

## THE ROLE OF VISUM ET REPERTUM IN DISCLOSURE OF CRIMINAL ACTION

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### ABSTRACT

*Visum et Repertum as one of the evidence made by a forensic expert and / or one aspect of expert information, the link between the two cannot be separated. Visum et Repertum is created and needed within the framework of law enforcement and justice efforts. The purpose of the post mortem visum et repertum is a plan (verslag) given by a forensic doctor about what is seen and stated when an objective examination is carried out, in lieu of the events that occur and must be able to completely replace the evidence that has been examined by loading all the facts so finally rather than drawing a conclusion. In a murder case a proof is needed quickly. One of them is through proof of the post mortem report and the testimony of the existing witnesses. Analysis of the evidence is needed in the investigation of this crime which aims to find out or investigate whether the victim has died because of the persecution or not. Thus the post mortem visum et repertum as a whole has bridged medical science and law so that by reading the post mortem report it can be clearly known what has happened to someone, and legal practitioners can apply legal norms to criminal cases involving the body and soul of the human. If the post mortem report has not been able to clarify the issue in the court, the judge can ask for expert information or submit new material, as stated in the Criminal Procedure Code, which allows examination or investigation of evidence, if reasonable objections arise from the defendant or advisor the law against an examination result. This is in accordance with Article 180 of the Criminal Procedure Code.*

**Keywords:** Visum et Repertum, Crime, Murder

### INTRODUCTION

The search for material truth for an event is carried out through certain stages starting with the investigation, investigation, prosecution, and examination of the court to determine the criminal decision that will be taken. Basically the existence of appropriate material truths from an applicable legal provision will determine the criminal decision by the judge itself. In the event of a criminal finding material truth cannot be separated from the problem of proof, namely about concrete events. The purpose of criminal procedural law according to the KUHAP Implementation Guidelines cited by Andi Hamzah is as follows: "to seek and obtain or at least approach material truth, is the truth as complete as possible from a criminal case by applying the provisions of the procedural law honestly and precisely with the purpose is to find out who the perpetrator can be charged with committing a violation of law, and then request an examination and decision from the court to find out whether it is proven that a criminal act has been committed and whether the accused person can be blamed.

One material truth can be obtained through the role of a forensic expert who can make the found evidence can tell about what has happened, the evidence can be in the form of living people, corpses, blood, hair, fingerprints, fly larvae, mosquitoes and so on.

The role of the forensic expert regulated in the Criminal Procedure Law applicable in Indonesia at this time is Law Number 8 of 1981 concerning the Criminal Procedure Code commonly referred to as the Criminal Procedure Code promulgated on 31 December 1981. Criminal procedural law or formal law is a collection of regulations governing the procedures or procedures for administering or enforcing material criminal law by state instruments before the courts.

Enforcing justice through the judiciary always has the consequence of sacrificing the suspect / defendant to be the object of examination. This is caused by the imbalance of the bargaining position of the suspect with law enforcement, which in this case is represented by investigators, not from a psychological perspective as well as their rights and obligations so that it is difficult to obtain a truth that is truly pure and objective.

The rapid development in science and technology in all fields today, should bring people to an easy and prosperous life. However, in line with the advancement of science and technology, there are various impacts that require more careful attention and handling, as well as criminal acts which also increase with various modus operandi, with the advancement of science and technology, people get scientific evidence called silent witnesses for that it requires an expert role in examining scientific evidence according to his expertise. Doctors besides medical personnel are also required to provide institutions to law enforcement known as forensic doctors.

The first mentioned Law Enforcement Officer is the police and other investigators. In the case of facing a case of murder the investigator must obtain evidence in real terms based on facts that exist in the crime. as an illustration other than the testimony of the defendant, expert testimony, witness statements and instructions, the letter of evidence in the form of Visum et Repertum is very important.

Article 133 paragraph (2) of the Criminal Procedure Code explains that the request for expert information as referred to in paragraph (1) is carried out in writing, in which the letter is expressly mentioned for wound examinations or post mortem examinations and / or post-mortem examinations.

This written form of information from an expert is commonly referred to in legal practice "visum et repertum. Visum et repertum is a written report from a forensic expert based on an oath of office that has to do with the court proceedings on issues of proof.

Visum et repertum as one of the evidences made by a forensic expert and or one aspect of expert information, the link between the two cannot be separated. Visum et repertum is created and needed within the framework of law enforcement and justice efforts. The purpose of Visum et repertum is a plan (Verslag) given by a forensic doctor about what is seen and stated when an objective examination is carried out in lieu of events that occur and must be able to completely replace the evidence that has been examined by loading all the facts so that eventually a conclusion can be drawn.

In murder cases, proof is needed quickly. One of them is through proof through the post mortem report and the testimony of the existing witnesses. Analysis of the evidence is needed in the investigation of this crime which aims to find out or investigate whether the victim died because of the persecution or not.

## **VISUM ET REPERTUM**

Visum et repertum is a term known in Forensic Medicine, commonly known as the Visum name. Visum comes from Latin, its single form is "visa". seen from the etymological or grammatical meaning, the word "visum" or "visa" means the sign of seeing or seeing which means the signing of evidence about everything that is found, approved and authorized, while "repertum" means reporting which means what has been obtained from a doctor's examination of the victim. Etymologically, the post mortem et repertum is what is seen and found. The Criminal Procedure Code does not explain explicitly the definition of the definition of post mortem. The only statutory provisions that provide an understanding of post mortem repertum namely Staatsblad Year 1937 Number 350. Mentioned in the provisions of the Staatsblad: "Visum et repertum is a written report for the interests of the judiciary (pro iustitia) at the request of the authorities made by all doctors something that is seen and found on the examination of evidence, based on the oath at the time of receiving the position, and based on his best knowledge.

Visum et repertum made by forensic experts is obtained or obtained with the best knowledge and experience. Visum et repertum then used legally valid evidence regarding the latest conditions of victims of abuse, rape, and victims that resulted in death and were declared by doctors after examining (victims). Expert information requested by the investigator can be in the form of oral or written information. Especially regarding written statements made by judicial doctors for the benefit of justice commonly referred to as visum et repertum.

Various types of criminal cases involving crimes against the human body require post mortem et al. In Article 133 paragraph (1) of the Criminal Procedure Code, determines that, in the case of investigators in the interests of the judiciary handling a victim of injury, poisoning or death allegedly due to a criminal act, he is authorized to submit a request for expert information to a judicial medical expert or doctor and other experts.

The function of visum et repertum in addition to investigators, judges and public prosecutors within the scope of the court also functions in such a way. A case between one another makes a different contribution to the actors within the scope of the court, which still refers to one conclusion that the post mortem report serves in the interests of the judiciary.

R. Soeparmono states that the post mortem et reepertum is solely made only so that a criminal case becomes clear and is only useful for the purposes of examination and for justice and is intended for the interests of the court.

Underlining the opinions expressed by R. Soeparmono that post mortem repertum is useful for the purposes of examination in this case for investigators to prove the presence or absence of a crime. other than that for the interests of the judiciary for the public prosecutor to give an indictment to the suspect, as well as the judge to make a proper decision for the perpetrators of the crime.

## **FORM, CONTENT AND TYPE OF VISUM ET REPERTUM**

### **1. Form and Contents of the Visum Et Repertum**

In order to obtain uniformity regarding the main forms of the post mortem examination, the following provisions regarding the composition of visum et repertum are stipulated:

- a. Pro Justitia, at the top, to fulfill juridical requirements, substitute stamp duty.
- b. Visum et Repertum, states the type and evidence or substitute for evidence
- c. Introduction, contains the identity of the physician who produces the post mortem et repertum, the identity of the request for post mortem et repertum, the time and place
- d. News coverage, or the results of an examination, contains everything that is seen and found on the evidence examined by a doctor, with or without a follow-up examination (laboratory examination), if it is deemed necessary, according to the case and whether or not an indication for it.
- e. Conclusion, contains the essence of the coverage or results of the examination, which is accompanied by the opinion of the doctor concerned in accordance with the knowledge and experience they have.
- f. Closing, which contains the statement that the post mortem report was made on the oath of the doctor and according to the best and true knowledge.

## 2. Visum Et Repertum Type

As a result of a doctor's examination of evidence destined for the purposes of the judiciary, the post mortem examination was classified according to the object examined as follows:

- a. Visum et repertum for living people, this type is distinguished in:
  1. Regular Visum et repertum, this post mortem report is given to the requesting party (investigator) for victims who do not need further treatment
  2. Temporary Visum et repertum. Temporary Visum et repertum is given if the victim needs further treatment because he has not been able to make a diagnosis and the degree of his injury. If cured, a further post mortem report is made
  3. Continued Visum et repertum. In this case the victim does not need further treatment because he has recovered, moved to another doctor, or died.
- b. Visum et repertum for the dead (corpse). In making this post mortem report, in the case of a dead victim, the investigator submits a written request to the forensic medicine for a post-mortem examination (autopsy)
- c. Visum et repertum at the crime scene. This visum was made after the doctor finished carrying out the examination at the crime scene.
- d. Visum et repertum excavating bodies. Visum et repertum was made after the doctor finished carrying out the excavation of the body
- e. Visum et repertum psychiatry, namely visum et repertum in defendants who at the time of the examination at the court showed symptoms of mental illness
- f. Visum et repertum evidence, for example post mortem for evidence found that has something to do with criminal acts such as

### FUNCTION AND POSITION OF VISUM ET REPERTUM IN CRIMINAL CASES

In the examination that the science of judicial medicine is the use of medical science for the benefit of the judiciary. What really is the core of the role of science is in relation to the judicial process. The most essential answer to this question is that judicial medical science plays a role in determining the causal relationship between an act and the consequences it will cause, whether it causes a wound on the body, or that causes health problems, or which causes a person's health. where there are consequences it should be suspected that a criminal act has been committed. based on the results of examination of this forensic expert, then it can be known whether a person's wound, someone's unhealthy, or the death of a person is caused by a criminal act or not. According to Arsyadi, forensic experts can provide assistance in relation to the judicial process in terms of:

1. Examination at the scene of this case, usually requested by the authorities in the event that someone is found dead. Examination by a forensic expert will be very important in terms of determining the type of death and at the same time to find out the causes of death, which will be very useful for the authorities to process a crime. in this connection the doctor will make visum et repertum before the body is buried.
2. Examination of injured victims by forensic experts is intended to find out:
  - a. The presence or absence of persecution
  - b. Determine whether or not there is a crime or violation of decency
  - c. To find out someone's age
  - d. To determine the certainty of a baby who dies in the womb of a mother. All of that will be used as a basis in determining whether there are violations of pads 352, 351, 285, 292, 341, 342, 288, and 44 of the Criminal Code. In the examination of a corpse, carried out by a forensic expert, it is intended whether a person who has become a corpse dies naturally or vice versa or also there is a possibility that there has been a previous persecution that caused the death of that person. to determine the causes of death, the forensic expert must autopsy (dissect) the corpse.

### PROCEDURE FOR MAKING VISUM ET REPERTUM

The procedure for requesting Visum et Repertum for dead victims is regulated in Article 133 and 134 of the Criminal Procedure Code which are written in writing, the bodies must be treated properly, clearly stated checks are requested, and bodies are labeled with identity stamped and attached to parts of the body that is. examination of the body must be as complete as possible and the results of the examination are set forth in the form of Visum et Repertum which must be considered as a copy of the corpse. the examination of a forensic expert on a corpse is actually obligatory or must and should not be prevented. Providing clear information about the purpose, purpose and method of examining the body and its benefits to the family of the victim is expected to be able to avoid misunderstandings between the investigator and the victim's family. But if this path of peace cannot be reached, the examination of the corpse can still be carried out by force and can be implemented by applying Article 222 of the Criminal Code. Unlike the procedure for examining dead victims, the procedure for requesting visum et repertum for survivors is not regulated according to the Criminal Procedure Code. There are no provisions that regulate the examination of what doctors should and should do.

This means that the selection of the type of examination carried out is left entirely to doctors by relying on the responsibilities of the medical profession. The KUHAP also does not contain provisions on how to guarantee the validity of victims as evidence. The thing that is evidence on the body of the victim of life is his injury and its consequences and everything related to his criminal case. While the people as human beings are still recognized as legal subjects with all their rights and obligations. Therefore, because the

evidence cannot be separated from the person, it cannot be sealed or confiscated. The thing that can be done is to copy the evidence into the form of post mortem examination. The Criminal Procedure Code does not regulate detailed procedures whether the victim must be escorted by police officers or not. Even though the delivery officer was actually intended to ensure the conformity between the identity of the person to be examined and the identity of the victim who was asked for his *visum et repertum* as written in the letter of request for post mortem et repertum. The situation brings the doctor responsible for ensuring the conformity between the identity stated in the request letter for post mortem and the identity of the victim being examined. In everyday practice victims of injury will go directly to the doctor and then reported to the investigator. This brings the possibility that the letter requesting the post mortem et repertum of the injured victim will arrive late compared to the examination of the victim. As long as this delay is still reasonable and acceptable, this delay should not be considered as an obstacle to making post mortem et al. For example, there are difficulties in communication and transportation facilities, overmacht and noodtoestand (emergency). It is important to remember that the letter of request for the post mortem et repertum must refer to injury due to certain criminal acts that occur at a certain time and place. The letter requesting *visum et repertum* on the victim of life is not a letter requesting an examination, but a letter requesting expert information about the results of the medical examination. the necessity of making a post mortem repertum on a living victim does not mean that the victim in this case is a patient, to be unable to refuse an examination. Life victims are also patients so they have the right to pass, to not be able to refuse an examination. Life victims are also patients so they have the right as patients. If this examination is actually necessary according to the examining doctor while the patient rejects it, then the doctor should ask for a brief written statement of the rejection from the patient along with the reason or if it is not possible, to record it in the medical record.

**The making of *visum et repertum* has the following procedure:**

1. Standard provisions in the preparation of post mortem studies
  - a. The party authorized to ask for expert information according to KUHAP Article 133 paragraph (1) is an investigator who according to Government Regulation Number 27/1983 is the Indonesian Police Officer. As for the military, the Military Police (POM) is categorized as an investigator
  - b. Authorities to make expert statements according to KUHAP Article 133 paragraph (1) are doctors and cannot be delegated to other parties.
  - c. The procedure for requesting expert information to the doctor has been determined that the request by the investigator must be carried out in writing which is expressly regulated in Article 133 paragraph (2) of the Criminal Procedure Code.
  - d. Submission of an expert certificate may only be carried out by investigators who request it in accordance with the identity of the expert statement letter. Other parties cannot request it.
2. Parties involved in forensic service activities
  - a. Doctor
  - b. Nurse / corpse officer
  - c. Administrative officer
3. Stages in making post mortem et repertum
  - a. Receipt of victims sent by investigators. Then the role in this activity is a doctor, the general practitioner goes to a specialist doctor whose arrangement refers to the standard operating procedures. What is prioritized in this activity is the handling of his health first, if the conditions allow it to be dealt with the medical aspects. It is possible that victims of medical treatment involve various specialist disciplines
  - b. The receipt of an expert statement of request or *visum et repertum* is an important matter for making the post mortem report. The doctor as the person in charge of the medicolegal examination must examine the letter of request in accordance with the applicable provisions. This is a juridical aspect that often causes problems, namely when the victim will be examined a request letter from the investigator does not yet exist or the victim (alive) comes alone with a letter requesting a post mortem examination. To anticipate these problems, it is necessary to make criteria about patients or victims who at the time of admission to the hospital or emergency room do not carry t

Every patient with trauma

- b. Every patient with poisoning / suspected poisoning
- c. Unconscious patients with a history of trauma that is not clear
- d. Patients with decency / rape crime
- e. Patients without injury / injury by carrying out a letter requesting a post mortem for the patient group above to be specific in terms of recording medical findings in special medical records marked on the medical record map, color of medical record covers and medical record storage not combined with medical records general patient.
- c. Medically examining victims is carried out by doctors using the forensic science that they have learned. However, it is possible to face difficulties which result in some data being missed from the examination. There is a possibility of finding evidence from the victim's body such as a bullet child and so on. Evidence in the form of clothing or other items is only left to the investigator. In the event that the investigator has not taken it, the health facility officer must keep it as best as possible so that there is not much change. The status of the evidence is owned by the state and judicially may not be handed over to the family or the inheritance without the investigator.
- d. Typing expert certificates or post mortem studies by administrative officers requires attention in the form of yes because it is intended for the interests of the court. For example, closing each end of a paragraph with a line, to prevent the addition of certain words by the party responsible.
- e. The signing of a statement from the legal experts in the ethics of the law stipulates that the doctor has the right to sign it. Each sheet of expert information must be initialed by a doctor. It often happens that the post mortem request from the investigator is late, while the doctor who handles it is not on duty at the health facility anymore. In this case, there are often doubts about who

must sign the life victims visum et repertum. The same thing happens if the victim is handled by several doctors at the same time in accordance with the complex conditions of the disease. In the event that the victim is handled by only one doctor, the person who signs the post mortem that has finished is the doctor who handles it (the examining doctor). In the event that the victim is handled by several doctors, ideally the person who signs the visa is every doctor who is directly involved in handling the victim.

The examining doctor in question is the examining doctor who checks the victims who are still related to injuries, injuries, poisons, criminal acts. In the event that the examining doctor is often no longer in place (outside the city) or has not worked at the hospital, then the post mortem examination is signed by the doctor in charge of the clinical forensic service appointed by the hospital or by the director of the hospital.

f. Submission of evidence that has been completed has been audited only to the investigator using the minutes.

g. Submission of expert certificates or post mortem examination also should only be submitted to the investigator who requested it. There can be two investigating agencies as well as requesting a letter of post mortem examination. The suspect's legal counsel was not given the authority to request visum et repertum to the doctor, nor should he ask for a copy of Visum et Repertum directly from the doctor. The legal counsel of the suspect can request a copy of the post mortem report from the investigator or from the court in the period leading up to the trial.

## THE ROLE OF VISUM ET REPERTUM IN DISCLOSURE OF CRIMINAL ACTIONS

As a written statement containing the results of an expert doctor's examination of the evidence in a criminal case, the post mortem reperutm has the following roles:

- a. As a valid evidence, this matter as mentioned in Article 184 paragraph (1) jo Article 187 huru c KUHAP
- b. Evidence of detention of a suspect in a case that requires the investigator to detain a suspect of a criminal offense, the investigator must have sufficient evidence to carry out the action. One proof is the result of a crime committed by a suspect against the victim. Visum et repertum made by doctors can be used by investigators as a substitute for evidence to complete a detention warrant.
- c. As a matter of consideration for judges, even though the conclusions of the post mortem et repertum are not binding on the judge, what is described in the reporting section of a post mortem is material evidence of a criminal offense. seen and found by a doctor.

Visum et repertum is one of the legal evidences as written in Article 184 of the Criminal Procedure Code. Visum et repertum also plays a role in the process of proving a criminal case against human health and soul, where visum et repertum describes everything about the results of medical examinations contained in the news section, which can therefore be considered as a substitute for evidence. Visum et repertum also contains information or opinions of doctors regarding the results of medical examinations contained in the conclusions section.

Thus the post mortem et repertum as a whole has bridged medical science and law so that reading the post mortem report can be clearly known what has happened to someone, and the role of legal practitioners can apply legal norms to criminal cases involving the human body and soul. If the post mortem report has not been able to clarify the issue in the court, the judge can ask for expert information or submit new material, as stated in the Criminal Procedure Code, which allows the examination or re-examination of evidence, if a reasonable objection arises from the defendant or advisor the law against an examination result. This is in accordance with Article 180 of the Criminal Procedure Code. For investigators (Police / Military Police) visum et repertum is useful for disclosing cases.

For public prosecutors (prosecutors) the information is useful for determining the articles to be charged, while for haim as a formal evidence to drop the criminal free someone from lawsuits. For this reason, a Standard Operating Procedure (SPO) must be made at a hospital about the procedure for the procurement of post mortem et al.

## CONCLUSION

1. The role of the post mortem in the disclosure of criminal acts is to ascertain the cause of death from a criminal offense, because without visum et repertum it would be difficult to determine the cause of death of a person
2. In deciding the criminal offense the judge is bound to the post mortem report to determine the cause of the crime.

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