



THE EVIDENTIARY VALUE OF VISUM ET REPERTUM IN RAPE CASES AND ITS RELATION TO THE LEGALITY OF ABORTION

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ABSTRACT

Rape is a serious crime that causes physical harm and deep psychological trauma to the victim. One of the main challenges in law enforcement is proof, as it often occurs without witnesses. This study aims to analyze the legal evidence of Visum et Repertum (VeR), its relation to the legality of abortion for victims, and the legal protection for doctors performing conditional abortion in Indonesia. Using a normative juridical method, the study finds that VeR is crucial as scientific evidence and an administrative requirement for conditional abortion, while also protecting victims' rights. Practical challenges include limited forensic personnel, examination costs, social stigma, and insufficient legal protection for medical practitioners. Legal uncertainties create doubts in implementing conditional abortion. The study emphasizes improving VeR quality, raising awareness of victims' rights, and strengthening legal protection for doctors to ensure justice and legal certainty.

Keywords: Visum et Repertum, Rape, Abortion Legality

1. INTRODUCTION

Rape constitutes one of the most serious forms of crime, producing profound physical, psychological, and social impacts on both victims and society. The incidence of rape continues to increase, not only in terms of frequency but also in the complexity of its modus operandi, ranging from threats, coercion, and deception to the use of narcotics or stimulants. Rape recognizes no boundaries of age or background, affecting adult women, children, adolescents, and individuals with physical or mental disabilities. Reported cases in Yogyakarta, Banyumas, Mojokerto, and North Jakarta illustrate that perpetrators often come from the victim's immediate environment, including family members, thereby causing prolonged trauma and severe psychosocial consequences.

Proving the crime of rape presents a significant challenge within Indonesia's criminal justice system, as it often occurs without witnesses. In this context, *Visum et Repertum* (VeR) plays a crucial role as a scientific instrument providing evidence of the victim's physical condition. VeR may reveal signs of violence, lacerations, or biological evidence that support the occurrence of non-consensual sexual intercourse. Its evidentiary value depends heavily on the timeliness and accuracy of medical examinations, the quality of documentation, and the ability of legal authorities to interpret medical findings appropriately.

One of the gravest consequences of rape is unwanted pregnancy, which compounds the victim's trauma. In Indonesia, abortion is generally prohibited, except under specific circumstances such as pregnancy resulting from rape, as stipulated in Law No. 17 of 2023 on Health. The implementation of conditional abortion requires strong medical evidence, including VeR, to safeguard victims' rights while providing legal protection for physicians. However, this process faces obstacles such as complicated administrative procedures, refusal of services by healthcare facilities, and ethical as well as legal dilemmas for medical practitioners.

This phenomenon reveals a gap between legal regulations and practical realities. Many victims struggle to access adequate healthcare or hesitate to report due to fear of stigma. Meanwhile, physicians tasked with carrying out conditional abortions often face legal uncertainty, ethical pressures, and litigation risks, which may delay or prevent the delivery of lawful and safe services. This underscores the need to strengthen the legal framework, raise awareness of victims' rights, and provide clear legal protection for medical professionals.

Furthermore, the rising number of rape cases involving pregnancy highlights the urgency of public education and awareness-raising regarding sexual violence. Enhancing the knowledge of society, law enforcement, and medical professionals about victims' rights is essential to ensure effective and equitable protection. A human rights-based and inclusive approach is key to guaranteeing that victims receive not only justice but also humane treatment throughout legal and medical processes.

Against this background, this study aims to analyze the evidentiary value of VeR in rape cases and the legal accountability of physicians in relation to conditional abortion. The research is expected to provide concrete and applicable recommendations for both the legal system and medical practice in Indonesia, thereby reinforcing victim protection and ensuring legal certainty for medical professionals.

In addition, attention must be given to inter-institutional coordination among the police, prosecutors, and medical practitioners to strengthen the effectiveness of VeR as evidence. Strong coordination ensures that medical evidence is collected promptly and accurately, reduces the risk of losing critical information, and accelerates judicial processes for victims. This also helps mitigate the

psychological burden on victims by fostering a more structured and victim-sensitive legal process.

Finally, the study emphasizes the necessity of enhancing the capacity and quality of forensic medical professionals in Indonesia. Intensive training on VeR procedures, documentation standards, as well as legal and ethical considerations, will improve the credibility of evidence and strengthen the position of victims in court. Optimizing the use of VeR will not only serve as an evidentiary tool but also as a vital instrument for realizing comprehensive legal protection and reproductive health rights for victims

2. RESEARCH METHOD

The research method employed is normative juridical, focusing on the analysis of primary and secondary legal materials to address issues concerning the evidentiary value of Visum et Repertum (VeR) in rape cases and its implications for conditional abortion. The research approach includes a statutory approach, namely the examination of all relevant regulations, and a conceptual approach, namely the analysis of legal doctrines, perspectives, and theories to understand related legal concepts and principles. This study is descriptive-analytical in nature, describing the legal conditions, objects, and systems while analyzing them through relevant legal theories to provide a comprehensive understanding of the evidentiary strength of VeR and its impact on the practice of conditional abortion in Indonesia.

3. RESULT AND ANALYSIS

The Law of Evidence Concerning Visum et Repertum (VeR) in Rape Cases

Visum et Repertum (VeR) constitutes one of the evidentiary instruments with a strategic position in the proof of rape cases in Indonesia. VeR provides a written statement from a forensic medical expert that details the victim's physical condition, thereby facilitating the collection of evidence in cases of sexual violence. Through this document, judges are able to assess the facts of the incident on the basis of objective scientific evidence rather than relying solely on the testimony of witnesses or the victim.

The primary function of VeR is as supporting evidence in constructing a chain of proof in criminal proceedings. In judicial practice, VeR strengthens the statements of witnesses and victims and establishes the causal link between the act of violence and its consequences, such as physical injuries or pregnancy resulting from rape. The existence of VeR enables judges to evaluate the causal relationship between the perpetrator's actions and the harm suffered by the victim, thereby facilitating law enforcement.

Although VeR is not a standalone piece of evidence, its role is pivotal in minimizing subjectivity within the trial process. VeR is scientific in nature and its accuracy can be verified through recognized forensic methods. This provides a stronger foundation for judges in rendering legal decisions, particularly in cases of rape that occur without witnesses or supplementary evidence.

VeR also carries significant administrative implications, especially in relation to conditional abortion for rape victims. This document serves as a legal requirement to prove that a pregnancy resulted from a criminal act, thus enabling victims to exercise their lawful right to abortion under prevailing regulations. Consequently, VeR functions not only within the domain of criminal law but also as a means of safeguarding victims' reproductive rights.

The accuracy and precision of VeR drafting are critical to its evidentiary strength. Forensic physicians must have a comprehensive understanding of both medical and legal aspects, including procedures for sample collection, documentation of injuries, and the assessment of signs of sexual violence. A well-prepared VeR facilitates judicial comprehension of factual circumstances and reduces potential ambiguities in court proceedings.

Nevertheless, the implementation of VeR in practice faces several challenges, such as the limited availability of forensic experts, the costs of examinations, and the time required to produce the document. Moreover, the social stigma attached to victims often discourages them from reporting, thereby impeding the availability of VeR. These challenges underscore the necessity of enhancing medical expertise, forensic facilities, and public legal awareness to ensure that VeR can function optimally as valid and effective evidence.

The Legal Evidentiary Power of VeR and the Legality of Abortion

The Visum et Repertum (VeR) holds a strategic role in two crucial domains, namely criminal law and the reproductive rights of victims. In the criminal context, VeR functions as scientific evidence that strengthens the victim's claims of sexual violence, particularly rape. This document assists judges in understanding the factual circumstances, assessing the causal relationship between the criminal act and its consequences for the victim, and reducing reliance on witness testimony, which is often limited.

Beyond its role in criminal proceedings, VeR also carries vital significance in protecting victims' reproductive rights. VeR serves as an administrative requirement to prove that a victim's pregnancy resulted from rape or other forms of sexual violence. This enables victims to access conditional abortion legally in accordance with statutory provisions, including Law No. 1 of 2023 on the Criminal Code, Law No. 36 of 2009 on Health, as well as Government Regulation No. 61 of 2014 and Government Regulation No. 28 of 2024 on Reproductive Health.

The legal evidentiary power of VeR is influenced by several factors. The victim's physical and psychological condition may affect the examination results, while the

frequent absence of witnesses often makes VeR the only valid piece of evidence. Moreover, the cost of medical examinations, which is not yet fully covered by the state, presents a significant obstacle for victims, particularly those from underprivileged families or remote areas.

The quality of VeR is critical to its effectiveness as legal evidence. A document that is prepared accurately and comprehensively by competent medical professionals will assist judges in assessing facts, reduce multiple interpretations, and strengthen the legitimacy of judicial proceedings. Conversely, an incomplete or inaccurate VeR can weaken the victim's legal position and hinder their access to conditional abortion rights.

Therefore, strengthening the legal framework and medical procedures related to VeR is of utmost importance. Enhancing the capacity of forensic medical personnel, subsidizing examination costs, and disseminating legal knowledge to both society and law enforcement officials can reinforce the evidentiary power of VeR. Through these measures, VeR can function not only as scientific proof but also as a crucial instrument for ensuring criminal justice and safeguarding victims' reproductive health rights.

Weaknesses of Positive Law in Providing Legal Protection for Doctors

The establishment The implementation of conditional abortion in Indonesia still faces several weaknesses in terms of legal protection for doctors as executors. Although the legal framework has been established through the Criminal Code (KUHP), the Health Act, and Government Regulations concerning Reproductive Health, ambiguities in the formulation of provisions create uncertainty. This lack of clarity makes it difficult for doctors to determine the safe boundaries of carrying out abortions, thereby generating significant legal risks.

The lack of clear requirements for the implementation of conditional abortion is a crucial factor that weakens legal protection for medical personnel. Doctors often face dilemmas in assessing whether a victim's condition meets the legal criteria for abortion. This problem is exacerbated by the absence of official guidelines on standard procedures and required documentation, making doctors' decisions vulnerable to being questioned in the future.

The absence of standardized mechanisms for doctor certification and health facility accreditation also worsens the situation. Medical personnel who perform conditional abortions without formal certification or in non-accredited facilities risk facing legal charges. This lack of standardization creates multiple interpretations in the application of law and generates uncertainty for medical personnel who are expected to perform their duties in accordance with legal and ethical norms.

Complicated evidentiary procedures serve as an additional obstacle. Doctors must ensure that the Visum et Repertum (VeR) and other supporting documents are complete to prove the legality of the abortion. Delays or deficiencies in the

preparation of such documents may trigger legal risks, which indirectly make doctors hesitant or cause them to delay performing conditional abortions, even though victims require immediate action to protect their physical and mental health.

Social factors further aggravate legal uncertainty. Stigma directed at rape victims and doctors who perform conditional abortions often generates public pressure and social risks. The lack of legal dissemination and training for medical personnel results in doctors being less prepared to face legal challenges or ethical conflicts, thus rendering legal protection less than optimal.

To address these weaknesses, clear regulatory reform, standard operational procedures for medical personnel, doctor certification, and health facility accreditation are required. In addition, enhanced legal dissemination, forensic and medical ethics training, as well as strong legal system support, can provide maximum protection for doctors performing conditional abortions. These measures not only protect medical personnel but also ensure that rape victims' rights to healthcare services and legal justice are fulfilled.

4. CONCLUSION

Based on the foregoing discussion, the following conclusions can be drawn: Visum et Repertum (VeR) plays a crucial role in proving the criminal act of rape in Indonesia, both as written expert testimony and as a primary supporting instrument in establishing the evidentiary chain of sexual violence and the legal basis for conditional abortion. VeR functions in the realm of criminal law as well as in safeguarding victims' reproductive rights, serving as an essential requirement to prove that a victim's pregnancy resulted from rape, in accordance with Law No. 1 of 2023 on the Criminal Code, Law No. 36 of 2009 on Health, and Government Regulations concerning Reproductive Health. However, the effectiveness of VeR is influenced by the victim's condition, the absence or limitation of witnesses, and the costs of medical examination. Legal protection for doctors remains limited due to regulatory ambiguities, complex evidentiary procedures, inadequate facilities and medical personnel, as well as social stigma, thereby creating legal uncertainty that affects both victims' rights and medical practice.

To strengthen the effectiveness of evidentiary procedures in rape cases and ensure the smooth implementation of conditional abortion, it is necessary to reinforce the procedures of Visum et Repertum (VeR) through a national standardization system that is simple, swift, and responsive to victims' needs. The government and relevant stakeholders must guarantee accessible, prompt, free, and high-quality VeR services, including in remote areas, through robust regulations, forensic health facilities, dedicated budget allocations, and regular training for medical personnel, investigators, prosecutors, and judges.

Furthermore, a comprehensive regulatory revision is required to clarify the conditions for conditional abortion, establish mechanisms for physician certification and health facility accreditation, and develop clearer and more affordable standard operating procedures (SOPs) for evidentiary processes in rape cases.

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