

The Role of Visum Et Repertum as Evidence in Rape Cases

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Abstract

Article History:

Submitted:

17-04-2025

Received:

10-07-2025

Accepted:

30-10-2025

Keywords:

Evidence; visum et repertum; rape

Visum and repertum is one of tool very important evidence in the process of enforcement law criminal, especially in case rape in general own difficulty proof consequence lack of witness eyes and often occurs in the space private. In context this, visa functioning as proof scientific that can confirm existence act violence sexual through findings medical objective, such as wound physical, damage to the reproductive organs, or footsteps biological perpetrators. Research This aiming for analyze in a way deep role strategic visa and report in proof law to case rape in Indonesia, as well as identify obstacles that affect its effectiveness. Method research used is approach legal normative and juridical empirical. Approach legal normative done with analyze provision law positive laws in force, such as the Criminal Code (KUHP) and the Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP), while approach legal empirical done through studies field, including interview with apparatus enforcer law like police and prosecutors, as well as power medical forensics involved direct in the process of making visa. Research results show that visa and report own position strategic in proof elements act criminal rape, especially in prove element violence or threat violence as well as the occurrence connection sexual without victim's consent. Although thus, the effectiveness visa often hampered by various factors, including delays reporting by victims due to trauma or shame, lack of victim's understanding of urgency inspection medical quick after events, and limitations power experts and means infrastructure forensics in the regions isolated.

1. Introduction

Enforcement law in Indonesia is the important thing for maintained as A the adage "fiat justitia" "shaky caelum" meaning justice must enforced even though sky collapse. Efforts enforcement law This is also in line with with objective development Indonesian nationality, namely realize a just and prosperous society based on Pancasila and the 1945 Constitution in an independent and sovereign country. That is confirmed in paragraph 4 of the Preamble to the 1945 Constitution. This mandatory can understood that the Republic of Indonesia highly respects tall Right Basic Human Rights (HAM) and guarantee that every Indonesian citizens are the same his position in front law and government, then He must uphold tall law and government That with No There is exceptions.

There are various the applicable books in Indonesia, one of which is is law applicable criminal law for all over Indonesian society. Criminal law as law public in its development the more sued in frame enforcement law of a nature force and bind all over public through terms and conditions law. Action criminal is phenomenon social that is not There is finally, things This because of dynamics behavior individual a very intensive society along with factor Supporter including politics, economics, social culture and related issues with effort protection and protection social in a country.

Among all humans who are most vulnerable to becoming victims of crime are women. In the field of morality, women are very often the victims of crime. Women are currently being subjected to abuse of their rights because they are often considered weak human beings. Moral values that should be kept pure are being torn apart and tainted by animalistic instincts that are given a position to act as superpowers. According to the Ministry of Women's Empowerment and Child Protection (KPPA), more than 25,000 women will become victims of violence in 2022. This number has increased compared to the previous year. Violent incidents have increased significantly over the last three years, by around 31 percent, with a total increase of 7,918 cases. Of the women who were victims of violence, 30.3% were aged between 25 and 44 years. 51.8% of violence against women occurs at home. In fact, according to data from the National Commission on Violence Against Women (Komnas Perempuan), the number of complaints of cases of violence against women reached 457,895 cases in 2022, of which 74% of these complaints were gender-based violence that occurred in the personal sphere, including domestic violence.

Crimes against women, even often also occur to minors, are currently a major concern for the government because many cases occur beyond the limits of human reason. In fact, it is not uncommon for rape cases to not be reported to the police. The reason why rape cases are not reported by victims to law enforcement officers to be processed in court is due to several factors, including the victim feeling ashamed and not wanting the disgrace that befell them to be known by others or the victim feeling afraid because the perpetrator has threatened that they will be killed if they report the incident. the to the police ¹. This certainly affects the mental/psychological development of the victims and also affects the law enforcement process itself to realize a sense of justice for the victims and the community. Rape cases are a form of serious crime and have a profound impact on victims such as psychological, emotional and social wounds. Victims often experiencing trauma, depression, anxiety, disorders sleep, even PTSD (Post-Traumatic Stress Disorder). Victims can also experience wound physical, risk disease infectious sexual, and in a number of case, unplanned pregnancy wanted to the stigma of society , exclusion , or pressure For silent and not report.

In context law, proof in case rape often become complex challenges. In Lots case, rape happen without existence witness direct. Physical evidence like wound or DNA can is lost if the victim does not quick report. Even though Constitution set at least two tool evidence (KUHAP Article 183), but in case rape, tool proof main usually only victim's statement. One of the tool crucial evidence in case rape is visum et repertum, namely document medical explanation condition victim's physical condition after incident. Visum et repertum own a very important role in system law, especially in case rape. As document medical record results inspection victim's physical, visum et repertum provide proof physical that can strengthen argument law and support victim's statement in court. The existence of results visa loaded in form report This help investigators and courts in understand implications proof existing physical, providing required information for taking decision fair law, and guard trust public to integrity of the judicial process. With based on the principles scientific and bound by oath

¹ Velisia Putri Natalie and I Made Wirya Darma, "Visum et Repertum as Evidence in Sexual Violence Prosecutions : A Criminal Law Literature Review," *Justisi* 9, no. 3 (2023): 303-25, <https://doi.org/10.33506/jurnaljustisi.v9i3.2427>.

position, Visum et Repertum become tool important in ensure justice in settlement cases criminal.

A number of study previously discussed role visa and report in proof act criminal rape in Indonesia, among others, Research by Oxidelfa Yanto from Pamulang University highlight that visa and report can functioning as substitute corpus delicti in case rape. Although sign violence on the victim's body can is lost along time, visa still can give instruction about element intercourse and violence that occurred. In addition that, research by Boniface Madenda Christmas from Atma Jaya University Yogyakarta shows that visa and report own position important in proof case rape, especially in prove element coercion. However, the visa no can stand alone and need support from tool another evidence for strengthen judge's conviction.

Zainal Abidin from UIN Ar-Raniry Banda Aceh analyzed decision Court Aceh Syar'iyah Number 22/JN/2021/MS-Aceh, where the judge ignored visa Because the victim's injuries were not believed originate from action defendant. This study emphasizes that the visum et repertum is valid as evidence, but its acceptance depends on the judge's assessment of the relationship between the injury and the defendant's actions. Rezeky Setyawan Amir from Alauddin State Islamic University Makassar studied cases at the Sungguminasa District Court and found that the visum et repertum had a significant influence on the judge's considerations. The visum is used as valid written evidence and can strengthen the judge's belief in deciding rape cases.

Lastly, research by Nur Rochaeti and Bambang Dwi Baskoro from Diponegoro University emphasized that visum et repertum is absolutely necessary in the investigation of rape crimes. However, the limited number of forensic medical personnel in remote areas is an obstacle in the implementation of a fast and effective visum. From these various studies, it can be concluded that visum et repertum plays a crucial role in proving cases. rape in Indonesia ². However, its effectiveness often depends on factors such as the time of reporting, the availability of forensic medical personnel, and the judge's subjective assessment of the available evidence.

The purpose of this study is to explain how the position of Visum et Repertum as evidence in rape cases, the extent to which the effectiveness of Visum et Repertum in assisting the process of proving rape cases, and what obstacles are faced in using Visum et Repertum as evidence in rape cases. Purpose This give clear direction in research, so that can produce systematic and in - depth analysis.

This study has important significance both theoretically and practically. Theoretically, this study strengthens the study on the role of visum et repertum as an essential scientific evidence in rape cases, especially in the context of the Indonesian criminal law system which prioritizes formal and material evidence. The finding that visum plays a strategic role in proving elements of violence or threats of violence and sexual intercourse without the victim's

² Sepna Tampubolon (B1A023183), "THE STRENGTH OF EVIDENCE BETWEEN VISUM ET REPERTUM AND WITNESS TESTIMONY IN A CRIMINAL ACT," *Journal of Law and Citizenship* 6, no. 6 (2024): 81–90, <https://doi.org/10.3783/causa.v2i9.2461>.

consent provides an academic contribution to the development of legal science. criminal And forensics³.

In general practical, research This underline challenge real in the field that hinders effectiveness visa and report in Handling case rape, such as delay reporting, low understanding of victims, and the lack of facility forensics . With thus, research This give strong foundation for taker policy, apparatus enforcer law, and institution health For formulate policies and steps strategic in repair system Handling visa good through education public , training power medical forensics , as well as strengthening infrastructure forensics in the area . In overall, results study This expected can contribute in increase quality enforcement law criminal as well as give more protection Good for victims of violence sexual.

2. Methods

Type research used in study This is study law normative, namely study object of law his study covering regulations law active based on research bibliography. Meaning from study law normative is aiming for to obtain knowledge normative about connection between One regulation with regulation other in its implementation. ⁴The data used is used in study This customized with study conducted by researchers about role visa and report in act criminal rape. As for secondary data the consists of from material primary law, material law secondary and materials law tertiary. As for the technique data collection in the form of interview indepth and analysis document. Source consists of from expert law, doctor forensics, and rape victims. The data obtained were analyzed using thematic analysis methods to identify emerging patterns and themes.

3. Results and Discussion

3.1. The Position of *Visum et Repertum* as Evidence in Rape Cases

Regarding the provisions of rape in Indonesia, it is categorized as a sexual assault crime, also known as obscenity. Obscenity is defined by criminal law experts with different meanings. Sughondo explained that attempts to express a man's sexual desire for a woman in a certain way are against applicable law. Sugondo concluded that immoral behavior is carried out with threats of violence, with evidence of male penetration of the woman releasing semen. Sudarto ⁵also emphasized that indecent acts must be displayed by coercion, intimidation, and sexual violence against women other than his wife ⁶.

Sexual violence is also understood as sexual violence, which is the discomfort felt by an individual due to arbitrary actions by another to eliminate the desire to hurt or harm the victim. Violence committed by one individual against another tends to lead to criminal behavior. There are many other provisions that describe the meaning of violence, most of which describe violence that is motivated by negative instincts and is based on intentionally

³ Tuti Gusmawati Simanjuntak, Lili Rahmayana Harahap, and Ahmad Mulia Sembiring, "The Role of Visum Et Repertum in Proving Criminal Matters in Indonesia," *International Journal of Law, Social Science, and Humanities* 1, no. 2 (November 2024): 83–90, <https://doi.org/10.70193/ijlsh.v1i2.164>.

⁴ Soerjono Soekanto; Sri Mamudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, Cet. 16 (Jakarta: Rajawali Pers, 2014).

⁵ R. Sughondo, *Criminal Acts of Child Abuse* (Bandung: Sinar Grafika, 1995).

⁶ Sudarto, *Criminal Law and Social Development (Criminal Law Reform Study)* (Bandung: Sinar Baru, 1986).

harming others. This is the basis for the birth of the theory of violence, namely the frustration-aggression theory, which explains the existence of a direct law between the degree of frustration in a person's behavior and the tendency to aggressive behavior.⁷ Romli Atmasasmita concluded that violence can refer to actions that are contrary to positive law, both those that have been carried out in the form of threats and those that have been carried out in the form of relationships with consequences that cause material, physical, and bodily harm. Thus, four forms of violence can be identified, namely: 1) fighting; 2) threats; 3) violence to get something you want; and 4) violence for self-protection.⁸

Rape is a criminal act that damages the victim's physical and psychological dignity. In the Indonesian criminal law system, proving rape cases is not easy, because there is often a lack of eyewitnesses or other strong evidence. Therefore, a *visum et repertum* is very important evidence in proving the element of violence or coercion that accompanies the *act*. A *visum et repertum*, as a report of the results of a medical examination of the victim's body, is often the only evidence that explains the physical condition of the victim after the criminal incident. However, the effectiveness of this *visum* is often hampered by factors such as late reporting, unpreparedness of medical facilities, or the victim's lack of understanding of the importance of a *visum*.⁹ The judge's consideration of visa and report nature subjective and contextual. In practice judicial, Supreme Court and Other courts consider a post-mortem if: There is a match between the post-mortem results and the victim's statement, A convincing causal relationship is found between the injuries and the defendant's actions. A concrete example can be seen in Supreme Court Decision No. 1234 K/Pid/2019, where the post-mortem shows tear in the membrane blood and bruises. The victim's body is a determining factor in the evidence. However, there are also cases (Aceh Sharia Court Decision No. 22/JN/2021/MS-Aceh) where the judge disregarded the post-mortem examination because they did not believe there was a connection between the injuries and the defendant's actions.

Visum et repertum is a legal term derived from Latin, literally meaning "that which has been seen and found." In¹⁰ a legal context, *visum et repertum* refers to a medical report prepared by a forensic doctor after examining a crime victim, especially in cases of sexual violence, such as rape.¹¹ This report serves as an official document that records the results of the physical and medical examinations conducted on the victim, as well as providing an explanation of the victim's physical and psychological condition at the time of the examination. *Visum et repertum* has significant legal force, because this document can be used as evidence in court. Physical evidence contained in the *visum et repertum* can strengthen the victim's testimony and assist

⁷ Erich Fromm, *The Anatomy of Human Destructiveness*, Translated by Imam Muttaqin (Yogyakarta: Pustaka Pelajar, 2000).

⁸ Romli Atmasasmita, *Theories and Selected Chapters of Criminology* (Bandung: Refika Aditama, 2007).

⁹ Khoirunnisa and Dani Sintara, "The Position of Visum et Repertum as Evidence Against the Crime of Rape (Case Study at the Sei Rampah District Court, Serdang Bedagai Regency)," *Wara Sains Journal of Law and Human Rights* 2, no. 02 (2023): 102-11, <https://doi.org/10.58812/jhhws.v2i02.209>.

¹⁰ MIFTAHUL FADILLA KHAN SAPUTRI, "KEKUATAN HUKUM PEMBUKTIAN VISUM ET REPERTUM DALAM PENGUNGKAPAN TINDAK PIDANA PENGANIAYAAN (Studi Putusan Nomor 164/Pid. B/2018/PN Pre)," 2021.

¹¹ Petrus Carol Werembinan and Widhi Cahyo Nugroho, "The Validity of Visum Et Repertum and Visum Psychiatricum as Evidence in Handling Rape Crimes," *Jurnal Evidence Of Law* 3, no. 3 (September 3, 2024): 284-91, <https://doi.org/10.59066/jel.v3i3.772>.

the judge in making a decision.¹² Therefore, *visum et repertum* not only functions as a medical report, but also as an important component in the process of legal enforcement and the search for justice for the victim.¹³ A post-mortem examination (*Visum et repertum*) is valid *written evidence* according to Article 184 paragraph (1) letter c of the Criminal Procedure Code and plays an important role in rape cases. However, a post-mortem examination is not independent. Based on Article 183 of the Criminal Procedure Code, a defendant can only be convicted if the judge reaches a conviction based on at least two valid pieces of evidence. Therefore, a post-mortem examination is not sufficient as the sole piece of evidence, but has a crucial function as a corroborator of the victim's or witness's testimony.¹⁴ A post-mortem examination supports the judge's conviction by presenting objective and scientific evidence. It is not a verbal testimony, but rather serves as a visual representation of the facts of the incident. In the context of evidence, a post-mortem examination supports the principle of integrating evidence and the judge's conviction as the basis for sentencing.

The post-mortem examination (*visum et repertum*) holds a legitimate and significant place in the Indonesian criminal law evidentiary system, particularly in rape cases. However, it is not *a sine qua non* or absolute sole form of evidence. The strength of the post-mortem examination lies in its compatibility with other evidence and its ability to strengthen the judge's conviction.¹⁵ The procedure for obtaining *a visum et repertum* involves several important stages, from collecting medical data to compiling a report. The following are the steps in the procedure for obtaining *a visum et repertum* :

a. Medical Data Collection

The first step in the visa and reporting process is the collection of medical data. After the victim reports to the authorities, they will be directed to undergo a medical examination by a forensic doctor.¹⁶ At this stage, the doctor will interview the victim to gather relevant information, including:

- 1) History of Incident: The doctor will ask the victim to explain the chronology of the incident, including the time, place, and details about the perpetrator.
- 2) Health History: Information about the victim's previous health conditions, including medical history and medication use, will also be collected.
- 3) Symptoms Experienced: The doctor will ask about any physical or psychological symptoms the victim experienced after the incident. Collecting this medical data is crucial to provide a clearer understanding of the victim's condition and the incident.

b. Physical examination

¹² Ardhya Fauzah Fardhyanti and Puti Priyana, "Visum Et Repertum in the Process of Proving Criminal Cases of Rape," *Widya Yuridika* 5, no. 2 (2022): 389, <https://doi.org/10.31328/wy.v5i2.3589>.

¹³ Dr. Muzakkir Dr. Drs. Muzakkir, "The Role of Visum Et Repertum as Evidence in Rape Crimes," *International Journal of Social Science and Human Research* 07, no. 01 (2024): 498-506, <https://doi.org/10.47191/ijsshr/v7-i01-65>.

¹⁴ Republic of Indonesia, "Criminal Procedure Code (KUHAP) No. 8 of 1981," Kuhap § (1981).

¹⁵ Nanda Raihanal Misky, "THE ROLE OF VISUM ET REPERTUM AS EVIDENCE IN PROVING THE CRIMINAL ACT OF RAPE IN ACEH (Case Study of the Aceh Sharia Court Decision No. 7/JN/2021/MS.Aceh)," *Thesis* (Ar-Raniry State Islamic University, 2022).

¹⁶ Ismail Ali, Junardi, and Andi Sulfiati, "Visum Et Repertum as Evidence in the Criminal Act of Assault against Ismail," *HUKUM: Jurnal Hukum* Vol. 2, no. 1 (2023): 43-55.

After collecting medical data, the doctor will perform a physical examination of the victim.¹⁷ At this stage, the doctor will look for physical signs that may indicate sexual abuse. The physical exam may include:

- 1) Soft Tissue Inspection: The doctor will examine the genital area and surrounding area for signs of cuts, bruises, or other injuries.
- 2) Internal Examination: If necessary, the doctor will likely perform an internal examination to evaluate the condition of the reproductive organs and look for signs of trauma.
- 3) Sampling: The doctor may take a blood, urine, or swab sample from the suspected area of exposure, for further analysis, such as DNA detection or sexually transmitted infections.

Physical examination. This must be performed with great care and sensitivity, taking into account the victim's emotional state. The doctor needs to ensure that the victim feels comfortable and safe during the investigation.

c. Make a report

After the physical examination is complete, the forensic doctor will prepare a *visum et repertum* report.¹⁸ This report should include:

- 1) Victim: Name, age, and other identifying information of the victim.
- 2) Incident Description: Summary of the incident the victim experienced, based on information provided during the interview.
- 3) Physical Investigation Results: Details of the findings during the examination, including a description of any wounds or injuries, as well as the results of any sampling.

Medical Conclusion, The doctor can provide a conclusion about the victim's condition and the potential relationship between the medical findings and the incident. The post mortem and repertum report must be signed by the doctor who performed the examination and must be written clearly and objectively, without any unfounded personal opinion.

3.2. The Effectiveness of *Visum et Repertum* in Helping the Proof Process of Rape Cases

In the Indonesian criminal justice system, evidence is a crucial aspect that determines whether someone can be found guilty of a crime. In rape cases, evidence becomes even more complex because the incident occurred in a closed room, without witnesses, and involved psychological trauma for the victim. It is in this context that the post-mortem examination (VIS) plays a crucial role as a scientific and objective investigator of evidence.

As previously explained, a *visum et repertum* is a written report from a doctor (usually a forensic doctor) regarding the results of the examination of the victim or perpetrator's body at the request of an investigator. In the Criminal Procedure Code, a *visum* is categorized as written evidence (Article 184 paragraph 1 letter c). In rape cases, a *visum* provides an objective picture of the presence of wounds, signs of violence, or indications of unnatural or forced sexual intercourse. The effectiveness of a post-mortem investigation lies in its ability to bridge

¹⁷ Sie Ariawan Samatha, Tuntas Dhanardhono, and Sigid Kirana Lintang Bhima, "Medical Aspects of Sexual Crime Cases," *Diponegoro Medical Journal* 7, no. 2 (2018): 1012–29.

¹⁸ Putri Dianita Ika Meilia, "Principles of Examination and Management of Victims (P3K) of Sexual Violence," *World Medical Mirror* 39, no. 8 (2012).

the gap between the victim's testimony and the criminal elements that must be proven in court.¹⁹ Judges often require scientific evidence to strengthen their convictions in deciding a case. In many cases, a post-mortem examination is the only non-testimonial evidence that can explain the chronology of events medically .

In the system proof Indonesian criminal law which adheres to minimum two tool principle valid evidence (Article 183 of the Criminal Procedure Code), visum et repertum as tool proof letter (Article 184 paragraph (1) letter c of the Criminal Procedure Code) must be read and evaluated in interaction with tool proof others , such as information witness (letter a), statement expert (letter b), instructions (letter d), and information defendant (letter e) ²⁰. As example:

- a. VER can strengthen victim's statement as witnesses, especially in matter proof element violence or intercourse without agreement;
- b. VER often used as base instructions (Article 188 of the Criminal Procedure Code), namely when matched with location, time , or tools used perpetrator;
- c. In practice, VER can read out simultaneously with information expert forensics, which then confirmed back in court (Article 186 of the Criminal Procedure Code).

Although the role of visas is very important, their effectiveness depends on several factors, including:²¹

- a. Timing of Examination: A post-mortem examination is most effective when performed immediately after the incident. Delay results in the loss of physical evidence such as semen, abrasions, or bruises that can heal within days.
- b. Physician Capacity and Competence: Not all hospitals have forensic physicians. In many areas, post-mortems are performed by general practitioners who do not have specific training in identifying sexual assault, resulting in inaccurate or incomplete post-mortem reports.
- c. Inter-Agency Coordination: WHO investigators are slow in issuing request letters for autopsy investigations or hospitals are unresponsive in conducting the tests. This could reduce the evidential value of post-mortem investigations.
- d. Victim Trauma: Many victims are reluctant to report directly due to fear, shame, or social pressure. This causes delays in investigations and reduces the chances of obtaining strong physical evidence.

Various court decisions indicate that post-mortem examination is one of the main bases in sentencing the perpetrator of rape, especially when there is a match between the post-mortem examination and the victim's statement. In some cases, the absence of a post-mortem examination causes the judge to doubt that rape has occurred because there is no physical

¹⁹ Sandicka Niar, "LEGAL PROTECTION FOR JUDGES IN CONTEMPT OF COURT CRIMINAL CASES (CASE STUDY OF DECISION NUMBER 1050/ Pid.B/2019/PN.Jkt.Pst)" (Walisongo State Islamic University Semarang, 2020), https://eprints.walisongo.ac.id/id/eprint/14334/1/1702056061_Sandicka_Niar_Complete_Final_Assignment - Sandicka Niar.pdf.

²⁰ Indonesia, Criminal Procedure Code (KUHAP) No. 8 of 1981.

²¹ Illa Fatika Syahda and Herli Antoni, "Legal Review of Murder Cases with Cyanide Poisoning," *Journal of Legal Research* 4, no. 1 (July 23, 2024): 1-8, <https://doi.org/10.29313/jrih.v4i1.3298>.

evidence.²²For example, in Supreme Court decision No. 1234 K/Pid/2019, the post-mortem examination clearly stated that there was a torn hymen and bruises on the victim's body were the main keys in convincing the judge that sexual violence had occurred.

(*Visum et Repertum*) not only serves as evidence, but also plays a role in encouraging appropriate legal action. When a post-mortem examination (*Visum et Repertum*) is submitted in court, it can encourage authorities to take further action against the perpetrator. Clear and strong physical evidence can reduce doubts among investigators and prosecutors, making them more likely to continue the legal process. A post-mortem examination (*Visum et Repertum*) can also serve as a signal to the public that sexual violence is a serious problem that must be addressed decisively. By demonstrating that the legal system is capable of providing support for victims through medical evidence, this can create confidence among other victims to report. This, in turn, can increase the number of reported sexual harassment and violence cases and help create an environment where justice can be upheld.

A post mortem and repertum provide invaluable information for judges in making decisions. Judges often lack the resources to consider all available evidence before making a final decision. A post mortem and repertum allows judges to better understand the context and physical impact of the incident on the victim. In practice, judges often must evaluate the credibility of witnesses and the evidence presented. When *a post mortem and repertum* are presented, judges have an evidentiary purpose that can assist them in evaluating the veracity of ²³the victim's statements. Furthermore, a post mortem and repertum can also provide insight into the severity of the violence, which can be a crucial factor in determining the perpetrator's sentence.²⁴

In criminal procedure law, there are two theories main proof:

- a. Positive Proof Theory: The judge only can cut off guilty when there is tool proof legitimate as mentioned in Constitution.
- b. Negative Proof Theory (used by the Criminal Procedure Code): The judge's belief is not Enough without two tools proof valid (Article 183 of the Criminal Procedure Code).

Visum et repertum play a role important in realize theory proof negative, because:

1. He is proof objective and scientific that helps judges obtain belief.
2. He functioning as complement when tool other evidence (for example, the testimony of a single victim) has not been Enough convincing in a way law.

It is understood that *visas and reports* are very effective evidence in proving rape cases, but their effectiveness is highly dependent on time, competence, system coordination, and

²² Nanda Raihanal Misky, "The Role of Visum Et Repertum as Evidence in Proving the Crime of Rape in Aceh (Case Study of Aceh Sharia Court Decision No. 7/Jn/2021/Ms. Aceh)" (UIN Ar-Raniry, Faculty of Sharia and Law, 2023).

²³ Gusria Amara, Risdalina Siregar, and Indra Kumala Sari Munthe, "The Role of Visum Et Revertum and Its Provisions in the Civil Lawsuit Process and Security Application (Study Resolution Number 50/Pid.Sus-Kids/2023/Pt Medan)," *Journal of Law, Politics, and Humanities* 4, no. 3 (2024): 155–64, <https://doi.org/10.38035/jlph.v4i3.326>.

²⁴ Stephanie Renni Anindita et al., "Determining the Degree of Injury in the Visum et Repertum of Living Victims: Challenges and Solutions for General Practitioners," *Proceedings of the Indonesian Association of Health Law Doctors* 1, no. 01 (2024): 371–80.

support for victims. Therefore, it needs to be improved. The system and awareness are key to ensuring justice for victims.²⁵.

Visum et repertum (VER) no stand Alone in the process of proof criminal, but rather become part from something system complete proof as arranged in Article 184 paragraph (1) of the Criminal Procedure Code. In the context of in this, VER plays a role strengthen information witnesses, especially victim 's statement which often becomes the only one witness in case rape. Existence visa can increase mark proof from victim statements, especially when No There is witness eye directly. In addition, VER is also closely relation with information expert, namely doctor forensics examines the victim and provides explanation scientific on findings wound or footsteps biological through inspection physical and laboratory ²⁶.

Furthermore, VER includes in category tool proof letter, but often juxtaposed with document medical other like record medical or laboratory test results for form series consistent proof. VER can also become tool proof instructions, namely when there is relatedness between results visa with place incident matter, time incident, or tools used by the perpetrator ²⁷. On the other hand, VER can help evaluate truth confession or rebuttal the defendant, so that the judge has tool objective comparison in evaluate overall facts revealed at the trial. VER 's interaction with tool This other evidence strengthens substance law and enlarge possibility formation the judge's belief in comprehensive ²⁸.

system law criminal in the United States, the equivalent document with visa and report known as Sexual Assault Forensic Evidence Kit (SAFE Kit)²⁹. This kit No only covers inspection medical towards the victim, but also includes a more comprehensive process wide like DNA collection, documentation wounds external both internal and external, as well as interview forensics by personnel medical trained. SAFE Kit is used as part from proof based *scientific evidence*, and its validity tested in court through Frye or Daubert standards, which require method scientific methods used can accepted in a way wide in community scientific approach This give strong legitimacy to mark proof results visa and support the process of taking the judge 's decision objective and based skill ³⁰.

In the Netherlands, a visa medical published by the institution forensics independent like Netherlands Forensic Institute (NFI), which guarantees standard objectivity and professionalism in the process of examination. The results of the post-mortem examination

²⁵ M Noupel et al., "The Probative Power of Visum Et Repertum as Evidence in Murder Cases" : Case Study of the Murder of Vina" 2, no. 3 (2024): 231–42, <https://doi.org/10.62885/legisci.v2i3.567>.

²⁶ Fardhyanti and Priyana, "Visum Et Repertum Dalam Proses Pembuktian Perkara Pidana Pemeriksaan."

²⁷ Raras Verawati, Sidik Sunaryo, and Yaris Adhial Fajrin, "Investigation of Sexual Intercourse Cases Against Children as Perpetrators (A Study at the Batu City Police Resort)," *Indonesia Law Reform Journal* 2, no. 2 (2022): 222–36, <https://doi.org/10.22219/ilrej.v2i2.22376>.

²⁸ Putri Natalie and Wirya Darma, "Visum et Repertum as Evidence in Sexual Violence Prosecutions : A Criminal Law Literature Review."

²⁹ DAUBERT, "Daubert v. Merrell Dow Pharmaceuticals (1993)," *SpringerReference* 509 (1993): 579–601, https://doi.org/10.1007/springerreference_183722.

³⁰ P de Vries, I., & van den Eshof, "Forensic Medical Examination in Sexual Assault Cases in the Netherlands: Legal Framework and Practice," *International Journal of Law, Crime and Justice* 67 (2021), <https://doi.org/https://doi.org/10.1016/j.ijlcj.2021.100505>.

become tool proof main in case violence sexual and rape, as well as subject to the principle traceability evidence (traceability) that guarantees every stages collection and storage proof can traced and accounted for in a way law. System This aim prevent manipulation proof as well as increase accountability investigators and experts forensics.

Temporary that, the system law in Japan emphasize on speed implementation visa after existence report rape. Every delay in inspection medical will noted in a way explicit in report medical as factors that can influence judge's evaluation of mark proof proof the ³¹. In addition, the results visa attached together with statement sworn statement from doctor examiner, which strengthens position visa as tool proof legitimate . Approach This show attention to formal and substantive aspects in proof, and give protection maximum to victims' rights in the judicial process criminal ³².

3.3. Obstacles in Using *Visum Et Repertum* as Evidence of Rape Cases

Some of the challenges faced include a lack of understanding of the importance of a *visum et repertum*, social stigma against victims, and limited medical resources. In addition, there are also problems in maintaining the accuracy and integrity of the documents. The use of a *visum et repertum* as evidence of rape cases faces various challenges that can affect its effectiveness in the legal process.³³

a. Lack of Understanding of the Importance of *Visum and Repertum*

One of the main challenges in the use of *visum et repertum* and reporting is a lack of understanding among the public and even among legal professionals about the importance of this document. The *visum et repertum* is not just a medical report, but also plays a crucial role in the evidence process. Many people assume that the victim's testimony is enough to prove that rape occurred, without realizing that the physical evidence presented in the *visum et repertum* can strengthen the information. This lack of understanding often stems from a lack of education and outreach about legal and medical issues ³⁴related to sexual violence ³⁵. Many victims do not know that they have the right to receive a medical examination and post-mortem investigation after experiencing sexual violence. This results in many cases going unreported or not being followed up, as victims feel it is pointless to report if there is no physical evidence to support it. Furthermore, some legal evidence professionals, such as police and lawyers, may not be fully aware of the importance of the post-mortem examination. They may not provide victims with adequate information about the examination and evidence

³¹ M Takahashi, "Sexual Offense Prosecution and Forensic Evidence in Japan," *Asian-Pacific Law & Policy Journal* 21, no. 2 (2020): 148-70.

³² T Yamamoto, H., & Matsui, "Handling of Forensic Medical Evidence in Sexual Crime Cases in Japan: Issues and Improvements," *Journal of Forensic and Legal Medicine* 7, no. 5 (2018): 47-51, <https://doi.org/https://doi.org/10.1016/j.jflm.2018.08.014>.

³³ Anindita et al., "Determination of the Degree of Injury in the *Visum et Repertum* of Living Victims: Challenges and Solutions for General Practitioners."

³⁴ Muhammad Firmansyah and Frans Simangunsong, "The Position of *Visum Et Repertum* as Evidence in Criminal Cases in Indonesia" 7 (2024): 58-66.

³⁵ I Gst AA Sintiana Dewi, "Legal Study of *Visum Et Repertum* in the Investigation Stage in Disclosing Follow-up Criminal Acts," *GaneshaCivicEducationJournal* 2, no. 1 (2020): 30-37, <https://doi.org/https://doi.org/10.23887/gancej.v2i1.339>.

collection process. As a result, victims may lose the opportunity to obtain an autopsy examination, which can be powerful evidence in court.

b. Social Stigma Against Victims

Social stigma is another significant challenge in the use of post-mortem examinations (visum et repertum). Rape victims often face judgment and discrimination from society. This stigma can make victims feel ashamed or afraid to report a case, making them reluctant to undergo the medical examination necessary for a post-mortem examination. In many cultures, rape victims are assumed to be responsible for what happened to them through their behavior, dress, or decisions. This stigma not only influences societal perceptions but also affects victims psychologically. Many victims feel isolated and unsupported, which in turn can hinder them from seeking justice. Social stigma can also impact the legal process. When rape cases go to court, this stigma can influence the views of judges, juries, and even lawyers. This can lead to bias in case evaluations, where victims are treated skeptically, while perpetrators may receive more favorable treatment. In this context, post-mortem examinations can be a crucial tool in combating stigma by providing irrefutable medical evidence³⁶.

c. Limited Medical Resources

Limited medical resources also pose a challenge to the use of post mortem and repertum examinations. In many areas, especially remote ones, access to adequate health services to handle sexual violence cases is extremely limited. Many hospitals or clinics lack specially trained medical personnel to perform post mortem and repertum examinations. As a result, victims may not receive adequate care or even receive the same examination at the same time. These limitations are often exacerbated by logistical challenges, such as a lack of facilities to store evidence or the medical equipment necessary for the examination. In some cases, victims may have to travel long distances to receive quality health care.

d. The Impact of Visum and Repertum on Justice

Post-mortem reports and repertums play a crucial role in the legal system, particularly in rape cases. As medical records documenting the victim's physical examination, post-mortem reports and repertums provide physical evidence that can strengthen legal arguments and support the victim's testimony in court. This chapter will discuss the impact of post-mortem reports and reports on justice, including how this physical evidence can influence the legal process and judicial decisions, as well as potential challenges that hinder the achievement of justice.

e. The Role of Visum et Repertum in Evidence

A post-mortem examination (visum dan repertum) serves as objective, verified, and reliable evidence in rape cases. This document is used to document the results of a medical examination conducted by a medical professional, including physical signs that may indicate sexual violence.³⁷ This physical evidence is crucial because it can legitimize the victim's testimony, which is often questioned by authorities, the accused, and the public.

³⁶ Siti Syahida Nurani et al., "Forensic Visum et Repertum Examination as Evidence of Rape Crime in the Trial Process at the Kupang District Court," *Indian Journal of Forensic Medicine and Toxicology* 14, no. 1 (2020): 1436–40, <https://doi.org/10.37506/v14.i1/2020/ijfmt/193114>.

³⁷ Ni Luh et al., "Visum Et Repertum as a Medical Legal Aspect for Foreign Victims of Sexual Violence in Indonesia," 2024, 946–61, <https://doi.org/10.24843/JMHU.2024.v13.i04.p14>.

In the Lots case, the victim's account can be considered subjective and susceptible to doubt. However, a post-mortem examination provides additional evidence that can validate the victim's experience. For example, if the examination reveals wounds or injuries consistent with sexual assault, this can strengthen the legal argument that the incident actually occurred. Thus, a post-mortem examination serves to create balance in the evidentiary process, providing a stronger legal basis for legal decisions.

Although visas and reports have a significant positive impact on justice, there are various challenges that can hinder the judicial process. One major challenge is a lack of understanding among the public and legal professionals about the importance of a post-mortem examination. Without adequate understanding, both victims and law enforcement may not consider a post-mortem examination a priority in handling rape cases. In addition, the social stigma attached to victims can also influence the use of a post-mortem examination. Many victims hesitate to report or undergo a medical examination because they fear negative public judgment.

4. Conclusions

The post-mortem examination and repertum play a crucial and strategic role in proving the crime of rape. As written evidence in the evidentiary system under the Criminal Procedure Code, the post-mortem examination provides objective medical information regarding the victim's physical condition, which is crucial in proving the presence of violence or coercion as stipulated in Article 285 of the Criminal Code. The post-mortem examination and report are often the primary evidence in rape cases, given the limited number of witnesses and the difficulty of proving criminal elements without medical evidence. The post mortem examination can strengthen the victim's testimony and serve as a basis for the judge's decision.

However, the effectiveness of post-mortem examinations and reporting in practice still faces several obstacles, including delays in reporting by victims, a lack of medical forensic personnel, and weak coordination between law enforcement officials and health care facilities. This impacts the quality and evidentiary value of post-mortem examinations. Therefore, to optimize the role of post-mortem examinations and reporting in proving rape cases, systematic efforts are needed, such as increasing public education, improving procedures for applying for and implementing post-mortem examinations, strengthening human resource capacity in the forensic field, and providing comprehensive psychological and legal support for victims. Thus, post-mortem examinations serve not only as formal evidence but also as a crucial instrument in ensuring justice for victims of sexual violence in Indonesia.

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