

The position of visum et repertum and the legal consequences of refusal of autopsy by the families of crime victims

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Abstract

Indonesia is a rule of law country that requires all aspects of life to comply with the laws and regulations applicable in its territory. The involvement of law enforcement in the investigation of criminal acts is very important to legally determine the occurrence of criminal acts, determine the sequence of events, identify the motives behind criminal acts, and identify the tools used to commit criminal acts. Visum et Repertum is a type of medical evidence used in the judicial process in Indonesia. Rejection of autopsy procedures by victims' families often occurs and is a matter of debate in the Indonesian legal system. Refusal of an autopsy by the victim's family can hamper the investigation and evidentiary process in complex criminal cases. The legal implications of refusing an autopsy can affect the continuity of the legal process and justice for all parties involved. Therefore, legal protection for the position of Visum et Repertum needs to be strengthened by considering the interests of the legal process and benefits for the wider public interest. The method used is normative analysis which uses a legislative approach and examines relevant cases. The data used comes from secondary sources, especially library research which includes laws, court decisions and other relevant publications. The aim of this research is to analyze the role of Visum et Repertum as evidence in criminal procedural law and the legal consequences of the victim's family's refusal to carry out an autopsy. The research results show that Visum et Repertum has a crucial role as valid medical evidence in the criminal procedural legal process. Nevertheless, several concrete steps have been taken to improve the implementation of criminal law in this regard.

Keywords: Visum et repertum, refusal to autopsy, crime victims

Introduction

Crime is an action that violates ethical and moral norms. When someone commits a crime, it will definitely have a significant negative impact on other people who are subject to the law. One form of crime that often occurs around us is violent crime. The rise in criminal acts that occur from various sources is an indication that there is a close connection with irregular community behavior, which is characterized by inadequate education and the negative impact of an unfavorable social environment. Conflict, both individual and collective, can trigger violent criminal acts that lead to unlawful acts. In the judicial process, the examination of a criminal act primarily aims to reveal the material truth related to the case. This can be seen from the various efforts made by law enforcement officials to obtain the evidence needed to uncover a case, both at the initial examination stage, such as investigation and prosecution, and at the trial stage ^[1]. The role of law enforcement in investigating criminal acts is very important to legally determine the occurrence of a criminal act, determine the sequence of events, identify the motive behind a criminal act, and identify the tools used in its implementation. Therefore, it is very important to collect strong evidence to hold the perpetrator accountable for his actions within the limits of the law. This involves carrying out thorough inquiries and investigations, moving on to resolving legal issues and ultimately reaching a verdict in court. Based on the Criminal Procedure Law, every acceptable piece of evidence has the same legal weight, as determined by its usefulness in assisting the judicial process as a whole and the investigative process in particular.

If judges have doubts regarding murder or crimes involving the human body or soul, they have the authority to call expert witnesses in court to provide insight into the crime in

question. Due to the limited expertise of investigators, judges, and prosecutors in the medical field, they may not have the understanding necessary to effectively handle criminal cases involving the human body, such as cases of assault, murder, or suicide. Specialized knowledge in Forensic Medicine is necessary to participate effectively in the investigation of criminal cases involving the physical well-being and life of a person. Forensic medicine is a scientific discipline used for legal purposes, through which it provides empirical evidence that can be used by courts to solve crimes. It is important to realize that law and medicine cannot be separated when it comes to establishing the truth of a matter ^[2].

Forensic specialist doctors play an important role in helping law enforcement officers uncover the factual facts of a criminal case relating to the physical and psychological aspects of the human body. The presence of a forensic specialist Doctor whose job is to carry out examinations of crime victims or murder suspects is an aspect that cannot be ignored and cannot be ignored in the legal system, as mandated in the Criminal Procedure Code. The results of an autopsy examination or Visum Et Repertum can be submitted by medical personnel as scientific evidence or expert testimony in court. Visum et Repertum is a written statement given by a doctor detailing the results of observations and findings from examinations of injured or deceased victims ^[3]. Visum et Repertum effectively links the fields of medicine and law by providing official documentation of medical examinations performed on living or deceased individuals, as well as on suspected body parts or body parts. These examinations are conducted by knowledgeable professionals who testify under oath to uphold justice.

In the autopsy process, the family plays an important role in conveying any complaints they may have regarding the process. According to Article 134 of the Criminal Procedure Code, if an autopsy is considered important for collecting evidence and cannot be avoided, investigators are obliged to notify the victim's family first. Furthermore, investigators are required to provide a clear and concise explanation to the family regarding the motive and purpose of the autopsy. If the family does not respond within two days after receiving the explanation, the investigator has the authority to immediately impose restrictions as outlined in Article 133 paragraph (3) of the Criminal Procedure Code. However, in reality, many families refuse and protest when autopsies are proposed for murder victims. This denial hinders investigations into the truth or facts surrounding crimes involving allegations of unnatural death. An autopsy, which can determine the cause of death, will provide important evidence to determine whether a death previously thought by the family to be natural was truly the result of a criminal act. Furthermore, relatives who obstruct or impede the autopsy procedure may be subject to sanctions under Article 222 of the Criminal Code.

Generally, rejection of autopsies in society is mainly driven by religious or ideological beliefs, humanitarian issues, and lack of public awareness of the benefits of autopsies. Many people have the mistaken opinion that the purpose of an autopsy procedure is to remove the body organs of a deceased person and then buy and sell them. In fact, this assumption is wrong, as stated by Abdul Mun'im Idries, a well-known Indonesian forensic expert. Autopsies performed on murder victims have the primary goal of upholding justice, not to resolve unrelated issues such as insurance claims. An autopsy can provide valuable information regarding the cause of death, as well as the manner of death, which includes homicide, suicide, accidental death, or death due to disease. Autopsy results are very important in judicial procedures, starting from the investigation stage to prosecution and trial. The judge determines a criminal decision based on an assessment of the evidence presented in the trial. To determine the crime of rape, this can be done by asking a specialist, for example a doctor, to provide evidence and evidence. The doctor has the authority to act as a power of attorney and can also issue a letter called a Visum et Repertum. Making a Visum et Repertum provides full accountability to doctors as implementers in the field, assists prosecutors in determining the charges to be brought against defendants, and assists judges in determining the accuracy of facts when deciding criminal cases. The physician is actively involved in presenting an expert view based on his or her extensive expertise gained from reviewing the situation. The formulation of the problem that will be studied is: What is the position of the Visum et Repertum as evidence and the legal consequences if there is a refusal of an autopsy by the victim's family?

Methods

The research method used in this research is Normative Juridical, with field research, namely examining applicable legal provisions and what happens in reality in society, namely applying a statutory approach, by understanding the laws relating to the content and regulations of the problem. Apart from that, it uses a conceptual approach and a case approach.

Discussion

Victims of crime

Crime in society creates victims and perpetrators. Crime victims are individuals who suffer the most losses if a criminal act occurs. There are several definitions of victims, which come from various explanations related to victims. Experts have proposed several definitions of victim, originating from international conventions that discuss the concept of victim. Some of these definitions are as follows:

1. Arif Gosita defines a victim as an individual who experiences suffering, both physical and spiritual, due to the behavior of other people who prioritize their own interests or the interests of other people rather than the basic human rights of the person who is harmed.^[5]
2. Romli Atmasasmita, the victim, suffered losses and experienced neglect from the State. Victims have attempted to prosecute and legally punish the individuals responsible for these acts of violence^[6].
3. Initially, victims refer to individuals or groups who have experienced various forms of harm, such as physical or mental harm, emotional harm, economic loss, or significant violations of their basic rights, as a result of actions or omissions that violate criminal law in each country, including cases of abuse of power^[7].

By referring to the definition of victims mentioned above, it becomes clear that victims do not only include individuals or groups who directly experience loss or suffering as a result of certain actions, but also extend to include immediate family members or direct dependents of victims, as well as individuals who experience losses. when helping victims overcome their suffering or preventing victimization.

Explanation of evidence in criminal offenses

In the context of criminal law, evidence is any material or information used to establish or strengthen an incident or fact that is relevant in a criminal process. Evidence can be in the form of documents, witness statements, real evidence, recordings, and other similar media. The use of this evidence is very important in the investigation and trial process.

According to Article 184 paragraph (1) of the Criminal Procedure Code, there are five categories of evidence that can be accepted in criminal law:

1. Witness testimony: Witness testimony often contains stories of criminal acts that were not witnessed, heard, or directly experienced by the witness himself.
2. Expert Statement: This is an expert opinion regarding matters that require special knowledge, such as medicine, forensics or other sciences.
3. Letters: Includes written documents that are relevant to the case, such as certificates, contracts, or other evidence.
4. Clues: These are clues or signs that help direct an investigation or prove a fact.
5. Defendant's statement: In the form of a confession or explanation from the defendant regarding the events that occurred.

In criminal law, the use of evidence is regulated by several important principles, including

1. Material Truth: In a criminal trial, the purpose of evidence is to ascertain the truth of the facts, namely

- objective truth. The judge uses evidence to build an accurate picture of the events that occurred ^[8].
2. Strength of Evidence: Evidence is very important in determining the defendant's guilt. Judges have the responsibility to verify that the evidence presented is impartial and reliable before using it to make a decision in a case ^[9].
 3. Judge's Obligations: Judges are prohibited from convicting someone of a criminal offense unless there are at least two valid pieces of evidence. This is done to ensure the maintenance of truth, justice and legal certainty ^[10].

Position of visum et repertum as evidence

Visum et Repertum is a certificate from a doctor regarding the death of a person and the cause of death ^[11]. Visum et Repertum is a term that is widely known in the field of forensic medicine. Even though the term "Visum et Repertum" is not expressly mentioned in the Criminal Procedure Code, the existence of this term is closely related to the legal basis that regulates it. Another legal basis used in preparing the Visum et Repertum is Staatblad 1937 No. 350 and the Doctor's Oath of Office. Visum et Repertum is a written report prepared by a doctor which contains a complete description of the results of observations and findings obtained from examining evidence. The report contains conclusive statements that can be used for legal purposes.

Visum et Repertum is a *relaas*, a plan and a version of the examination of evidence, so Visum et Repertum is a complete replacement for the evidence being examined. Visum et Repertum must be able to completely replace the object being examined and which is used as evidence in a criminal action. This must be fully realized ^[12]. A criminal case where the evidence is in the form of a human body, for example wounds on a person's body will always change, such as healing or even rotting. Such a state of the human body will not remain in the same form as it was at the time the examination was carried out, so such *corpus delicti* cannot possibly be submitted in court and is absolutely replaced by Visum et Repertum ^[13].

In murder cases, the forensic examination carried out on the body is known as Visum et Repertum. This examination is carried out if there is a suspicion that the person died due to unnatural causes or a criminal act. An examination of the body must be carried out through a forensic autopsy to determine the exact cause of death.

If the examination of the body is limited to external observation, it is impossible to determine the cause of death with certainty. Only through a post-mortem forensic examination or autopsy can the exact cause of death be determined and established ^[14].

Visum et Repertum is a written document that functions as evidence or a substitute for evidence (*corpus delicti*). Visum et Repertum is a document made based on a doctor's oath to ensure its truth. Visum et Repertum has an important position in the law of proving the crime of murder in Indonesia. According to Article 184 paragraph (1) of the Criminal Procedure Code, Visum et Repertum is included as 'documentary evidence' in accordance with Article 184 paragraph (1) letter c and Article 187 letter c of the Criminal Procedure Code, as well as 'evidence of expert testimony' as regulated in Article 184 paragraph (1) letter b KUHAP ^[15]

The meaning of Visum et Repertum evidence is very important because it functions to strengthen and strengthen the judge's confidence in handing down a decision. This is done by investigators by entering Visum et Repertum evidence into the Investigation Report (BAP) at the investigation stage, and by the public prosecutor during the prosecution process. Thus, Visum et Repertum is considered a 'legitimate means of evidence' and has the authority to strengthen and streamline the judge's decision-making process.

Visum et Repertum functions to reveal the factual truth and aspects related to the crime of murder. This evidence plays an important role in the investigation process as valid evidence, supports the detention of the suspect, and is the basis for the judge's considerations in the trial.

According to Article 184 of the Criminal Procedure Code (KUHAP), a criminal case must have exactly five pieces of evidence:

- a. Witness Statement;
- b. Expert Statement;
- c. Letter;
- d. Instructions;
- e. Statement of the Defendant.

The Criminal Procedure Code guarantees the upholding of truth, justice and legal certainty in the examination of defendants. Judges are always guided by the evidence system regulated in Article 183 of the Criminal Procedure Code, which is known as the negative evidence system. Visum et Repertum is a medical report that documents the results of observations, findings, and information collected by doctors in carrying out examinations of people who have been harmed, people who are sick, or people who have died. This analysis aims to reveal the causes behind all of this, especially those related to the potential for criminal acts to occur. The activities of forensic experts, as previously mentioned, are carried out at the request of parties who have expertise in the case being tried.

Visum et Repertum is a written document that functions as evidence or a substitute for evidence (*corpus delicti*). Visum et Repertum is a document made based on a doctor's oath to ensure its truth. According to Article 184 paragraph (1) and Article 187 of the Criminal Procedure Code, Visum et Repertum is considered as written evidence and is valid according to law. In the subsequent examination process, Visum et Repertum can function as evidentiary evidence. This is based on the assumption that the evidentiary evidence as intended in Article 188 paragraph (1) of the Criminal Procedure Code can only be obtained from:

- a. Witness testimony
- b. Letter
- c. Statement of the defendant

Visum et Repertum is the main method used to investigate criminal acts involving human victims, both living and dead. Visum et Repertum has the weight of proof in criminal prosecution if the contents of the post-mortem have been presented orally in court. If not, then the *visa* has no meaning. This is because the post-mortem is made through an oath taken by an administrative official. The post-mortem functions as evidence, just as the victim being examined functions as evidence.

Visum et Repertum only has declarative value for the judge, and the judge is not obliged to comply with the medical

expert's assessment stated in the *Visum et Repertum*. *Visum et Repertum* can be accepted as evidence as long as it includes detailed observations made by the doctor regarding the matter being examined. Specialists' perspectives can differ, even when they analyze the same examination data. It is not uncommon for judges to sometimes ignore expert points of view and findings as stated in the *Visum et Repertum*. However, the judge should not ignore the part that contains complete details about the doctor's observations and findings while carrying out his duties, in particular carrying out examinations and reviewing available evidence.

If the judge has doubts about a case despite a *Visum et Repertum*, the doctor who performed the examination can always be summoned to court to be held accountable for his opinion. This allows the provision of expert information, both in written and unwritten form. If there is doubt, the court has the option to ask for the opinion of another doctor who can provide an assessment based on the results of the post-mortem examination. Ultimately, the judge will formulate a conclusion based on his subjective assessment, which will then be used to reach a verdict in the criminal case. If the judge agrees with the doctor's assessment findings in the post-mortem, it indicates that the doctor's conclusions or views have been accepted, and the judge will then convict the truly guilty individual and acquit the innocent. Typically, the judge cannot dispute the doctor's examination findings during the examination. This is because doctors provide accurate information about the victim's condition based on their observations and findings, both when the victim was still alive and after his death. However, the judge has the authority to disagree with the doctor's findings at the end, because this conclusion was obtained based on subjective observations.

Although a doctor's *Visum et Repertum* report is traditionally valuable in court proceedings, some of these reports can hinder the trial process. This occurs when the report is not prepared carefully and is presented in medical jargon that the court cannot understand. Additionally, their conclusions may not match the available evidence, among other issues. To evaluate the robustness of written evidence in criminal procedural law, one can analyze it from a theoretical point of view and relate it to several rules of evidence outlined in the Criminal Procedure Code:

a. Viewed from a formal perspective

From a formal point of view, the evidence mentioned in Article 187 letters a, b, and c is considered "conclusive" evidence. The letters mentioned in the text are created officially in accordance with legal and regulatory requirements for their format. This formal review is focused on a "theoretical" viewpoint. Therefore, official letters function as irrefutable evidence because of their perfect formal and substantive qualities:

1. True, unless it can be canceled by other evidence;
2. All parties can no longer assess the perfection of the composition and production;
3. Likewise, they can no longer assess the veracity of information provided by authorized officials, as long as the substance of the information cannot be canceled by other evidence;
4. The substance of the information provided can only be canceled by other evidence, such as witness testimony, expert testimony, or defendant testimony.

b. Viewed from a material perspective

From a material point of view, written evidence as mentioned in Article 187 does not have binding legal force. The judge has the freedom to assess the strength of the evidence. The judge has the discretion to use or eliminate them. The judge's decision not to consider written evidence is based on various principles, which include:

1. Principles of the criminal case examination process
The fundamental aim of the criminal case examination process is to ascertain the material truth or "real truth" (*materiel waarheid*), and not just focus on formal truth. Based on this principle, judges have the freedom to assess the truth of the factual information presented in documentary evidence. Although documentary evidence may be formally accurate and perfect, this formal truth and perfection can be put aside in order to achieve and realize material truth. As a result, courts have the freedom to assess the accuracy of formal truths to establish the actual truth.
2. The principle of the judge's beliefs
The idea in question is contained in Article 183, which is closely related to the evidentiary system implemented by the Criminal Procedure Code. Article 183 of the Criminal Procedure Code contains the principles of the method of proof known as "negatively according to the law". According to the law, in order for the court to impose a negative sentence on the defendant, the defendant's guilt must be proven with at least two valid pieces of evidence. The judge must be "convinced" of the defendant's guilt based on this evidence.
3. The principle of the minimum limit of proof
Although official documentary evidence based on the law is acceptable and important in terms of formality, its essential perfection does not necessarily make it sufficient. Even though it already has formal perfection, documentary evidence alone is not enough as conclusive evidence. Documentary evidence still requires proof from additional evidence. Sutomo Tjokronegoro emphasized that the purpose of *Visum et Repertum* is to present an accurate and objective report (*Visum et Refertumlag*) based on observations and findings obtained during the examination. This report aims to provide a comprehensive understanding of the subject matter:^[16]
 - a. Submit factual evidence to the chief judge so that the court can make the right decision by considering facts obtained from other sources and the principle of causality.
 - b. Give authority to the judge to ask for the opinion of another doctor in considering the results of the examination of the doctor who made the *Visum et Repertum*. This can happen if the judge does not agree with the decision of the *Visum et Repertum* maker and is not present, while additional information is needed at that time.

Visum et Repertum (VER) serves as written evidence according to Article 184 of the Criminal Procedure Code. As written evidence, *Visum et Repertum* has the same legal force as other evidence. *Visum et Repertum* (VER) is attached to the case file both by the Investigator and at the examination stage at the prosecution level by the Public Prosecutor. This is done after the results of the examination are deemed sufficient to decide the criminal case against the

defendant. Written evidence *Visum et Repertum* (VER) that has been submitted to the trial is considered valid evidence according to Article 184 paragraph (1) sub b and sub e of the Criminal Procedure Code. Making a *Visum et Repertum* also requires the involvement of other specialist doctors, namely:

- a. The injured victim is examined by a surgeon;
- b. The poisoning victim is examined by an internal medicine specialist;
- c. Victims of moral crimes are examined by a doctor who specializes in obstetrics and gynecology;
- d. The dead victim is examined by a judicial medical expert.

Visum et repertum (VER), This is included in the legal framework of evidence in criminal prosecution

- a. Documentary evidence; as regulated in Article 184 paragraph (1) letter c and Article 187 letter c KUHAP which reads:
"A statement from an expert containing an opinion based on his expertise regarding a matter or situation that has been officially requested from him."
- b. Evidence from expert testimony; as regulated in Article 184 paragraph (1) letter b of the Criminal Procedure Code.

Even though the Criminal Procedure Code does not strictly require investigators to request a *Visum et Repertum* from a Judicial Medicine specialist or other expert, it is best to make this request to examine the case thoroughly and provide clarity. If a request is made to a non-expert doctor, the request should still be accepted if possible. If the *Visum et Repertum* is made by a professional Judicial Medicine doctor or a non-expert doctor, then the request can be considered as evidence that supports the Judge's decision in the criminal procedural process. During the decision-making process, all relevant evidence will be presented to the Judge to determine the factual truth of a criminal case. This includes the Judge's diligent efforts and, if necessary, the request of expert witnesses. Expert testimony in a trial refers to a statement made by an expert witness in court, which is used as evidence during an examination. In a legal context, *Visum et Repertum* functions as a valid form of evidence. Only doctors can make and issue a *Visum et Repertum*, and this is only done with a request from the investigator. The results of the examination recorded in the *Visum et Repertum* are then used as evidence in court.

Reasons for refusal of a visum by the victim's family

The action required to carry out a post-mortem is called an autopsy. An autopsy is a postmortem examination carried out by medical personnel to determine the exact cause of death. The term "autopsy" comes from a Greek phrase meaning "to observe with one's own eyes." The term "necropsy" comes from a Greek phrase meaning "to observe a deceased body." There are two categories of autopsies, namely:

- a. Forensics: This activity is carried out for valid medical reasons and is often seen on television or news broadcasts.
- b. Clinical: This method is generally used to confirm the etiology of death for research or educational purposes [17].

An autopsy, as defined in medical terminology, is a systematic examination of a corpse, including its organs, medical devices, and internal structures, performed after a surgical procedure. The purpose of the inquest is to determine the cause and manner of death for legal and medical purposes, with the ultimate goal of unraveling the puzzle surrounding the criminal act. An autopsy is performed to determine the cause of death and establish the relationship between the known disability or defect and its effects. An autopsy is a thorough examination of a corpse, involving a thorough examination of the internal and external structures. The goal is to identify injuries or illnesses, determine the cause of death, and uncover any abnormalities that may have contributed to a person's death.

An autopsy involves a comprehensive and sequential examination, starting with an assessment of the chest, followed by surgical procedures, detection of injuries, wounds, and bleeding, and ending with a systematic examination of each organ. The legal justification for carrying out an autopsy is outlined in the Criminal Procedure Code. This Code requires a doctor, at the request of an authorized investigator, to provide a statement based on science and sworn to the court regarding the findings of medical examinations carried out on living or deceased humans, or on parts of the human body that are allegedly.

According to Article 120 of the Criminal Procedure Code, investigators have the authority to request input from an expert or someone who has special knowledge in conducting a post-mortem examination, if they consider it important. Article 133 of the Criminal Procedure Code further explains this provision by stating that, to serve the interests of the court in dealing with victims who may have been injured, poisoned, or killed as a result of a criminal act, investigators are authorized to request expert information from forensic medical experts, doctors, or other experts.

First and foremost, the autopsy procedure requires prior approval from the deceased person's next of kin. However, the Criminal Procedure Code does not mandate that autopsies must be carried out with the family's consent. Article 133 and Article 134 of the Criminal Procedure Code regulate this, but without explicitly mentioning the term "autopsy". According to Article 133, investigators have the right to request expert information from forensic medical experts or doctors. This article emphasizes the need to carry out post-mortem examinations to collect evidence. This allows investigators to communicate to the victim's family the purpose and importance of a forensic post-mortem.

If there are objections from the family, the investigator must provide a clear and concise explanation of the aims and objectives. If the family or related parties do not respond within two days, investigators must immediately carry out an autopsy to collect evidence. If the investigator has explained the importance of an autopsy, but the family still refuses, then there will be a conflict between the need to reveal the truth of the body for the sake of justice and the rights of the victim's family.

Autopsies are considered taboo in Indonesia due to the prevailing belief that it is not appropriate to handle corpses. Some of the Reasons families refuse an autopsy include:

- a. Religious Beliefs and Customs
Some families believe that autopsies violate religious norms or customs. For example, in some religions, the human body is considered sacred and should not be changed after death.

- b. **Emotional Discomfort**
The death of a family member is a very emotional moment. The autopsy process can cause further trauma and sadness for the family.
- c. **Distrust of Medical or Legal Authority**
Some families doubted the competence of the medical or legal authorities who performed the autopsy. They worry that the autopsy results will be inaccurate or unfair.
- d. **Delay in Funeral**
An autopsy takes time, and the family may want to bury the body quickly. Refusal of an autopsy can speed up the burial process.

Legal consequences if there is rejection by the victim's family

To investigate the death of someone suspected of being a murder victim, a *Visum et Repertum* report is required for the examination of the body. *Visum et Repertum* is an official statement made by the government based on visual observations and statements from deceased or injured people who are suspected of being victims of crime^[18].

Forensic autopsy allows scientific disclosure of material truths. In judicial practice, forensic autopsy is an important tool to prove material criminal acts. Several court decisions emphasize the importance of forensic autopsies in suspicious death cases.

Visum et Repertum plays a crucial role in uncovering the truth in murder cases because it provides vital forensic expert analysis of the wounds found on the victim's body, thereby allowing the method of murder of the victim to be determined. This makes it easier for law enforcement in terms of evidence, considering that the perpetrator of the murder may give a different version of events, produce inaccurate information, and the murder victim cannot testify directly in the trial. Therefore, *Visum et Repertum* can function as a substitute for the victim's testimony and become evidence that is accepted in the trial.

According to Article 134 paragraph (2) of the Criminal Procedure Code, a forensic autopsy can only be carried out with the consent of the victim's family. However, Article 222 of the Criminal Code states that intentionally obstructing or preventing a forensic examination of a corpse is punishable by a maximum prison sentence of nine months or a maximum fine of four thousand five hundred rupiah.

Refusal to autopsy can have several consequences, especially in the context of death investigations and law enforcement. The following are some of the impacts that may arise:

1. **Limitations in Investigation**, without an autopsy, investigating the cause of death becomes more difficult. Information obtained from an autopsy, such as internal injuries or toxins in the body, can help uncover the truth.
2. **Uncertainty in Criminal Cases**, in cases of murder or other crimes, a forensic autopsy is necessary to collect strong evidence.
3. **Inability to Identify Infectious or Genetic Diseases**, autopsies also help identify infectious or genetic diseases that may affect the victim's family. Without an autopsy, families may not be aware of inherited health risks.
4. **Inability to Reveal Unnatural Deaths**, autopsies help reveal unnatural deaths, including suicide, overdose, or

accidents. Without an autopsy, the cause of death may remain unclear.

5. **Uncertainty in Insurance or Compensation**, some insurance or compensation claims require medical evidence through an autopsy. Refusal to autopsy can affect the claims process.

In accordance with Article 133 paragraph (1) of the Criminal Procedure Code, the role of investigators is very crucial in handling "evidence" in the form of corpses, especially in cases that aim to find out the truth of the facts. According to Article 133 paragraph (1) of the Criminal Procedure Code, a corpse examination and/or forensic autopsy can only be carried out if the investigator submits a written request. An investigator's request letter is a request addressed to a health service facility to obtain a *Visum et Repertum*, namely a medical report, for victims of criminal acts, both living and dead. The police agency that has the authority to handle criminal cases involving crimes against life or corpses, is fully responsible for the administrative process of making a *Visum et Repertum*.

Refusal of an autopsy by the family can hamper the investigation process because autopsy is the main method for determining the cause of death scientifically. Without an autopsy, investigators may have difficulty collecting the evidence needed to reveal the crime that occurred. Refusal of an autopsy by the family can create a conflict between the family's rights and the public interest. On the one hand, the family has the right to refuse an autopsy based on beliefs and customs. On the other hand, the public interest in uncovering the truth and enforcing the law must take priority. In this case, the law gives priority to the public interest to ensure justice can be upheld.

To resolve this conflict, mediation between the victim's family and law enforcement can be a solution. Investigators can take a persuasive approach to the family to explain the importance of an autopsy in the investigation process. In addition, the court may issue an autopsy order if the family's refusal continues and hinders the investigation process.

Closing

Conclusion

In the context of criminal law, *Visum et Repertum* (VER) has an important position. Based on Article 184 paragraph (1) of the Criminal Procedure Code, *Visum et Repertum* is included "as documentary evidence" and also "expert testimony evidence". *Visum et Repertum* functions as written evidence to establish certain facts documented in writing, including time of death, cause of death, and the nature of the victim's injuries. *Visum et Repertum* functions as expert witness evidence by providing a detailed explanation of the suspect's plans and strategic planning in committing unlawful acts. This information is very important for judges and investigators in formulating decisions. Thus, *Visum et Repertum* is a key element in the process of disclosing criminal acts of murder and plays a vital role in the justice system.

Meanwhile, refusal of an autopsy by the family of a murder victim can have several significant consequences and have serious implications for the law enforcement process and the achievement of justice. Without an autopsy, it could hinder the disclosure of the cause of death in an investigation that would be more difficult. Refusal of an autopsy can cause difficulties in identifying the perpetrator. Autopsies often

provide critical information regarding the type of weapon used, the angle of attack, and the force applied, all of which can help in identifying the perpetrator's modus operandi. Refusal to autopsy can reduce the success of criminal prosecution. Autopsies help reveal suspicious deaths, including suicide, overdose, or accident. Without an autopsy, the cause of death may remain unclear. In conclusion, the refusal to autopsy a murder victim has a broad and significant impact, both on the investigation process and the achievement of justice.

Recommendation

In a preventative manner, forensic investigators/doctors, as the party who will carry out the Visum Et Repertum, should provide a detailed explanation to the victim's family and the general public, how the Visum Et Repertum is used as evidence and how it affects the judge's decision. As well as considering alternative solutions if an autopsy cannot be carried out, but the existence of Visum et Repertum is still needed by comparing court decisions in cases with and without Visum et Repertum. And the victim's family or the community in general, to further increase their understanding and awareness regarding the importance of Visum et Repertum and autopsy in the legal process, especially in murder cases.

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