

# Criminal Investigation Stages Based on "Visum Et Repertum" as Evidence of Rape in Bone Regency

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**Abstract.** *The crime of rape is an act that is considered contrary to all existing norms, because it is done by forcing someone (a woman) to have sex outside of marriage. The purpose of this study is to determine the function of the post-mortem examination (visum et repertum) at the investigation stage in uncovering a crime of rape. And to determine the efforts taken by investigators if the results of the post-mortem examination do not contain information about signs of violence on the rape victim, in order to obtain the material truth of a rape case. The research method uses a sociological juridical approach. This approach departs from statutory regulations that are oriented towards studies that lead to the fulfillment of evidence in conducting investigations. The sample in this study was the Head of the Criminal Investigation Unit of the Bone Police and 2 police officers in the Criminal Investigation Unit of the Bone Police. The results of this study showed that the results contained in the post-mortem examination can be initial evidence for investigators to take other actions in uncovering a case of rape. Suggestions should be that investigators can consider in reading and applying the results of the post-mortem examination, especially knowledge for investigators regarding things that might affect the results of the post-mortem examination. This knowledge is important so that investigators do not interpret the results of the post-mortem examination obtained carelessly, which can then influence and determine the investigator's follow-up actions in examining the case.*

**Keywords:** *Visum et Repertum, Criminal Act, Rape*

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## INTRODUCTION

Indonesia is a state with the rule of law in its constitution, which is guaranteed in Article 1 paragraph (3) of the Constitution 1945 of Republic of Indonesia (Harisman, 2021; Tibaka & Rosdian, 2017; Suparto, 2020; Juanda, 2023; Fauzia et al. 2021). This principle demonstrates the very principle of the state to make sure that every sphere of social, political, and institutional life is controlled and regulated by legal norms. The rule of law focuses on treating the law as certain and just and at the same time ensuring that all citizens are treated by the law equally irrespective of their gender, ethnicity, religion as well as social status. In this context, the state has a leading role of ensuring that people are not violated, exploited or discriminated either-members of vulnerable groups (Rosemann, 2005; Papa et al., 1995; Todres, 2003; Celermajer & Grewal, 2013).

Misztal (2013) said that, the law as a control tool reflects a way of upholding social order, as well as protecting human dignity. It defines interaction patterns, conflict resolution as well as setting acceptable behaviour norms (Vasconcelos et al., 2009; Kamil, 1997; Broadhead, 2009; Kelman, 1979). Nevertheless, even in the conditions of the presence of complete legal frameworks and the further development of the institutional apparatus, crimes are still present, and, in most instances, they are becoming more and more complex. Improvement in communication technology, social mobility and media exposure have failed to eradicate but rather generated new

possibilities and types of criminal behaviour (Jewkes & Reisdorf, 2016; Connor & Huggins, 2010; Friedlander, 1993).

Sexual violence especially rape is one of the most serious and social cruelties among other kinds of criminal offences. Sayyah & Amirian (2024) and Campbell (2003) said that Rape is a serious crime against human rights and individual freedom. It is a violation of bodily integrity, emotional security and human dignity. Sexual violence would be against the principles declared in the Universal Declaration of Human Rights that states the natural dignity and equal rights of all human beings (Trentin et al., 2019; Kismödi et al., 2017; Hughes, 2011; Valentiner, 2021; Miller, 2004). Rape is considered a crime against the morality and personal integrity in the Indonesian legal system with punishments of criminal character being severe (Ishaq et al., 2025; Nugroho & Nugroho, 2023; Putri, 2025; Triantono et al., 2025; Kusuma et al., 2025).

However, the continuing number of rape incidents suggest that the formal legal rules are not enough to avoid these crimes and provide full protection of the victim. Rape has far reaching effects than the physical harm. The enduring psychological trauma, social stigmatization, loss of self-confidence, and inability to relate well with others are often among the long-term effects of victims (Carlson & Dalenberg, 2000; Matheson et al., 2015; Manukrishnan & Bhagabati, 2023; Dunn & Morrish-Vidners, 1988). The secondary victimisation of the victims in most situations occurs as a result of adverse social response, victim-blaming moods, and institutional insensitivity.

Such circumstances can deter a victim to report or cooperate completely with the law and I am also likely to view them negatively. Sexual violence therefore tends to be underreported and a good number of offenders get away. Based on criminological and sociological research, it is believed that rape depends on complicated factors among individual behaviour, social norms, power relations and situational factors (Frese et al., 2004). In most instances, the offenders take advantage of the weak circumstances, including loneliness, drunkenness, emotional attachment, or financial disparity.

Certain episodes happen during dating relations, family life or even during the acquaintance environment where they control the trust and emotional attachment. Others are through the direct physical violence or threats. These various contexts illustrate how rape is not an individual crime but it is infused into larger social and relationship systems. Rape cases and their investigation and resolution are major challenges to the law-enforcement authorities. In contrast to property crimes or offences committed in the open, rape is mostly done in intimate places where no witnesses can be found.

Physical evidence can be scanty, destroyed or lost during time. Trauma may lead to memory fragmentation, this may also reduce the consistency of the testimony given by the victim (Johnson, 1999). Therefore, in most cases, investigators rely on victim accounts and forensic evidence to determine the components of the crime. Such a reliance renders big responsibility on investigation institutions to ensure that procedures are done professionally, ethically and sensitively. The duty of the investigators is to strike the right balance between the need to gather evidence comprehensively and the need to respect the dignity and psychological well-being of the victims.

Poor investigational customs can lead to a resultant instance of a loose case file, ineffective evidential backing and the inability to have a successful prosecution. Moreover, any insensitive questioning, delays, or support services can intensify the trauma in the victims and negate their intention to take part in the legal proceedings. In a criminal justice system, the material truth is the basic aim of investigation and prosecution. Material truth is the fullest and best recreation of events according to evidence, logical reasoning and protection of the process. To reach material truth, one needs to make systematic attempts to gather, confirm, and analyze different types of evidence, such as eyewitness testimony, professional opinion, documents, and physical evidence.

This comes about during the investigation and up to the prosecution and the court case. In this evidenced context, the medical and forensic evidence plays a leading role in the investigations regarding rape. Among these types of evidence, a formal medical report issued by a licensed physician who examines a victim is one of the most significant types of such evidence (Campbell et al., 2009; Walz et al., 2023). This report captures on physical observation, laboratory findings, and professional determination concerning injuries, genital conditions, and biological traces, pregnancy, and other pertinent indicators.

Visum et repertum is a source of expert evidence and documentary evidence in legal practice, fully accepted by procedural law. Visum et repertum is important because it offers objective, scientific, and professional information that can either support or elucidate the testimony of the victim. Physicians through medical examination can be able to detect signs of sexual intercourse, injury on the genitals, bruises, abrasions, semen, and evidence of intoxication. Such findings help in determining the legal aspects of rape that have been satisfied. Such indicators are decisive factors in the practices of prosecuting or not prosecuting a case in most instances (Voigt & Wulf, 2019).

The evidencing worth of visum et repertum is not absolute, however. Medical discoveries are affected by different biological, temporal and situational factors. The healing of wounds and disappearance of biological traces may be caused by delays in reporting. There might be individual differences of the anatomy, hormonal factors and previous sexual experiences that might influence the results of the examination (Burri et al., 2010; Halari et al., 2005; Sanders et al., 2002). In addition, the quality of reports also depends on the methods of examination, presence of equipment, and expert knowledge of a physician.

The apprehension of social stigma, family pressure, poverty, or mental torment often causes the victims to delay the reporting. The victim may be morally judged and socially excluded, which also discourages disclosure in conservative communities. Over time, the physical evidence of violence can fade, and forensic documentation will become more challenging. As a result, medical reports do not necessarily capture the extent of the violence that has been suffered even in cases where rape has been committed.

The above limitations present significant research challenges to researchers. In the cases where the visum et repertum does not provide indicative evidence of the presence of physical force, prosecutors must be permitted to call upon other modalities of evidence to meet the legal standards. Such conditions require an increased level of professional judgment, analytical skills and moral perception. The overreliance on physical evidence may lead to unfair rejection of cases, and the insufficient consideration of the contextual evidence can corrupt the efforts of prosecutors.

The previous literature shows that the lack of explicit injuries does not necessarily imply consent and the lack of coercion (Park, 2024). Violence in the form of psychological intimidation, threats, emotional manipulation, and incapacitation caused by substances may occur with almost zero physical signs. However, in the framework of operational law-enforcement, physical evidence remains to be one of the central components of investigative assessment. This dualism brings out a deviation in the contrast of normative legal doctrines and institutional praxis.

In the Indonesian legal system, rape investigation falls under Criminal Procedure Code and supporting provisions which recognizes expert medical testimony as a very important evidence tool (Butt & Nathaniel, 2024; Budiono et al., 2020; Bakhtiar et al., 2025). Investigators have the power to request medical examinations and include the visum et repertum into dossiers of cases. The formalities in such requests are outlined in procedural guidelines and the role that medical-experts should play in court is specified. However, there has been very minimal empirical research on the practical application of the visum et repertum as it is currently applied in the investigative routine (Kristiyadi & Suyatno, 2022; Firmansyah & Simangunsong, 2024).

Most of the extant literature is of an overwhelmingly normative legal analysis, statutory exegesis or doctrinal exposition. In as much as these methodologies contribute to the understanding of the law, they do not provide much insight into the institutional behaviour, professional interaction, and the practical limitations faced by investigators and physicians. This leads to inquiry salience questions on interpretive praxis, decision-making processes and interprofessional communication as not being fully studied.

The Bone Regency is a local environment where rape investigations occur within individual institutional, sociocultural, and resources-based conditions. The dilemmas commonly faced by investigators working in this area include limited infrastructural resources, large caseloads and complex sociocultural environments. They are therefore often subjected to cases where medical records do not reveal any unquestioned signs of violence. Under such circumstances, investigators must devise appropriate investigation plans, balance the evidentiary conditions with the protection of the victim, and maintain operational fairness.

Moreover, the communication between the law enforcer agents and the medical practitioners has a critical impact on the effectiveness of the *visum et repertum*. The interpretation and implementation of medical discoveries are moderated by competent communication, mutual understanding and professional competencies (Hull, 2016; Suter et al., 2009). Lack of forensic knowledge among investigators can lead to misinterpretation of reports and lack of knowledge in forensic domains by physicians can cause lack of properly detailed documentation. The great significance of interdisciplinary collaboration can be highlighted by these issues.

Despite the pivotal role of the *visum et repertum*, the academic collection does not give much consideration to first-hand accounts of those who were investigating the cases where the medical evidence is inconclusive. Limited empirical information exists on methods used by investigators to fill in evidentiary gaps, judge the credibility of the victim and harmonize heterogeneous evidentiary modalities. This lack of study hinders the development of evidence-based policies and professional guidelines.

In addition, there is a limited number of empirical studies conducted at regional levels which limits the understanding of institutional heterogeneity in the Indonesian criminal justice system. The practices of investigation can vary significantly in regions due to the differences in the resources, leadership, training and in community dynamics. Without local research, the policy interventions will risk being ineffective or inappropriate.

The paper, therefore, attempts to examine the relevance of *visum et repertum* in the examination of rape cases at Bone Regency and discuss the actions implemented by the investigators when medical reports do not show any violence. The study uses a sociological-based juridical approach to examine the relationship between the legal norms and institutional practices and professional judgment.

In particular, the research aims to determine the role of *visum et repertum* in meeting the evidentiary element, the difficulties inherent in deciphering of doctor reports and other methods used to determine that something is true. The research provides a cohesive insight of investigative dynamics of rape cases through interviews, document analysis, and institutional observation.

This research has importance in the sense that it not only makes a contribution to the world of academia but also to practice. In the academic world, it enhances socio-legal research by providing empirical evidence on how forensic evidence is applied in local policing settings to support existing knowledge on how legal norms are applied and how professional discretion can be exercised within institutional beliefs. In practice, the results make it possible to improve the processes of investigation, collaboration among the specialists, and the victim-oriented practice.

In enhancing the correct interpretation and use of *visum et repertum*, the research attempts to facilitate more productive, fair and humane reactions to sexual violence in the

criminal justice system. Finally, the increase in the quality of investigations has both the positive outcomes beyond the legal certainty and the institutional responsibility to the dignity of victims and the strengthening of the social trust in the law enforcement agencies.

## **METHODS**

It takes a sociological-juridical analytic approach to explore the role of the *visum et repertum* in the context of rape cases investigations and to assess the strategies investigated by the investigators to use in cases where the medical documentation does not indicate signs of violence. The sociological-juridical paradigm combines legal normative scrutiny and empirical scrutiny of social and institutional practices. As a result, the statutory provisions governing criminal investigations are also explored not only by the text but also in terms of their operationalization in policing bodies. This methodological framework allows the investigator to question the intersection of law, professional judgment and practical limitations that are practiced in the handling of rape cases.

### **Research Design**

This research practice follows a qualitative descriptive case study design. The case study approach has been adopted to allow a thorough analysis of investigative behaviours in a well defined institutional as well as geographical centre, which is the Bone Police Department. With a focus on a specific case setting, the investigation will explain the complex nature of the investigation process, work-related relationships, and decision-making as a part of rape investigation. It is especially suited to the socio-legal study that tries to explain how legal regulations are operationalized in the scope of every-day institutional setups. The qualitative focus of the research enables the researcher to inquire participants on their perspectives, life experiences and interpretive paradigms relating to the implementation of *visum et repertum*. Instead of measuring variables, the study prefigures the meaning, situational sensitivity and process richness. The study attempts to reveal the underlying trends, new issues, and response mechanisms that might be inaccessible to those methods that are quantitative in nature.

### **Research Setting**

The study was carried out in the Bone Police Department in South Sulawesi, Indonesia. This agency has the responsibility of conducting criminal investigations in the area of jurisdiction of the Bone Regency, especially those that involve sexually transmitted violence. This site has been selected based on its relevance in the study aims and involvement in rape case investigation. Being a regional law enforcement agency that exists within different administrative, social and resource-oriented limitations, the Bone Police Department is a suitable environment to observe the feasibility of the application of legal norms in the field.

### **Population and Sample**

The sample of the current study will include all the law enforcement personnel at the Bone Police Department that are occupied with criminal investigations. But due to the qualitative type of the research and the need to have detailed information, purposive sampling was used to choose respondents who had the appropriate experience and professional responsibility towards dealing with rape cases. The samples used are three key informants, which are the Head of Criminal Investigation Unit and two police officers working in Criminal Investigation Unit. The participants have been chosen as they are directly involved in investigations of rapes and they are conversant with procedures involving the requesting, interpretation, and use of *visum et repertum*. They were in a position to give authoritative and comprehensive information regarding institutional practices and challenges.

### **Data Collection Techniques**

A collection of qualitative methods was used to collect data in order to guarantee depth and credibility. Semi-structured interviews were the main tool used, which was chosen on the basis of enabling flexibility, as well as maintaining the focus on predetermined research topics. The

interview guide was designed to address the key areas, which are the process of seeking visum et repertum, the interpretation of medical reports, difficulties in evidentiary evaluation, interprofessional communication, and approach to those cases that do not have direct evidence of violence. All interviews were conducted in a non-disclosure but secure setting inside the police institution in order to protect privacy and minimize outside influence. Face-to-face interviews were carried out and lasted between sixty and ninety minutes. Recordings were done with the consent of the participants and with the aid of written field notes. In the instances where audio recording was not allowed intensive field notes were made to ensure data integrity. Besides interview, a document analysis was also conducted to complement primary data. Documents that were relevant included investigation reports, request letters on visum et repertum, standard operating procedures, and relevant legal regulations. These reports provided institutional background and aided in the confirmation of the interview results. There was also the use of non-participant observation, but in small scale. The researcher also monitored the performance of some of the administrative and procedural operations related to the handling of cases, such as documentation practices and inter-unit coordination. This observation gave an understanding of institutional habits and professional relations which otherwise would not be underestimated in interview data.

### **Data Analysis Procedures**

The analysis of data was done using qualitative thematic analysis. The process consisted of a number of steps which were systematized. First of all, all the interviews were transcribed verbatim and field notes were organized. The transcript and supporting materials were then read through many times so as to achieve an in-depth familiarity with the dataset. The second stage was the open coding in which the meaningful units relevant to the research objectives were identified. Data segments that reflected major concepts, such as evidence difficulties, interpretive practices, institutional constraints and investigative strategies, were assigned codes. During the third stage, codes were grouped into general ones. These groups were further narrowed down to analysis themes that high frequency themes were present in the narratives of participants. Lastly, thematic relationships were examined to explain how law, professional judgment and institutional contexts interact in the practice of investigation. In this process of making an analysis, the constant comparison was used to ensure consistency and methodological rigor. The initial findings were continuously compared with the literature available and legal standards to enhance understanding of interpretations.

### **Validity and Reliability**

The various qualitative verification methods were applied to support the validity of the empirical findings. Data triangulation, i.e. the systematic comparison of interview transcripts with documentary records and direct observation notes contributed to the credibility of the findings by reducing the effect of relying on a single source of information. Member checking entailed introducing preliminary interpretations to a chosen group of respondents in a bid to ascertain accuracy and to prevent misrepresentation; the respondents were given a chance to clarify or correct statements to strengthen interpretive validity. Reliability was ensured by careful recording of all research activities such as sampling reasons, interview guide and methods of analysis as well as maintenance of an audit trail to maintain transparency and accountability of the methodology. Continuity of reflective journals during the investigation facilitated confirmability as the journals captured the presumptions, emotive responses and analytical decisions made by the researcher, and thus reduced the risk of personal bias and enhanced objectivity.

### **Ethical Considerations**

Due to the sensitive aspect of rape investigations, the investigation conducted strict ethical considerations were observed during the research. Data collection was preceded by obtaining the formal permission of the concerned institutional authorities. The participants were briefed about the aim of the study, the scope of the study, and the methodological procedures. All participants

agreed to participate in the informed consent. They were made to understand that they would have been participating on a voluntary basis and had the right to pull out at any moment without facing any consequences. Anonymity of participants and removal of identifiable information in the transcripts and reports ensured confidentiality. All information was placed in safe storage and only the researcher used it. Special attention was paid to the fact that no information revealed in the interview could reveal the current investigations and violate the laws of confidentiality.

### **Limitations of the Study**

The current study is limited in a number of ways. To begin with, the sample size was small, and therefore limits the generalisability of the findings. However, the qualitative methodology is rather depth-oriented than breadth and the chosen respondents provided rich and contextually relevant information. Second, the focus on one regional institution of police restricts the generalization of results to other environments. Different jurisdictions might have differences in the allocation of resources and the culture of the organisation leading to the existence of different methods of investigations. Third, the scope of documentary analysis may have been limited by the limited access to some of the confidential documents of the cases. However, counterbalancing mitigation was offered by data triangulation. In spite of these shortcomings, the research provides interesting information on the practical use of visum et repertum in rape cases, which contributes to evidence-based institutional change.

## **RESULTS AND DISCUSSION**

### **The Function of Visum Et Repertum in the Investigation Stage in Revealing the Crime of Rape**

As stated in the Criminal Procedure Code implementation guidelines issued by the Minister of Justice, which states that:

*"The aim of criminal procedural law is to seek and obtain or at least approach the material truth, namely the most complete truth of a criminal case by applying the provisions of criminal procedural law honestly and precisely with the aim of finding out who the perpetrator is who can be accused of committing a legal violation, and then requesting an examination and decision from the court to find out whether it is proven that a crime has been committed and whether the person accused can be blamed."*

In light of this objective, it is imperative that law enforcement officials, who are authorized to manage and scrutinize a criminal case at each phase of the investigation, conduct themselves with integrity and propriety. This conduct is essential for the discovery and disclosure of the material truth pertaining to a criminal case, ultimately leading to a verdict that aligns with the public's perception of justice. In an investigative examination, which encompasses a series of actions undertaken by investigators to seek and collect evidence that may illuminate the crime and identify the suspect, this process can be regarded as a critical and definitive initial step in establishing the material truth of a criminal case. In instances where an event or action is suspected of contravening criminal law, the ascertainment of the material truth pertaining to the incident is conducted during the investigative phase.

The initiation and implementation of the investigation process may commence once the investigator has established a foundational basis or guideline. The foundation or criterion for investigators to initiate an investigation is the presence of a potential source of action, as delineated in the Criminal Procedure Code (KUHP), as follows: (1) Caught red-handed (Article 1, point 19, Criminal Procedure Code); (2) Report (Article 1, point 24, Criminal Procedure Code); (3) Complaint (Article 1, point 25, Criminal Procedure Code); (4) Self-discovery or notification, or other means by which investigators are aware of the crime.

According to an interview conducted with First Inspector M.T. Latif, SH, who serves as the Head of the Women and Child Protection Unit of the Bone Police, on July 21, 2025, it was articulated that a post-mortem examination (visum et repertum) constitutes a written statement

or report provided by an expert concerning the findings of an examination. A post-mortem examination may serve as documentary evidence, as outlined in Article 187, letter c, of the Criminal Procedure Code. Additionally, First Inspector M.T. Latif, SH, indicated that a post-mortem examination conducted by a physician, based on the findings of a medical evaluation of a rape victim, qualifies as expert testimony as delineated in the Criminal Procedure Code, and is to be presented in written form. In the course of the investigative process, investigators fulfill a vital function: to seek and collect evidence while identifying the suspect.

This evidence will provide additional clarity regarding the occurrence of a crime. This evidence is likewise submitted to the public prosecutor as admissible evidence in judicial proceedings. Consequently, the evidence collected by investigators must be robust. In instances where investigators face challenges during the examination process, particularly in cases of sexual assault where the act of intercourse must be substantiated, it is permissible for investigators to seek the expertise of a specialist physician to perform a post-mortem examination (*visum et repertum*) to validate this aspect.

In relation to the evidence obtained through a post-mortem examination (*visum et repertum*) in cases of rape, it is imperative that such an examination is requested promptly following the investigator's receipt of the complaint. Upon receipt of the complaint, the investigator subsequently compiles a Police Report, which is a formal document authored by a National Police officer. This report indicates that an individual, in accordance with a legal right or obligation, has formally notified the authorities of the occurrence or ongoing nature of a criminal incident.

According to an interview conducted with First Brigadier A. Herfandi, SH, on July 21, 2025, it was stated that subsequent to the filing of a police report, a procedure is initiated to secure a post-mortem examination (*visum et repertum*). This procedure seeks to ascertain the condition of the victim, specifically concerning the demonstration of the components of sexual intercourse and the presence of threats of violence in the context of the rape case.

Consequently, it may be asserted that a post-mortem examination (*visum et repertum*) functions as documentary evidence that can be utilized in judicial proceedings. A post-mortem examination should be performed promptly upon receipt of a complaint of rape in order to minimize substantial alterations and to ascertain the victim's condition as swiftly as possible following the incident. The process of acquiring a post-mortem examination (*visum et repertum*) is conducted exclusively by investigators, in accordance with legal stipulations.

In criminal cases, particularly during the investigation stage, the following individuals are entitled to request a post-mortem examination: (1) Investigators in accordance with Article 6 paragraph (1) letter a of the Criminal Procedure Code are Indonesian police officials with a minimum rank requirement of Second Lieutenant of Police (as stated in Article 2 paragraph (1) letter a jo. Article 2 paragraph (2) of Government Regulation No. 27 of 1983) which is now based on Decree No. Pol. : Skep/82/VI/2000 concerning the Determination of the Re-implementation of the Use of Daily Service Uniforms in the Indonesian National Police Environment changed to Police Inspector II (AIPDA Pol); (2) Assistant Investigators, in accordance with Article 10 paragraph (1) of the Criminal Procedure Code, are Indonesian police officials with a minimum rank requirement of Second Sergeant of Police (as stated in Article 3 paragraph (1) letter a of Government Regulation No. 27 of 1983) which is now changed to Second Brigadier of Police (BRIPDA Pol.)

Based on existing provisions, the procedure for requesting a post mortem et repertum in criminal cases is as follows: (1) Requests must be submitted in writing; they are not permitted to be submitted verbally, by telephone, or by post; (2) The investigator must bring the request letter, along with the victim or evidence, to the hospital, community health center, or doctor; (3) Requests for a post-mortem examination (*visum et repertum*) regarding past circumstances or events are not permitted. This is due to the obligation to maintain medical confidentiality for doctors.

The post-mortem examination (visum et repertum) request letter must include: (1) The type of post-mortem examination (visum et repertum) request; (2) The victim's identity, as clearly as possible; (3) A description of the incident and other information; (4) For injured victims who die while being treated, a post-mortem examination (visum et repertum) request letter must be immediately followed up; (5) A post-mortem examination (visum et repertum) request for a post-mortem examination requires an autopsy. It is not permitted to request an external post-mortem examination alone, as the doctor cannot provide a conclusion regarding the cause of death without an autopsy; (6) The Indonesian National Police (POLRI) is responsible for the safety of doctors during autopsies, as undesirable events can occur if the family refuses an autopsy. Therefore, in accordance with Article 134 paragraph (2) of the Criminal Procedure Code, investigators must provide an explanation regarding the need for the autopsy. If deemed necessary, Article 222 of the Criminal Procedure Code can be enforced; (7) In accordance with Article 133 paragraph (3) of the Criminal Procedure Code and to prevent errors, the delivery of evidence, including the body, must be accompanied by a sealed label.

In the procedure for obtaining a post-mortem examination for a rape victim, as per existing regulations, the investigator prepares a Letter of Request for a Post-mortem Examination (SPVR) for the Rape Victim, which is administratively addressed to the Head of the Hospital where the medical examination of the victim was conducted. The letter contains the following information about the victim: (1) Name, date of birth/age, nationality, occupation, religion, and address; (2) Place and time of rape; (3) Date and time of complaint or report to the police or discovery by the police; (4) Brought to the police station by whom, date and time, or discovery by the police; (5) Included evidence should be stated completely and clearly.

The preparation of a SPVR for a rape victim complies with the provisions of Article 133 paragraph (2) of the Criminal Procedure Code concerning the form of request for information by investigators, which states that

*"Requests for expert information as referred to in paragraph (1) shall be made in writing, with the letter expressly stating that it is for the examination of wounds, the examination of the body, and/or an autopsy."*

This request for a post-mortem examination (visum et repertum) can be requested not only from government hospitals but also from private hospitals. After the investigator has fulfilled the administrative requirements for preparing an SPVR, the victim is then taken to the hospital for examination. During the medical examination, officers must ensure that a medical examination has been performed on the victim in question.

The post-mortem examination, which contains the results of the medical examination of the victim by a licensed doctor, is important evidence for investigators to take further action in their investigations, such as conducting searches, seizures, detention, or other investigative actions. Based on the results of the victim's examination contained in the post-mortem examination, investigators can use it as a guideline regarding the following matters:

### ***There are Elements of Sexual Intercourse in the Victim***

The component of sexual intercourse constitutes a fundamental aspect that investigators are required to establish in the resolution of a rape offense. In the field of forensic medicine, sexual intercourse is characterized as an event that entails penile penetration into the vagina. This penetration may occur in a complete or incomplete manner, with or without the occurrence of ejaculation. The analysis of this aspect of sexual intercourse is affected by the morphology and elasticity of the hymen, the dimensions of the penis and the extent of penetration, the occurrence or non-occurrence of ejaculation and the specific conditions surrounding the ejaculation, the position during intercourse, and the veracity of the victim's state at the time of the examination. In relation to the aspect of sexual intercourse, a post-mortem examination may reveal indicators of such activity through the findings obtained from the examination of the hymen.

In the presence of a tear, it is probable that the individual has undergone sexual intercourse. Nonetheless, the lack of a tear does not inherently indicate that the victim did not undergo intercourse. The elasticity of the hymen, the dimensions of the penis, the extent of penile penetration, and the position during intercourse may all affect the outcomes of the hymen examination. Considering the factors that may affect the outcomes of the hymen examination aimed at identifying signs of intercourse, it is important to note that if the laboratory analysis of the victim's vaginal mucus reveals the presence of sperm cells, this constitutes a definitive indication that intercourse has taken place. Similarly, the occurrence of pregnancy, in conjunction with the presence of specific sexually transmitted diseases that are exclusively transmitted through sexual intercourse, serves as a definitive indication that such intercourse has taken place.

### ***Estimated Time of Sexual Intercourse with the Victim***

The timing of sexual intercourse is a critical factor for investigators to ascertain in order to evaluate the suspect's alibi, which may potentially exonerate them from the alleged crime of rape. The detection or lack thereof of spermatozoa within the victim's vaginal canal, as assessed during the post-mortem examination, may provide insights into the timing of the sexual intercourse. In this context, evidence exists indicating that sperm within the vaginal canal retains motility for a duration of 4 to 5 hours following coitus. Sperm may remain present in an immobile state for approximately 24 to 36 hours following coitus, and in cases where the female is deceased, it can persist for a duration of up to 7 to 8 days. The findings from the laboratory analysis of the victim's vaginal mucus, as detailed in the post-mortem examination, may serve as a significant indicator for investigators in determining the timing of sexual intercourse in cases of rape. Similarly, the results of the examination of gestational age may serve as an important indicator for investigators in ascertaining the precise timing of the commission of the rape crime.

### ***There were Elements of Violence on The Victim's Body***

In the context of a rape investigation, it is imperative that elements of violence and/or threats of violence be identified and substantiated by investigators in order to advance the inquiry. The occurrence of sexual intercourse devoid of any indications of violence or threats thereof directed towards the victim may lead to the discontinuation of the case. A post-mortem examination (*visum et repertum*), which delineates signs of violence present on the victim's body, serves as evidence that can substantiate elements of violence in the investigation of a rape crime. In order to establish the presence of violence on the body of a rape victim, it is essential to initially identify the anatomical locations where wounds are frequently observed. These locations include, but are not limited to, the areas surrounding the mouth and lips, the neck, the nipples, the wrists, the groin, and the regions surrounding and on the genitals. In cases of sexual crimes, injuries inflicted by acts of violence commonly manifest as abrasions, nail imprints, bite marks, and contusions. In the examination of violence, it is important to note that such acts do not invariably result in visible traces or marks. Given that drugging is classified as a form of violence, it is essential to conduct a medical examination to ascertain the presence of drugs or poisons that may have caused a woman to lose consciousness. The *visum et repertum* reveals evidence of violence on the victim's body, as indicated by the examination results of the head, neck, chest, abdomen, back, both upper limbs, both lower limbs, and the condition of the victim's genitals, which are consistently included in the report.

### ***Results of Examination of the Victim and Other Evidence Related to the Crime of Rape***

In the course of performing a post-mortem examination (*visum et repertum*) on a victim of rape, it is customary to include evidence that may suggest the occurrence of the assault, such as the victim's undergarments and the attire worn during the incident. The analysis of these items aims to identify any traces of blood or semen that may correspond to the biological samples of the perpetrator, in addition to detecting potential indicators of struggle or violence present on the clothing. The findings of this analysis of evidence have the potential to significantly bolster the status of these items as critical components of evidence, both in the context of the investigation and throughout the trial proceedings. The functions and benefits of a post-mortem

examination, as previously delineated, illustrate the technical role of such an examination, which can aid and offer direction to investigators in the process of elucidating a rape crime. The thoroughness of the victim's examination results, as articulated in the post-mortem examination, along with the investigator's proficiency and expertise in interpreting and utilizing these results, is essential for ascertaining the most comprehensive material truth in the investigation of a rape case.

A post-mortem examination (*visum et repertum*) conducted in the context of a rape investigation plays a crucial role in aiding investigators in the pursuit and collection of adequate evidence. This process is complemented by additional forms of evidence, including testimonies from the victim, witnesses, and suspects, as well as the analysis of various other items pertinent to the case. A post-mortem examination, encompassing the findings of a medical assessment of a woman believed to be a victim of rape, enables investigators to ascertain with certainty that the crime in question has transpired. The role of the post-mortem examination in revealing instances of rape during the investigative phase must, undoubtedly, be corroborated by the analysis of additional evidence to attain a comprehensive understanding of the material truth in the case. The post-mortem examination has inherent limitations in its capacity to aid investigators in the elucidation of rape cases, particularly concerning the veracity of the rape victim's condition at the time of the examination.

### **Investigators' efforts to uncover the crime of rape in the case of the post-mortem examination did not contain any signs of violence against the rape victim.**

As stated in Article 285 of the Criminal Procedure Code which regulates the crime of rape, it states that:

*"Whoever, by using violence or the threat of violence, forces a woman to have sexual intercourse with him outside of marriage, is threatened with rape, with a maximum prison sentence of twelve years."*

This necessitates that rape must fulfill the following criteria: sexual intercourse, the presence of violence or the threat thereof as a method of coercion, and the act of sexual intercourse with a woman who is not the spouse of the perpetrator. In order to gather evidence pertaining to sexual intercourse and violence during the investigative phase of a rape crime, investigators will engage in a systematic series of efforts and actions aimed at procuring robust evidence that substantiates these occurrences. One method by which investigators establish these two elements is through a post-mortem examination (*visum et repertum*) conducted on the victim. In a post-mortem examination, the occurrence of sexual intercourse can still be substantiated and elucidated, even if the act of rape transpired long after the crime was reported. Nevertheless, indications of violence present on the victim's body may not be documented in the post-mortem examination, as these indications, often manifested as wounds, can progressively heal and become undetectable over time. The presence of violence, as demonstrated by the post-mortem examination of a rape victim, aids investigators in efficiently advancing the case to the subsequent stage.

The manifestation of indicators of violence on the victim's body aids investigators in their inquiries, particularly when such indicators are associated with a sexual offense, as evidenced by marks located on the mouth and lips, neck, nipples, wrists, groin, and genitals. Injuries that arise from acts of violence associated with sexual offenses commonly encompass abrasions, nail imprints, bite marks, and contusions. The existence of indicators of violence in the victim's post-mortem examination serves to assist investigators in elucidating the crime of rape, while simultaneously instilling confidence in the judge regarding the substantiation of the elements of violence associated with the offense. Should the post-mortem examination of a rape victim reveal indications of intercourse without accompanying signs of violence, it is possible to identify evidence suggesting the presence of a threat of violence, thereby elucidating the nature of the crime. In the examination of the crime of rape, items that are seized and may serve as evidence in the case include, for instance, the garments worn by the victim, particularly undergarments that

may exhibit blood or semen stains, bed linens (the surfaces upon which the sexual act occurred) that may contain such stains, instruments utilized by the perpetrator to intimidate the victim, such as knives or other weapons, residual beverages or substances administered by the perpetrator to incapacitate the victim, as well as other pertinent objects that may substantiate the occurrence of the crime of rape.

Items, including the victim's underwear, are typically incorporated into the victim's examination during the post-mortem examination (*visum et repertum*) and are generally subjected to laboratory testing, the outcomes of which are also integrated into the post-mortem examination report. Bripka M.T. Latif, who serves as the Head of the Women and Children Protection Unit of the Bone Police, stated that if a complaint of rape is lodged promptly following the incident, a crime scene examination may be carried out. The crime scene refers to the specific location at which the criminal act was perpetrated, as well as additional sites where the suspect, victim, and/or pertinent evidence associated with the crime may be located. This examination is undertaken to gather evidence pertinent to the crime of rape, specifically to substantiate the violence inflicted upon the victim. Evidence that may be located at the site of a sexual assault encompasses bedsheets (the bedclothes where the assault transpired), bloodstains, or items that suggest indications of resistance from the victim.

The endeavors of investigators to collect evidence during the previously mentioned rape examinations are predominantly focused on identifying indications of violence or threats thereof, particularly in instances where the findings of the post-mortem examination do not reveal any signs of violence on the victim. The purpose of these actions is to ascertain the material truth in a rape case, thereby preventing the cessation of the investigation due to the inability to fulfill the criteria of violence or the threat of violence, should a rape have indeed taken place. The actions undertaken by investigators, including the summoning of suspects and witnesses, are conducted within the parameters of their authority as delineated in Article 7, paragraph (1), point g of the Criminal Procedure Code. The summons procedure is conducted in compliance with the stipulations outlined in Articles 112 and 113 of the Criminal Procedure Code. The examination process is conducted in compliance with the stipulations outlined in Articles 117, 118, and 119 of the Criminal Procedure Code. It is imperative that investigators uphold the rights of suspects as delineated in Articles 50, 51, 52, 53, 54, 55, and 114 of the Criminal Procedure Code.

In a similar vein, with respect to the examination and confiscation of evidence, investigators adhere to Articles 38, 39, 42, and 46 of the Criminal Procedure Code. The examination of the crime scene is predicated upon the stipulations outlined in Article 34, paragraph (1), letter c of the Criminal Procedure Code, which delineates the authority of investigators to conduct searches at the location where the crime occurred or where evidence thereof may be found. The disclosure of the crime of rape is accompanied by the potential for investigators to utilize findings from the victim's post-mortem examination. However, in the absence of evidence indicating signs of violence on the victim during the post-mortem examination, subsequent inquiries aimed at identifying elements of violence or threats of violence in the case must adhere to the principle of the presumption of innocence for the suspect.

In an interview conducted with Aiptu MT. Latif, SH, who serves as the Head of the PPA Unit of the Bone Police on July 21, 2025, it was articulated that in instances of rape where the post-mortem examination performed by an expert fails to reveal comprehensive indications of violence on the victim, it is imperative for investigators to pursue alternative evidence that may substantiate the crime. This approach is in accordance with Article 184 of the Criminal Procedure Code (KUHP), which enumerates various forms of evidence, including witness testimony, expert testimony, documents, clues, and statements from the defendant. Investigators generally pursue indicative evidence and subsequently correlate it with witness testimony. This is designed to facilitate each phase of the investigation, thereby enabling the resolution of the crime and the advancement to subsequent stages.

This study examines the offense of rape. This category of criminal activity is typically recognized through a formal complaint or report submitted by the victim, the victim's parents, or other family members. A complaint, as delineated in Article 1, point 25 of the Criminal Procedure Code, constitutes a notification that is accompanied by a request from an interested party directed towards an authorized official, seeking the initiation of legal proceedings against an individual who has perpetrated a criminal offense that adversely affects them. In the interim, a report, as delineated in Article 1, point 24 of the Criminal Procedure Code, constitutes a notification presented by an individual, in accordance with their rights or obligations as stipulated by law, to a designated official concerning a criminal incident that has transpired, is currently transpiring, or is believed to be transpiring.

Subsequently, investigators undertake additional measures in response to complaints or reports of rape, engaging in a systematic process to seek and collect evidence that may illuminate the nature of the crime and facilitate the identification of the suspect. Investigations into rape, categorized as a crime against morality, exhibit distinct characteristics in their execution owing to the inherent nature of the offense. The offense of rape, as delineated in Article 285 of the Criminal Procedure Code, necessitates an act of coercion involving either violence or the threat of violence directed towards a woman, compelling her to engage in sexual intercourse with the perpetrator outside the bounds of marriage. Investigations into this crime will necessarily examine an unethical act pertaining to sexual intercourse that culminates in a female victim. In this criminal investigation, the team typically comprises female investigators who are tasked with engaging female rape victims. These victims frequently endure psychological trauma as a result of their experiences. The objective of this approach is to collect comprehensive information and evidence to ascertain the material truth of the case.

The presence of a *Visum et repertum*, which serves as a critical piece of evidence in the investigation of rape, is facilitated as outlined in Article 133 paragraph (1) of the Criminal Procedure Code in conjunction with Article 1 point 28 of the same code. This provision governs the requests for expert information that investigators may solicit to elucidate a criminal case pertinent to their ongoing investigation. In the preparation of a post-mortem examination for cases of rape, a medical examination of the victim is performed by a physician specializing in obstetrics and gynecology, who possesses the requisite expertise to conduct examinations that substantiate the elements of sexual intercourse experienced by victims of rape. This medical examination will primarily concentrate on the genital region of the victim.

In accordance with the procedures outlined for acquiring a post-mortem examination, investigators are expected to receive the results of the examination within a timeframe ranging from two weeks to one month following the examination of the victim. The post-mortem examination entails the conduct of various laboratory tests on the findings observed in the victim during the examination. The post-mortem examination, informed by the findings of the medical assessment of a rape victim, is of paramount importance for investigators, especially in ascertaining whether the victim engaged in sexual intercourse. In light of the investigators' limitations in demonstrating evidence of sexual intercourse in rape victims, the post-mortem examination (*visum et repertum*) assumes critical importance for this objective. The examination performed by investigators on victims of sexual assault is confined to an external physical assessment and is incapable of identifying evidence of sexual intercourse on the victim's genitalia.

The post-mortem examination not only serves to establish evidence of sexual intercourse on the victim but may also encompass findings related to indications of violence inflicted upon the victim. This element is essential, in conjunction with the aspect of sexual intercourse in the context of rape. The two elements identified are the fundamental components that investigators must pursue and ascertain in the resolution of a rape case. The subsequent elements are typically incorporated in the post-mortem examination, which are formulated based on the findings derived from the examination of rape victims, and may aid investigators in elucidating the occurrence of rape.

### **In the Notification or Inspection Results Section**

In a visum et repertum requested for the investigation of a rape case, the results of the victim's medical examination, generally included in this section, are as follows: (1) Information regarding the time and external physical condition of the victim as observed during the examination by the doctor. The victim's external condition, such as the clothing worn (including underwear), footwear, and other items worn by the victim. Regarding the items worn by the victim, this should be described as clearly as possible by the examining doctor, as it is also important for investigators to use these items as evidence if the clothing or other items were worn by the victim at any other time during the rape; (2) Results of the medical examination for signs of abnormalities and/or violence on the body, including: head, neck, chest, abdomen, back, left and right upper limbs, and left and right lower limbs; (3) The results of a digital rectal examination include: Anal circumference (whether it is distended or not), Mucous membrane of the rectum (smooth or not), Hymen (whether it is torn, recent or recent, and the clockwise direction of the tear), Perineum (whether it is scarred or not), Uterus (normal size or enlarged due to pregnancy); (4) Laboratory test results; (5) Vaginal mucus (whether sperm is present or not); (6) Urine for pregnancy testing (positive or negative)

### **In the Conclusion section**

This section is the conclusion drawn from the victim's examination. It generally contains information about: (1) The condition of the victim's hymen (whether or not she has had intercourse); (2) Whether or not she is pregnant and, if so, how old the pregnancy is; (3) Whether or not there are signs of violence on the victim's body; (4) Whether or not sperm cells were found in the victim's vagina. The Notification or Examination Results section constitutes a critical component of the post-mortem report (visum et repertum), as it encompasses the findings obtained from the victim during the physician's examination. This section represents the most objective aspect and the essence of the post-mortem report, as it is anticipated that each physician will reliably furnish information grounded in their expertise and experience. All observable abnormalities or findings are documented directly, devoid of any personal interpretations. This section delineates the robustness of the evidence presented in a post-mortem report, which may be utilized by other medical professionals for the purpose of comparing their assessments, should the need arise. Through a thorough examination of the information presented in the post-mortem report, specifically within the Notification section as previously indicated, investigators can acquire a substantial understanding of the sexual assault perpetrated against the victim.

### **CONCLUSION**

The visum et repertum has a very important role in the process of investigating the crime of rape because it functions to provide clues regarding the existence of sexual relations and elements of violence, telling the time of the incident, and presenting the results of the examination of evidence that can be used as an initial basis for investigators in uncovering the case and completing the case file that will be submitted to the general examination. However, if the results of the visum and repertum have not fully revealed any signs of violence against the victim, investigators are still obliged to carry out further evidentiary efforts through examination of the perpetrator, witnesses, and victims, confiscation and examination of relevant evidence, especially those that indicate the existence of elements of violence or threats of violence, and if necessary, conduct an examination at the scene of the crime in order to obtain a complete and promising picture regarding the occurrence of the crime of rape.

### **SUGGESTION**

The function of the post-mortem examination (visum et repertum) in the examination of a criminal case, particularly during the investigation stage, plays a significant and crucial role in uncovering criminal cases that require specialized expertise. Given the lack of clear and detailed regulations regarding the procedures for using post-mortem examinations by law enforcement officials, particularly investigators, provisions or guidelines should be established regarding this

matter. Given that certain circumstances can influence the results of the doctor's examination as outlined in the post-mortem examination, such as the authenticity of the rape victim's condition at the time of the examination, other pre-existing circumstances (e.g., the victim had sexual intercourse prior to the rape/was not a virgin, the elasticity of the victim's hymen, the degree of penetration during the rape, and other special circumstances), investigators should consider these potential factors when interpreting and applying the post-mortem examination results. In this regard, investigators need to gain additional knowledge about factors that may influence post-mortem examination results. This knowledge is crucial to prevent investigators from blindly interpreting the results of the post-mortem examination, which could subsequently influence and determine the investigator's follow-up actions in the case. The information contained in the post-mortem examination of rape victims, which has always been in a general and standard format regarding the examination, should be more comprehensive and not limited to these generalities. For example, information regarding signs of violence and sexual intercourse, as well as the possibility of the victim fainting or being helpless during the rape, should also be included in the post-mortem examination. These comprehensive results should also be accompanied by a clear explanation and should not contain a lot of medical jargon that investigators may not understand.

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