

## *Visum et Repertum* as Evidence for Criminal Acts in Domestic Violence

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### ABSTRACT

*The aim of the study is to determine the application of *Visum et Repertum* as evidence for criminal acts in domestic violence. This study was empirical legal research. The location of this study was conducted in Kejaksaan Negeri Klaten. The result of the research showed that as proof of domestic violence with evidence *Visum et Repertum* was one of the law enforcements oriented to realize for legal certainty and protection of victims in proving the occurrence of criminal acts in domestic violence. The lack of evidence bothers the process of law enforcement, regarding requirements to determine the victim provided at least two evidence and for the judges to decide on criminal cases with valid evidence at least can be avoided by using *Visum et Repertum*. The obstacles to prove the evidence for criminal acts in domestic violence with *Visum et Repertum* includes the differences of understanding among law enforcement officials about the use of *Visum et Repertum* for criminal acts in domestic violence.*

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### 1. Introduction

It cannot be denied, acts of violence in the household are increasingly increasing. So even with a variety of modes.<sup>4</sup> Normatively, domestic violence is any act against a person, especially women, which results in physical, sexual, psychological, and/or neglected suffering or neglect of the household including threats to commit acts, coercion or deprivation of liberty unlawfully within the scope of a household. Physical violence is the most common form of domestic violence against victims.

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<sup>4</sup> Bakhri, Syaiful. (2011). Pengaruh Aliran-Aliran Falsafat Pemidanaan dalam Pembentukan Hukum Pidana Nasional. *Ius Quia Iustum Law Journal*, 18 (1), p. 137-157.

Day by day, it cannot be denied that domestic violence increased and it has a variety of modes. Normatively, domestic violence is any acts against a person especially women that can affect physical, sexual, psychological, and/or neglected households including the threats commit acts, coercion or deprivation of freedom against the law within the household scope. Commonly, physical violence is the most violent in the household for the victims.

From the aspect of proof and law enforcement, this form of violence is also quite simple because it can be proven with evidence in the form of information on the results of post mortem (*visum*). Likewise, sexual violence or neglect of households is relatively the same as physical violence. However, it is not the same as a form of violence in the form of psychological violence. Based on proof and law enforcement aspects, this violence is also quite simple because it can be proven by using the evidence such as the result information of postmortem. Likewise, sexual violence or neglected household is relatively the same as physical violence. However, it is not the same as the physical violence form. Psychological violence is an act of verbal torture (such as insulting, saying rude and dirty words) which can decrease self-confidence, excessive fear, loss of ability to act and helplessness. When the psychological violence happened many times then it can affect the victim to be a dependency on the perpetrators even though the perpetrators suffer victim. On the other hand, psychological violence can also trigger revenge for victims.<sup>5</sup>

The definition of psychological violence (Article 7 of PKDRT Constitution) is an act that affects fear, loss of self-confidence, loss of ability to act, helplessness, and/or severe psychological suffering for a person. Provisions for criminal psychological violence in households are regulated in Article 45 of no.23 2004 Constitution (PKDRT Constitution), which emphasizes:

- (1) Every person who commits an act of psychological violence within the household scope as referred in Article 5 letter b is convicted with a maximum imprisonment of 3 (three) years or a maximum Rp.9,000,000.00 (nine million rupiahs).
- (2) In the case of acts as referred to paragraph (1) it is committed by a husband against a wife or vice versa which does not cause illness or obstruction to carry out occupational positions or livelihoods or daily activities is convicted maximum imprisonment of 4 (four) months or a maximum of Rp.3,000,000.00 (three million rupiahs).

Related to the violence, two aspects become a problem in law enforcement, first; it relates to the evidentiary process in violence which is carried out with physical and psychological violence. In many cases, the violence for wives in the household is not identified or reported as a victim, while it is often released from the bondage of existing law. Besides, the punishment for perpetrators is relatively low from the existing. We realize that the victims of this violence are mothers, brothers, sisters, and the closest people in our lives. Then, the families who argue with the struggle of the household can oppose if the dominant male perpetrators.

Many cases involve men as the perpetrators of violence because men are frustration, guilt, depression, and so on. Generally, the men realize that they have done a mistake by hurting their wives and families. Feeling sorry and guilt are usually shown after they did a mistake. However, it usually repeated as a spiral of violence cycles. On the other hand, the

<sup>5</sup> Santoso, Topo. (2002). *Teori Kekerasan*. Jakarta: Ghalia Indonesia, p. 44.

victim will feel immune. But at the same time, it usually depends on perpetrators' history in the past about their violence from other people also.<sup>6</sup>

The elimination of domestic violence is a guarantee given by the government to prevent domestic violence, to follow up on domestic violence and to protect victims in the household. Protection is needed to give protection that is affected by family, advocates, social institutions, police, prosecutors, courts or other parties temporarily and the determination of the court.

Investigators, Public Prosecutors and Judges in the field of education, prosecution, and examination in court, are not released from other sciences in their respective fields. One of them is Judicial Medicine or Forensic Medicine. Judicial Medicine is the use of medical science for the benefit of the court which must greatly assist the police, prosecutors, and judiciary to solve all matters that can only be solved by the knowledge.

Related to domestic violence, the evidence is the central point to solve the problems. The purpose of evidence is to look for the truth and not to find a fault with others. This evidence is carried out in the interest of the judge to decide the case.<sup>7</sup> Thus, the main point is to prove the concrete event, by having the evidence, the judge can describe in his mind what exactly really happens without seeing with his own eyes in the real event to the judge can gain the confidence to decide the case.

To prove domestic violence is not as easy as proving other violence in which the time of violence is not too far from the trial, so it is easy to be proven. Proof of domestic violence is visible, for example, victims of beatings or rape can be proven by witness testimony and supported by *Visum et Repertum*. While psychic violence such as mental, spiritual and mental can be proven through *post mortem et psychiatric*.

At the practical level, many reports related to domestic violence in the form of violence, but the incidents of violence are carried out far from the time of reporting, so the one-sided statement is not enough to prove the existence of a criminal offense. In this case, *Visum et Repertum* is a role to help the judge in meeting the minimum limit of two pieces of evidence and the judge's conviction to decide the case as fairly as possible.

## **2. Method**

This research is empirical legal research.<sup>8</sup> The location of the study was conducted at Kejaksaan Negeri Klaten. The selection of location was based on the consideration that in this location was commonly domestic violence. It is the form of physical, psychological, and sexual violence. The data obtained both primary data and secondary data by logical deduction (syllogism) is an analysis shown by the data in following the theoretical basis for understanding the nature of facts or symptoms that apply both positive and normative. Descriptively, it elaborates, describes, and explains with the problems that are closely related to this study.

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<sup>6</sup> Wahid, Abdul. (2001). *Perlindungan Terhadap Kekerasan Dalam Rumah Tangga*. Bandung: PT. Refika Aditama, p. 22.

<sup>7</sup> Setiawan, A., Rifai, E. and Warganegara, D., (2018). Analisis Kriminologis terhadap Kejahatan Penipuan dengan Modus Pemalsuan Identitas. *Jurnal Poenale*, 6 (5), n.p.

<sup>8</sup> Butarbutar, Elisabeth Nurhaini. (2018). *Metode Penelitian Hukum (Langkah-Langkah untuk Menemukan Kebenaran dalam Ilmu Hukum)*, Bandung: PT. Refika Aditama, p. 95.

### 3. The Proof of Criminal Acts in Domestic Violence with *Visum Et Repertum* Evidence

The efforts to reveal the problems in domestic violence are commonly difficult to expose. Because the domestic violence tends to do in close are so that there was no witness to know the facts while in the evidentiary process is prioritized to reveal a criminal act. The investigators and public prosecutors, they need to have the evidence. At least, there are two pieces of evidence to proceed with the case at the trial level, likewise, the judge must decide by knowing the valid evidence with the judge's conviction. The attorney and police have a role to collect the evidence, they will give the best efforts to find the evidence that is used for instance the use of technological science in law enforcement efforts, one of them is medical science.

*Visum et Repertum* has absolute strength in proving certain cases such as domestic violence. The strength of *Visum et Repertum* has been regulated in Article 184 KUHAP including the evidence of expert statement. *Visum et Repertum* can have two absolute power but it must be balanced with other evidence so that it can be as the evidence that the suspect has committed a criminal act or not and it is suitable with the contents of Article 183 KUHAP.<sup>9</sup>

The power of *Visum et Repertum* means as the evidence of letter to reveal criminal acts as following:<sup>10</sup>

- 1) *Visum et Repertum* is evidence that has absolute strength and it is important to use in proving that there is the criminal act. *Visum et Repertum* is categorized as the letter evidence in article 187 KUHAP alphabet a, b, and c stated that letter is perfect evidence. Because the letter is an authentic deed that was formally made based on the procedure stipulated by the constitution. As evidence in the trial, the letter has no binding evidence.
- 2) *Visum et Repertum* is the evidence that cannot be used without the other evidence to support it so that *Visum et Repertum* cannot be as evidence that stands alone. By existing of *Visum et Repertum* only, it cannot be a reason that a person has done the criminal acts. This is suitable with the minimum principles as proving that is in Article 183 KUHAP. The provisions in Article 183 of the Criminal Procedure Code have a close thing with Article 185 paragraph (2) of the Criminal Procedure Code which stated that the presence of a single witness in a trial is not enough to prove the existence of an error in the accused.

The existence of *Visum et Repertum* is needed by investigators to reveal the existence of criminal acts for someone. The conclusion of a doctor who is an expert in knowing the type of injury or bruising and the objects is used in conducting the crimes. Those things believe to real evidence as long as no other evidence can weaken the doctor's opinion. In this case, the doctor is an authorized official so that *Visum et Repertum* is the only evidence in that case. To determine the prover of *Visum et Repertum* to reveal criminal acts by matching *Visum et Repertum* with the information by witnesses so it can be concluded that can be made into consideration by judges in determining the criminal acts or not and also determining the defendant's mistakes at the court.

However, in the judge's judgment to access the legal power of *Visum et Repertum* must also look at other evidence, it is not only *Visum et Repertum* so that the witness' information

<sup>9</sup> Idries, Abdul Mun'im and Tjiptomartono, Agung Legowon. (2015). *Penerapan Ilmu Kedokteran Forensik dalam Proses Penyidikan*. Jakarta: Sagung Seto, p. 135.

<sup>10</sup> Hiariej, Eddy O.S. (2012). *Teori & Hukum Pembuktian*. Jakarta: Erlangga, p. 52.

is related to the information that contained in the contents of *Visum et Repertum*.<sup>11</sup> Based on the results of the author's interview with Anik Dwi Hastuti as the Functional Prosecutor at Kejaksaan Negeri Klaten, on January 7, 2020, stated that:

*“Visium et Repertum is used to prove about “the violence on the article is charged/threatened in domestic violence, even the element of “violence” in the form of physical violence, psychological violence, and sexual violence. Visum et Repertum is needed to prove the domestic violence because in article 184 of KUHAP that post mortem is one of the letter evidence and it is suitable with the expert’s statement. Based on the defendant’s statement will be as evidence to help the judge to decide the cases.”*

While Aby Maulana as the Functional Prosecutor at Kejaksaan Negeri Klaten urged that the biggest problem to handle domestic violence is the evidence to support the case. He gave an example that to prove the evidence for physical violence that there must have post mortem. In fact, post mortem (visum) is only showed the last evidence that is done by the perpetrators. “It is only scuffed meanwhile she was beaten for three months.” Therefore, the information of the case must state clearly and completely about when and what the violence is experienced by the victim. “The evidence of post mortem (visum) is not only the evidence in the case.” Besides, most of the violence in domestic violence is psychological violence. The problem is not easy to prove physical violence. The only way to prove is an expert's information for psychological violence. Therefore, he recommended that the information of psychology should be added in the case.

Aby Maulana is a Public Prosecutor who often handles domestic violence, he stated that:

*“The difficulties to prove the domestic violence because the victim is mediated with her husband on the policy level so that the case was not followed up by the attorney. But in cases of psychological violence, the cause is different. The police who give the case is commonly difficult to collect the evidence. Moreover, the psychological violence causes victims of depression so they do not want to be present at the court and also do postmortem in the hospital.”*

Similarly, Imene Ofri Layuk as the protection of women at Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak (P2TP2A) Kota Makassar stated that post-traumatic stress is divided into a form of re-experiencing the traumatic events as a shocking sport that occurred of a revolution or stimulation of environment. The repeated experience of trauma is evidenced by recurring and interesting memories about the event, or repetitive dreams, or the sudden emergence of interactions and feelings like the event reappeared. It is followed by the out responses after a few moments of trauma, namely decreasing interest in life activities, feelings of alienation from others, and low feelings. Besides, it is high vigilance or easily shocked, sleep, guilty from death, memory and concentration difficulties, self-avoidance activities that it increases traumatic memory, and the effects of changes faced in situations that it needs to help. Then, it is difficult to obtain information about the events of domestic violence that the women experienced.

To prove of psychological violence in domestic violence is not as easy as proving physical violence. In contrast to the evidence in physical violence that is visible, for example, is the victims of beatings or rape can be proven by witnesses and expert information.<sup>12</sup> While psychic is soul, spiritual and mental as well as a mental illness that can only be felt by the victim itself. Because of the wound or pain, it is not the body or physical

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<sup>11</sup> Ilyas, Amir. (2012). *Asas-Asas Hukum Pidana*. Yogyakarta: Rangkang Education Yogyakarta & PuKAP-Indonesia, p. 21.

<sup>12</sup> Santoso, Topo. *Op.Cit.*, p. 32-33.

person, but it is the mind, soul or spirit. Victims of psychological violence experienced traumatic, difficult to talk and tell the real situation. The victim is shame and fear because the household is very personal for each family. The perception of the family problem is a disgrace that must be kept from other people who are not members of a family's household.

The difficulties in proving, it may not be an excuse for law enforcement officials in carrying out the process of law enforcement, especially if someone is convicted while proving is not done anymore. The constitution No.4 of 2004 focuses Judicial Power Article 6 paragraph (2) which stated that:

*“No one can be convicted of a criminal act except the court can. Because of the legal evidence is based on a constitution that has a conviction for someone who is deemed responsible and it has been guilty of an act charged with himself.”*

With the provisions of the constitution above, then in the process of settling criminal cases of psychological violence, law enforcers are obliged to collect evidence and facts regarding criminal cases that are handled as completely as possible. However, an effort to obtain the evidence needed for examining a criminal case. In case, the law enforcers are faced with a problem or certain thing that cannot be solved by themselves because the problem is beyond their ability or expertise.

This happens in the settlement of cases for domestic violence in the form of psychological violence.<sup>13</sup> In such a case, the assistance of an expert is very important to find the complete material truth for the law enforcers.

One of the ways is having a statement containing *Visum and Repertum* letter by officials who have the authority to make or issue the *Visum and Repertum* letter. So that Polri investigators in their duties as investigators are based on the previous *Visum and Repertum* to make sure that she has been a victim of the household. This description becomes a valid proof of evidence to prove the truth that is truly legal according to the law that has been carried out with violence related to the coverage of psychological violence.

Another important information in the Indonesian Criminal Procedure law is from judicial medical or psychiatric that is required to discover the victim's situation and the mental state of the suspect, perpetrators, and witnesses. The revealed facts from the inquiries and investigations will be easier explained with the report that is given from the judicial doctor that is called *Visum et Repertum* (VeR/Post Mortem) for something in physical form or VeR form to state mental. *Visum et Repertum* consists of several types, those are:<sup>14</sup>

- 1) *Visum et Repertum* for the victim (alive).
- 2) *Visum et Repertum* for the deceased victim.
- 3) *Visum et Repertum* Examination in the crime scene.
- 4) *Visum et Repertum* for exhumation.
- 5) *Visum et Repertum* related to age.
- 6) *Visum et Repertum* for psychiatric.

*Visum et Repertum* (VeR) is a written report made by the doctor under written request officially from the investigator about medical check-up on someone alive or

<sup>13</sup> Fanani, Estu Rakhmi. (2018). Undang-Undang Nomor 23 Tahun 2004 Tentang Kekerasan dalam Rumah Tangga; Antara Terobosan Hukum dan Fakta Pelaksanaannya. *Jurnal Legislasi Indonesia*, 5 (3), p. 1-8.

<sup>14</sup> Singh, H. Amar. (2010). *Ilmu Kedokteran Kebakiman*, Medan: Universitas Methodist, p. 9-10.

deceased or part of human bodies from the discovery and its interpretation, under the vow and for justice interest.

Psychology in law is a psychology practical application in law such as a psychologist who is invited to be an expert witness in the court. Psychology in law consists of psycho-legal research means research about an individual related to the law such as the judge, the prosecutor, and the defendant. The relation of psychology in law between the law and psychology is more abstract, the law acts as a behavior determinant. The issue under review is how society affects the law and vice versa. Forensic Psychologists can help the place to assess to portray the suspect's mental health.<sup>15</sup>

In some cases, the victims who have severe trauma refuse to tell their experience. The forensic psychologist can help the police in digging information from the victims, for example, to make children or women who are victims of violence feel comfortable and open to tell their experience. It is related to the Psychiatric Visum et Repertum for domestic violence cases, the author interviewed Aby Maulana as Functional Prosecutor on Klaten Domestic Prosecutor Office, it is stated that:

*“Visum et Repertum in domestic violence has an important position to prove the crime. On the psychological violence, in the form of behavior that causing fear, losing self-esteem and capability to act, powerless, and or suffering of severe trauma should be followed up by law enforcement. To increase the evidence instrument and strengthen the investigation, law enforcement can ask the expert (psychiatrist/psychologist) opinion about this psychological violence. This occurs because the Police and the Prosecutor who investigates do not have judicial legitimacy and scientific information to determine exactly the form and the cause of this psychological crisis. It is the doctors who have judicial legitimacy and scientific information to make such post mortem (visum). Through the result to the victim in form of Visum et Repertum, so the prosecutor can sharpen the sue and apply articles especially in criminal cases in psychological violence, even the prosecutor or the judge can imagine how the evidence situation when the crime happens after study the content from Visum et Repertum.”*

Related to the small amount of the reported cases in the court on domestic violence, the author interviewed Widayati as the prosecutor, stated:

*“The reporting case in the court often has an obstacle especially due to the witness withdraw the report. Besides, the other issue is lacking in evidence instruments. The prosecutor often prepares the Visum et Repertum on domestic violence. This is due to the same case in the past, the judge in the court presenting an expert witness, a mental health doctor, to prove that there is psychological violence. However, the witness's condition when being investigated is excellent mentally. This becomes a foundation for the prosecutor to prepare Visum et Repertum evidence before entering the court.”*

The author infers that Visum et Repertum as an evidence instrument is supposed to be prepared first before entering the court. The mistake of the settlement of this domestic violence is there is no mental examination as soon as possible. It is concluded that when the examination is applied, the victim's mental health condition is stable or excellent. The improvement of the victim's mental health is caused by the time during reporting the case, the victim is led to rehabilitation at Rehabilitation House for Women and Children for domestic violence. Based on the author's observation, Visum et Repertum is an absolute evidence instrument in any domestic violence case. The judge in charging domestic violence cases use Visum et Repertum as an evidence instrument.

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<sup>15</sup> Sianturi, Richard, Nur Rochaeti, and Budhi Wisaksono. (2017). Studi Kriminologis Penanggulangan Tindak Pidana Kekerasan Dalam Rumah Tangga di Polrestabes Semarang. *Diponegoro Law Journal*, 6 (1), p. 1-13.

The Visum et Repertum evidence is categorized as a letter of evidence. This matter is based on what is written on the Article 187 KUHAP (Indonesia Law of Criminal Procedure) states that on section (1) letter C, made on the officer's vow or strengthened with the vow is:

- 1) Minutes and other letters in an official form made by the public official in authority or made in front of him, which contains information about the events occurred or heard, seen, or experienced by himself, accompanied by clear and explicit reasons about the information;
- 2) Letters made according to the provisions of the legislation or letters made by the officials regarding matters that are included in the procedures that become their responsibilities and intended to prove a particular situation;
- 3) Statement from an expert which contains an opinion based on his expertise about something or situation that is requested formally from him; and
- 4) Other letters can only be valid if there is a relation with the contents from another evidence instrument.

From the statement, it can be concluded that post mortem (visum) is a letter made by the officials and made on the official vow based on the provisions of the legislation. Hence, post mortem (visum) is categorized as a letter of evidence instrument. Thus, post mortem (visum) has a value in the court.

Visum et Repertum in this matter has a role that can be included as an evidence instrument as the result is an authentic evidence instrument that proves that domestic violence occurs, causes of the violence, identify the bruises or wounds caused by an object, and how big the wound is and to prove the truth to the judge that there is a cause-effect relationship and later can be concluded as a consideration in making decision helped by doctors and experts. The Visum et Repertum evidence in Indonesia Law Criminal Procedure Code is not regulated specifically, including letter evidence and evidence instrument regarding Article 184 KUHP (Indonesia Law of Criminal Procedure).

The power of Visum et Repertum Law is absolute or perfect in a particular case such as domestic violence. Even though Visum et Repertum has the power to prove in an absolute way, but this instrument cannot stand alone as evidence in proving because it is regulated in Article 183 KUHAP. Hence, the post mortem (visum) is enough in proving a criminal case that has to follow by other evidence and related to the information from the witnesses.

The domestic violence regulation as one of a complaint offense has positive and negative impacts on the eradication of domestic violence. The positive impact is to make the victim considerate the impacts if the case continues or not. This complaint offense occurs to protect the victims and give a chance to settle the case. However, the negative impact is when the mediation occurs under pressure or some motivation from outside. Such mediation occurs only on the paper, but the peace in the household doesn't happen. Moreover, to those who are victims of domestic violence in psychological violence do not realize that they are abused mentally.

As there are so many repetitive reports that lead to the peace agreement, law enforcement is expected to respond to it seriously. Although the Domestic Violence Act technically does not provide restrictions on retraction of reports from the same victim, by taking the weak condition of the victim (especially women) into account, law enforcement must continue to handle the case and brought it further to the court. This is done by

considering that usually, a settlement only occurred because of pressure from outside and/or victim's fear.

The writer also found that proving such domestic violence still have its inhibiting factors, mainly because of the length of time happened between the event and the post mortem (*visum*), and it makes post mortem (*visum*) test result irrelevant. This was sated by Attorney, Anik Dwi Hastuti in an interview, January, 7<sup>th</sup>, 2020:

*“One of the obstacles of the evidentiary process is because the police received a report of psychological violence, not immediately conducting *Visum et Psikiatrikum* to the victim. The length of time happened between the event and the post mortem (*visum*), causing ineffectiveness of the post mortem (*visum*) report due to the victim already recovered mentally.”*

The author believes that this condition is holding up the proving process. However, it can't be blamed because according to Domestic Violence Act, Government is the one that should seek the recovery of domestic violence victims as arranged in Government Regulation No. 4 of 2006 concerning about Implementation and Cooperation of Domestic Violence Victim's Recovery. Article 1 Number 1 PP no. 4 the year 2006 states that a victim's recovery is an effort to strengthen the victims so that they are more empowered, both physically and psychologically.

To anticipate this incident, law enforcement must become more careful when handling a psychological domestic violence case. Before carrying out rehabilitation for the victims, authorities must do some checks in the form of *Visum et Repertum* and/or *Visum et Repertum psichiatricum* or showing some medical records, so that in the proving process, post mortem (*visum*) reports can provide information as to how is victim's mental health at the time of violence. This is to speed up the law enforcement process because the reports will become effective.

The means of eliminating domestic violence continue to increase, but many not going through court. Based on obtained data, many cases are still reported to the police, and some are withdrawing the report and making a peaceful settlement. Some of it due to women feels weak as a wife and still need financial support from their husbands. This is a form of fear created by control of the husband, some of them still experienced violence even though they're having a peace.

Not only fear, anxiety and pressure too will always be haunting them. There is no freedom, humanity. They always hiding it. The wives sometimes not even realize that they are hurt psychologically. This can't be allowed, there must be some form of recovery for these women as a victim.

Cultural understanding is a factor too. Women still think that they are weak. Patriarchal culture is still established consistently, as this is still can be seen in the Marriage Law 1974 which clearly distinguishes the role and position between wife and husband. Article 31 section three clearly states that “husband is the head of the family and wife is the housewife.” Article 34 sections one and two states: “Husbands are required to protect their wives and providing all the necessities of married life accordance in their capabilities and Wives must organize household affairs as well as possible.”

It is seen that the law putting wives highly dependent on their husbands economically. It is not surprising to see that the laws are not giving any justice to women. Culturally men and women are placed in unequal power positions and the law legitimizes it. One day marriage law must be improved, the author hopes that the Law on Elimination of Domestic Violence can make victims know and aware that domestic violence must be

reported to protect them, and of course massive understanding to change the cultural paradigm of the community regarding equality of gender rights.

#### 4. Conclusion

Proving domestic violence as a crime with evidence model *Visum e Repertum* is one form of law that giving a legal certainty and protection of victims to prove such crimes. The lack of evidence often making the investigation process difficult as to prosecute a suspect one must need at least two types of evidence as a means for judges to do so. This will be easy if we use *Visum et Repertum* as a type of evidence.

Given that the majority of domestic violence is carried out in a closed place and within the family, proving domestic violence sometimes becomes a difficult process. Therefore, to speeding up the investigation process, law enforcement officers such as police, asking victims to conduct a post mortem (visum) test as soon as possible as a way of anticipation of working the cases., or asking that there are some reports from the experts regarding the victim's condition. As there is a difference in understanding *Visum et Repertum* between law enforcement officers, the author suggesting that this type of evidence is crucial and considered as it is an expert testimony and report regarding the condition of the victims. Thus, *Visum et Repertum* is included as a type of report evidence.

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**Conflict of Interest Statement:**

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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