



The Position of Visum Et Reperertum in Proving the Crime of Sexual Violence

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Abstract The examination of a criminal case in a judicial process essentially aims to seek material truth, namely the complete truth of a criminal case by applying the provisions of criminal procedure law in an honest and timely manner with the aim of finding out who is the criminal who can be charged with committing an offense. The making of visum et repertum gives full duty to the doctor as the executor in the field to assist the prosecutor in determining the direction of the indictment that will be charged against the defendant, as well as assisting the judge in finding material truth in deciding a criminal case. The approach used in the research is a normative juridical approach. The juridical-normative approach The data source of a research is primary data and secondary data. Because this research is normative legal research, the sources studied are secondary data sources. Qualitative analysis is carried out by describing quality data in the form of sentences that are regular, sequential, logical, not overlapping, and effective. The role of Visum et Repertum in assisting the examination process of a case is not only useful for investigators to uncover the criminal offense, but also useful for examination in the trial of the case. Visum et Repertum as stated in Article 184 paragraph (1) KUHAP point c is a valid evidence. This makes the Visum et Repertum legally binding in assisting the resolution of a case. Visum et Repertum in the investigation process of a criminal act of rape aims to support investigators in tracking and collecting evidence in addition to other evidence such as victim testimony, suspect testimony, witness testimony and examination of other evidence. It is necessary for investigators to have additional knowledge about medical terms in a Visum et Repertum. This knowledge is useful so that investigators do not misinterpret the results of the Visum et Repertum obtained so that it can influence and determine the actions taken by investigators in solving a case.

Keywords: Position, Visum Ep Repertum, Crime, Sexual Violence .

1. INTRODUCTION

There are several types of sexual violence, including coercive sexual acts or acts to obtain sexual intercourse, physical and verbal sexual harassment, forced marriage, sexual torture, forced pregnancy and abortion, and sexual control that describes women. Victims of sexual violence are regardless of age. Reporting from Kompas (2022) based on a report from the Ministry of Women and Children's Empowerment (KemenPPPA), victims of sexual violence experienced by minors in 2021 reached 8,730. The same thing is also experienced by adults because based on the National Commission on Violence Against Women report, there were 4,500 complaints of sexual violence cases during the period January and October 2021.

This high rate of sexual violence certainly shows that there is a failure in the investigation and handling of cases, which makes victims feel helpless and lose their sense of security. Based on the place of sexual violence, many people think that there is no place that is safe and protected from sexual violence. This is shown by the number of incidents of sexual violence in schools, offices, public transport and other places.

Factors that encourage sexual violence include the lack of supervision of the victim's parents which makes it easy for the perpetrator to carry out his actions, uncontrolled lust, Received: December 30, 2024; Revised: January 20, 2025; Accepted: February 10, 2025; Online Available: February 12, 2025;

frequent viewing of porn, sexual abnormalities, ways of dressing that can provoke the perpetrator to commit sexual violence and a history of sexual violence that has been experienced by the perpetrator. Evidence in criminal cases according to Article 184 of the Criminal Procedure Code requires valid evidence, namely witness testimony, expert testimony, letters, instructions and testimony of the defendant. The judge can impose a sentence based on Article 183 of the Criminal Procedure Code, at least two valid evidences that can form the judge's belief about the defendant's guilt. The formation of the judge's conviction in imposing a criminal verdict is based on the results of the examination of evidence presented at trial. One of the ways that can be done to prove a criminal case is to ask for help from a doctor as an expert. A doctor can act as an expert witness and can also make a certificate called a visum et repertum.

One of the crimes that requires expert testimony is the crime of rape and other offenses described above. This is a case of a crime of decency that attacks a person's honor where sexual acts are carried out in the form of intercourse using the threat of violence or by force. The expert testimony referred to here is the testimony of a doctor who can assist in providing evidence in the form of valid and accountable medical information about the victim's condition, especially in relation to proving the presence of signs that a sexual intercourse has been carried out with violence or threats of violence. The doctor's statement referred to is written in the form of a medical examination letter called a visum et repertum .

One of the cases that shows that the police as investigating officers need the help of expert testimony in the investigation process they handle is in the disclosure of a criminal act of rape. Rape is defined as a form of coercion committed by a man against a woman who aims to vent his uncontrollable sexual appetite. Furthermore, Article 285 of the Criminal Code states that the elements of the crime of rape (*verkrachting*) include 'any person who commits or the existence of a coercive behavior either by force or threat of force, imposing violence on a woman who is not his wife to have sexual intercourse or to have sexual intercourse outside of marriage.'. Based on this explanation, 'force' can be interpreted as 'against one's will' or 'against one's will'.

Meanwhile, violence (*geweld*) is part of the means of coercion as described in Article 285 of the Criminal Code. To prove the presence or absence of a sign of coercion in the form of violence / threat of violence in rape cases, testimony from an expert is needed by investigators. One of the intended expert testimonies is the testimony of a forensic expert doctor who has the authority to provide valid medical information and can be held accountable for the information he provides about the victim's condition. The medical statement is useful

for investigators as a reference in following up on the crime of rape as well as being strong evidence.

Problem Formulation

1. How is the legal arrangement of Visum et Repertum evidence in the crime of sexual violence?
2. What is the position of Visum Ep Repertum in the crime of sexual violence?

2. RESEARCH METHODS

The method is a way of working or working technique to be able to understand the object that is the target of the science concerned. While research is a scientific work that aims to reveal the truth systematically, methodologically and consistently, legal research is a scientific activity based on certain methods, systematics and thoughts that aim to study something or several legal symptoms, of course by analyzing them. Thus the research method is a scientific effort to understand and solve a problem based on certain methods.

The specification of this research is normative legal research, namely research that refers to legal norms contained in laws and regulations, literature, legal norms that exist in society and the data obtained is then analyzed to answer the problems in this study. The research is straightforward to analyze the application of the law, the type of research used is qualitative research, which is carried out by examining library materials in the field of law and laws and regulations relating to the Position of Visum Et Repertun in Proving Sexual Violence Crimes.

3. DISCUSSION

Visum et Repertum is the result of a medical examination conducted by a doctor or other medical personnel at the request of an authorized party, which in the context of a criminal act of sexual violence is used to provide evidence regarding the presence of signs of sexual violence or crime on the victim. This document has an important role in the Indonesian legal system, especially in the process of evidence in criminal cases. In the context of sexual violence crimes, the Visum et Repertum serves to support other evidence and provide medical explanations related to the injuries or trauma experienced by the victim, which can be used by investigators and the court to assess the truth of a criminal event.

Visum et Repertum is regulated in Article 133 of the Criminal Procedure Code (KUHP) which states that Article 133 of the KUHP states that the results of a visum et repertum or medical examination can be used as evidence in a criminal case. The results of a

post-mortem can be used as valid evidence if there are signs of physical, sexual, or other circumstances that are relevant to the case being tried. 'If according to the law a medical examination is required as evidence, the medical examination shall be conducted by a doctor or medical personnel who fulfills the prescribed requirements.' This article specifies that a visum et repertum is valid evidence in a criminal case and can be used by investigators to prove the existence of a criminal offence, including sexual violence.

In the recently initiated Draft Bill on Sexual Violence Crimes, post mortem et repertum has also received special attention. The bill provides regulations on the process of handling sexual violence crimes, which includes medical examination procedures, protection for victims, and the use of post mortems in proving sexual violence cases. Some important points in this bill are: Medical examinations conducted by medical personnel who are certified and have special standards in cases of sexual violence. Protection of victims of sexual violence, especially in terms of privacy and medical examination procedures. Article 7 of the Bill states that the visum et repertum will be valid evidence in cases of sexual violence, and can be used in the investigation and trial process to corroborate the testimony of the victim or other witnesses.

In the context of sexual violence, the visum et repertum has a very important position as one of the legal evidence and plays a role in strengthening the evidentiary process in court. The following is the position of the visum et repertum in the crime of sexual violence from the perspective of Indonesian law. The post-mortem et repertum functions as valid evidence in the investigation process of sexual violence crimes. Based on Article 133 of the Criminal Procedure Code (KUHAP), the results of a medical examination or visum et repertum can be used as evidence in criminal cases, including in cases of sexual violence. The post-mortem is used by investigators (police, prosecutors) to gather facts that support the allegation of a criminal offense.

Important in Proving Sexual Violence Crimes The post mortem et repertum plays a role in proving the existence of sexual violence and documenting the victim's physical condition. In many cases, medical evidence is key to assessing the veracity of the victim's report. Especially in cases where there are no witnesses or no direct evidence, a visum et repertum can be a very powerful piece of evidence. The evidentiary role of the post-mortem et repertum can show the presence of physical violence on the victim's body, such as bruises, scratches, or blow marks. For rape cases, it can also show signs of rape such as a torn hymen, bleeding on the genitals, or other signs of trauma.

Corroborating the Victim's Statement A visum et repertum can corroborate the victim's statement explaining how the crime occurred. For example, if a victim claims that she has been raped, the results of a post-mortem showing signs of physical violence on the victim's body or genitals can prove that the victim's claim is in accordance with the medical evidence linked to the victim's statement. The doctor or medical personnel conducting the examination will record all medical findings in the post-mortem which can then be used to support the victim's story or statement before the investigator or court.

The visum et repertum has a very important position in court. As physical evidence prepared by a medical expert, it is accepted in court as evidence that can provide an objective assessment of the victim's condition. In many cases of sexual violence, the post-mortem et repertum is evidence that not only speaks to the physical, but also provides a picture of the psychological impact of the event. In court, the visum et repertum is seen as evidence that can be scientifically and objectively accounted for, as it is based on a medical examination by a professional.

The visum et repertum not only records whether any violence occurred, but can also assist in identifying the level of violence experienced by the victim. For example, it can show whether there are serious injuries, organ damage, or other long-term effects, such as infection or psychological trauma. As such, it can provide a more comprehensive picture of the consequences of sexual violence.

The importance of classifying the severity of the violence, if the victim suffered severe physical violence or sexual violence that resulted in serious injury or disability, a visum et repertum can classify the severity of the violence, which can affect the punishment of the perpetrator. A visum et repertum can also be used to identify the type of sexual violence experienced by the victim. For example, in cases of rape or sexual assault, a post mortem can prove the presence of physical evidence showing unauthorized sexual penetration. A visum et repertum is also part of legal protection for victims.

In cases of sexual assault, victims often feel threatened or traumatized to disclose the details of the assault they experienced. With a professional and non-pressurised medical examination, a post-mortem examination can provide a space for victims to obtain legitimate evidence without having to open up further trauma. The protection of a medical examination conducted by competent medical personnel provides a sense of security for the victim, and ensures that the evidence produced is valid and accountable.

One of the main functions of a visum et repertum is to document the physical condition of the victim that can indicate the existence of a criminal act of sexual violence. A medical

examination conducted by a doctor or competent medical personnel will record any injuries or trauma experienced by the victim, which is then used as evidence in court. Sexual violence cases often involve victims who are severely traumatized. Therefore, the evidentiary process must be carried out very carefully, without adding to the trauma or suffering of the victim. Visum et repertum plays an important role in providing protection to victims by providing valid medical evidence without requiring victims to recount the details of the sexual violence they experienced, which could worsen their psychological condition. In this case, the doctor conducting the medical examination must follow the correct procedure, keep the medical information confidential, and protect the victim's privacy throughout the legal process.

4. CONCLUSIONS AND SUGGESTIONS

The visum et repertum has an important role in proving the crime of sexual violence, as it can provide medical evidence that corroborates allegations of violence. Proof through a post mortem must be carried out professionally by medical personnel who have the capacity and integrity to produce valid and accurate evidence. In addition, the law must also guarantee protection for victims of sexual violence during the medical examination process and during the legal process. A firmer and clearer visum et repertum regulation will further strengthen the justice system in dealing with sexual violence crimes in Indonesia.

The visum et repertum has a very important position in proving criminal acts of sexual violence in Indonesia, because it functions as valid and strong evidence in the investigation and trial process. It provides medical evidence that can corroborate the victim's testimony, document the physical condition of the victim, and identify the level of violence that occurred. However, a visum et repertum cannot stand alone as the only evidence, and must be supplemented with other evidence to fully prove the criminal offense. Sexual violence cases are serious issues that require careful, sensitive, and fair handling. Given the huge impact on both the victim and society as a whole, here are some suggestions for handling sexual violence cases that can improve the effectiveness of the legal system, support victim recovery, and prevent sexual violence from occurring in the future.

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