuan yang mengalami kekerasan. Metode yang digunakan dalam penulisan ini adalah dengan menggunakan metode pendekatan terhadap suatu masalah yang bersifat normatif, sumber data yang digunakan adalah sumber data primer dan sekunder, teknik pengumpulan data menggunakan wawancara (data primer) dan melalui studi kepustakaan (data sekunder), analisis data yang digunakan adalah deskriptif kualitatif. Hasil penelitian menunjukkan, pertama, bentuk perlindungan hak asasi perempuan korban perkosaan adalah melalui pelayanan terpadu yang meliputi pelayanan medis, pelayanan hukum/bantuan hukum, pelayanan tempat penampungan (safe house). Perlindungan terhadap korban juga disertai dengan pemantauan- berbasis program pemulihan. Namun perlindungan hak asasi manusia korban perempuan belum maksimal karena korban belum sepenuhnya mendapatkan layanan yang sama. Kedua, perlindungan terhadap perempuan korban perempuan belum sesuai dengan prinsip-prinsip hak asasi manusia. Kajian tersebut menyebutkan bahwa masih adanya perlakuan yang tidak setara, diskriminasi langsung dan tidak langsung oleh penyedia layanan kesehatan, bantuan hukum, rumah persembunyian, bahkan oleh polisi, jaksa, dan juga hakim. Akibat dari prinsip-prinsip hak asasi manusia tidak sesuai dengan hal ini, sehingga bahwa hak atas rasa aman atas penderitaan korban berupa rasa takut, trauma, rasa percaya diri akibat hilangnya kesucian (keperawanan) yang harus dimiliki oleh korban perkosaan belum terpenuhi dan masih jauh dari harapan. . Ketiga, bentuk tanggung jawab Komnas Perlindungan Perempuan Korban Perkosaan masih sebatas melakukan pengawasan, menyusun regulasi penanganan korban, dimana pengadu masih menjadi korban. Dapat disimpulkan bahwa perlindungan hak asasi perempuan korban perkosaan belum maksimal, Komnas Perempuan dalam melaksanakan tanggung jawabnya tidak melakukan penanganan secara langsung, tidak melakukan pembinaan, dan sejauh ini mendapat laporan dari lembaga lain yang bekerja sama dengan Komisi Pemberantasan Korupsi. Komisi Nasional Perempuan.

Kata Kunci: Perempuan, Perempuan, Hak Asasi Manusia

INTRODUCTION

Humans are gifted by God Almighty with reason and conscience which gives them the ability to distinguish between good and bad and will guide and direct their attitudes and behavior in living their lives. With reason and conscience, humans will have the freedom to decide their own behavior or actions. In addition, to balance this freedom, humans have the ability to be responsible for all the actions they take. Basic freedoms and basic rights are what are called human rights which are inherent in humans by nature as a gift from God Almighty. These rights cannot be denied. Denying this right means denying human dignity. Therefore, any state, government or organization has an obligation to recognize and protect human rights which must always be the starting point and goal in organizing national and state life.¹

The history of the Indonesian nation to date records various suffering, misery and social disparities, which are caused by unfair and discriminatory behavior on the basis of ethnicity, race, skin color, culture, language, religion, class, gender and other social status. In reality, for more than fifty years of the Republic of Indonesia's existence, the implementation of respecting, protecting or upholding human rights is still far from satisfactory. One of the important elements that must be fulfilled by a legal state, namely the protection of human rights, does not escape the struggle to obtain recognition and guarantees for human rights.²

¹ Yudha Pandu, "Penjelasan Atas Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia," n.d.

² Rozali Abdullah and Syamsir, *Perkembangan HAM Dan Keberadaan Peradilan HAM Di Indonesia* (Jakarta:

In Indonesia, guarantees of human rights are generally found in article 28 letters A-J of the 1945 Constitution of the Republic of Indonesia. Article 28I confirms that every citizen has the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to not be enslaved, every person has the right to be free from discriminatory treatment on any basis and has the right to receive protection against such discriminatory treatment. The protection, promotion, enforcement and fulfillment of human rights is the responsibility of the State, especially the government. Apart from that, Article 28A states that every person has the right to live and the right to defend his or her life and existence. This means that everyone, regardless of gender, female or male, has the same rights, which cannot be disturbed by anyone.

Every person must have their rights and honor upheld without distinction between men and women and cannot be revoked by anyone, even themselves. In particular, women as a group in society in a country are a group that is also obliged to obtain guarantees for their human rights. Women are explicitly and specifically guaranteed their human rights because women are included in vulnerable groups, together with children, minority groups, refugee groups and other vulnerable groups. Women are included in a group that is weak, unprotected and therefore always in a situation that is full of risk and very vulnerable to danger, one of which is sexual violence that comes from other groups. This vulnerability makes women as victims of violence experience a higher fear of crime than men³.

Guarantees of protection through national law, apart from being regulated in the 1945 Constitution, are also specifically regulated according to Law Number 39 of 1999 concerning Human Rights. Law Number 39 of 1999 is said to be a breath of fresh air for guaranteeing the protection of human rights in Indonesia. Women's rights are no exception as regulated in Law Number 39 of 1999 concerning Human Rights, that women who are classified as vulnerable people have a special place as stated in Article 3 of Law Number 39 of 1999 concerning Human Rights which clearly states that every People have the right to protection of human rights and non-discrimination. The national instrument that regulates the protection of human rights in this case provides regulations (laws) that are anti-discrimination, anti-violence, anti-torture, against women. It is important to know from the perspective of society in general that there are various kinds of sexual crimes, such as adultery, homosexuality, *samen leven* (cohabitation), prostitution (prostitution), sexual immorality, and even rape. However, what will be discussed in this writing is sexual violence (rape) against women.

Basically, rape is a primitive form of violence that we all know exists in any society. The social phenomenon of rape is a challenge that must be considered seriously. From the past until now, rape is not just sexual violence, but is always a form of behavior that is influenced by a certain system of power. Therefore, society's views on rape are a reflection of society's values, customs, religion, and even large institutions such as the State. Myths that are often believed regarding sexual violence and rape are⁴:

- a. The victim provoked or invited the rape incident. This also means that good women will not experience rape;
- b. Women can avoid rape;
- c. Only certain women will be raped (for example: young and beautiful women, inviting women, cheap women and so on);
- d. Rape only occurs in foreign areas/slums and at night);
- e. Rape is committed by a sick person or criminal;

Ghalia Indonesia, 2001).

³ Niken Savitri, *HAM Perempuan Kritik Teori Hukum Feminis Terhadap KUHP* (Bandung: Refika Aditama, 2008).

⁴ Achie Sudiarti Luhulima, *Pemahaman Bentuk-Bentuk Tindak Kekerasan Terhadap Perempuan Dan Alternative Pemecahannya* (Jakarta: Alumni, 2000).

- f. A good man will not rape unless there is an invitation or seduction from the woman herself;
- g. Women often claim to have been raped for revenge, to receive compensation, or because they have personality characteristics of wanting attention and histrionics;
- h. Rape occurs because the perpetrator cannot control his sexual impulses.

In contrast to existing myths, data shows that rape can be committed on anyone, and by anyone, whether by strangers or by people they know. Rape is often committed by people they know well. In fact, being in a close relationship with the victim (brother-in-law, stepfather, ex-husband, etc.). Group rape occurs more often in contexts where the victim does not know the perpetrator. Meanwhile, rape committed by someone known to the victim is more likely to occur repeatedly, but is less frequently reported because the victim's position is very difficult and awry.

Furthermore, criminal acts of violence against women have received attention and support not only nationally but also internationally. However, the number of violence against women shows an increasing trend from year to years. In Indonesia, based on the National Commission on Violence Against Women's Annual Records (CATAHU) dated via Simfoni-PPA, the data presented was input on January 1, 2022 to 2023, the data consists of: Number of Cases 1,825 consisting of 279 Male Victims and 1,669 Female Victims

From data collected by the National Commission on Violence Against Women, the increase in the number of rapes experienced increases concern for women who are victims of rape. Indonesia provides protection to everyone from every form of violence, including protection to women who are victims of sexual violence (rape). However, in reality, the State's attention and responsibility for providing protection to rape victims is regulated in Article 285 of the Criminal Code regarding rape which is only directed at men who are the perpetrators and no special explanation is given to women who are victims. One of the consequences is the number of victims. Rape has not decreased because laws and regulations in Indonesia do not have a deterrent effect on perpetrators of rape. It is appropriate that sexual violence contained in the Criminal Code, especially the crime of rape, should be perceived more broadly to include women's human rights.

The problems and suffering faced by rape victims are not easy. Various expert opinions regarding the consequences of rape are as follows:

- a. Psychological suffering, such as feeling that you are no longer valuable due to losing your virginity (chastity) in the eyes of society, in the eyes of your husband, future husband (fiancé), or parties related to him. Other psychological suffering can include anxiety, loss of self-confidence, no longer being cheerful, often closing oneself off or staying away from busy life, growing feelings of hatred (antipathy) towards the opposite sex and excessive suspicion towards other parties who mean well to them;
- b. Pregnancy is possible. This can have even more fatal consequences if the fetus grows large (there is no desire to abort). This means that children born as a result of rape do not have clear legal status and religious norms.
- c. Physical suffering, meaning that the result of the rape will cause injuries to the victim. These wounds are not only related to torn vital organs (female genitalia), but it does not rule out the possibility that other bodily organs may be injured if the victim first puts up strong resistance which encourages the perpetrator to act more harshly and cruelly in order to subdue the victim's resistance.
- d. Growing sense of lack confidence in the handling of legal practitioners, if the cases they handle attract more attention, while the handling of suspects seems less serious.

⁵ Aroma Elmina Martha, *Perempuan Dan Kekerasan Dalam Rumah Tangga Di Indonesia Dan Malaysia* (Yogyakarta: Universitas Islam Indonesia, 2012).

Victims feel that they are being treated discriminatoryly and are being made to suffer even more mentally or are mentally weak as a result of being continuously pressured by a case process that never ends.

- e. Victims who are faced with difficult situations such as no longer feeling valuable in society, family, husbands and future husbands may fall into the world of prostitution. This means that brothels are used as an outlet for taking revenge on men and seeking rewards.

The suffering experienced by the rape victim mentioned above increasingly implies that rape is a serious crime and evidence of human rights violations, considering that what the perpetrator did has resulted in the emergence of various bad problems that must be faced by the rape victim, for this reason the rape victim needs protection, however It appears that there are problems with the protection of human rights which are not in accordance with the principles of human rights. An example of a case of "rape in Indonesia, specifically in Kotabumi, which was committed by a father against his daughter with an acquittal, because according to the judge, the prosecutor was only able to produce one piece of documentary evidence in the form of an investigation report, even though Article 183 of the Criminal Procedure Code requires a minimum of two pieces of evidence and the presence of the judge's confidence in handing down a guilty verdict to the defendant. Another thing is that the post mortem et repertum made on the victim is considered not to provide confidence that rape has occurred because it does not appear that any new wounds were the result of the rape experienced by the victim. In this case, it appears that the judge did not consider the case as a whole, but only considered evidence as something that procedurally must be fulfilled to prove a criminal act. In fact, rape cases must be seen in an integrated manner with each other, the condition of the victim after the rape, the relationship between the victim and the perpetrator and the trauma caused by the act within the victim⁶."

Apart from showing the weakness of the Criminal Code, the case above shows that it is not able to cover all existing problems, especially sexual crimes such as rape, in reality, judicial practice in Indonesia does not fully guarantee the protection of women's human rights. At the stage of examination of rape victims, it is carried out without paying attention to the victim's rights, while at the stage of passing the verdict, the victim is again disappointed because the verdict handed down to the perpetrator is quite light and even far from paying attention to women's human rights. But also the principles of human rights have not been upheld. The principles of human rights are the principle of equality, the prohibition of discrimination and the positive obligation to protect certain rights. Human rights principles are used to protect certain rights. However, the state still intervenes against women in the current phenomenal case, namely rape. Not only are their rights ignored, but also the existence of the state's responsibility towards people vulnerable to violence is being questioned.

Based on the background of the problem, the author wants to know what form of human rights protection takes? Is the protection of the human rights of rape victims in accordance with the principles of human rights? And what is the state's responsibility in protecting the human rights of rape victims?

Why is that? Because every violation of human rights always creates an obligation for the State to try to resolve it. This settlement is not only important for the restoration (reparation) of victims' rights, but also to prevent the recurrence of similar violations in the future. So efforts to resolve human rights violations must be seen as part of steps to promote and protect human rights as a whole. No matter how small the resolution steps taken, they must still be seen as steps against impunity. That is the target of resolving human rights violations, because there are no human rights without redress for the violations because it would be the same as saying that

⁶ Suparman Marzuki, *Hukum Hak Asasi Manusia* (Yogyakarta: Universitas Islam Indonesia, 2008).

impunity will continue if there are no concrete steps to fulfill, protect, account for the rights of victims of human rights violations. and restore order as a whole.

RESEARCH METHOD

The research method used in this research is through the Normative Juridical writing method, namely legal research that places the law as a building system of norms. The norm system in question is about legal principles, norms, rules of laws and regulations, court decisions, agreements and doctrines (teachings). Normative legal research is legal research carried out by examining library materials (secondary data). This normative juridical research is supported by empirical data, namely studies that view law as reality, including social and cultural realities, by studying law in action.

In accordance with the Normative Juridical research type, the problem approach used is a statutory approach. The legislative approach is used to examine legislative regulations whose norms still have deficiencies or are in conflict with the Human Rights adhered to in Indonesia. Normative Juridical Research which is supported by empirical data is directed at 2 (two) things, namely first, the application of normative legal provisions and secondly the results achieved. The application of normative legal provisions is a process of real behavior (law in action) leading to the results achieved. The results achieved are the desired goals, namely fulfilling obligations and obtaining the rights of citizens, in this case the rights of rape victims.

DISCUSSION

Form of Human Rights Protection Against Women Rape Victims

Protection for rape victims aims to protect women's human rights, especially not to be abused or treated cruelly and inhumanely, especially if women who are rape victims want to seek justice for themselves. The form of protection as explained in the previous chapter is protection for rape victims in the form of counseling, legal aid, medical services. From research data that the author found in the field directly by visiting the Office of the National Commission on Violence against Women (Komnas Perempuan), protection for women who were victims of rape was marked by the signing of a Joint Agreement Letter (SKB) of 3 Ministers, namely the State Minister for Women's Empowerment of the Republic of Indonesia, the Minister of Health RI and the Minister of Social Affairs of the Republic of Indonesia, and the Chief of Police regarding Integrated Services for Victims of Violence against Women on 23 October 2023, which is a form of positive response from the Indonesian Government in the agenda for handling cases against women. Protection of women as victims of violence, in this case the author's study of victims of sexual violence, rape, formed through Integrated Services.

Integrated Services, this is understood as a service that completely re-empowers women victims of violence, through medical, legal and psychosocial treatment, based on cross-disciplinary and institutional work mechanisms from both government and community environments that are built together, accountable and affordable by public. Based on this understanding, it can be said that integrated services include an understanding of the implementation of interdisciplinary services involving various professions and institutions as in the following table:

| Discipline | Profession | Institution |
|---------------------|---|---|
| Medicine | Doctors (specialists and general), midwives, health workers, nurses, etc. | Hospitals, community health centers, medical clinics, and health |
| Law | Police officers, lawyers, attorney, judges, etc. | Legal aid institution, police force, judicial institution, attorney institution. |
| Psychosocial | Consellers, psychologists, social workers, spiritual guiders | Counselling institutions, women's shelter, Islamic boarding houses, crisis centers. |

Source: National Commission on Violence Against Women, 2023.

Forms of Medical Service Protection (Hospitals, Community Health Centers, Clinics & Medical Officer Practices)

Medical services include services provided by hospitals, health centers, clinics and other medical personnel such as doctors, midwives, nurses. Most victims who receive medical assistance or hospital services are generally accompanied or brought by their family, relatives, friends or neighbors. Others were unconscious or seriously injured when taken to hospitals or health centers. There were also those who were helped or taken to institutions providing medical services by people they did not know.

Visum at repertum is one of the basic examinations carried out on all victims of violence, for evidentiary purposes. Several hospitals have collaborated with the Police or Regional Government to provide free post-mortem services for victims of violence. From the research results, regarding the medical service procedures received, the victim gave two assessments, namely "feeling satisfied" and "not satisfied". Based on data from victims, it is revealed what is behind or is the reason why victims feel satisfied and dissatisfied. The following will reveal the victim's assessment based on the experience of the medical services received:

Victims who stated that they were satisfied with the medical services they received, because:

- a Handled directly, some victims expressed satisfaction with medical services when they were directly handled by health workers;
- b Served in a friendly manner, other victims stated that they were satisfied with hospital services because the officers served them in a friendly manner or treated the victims like family;
- c No fees, other victims expressed satisfaction because the medical institutions serving them did not charge them fees;
- d According to needs. Another victim stated that he was satisfied because the service he received was in accordance with his needs.
- e Meanwhile, the victim felt dissatisfied/disappointed with the medical services he received, due to several experiences related to: Post-mortem services for victims, a victim who experienced sexual harassment complained about the post-mortem service at an open hospital. The victim felt embarrassed when undergoing a post-mortem examination because several people looked at him with gazes which the victim said made him uncomfortable.

- f Doctor's attitude and drug costs, another victim expressed his experience when he was unable to receive the services he needed because of costs.

From the things mentioned above, monitoring of medical services found several new breakthroughs developed by health institutions to improve services for the community, including women victims of violence, such as:

- a Integrated Evaluation Mechanism.
- b Integrated Services.
- c cooperation to serve victims.

Legal Services/Legal Aid (Assistance, Police, Prosecutor's Office and Court)

One form of protection for women victims of rape is through providing legal assistance. The birth of Government policy through Presidential Regulation Number 29 of 2011 concerning Government Work Plans (RKP), is a form of government political will regarding Legal Aid, where the strategy for access to justice is divided into 8 (eight) fields, one of which is the legal field. However, unfortunately this access to justice only includes court legal processes or litigation. This condition is considered to have a narrow meaning because the results of monitoring by the National Commission on Violence Against Women show that legal assistance is needed for women who also have the status of victims who have not resolved their legal problems through the courts.

Data obtained by the author through the National Commission on Violence Against Women's Annual Notes (CATAHU) on violence against women has seen an increase in the amount of violence against women every year, as well as cases of rape experienced by women. Monitoring regarding women's access to justice in several provinces in Indonesia in 2023, the results of monitoring illustrate the experiences of women victims of violence in obtaining justice. For those who choose to go through formal mechanisms, they report their cases to law enforcement through service institutions to obtain assistance such as Legal Aid Institutions, Non-Governmental Organizations, Women's Crisis Centers and/or government institutions such as the Integrated Service Center for the Empowerment of Women and Children (P2TPA). However, 60% of the 20 cases monitored described victims resolving their cases using traditional and religious mechanisms. This occurs because of the obstacles experienced by women when accessing justice through formal mechanisms, including:

- a. Unresponsiveness of formal institutions at the police level in responding to victim complaints;
- b. Victims experience multiple layers of discrimination due to the lack of understanding of gender-based violence by law enforcement officials such as the police who do not see what is behind the occurrence of these cases, for example the rape experienced by the victim.

Regarding continuity in case handling, police services are often absent due to poor coordination at the internal level. One of the victims revealed that while the case was still in progress, it turned out that the police officer handling the case had been replaced. After changing assignments, the new officers sided more with the perpetrator and often cornered the victim. Based on these cases, it can be said that victims and companions did not receive complete information regarding the reporting or complaint procedures that had to be carried out.

Shelter Services (Safe House)

Relating to forms of protection of the human rights of women who are victims of rape,

through service procedures and shelter management. The shelter is a safe house for women victims of violence. Shelter management requires a correct understanding of the shelter's function and how to manage it. The existence of the shelter should be supervised by administrators, accessible to victims, and provide protection, security, calm and comfort for victims in facing and overcoming their problems. Some of the shelters visited by monitors had building concepts such as: like an ordinary family house, designed like a simple inn or guest house, an office complete with a nameplate, a hall used for overnight stays, and like a warehouse which was sometimes empty or filled with hundreds of people. However, there are also shelters that have implemented shelter management principles, such as using the principles of safety and protection for victims. For example, shelter managers restrict the general public from knowing where the shelter is, by not putting up signboards in front of the shelter, limiting certain taxi drivers who can take passengers to the shelter. with shelter services. Some of the experiences expressed by victims, especially rape victims, include:

- a. Positive experiences of rape victims about shelter. It was revealed that a victim (14 years old) was raped by her stepfather. The victim, who is still in junior high school, is very embarrassed by the condition that befell him. So the victim feels afraid at home, doesn't dare to socialize and even feels that his friends no longer want to be friends with him. In this psychological condition, the victim was then accommodated in the P3A shelter. The victim admitted that he was very happy because apart from having friends at the shelter, every day the management visited him and invited him to chat. Apart from that, P3A also helps the victim to have her pregnancy (5 months) medically checked. (Location: Sidoarjo).
- b. Negative experiences of rape victims about shelters. This is one of the victims' experiences related to shelter service procedures that were not in accordance with the victims' needs. A victim (14 years old) who was pregnant (as a result of her biological father's actions) was forced to return to her home (even though her family felt pressured by her environment) after the manager of the shelter where she was housed asked her to leave the shelter. After leaving the shelter, the victim still had to go back and forth across the waters between the island where she lived to Batam Island by small boat to check her pregnancy and give birth.

The shelter management asked the victim to leave the shelter on the grounds that the maximum stay in the shelter was only 1 week. The victim's mother was very disappointed with the treatment of the shelter management and thought that what the management did at the start of the case was only to increase the prestige of the management and the institution. (Location: Batam). Based on the presentation of various victims' experiences regarding shelters, shelter managers need to understand that each victim with different cases cannot be treated the same. Social and psychological conditions vary. These considerations should differentiate shelter service procedures based on the condition, situation and needs of victims.

The Form of State Responsibility in Protecting Human Rights against Rape Victims

The state responsibility in question is the National Commission on Violence Against Women. Komnas Perempuan is a National Human Rights Institution (NHRI) that works independently, established based on Presidential Decree Number 181 of 1998 and updated with Presidential Regulation (Perpres) Number 65 of 2005. As a National Human Rights Mechanism, Komnas Perempuan has the mandate to provide advice. and consideration to the government, legislative and judicial institutions as well as community organizations to encourage the preparation and ratification of legal and policy frameworks that support

efforts to prevent and overcome all forms of violence against Indonesian women as well as the protection, enforcement and promotion of human rights. In accordance with the principles of a state based on law, efforts made to prevent and eliminate all forms of violence against women need to be increased and realized in real terms. The State has an obligation to make this happen, the State in this case gives responsibility to the National Commission on Violence Against Women as an institution for the running of the Indonesian government, in this case regarding upholding and protecting human rights which is engaged in fulfilling and protecting women as victims. In carrying out its duties and responsibilities, Komnas Perempuan carries out monitoring and reports on this monitoring through social networking sites (websites).

The scope of this monitoring includes: access and benefits of services for victims (victims' views), service providers and availability (function of each institution/institution), interrelation between service providing institutions, community and environmental acceptance of victims and government and legislative responses. The steering team was confirmed by the Decree of the Chairman of the National Commission on Violence Against Women, Number 607D/KNAKTP/KCSX/IX/08 concerning the Establishment of a Steering Team for Monitoring Access of Women Victims of Violence to Integrated Services. The Steering Team consists of the National Commission on Violence Against Women (KP), the Indonesian Ministry of Women's Empowerment (KNPP), the Indonesian Ministry of Social Affairs (Depsos), the Indonesian Ministry of Health (Depkes), the Indonesian National Police (POLRI) and the Service Providing Community Organization (LBH APIK Jakarta, Mitra Jakarta Women, Rifka Annisa Jogjakarta, Cahaya Perempuan Bengkulu, SPEKHAM Solo and Suara Parangpandan Manado). The task of Komnas Perempuan as organizer is to facilitate steering team meetings, form a technical team to support the work of the Steering Team, prepare draft monitoring concepts and monitoring instruments and carry out trials of monitoring instruments.

From the results of a conversation between the author and one of the staff of Komnas Perempuan named Mrs. Itha (itha@komnasperempuan.or.id), she stated that the responsibility of Komnas Perempuan when a rape victim comes forward is that Komnas Perempuan only accepts complaints. After the victim complained, the victim was directed by the special team on duty. The prevention and control efforts that the author found also mostly involved the formation of legislation and policy proposals from the National Commission on Women regarding the fulfillment of women's rights. The mitigation efforts that have been carried out by the National Commission on Violence Against Women include:

- a Conduct monitoring;
- b Establish a service provider agency;
- c Medical services;
- d Recovery;
- e Legal Services;

From the implementation of these efforts, it can be seen from data from the National Commission on Women that not all rape victims have been able to access the services provided. There are victims who feel the benefits of service providers and there are also victims who have obstacles in accessing services.

Communication between the National Women's Commission and rape victims is very minimal, the author found in the National Women's Commission's annual records data. Communication is important and most effective in the delivery (socialization) of various programs. The socialization carried out by the National Commission for Women is not carried out directly with women, but the socialization is carried out between institutions that collaborate with the National Commission for Women. This is an important thing that

must be paid attention to because the National Women's Commission can directly provide understanding in the form of outreach to female students and workers, it is believed that it will be more effective in making efforts to prevent violence against women.

CONCLUSION

Based on the results of this research and discussion, it can be concluded that the form of human rights protection for women as rape victims is through integrated services which include medical services, legal services/legal aid, shelter services (safe houses). The protection strategy for victims is also carried out through recovery programs. However, it can be concluded that human rights protection for rape victims in Indonesia is not yet optimal because not all victims receive the same protection services. Human rights protection for female rape victims is not yet in accordance with human rights principles (principle of equality, principle of discrimination, positive obligations to protect certain rights).

The results of the research show that there is still unequal treatment, direct and indirect discriminatory treatment, both by providers of health/medical services, assistance/legal aid services, safe house services, even by police, prosecutors and judges. As a result of the principle - Human rights principles are not yet in accordance with this, so that the right to feel safe from the suffering of victims in the form of fear, trauma, lack of self-confidence due to the loss of chastity (virginity), which rape victims must have not been fulfilled and is still far from expectations. That The form of accountability of the National Commission on Violence Against Women as an Indonesian government institution which was established based on Presidential Decree Number 181 of 1998 and updated with Presidential Regulation Number 65 of 2005, has an obligation and is given a mandate to be responsible for the human rights of women who are victims of rape, but until now the responsibility is towards the victim. rape is still limited to carrying out monitoring, taking steps to encourage treatment of victims, providing facilities and considerations to the government, spreading understanding of all forms of violence against women.

In carrying out its responsibilities, the National Commission on Violence Against Women has a narrow task because it does not carry out direct handling in the form of assisting victims in carrying out their cases. Komnas Perempuan has narrow regulations because it only accepts complaints about victims who come directly to the Komnas Perempuan office or by telephone. From this complaint, Komnas Perempuan then referred the victim to other legal institutions that collaborate with Komnas Perempuan in dealing with problems experienced by women. Thus, the big responsibility of Komnas Perempuan is carried out entirely by the institutions that collaborate with Komnas Perempuan and Komnas Perempuan only helps or acts as a mediator between victims and these legal institutions.

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