

The Role of *Visum et Repertum* as a Tool of Evidence in Evidence Against the Criminal Act of Persecutory (Study of Decision No. 646/Pid.B/2021/PN Rap.)

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Abstract

Visa et repertum is a written explanation letter made by a doctor in forensic medical science regarding medical checks on humans, made based on his knowledge and under oath for the benefit of justice. There is also a problem formulation in this matter. 1. What are the requirements for a *visum et repertum* so that it can become valid evidence? 2. How is the strength of the *visum et repertum* as evidence in proving the case of persecution in the decision no. 646/Pid.B/2021/PN Rap? The method used in this writing is using the Juridical Normative Empirical method, namely by conducting field research with the method of interviews with related parties and library research in the form of literature books, legislation, legal articles, scientific essays, as well as other readings that are related to the problems discussed in the preparation of this article. While the problem of approach used is the Legislative approach, the Conceptual approach and the *Visum et Repertum* Problem approach are documentary evidence as regulated in Article 184 paragraph (1) of the Criminal Procedure Code and Article 187 letter c of the Criminal Procedure Code and has strong evidentiary power because it is able to prove elements persecution, in researching this problem the author takes an example of a case that is in accordance with the title above, namely decision no. 646/Pid.B/2021/PN Rap. The consequences that arise if the *Visum et Repertum* has a comparison to the explanation given by the suspect is that the explanation can be revoked and a re-check of the *Visum et Repertum* can be carried out if the suspect is proven to have given a wrong confession. In order for *Visum et Repertum* to have the power of juridical proof, it is necessary to regulate the standardization of the model and form as well as the arrangement of *Visum et Repertum* in a statutory regulation.

Keywords

visum et repertum; evidence; crime of persecution



I. Introduction

In Indonesia, the term constitutional state has been clearly stated in the description of the 1945 Constitution that "The Republic of Indonesia is based on law (*rechtstaat*)", not based on mere power (*machstaat*) and contains the mandate that every human being has the same position in the eyes of the law, regardless of gender, race, religion, and social status of a person, or better known as equality before the law.

Law is a rule made by the state or a legitimate government, and the rule must be obeyed or obeyed and if it is not obeyed, the state imposes sanctions.

Criminal law is part of the overall law that applies in a country, which provides the basics and rules for:

- a. Determine which actions should not be carried out, which are prohibited, accompanied by threats or sanctions in the form of certain crimes for anyone who violates the prohibition.
- b. Determine when and in what cases those who have violated the prohibitions can be imposed or sentenced to the punishment that has been threatened.
- c. Determine how the imposition of the punishment can be carried out if someone is suspected of having violated the prohibition.

While crime in human life is a social phenomenon that will always be faced by every human being, society and even the state.

The elements of a criminal act are:

1. Human Actions (positive or negative; doing or not doing)
2. Threatened with a criminal
3. Against the law
4. Done by mistake; and
5. By a responsible person.

The word "feit" itself in Dutch means "part of a reality" while "strafbaar" means "can be punished". So, literally the word "strafbaar feit" can be translated as "part of a reality that can be punished", which of course is not correct, because later we will know that what can be punished is actually a human being as a person and not reality, deed, or action. Therefore, that our legislator did not provide an explanation of what he actually meant by the word "strafbaar feit", then the doctrine arose as an opinion about what "strafbaar feit" actually meant.

D. Simons, stated that: "strafbaar feit (literal translation: criminal event) is an unlawful act related to the fault (schuld) of someone who is capable of being responsible."

Van Hamel formulates as follows: "*strafbaar feit* is a person's behavior (menselijke gedraging) which is formulated in wet, which is against the law, which deserves to be punished (strafwaardig) and is done with a mistake."

A criminal act is an act that is not desired by the community and public order, the action taken is to arrest the perpetrator immediately when the act occurs. Organization must have a goal to be achieved by the organizational members (Niati et al., 2021). In carrying out the duties of the State as the organizer of public order, it is possible to violate a person's human rights, but the purpose of the violation is to better reflect the protection of every public interest, not merely the interests of the authorities as the implementing party of the State and each action must be formulated in a form of regulation. In order to find evidence that a suspect is subject to temporary detention, it is possible for things to happen which are considered by the public to have violated the suspect's human rights, while he is not necessarily guilty.

Criminal procedural law aims to find the material truth of a criminal event, the discovery of material truth can not be separated from a proof, which describes an incident that concretely proves something according to criminal law means showing things that can be caught by the five senses, expressing this and thinking. logically. Likewise, the judge in passing a sentence is at least 2 pieces of evidence, both the fact the message and the explanation of the witnesses who are shown and heard in court.

The facts that were shown in front of the court were fact objects from the Checking Activity Report (BAP) at the investigation level, because the facts and equipment were inseparable things considering that there was a causal bond between the actions and the consequences of the actions taken.

In Indonesia, there are several evidentiary systems, namely evidence based on evidence or formal proof theory (formale bewijstheori) based on law, meaning that with evidence as stipulated in the law it is proven a crime, the judge's conviction is not required.

The existence of the requirements of the law means that in the process of solving criminal problems, law enforcement officers must be obliged to collect facts that match the criminal problems they are handling. The judge in imposing a sentence is regulated in Article 183 of the Criminal Procedure Code which reads:

"A judge may not impose a sentence on a person unless, with at least 2 valid evidences, he has gained confidence in a criminal act and if it is the defendant who is guilty of committing it."

According to Prof. According to Sutomo Tjokronegoro, judicial medicine plays a very important role in helping law enforcement officers (police, prosecutors and medical science for the benefit of the courts, meaning judges' medical science) in criminal cases that can only be presented by forensic science.

What is meant by valid evidence as described above and which have been stipulated and regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) in Article 184 paragraph (1) which reads:

"Legal evidence is:

- a) Witness explanation
- b) Expert explanation
- c) Letters
- d) Hint
- e) Defendant's explanation

An assessment of the evidentiary strength of an indication in each particular situation is carried out by a judge who is wise and prudent after he has conducted an examination with great care and thoroughness based on his conscience.

Because the provisions governing the evidence are procedural law which is public law, which is a law that is coercive (dwingend recht), meaning that all types of evidence that have been regulated in the article cannot be added or subtracted.

In order to say that a criminal act must obtain the evidence needed to reveal the truth of a criminal matter, therefore investigators as the spearhead to uncover the problem of a criminal act often ask for encouragement from an expert in order to find the complete material truth for enforcers. the law.

As law enforcers, the duties of the police have been strictly regulated in the provisions of Article 14 paragraph 1 of Law Number 2 of 2002 concerning the Indonesian National Police. The police have main duties, namely: maintaining security and public order; enforce the law; and provide protection, protection, and services to the community. In carrying out this main task, the Police of the Republic of Indonesia are tasked with:

- 1) Implementing regulation, guarding, escorting, and patrolling community and government activities as needed;
- 2) Organizing all activities to ensure security, order and smooth traffic on the road;
- 3) Fostering the community to increase community participation, legal awareness of the community and the obedience of community members to the law and statutory regulations;
- 4) Participate in the development of national law;
- 5) Maintain order and ensure public safety;
- 6) To coordinate, supervise, and provide technical assistance to the special police, civil servant investigators, and other forms of self-defense;

- 7) Conduct investigations and investigations into all criminal acts in accordance with the criminal procedure law and other laws and regulations;
- 8) Organizing police identification, police medicine, forensic laboratories and police psychology for the purposes of police duties;

In addition to the provisions mentioned above, the Police are also authorized to carry out investigations. An investigation is defined as a series of investigators' actions to seek and find a situation or event that is suspected of being a crime or criminal act in order to obtain the initial evidence needed to decide whether an investigation is required or not in accordance with statutory orders. The powers of the investigator, as stated in Article 7 Paragraph (1) letter b to letter j of the Criminal Procedure Code, are:

- a) Receive a report or complaint from someone about a criminal act.
- b) Take the first action at the scene.
- c) Order a suspect to stop and check the suspect's identification.
- d) Carry out arrests, detentions, searches and confiscations.
- e) Conduct inspection and confiscation of letters.
- f) Taking fingerprints and taking a picture of a person.
- g) Calling people to be heard and examined as suspects or witnesses.
- h) Bring in the necessary experts in connection with the examination of the case.
- i) To terminate the investigation.
- j) Take other legally responsible actions.

Investigators because of their obligations have the authority to receive reports, seek information and evidence, order to stop the suspect and ask and check personal identification, as well as take other actions according to the law that are responsible.

In the process of investigating criminal matters relating to the effects of injuries to the body or those that cause health problems or those that cause the death of a person, where there are consequences, it is reasonable to predict that a crime has occurred, it is very necessary for a doctor with judicial medical knowledge to assist the investigation process.

The results of the checks carried out by judicial medical experts on victims or objects of fact submitted by investigators and want to make a report of the results of the checks that have been carried out. One of the facts that can be used by investigators to say that a crime of torture caused people to die is a fact sheet in the form of a post-mortem.

Doctors can be asked for their statements in court as expert witnesses. The role of visum et repertum assigns all duties to doctors as implementers in the field to assist prosecutors in determining the direction of charges to be indicted against suspects, and assist judges in establishing material truth in deciding criminal matters. Doctors also participate and share comments based on their knowledge in examining criminal matters, when they relate to parts of the human body.

The explanation given by the doctor is needed because a prosecutor as a public prosecutor in a matter is not equipped with knowledge related to the anatomy of the human body in order to create a material truth on criminal matters.

Therefore, judicial medical science is needed to help law enforcers in terms of determining the causal link between an action and the consequences that result from the act.

Based on the description above, the author will discuss further in the form of an article with the title "The Role of Visum Et Repertum as Evidence in Proving the Crime of Persecution (Decision Study No. 646/Pid.B/2021/PN Rap.)"

II. Research Method

In order to obtain concrete data, this research uses a normative juridical approach, but the authors use a field research (Rantauprapat District Court), namely by reviewing or analyzing secondary data in the form of secondary legal materials by understanding the law as a set of regulations or positive norms in the legal system that regulates human life. So this research is understood as library research, namely research on secondary data.

III. Results and Discussion

3.1 Requirements for a Visum et Repertum in Order to Become Valid Evidence

The intention of making a Visum Et Repertum is as a substitute for Corpus Delicti because what has been seen and found by the doctor (expert) is tried as objectively as possible as a substitute for events/conditions that have occurred and a substitute for facts that have been examined and for the reality or facts, so that based on or the best arrangement of under his skills can be drawn an accurate and appropriate conclusion. Apart from that, the other possibility is that when an examination of the case is attempted at trial until an injury, for example caused by a criminal act of persecution, has recovered or the victim who has died as a result of the crime of murder when the trial was conducted has rotted or been buried,

a. Legal Basis for Visum et Repertum

The legal bases that discuss the Visum Et Repertum are as follows:

1. Staatsblad (State Gazette) No. 350 Years 1937
 - a) Article 1 reads "The Reperta visa of a doctor who does good on his oath of office which is pronounced at the time of completing his studies in the Netherlands or Indonesia is valid evidence in criminal cases, as long as it contains an explanation of the things the doctor has seen and encountered in the items being inspected.
 - b) Article 2 paragraph (1) reads "To doctors who do not have time to take an oath" position either in the Netherlands or in Indonesia as stated in Article 1 above can take the oath as follows: "I swear (promise) that as a doctor I want to make a written statement or explanation needed for the true interest of the judiciary for the best knowledge."
2. Article 133 of the Criminal Procedure Code which reads:
 - a) In the case of an investigator for the purpose of dealing with a victim, whether injured, poisoned or dead, which is predicted to be due to a criminal act, he is authorized to submit a request for an expert explanation to a judicial medical expert or a doctor or other expert.
 - b) The request for an expert explanation as defined in paragraph (1) shall be made in writing, which in the letter is explicitly stated for checking wounds or examining corpses as well as post-mortem examinations.
 - c) A corpse sent to a medical expert, judiciary or doctor at a hospital must be treated properly with full respect for the corpse and given a label containing evidence of the corpse's identity, carried out and given a position stamp placed on the big toe or other parts of the corpse.
3. Article 120 of the Criminal Procedure Code which reads:

"In the event that the investigator deems it necessary, he can ask for the opinion of an expert or a person with special abilities."

4. Article 179 of the Criminal Procedure Code which reads:
 - a) Everyone who is asked for his opinion as a judicial medical expert or doctor or other expert must provide an expert explanation for the sake of justice.
 - b) All of the conditions mentioned above for witnesses also apply as those who provide expert explanations, provided that they take an oath or promise to share the best and true explanation for knowledge in their field of expertise.
5. Article 184 of the Criminal Procedure Code which reads:
 - a) Witness explanation
 - b) Expert explanation
 - c) Letters
 - d) Hint
 - e) Defendant's explanation

As we know, Visum Et Repertum is a letter that contains information about what things have been found and seen by doctors who have been sworn in. Thus, up to Visum Et Repertum according to valid evidence in the law, it is included in the type of documentary evidence.
6. The verdict of the Supreme Court of the Republic of Indonesia dated November 15, 1969, No. 10 K/Kr/1969 reads:

"As a substitute for Visum Et Repertum, it can also be heard as an explanation of expert witnesses"

So, it is not only a fact, the post-mortem can also be a fact in the form of an expert explanation if the doctor in question is summoned before the court to explain the results of the post-mortem that he has made.

b. Parties Who are Entitled to Request A Visa Et Repertum

1. Investigators are the National Police with the lowest rank of Aipda (Aide to Inspector) while the lowest rank for assistant investigators is Bripda (Brigadier two). However, in remote areas, a Bripda may be authorized as an investigator. For problems that link members of the Indonesian National Armed Forces (TNI) (as perpetrators) to those who act as investigators are the Military Police, on the contrary if the Indonesian National Armed Forces (TNI) (as victims) to those who act as investigators are the State Police.
2. Criminal judges generally do not directly request a doctor's Visum Et Repertum, but the judge can order the prosecutor to fulfill the examination report (BAP) with the Visum Et Repertum. After that the prosecutor delegated the judge's request to the investigator.
3. The Civil Judge has the authority to request a Visum Et Repertum. This matter is regulated in the HIR (Herziene Inlands Reglement) because in the civil court there is no prosecutor, so the judge can directly apply for Visum Et Repertum to the doctor.
4. Religious judges may request a Visum Et Repertum because it has been regulated in Law no. 14 of 1970 concerning the Basic Provisions of Judicial Power Article 10. Religious judges only adjudicate matters relating to the Islamic religion.

c. The Party Entitled to Make a Visa et Repertum

Based on Article 133 of the Criminal Procedure Code, those who have the right to make a visa are:

1. Judicial Medical Experts defined here are universal doctors who have specialized in forensics and medical justice (medicolegal).
2. Doctor or other expert. According to the standard of learning the medical profession, universal doctors who throughout their education have studied clinical forensics and

forensic pathology and have taken an oath of office after completing their education so that the doctor is authorized to provide forensic services.

Based on the description above, a doctor who is not a forensic specialist may make a Visum Et Repertum. However, in the description of Article 133 of the Criminal Procedure Code it is stated that the explanation given by the forensic doctor is an expert explanation, on the contrary, made by a doctor, not only a forensic specialist, is called a guide. This matter is clarified in the Guidelines for the Implementation of the Criminal Procedure Code in the Decree of the Minister of Justice of the Republic of Indonesia No. M.01.PW.07.03 1982 which among other things explains that explanations made by doctors who are not experts are evidence of instructions.

d. Provisions for Making Visa et Repertum

1. The formal provisions in making a Visum Et Repertum so that it can become valid evidence are in accordance with what has been regulated in the Chief of Police's Instructions No. Pol : Ins/E/20/IX/75 are as follows :
 - a) Requests must be in writing, using a request form that matches the problem being handled. This is in accordance with Article 113 paragraph (2) of the Criminal Procedure Code;
 - b) It is not justified to apply for a Visum Et Repertum regarding a past event, because it is a doctor's office secret;
 - c) Examination of the corpse is carried out using the surgical method, if there are objections from the victim's family until the police or examiner share a description of the meaning of trying a post-mortem;
 - d) The police must see and explore the post-mortem;
 - e) To avoid the formation of things that are not wanted, so the police need security where the post-mortem is done.
2. The material provisions for the making of the Visum Et Repertum are related to the contents of the Visum Et Repertum, which are in accordance with the reality contained in the body of the victim being examined. Besides, the contents of the Visum Et Repertum are not contradictory to medical science that has been proven to be true.

e. Provisions for Revocation of Visum et Repertum

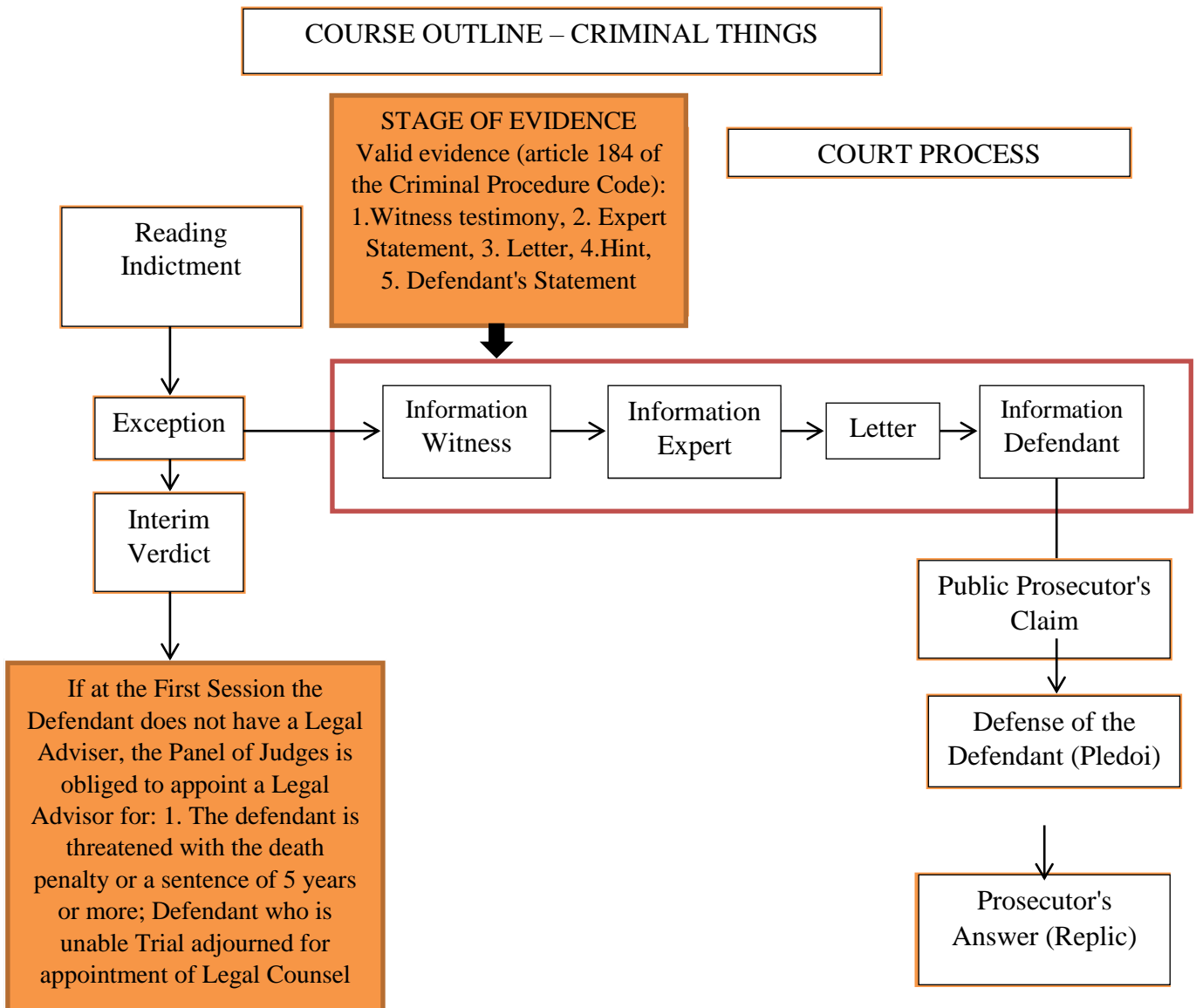
1. In principle, the revocation of the request for Visum Et Repertum is not justified. If forced, the Visum Et Repertum must be revoked again, until it is carried out according to the Chief of Police Instruction No. Pol : Ins/E/20/IX/75. In the case of revocation, it was only given by the commander of the very low level of the Komres and for big cities only by Dan Tabes. The authority to revoke the Visum Et Repertum cannot be delegated to subordinate officials/officers. However, if there is a change or revision to the Visum Et Repertum, basically it can be justified as long as it is accompanied by valid reasons and can be justified and must be signed by the expert doctor who made it. Except for some matters that do not allow revision, such as the doctor in question changing duties, being absent, quitting, retiring, and others so that it can be carried out and published by other expert doctors. This is called the repeat Visum Et Repertum.
2. Revocation must be formally written using the revocation form and signed by the official mentioned in the instruction, or at least an authorized officer. Where the rank is above demand, after first reviewing it in depth.

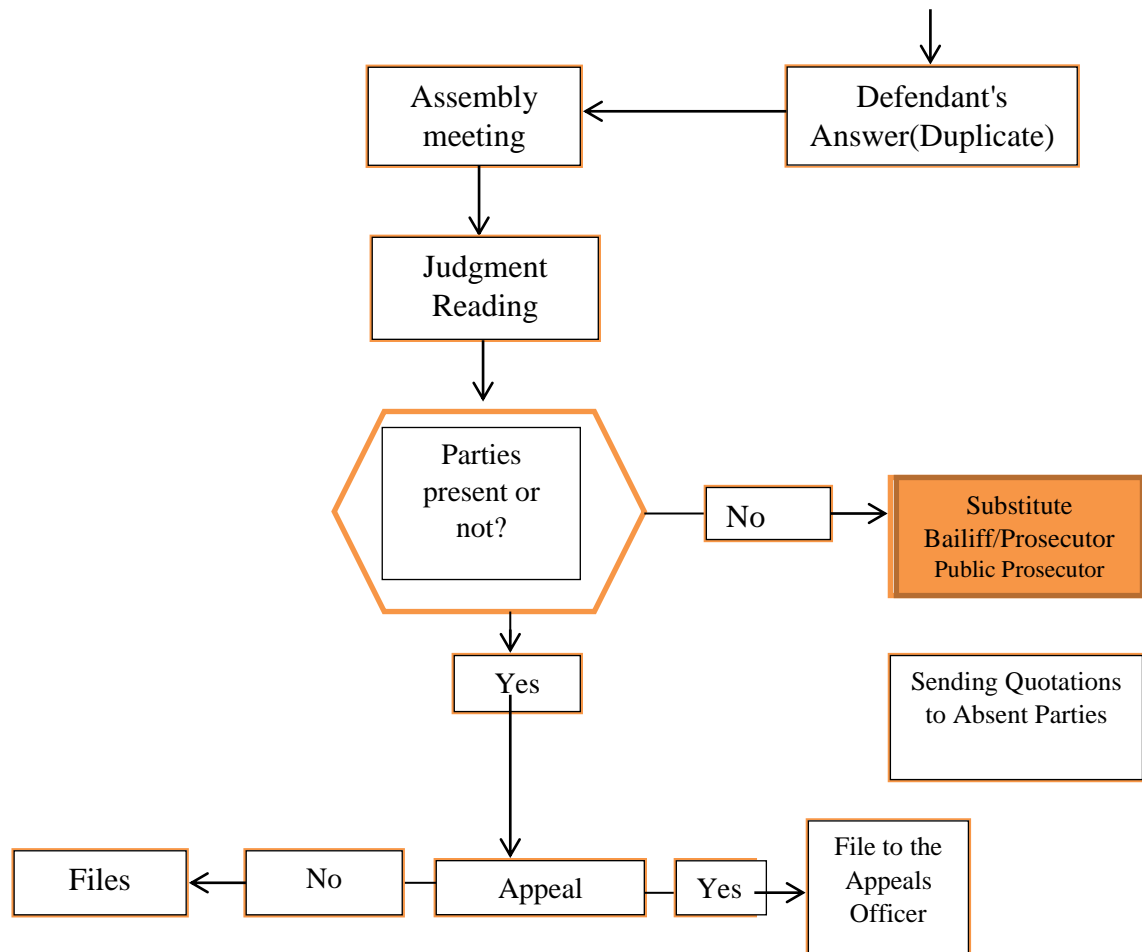
3. With the revocation of Visum Et Repertum, the requesting party must be fully aware that there is nothing that can be expected as information from the evidence in the form of injured or dead humans.

f. Period of Visa et Repertum Pembuatan

The purpose of an earlier post-mortem request is generally as material for a report to the investigator's superior in the context of developing problems or to be used as a basis for the arrest and detention of the accused or for other purposes. In this condition, the doctor should grant and make a temporary visa. Usually, a new visa is drafted and typed when the investigator requests or collects the visa that he had requested. The grace period for requesting or collecting the visa until the completion of the visa generally ranges from a few days to about a week or two. However, the visa application should be based on the length of detention as regulated in Article 24 of the Criminal Procedure Code if the maximum length of detention during an investigation is 60 days.

3.2 Strength of Visum et Repertum as Evidence in Proving the Case of Abuse in Decision No. 646/Pid.B/2021/PN Rap.





The author in this case takes the example of case No: **646/Pid.B/2021/PN Rap**, as listed in chronological order as follows:

a. Case position:

Full name : Muhammad Arifin Alias Muhammad Arifin Panjaitan
 Place of birth : Rantauprapat
 Age/Date of Birth : 44 Years/ 12 May 1977
 Gender : Man
 Citizenship : Indonesia
 Place of Residence: Sibuya Area, Sioldengan Village, District OverseasSouth, Labuhanbatu Regency
 Religion : Islam
 Profession : Farmer

b. Brief Description of the Case

It was close between the suspect MUHAMMAD ARIFIN AKA MUHAMMAD ARIFIN PANJAITAN and SRI DEWI MURNI's sister, at the time without an object, he took a machete stuck in a palm plant in the cakruk with the suspect's right hand, after the machete was in the suspect's right hand, the suspect pulled his hand Witness SRI DEWI MURNI's right hand with his left hand while saying "I want to kill him", don't let anyone hold witness SRI DEWI MURNI PANJAITAN continued to stand while swinging the machete in his right hand towards SRI DEWI MURNI's neck and witness SRI DEWI MURNI reflexively deflected it with SRI DEWI MURNI MURNI's left hand, swinging the

machete. There was also this incident that took place on Friday, May 21, 2021, at around 17.00 WIT in the Kampung Sawah area, Sigambal Village, Rantau Selatan District, Labuhanbatu Regency and the motive for this observation was because the witness SRI DEWI MURNI said that if he wanted to leave the suspect, hearing that the suspect was lacking because the reason the suspect did not want to be left by the witness was because the suspect loved him very much.

c. The Prosecutor's Attention

1. Primary:

- a) That he is the suspect MUHAMMAD ARIFIN, on Friday, May 21, 2021, near 17.00 WIB or at least another time in 2021, located in the Kampung Sawah Area, Sigambal Village, Rantau Selatan District, Labuhanbatu Regency or at least at another place within the jurisdiction of the Rantau Prapat District Court, and in a planned manner the suspect swung a machete at the witness SRI DEWI MURNI and the witness reflexively deflected it with the witness' left hand so that the machete that was swung by the suspect towards the witness' neck hit the forefinger of the witness' left hand. as follows :
- b) That at first the suspect MUHAMMAD ARIFIN and the witness SRI DEWI MURNI sat chatting in the cakruk parter tuak, then the witness SRI MURNI DEWI said that he was going to leave the suspect, hearing about this the suspect did not agree because the suspect did not want to leave him because the suspect loved him very much , because of this comparison, the suspect and the witness quarreled, and during a fight the suspect took a machete stuck in a palm plant near the cakruk with the suspect's right hand, after the machete was in the suspect's right hand, then the suspect pulled the right hand of the witness SRI DEWI MURNI with his left hand while saying "I want to kill him, don't let anyone interfere, don't let anyone get in the way of the witness SRI DEWI MURNI" after being located in the witness room, the suspect pushed the witness back so that the witness fell in a supine position, on the other hand, the Defendant always stood upright. ri swung the machete in his right hand towards the neck of the witness SRI DEWI MURNI and the witness reflexively deflected it with the witness' left hand so that the machete that was swung by the suspect towards the witness' neck hit the forefinger of the witness' left hand, causing a tear at the base of the index finger of the left hand.
- c) That based on letter evidence in the form of: Visum et Repertum from the Rantau Prapat Regional General Hospital Number: 445/4726/RSUD-RM/2021 dated May 24, 2021, signed by dr. Nazmah Saidah, whose examination results on the witness SRI DEWI MURNI, basically concluded as follows:
Witness SRI DEWI MURNI suffered a torn wound at the base of the forefinger of the left hand, one point five centimeters long, zero point three centimeters wide, and zero point three centimeters, due to a forceful blunt object, according to the results of the Wound Examination/Visum Et Repertum. The defendant's actions are as regulated and subject to criminal penalties in Article 351 of the Criminal Code.

2. Subsidiaries:

- a) That he is the defendant MUHAMMAD ARIFIN, on Friday, May 21, 2021 at around 17.00 WIB or at least another time in 2021, located in the Kampung Sawah neighborhood, Sigambal Village, Rantau Selatan District, Labuhanbatu Regency or at least on somewhere else within the jurisdiction of the Rantau Prapat District Court, and the Defendant intentionally swung a machete at the witness SRI DEWI MURNI and the witness reflexively deflected it with the witness' left hand so that the machete

that the Defendant had swung towards the witness' neck hit the witness' left index finger, which was done in the following manner following:

- b) That at first the defendant MUHAMMAD ARIFIN and the witness SRI DEWI MURNI sat chatting in the cakruk parter tuak, then the witness SRI MURNI DEWI said that he was going to leave the Defendant, hearing this the Defendant did not agree because the Defendant did not want to leave him because the Defendant loved him so much, because of this difference, the defendant and the witness quarreled, and during the fight the Defendant took a machete stuck in a palm tree near the cakruk with the Defendant's right hand, after the machete was in the Defendant's right hand, then the Defendant pulled the witness SRI DEWI's right hand PURE with his left hand while saying "I want to kill him, don't let anyone interfere, don't let anyone get in the way of the witness SRI DEWI MURNI" after being in the witness room, The defendant again pushed the witness so that the witness fell in a supine position while the Defendant remained standing while swinging the machete in his right hand towards the neck of the witness SRI DEWI MURNI and reflexively the witness parried it with the witness' left hand so that the machete that was swung by the Defendant towards the witness' neck hit the index finger of his hand. the left hand of the witness so that he suffered a torn wound at the base of the index finger of his left hand.
- c) That based on letter evidence in the form of: Visum et Repertum from the Rantau Prapat Regional General Hospital Number: 445/4726/RSUD-RM/2021 dated May 24, 2021, signed by dr. Nazmah Saidah, whose examination results on the witness SRI DEWI MURNI, basically concluded as follows:
Witness SRI DEWI MURNI suffered a torn wound at the base of the forefinger of the left hand, one point five centimeters long, zero point three centimeters wide, and zero point three centimeters, due to a forceful blunt object, according to the results of the Wound Examination/Visum Et Repertum. The defendant's actions are as regulated and subject to criminal penalties in Article 351 of the Criminal Code.

d. Judge's Decision

1. To declare that the Defendant Muhammad Arifin Alias Muhammad Arifin Panjaitan, above has been legally and convincingly proven guilty of committing the criminal act of "Maltreaty" as stated in the Single Indictment;
2. Sentencing the Defendant with a sentence of imprisonment for 1 (one) year;
3. Determine the period of arrest and detention that has been served by the Defendant to be deducted entirely from the sentence imposed;
4. Determine that the Defendant remains in custody;
5. Determine the evidence in the form of:
1 (one) wooden-handled machete wrapped in rubber tires;
Annihilated;
6. Charged the Defendant to pay court fees in the amount of Rp. 5,000, - (five thousand rupiah);

e. Author's Analysis

Position *Visa et repertum* in the law of evidence in criminal proceedings, can be located as:

1. Documentary evidence (Article 184 paragraph (1) letter c jo. 187, letter c of the Criminal Procedure Code);

2. Expert testimony (Decision of the Supreme Court of the Republic of Indonesia dated November 15, 1969, Number 10 K/Kr/1969).

Even though the provisions for the existence of a Visum Et Repertum are not absolute for a particular crime case (persecution, murder, crime of negligence, crime of decency, etc.) which is quite important. This is in line with the statement Hakim Arie Ferdian, SH., MH. as the presiding judge of the panel in case no. 646/Pid.B/2021/PN Rap and represented by Registrar Sarbarita Simanjuntak, SH, Based on the results of the interview with him, he said:

"Visum Et Repertum in the context of evidence has 2 functions, namely as an expert explanation as well as documentary evidence, but the visa itself is generally used as an expert explanation. To declare a person guilty or not, a minimum of 2 valid pieces of evidence is required in accordance with Article 183 of the Criminal Procedure Code. The visum is one of the evidence in the form of a letter but the visum cannot stand alone, there must be other evidence that explains a criminal act because the visum is more about explaining the existence of something as a result of an act. The impact has been explained through the post-mortem but the action is not because this act can be explained through evidence in the form of witnesses, witness explanations, or instructions. So, in terms of proof, Visum Et Repertum is a piece of evidence that cannot stand alone because it must be supported by other evidence.

IV. Conclusion

1. The legal basis for Visum Et Repertum so that it can become valid evidence is quite clear in Article 133 of the Criminal Procedure Code and the formal provisions of a post-mortem is that it must be submitted in writing and requests for past events are not justified.
2. The strength of the proof of Visum Et Repertum is one of the valid evidences but cannot stand alone because there must be other supporting evidence to explain the existence of a criminal act. Basically Visum Et Repertum according to valid evidence in Article 184 paragraph (1) letter c jo. 187, letter c of the Criminal Procedure Code is included in the type of documentary evidence but it can be an expert explanation in accordance with Decision of the Supreme Court of the Republic of Indonesia dated November 15, 1969, Number 10 K/Kr/1969, if the doctor who made the post-mortem is summoned before the court to explain the results he has found so that the post-mortem as evidence and the post-mortem as expert explanation are interrelated. The results of the post-mortem will be useful to assist the prosecutor in determining the direction of the demands to be given to the suspect and for the judge to be quite influential in making definite conclusions, according to him, to increase his confidence in his decision-making later.

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