



The Role of *Visum et Repertum* (VeR) and *VeR Psychiatricum* (Legal Study of FD Murder Cases in Jakarta, 2023)

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Abstract

This research aims to analyze the role of law in handling the FD death case in Jakarta and its impact on the criminal justice system. The method used is normative juridical research with a statute approach and case approach. The results showed that during the examination of the suspect, an inconsistent change in attitude led to the decision to refer to the Police Hospital. The Psychiatric VeR stated that the suspect had a mental disorder of schizophrenia depression, thus following the provisions of Article 184 of the Criminal Procedure Code. According to Article 44 paragraph (1) of the Criminal Code, the suspect's actions cannot be accounted for due to mental disability, so he cannot be convicted. This finding underlines the important role of law and psychiatry in determining the criminal responsibility of a person with mental illness, contributing to the reform of a fairer and more humane justice system.

Keywords:

Evidence; Expert information; *Visum et repertum psychiatry*.

A. INTRODUCTION

The existence of law in society not only functions as a means of ordering people's lives, but also as a means of changing the mindset and behavior patterns of citizens, and also changes in society's increasingly complex social life that affect the operation of the law in achieving its goals. Therefore, the law

must be able to eliminate every conflict or case that is expected to occur in society.¹

One of the crucial aspects of law, especially criminal procedural law, is the handling of evidentiary issues.² The main task of criminal procedural law is to search for and discover material truth. In this regard, evidence is regulated in Article 184 paragraph (1) of the Criminal

¹ Gustilawati Sahali, Fenty U Puluhulawa, and Avelia Rahmah Y Mantali, "*Visum et Repertum* Sebagai Alat Bukti Dalam Tindak Pidana Pembunuhan Berencana," *Jurnal Ilmu Sosial, Humaniora Dan Seni (JISHS)* 1, No. 2 (2023): 342-348, <https://doi.org/10.47233/jishs.v1i2.773>, p. 342.

² Idola Putra Hulu, "Legalitas Pembuktian Dalam Persidangan Secara Virtual Ditinjau Dari Hukum Acara Pidana," *IURIS STUDIA: Jurnal Kajian Hukum* 3, No. 2 (2022): 171-183, <https://doi.org/10.55357/is.v3i2.245>, p. 174.

Procedure Code which states that valid evidence consists of witness statements, expert statements, letters, instructions, and statements from the defendant.³

Proof in criminal procedural law is an attempt to obtain information through evidence and evidence, to obtain confidence about whether the criminal act charged is true or not and to determine whether or not there is guilt in the defendant. Evidence plays an important role in criminal trials. If the judge examining the trial does not find any evidence, it is clear that the judge will not be able to know and understand whether a criminal act has occurred and whether the defendant has committed the crime and can be held accountable. The presence of evidence is necessary so that the judge can find the material truth with certainty.⁴

Judges, in their efforts to obtain a conviction, may only rely on evidence that is recognized as valid by Article 184 paragraph (1) of the Criminal Procedure Code. This evidence involves witness statements, expert statements, letters, instructions, and defendant statements. Meanwhile, the *notoire feiten* (notorious) frees judges from the obligation to prove

things that are already generally known, avoids excessive processing, and ensures that the principles of criminal procedural law are achieved, namely speedy trials and low costs.

Article 184 paragraph (2) of the Criminal Procedure Code specifically mentions *notoire feiten*, which refers to the principle that facts that are already known no longer need to be proven in court. Therefore, judges must comply with this provision and not rely on evidence other than that regulated in Article 184 paragraph (1) of the Criminal Procedure Code.

Furthermore, the Criminal Procedure Code recognizes several categories of experts, including judicial medical experts, who provide expert testimony. Even though some definitions are not explicitly explained in the Criminal Procedure Code, the importance of evidence such as letters, instructions, and witness statements in proving criminal acts becomes more apparent. Article 120 paragraph (1) of the Criminal Procedure Code gives investigators the authority to request the opinion of an expert or individual with special expertise, in line with the needs of the investigation.⁵

³ Rachmad Abduh, "Kajian Hukum Rekam Medis Sebagai Alat Bukti Malapraktik Medis," *DE LEGA LATA: Jurnal Ilmu Hukum* 6, No. 1 (2021): 221-233, <https://doi.org/10.30596/dll.v6i1.4661>, p. 230.

⁴ Dyah Retno Pujaningrum, "Kekuatan Pembuktian Visum Et Repertum Pada Tindak Pidana Persetubuhan Yang Dilakukan Secara Paksa Terhadap Anak (Studi Kasus: Putusan Nomor 121/Pid. Sus/PN.Kdl/2020)," *Jurnal Verstek* 10, No. 1 (2022): 137-146, <https://doi.org/10.20961/jv.v10i1.64046>, p. 138.

⁵ Zahrah Putri Arum Nabilah Pratami, "Peran *Visum ET Repertum* Dalam Proses Penyidikan Tindak Pidana Perkosaan," *Justitia* 8, No. 6 (2021): 1388-1399, <http://dx.doi.org/10.31604/justitia.v8i6.1388-1399>, p. 1390.

The testimony of judicial medical experts is considered expert testimony, while doctors who are not experts in judicial medicine provide testimony. Article 7 paragraph (1) letter h and Article 11 of the Criminal Procedure Code strengthen the authority of investigators and assistant investigators to request expert information, showing the importance of the role of experts in helping to prove a criminal act. Thus, a clear understanding of Article 184 of the Criminal Procedure Code and the role of evidence in proving is the key to carrying out the criminal legal process effectively.

Proving criminal acts is generally linked to the results of *VeR*, as written evidence, and is related to extracting information provided by victims, witnesses, and suspects, which in the end can be seen that the injuries suffered by the victim were the result of a criminal act, and were indeed committed by the suspect.⁶

In the context of this evidence, *VeR* becomes very important, because *VeR* is a written document created by a forensic doctor or forensic medical expert at the request of an investigator. This document contains the results of a

medical examination of a person or part of their body, whether alive or dead and is made under oath for justice. Thus, *VeR* provides relevant and reliable medical information to support the judicial process.⁷

VeR has a dual role in the legal system. First, as evidence in the form of a letter originating from the results of an expert examination, *VeR* provides an objective picture of the physical state of a person or part of the body being examined. Second, the value of *VeR* as evidence is very dependent on its content. If its contents can be linked to other evidence, such as witness statements, then *VeR* becomes an critical element in building a judicial case. Therefore, the existence and quality of *VeR* can influence trial outcomes and fairness in the justice system.⁸

Article 186 and Article 187 of the Criminal Procedure Code explain two sides of the function of *VeR* as evidence. First, *VeR* acts as evidence in the form of a letter of expert examination results, which was prepared by the doctor at the request of the investigator. *VeR* is a written statement about the results of a medical examination of a person or part of their body,⁹ whether alive or dead, based on

⁶ Muh Ekoyusmario, Humaerah, and Abdul Agis, "Kekuatan Hukum Visum Et Repertum Dalam Pembuktian Tindak Pidana Penganiayaan," *Jurnal Lex Generalis (JLS)* 1, No. 4 (2020): 489-500, <https://doi.org/10.52103/jlg.v1i4.173>, p. 489.

⁷ Ramli Siregar and Robi Krisna, "Analisis Hukum Kekuatan Pembuktian Ahli Forensik Dalam Tindak Pidana Penganiayaan Berat," *INNOVATIVE: Journal Of Social Science Research* 3, No. 1 (2023): 9337-9349, <https://doi.org/10.31004/innovative.v3i4.4711>, p. 9347.

⁸ Karim, *Peranan Hukum Forensik Dalam Penegakan Hukum Di Indonesia* (Surabaya: Jakad Media Publishing, 2023), p. 83.

⁹ Yulia Monita and Dheny Wahyudi, *Peranan Dokter Forensik Dalam Pembuktian* (Jakarta: Gramedia, 2015), p. 132.

the doctor's knowledge and under oath in the interests of justice. Second, the value of *VeR* as evidence depends on its relationship with other evidence. If there is no correlation with other evidence, such as witness statements, then *VeR* loses its evidentiary value. This means that the model letter in Article 187 letter d is very dependent on other evidence, especially witness statements.

The doctor must assist in the investigation of criminal acts affecting people's health and lives by making a *VeR*, collecting facts and connecting them logically, and then providing conclusions, so that the making of the *VeR* is carried out seriously and subjectively explains what was seen and found during the examination.¹⁰

Apart from *VeR*, there is also *Visum et Repertum Psychiatricum*, hereinafter abbreviated as *VeRP*, which is a statement from a specialist psychiatrist in the form of a letter as a result of a mental health examination of a person at a health service facility for law enforcement purposes.

Previous research has discussed the role of *VeR*, as conducted by Ni Putu Mega Cahyani, I Nyoman Sujana, and I Made Minggu Widyantara who said that evidence in criminal acts of abuse

involves reliable sources, applying an interdisciplinary approach between criminal law and medical science judiciary, as well as emphasizing the importance of *VeR*. However, the article is flawed in its limited scope and lack of in-depth discussion of the differences between the *VeR* and the defendant's statement in cases of criminal abuse. The uniqueness of this article lies in its new approach to understanding *VeR*, making a significant contribution to the development of law and judicial medicine. Thus, this article is an important source of insight that summarizes important aspects while offering new contributions to the understanding of *VeR* in the context of criminal acts of abuse.¹¹

Revi Astuti and Indra Yudha Koswara concluded that *VeR* has advantages as evidence for letters issued by government doctors or hospitals, providing concrete evidentiary power in uncovering criminal acts. However, some shortcomings need to be considered, namely the need for supporting other evidence so that *VeR* does not become the only evidence in a case.

In addition, a partial autopsy is considered unable to provide comprehensive information regarding the cause of a person's death. This research

¹⁰ Desy Natalia Salim, Ruslan Renggong, and Baso Madiung, *Kedokteran Forensik Perspektif Sistem Peradilan Pidana* (Gowa: Pusaka Almada, 2021). p. 76.

¹¹ Ni Putu Mega Cahyani, I Nyoman Sujana, and Made Minggu Widyantara, "Visum et Repertum Sebagai Alat Bukti Dalam Tindak Pidana Penganiayaan," *Jurnal Analogi Hukum* 3, No. 1 (2021): 122-128, <https://doi.org/10.22225/ah.3.1.2021.122-128>, p. 122.

emphasizes its novelty on the value of the evidentiary strength of the evidence, in this case, the psychiatric *VeR*, in this case, was issued by a forensic psychiatrist, an expertise that few hospitals have. The importance of forensic medical skills, such as helping to find the identity of the victim and perpetrator, estimating the time of death, and revealing the victim's manner of death.¹²

Based on previous research, this research focuses on analyzing the role of *VeR* and *VeRP* in the context of the murder case of FD (44 years old) in Jakarta. This research contributes by highlighting the importance of procedures for making *VeR* that are tailored to the investigator's requests and family consent, as well as emphasizing the importance of providing education to families about the benefits of *VeR* to understand the legal process and its uses. The main difference with previous research lies in the more specific focus of analysis on the FD murder case in Jakarta, as well as the emphasis on *VeR* creation procedures tailored to the investigator's requests and family approval, as well as education to the family. In contrast, previous research is more general in discussing the role of *VeR* in crimes of violence, crimes of abuse, and proving criminal acts in general.

Through a specific analysis of the FD murder case, this research seeks to provide a more specific and applicable perspective on the role of *VeR* in a criminalistic context. In this way, it is hoped that this research will complement previous insights into the role of *VeR*, with a focus on adapted manufacturing procedures and the role of educating families in the context of specific murder cases in Jakarta.

B. RESEARCH METHODS

This type of research is normative legal research, with the purpose of the research being to find ways and/or problems in the Indonesian legal system to help implement a fair *VeRP*. This method is used to determine the role of valid evidence in a case. This research uses a statutory and regulatory approach related to the problems and role of *VeR* and *VeRP* as a case study (Legal Study of FD Murder Cases in Jakarta, 2023). The secondary data that will be used in this research is primary legal material, namely the Criminal Code, Criminal Procedure Code, Law Number 17 of 2023 concerning Health, and Law Number 48 of 2009 concerning Judicial Power.

¹² Revi Astuti and Indra Yudha Koswara, "*Visum Et Repertum* Sebagai Alat Bukti Konkrit Dalam Mencari Kebenaran Materiil Pada Pembuktian Tindak Pidana," *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan* 5, No. 2 (2021): 83-92, <https://doi.org/10.35308/jic.v5i2.3434>, p. 90.

C. RESULTS AND DISCUSSIONS

1. *Visum et Repertum* and Legal Basis

The term *Visum et Repertum* was never mentioned in the Criminal Procedure Code or the previous criminal procedural law (RIB = revised Indonesian Regulations). The name VeR itself is only mentioned in Staatsblad 350 of 1937 Articles 1 and 2 which read: “

- a. A doctor's *visum* made on an oath of office taken when completing medical education in the Netherlands or in Indonesia, or on a special oath as intended in Article 2 has evidentiary value in a criminal case, as long as it contains information about what the doctor saw of the object being examined.
- b. “Doctors who have not taken the oath of office in the Netherlands or Indonesia as intended in Article 1, can take an oath (promise).”

Meanwhile, the doctor's oath referred to in Article 1 is the pronouncement of the oath as stated in Staatsblad 1882 No 97, Article 38 (valid until June 2, 1960) which reads: “I swear (promise) that I will carry out medical, surgical and midwifery work according to the provisions stipulated by law to the best of my ability and that I will not divulge to anyone anything that is entrusted to me or that I know because of my position unless I am asked to provide information

as a witness or expert before a court. or if I am required by law to provide information.”

From the words of Stb 350 of 1937, it can be seen that:

- a. The value of a doctor's *VeR* evidence is limited to what he sees or finds in the victim. In such cases, the doctor is only considered to provide ocular testimony; And
- b. *VeR* is only valid if made by a doctor who has taken an oath when he was appointed as a doctor, with the doctor's oath as stated in Staatsblad No. 97 of 1882 Article 38. The doctor's oath is utilized as the foundation for making *VeR*.”

VeR is only valid if it is made by a doctor who has taken an oath when he first evolved a doctor,¹³ by pronouncing the doctor's oath by Staatsblad No. 97 of 1882 Article 38. The recitation of the doctor's oath is indeed appropriate if used as a basis for making *VeR*.

Then, referring to Article 133 of the Criminal Procedure Code, the investigator requests information from a judicial medical expert or doctor for justice which is submitted in writing by stating the aims and objectives in the request letter. The investigator referred to here is an investigator following Article 6 paragraph (1) letter a, namely an investigator who is an official of the State

¹³ N P Kusmira, “Kekuatan Pembuktian Dan Penilaian Alat Bukti *Visum Et Repertum* Dalam Tindak Pidana Persetubuhan Terhadap Anak (Studi Putusan Pengadilan Negeri Surakarta Nomor: 92/Pid. Sus/2015/PN.Skt.),” *Jurnal Verstek* 4, No. 3 (2016), p. 138.

Police of the Republic of Indonesia.¹⁴ *VeR* describes observations and findings related to humans (both living and deceased) or parts of the human body.

Not all criminal acts require *VeR* as stated in Article 133 paragraph (1) of the Criminal Procedure Code, *VeR* is necessary for criminal acts that result in injury, criminal acts that occur due to poisoning, or criminal acts that result in death due to murder, abuse, and rape. In the case of AH (27), the perpetrator of the murder of employee FD (44) near the mall lobby in Jakarta, investigators requested a psychiatric test because after observation, the perpetrator showed strange behavior, AH was taken to the East Jakarta Police Hospital, the *VeRP* request was submitted to a psychiatric forensic doctor. *VeR* can not only be used in criminal case investigations, but also civil cases, for example in cases of applications for legalization of gender reassignment, insurance claims, and proof of child status.¹⁵

The element of the judge's belief is the thing that most determines whether the

defendant is guilty or not. As explicitly explained in Article 183 of the Criminal Procedure Code, a minimum of 2 (two) pieces of evidence are required by the judge as a basis for deciding. It refers to the theory of evidence based on law negatively, that belief is based on a lot of evidence.¹⁶

However, when considering the legal force of *VeR*, judges must also look at other facts, not only *VeR*, so that there must be a connection between witness statements and the information in the contents of *VeR*.¹⁷ There is nothing in the strength of the *VeR* evidence that can weaken the evidence until other, more concrete evidence is found.¹⁸

The guarantee of protection for the rights of suspects/defendants at the preliminary examination stage is an embodiment of the function of criminal procedural law, namely carrying out honest and fair trials in the context of finding material truth.¹⁹ To seek material truth in the criminal legal process, law enforcement efforts are made to avoid mistakes in punishing someone. By

¹⁴ Alfano Ramadhan, "Diskresi Penyidik Polri Sebagai Alternatif Penanganan Perkara Pidana," *Jurnal Lex Renaissance* 6, No. 1 (2021): 25-41, <https://doi.org/10.20885/jlr.vol6.iss1.art3>, p. 30.

¹⁵ Yogi Prasetyo *et al.*, "Kedokteran Forensik di Indonesia: Penerapan Visum et Repertum dalam Penyelesaian Perkara," *Jurnal Kedokteran Forensik dan Toksikologi Indonesia* 14, No. 4 (2020): 4100-4105, <https://doi.org/10.37506/ijfmt.v14i4.12283>, p. 4102.

¹⁶ Andi Hamzah, *Hukum Acara Pidana Indonesia* (Jakarta: Sinar Grafika, 2005), p. 62.

¹⁷ Revi Astuti and Indra Yudha Koswara, *op.cit.*, p. 83-84.

¹⁸ Beni Suswanto, Irabiah, and Muhammad Ali Alala Mafing, "Tindak Pidana Pembunuhan Melalui Visum (Studi Kasus Puskesmas Tanggetada)," *Jurnal Qistie* 16, No. 1 (2023): 122-138, <https://doi.org/10.31942/jqi.v16i1.7815>, p. 135.

¹⁹ I Wayan Gede Rumeaga, "Hakim Komisaris dan Miscarriage Of Justice Dalam Sistem Peradilan Pidana," *Jurnal Penelitian Hukum De Jure* 19, No. 1 (2019): 53-68, <https://doi.org/10.30641/dejure.2019.v19.53-68>, p. 53.

Article 6 paragraph (2) Law no. 48 of 2009 concerning Judicial Power, no one can be sentenced to a crime unless the court, based on legal evidence according to law, is convinced that a person who is deemed to be responsible is truly guilty of the act of which he is accused. The law explains that in resolving a case, law enforcement officials must collect evidence and facts related to the criminal case.

Most criminal cases seen in Indonesia, starting from murder, rape, abuse, and other criminal acts that cause physical injuries, disabilities, etc. to the victim, require supporting evidence to reveal and strengthen the alleged criminal act that occurred. For criminal cases like the ones above, an expert's testimony is the hope and support for investigators so that they can reveal in detail the criminal incident they are handling.

2. *Visum et Repertum Psychiatry (VeRP)* with Medical Record

VeRP must be prepared under Article 44 paragraph (1) of the Criminal Code which states, "Anyone who commits an act for which he cannot be held responsible because his soul is disabled in its development or its growth is disturbed due to disease, shall not be punished." This article does not only apply to individuals with mental disorders but also includes those who are mentally retarded. The issuance of *VeRP* is directed to suspects or defendants who have committed criminal acts, not to victims like other post-mortems. In this

context, it needs to be emphasized that *VeRP* focuses more on the psychological aspects of humans rather than the physical aspects of the human body.

The procedure for making a *VeRP* in a criminal context involves a psychiatric specialist doctor who works in a mental hospital or general hospital. When giving testimony, sometimes the judge also asks for a psychiatric evaluation from the witness in the form of *VeRP*. Thus, *VeRP* is not only a legal tool but also reflects an in-depth understanding of an individual's mental condition related to the criminal act committed.

Judges can also request *VeRP* by Article 180 in conjunction with Article 187 of the Criminal Procedure Code, usually through the public prosecutor. The suspect's legal advisor is not authorized to request a *VeRP* from the doctor, nor can he request a copy of the *VeRP* directly from the doctor. The suspect's legal advisor can request a copy of the *VeR* from the investigator or the court before the trial. Victims or the victim's family also do not have the authority to ask a *VeR* directly from a doctor, but, they have the right to obtain information about the victim promptly from investigators, and also obtain a copy of the *VeR* from investigators or the court before the trial.

Medical records are all records of all the results of medical examinations along with treatment or care procedures that belong to the patient even though they are held by the institution. These medical records are bound by the doctor's oath

under Government Regulation No. 10 of 1996 concerning Medical Secrets with legal sanctions in Article 322 of the Criminal Code. Considering that *VeR* is made based on law, namely Articles 120, 179, and 133 paragraph (1) of the Criminal Code, doctors cannot be prosecuted for disclosing official secrets as regulated in Article 322 of the Criminal Code even if the doctor makes it without the patient's permission. Article 50 of the Criminal Code states that anyone who commits an act to implement the law will not be punished, as long as the *VeR* is only given to the investigator who requests it, for use in court.

3. Procedure for Requesting a *Visum et Repertum*

Article 133 paragraph (1) of the Criminal Procedure Code states that: "If an investigator for justice concerns a victim of injury, poisoning or death which is strongly suspected to be the result of an event which constitutes a criminal act, he or she has the authority to submit a request for expert information to a judicial medical expert or other specialist doctors." Meanwhile, the content of *VeR* depends on the type, such as *VeR* for living victims, *VeR* for dead victims, *VeR* for rape or other sexual crimes, or psychiatric *VeR*. *VeR* makers must meet formal requirements, namely made under an oath or promise made before

law enforcement or by remembering the oath or promise when accepting office.²⁰

According to the provisions of Article 133 paragraph (1) of the Criminal Procedure Code, the procedure for requesting *VeR* is by submitting a letter of application to a doctor or judicial medical expert. The letter must be written using a form appropriate to the case and signed by an authorized investigator.

The *VeR* request may relate to a deceased victim, and if the type of *VeR* requested is a corpse *VeR*, the investigator must treat the body with respect. The body was given an identity label, postmarked, and sent to the hospital with a *VeR* request letter brought by investigators. Investigators provide necessary information to doctors, participate in post-mortem examinations, and look for evidence and information about the cause and manner of death.

If a victim of injury, poisoning, or injury resulting from a crime of morality falls ill and requires treatment/road maintenance, the investigator needs to request a temporary *VeR* regarding the victim's condition. The assessment of the victim's condition can be used to consider whether the suspect needs to be detained or not. If the victim needs/requests a transfer of treatment to another hospital, the *VeR* request will then be made again.

²⁰ Reichella Averina Jessica Zega, Olga A. Pangkerego, and Evie Sompie, "Kekuatan Alat Bukti Keterangan Ahli Dalam Pembuktian Perkara Pidana," *Lex Crimen* 10, No. 5 (2021): 169-178, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/33435>, p. 174.

Two possibilities occur during treatment, namely, the victim recovers or dies. If the victim recovers, a definitive *VeR* will be requested again because this *VeR* will provide a conclusion about the outcome of the victim's condition. Especially for traffic accident victims, this *VeR* will be useful for accident compensation. Another possibility is that if the victim dies, the *VeR* of the corpse is needed to find out whether there is a relationship between the forced injury experienced by the victim and the direct cause of death or whether there are other causes of death.

4. How to Make *Visum et Repertum*

Making a *VeR* involves a medical examination process and preparing a report by a forensic doctor or forensic medication expert. Following are the general steps in completing *VeR*:

- a. Identification of the victim or subject: Identification of the victim or subject of the examination is the first step. This includes recording name, age, gender, and other identifying information;
- b. Interviews and medical history: The forensic doctor will conduct interviews with the parties involved or witnesses to obtain more information about the incident or condition under investigation. Examination of the victim's medical history, including medical history, previous medical conditions, or medication use, can provide important context;
- c. Physical examination: A physical examination is carried out to assess the overall condition of the body. This includes assessing for injuries, scars, or other signs that may provide clues about what happened;
- d. Sample collection: If necessary, forensic doctors can collect biological samples such as blood, urine, or body tissue for further analysis. This can help in determining the cause of death or identifying certain substances in the body;
- e. Collection of evidence or *repertum*: Collection of evidence or *repertum* includes documenting and recording details of findings or evidence found during the examination. This may include photography, measurements, or other relevant records;
- f. Laboratory analysis: If necessary, a forensic doctor may send biological samples or evidence to a laboratory for further analysis. The results of this analysis can provide additional information that is needed;
- g. Report writing: Based on the examination results, the forensic doctor writes a *VeR* report. This report includes detailed information about the medical examination, findings, laboratory analysis, and conclusions;
- h. Signing and legalization: This report is signed by the forensic doctor and may need to be legalized for its use in legal proceedings; And
- i. Report submission: *VeR* reports are submitted to authorized parties, such as law enforcement or the courts, to

be used as evidence in investigations or court proceedings.

It is important to remember that this process can vary depending on the type of case and legal jurisdiction in a country or region. Accuracy, objectivity, and thoroughness in making VeR are very important to support the legal process with strong evidence.

5. Types and Forms of *Visum et Repertum*

In the context of the examination and the material examined, VeR is divided into several types, including:

- a. *Visum simplex*: A simple medical examination that covers a person's physical condition or general health. Examples may include assessing certain injuries or medical conditions;
- b. Full *visum*: A more thorough and detailed examination, which involves gathering more information about the health condition or injury being investigated. This may involve a more in-depth and detailed forensic examination;
- c. Post mortem addendum: Additional information or findings that may be found after the initial examination is carried out. This may include additional findings after further analysis or additional examinations;
- d. Complete *Visum* (Complete *VeR*): A complete report that includes the results of a whole and detailed medical examination, including findings relevant to the case. A whole post-mortem covers all aspects of the

examination that are relevant to the case, and is usually used in complex cases; And

- e. Landscape *visum*: A medical examination that examines a specific location or place. This may be relevant in the case of accidents or events in certain locations that require an understanding of environmental conditions.

VeR is important in criminal investigations and court proceedings because it provides critical information to assist law enforcement and authorities in understanding and assessing an incident. The forensic examination can include aspects such as victim identification, injury assessment, and determination of cause of death.

6. Analysis of FD Death Cases

Chronology of murder: Victim FD (44 years old) suffered an extremely severe wound below the neck, this wound later caused the victim to die. By collecting a lot of data and witness statements, the alleged perpetrator AH (27 years old) had planned a murder (moord) with a knife brought from his house (Tangerang). The perpetrator was charged under Article 338 in conjunction with Article 340 of the Criminal Code, with the threat of the death penalty or life imprisonment or for a certain period, a maximum of twenty years. The investigation was hampered by changing and out-of-sync statements from the perpetrators who were confronted with statements from witnesses, and information from the

family that they often showed strange and irrelevant behavior at home, so the motive for the murder had not been found.

This strange attitude and behavior prompted investigators to request a psychiatric examination of the suspect, this request was in writing and submitted to a forensic psychiatric specialist at the National Police Hospital. Then, AH was sent to a mental hospital, namely the National Police Hospital, the doctor stated that the suspect AH was experiencing mental disorders after being observed by a team of doctors at the National Police Hospital for 8 days. Currently, the investigation has been stopped because AH suffers from paranoid schizophrenia. Expert information outlined in written notes is also called *VeRP*.

Based on the *VeRP* results, following Article 109 of the Criminal Procedure Code, investigators have the authority to stop the investigation. Three things cause the investigation of a case to be stopped: a. Because there is not enough evidence; b. It is not a criminal offence; and c. Because it is for legal purposes, it is said to be legally enforceable due to several aspects, including the perpetrator suffering from a mental disorder, so his actions cannot be legally accounted for.

Article 44 paragraph (1) of the Criminal Code states that anyone who commits an act for which he cannot

be held responsible because his soul is disabled in growth or is disturbed in growth or is disturbed by disease (*ziekelyke storing*), will not be punished. Therefore, the judge can order that the person be put in a mental hospital for a maximum period of one year as a probationary span (paragraph 2). The provisions as intended in paragraph (2) only apply to the Supreme Court, High Court, and District Court." So the murder case of FD (44 years old) was stopped because it complied with the provisions of paragraph (3), namely the existence of a statement from a psychiatric forensic doctor who explained that the suspect has a mental disorder.

Herlin and Maharani Nurdin stated that the role of forensic psychiatry is as a fact witness whose function is no different from fact witnesses in general, as well as expert testimony in cases where mental disorders are suspected. The role of psychiatrists as evidence for expert testimony in court hearings is currently felt to be important by legal practitioners, especially after the existence of Article 184 paragraph (1) of the Criminal Procedure Code, which states that *VeRP* made by specialist psychiatrists is valid evidence and not just a normal description. Requesting information from psychiatric experts regarding mental health is now recognized as something necessary in everyday life.²¹

²¹ Herlin Sobari and Maharani Nurdin, "Peran Psikiatri Dalam Penegakan Hukum Sebagai *Visum et Repertum*," *Jurnal Ilmiah Wahana Pendidikan* 8, No. 15 (2022): 276-282, <https://doi.org/10.5281/zenodo.7049268>, p. 272.

At the investigation stage, apart from psychiatrists, information regarding mental health can also be provided by psychologists, of course, we have to remember the limits of a psychologist's professional competence, which then results in an evaluation that a mental disorder is found, then the consultation continues with a psychiatrist.²² In criminal justice, what is meant by psychiatric *Ver* is expert testimony given by a mental health specialist at trial. In criminal cases, a person suspected of having a mental disorder commits an act of violence or a person with a mental disorder experiences physical and psychological violence.

Psychiatrist expert information is used to: a. Help determine whether the examinee has a mental disorder by trying to use a diagnosis; b. Help determine the possibility of a correlation between the examinee's mental disorder and the legal event, by determining the possibility of a relationship between the examinee's mental disorder and the perpetrator who caused the legal event; c. Help determine the responsible ability of the examinee; and d. Helps determine the ability to be legally examined.

Forensic psychiatry plays a role in the law enforcement process in uncovering the causes of a case, through prevention and treatment, which ultimately reduces

the behavior of those who violate the law and assists law enforcement officials in understanding a person's actions rather than justifying their actions.²³

Law No.17 of 2023 concerning Health Article 74 paragraph (1) reads: "Mental health is a condition in which an individual can develop physically, mentally, spiritually and socially so that the individual is aware of his own abilities, can cope with pressure, can work productively, and be able to contribute to their community."

Criminal sanctions for mentally ill perpetrators who commit the crime of murder must first be seen whether the perpetrator has a severe or mild mental disorder (schizophrenia), or the perpetrator has another mental disorder.

In the case of AH, law enforcement must be more selective because people who experience mental disorders if they commit a crime are only considered suspects, but cannot be made defendants because no article regulates this.

Therefore, the role of forensic psychiatrists as factual witnesses and mental health experts is critical in the justice system, especially after being legally recognized as valid evidence. Psychiatrists assist in assessing mental disorders in individuals, ascertaining their relationship to legal events, determining legal responsibilities,

²² Amira Paripurna *et al.*, *Viktimologi dan Sistem Peradilan Pidana* (Yogyakarta: Deepublish, 2021), p. 127.

²³ Herlin Sobari and Maharani Nurdin, *op.cit.*, p. 278.

and measuring an individual's legal competency. Forensic psychiatry also contributes to law enforcement by identifying the causes of a case and providing prevention through treatment.

The FD murder case study highlights the complexity of investigations when the perpetrator suffers from mental disorders, illustrating the important role of psychiatrists in the justice process. In the legal context, Law No. 17 of 2023 concerning Health and the Criminal Code provides the legal basis for dealing with individuals with mental disorders, and decisions to stop investigations in certain cases must take into account the limitations of legal responsibility due to mental disorders. Although psychiatrists do not have the authority to make decisions in court, their opinions may be an important consideration for the judge in determining the outcome of a case.

D. CONCLUSIONS

The suspected murderer FD (44 years old) has been detained by the police, his actions are charged under Article 338 of the Criminal Code in conjunction with Article 340 of the Criminal Code concerning premeditated murder. After approximately 8 days of observation at the Bhayangkara Polri Hospital, expert testimony was obtained, namely from a psychiatric forensic doctor, that the suspect AH was found to be suffering from a serious mental disorder, in the term paranoid schizophrenia. Forensic psychiatry doctors recommend that the

suspect needs psychiatric treatment and strict care to prevent risks to the perpetrator and his environment. As Article 184 of the Criminal Procedure Code states, the testimony of a psychiatric forensic expert is used as evidence, so it can be concluded that the authority to stop an investigation for perpetrators with mental disorders can be carried out during an examination by the public prosecutor (prosecutor) by providing a Letter of Termination of Investigation (SP3). Termination of investigations with perpetrators who experience mental disorders must be based on an expert examination, namely a psychiatrist who has examined the perpetrator carefully.

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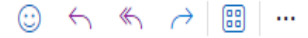
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