

The Role of Visum et Repertum as Evidence in Proving Criminal Acts of Sexual Violence Against Children: A Study of Decision Number 652/Pid.Sus/2024/PN Btm

Dinda Christy Nada 

Universitas Negeri Semarang, Semarang, Indonesia
dindachristy10@students.unnes.ac.id

Muhammad Azil Maskur 

Universitas Negeri Semarang, Semarang, Indonesia
azilmaskur85@mail.unnes.ac.id

Abstract

In the Indonesian criminal justice system, Visum et Repertum occupies a strategic position, especially in situations where children become victims of sexual violence, as it serves as evidence that provides medical and scientific support for proving the elements of a crime. This study aims to analyze the role of Visum et Repertum in proving criminal acts of sexual violence against children and its position as material for judges' consideration in deciding cases, with a focus on Decision Number 652/Pid.Sus/2024/PN Btm. The research uses a normative legal method, combining a regulatory approach and case studies, which are then analyzed qualitatively. The results of the study show that based on Law Number 8 of 1981 concerning the Criminal Procedure Code, under Article 184 paragraph (1) in relation to Article 187 of the Criminal Procedure Code, Visum et Repertum constitutes documentary evidence within the criminal justice system. However, its probative force is not autonomous, as it must be considered alongside other admissible evidence and the judge's conviction in accordance with Article 183. Accordingly, Visum et Repertum serves as a crucial instrument in supplying objective medical findings, particularly in cases concerning sexual abuse of children. With the enactment of Law Number 20 of 2025



concerning the Criminal Procedure Code, the evidence system has undergone improvements that further emphasize the position of documentary evidence in the criminal justice process. Thus, the *Visum et Repertum* serves not only as a medical document but also as a legal instrument supporting the realization of material truth and the principle of assisting the judge in forming an objective and measurable legal conviction.

KEYWORDS

Visum et Repertum; sexual violence against children; Criminal Procedure Code; criminal procedure law.

Introduction

Criminal acts are behaviors that do not comply with the norms of propriety and the moral rules that govern social life. Every such act has harmful consequences for other legal subjects.¹

Crimes involving sexual violence or rape cause psychological and social impacts such as fear, anxiety, and insecurity in the community, especially crimes related to sexual aspects. Rape is essentially an act of a man who forcibly engages in sexual intercourse with a woman who is not married to him, using violence or threats of violence. In classical criminal law, the law does not classify sexual relations between husband and wife as rape, because a valid marriage is considered to legitimize such relations.

Rape can happen to anyone, regardless of age, including children. In recent times, cases of child rape have shown an increasing trend. Children often become victims because they are in a weak and vulnerable position, both physically and psychologically, making them easy targets for exploitation and sexual gratification by perpetrators of sexual crimes.²

Sexual violence committed against children constitutes a criminal offense that inflicts profound and enduring harm upon its victims. The

¹ Titik, Mei Handayani. "Peran visum et repertum sebagai alat bukti surat dalam tindak pidana kekerasan." PhD diss., Undaris, 2023, p.g. 1.

² Aprilia Cahya Ningrum dan Dara Pustika Sukma, "Peran Visum Et Repertum dalam Tindak Pidana Pemerkosaan (Studi Kasus Putusan Pengadilan Negeri Sukoharjo Nomor 174/Pid.Sus/2023/Skh)," *Jurnal Pendidikan Dasar dan Sosial Humaniora* 3, no. 9, (2024): 711–717.

impact is not only physical injury, but also psychological trauma that can affect the victim's personality development, self-confidence, and social life in the future. Therefore, the law cannot treat sexual violence against children as a common crime, but must treat it as a crime that requires a special and comprehensive approach.

Law enforcement officials must take active steps to ensure legal protection for victims, in line with the increasing number of cases of sexual intercourse with children. Legal protection is a fundamental element in a country governed by the rule of law because it reflects the state's responsibility to regulate and protect its citizens from unlawful acts. The state has an obligation to ensure that every victim of a criminal act receives protection, recovery, and fair legal certainty. This is in line with Article 1, paragraph (3), of the 1945 Constitution, which states that "Indonesia is a state based on the rule of law."³ As a consequence of the rule-of-law concept, the state must make legal protection a fundamental principle by ensuring that citizens' rights are protected and by providing security and legal certainty for the entire community.

Legal protection is not only realized through normative regulations but also through a law enforcement process carried out in a professional, integrity-based manner. Law enforcement officials must be able to handle cases comprehensively, given that child victims are in a vulnerable position both physically and psychologically. Therefore, the criminal justice process must be directed not only to punish the perpetrator, but also to protect victims' rights to the maximum extent possible.

The primary objective of criminal justice is the realization of material truth in relation to a criminal incident. Accordingly, every procedural step, beginning with investigation and ending with trial examination, requires thoroughness and caution from the responsible authorities. At each stage, a series of examinations and systematic information-gathering is carried out.

³ The 1945 Constitution of the State of the Republic of Indonesia, art. 1 (3).

The process involves collecting and assessing relevant evidence, including witness statements, documents, and other materials. All of this evidence is then analyzed to reconstruct the entire sequence of events, so that the facts of the case can be clearly and objectively presented to the court.⁴

Ensuring legal protection for child victims of sexual violence is a state obligation that must be realized through a legal system capable of providing a sense of justice and legal certainty. However, in practice, the disclosure of criminal acts of sexual violence against children often faces various obstacles, mainly because the nature of these crimes is generally carried out secretly and without witnesses. In addition, child victims often experience fear, psychological pressure, or even threats from the perpetrator, so that they are unable to convey the events they have experienced clearly and consistently before law enforcement officials.⁵

Within the enforcement of criminal law, efforts to reveal sexual offenses involving minors often face substantial obstacles. These acts are generally committed in secret and without witnesses, making it very difficult to prove them. In addition, the psychological condition of child victims, who are still vulnerable, coupled with fear, mental pressure, and threats from the perpetrator, often hinders the victim's ability to convey the events clearly and consistently before law enforcement officials. In fact, the final arbiter of justice within the structure of criminal justice in Indonesia is the judges, who are the highest legal authority. It can only be considered fair if judges can compile the complete facts from the limited evidence available.⁶ As a

⁴ Saputri, Sandra Intan. "Peran Visum Et Repertum Penyidikan Tindak Pidana Persetubuhan Anak Di Polresta Banjarmasin Tahun 2024." *Lex Positivis* 3, no. 2, (2025): 112-138,

⁵ Pujaningrum, Dyah Retno. "Kekuatan Pembuktian Visum Et Repertum Pada Tindak Pidana Persetubuhan Yang Dilakukan Secara Paksa Terhadap Anak (Studi Kasus: Putusan Nomor 121/Pid. Sus/PN. Kdl/2020)." *Verstek* 10, no. 1, (2022); 137-146.

⁶ Maskur, Muhammad Azil. "Integrasi The Living Law dalam Pertimbangan Putusan Hakim pada Kasus Tindak Pidana Korupsi." *Pandecta Research Law Journal* 11, no. 1, (2016); 18-30.

result, it is difficult to obtain a complete picture of criminal events, requiring heavy reliance on strong, objective evidence in the judicial process.

This situation makes the availability and quality of evidence a decisive factor in the legal process applied to cases of sexual violence against children, especially to uncover the facts of the case objectively. Without strong evidence, the process of proving the court case has the potential to fail to reach the material truth, thereby preventing the optimal fulfillment in pursuit of the objective of safeguarding child victims. Therefore, in cases of sexual violence against children, the aspect of evidence plays a very decisive role in ensuring that justice is served.

Evidence in criminal cases aims to uncover the material truth about a criminal incident. In cases of sexual crimes committed against children, evidence is often the most crucial and complex part of the case. This is due to the limitations of child victims in providing coherent statements and the lack of witnesses who directly saw the incident. Therefore, evidence in cases of sexual violence against children cannot rely solely on the victim's testimony, but requires the support of other objective and scientific evidence.

In cases of sexual violence, the law recognizes *Visum et Repertum* as a significant form of evidence within the evidentiary framework. The forensic medical report, called *Visum et Repertum*, it is prepared by a physician upon the request of an investigator and contains the results of a physical examination of the concerned individual (living/dead) or a part of their body, including findings and analysis conducted under oath to support the judicial process.⁷ Criminal procedure law places *Visum et Repertum* as a document of evidence related to expert opinion, as explained in Law Number 8 of 1981 concerning the Criminal Procedure Code. The role of the medical examination is crucial because, through this document, the physical

⁷ Afandi, Dedi. "Visum et Repertum." Edisi Kedua. Tata Laksana Dan Teknik Pembuatan. Fakultas Kedokteran Universitas Riau. Riau. Indonesia, 2017.

condition of the victim can be objectively proven based on medical findings, including injuries, bruises, or other indications of violence.

In cases of sexual violence against children, *Visum et Repertum* often serves as the primary evidence that bridges medical facts and legal facts. This is because such crimes are directly related to the human body, requiring special expertise in the field of medicine to determine whether sexual violence has occurred. With the *Visum et Repertum*, law enforcement officials and judges obtain a clearer picture of the victim's experience, even if the victim is unable to explain it in detail.

Decision Number 652/Pid.Sus/2024/PN Btm was chosen as the object of research because it provides a concrete description of how the judge's assessment of the role of *Visum et Repertum* constitutes a significant aspect in the adjudication of cases involving sexual violence against children. An examination of this judicial decision provides an opportunity to analyze how *Visum et Repertum* is utilized in establishing each constituent element of the offense, as well as to assess its correlation with other forms of evidence taken into consideration by the judge in rendering the verdict.

The selection of this ruling was also based on an assessment of whether the use of *Visum et Repertum* in judicial practice was in line with the regulations in force in Indonesia and could provide justice for the child victim. Through an analysis of the decision, this study aims to deepen understanding of *Visum et Repertum*'s position in the evidence system, while assessing its role in ensuring substantive justice for child victims.

On November 18, 2025, lawmakers passed Law Number 20 of 2025 concerning the Criminal Procedure Code, which serves as a renewal of the national criminal procedure law previously regulated by Law Number 8 of 1981. The new regulation came into effect on January 2, 2026. However, Decision Number 652/Pid.Sus/2024/PN Btm, which is the focus of this study, was handed down in 2024, so that legally the case was still subject to the provisions of the Criminal Procedure Code that were in force at the time of the examination and decision.

Based on these conditions, this study continues to base its analysis on the old Criminal Procedure Code as the positive law applicable when the case was examined and decided. At the same time, the latest Criminal Procedure Code is positioned within the dynamics and renewal of the criminal procedure law system in Indonesia.

Methods

This study uses a normative legal research method by placing law as the norm that is the object of study. According to Soerjono Soekanto and Sri Mamuji, normative legal research is a research method that focuses on law as a set of norms or rules systematically arranged. This approach includes an examination of the basic principles of law, the regulatory structure and system, and the application of legal provisions in practice. In addition, normative legal research also focuses on analyzing the harmony between laws and regulations, both in hierarchical (vertical) and equal (horizontal) relationships.⁸ Based on this view, this study aims to examine the position and role of *Visum et Repertum* in proving the occurrence of a sexual violence crime through an analysis of applicable legal norms and doctrines developed in legal science.

This study uses a normative approach through the examination of legislation and analysis of relevant cases. The statutory approach is carried out by inventorying and analyzing various legal provisions governing *Visum et Repertum* in Law Number 8 of 1981 concerning the Criminal Procedure Code, Law Number 20 of 2025 concerning the Criminal Procedure Code, and other related regulations. On the other hand, this study applied a case approach by using court decisions as the object of study, especially to examine the *ratio decidendi* or legal considerations that underlie the judge's decision. Through this method, the researcher analyzes how judges assess and place the *Visum et Repertum* in the chain of evidence, particularly in

⁸ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif (Suatu Tinjauan Singkat)*, Jakarta, Rajawali Pres, 2010, p.g. 14.

Decision Number 652/Pid.Sus/2024/PN Btm.⁹

⁹ Peter Mahmud Marzuki, *Penelitian Hukum, Edisi Revisi, Cet. Kesepuluh*, Jakarta, Kencana, 2015, p.g. 158.

Result and Discussion

1. Legal Provisions and Position Regarding Visum Et Repertum as Evidence in Proving Criminal Acts of Sexual Violence Against Children According to Indonesian Legislation

As part of the reform of the criminal procedure system, Law No. 20 of 2025 enacted the Criminal Procedure Code, replacing Law No. 8 of 1981. This reform has brought about several changes in the criminal justice system, including changes to the rights of suspects and victims, as well as to the mechanisms for gathering evidence. Nevertheless, since the cases examined in this research were adjudicated prior to the promulgation of Law Number 20 of 2025 concerning the Criminal Procedure Code, the evidentiary framework and the judge's legal reasoning are analyzed in accordance with the provisions of the former Criminal Procedure Code, which constituted the applicable law at the time the cases were tried and decided.

Under the Indonesian criminal justice system, the stage of evidence plays a central role in determining criminal liability because it forms the main basis for the judges in reaching a verdict. It is through the evidentiary process that it can be determined whether a criminal act has actually occurred and whether the perpetrator can be held criminally responsible for their actions. Thus, the evidentiary aspect of criminal procedure law plays a central role in the judicial process.

Criminal procedural law places the search for material truth (*materiële waarheid*) at its core, namely the effort to find the broadest and most truthful account of the events examined in court. To achieve this goal, judges do not take a passive stance but actively explore, assess, and consider the evidence presented, so that the verdict handed down is based entirely on facts legally revealed in court and inspires confidence.

This characteristic differs from civil procedural law, which places greater emphasis on formal truth (*formele waarheid*). In civil cases, judges tend to be passive, examining and deciding only on the facts and arguments presented by the parties. When examining a case, judges may not expand their considerations beyond the events submitted to the court. Still, they must adjudicate according to what has been presented by the parties (*secundum allegata et probata*), so that their scope of action is more limited than in criminal cases.¹⁰

The evidentiary system applied in Indonesian criminal procedural law is governed by Article 183 of the former Criminal Procedure Code, which provides that: "A judge may not impose a penalty on a person unless, based on at least two pieces of valid evidence, he or she is convinced beyond a reasonable doubt that a criminal act has actually occurred and that the defendant is the only one guilty of committing it."¹¹

The system of evidence applicable in Indonesian criminal procedure law, as stipulated in Article 183 of the previous Criminal Procedure Code, is a negative system. It follows that the imposition of a sentence requires a minimum of two legally admissible forms of evidence, serving as the foundation upon which the judge's conviction is constructed before rendering a verdict. Therefore, a judgment of guilt cannot be based exclusively on subjective belief, but must be substantiated by lawful evidence. The judicial conviction is shaped through the assessment of evidence disclosed in court, and not through assumptions, conjecture, or factors external to the criminal procedure framework.¹²

Pursuant to Article 184 paragraph (1) of the former Criminal Procedure Code, lawful means of proof consist of those expressly recognized

¹⁰ Pratama, Muhammad Rizky Eka. "Peranan Visum Et Repertum Terhadap Kejahatan Kesusilaan Pemerksaan." *Jurnal Ilmiah Wahana Pendidikan* 10, no. 3, (2024): 521-527.

¹¹ Law of the Republic of Indonesia Number 8 of 1981 on the Code of Criminal Procedure, art. 183.

¹² Sari, Sabrina Nuraini, and Nella Septyani Suade. "Kewenangan Dokter Puskesmas dalam Visum et Repertum sebagai Bukti dalam Pengadilan Kasus Tindakan Kekerasan Seksual." *Jurnal Hukum Lex Generalis* 6, no. 7, (2025).

by statute, namely witness testimony, expert testimony, documentary evidence, indications, and the statement of the accused.¹³ Under his provision, the legislature has established a limited list of admissible evidence, and only this may be used in court proceedings. Thus, in rendering a decision, judges may base their considerations solely on evidence explicitly recognized and regulated by law. This restriction is intended to maintain legal certainty while preventing the admission of evidence lacking a clear legal basis.

Among the various types of evidence recognized, each has a different function and character of proof. In cases involving a person's physical condition, particularly sexual violence against children, the need for objective and scientific evidence is very important. Witness testimony is often limited, especially if the incident occurred without others present. In such situations, expert testimony and documentary evidence are relevant, particularly when they relate to the results of medical examinations recorded in a medical report.

An explicit definition of *Visum et Repertum* is provided in *Staatsblad Year 1937, Number 350*, which remains a reference in judicial practice today. In this regulation, the legal framework describes *Visum et Repertum* as a written statement prepared for judicial purposes (*pro iustitia*) and made at the official request of an authorized official. The report is drafted by a medical doctor based on the results of an assessment conducted on the relevant object or physical evidence, guided by the oath of office taken and the professional knowledge possessed.¹⁴

Visum et Repertum cannot be viewed solely as medical records, as is common with general health service documents. As a document intended for judicial purposes, a *visum* must be prepared in accordance with the criminal justice system's provisions and requirements. This means that, in

¹³ Suhardianto, Mas Dhanis Taufiqurrahman, and Muhammad Rusli Arafat. "Kekuatan Pembuktian *Visum et Repertum* Dalam Proses Persidangan Perkara Pidana Ditinjau Dari Hukum Acara Pidana." *Jurnal Hukum Positum* 7, no. 1, (2022): 83-94.

¹⁴ *Staatsblad Year 1937 Number 350*

addition to meeting medical standards for recording examination results, their preparation must also take into account legal evidence requirements.

Accuracy in preparing the *Visum et Repertum* is important for ensuring that the evidence presented at trial is valid and reliable. The doctor who prepares it must avoid errors in interpreting medical findings and ensure that all examination results are documented accurately and completely in the report. Well-organized documentation will help present medical information clearly, making it easily understood by the judge and the parties in court. In addition, the doctor who prepares the *Visum et Repertum* may be asked to appear as an expert to provide further explanations of the medical findings included in the report.¹⁵

Normatively, the legal basis for the existence of *Visum et Repertum* can be found in Article 133 paragraphs (1) and (2) of the old Criminal Procedure Code, which reads:

(1) "If an investigator, for the judicial process, is handling a case involving a victim who has suffered injury, poisoning, or death allegedly due to an event that constitutes a criminal offense, he or she shall have the authority to request expert testimony from a forensic medical expert or doctor and/or other experts;

(2) The request for expert testimony as referred to in paragraph (1) shall be made in writing, which shall clearly state that it is for the examination of injuries or the examination of a corpse and/or autopsy."¹⁶

The provision stipulates that, in the interests of the judicial process, law enforcement officials are empowered to obtain statements or expert assessments from doctors or forensic experts in cases involving victims who have suffered bodily harm, poisoning, or death allegedly arising from a criminal act. The request for such medical examination is required to be submitted in writing and to clearly articulate the intended purpose of the

¹⁵ Widagdo, Sabrina, and Hudi Yusuf. "Visum Et Repertum Sebagai Alat Bukti Dalam Pembuktian Kekerasan Seksual: Tinjauan Yuridis Normatif Terhadap Perlindungan Hukum Korban." *Jurnal Intelek Dan Cendikiawan Nusantara* 1, no. 2, (2024): 2885-2892.

¹⁶ See Law No. 8 of 1981 on the Code of Criminal Procedure, art. 133 (1) (2).

assessment (e.g., an examination of injuries, an examination of the body, or an autopsy).¹⁷

The public's understanding of Visum et Repertum's role and position in the judicial system remains incomplete. It is not uncommon for the families of victims to refuse to have a visum performed because they do not fully understand its urgency in proving criminal cases. On the other hand, when the Visum et Repertum is submitted as evidence, the document is often contested by the defendant through testimony given in court. Although experts issue the Visum et Repertum as an official document, the interpretations contained therein may differ from the facts.¹⁸

According to the framework of evidence applied in Indonesian criminal law, Visum et Repertum serves as an instrument that helps to scientifically explain the occurrence of a criminal act, particularly in cases involving physical or sexual violence. The relevance of a visum becomes even more apparent when the criminal act is directly related to the condition of the victim's body, requiring objective and measurable medical evidence.

The normative basis for treating Visum et Repertum as documentary evidence can be traced back to the old Criminal Procedure Code, which recognizes documents as valid evidence in criminal proceedings under Article 184, paragraph (1), letter c. The aforementioned rule is corroborated by Article 187 letter (c), which provides that the law recognizes the evidentiary value of a document if it is made under oath or reinforced by an oath. This category also includes written statements by experts, provided that the opinion is delivered based on their professional competence and that the expert opinion is issued upon a valid request. This formulation indicates that documents prepared by experts at the request of authorized officials and based on their professional competence have evidentiary value.

¹⁷ Yustrisia, Lola, and Azriadi Azriadi. "Peranan Visum Et Repertum Sebagai Alat Bukti Dalam Pembuktian Tindak Pidana Kekerasan Dalam Rumah Tangga." *Sumbang12 Law Journal* 1, no. 2, (2023): 157-164.

¹⁸ Cahyani, Ni Putu Mega, I. Nyoman Sujana, and Made Minggu Widianara. "Visum et Repertum Sebagai Alat Bukti Dalam Tindak Pidana Penganiayaan." *Jurnal Analogi Hukum* 3, no. 1, (2021): 122-128.

In this context, the Visum et Repertum fulfills these elements because it is formulated by a physician following an authorized request from the investigating officer and is based on an oath of office and the doctor's medical expertise.

A reference to the legal definition of Visum et Repertum in the Staatsblad, Year 1937, Number 350, clarifies that the stipulations contained in Articles 184 and 187 of the old Criminal Procedure Code provide a basis for legitimizing the visum as documentary evidence in criminal proceedings. Therefore, a visum is not only a report of medical examination results, but also a legal instrument formally prepared to support evidence in court (pro yusticia). Its preparation is commonly necessary in a range of criminal acts relating to bodily integrity, both against living and deceased victims, including in cases where body parts suspected of being related to a criminal incident are found. Thus, the Visum et Repertum in the criminal procedural law mechanism has a clear normative basis and is used to uncover facts regarding the victim's physical condition in a case.¹⁹

Based on this normative construction, Visum et Repertum is a form of documentary evidence with relevance and legal force in the criminal evidence system. As an official document prepared through legal procedures by authorized experts, the visum not only contains the results of medical examinations but also provides professional explanations of physical conditions and, in certain circumstances, may cover psychological aspects of the victim or object being examined. With these characteristics, the visum becomes an integral part of the evidence-gathering mechanism, particularly in cases that require scientific explanations to reveal the victim's condition objectively.²⁰

¹⁹ Sihombing, Imanuel, and Fitria Ramadhani Siregar. "Kedudukan Visum Et Repertum Sebagai Alat Bukti dalam Perkara Tindak Pidana Penganiayaan." *INNOVATIVE: Journal Of Social Science Research* 3, no. 4, (2023): 9366-9403.

²⁰ Andini, Tri Wani, and Hudi Yusuf. "Kedudukan Visum Et Repertum Sebagai Alat Bukti Dalam Sistem Pembuktian Hukum Pidana Indonesia." *Jurnal Intelek Insan Cendikia* 2, no. 7, (2025): 13137-13145.

Not every medical report explicitly contains physical manifestations of violence found on the victim. If the medical examination does not find or does not fully describe indications of violence, investigators are still obliged to take further steps to ascertain and prove the component of coercion through violence or the threat of its use as stipulated in the criminal provisions on which the charges are based.²¹

This explanation confirms that although *Visum et Repertum* is regarded as valid written evidence in accordance with criminal procedural provisions, its status is not absolute. Its probative value must still be placed within the framework of the evidence system as formulated in Article 183 of the old Criminal Procedure Code, which requires no fewer than two valid pieces of evidence, which must establish the judge's conviction. Consequently, a finding of guilt cannot be grounded exclusively on the *Visum et Repertum*, it must be considered alongside other relevant evidence. In this case, the judge has the authority to assess the probative value of the *visum* freely and responsibly, so long as the assessment is based on all the evidence presented at trial.

Since the new Criminal Procedure Code came into effect on January 2, 2026, the evidence system has undergone significant changes. Article 235 paragraph (1) of the new Criminal Procedure Code replaces the old Article 184 with 8 types of valid evidence:

Article 235 paragraph (1):

"Evidence consists of::

- a. witness testimony;
- b. expert testimony;
- c. documents;
- d. statements by the defendant;
- e. physical evidence;
- f. electronic evidence;

²¹ Ferreira, Agata. "Regulating smart contracts: Legal revolution or simply evolution?." *Telecommunications Policy* 45, no. 2, (2021): 102081.

- g. judge's observations; and
- h. anything that can be used for evidentiary purposes during court proceedings, provided that it has been obtained lawfully.”²²

This amendment removes "instructions," adds digital evidence and judicial observations, and introduces an explicit exclusionary rule in Article 235 paragraph (5) that allows judges to reject inauthentic/illegal evidence. *Visum et repertum* remains strong as a "letter" (letter c) and "expert testimony" (letter b), now supported by electronic formats.

The provisions concerning documentary evidence as formerly governed by Article 187 of the old Criminal Procedure Code have been broadened, notably to accommodate developments in digital documentation and electronic authentication. In the revised Criminal Procedure Code, these rules are reformulated in Article 235 paragraph (1) letter (c), affirming that documentary evidence may include a written expert statement expressing an opinion based on specialized knowledge, so long as it is delivered pursuant to a formal request by the competent authority. Meanwhile, Article 236 regulates witness testimony, and Article 237 regulates expert testimony in general, including both written and oral forms, with authentication verification. Thus, *Visum et Repertum* is still recognized as valid evidence both as a "document" and "expert testimony", supported by the recognition of electronic evidence and the principle of *vrij bewijskracht* (free to be assessed by the judge).

This change shows that, even though norms have been reformed, the essence of evidence has not undergone a fundamental shift. In fact, with the flexibility in the verification mechanism and recognition of electronic evidence, the evidentiary standing of *Visum et Repertum* in sexual violence cases has the potential to be further strengthened moving forward. A system of evidence that is more adaptable to technological developments can accelerate the evidence process and provide more space for judges to assess

²² Law of the Republic of Indonesia Number 20 of 2025 on the Criminal Procedure Code, art. 235 (1).

facts comprehensively and in a modern way, without abandoning the principle of prudence in passing judgment.

2. The Role of Visum Et Repertum in Proving Decision Number 652/Pid.Sus/2024/PN Btm Related to Criminal Acts of Sexual Violence Against Children

Within the framework of criminal adjudication, evidence holds a central function because it provides the basis for judicial evaluation of whether the alleged acts attributed to the defendant have been legally established. The evidentiary phase of the trial is therefore decisive in resolving the question of criminal responsibility through the assessment of the proofs submitted during the proceedings.²³ Without valid and adequate evidence, the trial process cannot achieve the objectives of law enforcement: finding the material truth and delivering a fair verdict.

Therefore, every element of a criminal offense charged by the public prosecutor must be carefully proven through the mechanisms and evidence specified pursuant to criminal procedural regulations. Provisions on the types of valid evidence are explicitly regulated in Article 184, paragraph (1), of the old Criminal Procedure Code, which serves as the main guideline for proving evidence in court.²⁴

One form of evidence recognized in these provisions is documentary evidence. In judicial practice, documentary evidence can take the form of various official documents that have probative value, including Visum et Repertum. A doctor prepares this document at the request of an investigator for legal proceedings and includes the results of medical examinations relevant to the case under investigation. This shows that Visum et Repertum

²³ Werembinan, Petrus Carol, and Widhi Cahyo Nugroho. "Keabsahan visum et repertum dan visum psikiatrikum sebagai alat bukti dalam penanganan tindak pidana pemerkosaan." *Journal Evidence Of Law* 3, no. 3, (2024): 284-291. <https://doi.org/10.59066/jel.v3i3.772>

²⁴ Kusuma, Wika Sita. "Tinjauan Tentang Visum Et Repertum Sebagai Sarana Pembuktian Tindak Pidana Pengguguran Kandungan Dan Pertimbangan Hakimnya (Studi Putusan Nomor: 242/PID. SUS/2015/PN. Kpg)." *Verstek* 6, no. 2.

is not merely a health document, but is a piece of evidence with legal value that supports the proof of elements of a crime in criminal court proceedings.

The existence of *Visum et Repertum* is significant in criminal cases, as not every criminal incident can be proven solely by the testimony of witnesses who experienced or witnessed it. In many cases, especially those that took place without the presence of other parties, the evidence is highly dependent on objective findings in the form of physical evidence obtained from the scene of the crime.²⁵ In the course of investigating the case, the police use the medical evaluation in the *Visum et Repertum* as a reference to assess whether the elements of a criminal act have been fulfilled, which then determines the steps and direction of the investigation.²⁶

Case Number 652/Pid.Sus/2024/PN Btm essentially concerns the examination of a defendant charged with committing acts of sexual violence against a child. Based on the description in the indictment, the acts were committed against a victim who was still a child, aged 13 years, so the case was classified as a special criminal offense subject to child protection provisions. The public prosecutor argued that the acts committed by the defendant were deemed to have met the legal elements of the crime as formulated in the relevant legislation governing violence or sexual relations involving minors.

In the trial, the public prosecutor sought to prove all elements of the alleged crime by presenting evidence as stipulated under Article 184, paragraph (1), of the old Criminal Procedure Code. The judge then assesses whether the evidence presented meets the minimum standard of proof specified in Article 183 of the old Criminal Procedure Code, namely the fulfillment of no fewer than two lawful means of proof recognized as valid

²⁵ Yustrisia, Lola, and Azriadi Azriadi. "Peranan *Visum Et Repertum* Sebagai Alat Bukti Dalam Pembuktian Tindak Pidana Kekerasan Dalam Rumah Tangga." *Sumbang12 Law Journal* 1, no. 2, (2023): 157-164.

²⁶ Pratami, Zahrah Putri Arum Nabilah. "Peran *Visum Et Repertum* Dalam Proses Penyidikan Tindak Pidana Perkosaan." *Jurnal Justitia: Jurnal Ilmu Hukum dan Humaniora* 8, no. 6, (2021): 1388-1399.

by law, which then leads to the judicial belief that the alleged crime actually occurred and that responsibility rests with the accused.

In this case, the evidence process relied on several pieces presented by the public prosecutor. One of these was witness testimony, including that of the victim, who was the main witness because she had personally experienced the events in question. In cases of sexual violence against children, the victim's testimony is often the central piece of evidence because the events generally occur without the presence of other witnesses.

In addition, documentary evidence was submitted, prepared at the investigator's request, containing the findings of the medical examination of the victim and furnishing an objective medical assessment of the victim's physical condition subsequent to the event. If a doctor is also present at the trial as an expert witness, then this information further strengthens the evidentiary value of the visum.

In the judgment rendered under Case Number 652/Pid.Sus/2024/PN Btm, the Visum et Repertum itself has several roles, namely as documentary evidence. It is explained in Article 184 paragraph (1) of the old Criminal Procedure Code that there are 5 types of valid evidence, namely:

- 1) "witness testimony;
- 2) expert testimony;
- 3) documents;
- 4) instructions; and
- 5) defendant's statement."²⁷

Under Article 187 letter (c) of the old Criminal Procedure Code, a document authored by an expert that sets out an opinion based on specialized knowledge and expertise, as long as it is prepared upon official request, is classified as a form of documentary evidence. Visum et Repertum meets these qualifications and therefore has the status of written evidence,

²⁷ See Law No. 8 of 1981 on the Code of Criminal Procedure, art. 184 (1).

the validity of which is recognized in criminal cases.²⁸ This provision shows that documents prepared by professionals at the official request of law enforcement officials have probative value as documentary evidence in criminal proceedings.

Visum et Repertum refers to a written document prepared by a medical practitioner containing conclusions drawn from a medical assessment performed by the practitioner. In certain cases, such as suspected rape, visum is used to assess the presence or absence of signs of sexual intercourse. The results of the examination are then used as one of the considerations for the judge in the examination process and in passing a verdict. Although the term Visum et Repertum is not explicitly mentioned in Law No. 8 of 1981 concerning the Criminal Procedure Code, according to the General Dictionary of the Indonesian Language, a Visum et Repertum refers to a sworn medical report drafted by a doctor, setting out the findings of an examination conducted on a person, either alive or deceased, intended to assist the court in the administration of justice.²⁹

In cases of rape or sexual violence, the elements of sexual intercourse and violence or threat of violence must be proven concretely. The existence of these elements is often insufficient based on verbal testimony alone and requires objective medical evidence. Based on the results of an examination documented in a medical report, the judge can assess the presence of relevant physical signs, such as wounds, tears, or other indications consistent with the alleged incident.³⁰

Based on Decision Number 652/Pid.Sus/2024/PN Btm, the Public Prosecutor based his indictment on Pursuant to Article 81 paragraph (3) of

²⁸ Sari, Muhammad Khairil, Ruslan Renggong, and Basri Oner. "Alat Bukti Visum Et Repertum Sebagai Pembuktian Dalam Tindak Pidana Kekerasan Seksual Terhadap Anak." *Clavia* 22, no. 1, (2024): 134-141.

²⁹ Aprilia Cahya Ningrum dan Dara Pustika Sukma, "Peran Visum Et Repertum dalam Tindak Pidana Pemerkosaan (Studi Kasus Putusan Pengadilan Negeri Sukoharjo Nomor 174/Pid.Sus/2023/Skh)," *Jurnal Pendidikan Dasar dan Sosial Humaniora* 3, no. 9, (2024): 711-717.

³⁰ Nasarudin, Annisa Nurfadhila, and Muhammad Rusli Arafat. "Peranan dan kedudukan visum et repertum sebagai alat bukti tindak pidana perkosaan." *Jurnal Ilmiah Wahana Pendidikan* 9, no. 14, (2023): 131-142.

Law Number 17 of 2016, which serves as the Second Amendment to Law Number 23 of 2002 concerning Child Protection. The indictment states that the defendant is suspected of deliberately committing actions characterized by violence, intimidation, trickery, ongoing false statements, or manipulative persuasion against a child, causing the child to commit or allow indecent acts to be committed, with the perpetrator having a family relationship with the victim.

Visum et Repertum Number XXX dated July 28, 2024, prepared by Dr. H. Indra Faisal, M.H., Sp.FM, as a forensic doctor at Embung Fatimah Regional General Hospital, has examination results that confirm the existence of old tears in the hymen reaching the base, which is medically assessed as the result of blunt force trauma through the vagina. Although no new injuries or signs of physical violence were found on other parts of the body during the examination, the presence of this tear remains medically significant as relevant evidence in the case and cannot be disregarded.

Forensically, the presence of tears in the hymen caused by blunt force through the vagina indicates that penetration of the victim's genitals occurred. This medical fact is consistent with the victim's statement regarding the act she experienced. Thus, the medical examination provides an objective basis that reinforces the victim's narrative and reduces the likelihood that the incident was merely an accusation without medical support.

The Psychiatric Examination Report (VeRP) prepared by Dr. Jhonny Prambudi Batong, Sp.KJ also shows signs or symptoms of stress reactions in the victim. Although no specific personality disorder can be determined, the findings show the impact of psychological conditions that are consistent with the experience of sexual violence. This situation further strengthens the chain of evidence that the victim did indeed experience the events as reported.

In Decision Number 652/Pid.Sus/2024/PN Btm, the medical examination report plays an important role as part of the evidence

considered by the panel adjudicating the case. The existence of the medical examination report not only functions as a form of documentary evidence in compliance with the provisions of Article 184(1) of the old Criminal Procedure Code, but also as a scientific instrument that provides an objective picture of the physical and psychological condition of the victim. Medical findings in the form of tears in the hymen and indications of stress reactions in the victim show that there is consistency between the results of the professional examination and the testimony given at the trial.

According to Article 183 of the old Criminal Procedure Code, the medical examination report does not stand alone as the basis for punishment, but in conjunction with other evidentiary materials. Even so, its influence on the formation of judicial conviction remains substantial, especially in child sexual violence cases where direct evidence is often limited. The coherence between the victim's statement and the medical findings serves as a decisive factor in persuading the court that the offense was indeed committed and that the accused is the offender.

The *Visum et Repertum*, in this case, also serves as substantial consideration for the judge in assessing whether the elements of the alleged offense have been met. Its role is not only formal, as documentary evidence, but also substantive, helping to reveal the material truth and thereby supporting a decision based on evidence recognized as valid under the law and supported by the judge's rational considerations.

Thus, when examined in light of the judicial reasoning in the case at issue, it may be concluded that the utilization of the *Visum et Repertum* as evidence is consistent with the framework of criminal procedural law and the principle of negative proof embodied in Article 183 in conjunction with Article 184 of the former Criminal Procedure Code, as well as the relevant provisions of Law Number 20 of 2025 on the Criminal Procedure Code. The medical examination report was not evaluated in isolation; rather, it was assessed and interpreted in connection with other evidence adduced at trial,

particularly the victim's testimony and the facts established during the proceedings.

The congruence between the medical findings and the victim's statement demonstrates that the panel of judges positioned the medical report proportionately, treating it as scientific evidence that reinforces the overall evidentiary construction. This indicates that, in the case concerned, the medical examination report was applied appropriately both formally, as documentary evidence, and substantively, as a rational foundation for the formation of the judge's conviction.

Conclusion

Based on the research findings and the analysis undertaken, it may be affirmed that, from a normative perspective, *Visum et Repertum* occupies a legitimate position as a means of proof within the Indonesian criminal procedural system. Under the former Criminal Procedure Code, it was categorized as documentary evidence pursuant to Article 184 paragraph (1) letter (c) in conjunction with Article 187 letter (c), and its application was further supported by Article 133 of the Criminal Procedure Code as well as *Staatsblad* 1937 Number 350, which provided the legal foundation for requesting medical expertise for judicial purposes. Its evidentiary strength, however, cannot stand independently; it must be associated with the presence of at least two lawful means of proof and subsequently reinforced by the judge's inner conviction, as required under Article 183 of the Criminal Procedure Code.

With the enactment of the new Criminal Procedure Code, the evidentiary regime has been refined and expanded. Article 235 broadens the scope of admissible evidence, while Articles 236 and 237 regulate documentary evidence and expert testimony, including those presented in electronic form. Consequently, the standing of *Visum et Repertum* remains acknowledged and is, in certain respects, further consolidated within a

modern evidentiary framework that is more responsive to technological developments and the practical demands of judicial proceedings.

In Decision Number 652/Pid.Sus/2024/PN Btm, *Visum et Repertum* played a substantial role in demonstrating the fulfillment of the elements of the charged offense. The medical findings—such as evidence of prior hymenal tears caused by blunt force trauma and indications of psychological stress as identified in the *Psychiatric Visum et Repertum*—served to corroborate the allegations set forth in the indictment. The harmony between the victim's testimony and the medical conclusions reinforced the prosecution's evidentiary construction and assisted the court in evaluating whether the statutory elements of the crime had been satisfied. This illustrates that the medical report functioned not merely as formal documentary evidence, but also substantively as a scientific basis underpinning the judge's legal reasoning and ultimate decision. Moreover, the medical assessment provided objective and scientific validation of the facts disclosed during trial, thereby minimizing uncertainty in cases where direct eyewitnesses are limited.

Supported by the regulatory framework of both the former and the new Criminal Procedure Codes, *Visum et Repertum* continues to assume a vital function in the pursuit of material truth, the protection of victims' rights, and the enhancement of consistency and quality in judicial reasoning, particularly in cases involving sexual violence against children.

In conclusion, the application of *Visum et Repertum* in this case reflects adherence to the evidentiary principles governing Indonesian criminal procedure, especially within the negative evidentiary system that requires the concurrence of lawful proof and judicial conviction prior to the imposition of a verdict. As documentary evidence, the medical report is essential because it provides an objective depiction of the victim's physical and psychological condition, thereby strengthening the overall evidentiary structure before the court. In practice, it is not relied upon in isolation, but is assessed in conjunction with the victim's testimony and other admissible

evidence to ensure coherence in the factual basis underlying the judge's conviction. Accordingly, the role of the medical examination report extends beyond that of a mere clinical document; it has developed into a scientific evidentiary instrument that significantly contributes to the realization of justice and the provision of legal protection for child victims of sexual violence.

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