



DOI: <https://doi.org/10.38035/jlph.v4i3>

Received: 29 Januari 2024, Revised: 21 Februari 2024, Publish: 18 March 2024

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## Role of Visum et Revertum And Provision in the Process of Civil Action and Proposal Of Coveration (Study Resolution Number 50/Pid.Sus-Kids/2023/PT Medan)

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**Abstract:** Proof is the most important thing in the judicial process, it is used to find the material truth that is the complete truth of a criminal case. In proof there are various means of proof such as testimony of witnesses, expert testimonies, letters, instructions, and indictments of the accused. In criminal acts of persecution, asylum, and murder, visum et repertum is often used as a means of proof in its proof. The study aims to identify and analyze the role of visum et repertum (ver) in the proof of a criminal offence under the Code of Criminal Procedure Law (KUHAP), and the function of visa et repertrum (ver), in the study of judgment No. 50/pid.sus-anak/2023/pt field). This research includes a type of normative jurisprudence that is supported by empirical research to obtain accurate or valid data. Based on the research carried out on the case study of judgment No. 50/PID.SUS-ANAK/2023/PT MEDAN) No.1267/ PID/B/2010/PN.JKT.BAR, it is a legal proof tool that has a connection to the judge in particular in decision-making. Nevertheless, the judge is free to judge the truth contained in the evidence of a letter issued by such an expert. Therefore, in deciding a matter, return to the judge himself, which is to be based on the reasoning and consideration of the law. Furthermore, as one of the means of proof referred to in article 184, paragraph (1) of the Covenant, the visa et repertum shall be the discretion of the judge and shall be used as a guideline or as a grip in delivering a sentence against the offender. For in the testimony of the expert, the testimony of the judiciary called Visum et repertum, so clearly described what really is the cause of a crime, whether it is persecution, serious injuries if resulting in death.

**Keywords:** Visa et Revertum, Criminal Proceedings, So on

### INTRODUCTION

Evidence in the Criminal Procedure Law is an attempt to obtain evidence through the means of evidence and evidence, in order to gain a belief in the truth of the alleged crime and to be able to know whether the defendant himself is not guilty. Evidence plays an important role in the investigation of a criminal trial. When a judge examines the case without finding evidence, it is clear that the judge will not be able to know and understand whether a crime

has occurred and whether the accused has actually committed the crime and is responsible for the event. The fact that the accused did not commit the alleged act must be proven as it is the most important part of the criminal proceedings, where human rights are at stake. What if the accused is found guilty of an offence by the evidence of the judge's conviction, but it is not true? When reviewed from the present Code of Criminal Procedure, the role of the testimony given by an expert or in Article 184 paragraph (1) of the Covenant referred to as "expert assault", is necessary in every stage of the investigation process to assist the duties of both the investigator, prosecutor and judge in the face of a criminal case such as the crime of murder, persecution, harassment and other criminal acts. In proof of a crime, the help of a doctor is essential. The role of doctors in finding the true truth in legal matters is very important and decisive. The role of a doctor in the proof of a criminal case, can serve as a witness, can also as an expert by giving testimony as a expert in his field. The description of the expert is essential because the accuracy of the results of the examination by the expert or the experts is guaranteed on the basis of his or her knowledge and experience in the scientific field. The description of the person this expert will be able to add data, and the judge in making his decision can base his legal consideration on the expert's statement. As a person who gives testimony in the framework of his expertise, then according to the IHAP, the expert statement given by a doctor whether the doctor is a forensic or non-forensic physician is called *Visum et Repertum*. *Visa et repertum* is a written statement made by a physician at the written request (official) investigator of the medical examination of a human being, whether alive or dead or part of the human body, is a finding and interpretation of it, under oath and in the interests of justice. The *Visum et Repertum* is made by someone who is expert in his field or has special abilities such as a doctor who is subject to Article 120 of the Covenant which in essence states that when the investigator considers it necessary then he can ask for the opinion of a person who is skilled or who has special ability and this expert takes an oath or pronounces a vow in front of an investigator. The problem formulation contains article questions that must be explained in the discussion and answered in the conclusion.

This *visa et repertum* is required by a victim of a crime consisting of both a living victim and a deceased victim. (1) "In the case of an investigator in the interests of the court dealing with a victim of either injury, poisoning or death suspected as a result of an offence, he is authorized to submit a request for expert testimony to a forensic doctor or doctor and or other expert." (2) "A request for professional testimone as referred to in paragraph (1) is made in writing, which in the letter is explicitly mentioned for the examination of wounds or exams of bodies and or surgical examinations of corpses."9 In addition to Article 133, the legal basis of the *Visum et repertum* is *Staatsblad* No. 350 Year 1937 and the Oath of the Department of Doctors.10 *Visa et repertoire* is made and required in the framework of law enforcement and justice efforts. The purpose of the *visa et repertum* is a plan given by a forensic doctor of what is seen and presented at the time of the examination objectively, as a substitute for the events that occurred and must be able to completely replace the evidence that has been examined by containing all the facts so that eventually a conclusion can be drawn. In practice, the creation of a *Visum et Repertum* is often carried out in a hurry on the grounds of the interests of the investigation, or there is a *visum et repertum* that is produced after the death of the victim and there is also a *visa et Reperrtum* which is not produced by an expert in the field. However, in the process of the settlement there was an obstacle because there was no agreement between the parties involved so the investigators recommended that the *visa et Repertum* be carried out against the victim and the examination is carried on only by the doctor who is serving in the hospital and not by a doctor who has expertise in the field of forensic medicine. Not all crimes require a *visa et repertum*. As stated in article 133, paragraph (1) of the Covenant, a *visa et repertum* is required for a criminal offence resulting in an injury. Crimes caused by poisoning, as well as crimes resulting in a person's death as a

result of murder, harassment and rape, are examples of cases where investigators need the help of experts such as forensics to provide a medical account of the victim's condition that can help the investigator to uncover a case. Visum et Repertum can be used not only in criminal investigations, but also in civil cases, for example, for applications for confirmation of change of gender status, claims on insurance and proof of child status.

## **METHOD**

The method of research used in this research is normative jurisprudence. Normative jurisdiction is an approach that is carried out on the basis of the main legal material by means of the theories, concepts, legal foundations and regulations related to this research. This approach is also known as a library approach, i.e. by studying books, regulations, laws and other documents related to the research. Regarding the return of evidence by the prosecution, which is not the whole of society understand how the process of return of proof of crime, then the author focuses on the nature of normative research, which will be supported with empirical research in order to obtain more accurate or valid data to support accurate data, the author takes judgment number 50/pid.sus-anak/2023/PT Medan, as a comparison related to the author's title.

## **RESULTS AND DISCUSSION**

### **Application of Visa Et Repertum (Ver) in The Provision of A Military Action In The Condition of Civil Law (KUHAP)**

Visum et repertum (VER) is the result of a doctor's examination of what he sees, what he grumbles about, and what he hears about someone who is injured, someone whose health is disturbed, and someone who died. It is hoped that the investigation will reveal the reasons for all that has happened in connection with the possibility of a criminal offence. In the examination by the judge at the trial, a criminal file, whether or not there is a Visum et Repertum, then the matter in question must still be examined and settled. The contents of the Visum et Repertum in the file of cases examined by the judge were handed over to the public prosecutor who, since the beginning of their handing over to him, tried to prove it in the hearing so that the judges' assembly was convinced of the alleged guilt of the accused. Visum et repertum can be said to be the primary means of investigating criminal acts that have caused human victims, both alive and dead. Visum et repertum has proof power in a criminal case, if the sound of the visum et repertoire has been read in court. Otherwise, the visa et repertum means nothing. It's because the visa is made with the oath of the department, visa is evidence, while the victim examined is evidence. The creation of the Visum et Repertum actually involves other doctors, namely:

1. The injured victim is examined by a surgeon; - the poison victim has a medical examination by an internist;
2. the victim of a criminal offence has a clinical examination of the obstetric and obstetrical physician;
3. the deceased victim examines the forensic physician. In article 184 of the Code of Criminal Procedure Law (KUHAP) it is stated that there are five (five) means of proof in a criminal case, namely:
  - i. Witness record;
  - ii. Expert record;
  - iii. Letter
  - iv. Instructions
  - v. Suspect record.

The status of the *visa et repertum* (VER) in the proofs referred to in article 184 of the Covenant is as a proof of the letter, and as a document has the same force as any other proof. By attaching a *visa et repertum* (VER) in a case file by the Investigator or at the examination stage in the prosecution process by the Prosecutor General, after sufficient evidence of the investigation of the criminal case alleged to the accused, and subsequently submitted to trial, the proof of the letter *visa et repertum* (Ver) includes the 'proof of validity' as referred to in Article 184 paragraph (1) sub b and sub e of the Covenant. The role of *visa et repertum* in the interests of the judiciary is of paramount importance in the case of proof relating to the status of *Visa et Repertum* as a valid proof as well as as a proof for expert testimony. In relation to the law of proof in criminal case law then the role of the testimony of an expert given by a doctor either as a forensic or non-forensic doctor or also *testimone* given by another expert is included as a means of valid proof as mentioned in Article 184 paragraph (1) of the Covenant which is as:

### **1. Expert description:**

- a. Expert records by forensic medical experts, specifically intended for wound examination, body examinations, body surgeries and corpse excavations. It is as stipulated in article 179, article 184 paragraph (1) y. art. 186 (The description of an expert is what an expert declares in court), yo.
- b. An expert's account by other members, i.e. a person who has special expertise on a matter to make a criminal case clear, clear, or clear for the purpose of investigation. Each of them testified orally in court. It is as set forth in article 1, paragraph 28, article 179, article 180 (par. (1). In case necessary to clarify the seat of a question arising in the court hearing, the judge chief of the court may request the testimony of an expert and may also request that new material be submitted by the interested party, Article 184 (1) letter b, Article 186 of the Covenant and its explanations.
- c. A description of an expert in the form of a 'report' by a forensic doctor or doctor and or other expert, on examination by an investigator or general prosecutor 'for the sake of justice' who deals with a victim of injury, poisoning or death allegedly resulting from a criminal act. If the testimony has been given under oath, it shall be equal to that of a witness under an oath pronounced at the trial, article 179, paragraph 2, article 184, paragraph 1, article 186. (Keterangan ahli ialah keterangan yang diberikan oleh seorang yang memiliki keahlian khusus tentang hal yang diperlukan untuk membuat terang suatu perkara pidana guna kepentingan pemeriksaan). If any of these judges are not present at the trial, their statements will be read.

### **2. Witness statement:**

A statement by a physician who is not a forensic physician and not other members given orally in court, including the criteria for the testimony of a witness as stated in Article 1, paragraph 27 of the Code of Criminal Procedure (witness statement is one of the means of proof in criminal proceedings which is a statement of the witness concerning a criminal event which he hears himself, he sees himself and he experiences himself by invoking the grounds of this knowledge) yo. Article 185 paragraph (1) (The testimony of a witness is what the witness says in court.).

### **3. Letter:**

A description by an expert doctor and not a forensic medical practitioner or other members given in writing. The criteria of the letter as expert testimony as laid down in Article 187 of the Constitution (a letter such as in Article 184 paragraph (1) letter c, made on oath of office or empowered by oath, is: a. news of events and other letters in official form made by the public official act made before him, which contains evidence of the

events or circumstances heard, seen or experienced by himself, accompanied by a clear and explicit reason about its superiority; b. a letter made in accordance with the provisions of the laws or letters made by an official concerning matters falling within the executive order of his responsibility and which are intended for the proof of a thing or a situation; c. a note of an expert who has an opinion based on his belief in a matter or situation that is officially requested from him; d. other letters can only apply if there is a connection with the content of another means of proof).

#### **4. Instructions:**

The statement by a non-medical judge given orally in court including the criterion as an indication when the statement itself is in agreement with each other about an act, event or circumstance or with the crime itself, has obtained an idea of the occurrence of the crime and who is the perpetrator. It is as set forth in article 184, paragraph 1, letter d, art. 188, paragraph (1): The indication is an act, event or circumstance, which by conformity, either with one another, or with the offence itself, indicates that a crime has been committed and who has committed it. In the case of a form of report' given by a physician not a forensic physician on examination by an investigator or a public prosecutor for the sake of justice, who deals with a victim of injury, poisoning, or death due to a crime. This written statement was read at the trial. In the case of an expert who gives his testimony in court because he refuses to take an oath or a vow and is not considered to be a valid proof, but the evidence can still be used to strengthen the judge's conviction. 161, paragraph (2), and its explanation: 'that the testimony is not included as one of the five (5) kinds of valid proof, but still has appreciation (nilai). No absolute should be excluded by the judge, because if it is mutually compatible and associated with the tools of evidence available, it still has value. "Al the testimony given by the doctor is not expert but it is necessary in proof of the mistake committed by a suspect.

The role of the Visum et Repertum (VER), within the law of evidence in criminal proceedings, is to include as:

- 1) Proof of letter; as provided for in article 184 (1) letter c and article 187 letter c of the Covenant: a letter of testimony of an expert who expresses his opinion on the basis of his expertise concerning a matter or circumstance that is officially requested of him.
- 2) Proof of expert testimony; 29 as provided for in article 184 paragraph (1) letter b of the Code. Although in the Code there is no obligation for the Investigator to submit a request for a Visum et Repertum to a doctor of forensic medicine or other doctor, but for the sake of examination of the matter and to clarify the procedure, if possible when there is a request made to a non-expert doctor, then the request should be accepted. (approved).

As with other means of proof, then such a Visum et Repertum made either by a forensic doctor or by a non-expert doctor, such a possibility is acceptable considering, that the position of evidence in the criminal proceedings is to support the conviction of the judge. In criminal justice proof is the most important thing, because from it can be known a person who is suspected of committing a crime will be found guilty or released. In the interests of such proof, the presence and completeness of the relevant means of proof in the case is essential. One of the means of proof presented in the trial is the visa et repertum as a written report made by a doctor on the basis of an oath at the request of a law enforcement officer in the interests of justice about all things seen and found on the victim's body according to the knowledge or knowledge that he possesses. This nature of evidence visum et repertum plays an important role in uncovering the perpetrators of such crimes, as well as revealing the true circumstances of the case. In his judgment everything is handed over to the judge in order to find the material truth of a criminal matter, including the judges' efforts in the business, who

if necessary ask for expert evidence. Describing an expert as a means of proof in a trial examination means what an expert stated in court. The statement of the expert may also be given at the time of the examination by the investigator or the public prosecutor in a form of 'report' and made in memory of the oath when accepting the office or job. Such a statement may be given after he has pronounced an oath or a vow before a judge (Article 186 of the Covenant and its explanation) or can be made after giving expert testimony. The value or appreciation of a proof of expert testimony in connection with the rules of proof in the law of criminal proceedings, is as a valid proof under Article 184 paragraph (1) of the Covenant is binding. For the expert who is asked to give a statement before the judge must be based on the oath or promise he has made. He shall be judged according to the oath or promise which he has made, that he may be honest, honest, competent, objective, non-particular, and that he should give an expert's testimony on the basis of righteousness. In the crime that resulted in the death of another person or the crime of murder. For a doctor or forensic physician of course a request for a Visum et Repertum on the basis of a complete examination, as is the case in the case of forensics surgeries of the doctors of Forensic Medicine, i.e. external and internal examinations (autopsy medico legal) accompanied by a complete laboratory examination (microscopic, biological, chemical) and modern, will be very helpful, more accurate and accurate for the clarity of a case, that is, in the examination of a trial on a matter (case matter, substance matter) concerned and very useful for the Judge (Court) in the making of its decision.

Visum et repertum is one of the five valid means of proof provided for in Article 184 (1) of the Covenant, that is, as a 'proof of letter', but when linked to Article 1 Stb. 1937 No. 350 can also be considered as an 'expert challenge', which is also a valid proof in accordance with Article 184(1) of the Constitution. By attaching the proof of visum et repertum in a file of the case to the News of the Examination Event by the investigator or at the stage of the examination in the prosecution process by the public prosecutor, once sufficiently stated the outcome of the investigation of the criminal case alleged to the accused and subsequently submitted to trial, then proof visum and repertum becomes included as 'valid proof tool'. Since visum Et repertum was a valid tool of evidence, when there was in the file, it means that visum & repertum should also be mentioned and considered by the Assembly in its judgment. Therefore, a visa et repertum in a criminal act is not as evidence, because it is not or is not made on the basis of the seizure (sita) or the object of a person. By attaching the evidence of the Visum et Repertum in a case file to the News of the Examination Event by the investigator at the stage of the investigation and in the prosecution process by the public prosecutor, after sufficient results of the examination have been stated, then submitted to trial, the proof of the Visa et Repertum becomes included as a valid means of proof. According to H.M. Soedjatmiko, as a written statement containing the results of an examination of a doctor expert on the evidence that exists in a criminal case, then visum et repertum has the following role:

This is as stated in article 184 paragraph (1) jo. article 187 letter c, as follows: article 184 (1): The valid evidence is: a. testimony of witnesses; b. expert statement; c. letter; d. instructions; e. indictment of the accused. article 187, letter c: a letter of explanation of an expert who has an opinion based on his knowledge of something or a situation that is officially requested from him."

II. Proof of the arrest of a suspect In a case that requires the investigator to carry out the detention of the suspect of the perpetrator of a criminal offence, then the investigators must have sufficient evidence to commit the act. One of the evidence is the result of a criminal act committed by the suspect to the victim. A visa et repertum made by a doctor can be used by investigators as a substitute for evidence to supplement a suspect's arrest warrant.

III. As judge's consideration Although the conclusion part of the visum et repertum is not binding on the judge, however, what is described in the Notification Section of a Visum et Repertum is a material proof of a result of a criminal act, besides, this Part of the Notice can be considered as a substitute for the evidence that has been seen and found by a doctor. Thus it can be used as a matter of consideration for the judge who is dealing with the case.

On the basis of the provisions of Article 183 of the Agreement, the wording is as follows: No judge may award a crime to a person unless with at least two legitimate means of proof, obtaining the judge's belief is not just a simple statement but a legal construction affirmed by a judge, after examining the material facts before the trial is a legal factor. That from the sound of article 183 of the Code adopts the system of "negative proof according to the law". The proof under the law is negative, an accused can only be declared guilty when the offence alleged to him can be proven by the means and means of proof that are valid according to law and at the same time the proof of the crime is "denied" by the conviction of the judge.

The judge's judgment of the evidence of witnesses is in accordance with the means of evidence of a letter or visa et repertum, the value of the probative force of the testimony of a witness is given at the time of the trial and can be given with oath or without oath. It can be stated as a valid evidence when there is a mutually reinforcing relationship about the truth of a particular circumstance. The truth of a witness' testimony must relate to the truth of what actually happened. According to article 185 paragraph (6) of the Covenant, in judging the truth of a witness' statement, the judge must pay serious attention to: (1) the correspondence between the testimony of one witness and the other; (2) the correspondance between the testimonies of witnesses and other means of evidence; (3) the reasons that the witness may use to testify; (4) the way of life and the condition of the Witness, and everything that can generally affect the fact that the evidence is untrustworthy.

According to the judge's testimony, the means of proof, which is a Visa et Repertum, is well seen from the manner in which the material is produced, and shows that there is a relationship between the action of the defendant and the consequences caused to the victim who has suffered physical loss, the letter proof or Visum et repertum has a strong proof power in a criminal case when the sound of the Visa has been read in front of the trial. The jury's attachment to the Visa et Repertum as a valid document proof can be seen at the time that the jury receives the conclusions of the Visum and Repertoum given by the doctor who examines the victims, the judges can take over the conclusion and supported at least one other proof plus the conviction that there has been a criminal act of murder planned beforehand and that the suspect is guilty of committing it, then based on the visa et repertum in trial, a judge has the authority to impose a penalty on the person and release the person who is not in conformity with a criminal system according to the criminal-legal system in Indonesia.

### **Function Visum Et Repertum (Ver) In Decision Study Nomor (50/PID.SUS-KIDS/2023/PT Medan)**

The judge as an examiner tries and decides a case in settling a case on a judgment that has been ordered by the judge's assembly that cannot be intervened. Except, by way of appeal or cassation. The judge in issuing the judgment must have at least two testis pass testis proofs/one proof is not proof. In proof at the trial, the judge referred to section 184 of the Covenant, where a visa is one of the means of evidence in the form of a letter. Visum et Repertum is a well-known term in forensic medicine, commonly known as a visa. A visa comes from the Latin, its only form is a visa. From an ethymological or grammatical point of view, the word visa means a sign of sight or sight which means the signature of evidence of everything that is found, approved, and confirmed, whereas Repertum means reporting which means what has been obtained from the medical examination of the victim. Visum et

Repertum is closely related to Forensic Medicine. About this discipline, where you are known as Forensic Medicine. R. Atang Ranoemihardja explains that Forensic Medicine is the science that uses the knowledge of Medicine to assist justice in both criminal and other matters. (perdata). The purpose and duty of Forensic Medicine is to assist the police, prosecutors and the judiciary in dealing with cases that can only be solved by medical science. According to R. Atang Ranoemihardja the purpose of the Visum Et Repertum is a plan (report) given by a forensic doctor about what was seen and presented at the time of the examination objectively, as a substitute for the events that occurred and should be able to completely replace the evidence that has been examined by containing all facts so that eventually instead of drawing a conclusion. Visum et Repertum is a written report made by a physician on the basis of an examination of a person or suspected person, on the written request of the authorities, and made in the light of the oath of the office and the KUH. (Kitab Undang-Undang Hukum Pidana). The essence is a written report of what is seen and found in a deceased or a living person to find out the cause of death or injury as done at the request of an investigator in the interests of justice and to make an opinion from the perspective of forensic medicine. In a settlement of a rape criminal case, the existence of the Visum et Repertum is imperative, the investigator in this case is just like the medical professionals to be able to find evidence to justify that the victim has been sexually assaulted or abused. The findings in the Visum et Repertum can be a starting point for investigators to undertake further investigations in uncovering a rape crime case. The existence of the Visum et Repertum is important for the completeness of the rape criminal file that is made and handed over to the investigator to the public prosecutor. According to the results of the Visum et Repertum examination carried out by the doctor, all such facts or facts can then be drawn a conclusion then on the basis of his opinion based with the best knowledge based on his expertise and experience it is expected to help the resolution of the revelation (tree of the matter) become clear and it is submitted to the judge fully. The role of Visum et Repertum in the investigation of a rape offence is not only to help investigators to uncover rape crimes, but it is also important in the examination of trial cases because the Visum and Repertum is a valid tool of evidence, made on the basis of the oath of a doctor's office, which serves to give conviction and consideration to the judge in examining and resolving a case. Next, the author will present briefly, the basis of the judge's decision of the case No. 50/PID.SUS-ANAK/2023/PT MEDAN) as follows:

That the Son of MSA together with the Son BA (separate prosecution), the Son WFA (seperate proceedings) and the Son EI (serapaate prosecutions) on Monday, September 4, 2023 around 10.30 PM or at least at any other time in September 2023 or at the very least in 2023 were located in the Village Banjar I Kelurahan Kotapinang District of Labuhanbatu South district, exactly within the House of the Child MSA or not at least belonged to the jurisdiction of the Rantauprapat State Court which is competent to judge, committing a criminal offence "anyone who deliberately commits fraud, a series of lies, or persuades the Son to engage in sexual intercourse with or with others, those who do, who command to do, and who accompanies the act". That the offence resulted in the child of the NH victim suffered a rupture in the virgin membrane that reached the bottom direction of twelve, ten, two and eight as described under Visa Et Revertum No. 445/119/UPT.RSUD/ I/2023 on September 7, 2023, which was signed and made by Dr. Esi Srijayanti as a Doctor Inspector at the UPT. Child acts as regulated and threatened in Article 81 para. (2) of the Law of RI No. 17 Year 2016 on the Establishment of Government Regulations Replacing the Law No. 1 Year 2016 On Second Amendment of the Act No. 23 Year 2002 on the Protection of Children. Read the Decree of the Deputy Chairman of the High Court of the Field No.:50/Pid.Sus-Anak/2023/PT MDN on 1 November 2023 concerning the appointment of the Judge's Assembly; Read the Letter of Appointment of a Replacement Panitera by the Panitero



of the high court of the field No. 50/PID.SUS-Aanak/2023 /PT MND on 1 Nov. 2023; Read Decision of the Supreme Prosecutor of the State Prosecution of the Prapat Region No.50/PIDS-Anek No.2023/PNMDN on 2 Nov. 2023, concerning determination of the date of the trial; Read documents and other relevant criminal letters; Read The Prosecutors' Claim of Condemnation by the General Prosecutor to the Prosecuting Council of the Territory of Prapat as follows: 1. Declare that the MSA child has been legitimately and convincingly guilty of committing a criminal offence “contributing and committing abuse against a child” in violation of Article 81 (2) of the RI Law No. 17 of 2016 on the Implementation of a Procedure of Amendment to the Law No.1 of the Government of the Year 2016 (1) to have paid the costs of child protection during the Second Year of 2002 (No. (lima ribu rupiah).

Therefore, we of the Team of Legal Advisers have a legal view and agree with the decision of the State Court of Rantauprapat Number: 11/Pid.Sus-Anak/2023/PN Rap, on October 9, 2023 which has imposed the sentence “return to the parents” because of the fact that the position of the MSA Child is still/at school also entitled to the protection and rights regulated by the provisions of the laws; Considering that, likewise, the judge of the First Instance Children’s Court has properly and correctly in formulating the qualification of the criminal act committed by the Child has been legitimately proven and convicted of guilt, namely: “Continued attempt to persuade the Child to engage in his or her sexual intercourse”.

Considering, that such a name of the Punishment of Advocacy which has been imposed on the Child Judge of the First Instance Court against the Child, according to the Appellant's Children's Judge is still too light and not satisfying the sense of justice, with the consideration as follows; that the Child and his colleagues (separate files) have planned a week earlier to commit the uncomprehensible act, so that the thinking of the Child (17 years old) who according to law is still under Age, but has equated the thoughts or behaviour of an adult who can understand what is good or bad.Considering, that on the basis of the facts before the trial and the Visum Et Repertum, in addition to the criminal acts committed by the child jointly and openly, as well as because of the acts carried out by the Child against the victim have caused trauma to the victims, Considering; that based on the above consideration and taking into account the things that are lightening and harassing for the Child, then in the case of aquo the High Court considers that the mediation against and the consequences of acts of the Child in conflict with the law must be applied to the sense of justice both to the child victim and justice in society, thus it is fair and fair that the Child will be sentenced to imprisonment equal to the penalty for his actions as in this judgment; Considering that because the Child is imprisoned then be charged the costs of the case in the second instance of the Court;

- a. Declare the MSA child above, legitimately prove and convict guilty of the criminal offence “Try and persuade the child to engage with his mate” as in the second alternative indictment; 2. Criminalize the child therefore with imprisonment in the Institute of Special Development of the Child (LPKA) Class I Field for 6 (months) and criminal training work for 3 (three) months;
- b. Establish the time of arrest and detention that the child has lived is reduced entirely from the penalty laid down;
- c. Establish the child so that it remains in detention;
- d. Charge the child in two levels of the Court at the rate of appeal of Rp2.500,00 (two thousand five hundred rupees); Thus, on the basis of judgment No. 50/PIDUS-ANAK/2023/PTAN MEDAN) the purpose of the Visum Repertum is to make the facts that occur in the criminal act accurate to the victim, so that all the evidence on the circumstances can be supported by the judge, and so that the evidence can be found on the grounds of such statements.

## CONCLUSION

That the establishment of a visa proof is one of the evidence in the form of a letter, as regulated in article 184 of the Covenant, where the visa is signed by a doctor as an officer based on the code of ethics of a doctor. The judge is not bound by the *Visum et Repertum* but also does not force, in the case of seeking the material truth, when the *visum et repertum* does not exist, not to obstruct the trial process but the judge must not ignore the existence of the *Visam et Repertoum* because the *Visem et Repertaum* is only as an additional means of proof and is the presentation of the means of evidence of the letter valid under the law. Case study of judgment No. 50/PID.SUS-ANAK/2023/PTMEDAN)NO.1267/Pid/B/2010/PN.JKT.BAR, is a legitimate proof tool that has relevance to the judge in particular in decision-making. The judge is free to judge the truth contained in the evidence of a letter issued by the expert. So in deciding a case must be based on the reason and the legal consideration of the judge himself. Furthermore, under article 184, paragraph (1) of the Covenant, *visa et repertum* shall be the discretion of the judge and shall serve as a guideline or handle in delivering a sentence against the offender. Because in this expert testimony called *Visum et repertum*, it explains what is actually the cause of a crime, whether it is persecution, severe injuries to severe wounds that result in death.

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