

Criminal Acts Of Attempted Rape Yangg Resulting In A Sense Of Fear (See Also Decision No. 474 / Pid/2013 / Pt-Mdn)

Rilawadi Sahputra^{1*} Hasan Basri²

Magister Hukum, Universitas Dharmawangsa, Medan, Indonesia.

Abstract

Sexual violence is a serious offense that involves the coercion of sexual relations without consent, and affects victims in various aspects of their lives. In Indonesia, coercion of sexual relations with violence or threats against women outside of marriage is a complex social problem. The issue of sexual violence, especially involving attempts to force a woman to have sex outside of marriage through violence or threats of violence, has become a profound problem and affects many aspects of human life, both legally, socially, and psychologically. These actions not only violate human rights, but also reflect the deep gender inequality in society. This study aims to examine the phenomenon from three main perspectives: legal, social, and psychological. From a legal perspective, the sexual coercion of a woman outside of marriage through violence or the threat of violence constitutes a serious violation of the laws governing human rights and the protection of women. In this context, in Indonesia, sexual violence is regulated in law No. 12 of 2022 on the crime of sexual violence (TPKS), which provides greater protection for victims and establishes more severe sanctions for perpetrators. Socially, this phenomenon highlights the structural injustices that often occur, in which victims are often blamed or ignored by society, as well as the existence of social stigma towards victims of sexual violence. Patriarchal social norms and gender inequality further exacerbate this situation, leading many victims to feel isolated and afraid to report the violence they experience. From a psychological perspective, sexual coercion can leave a deep traumatic impact on the victim. Such Trauma not only affects the emotional and mental state of the victim in the short term, but can also continue in the long term, affecting interpersonal relationships, and overall mental health. Psychological disorders such as post-traumatic stress disorder (PTSD), depression, anxiety, as well as feelings of inferiority are often experienced by victims of sexual violence. This study aims to provide a more comprehensive picture of the interaction between these three perspectives and how legal, social, and psychological factors play a role in shaping victim experiences as well as in sexual violence prevention and response efforts. Thus, the results of this study are expected to contribute to the development of more effective policies in addressing the problem of sexual violence, as well as increasing public awareness of the importance of protecting women and the mental well-being of victims of sexual violence.

Keywords: Sexual Violence, Coercion Of Intercourse, Legal Perspective, Social, Psychological, Trauma, Gender Inequality, Protection Of Women

1. INTRODUCTION

Sexual violence is one of the most disturbing and destructive human rights violations. Acts of violence that occur, both in the marital relationship and outside of marriage, can affect the victim in many ways. Coercion of sexual relations with physical violence or threats, which are often

*Email/Corresponding Author: rilawadisahputra@dharmawangsa.ac.id

experienced by women, is one form of violence that severely injures human dignity. In Indonesia, despite various legal policies aimed at protecting women, the practice of sexual violence remains high, especially against women outside of marriage.

The problem of violence or the threat of violence to force someone to have sexual relations outside of marriage, especially against women, is a very complex and worrying issue. This kind of sexual violence does not only involve physical aspects, but also contains deep psychological and social dimensions. In the legal context, sexual violence or coercion to have intercourse without consent is a very serious violation of human rights. In Indonesia, legislation related to sexual violence began to receive greater attention, especially with the passing of the Sexual Violence Elimination Act (UU PPKS) which provides more protection for victims. However, despite stricter regulation, the practice of sexual violence, including the coercion of intimate relationships with violence or the threat of violence, is still common in society. It can be influenced by various social, cultural and psychological factors rooted in gender inequality, social norms that favor male dominance, as well as power imbalances in interpersonal relationships.

From a legal perspective, this act can be categorized as rape or sexual assault that clearly violates the rights of the individual to obtain protection of his body and dignity. However, in reality, many victims of sexual violence have difficulty reporting the events experienced, either because of shame, fear of further threats, or because of a lack of understanding of their rights. From a social point of view, the coercion of sexual relations by violence or threats is often related to the patriarchal culture and gender inequality that exists in society. These cultural normatives often normalize acts of violence against women, both within the household and outside of marital relationships. This social injustice affects the way people perceive victims of sexual violence, who are often blamed or do not receive adequate support.

Psychologically, victims of sexual violence can experience a huge impact, both emotionally, mentally, and physically. Feelings of fear, anxiety, depression, to post-traumatic stress disorder (PTSD) can be experienced by victims who are forced to have sexual relations outside of marriage, which leads to a decrease in their overall quality of life. The journal aims to examine the issue of coercive sexual relations with violence or threats of violence against women outside marriage from three main perspectives: legal, social, and psychological. This research is expected to provide a more comprehensive understanding of the impact of sexual violence and the efforts that need to be done to prevent and deal with cases of sexual violence, by involving various sectors, including Law, Society, and psychological support for victims.

2. RESEARCH METHOD

The type of research chosen is normative legal research that is research establish the law as a system of norms. The system of norms in question is about the principles, norms, rules and regulations. Peter Mahmud Marzuki that: 'normative legal research is a process of finding a rule of law, principles of law, as well as legal doctrines to answer legal problems faced. Normative legal research conducted to produce argumentation, theory or a new concept as a prescription in solving the problem at hand. research normative law is also called doctrinal legal research, namely research aimed at to provide a detailed systematic explanation of the rule of law governing the field of specific legal rules, analyze the relationship between the rules of law one denhan the other, explaining the elusive parts of a rule of law and it also includes predictions of the future development of a particular rule of law. Doctrinal legal research is library-based research whose focus is analysis of primary legal materials. This type of research is based on the thought that this study to analyze a system of norms or rules.

3. RESULT AND ANALYSIS

The ineffectiveness of law enforcement in cases of sexual violence by coercion or threats to have sex outside of marriage spans multiple dimensions. From a legal perspective, the main obstacles are difficult proofs and the slow pace of legal proceedings. The social perspective highlights the importance of cultural factors and norms that hinder the reporting and fair handling of victims. Meanwhile, the psychological perspective shows how the trauma of the victim and the rationalization of the perpetrator hinder the achievement of Justice. Effective enforcement of the law in cases of this kind requires improvements in legal education, changes in gender-related social norms, as well as psychological support for victims. In addition, the need for a deeper understanding of sexual violence and more sensitive enforcement of the law on this issue is critical to improving the effectiveness of law enforcement and ensuring justice for victims. Although there are various legal regulations governing sexual violence, the implementation of the law often does not go well. One of the main obstacles is the difficulty in gathering enough evidence to support an indictment against the perpetrator, especially in cases of sexual coercion that occur outside of marriage

The act of violence or the threat of violence to force a woman to have sex outside of marriage is a very serious offense, which not only violates the law, but also undermines social values and affects the mental health of the victim. In a legal perspective, this case should have been processed strictly in accordance with the Sexual Violence Crime Act to provide justice for the victim. Socially, people need to raise awareness about the importance of respecting women's rights and the importance of supporting victims of sexual violence without stigma. From a psychological perspective, holistic

support, including medical and psychological assistance, is essential for the victim's recovery. Although there is a Sexual Violence Crime Law (TPKS law), its application is often limited due to lack of socialization to the public, especially regarding sexual rights and how to report violence. On the other hand, some articles in the Criminal Code (KUHP) also regulate sexual violence, however, the large number of complicated conditions and procedures make law enforcement more difficult.

The social Stigma and fear experienced by victims of sexual violence has an enormous impact in hindering the healing process and the search for justice. In this journal, it is seen that the stigma that surrounds victims often comes from social norms that consider victims guilty or not entitled to proper legal protection. Victims' fear of revenge, community rejection, and legal judgment can leave them feeling trapped and unable to seek justice or get the support they need. In this regard, a trauma-sensitive approach, community education, and improvements in the legal system are urgently needed to reduce stigma and provide better protection for victims. From a legal, social, and psychological perspective, it is important to ensure that victims get the right support and a fair system to stop the cycle of violence and stigma that surrounds them. Many victims feel afraid to report because of the social stigma that exists, where they are often blamed or ostracized after reporting cases of sexual violence. This leaves many cases of sexual violence uncovered, or even revoked by the victim for fear of facing social consequences.

In patriarchal cultural analyses of sexual violence, especially the coercion of sexual relations outside marriage, there is a close relationship between social norms, gender-biased interpretations of the law, and the psychological impact on victims. Patriarchal culture leads to the acceptance or abandonment of violence against women, reduces awareness of a woman's right to her body, and worsens the social and psychological state of the victim. Therefore, profound changes in social culture and more gender-sensitive legal reforms are urgently needed to reduce acts of sexual violence and support the empowerment of women in society. In many societies, including Indonesia, patriarchal systems that place women in a position of inferiority to men, make room for sexual abusers to feel entitled to women's bodies. This gender inequality creates inequalities in social relations that allow sexual coercion to occur.

Social norms that blame women in the context of extramarital sexual violence lead to larger problems, namely gender injustice, justification for violence, and lack of protection of women's rights. Legal, social, and psychological perspectives need to be considered together to address these issues comprehensively. In the legal aspect, there needs to be more strict enforcement of laws against perpetrators of sexual violence and better protection for victims. Socially, people should be more aware of gender roles

and eliminate the stigma attached to women victims of sexual violence. From a psychological perspective, there needs to be better emotional and psychological support for victims to help them cope with the trauma experienced. To prevent sexual violence and abuse of women, it is necessary to make profound social change efforts, including education on gender equality and women's empowerment, so that each individual can live without fear of being a victim of violence. Many cases of sexual violence go unreported due to social norms that tend to blame women for violence. This view often prevents women from seeking justice and worsens their position in society after experiencing violence.

Lack of sexual education is one of the factors that exacerbate the phenomenon of sexual violence, including the coercion of sexual relations outside marriage. In a legal perspective, these acts are serious offenses that must be strictly processed, while in a social perspective, cultural and religious norms often exacerbate a lack of understanding of bodily rights and consent. On the psychological side, Sexual Violence can have serious long-term repercussions for the victim, which are further exacerbated by the inability to recognize or fight the violence. Comprehensive sexual education, both at school and in the community, is essential to improve this situation. Good education can raise awareness about the importance of consent in sexual relationships and help prevent sexual violence. On the other hand, society must also work hard to remove the stigma that often leads to indifference to individual rights and infringement of one's body. Education on sexual rights and the importance of consent in sexual relationships is often not adequately provided in the Indonesian education system. Many people, especially men, do not fully understand what consent means in sexual relationships, which leads to a false understanding of sexual violence.

Violence or the threat of violence to force a woman to have sex outside of marriage is an act that has a significant long-term impact on the victim's life. From a legal, social and psychological perspective, it is important to understand that the trauma caused is not only physical, but also emotional and mental. Therefore, the need for a fair legal system and strong social support for victims is crucial. Appropriate psychological approaches, such as trauma therapy, as well as increased public awareness of the importance of supporting victims, are needed to assist victims in the long-term healing and recovery process. Many victims experience severe trauma after experiencing sexual violence. This Trauma can take the form of post-traumatic stress disorder (PTSD), excessive anxiety, depression, as well as ongoing insecurity. In addition, victims often feel inferior and isolated from society.

To make analogies that describe feelings of guilt and shame in serious and sensitive contexts, such as violence or threats of violence to force someone to have sexual relations outside of marriage, it is necessary to carefully describe legal, social and psychological perspectives. This analogy could focus on how feelings of guilt and shame arise and their relevance in that context. Overall, feelings of guilt and shame in the context of sexual violence committed by force or threats of violence involve legal, social, and psychological dimensions. In each of these perspectives, the feeling of guilt arises because the perpetrator knows that their actions are wrong and unjustified, while the feeling of shame comes from the understanding that they have damaged relationships, both with society and with oneself. Victims often feel blamed for the events that happen to them, especially in societies that have patriarchal views. This feeling of shame causes many victims not to dare to speak or report, which further worsens their mental state.

The difficulty in building a healthy relationship, especially when there is violence or threats of violence to force someone to have sex, is very complex and involves legal, social, and psychological aspects. By law, this act is a serious violation of the rights of the individual. Socially, cultural factors and gender norms can exacerbate this problem, while psychologically, the impact caused is very detrimental to the victim, which can hinder their ability to build healthy relationships in the future. For this reason, it is important to take a comprehensive approach to solving this problem, providing strong legal support for victims, raising social awareness of women's rights, as well as providing psychological support to those who have experienced trauma. Victims of sexual violence often face difficulties in establishing healthy relationships with their partner or other people, either due to distrust of others or due to feelings of insecurity arising from their traumatic experience.

4. CONCLUSION

Coercion of sexual relations with threats or physical violence outside of marriage is a violation of human rights that must be taken seriously. Although there have been efforts through legal regulations to protect victims, many challenges in implementing the law still occur, such as lack of evidence, social stigma against victims, and limited understanding of sexual rights in society. Social factors, such as patriarchal culture and norms that blame women, exacerbate this situation. The psychological impact on the victim is severe, and can disrupt their lives in the long run. Therefore, a holistic approach is needed to solve this problem. Stronger law enforcement, improved sexual education, women's empowerment, and strengthened psychological support for victims are critical to preventing sexual violence and assisting victims in their recovery. By strengthening public awareness of the importance of consent in sexual relationships and building a more

effective legal system, it is hoped that sexual violence can be reduced and justice can be achieved for victims.

REFERENCE

- Fithri, B. S., Wahyuni, W. S., & Sitompul, A. (2022). Implementation Of The Child Protection Act As A Positive Law In Eradicating Child Marriage In Indonesia. *Legal Brief*, 11(5), 2808-2817.
- Heriyanto, H. (2023). *Tinjauan Yuridis Penyidikan Tindak Pidana Percobaan Pemerkosaan Dan Pencabulan Oleh Militer (Studi Kasus: Pomdam IV/Diponegoro)* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).
- Hippy, Y., & Mandjo, J. (2023). Tinjauan Kriminologi Terhadap Kasus Percobaan Pemerkosaan. *Journal of Comprehensive Science (JCS)*, 2(3).
- Larasati, D. (2012). Penerapan Pasal 53 Jo. Pasal 285 terhadap Pelaku Tindak Pidana Percobaan Perkosaan (Kajian terhadap Putusan No. 142/Pid. Sus/2011/Pn. Ska).
- Lubis, A. H., Sitompul, A., Pinem, S., Zulyadi, R., & Siagian, F. (2024). Seeking Justice: Criticizing the Decision of the Tapak Tuan District Court Number 37/Pid.Sus/2020/PN. Ttn Regarding Domestic Violence. *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan*, 11(1), 86-100. <https://doi.org/10.32505/qadha.v11i1.8591>
- Maswandi, M., Jamillah, J., & Sitompul, A. (2022). The Power of Proof In Victims of Sexsual Abuse. *SASI*, 28(3), 390-396.
- Sa'diyah, M. H. (2021). Penegakan Hukum terhadap Anak sebagai Pelaku Tindak Pidana Percobaan Perkosaan. *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, 2(2), 78-91.
- Satar, A., Surnada, S., & Sitompul, A. (2024). Comparison Of Criminal Sanctions Against Sexual Harassers In Indonesia And Malaysia. *Legalpreneur Journal*, 2(2), 181-187.
- Siregar, A. S., & Sitompul, A. (2024). Criminal Liability for Physical Violence in the Domestic Sphere (Analysis of Medan District Court Decision Number 1264/Pid. Sus/2023/PN Mdn). *International Asia Of Law and Money Laundering (IAML)*, 3(4), 206-212.
- Sitompul, A. (2022). The Crime of Prostitution in View of the KUHP and Law No. 19 Year 2016. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)*, 5(4), 30860-30869.
- SITORUS, T. (2019). *Penerapan Sanksi Pidana Terhadap Anak Sebagai Pelaku Percobaan Pemerkosaan (Studi Kasus Nomor: 215/Pid. Sus-Anak/2014/PN. Yyk)* (Doctoral dissertation, UAJY).