



THE ROLE OF VISUM ET REPERTUM EVIDENCE IN EXAMINATION OF ACTION CASES ABORTION CRIMINAL

(Study of Bantul District Court Decision Number 153/Pid.Sus/2022/PN.Btl)

Kiki Maharani Fadhilah¹, Tamaulina Br. Sembiring², Sumarno³

Universitas Pembangunan Panca Budi, Indonesia^{1,2,3}

*Correspondence: drgekikifadhilah@gmail.com, tamaulina_sembiring@yahoo.co.id,
sumarno@dosen.pancabudi.ac.id

Abstract

This gives rise to the intention to end the pregnancy and this is called abortion. Visum et repertum plays an important role as evidence in the judicial process, especially in abortion cases. The role of Visum et Repertum in determining material truth is very important and important, especially in criminal cases, considering the increasing number of criminals who hide their crimes from the law. The research method uses the qualitative analysis method, which is a way of analyzing data sourced from legal materials based on concepts, theories, statutory regulations or the researcher's own views. The aim of this research is to determine the criminal liability of perpetrators of abortion crimes, the validity of the post mortem et repertum as evidence in the process of proving the crime of abortion and the role of the post mortem et repertum evidence in the examination of abortion crime cases in Bantul District Court Decision Number 153/Pid .Sus/2022/Pn.Btl. In this research, three main theories were chosen to provide a strong and relevant theoretical foundation according to each focus of the chapters discussed, namely grand theory, middle theory and applied theory. This theory is very important because evidence is a fundamental element in criminal law, which plays a role in determining the truth of a criminal incident and identifying the party responsible for the action. Visum et repertum plays an important role in providing objective and scientific evidence to strengthen or evaluate the reliability of other evidence in litigation. The results of this research are: 1) Based on the Indonesian Criminal Code, abortion is a criminal act, except in certain conditions regulated in Articles 299, 346, 347, 348, and 349 KUHP.BTL, the abortion violates applicable legal restrictions and the perpetrator is declared criminally accountable. Courts consider several factors, including the perpetrator's intent and the circumstances in which the abortion was performed outside of legal exceptions, to determine the appropriate punishment for the offense. 2) Visum et repertum plays an important role in determining the crime of abortion, especially in Decision Number 153/Pid. Sus/2022/PN..

Keywords: *Abortion Crime, Visum Et Repertum, Case Examination, Role of Evidence*

INTRODUCTION

Law is a social phenomenon in society, one of which is a problem in the health sector. Society needs legal regulation in the health sector. Health law is a branch of law that is relatively developed and there is a regulation of a collection of regulations related to the provision of care and also its application to civil law, criminal law, and administrative law. Health is very important for every human being. Health is a valuable asset from anything.

In the abortion case at Bantul District Court, the visum et repertum is used as the main evidence to show that there was an illegal abortion procedure. The procedure involves a medical examination by a doctor, the preparation of a visum, and its use in court to support the charges against the perpetrator of the abortion. Verdict: In the abortion case at Bantul District Court, the court decides based on evidence including the visum et repertum. If the defendant is not satisfied with the verdict, they can appeal. However, specific information about the existence of an appeal in this case needs to be sought further in the court's verdict. The journey of an abortion case usually involves several stages: investigation, inquiry, preparation of the visum et repertum, court hearing,

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and judge's verdict. Each stage is important to determine whether the perpetrator is proven guilty or not based on the available evidence. Evidence is very important in criminal courts because without strong evidence, the judge's conviction cannot be formed. Evidence such as the visum et repertum provides a scientific basis for assessing whether a crime actually occurred and who is responsible. In criminal courts, more than one type of evidence is needed to support the judge's conviction. For example, the visum et repertum may be used together with witnesses, evidence, and the defendant's confession. Valid evidence must meet certain requirements such as relevance, reliability, and legal validity. Visum et repertum is one of the evidences that is considered valid if it is made by a competent expert, there is no manipulation, and in accordance with legal procedures.

Abortion cases are still widely found in society, but only a few are processed at the court level, partly because law enforcers still have difficulty in finding and collecting evidence in the field which affects law enforcement efforts in Indonesia. Many abortion perpetrators in Indonesia escape the clutches of the law because they are not supported by sufficient evidence.

On the contrary, Das Sein describes the reality or reality that occurs in the field, which is often different from what should happen according to the law (Das Sollen). In this context, Das Sein refers to how the visum et repertum is actually used in practice in court. This reality includes various dynamics and challenges that may arise, such as the possibility of engineering, manipulation, or even misuse of the visum et repertum in the legal process. For example, there are situations where the results of the visum et repertum may be influenced by various external factors that can damage the integrity of the evidence, such as pressure from certain parties or the lack of independence of the doctor who prepared the report. This can result in the use of the visum et repertum not in accordance with normative expectations (Das Sollen), thus affecting the overall judicial process. Das Sein shows that although there are ideal rules and standards, the reality can be very different, depending on the various social, political, and human factors involved in each case.

Visum et repertum plays an important role as evidence in the judicial process, especially in abortion cases. As a written statement made by a doctor after conducting a medical examination of the victim, visum et repertum is recognized as valid evidence and is regulated in criminal procedure law. This evidence provides medical information that can indicate the existence of unlawful medical actions, such as illegal abortions. In this context, visum et repertum is one of the main pieces of evidence that can be used by prosecutors and judges to determine whether a crime has occurred and who should be held responsible. The existence of this evidence is very important because it can be the basis for the court to make a fair and fact-based decision.

Although the visum et repertum is a valid and recognized evidence, in practice, judges may not always believe in the validity or accuracy of the visum et repertum. This can happen if there is an indication that the visum has been fabricated or manipulated. For example, if there is evidence that the doctor who prepared the visum is not neutral, has a conflict of interest, or if the results of the visum contradict other evidence presented in court, the judge may doubt the validity of the visum. Conditions such as these can cause the visum et repertum to lose its power as evidence, and the judge may choose not to use it as a basis for making a decision. This shows that in the legal process, not only the existence of evidence is important, but also the credibility and integrity of the evidence is very important in determining whether the evidence can be used as a strong basis for deciding a case.

RESEARCH METHODS

In this writing, the author uses qualitative analysis to analyze the data. Qualitative analysis is a way of analyzing data sourced from legal materials based on concepts, theories, laws and regulations, doctrines, legal principles, expert opinions or the researcher's own views. The data collection technique in the research that the author uses is library research, which is a research method used when prospective researchers are looking for answers to problem formulations in reading sources. The library research method involves collecting, analyzing, and synthesizing relevant information from various literature sources, such as books, journals, research reports, and legal documents. Data analysis is used to explain the mechanism for processing the data. So that it can be information or material used in research. The type of research in this paper is normative

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legal research. namely research that refers to legal norms contained in laws and regulations, court decisions and legal norms that exist in society.

RESULTS AND DISCUSSION

THE ROLE OF VISUM ET REPERTUM EVIDENCE IN THE EXAMINATION OF ABORTION CRIMINAL CASES IN THE DECISION OF THE BANTUL DISTRICT COURT NUMBER 153/PID.SUS/2022/PN.BTL

A. Case Position

The criminal case of abortion decided by the Bantul District Court with case number 153/Pid.Sus/2022/PN.BTL is an important role in showing how Indonesian criminal law handles abortions carried out outside the provisions of the law. Abortion in Indonesia, based on applicable law, is only permitted in certain situations, such as clear medical indications that threaten the mother's life or in cases of pregnancy due to rape, and even then it must be carried out in accordance with the conditions stipulated in the law.

In this case, the defendant is a woman who is suspected of having an illegal abortion with the help of a third party. The defendant was known to be pregnant out of wedlock and decided to terminate her pregnancy. Visum et repertum is evidence in the form of a written report prepared by a doctor or medical personnel after examining the victim or defendant. This report includes the results of a medical examination that can provide a picture of the physical condition of the victim or defendant, as well as indications of violence or other violations against the body. In abortion cases, visum et repertum can reveal medical evidence that shows an attempt to terminate the pregnancy that was carried out illegally. In the case of the crime of abortion decided by the Bantul District Court, visum et repertum is a very crucial piece of evidence. The role of visum et repertum in proving the crime of abortion is not only limited to revealing medical facts, but also in its contribution to strengthening the charges filed by the public prosecutor. In the criminal justice system, evidence is one of the important elements that must be met in order to be able to sentence the defendant. Evidence such as visum et repertum provides strong support for the charges by providing objective and reliable evidence of what actually happened.

B. Judge's Considerations in Bantul District Court Decision Number 153/Pid.Sus/2022/Pn.Btl

The decision of the abortion crime case with Number 153/ Pid.Sus/ 2022/ PN.BTL decided by the Bantul District Court, the judge's consideration is the main key in determining the final outcome of the trial process. This consideration includes an analysis of the evidence presented by the parties involved, the application of applicable laws and regulations, and moral and social aspects relevant to the case. This process is carried out to ensure that the decision taken is in accordance with the principles of justice and aims to have a positive impact on society.

1. Consideration of Evidence

The judge in this case paid special attention to the evidence presented by the public prosecutor, especially the visum et repertum prepared by professional medical personnel.

a. Legal Considerations

In his decision, the judge also considered various relevant laws and regulations, such as in addition to the Criminal Code (KUHP) and the Health Law. One of the articles that is an important reference is Article 194 of the Health Law, which stipulates that abortions carried out without fulfilling the requirements set by law are a criminal offense.

b. Moral and Social Considerations

c. In addition to legal considerations and evidence, the judge also considered the moral and social aspects related to this case. The act of abortion carried out by the defendant was considered to violate moral norms prevailing in society. The judge emphasized that abortion not only harms the defendant, but also violates the rights of the fetus which should be protected by law.

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- d. Final Verdict Based on the various considerations above, the judge finally decided to sentence the defendant in accordance with the applicable legal provisions. The sentence imposed takes into account the seriousness of the crime committed and its impact on the morals and society of society. This verdict reflects the court's commitment to upholding the law fairly and consistently, and protecting the rights of every individual, including unborn fetuses.

C. Author's Analysis of the Role of Visum Et Repertum Evidence in the Examination of Abortion Criminal Cases in Bantul District Court Decision Number 153/Pid.Sus/2022/Pn.Btl

In the criminal justice system in Indonesia, visum et repertum has a very significant role in the evidentiary process, especially in cases involving medical aspects such as the crime of abortion. In the case with decision number 153/Pid.Sus/2022/PN.BTL, visum et repertum is one of the main pieces of evidence that plays a role in ensuring the validity of the charges against the defendant. Through this analysis, the author will explore the vital role of visum et repertum in the examination of the case.

1. The Role and Function of Visum et Repertum

In criminal cases, including the crime of abortion, Visum et Repertum has several important roles:

a. Proving the Occurrence of the Criminal Act of Abortion

One of the main functions of the Visum et Repertum in abortion cases is to provide medical evidence as to whether an abortion has actually occurred. In this report, the doctor can record findings such as the presence of fetal remains in the victim's body, the condition of the uterus, or wounds that may have arisen as a result of the abortion. This evidence is very important to strengthen the charge that an abortion has been performed.

Visum et repertum serves as the primary tool in proving the occurrence of abortion crimes by documenting medical procedures, evaluating health impacts, providing legal evidence, and determining the legality of abortion. This document helps ensure that each abortion is in accordance with applicable legal and medical standards, and provides important information that can be used to investigate, prosecute, and try abortion-related criminal cases.

b. Identifying Abortion Methods

Visum et Repertum can also help identify the method used to perform the abortion. For example, if the abortion was performed illegally and violently, there may be physical signs indicating the use of certain tools or procedures that are not in accordance with medical standards. This information is important to determine the level of error and the intention of the abortionist.

Visum et repertum plays a very important role in the context of abortion as it helps ensure that the procedure is performed legally and safely. It also provides essential documentation for legal and medicolegal proceedings, as well as protecting the rights of patients in abortion cases.

c. Determining the Link Between Actions and Their Results

In some cases, the Visum et Repertum can help link the abortion to the impact or consequences suffered by the victim. For example, if the abortion causes serious complications or death, the medical report can show a causal relationship between the abortion and the victim's condition. This is important in the legal process to determine legal responsibility.

Visum et repertum serves as a bridge between medical action and its consequences in the legal and medical context. Detailed documentation of the procedure, evaluation of the medical impact, and its role as legal evidence ensure that the abortion action is assessed fairly and in accordance with applicable laws and medical standards. It also protects the patient's rights and assists in investigations in the event of complications or suspected malpractice.

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2. Relevance in the Judicial Process

Courts, Visum et Repertum is often used as one of the main pieces of evidence in examining abortion cases. Judges, prosecutors, and lawyers use this report to understand the victim's medical condition, evaluate the truth of witness or defendant statements, and determine whether the elements of an abortion crime have been met. Bantul District Court Decision Number 153/Pid.Sus/2022/Pn.Btl, Visum et Repertum helps the court decide whether an illegal abortion has been performed. The medical report prepared by the doctor is one of the pieces of evidence used to assess the validity of the claim and determine criminal responsibility. Visum et Repertum is not only supporting evidence, but also the key to uncovering the truth behind the abortion. As evidence, this medical report not only provides information about the abortion, but also explains the condition of the victim after the act, and links the abortion with the impact or consequences experienced by the victim.

One of the main functions of the Visum et Repertum is to prove that an abortion actually occurred. In cases of abortion, the report includes medical findings that may indicate that the fetus was removed from the mother's womb, either spontaneously or through medical intervention. The doctor performing the examination will note signs that indicate an abortion, such as the presence of fetal tissue or other signs that indicate that an abortion was performed. In cases of illegal abortion, where the procedure was not performed under legitimate medical supervision, the findings in the Visum et Repertum can be crucial evidence that reveals the method used and whether the act was illegal.

3. Describing the Condition of Victims After Abortion

After proving that an abortion occurred, the Visum et Repertum is also important in describing the condition of the victim after the abortion was performed. The report can include information about the victim's physical health, including whether there were any complications that arose as a result of the abortion. Unsafe abortions can result in infection, heavy bleeding, or even death. By documenting these conditions, the Visum et Repertum not only strengthens the evidence that an abortion was performed, but also shows the direct impact of the act on the victim. This information is crucial in assessing the extent to which the crime of abortion has harmed the victim and can affect the punishment imposed on the perpetrator.

4. Linking the Act of Abortion to the Consequences It Causes

The ability of the Visum et Repertum to link the act of abortion to the consequences is important to prove that certain consequences, such as physical damage or death, were actually caused by the abortion. If the victim suffers serious complications or dies after the abortion, the Visum et Repertum can provide medical evidence that shows that the condition was a direct result of the abortion. In the court process, this causal relationship is very important to determine the level of legal culpability of the perpetrator and to ensure that justice is served properly. The Visum et Repertum is often the evidence used by judges to assess whether the abortion was unlawful and whether the perpetrator can be punished for his actions. As objective medical evidence, the Visum et Repertum provides a strong basis for the prosecutor to show that the abortion not only occurred but also caused serious harm. The judge can use this report to decide whether the elements of the crime of abortion have been met and whether the punishment imposed is in accordance with the severity of the crime committed.

5. The Function of Visum et Repertum in Proving the Crime of Abortion

Law enforcement, especially in cases of abortion crimes, Visum et Repertum is one of the vital evidences, a report prepared by a doctor after conducting a physical examination of the victim or suspect, with the aim of revealing medical facts relevant to the alleged crime. Visum et Repertum provides medical evidence regarding the abortion process that has been carried out, both legally and illegally.

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6. Visum et Repertum as Important Evidence to Confirm Pregnancy Before Abortion Procedure

In the case of abortion, Visum et Repertum plays a crucial role as a medical evidence that can be used to confirm various aspects related to the alleged crime. One of the important functions of Visum et Repertum is to confirm the presence of pregnancy before the abortion is performed.

CLOSING

Based on the results of the research that has been conducted regarding the role of visum et repertum evidence in the examination of abortion criminal cases (Study of Bantul District Court Decision Number 153/Pid.Sus/2022/PN.Btl), there are several conclusions that can be drawn as follows:

1. In the Indonesian Criminal Code, abortion is considered a criminal offense except in certain conditions regulated in Articles 299, 346, 347, 348, and 349 of the Criminal Code. Abortion is only permitted if it is carried out to save the mother's life or in cases of rape with strict medical supervision. Bantul District Court Decision No. 153/Pid.Sus/2022/PN.BTL, the perpetrator was found criminally responsible because the abortion that was carried out violated the established legal limits. The court considered several factors such as the perpetrator's intention, the involvement of medical personnel, and the conditions of the abortion that was carried out outside the legal exceptions, so as to determine a punishment that was commensurate with the violation.
2. Visum et repertum plays a crucial role in proving the crime of abortion, especially in the Bantul District Court Decision No. 153/Pid.Sus/2022/PN.BTL. This medical report presents objective evidence regarding the victim's condition and the abortion method performed. The validity of the visum et repertum as evidence depends on the fulfillment of the correct procedural and substantive requirements, and must be prepared by competent medical personnel. In this case, a complete and procedural visum et repertum report succeeded in becoming one of the main pieces of evidence that strengthened the court's decision to determine the defendant's guilt.

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