

ABSTRACT

Terra Aura Beningtania Parenden (01051180157)

LEGAL PROTECTION FOR VICTIMS OF SEXUAL VIOLENCE IN ARMED CONFLICT ACCORDING TO INTERNATIONAL LAW PERSPECTIVE (CASE STUDY OF ARMED CONFLICT IN THE DEMOCRATIC REPUBLIC OF CONGO)

(xiv + 148 pages; 1 picture)

An armed conflict arises whenever there is fighting between States or protracted armed violence between government authorities and organized armed groups or just between organized armed groups. An international armed conflict arises when one State uses armed force against another State or States. Sexual violence is prevalent in contemporary armed conflicts. International humanitarian law and human rights law absolutely prohibit all forms of sexual violence at all times and against anyone; international criminal law moreover provides for the individual criminal responsibility of sexual crimes' perpetrators. These three bodies of law importantly reinforce each other in this field. The discrepancy between the facts on the ground and the law is a matter of concern that cannot be explained by potential legal gaps or uncertainties. The aim of this research is to find and understand the Legal Protection for Victims of Sexual Violence in Armed Conflict specifically in Democratic Republic of Congo, also to find new ways of improving implementation for existing laws. Research methods used in research is normative legal methods by studying various law and regulations regarding legal protection for victims of sexual violence in armed conflict with case study and conceptual approaches. This research results show that Legal Protection regulated in international humanitarian law and international criminal law has actually provided quite comprehensive regulations, starting from the categorization of the types of conflicts and types of crimes to the sanctions given as well as the protection of witnesses and victims. Reparations related to sexual crimes in conflict areas have actually provided a very adequate arrangement. So far, the shortcomings in terms of reparations lie in the legal structure, for example perpetrators who are unable to pay the fines set by the ICC to restore conditions to their original state before the conflict. Therefore, reparations that must be carried out in the future are to ensure the implementation of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.

References : 70 (1986-2022)

Keywords : Legal Protection, Sexual Violence, Armed Conflict, Reparations