

The Role of Visum Et Repertum in Proving Criminal Matters in Indonesia

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Submitted: 10 November 2024

Revised: 19 November 2024

Published: 25 November 2024

Abstract:

The use of Visum et Repertum occurs during the evidentiary stage before a criminal trial. Judges carefully evaluate the soundness of the evidence obtained from these examinations, thereby strengthening their confidence in reaching a fair verdict. By understanding the important role that Visum et Repertum plays as a form of evidence, judges are equipped to determine the guilt or innocence of a defendant in relation to an alleged crime. The research methodology used is normative legal research, which is characterized by a descriptive analytical approach. This approach involves a thorough examination of library sources from various points of view, including the Legal approach, Conceptual approach, and Case approach. This research carefully involves primary and secondary legal materials to effectively address the research problem formulation. Based on the results and discussion, it is known that the importance of post mortem et repertum (VER) is determined as written evidence in accordance with Article 184 of the Criminal Procedure Code. This important component plays a critical role in the verdict of serious crimes, including assault, rape, and murder. The findings obtained from the post mortem et repertum conducted by a qualified expert are an invaluable resource for the presiding judge in determining the applicable charges and appropriate punishment for the defendant. Through the insight provided by a post mortem, a person can find out the extent of the losses suffered by the victim, both physical and psychological, so as to explain the severity of the violation in question.

Keywords: Visum Et Repertum, Evidence, Crime

INTRODUCTION

Crime is a problem that has many sides, especially in the context of Indonesian society which is facing challenges due to rapid developments. As time progresses, criminal behavior will inevitably develop along with the complexity of human life. These contemporary conditions demand an evolution in our legal framework to effectively deal with and prosecute law violators. Criminal law functions as an important mechanism for upholding justice, depending on the determination of the specified criminal elements. Furthermore, the application of criminal procedural law plays an important role in efforts to find substantive truth, which allows us to take firm action against those who violate the law.

Investigation of criminal cases within the framework of justice aims to reveal crucial facts and obtain the full truth as regulated in Law No. 8 of 1981, which regulates the Criminal Procedure Code. This effort was carried out with integrity and urgency, ensuring the identity of the perpetrator was revealed. The criminal investigation process takes place through several phases, especially the investigation and prosecution stages carried out by law enforcement officials, followed by the trial process. This careful

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approach is important to ensure the integrity of the justice system and to protect against potential legal errors in the application of criminal penalties (Ali et al., 2023).

The importance of evidence in determining the guilt or innocence of a suspect during a trial must carefully balance the interests of society alongside the interests of the defendant. The public interest demands that individuals who break the law face consequences commensurate with their violation. Rather, the defendant's interests require that each individual be given fair treatment, protecting against the wrongful punishment of the innocent. Therefore, when someone is deemed guilty, it is vital that the punishment remains fair and not too harsh, while still reflecting the gravity of their guilt (Jaya Kusuma et al., 2023).

In matters of justice, the involvement of an expert is critical, as their insight is crucial in determining whether someone has been the victim of abuse, assault, rape, or murder. Such a determination requires a post-mortem et repertum that provides irrefutable evidence, ensuring that justice is served with the highest integrity. According to R. Soeparmono, Visum et repertum comes from the Latin terms "visum", which means to see, and "repertum", which means to report. Therefore, a visum et repertum is an official written report prepared by an expert under oath, detailing their observations and findings regarding a living subject, corpse, or other tangible evidence. This report is the culmination of a thorough examination carried out with the best expertise and knowledge (Yuliana et al., 2023).

Visum Et Repertum serves as an official written report, made on the orders of the authorities, by a qualified doctor. This report includes all observations and findings made during the examination of evidence, which are based on the solemn oath taken upon assuming this office and based on the highest knowledge and expertise of the physician (Mirakel et al., 2023). The findings in Visum Et Repertum have significant weight, because they can form the basis for court decisions. Presented in the form of a letter, this report is recognized as valid evidence in accordance with Article 184, paragraph 1, point 3 of the Criminal Procedure Code. In particular, a judge can try a case based on a minimum of two valid pieces of evidence, highlighting the important role that Visum Et Repertum plays in the pursuit of justice.

METHODS

The research methodology used in this study is normative legal research, which emphasizes the exploration of law as a basis for fundamental principles. This comprehensive approach covers a variety of elements, including legal principles, statutory regulations, court decisions, contractual agreements, and scientific teachings (Christiani, 2016). By delving into these aspects, we aim to explain the important framework that governs our legal system. In this research, the author uses a dual methodology: a legal approach that focuses on legal products, alongside a theoretical framework that explores important legal concepts, including principles, practices, and professions (Yaqin, 2007). The methodology adopted includes a legislative approach, conceptual analysis, and case-based examination. To answer the research question thoroughly, the author utilizes both primary and secondary legal materials, which ensures a comprehensive exploration of the topics discussed (Ramadhani et al., 2024).

RESULTS

The essence of Criminal Procedure Law lies in the search for material truth, the most comprehensive understanding of criminal matters. This is achieved through careful and precise application of legal provisions, aimed at uncovering the identity of individuals responsible for alleged violations. This process culminates in a thorough examination and verdict by the court, which determines whether a crime occurred and whether the defendant is guilty. It is important to realize that no one can be presumed guilty without a careful examination of the evidence (Nasarudin & Arafat, 2023).

This principle is clearly stated in Article 6 paragraph (2) of Law Number 4 of 2004 which regulates the basic principles of Judicial Power. This article emphasizes that "a person cannot be sentenced to a

crime if the court is not fully convinced of the defendant's guilt based on evidence that is valid according to law." Thus, the existence of strong evidence is very important to give the judge confidence in making a fair decision. Judges are bound by an important standard that ensures the integrity of their decisions: they must have unwavering confidence in a minimum of two valid pieces of evidence before handing down a verdict. This important principle is contained in Article 183 of the Criminal Procedure Code, which mandates that judges may not impose a sentence unless they are convinced, supported by at least two credible pieces of evidence, that a crime has indeed occurred and that the defendant is guilty. These regulations not only uphold the sanctity of justice but also protect the rights of the accused, ensuring that no one is wrongfully convicted without the necessary evidentiary basis (Haryanti, 2018).

In Indonesia, there is a rule called Article 183 that helps judges decide whether someone has done something wrong. This rule says that to prove someone is guilty of a crime, there must be at least two strong pieces of evidence. This is very important because it helps ensure that the truth is discovered, that everyone is treated fairly, and that people's rights are protected. So, when a judge deems someone guilty, they need to confirm it based on these two strong pieces of evidence. This rule helps ensure that courts seek the actual truth in each case.

In an effort to uphold justice, judges are bound by Article 184 of the Criminal Procedure Code to base decisions only on credible evidence. This evidence includes witness statements, expert opinions, documents, directions and statements made by the defendant. Furthermore, established facts do not require further proof, thereby preventing protracted and unnecessary legal proceedings that ignore important principles of criminal procedural law, which advocates speedy and cost-effective trials. Judges must be careful and use only certain types of information when making criminal decisions. This is very important! According to a special rule called Article 184, there are several things that can be used to help them understand what happened. These include what people saw or heard (witness statements), what experts said (expert analysis), written documents (such as letters), and what the person accused of the crime said about it (the defendant's own statements). This framework not only reflects the evolution of legal standards, but also underscores the importance of various forms of evidence in the pursuit of justice (U & Salenda, 2021).

To establish the most convincing case regarding the occurrence of a crime, the most important evidence comes from letters, instructions, and statements provided by victim witnesses. While expert testimony is undoubtedly valuable, its relevance often depends on the specific circumstances of the case at hand. On the other hand, the defendant's testimony must be approached with caution; because it is not given under oath, the testimony is susceptible to falsification or claims of innocence that may not be credible. It is not uncommon for defendants to deny previous statements made to investigators by alleging coercion during examinations. As a result, courts usually consider witness testimony presented during a trial as the primary source of valid evidence, in accordance with Article 185, paragraph (1) of the Criminal Procedure Code, which stipulates that the validity of witness statements is determined by their statements made in court. Thus, the notes from the investigative examination lose their evidentiary weight (Iwan et al., 2017).

To prove a crime occurred, evidence is carefully collected from various sources, starting with the defendant's own statement. This evidence is complemented by written evidence, including proof of financial transactions and photocopies of account records, as well as statements from victim witnesses confirming the existence of online buying and selling transactions. According to Article 1 point 26 of the Criminal Procedure Code, a witness must be a person who directly sees, hears or experiences a criminal act. In this context, the relevant witness is the victim, whose direct experience is very important in revealing the facts of the case. The ultimate goal of evidence in the criminal process is to reveal the material truth of the actual and real circumstances surrounding the alleged criminal act. This process aims to reveal and prove the truth contained in the case, so that it becomes the basis for the judge to make a decision regarding the defendant's guilt or innocence as confirmed by the public prosecutor (Asmadi & Ramadhani, 2020).

DISCUSSION

The role of *Visa et Repertum* (VER) in proving criminal matters in Indonesia

Visum et Repertum (VER) arises from a thorough examination conducted by a doctor who carefully assesses what he or she has observed, discovered, and heard about a person who has suffered an injury, experienced health problems, or died tragically. This examination aims to explain the underlying causes of the incident, especially those related to the potential for criminal acts to occur. In the courtroom, a judge must scrutinize criminal case files, regardless of the presence of a *Visum et Repertum*, to ensure that each case is carefully examined and tried. The completeness of the *Visum et Repertum* in the case file is handed over to the public prosecutor, who has been tasked with proving the evidence in court, thereby instilling confidence in the panel of judges regarding the defendant's guilt. (Yudianto, 2020)

Visum et Repertum is like a special tool that helps detectives find out what happened in cases where people were injured or died. This tool gives them important clues to solve the mystery. Its significance as evidence in criminal proceedings becomes undeniable after the contents of the *Visum et Repertum* are presented in court; without this important step, its value is reduced. This is because the *Visum* is made based on an oath of office, so it is a very important piece of evidence, while the victim being examined is a witness in himself. Furthermore, the creation of a *Visum et Repertum* is a collaborative effort that often involves the expertise of additional medical personnel, thereby increasing its credibility and completeness, namely as follows (Ohoiwutun, 2016):

- a. The injured were examined by a surgeon
- b. Poisoning victims are examined by an internal medicine specialist
- c. Victims of morality crimes are examined by doctors who specialize in obstetrics and gynecology
- d. The dead victims were examined by judicial medical experts."

In Article 184 of the Criminal Procedure Code (KUHAP) it is stated that there are 5 (five) pieces of evidence in criminal cases, namely:

1. Witness testimony
2. Member Statement
3. Letter
4. Instruction
5. Defendant's statement."

Visum et repertum (VER) has a crucial role in the evidentiary framework as stated in Article 184 of the Criminal Procedure Code, because it is considered a form of written evidence that has the same weight as other evidence. If the investigator or public prosecutor enters a *post mortem et repertum* into the case file, especially after the examination process considers the evidence to be sufficient to support the charges against the defendant, then the *post mortem et repertum* is submitted at trial. At this stage, the *post mortem et repertum* is recognized as valid evidence, as regulated in Article 184 paragraph (1) letter b and letter e of the Criminal Procedure Code. Its importance in trials is very important, not only as written evidence but also as expert testimony, thus further strengthening its position as an important component in efforts to uphold justice.

Furthermore, *Visum et repertum* functions as a vital piece of evidence and is an important element for judges, which originates from a thorough examination carried out by forensic medical professionals (Henky et al., 2020). Within the framework of criminal procedural law, the contribution of expert information, whether provided by forensic doctors or other qualified specialists, is recognized as credible evidence, as described in Article 184 paragraph (1) of the Criminal Procedure Code. This underlines the important role that special insights play in the judicial process, strengthening the integrity and reliability of the evidence presented (Asmadi & Ramadhani, 2020).

The role of *Visum et Repertum* (VER) in the law of evidence in the criminal procedural process includes:

- a. The documentary evidence as regulated in Article 184 paragraph (1) letter c and Article 187 letter c of the Criminal Procedure Code which states that a statement from an expert containing an opinion based on his expertise regarding a matter or situation that is officially requested from him.
- b. Evidence of expert testimony as regulated in Article 184 paragraph (1) letter b of the Criminal Procedure Code."

Although the law doesn't say that police or detectives have to ask a specific doctor for a report on what happened, it's a good idea to do so to make sure they understand everything about the case they're working on. If a request is made to a non-expert doctor, the request must be granted to ensure clarity and completeness in the investigation. Ultimately, whether the *Visum et Repertum* is prepared by a specialist or non-expert, it must be recognized as valuable evidence in criminal procedures. This evidence serves to strengthen the judge's confidence and plays an important role in guiding the judicial process to reveal the material truth of the case. It is within the Judge's discretion to request expert testimony if deemed necessary, thereby strengthening the integrity of the judicial investigation (Ali et al., 2023).

Expert testimony serves as an important element in trials, containing insights and statements made by qualified individuals in court. This testimony can also be presented during examinations carried out by investigators or public prosecutors, which is usually documented in an official report that reflects the expert's commitment to his duties, which is sworn in at the start of his role. This testimony is delivered after an oath or statement is taken before a judge, in accordance with Article 186 of the Criminal Procedure Code, or can occur after providing expert insight. The importance of expert testimony within the framework of the rules of evidence in criminal procedural law is firmly established by Article 184 paragraph (1) of the Criminal Procedure Code, which emphasizes its binding nature. An expert who is asked to convey his opinion before a judge does so based on the obligation of an oath or promise which requires him to uphold high standards of honesty and accuracy. This commitment ensures that experts' contributions are based on genuine expertise, objectivity, and impartiality. Ultimately, their role is to provide expert information that is useful for upholding justice (Ainuddin, 2015).

For medical professionals and forensic experts, a *Visum et Repertum* request, which is based on a thorough examination similar to a forensic autopsy performed by a Judicial Medicine specialist, is invaluable. This comprehensive approach, which includes external and internal examinations (medicolegal autopsy), paired with extensive laboratory analysis microscopic, biological, and chemical utilizing modern techniques, significantly increases the clarity and precision of a case. These detailed assessments play an important role in the trial court's examination of the key issues at hand, providing important insights that assist the judge in making the right decision (Mertha, 2016).

When investigators look at evidence called a *Visum et Repertum* and add it to the case file, and then prosecutors use it later, it helps ensure that the evidence is accepted as true when the case goes to trial. As stated by H.M. Soedjatmiko, a written statement summarizing the results of an expert doctor's examination regarding evidence in a criminal case is one of the important components of reliable judicial evidence, so the *post mortem et repertum* has the following role:

1. As valid evidence

This is as stated in KUHAP Article 184 paragraph (1) jo. Article 187 letter c, as follows. In Article 184 paragraph (1) that valid tools of evidence are:

- a. Witness testimony;
- b. Expert testimony;
- c. Letter;
- d. Instruction;
- e. Defendant's statement."

Article 187 letter c that: A letter of explanation from a member that contains an opinion based on his expertise on a matter or a situation that is officially requested from him.

2. Evidence of the suspect's detention

In cases where the arrest of a suspect is deemed necessary, it is important for investigators to have sufficient evidence to justify the action. Among various forms of evidence, the impact of the crime on the victim is a crucial component. A visum et repertum prepared by a medical professional can serve as an important supplement to the evidence, thereby strengthening the case for issuing an arrest warrant for the suspect (Eddy.O.S.Hieriej, 2016).

3. As a matter for the judge's consideration

Although the conclusions drawn in a visum et repertum may not be binding on the judge, the insights presented in the Reporting Section serve as important material evidence that reflects the consequences of a criminal act. Furthermore, this Reporting Section can be considered a valuable substitute for direct evidence observed and documented by medical professionals. As a result, this is a strong element for judges to consider in their deliberations on the criminal case at hand.(Sriwidodo, 2019)

The Important Role of Visum Et Repertum in Rape Cases in Indonesia

Visum et repertum (V&R) evidence plays an important role in dealing with rape crimes in Indonesia, reflecting its significance in the legal framework of many other countries. This Latin term, meaning “to be seen and examined,” refers to important medical and forensic procedures performed by qualified doctors or trained medical professionals. This procedure serves to collect physical evidence and comprehensive documentation related to rape cases, thereby strengthening the integrity of the legal process. The important role of Visum Et Repertum in rape cases is:

a. Assist in Law Enforcement

Visum et repertum functions as an important instrument in supporting law enforcement efforts. The medical documentation and physical evidence gathered through this process can be very important in court, strengthening the case against the individual accused of rape. By providing compelling evidence, this document plays an important role in ensuring that those who commit sexual crimes are held accountable and face appropriate consequences (Yudianto, 2020).

b. Proving the Strength of the Case

Visum et repertum plays an important role in strengthening rape cases by providing strong physical evidence. This may include visible injuries suffered by the victim, traces of semen or DNA, or other supporting evidence that supports the victim's statement. In the absence of such evidence, establishing the truth of a rape case in court can be a daunting challenge (Mertha, 2016).

c. Protecting Victims' Rights

Visum et repertum is an important advance in protecting the rights of victims. Through careful examinations carried out by medical personnel, the physical and emotional trauma experienced by the victim can be thoroughly documented. This not only ensures that victims receive the essential medical care they need, but also facilitates access to the psychological support necessary for their healing journey (Ali et al., 2023).

d. Prevent further sexual violence

Through the principle of visum et repertum, the evidence collected can play an important role in arresting and detaining the perpetrator of rape. In this way, we can effectively protect potential future victims from the threat of sexual violence (Nasarudin & Arafat, 2023).

e. Provide a basis for stronger legal prosecution

Visum et repertum offers a strong foundation for prosecutors to advance their cases in court. Armed with strong medical evidence, they significantly increase their chances of getting a conviction, thereby sending a strong message to perpetrators that the act of rape will not be tolerated in our society (Mulyadi, 2007).

Article 184 paragraph (1) KUHAP point c states that "letters including Visum et Repertum are one type of valid evidence in the legal process". Visum et Repertum is an important medical document that summarizes the findings of a comprehensive examination carried out by a doctor who serves as a forensic expert on rape victims. This document carefully records any physical evidence on the victim, including wounds, injuries, or other indicators that may be related to the crime of rape. Its significance in the evidentiary process, especially in sexual assault cases, cannot be overstated. As an official written statement from a trained forensic doctor, Visum et Repertum reflects the careful collection of physical and medical evidence related to a criminal act, thus playing an important role in the pursuit of justice (Henky et al., 2020).

Visum et Repertum is very important when someone reports rape because it helps show what happened to the injured person. This is especially true because often the victims are still alive and have marks or wounds on their bodies that prove something bad has happened. However, these sores may improve or disappear over time. That is why Visum et Repertum is very helpful, especially if the victim tells someone about the crime some time after the incident. Visum et Repertum is a very important document in Indonesia when someone is seriously injured, such as in cases of rape. This document is created by specialist doctors who have a lot of knowledge about medical matters and help show what is really happening (Suyono Yoyok, 2019). This document helps ensure that wrongdoers are punished and that injured people can find justice and healing from their experiences.

CONCLUSION

Visum Et Repertum is a special document made by a doctor who helps examine criminal acts. This document is very important for judges in court because it provides information that helps them in making decisions about a case. The law states that this document is one type of evidence that can be used in court, along with four other types of evidence. The results of something called a Visum Et Repertum can help in court cases. This is especially important for serious situations such as when someone is seriously injured, such as in cases of rape, assault, or murder. The experts who perform the Visum Et Repertum examine how the victim was injured and this information helps the judge decide what to do with the accused person. This shows how badly the victim was hurt, both physically and mentally, which helps the judge make a fair decision.

Conflict of Interest

All the authors declare that there are no conflicts of interest.

Funding

This study received no external funding.

How to Cite:

Simanjuntak, T. G., Harahap, L. R., & Sembiring, A. M. (2024). The Role of Visum Et Repertum in Proving Criminal Matters In Indonesia. *International Journal of Law, Social Science, and Humanities (IJLSH)*, 1(2), 83-90. <https://doi.org/10.70193/ijlsh.v1i2.164>.

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