

***PSYCHIATRIC VISUM ET REPERTUM AS A METHOD OF EXAMINING VICTIMS OF DOMESTIC VIOLENCE*****Siti Purwanti**Program Studi Hukum, Fakultas Hukum, Universitas Muhammadiyah Surakarta  
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Email: [aminhanafi76@gmail.com](mailto:aminhanafi76@gmail.com)**ABSTRACT**

This study discusses the settlement of criminal cases of psychological violence in the household through *the psychiatric visum et repertum method*. Psychological violence is often not physically visible, but its impact is profound on the mental and emotional state of the victim. The formulation of the problem in this study is what is the legal basis that supports the use of *psychiatric visum et repertum* in the criminal justice system in Indonesia and what is the role of *psychiatric visum et repertum* as evidence in cases of psychological violence in the household. Using normative research methods, this study analyzes laws and regulations in the context of law implementation in Indonesia. This research is expected to contribute to the reform of the criminal justice system by prioritizing a humane approach, based on Pancasila values, and providing practical guidance for law enforcement in handling cases of psychological violence. Thus, this study aims to understand the role of *the psychiatric visum et repertum* method as legal evidence in cases of psychological violence and explore the legal basis for its application in Indonesia.

**Keywords:** Psychological Violence, *Psychiatric Visum et Repertum*, Domestic Violence, Household, Legal Evidence.

**INTRODUCTION**

The family is the smallest social unit in society having a significant influence on the personality and social development of each of its members.(1) Married couples in the household build the foundation for a harmonious and sustainable life together, sharing each other's emotional, physical, and spiritual responsibilities.(2) Marriage not only unites two individuals, but also connects the extended family of both parties. However, conflicts can

occur in marital relationships, including cases of domestic violence (KDRT). The phenomenon of domestic violence is a serious problem that is concerning.

In the past, gender roles in the household may have been more separate, with the husband positioned as the main breadwinner and the wife as the housekeeper.(3) However, social and economic developments have changed this paradigm, allowing for greater flexibility in the division of duties and responsibilities between couples.(4) While modern life challenges such as professional and personal pressures can be difficult for many couples, a strong commitment and ability to adapt allow the household to remain a stable and supportive place for optimal growth.(5)

A family is considered harmonious if all its members feel comfortable in mental, social, physical, and emotional aspects and there is no tension or conflict.(6) On the other hand, if conflict and tension arise, the family can be said to be disharmonious.(7) Conflict in the family is a prone thing to occur, where tension and disappointment are often the triggers.(8) Domestic violence refers to any behavior or action that causes negative impacts on a person, generally a woman, both physically, psychologically, sexually, and in other forms. This violence includes threats, coercion, or restrictions on freedom that are carried out unlawfully within the family environment.

This violence is not only about physical violence, but also psychological violence whose impact can be more profound and prolonged.(9) Psychological violence, such as insults, threats, and constant mental distress, can significantly damage the psychological state of the victim.(10) This violence may not leave a physical mark, but the impact can be very serious on the mental and emotional well-being of the victim. In the context of Indonesian law, Law No. 23 of 2004 concerning PKDRT protects victims of physical and psychological violence.(10) According to this law, psychological violence is a prohibited form of domestic violence, and victims have the right to legal protection of psychological (psychic) violence regulated in the PKDRT Law, especially in article 7.

Psychological violence is often an invisible wound, but the impact is very real and profound for the victim.(11) In the legal and medical world, this aspect has received serious attention through *Visum et repertum psychiatric*, an important document that provides an

objective picture of the impact of psychological violence on a person's mental health.(12) Psychological violence, which includes humiliation, emotional manipulation, threats, and verbal abuse, can leave a trail of trauma that is difficult to erase.(13) Unlike physical violence that has visible evidence, psychological violence requires a multidisciplinary approach to prove the existence of harm. In this case, the role *VeRP* It is crucial as a tool for evidence that shows the psychological impact of the victim, both in terms of emotional distress, anxiety, and other mental disorders

Documents (*Visum et Repertum Psychiatric*) do not only help victims get justice. Behind every *VeRP* submitted, there is a story of the victim's struggle to voice the pain that has been hidden temporarily from the court, such as the stipulation of a prohibition for the perpetrator to approach the victim. Perpetrators of psychological violence can be subject to criminal punishment in the form of imprisonment for a maximum of 3 years or a maximum fine of Rp 9 million, in accordance with Article 45 of the PKDRT Law, where the first aspect is the basis for reprimanding the perpetrator before his responsibility can be considered under criminal law. Mistakes must be analyzed from the perpetrator's inner relationship to his actions, with an emphasis on how the perpetrator's psychological condition is assessed by others.

In the judicial system, *Psychiatric Visa and Repertum* It is often used as evidence to assess the extent of the psychological impact experienced by the victim, especially in cases of domestic violence, torture, or sexual violence. In addition, this document can also be used to assess a person's mental capacity in accounting for his actions before the law.(14) Preparation *Psychiatric Visa and Repertum* It is carried out based on the results of clinical examinations of the individual concerned.(15) This examination includes interviews, observations, as well as various diagnostic methods used in psychiatry. Therefore, this document must be prepared objectively, based on applicable medical principles, and able to provide a clear picture of a person's psychological condition in relation to a legal case.(11) Thus, *Psychiatric Visa and Repertum* It has a crucial role in helping law enforcement officials understand the psychological impact of an event on the individuals involved and support the judicial process so that it can run fairly and objectively.(16)

In this study, the formulation of the problem studied is about the legal basis that supports the use of *Psychiatric Visa and Repertum* in the criminal justice system in Indonesia and what its role is as evidence in cases of psychological violence in the domestic psyche. Because of this, this study aims to explore the role of *Visum et Repertum Psychiatric* as legal evidence in cases of psychological violence and explore the legal basis for its application in Indonesia.(17)

### METHODS/IDEAS

This research applies normative legal research methods, which include analysis of relevant laws and regulations (legal norms), and the method of proving *Visum et Repertum Psychiatry*. This research will examine various legal norms and provisions regulated in the Law, especially related to the settlement of psychological violence. The type of research approach is the statute *approach*. In this study, we will examine the provisions in Law No. 23 of 2004 concerning the Elimination of Domestic Violence.

Primary Legal Materials, the Criminal Code is relevant to violent crimes, Law Number 23 of 2004 concerning PKDRT, Secondary legal materials refer to legal sources that are not in the form of official documents, but in the form of publications related to law. These publications include legal books, articles and research results, legal dictionaries, expert opinions, as well as legal journals that discuss topics such as psychological domestic violence, and *Visum et repertum psychiatric*. Legal research using the *Documentary Research* or literature (*Library Research*). Material collection is carried out by collecting and/or downloading books, documents, laws and regulations or writings related to the problem being researched.(18) Legal research writing uses a qualitative method, a method of presenting data deductively.(19) Deductive techniques involve reasoning from one or more common premises to arrive at definite logical conclusions.

### RESULTS AND DISCUSSION

#### 1. Legal Basis that supports the use of *psychiatric visum et repertum* in the criminal justice system in Indonesia.

Anyone who commits psychological violence in the domestic can be considered to have violated the law as stipulated in Article 45 of Law Number 23 of 2004, which reads:

*"If the act is carried out by the husband against his wife or vice versa, which does not cause illness or hinder the implementation of work, position, livelihood, or daily activities, then the perpetrator can be sentenced to imprisonment for a maximum of 4 (four) months or a maximum fine of Rp3,000,000 (three million rupiah)."*

In the case of psychological violence, proof plays an important role in resolving the case. This proof is carried out in the interest of the judge to make a fair decision in the case. In general, there are two types *Visa and Repertum*, namely for living victims and deceased victims.(20) For people who are still alive such as victims of violence that results in injuries, psychiatry, poisoning, and so on, *Psychiatric Visa and Repertum* is one of the types *Ver* For living victims, which is a medical document compiled by a psychiatrist based on the request of the investigator to support the legal process, especially in cases of psychological violence. This document serves as evidence that can explain the psychological condition of the victim due to the act of violence. In the context of proof, *Psychiatric Visa and Repertum* has a strategic role in showing the psychological impact of violence, in accordance with the provisions of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law) and other legal regulations.

In compiling this visum, the investigator can ask the authorized expert doctor with a written request. Evidence such as *Visum et Repertum* is needed for several purposes, including:

- a) speed up the investigation of a case,
- b) ensure the accuracy of *VeR medical outcomes*, and
- c) Evidence in court.

*Visa and Repertum* It also includes aspects of testimony and the role of experts, which are interrelated. (21) The expert testimony contained in the examination report is the result of the knowledge, techniques, and experience of forensic medicine experts. The role of forensic medicine experts through *Ver* It is very helpful for many criminal cases, especially when the available physical evidence is minimal. The doctor's opinion is

necessary because their knowledge of the anatomy of the human body helps uncover the material truth of a criminal case.(21) *Visa and Repertum* compiled by experts can be used as evidence of violence on the victim's body in criminal cases, such as rape by force. When making this visum, the doctor must treat the subject being examined as relevant evidence for the legal process, although in a medical examination, the subject is considered to be a patient who has all the relevant rights.

In Indonesia, *VeRP* is one of the evidence tools used in the criminal justice system, especially to assess a person's mental condition related to a criminal act. The legal basis that supports the use of *VeRP* in the criminal justice system, including legal provisions that regulate the examination of cases related to the human body or soul, can be found in several articles of laws and regulations. Criminal Procedure Law Number 8 of 1981 Article 133 paragraph (1) requires investigators to ask for expert testimony in the examination of cases related to the human body or soul. Meanwhile, Article 133 paragraph (2) gives the authority for investigators to ask for information from psychiatrists to find out the psychological condition of the victim or perpetrator.

The results of the doctor's examination are then stated in the form of *Visum et Repertum*, as stipulated in Article 134 of the Criminal Code, which can then be used as evidence in the trial. Article 184 paragraph (1) of the Criminal Code explains that valid evidence in a criminal case includes witness testimony about a criminal event. The expert's testimony itself is recognized as evidence in the trial based on Article 186 of the Criminal Code, which defines expert testimony as the statement of an expert in court.

In addition, Article 187 of the Criminal Code regulates evidence in the form of letters, which includes all documents that contain punctuation marks that can be understood and are intended to convey the content of thought. Meanwhile, Article 188 paragraph (1) of the Criminal Code defines an instruction as an act, event, or condition that is related to each other or to the criminal act itself, so as to show that a criminal act has occurred and leads to the perpetrator.

In the context of domestic violence, Article 1 number 1 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) provides a definition of

domestic violence, including psychological violence, which emphasizes the psychological suffering experienced by the victim. Furthermore, Article 7 paragraph (2) of Government Regulation Number 3 of 2002 regulates the provision of assistance, services, and protection to victims of domestic violence, as well as provides a basis for investigators to cooperate with medical and psychological experts, including in the preparation *of the Psychiatric Visum et Repertum*.

## **2. Analysis of the Role of *Psychiatric Visum et Repertum* as evidence in cases of psychological violence in the household.**

In the case of psychological violence in the household, *VeRP* acts as expert evidence that can be used to prove the existence of a psychiatric disorder due to the act of violence. The role of *VeRP* in this case is supported by Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law), which recognizes psychological violence as a form of Domestic Violence (KDRT).

### **a. As a Tool of Evidence That Strengthens Allegations of Psychological Violence.**

*Visum et Repertum Psychiatric (VeRP)* is an important instrument in identifying and proving the existence of psychological disorders experienced by victims due to acts of violence committed by the perpetrator. This document is compiled based on the results of psychiatric examinations conducted by experts, such as psychiatrists or clinical psychologists. This examination includes an evaluation of the victim's mental state, psychological history, and the emotional impact experienced by the act of violence. With the existence *of the Psychiatric Visum et Repertum*, investigators and law enforcement officials have stronger evidence to corroborate allegations of psychological violence in the investigation and trial process.

In addition, *Visum et Repertum Psychiatry* also helps avoid subjectivity in assessing the impact of psychological violence. Without objective medical evidence, the victim's psychological suffering could be ignored or deemed insignificant enough to warrant a lawsuit. Therefore, the existence *of the Psychiatric Visum et Repertum* is very important in proving that psychological violence really occurs and providing an objective picture of its impact on the

victim. Furthermore, *the Psychiatric Visum et Repertum* also functions as evidence that supports the testimony of witnesses and victims. In the criminal proof system, the testimony of victims and witnesses often plays an important role. However, without additional evidence, the information can be doubted or even considered insufficient to ensnare the perpetrator. *Visum et Repertum Psychiatric* can strengthen testimony by providing an objective scientific analysis of the victim's psychiatric condition, thereby minimizing the possibility of defense from the perpetrator who tries to deny the psychological impact caused.

- b. Fulfilling the elements of proving psychological violence based on the PKDRT Law.

Psychological violence must be proven through the existence of significant mental suffering. Explaining the Psychological Impact of the Victim The psychiatrist who conducts the examination will provide an assessment of the victim's mental condition, such as anxiety, depression, PTSD (Post-Traumatic Stress Disorder), and other disorders that arise due to psychological violence. This strengthens the argument that the victim experienced the real impact of the violence.(22)

- c. Assisting the Judge in Decision-Making in Trials.

The judge can consider *Visum et Repertum Psychiatry* to assess the extent of the impact of psychological violence experienced by the victim. This can affect legal decisions, especially in determining the amount of punishment for the perpetrator. In addition, this visum can help determine whether the victim needs psychological rehabilitation.

*Visum et Repertum Psychiatry* is also essential for the public prosecutor in drafting indictments and presenting strong evidence at trial. With these documents, victims' claims about the psychological impact of violence can be more credible and have a strong scientific basis. In addition, in some cases, this visum can be used as evaluation material by social institutions and psychologists in providing assistance and therapy needed for victims.

From the defense side, the defendant can submit a counter-examination of the results of the visum submitted by the prosecutor. However, because this visum is scientific and based on a methodology that can be accounted for, it is difficult for the defendant to refute the results that the forensic psychiatrist has issued. Therefore, the role of *Visum et Repertum Psychiatric* is very crucial in upholding justice for victims of psychological violence.

The creation of a *psychiatric visum et repertum* as part of the legal process to prove the psychological condition of the suspect when committing a criminal act and determine the suspect's ability to be legally responsible. This mental health assistance is essential, not only as a form of protection for human rights, but also to prevent things that can harm the physical and psychological condition of suspects.

## CONCLUSION

### 1. Conclusion

In resolving criminal cases related to psychological violence, *VeRP* has a crucial role. Investigators worked with medical personnel to obtain information that confirmed the existence of psychological violence against the victim. The doctor compiles *the VeRP* based on the facts found and includes the final conclusion. In the case of psychological violence, this document serves to clarify the subject matter of the case which then becomes the authority of the judge. The position of *VeRP* in the Criminal Code makes it one of the valid evidence in court. *VeRP* contributes to proving criminal cases related to aspects of human health and psychological conditions. Factors that affect the strength of the evidence include the victim's condition, such as anxiety, depression, *PTSD (Post-Traumatic Stress Disorder)*, as well as other psychological disorders, which can affect their testimony. In addition, the cost of the examination to obtain a *VeRP* is not always free at all healthcare facilities, so it is a consideration in the legal process.

*VeRP* helps identify the psychological impact of the victim, provide objective evidence, and strengthen testimony in the trial. *VeRP* has a clear legal basis such as Article 133 paragraph (1), Article 133 paragraph (2), Article 134, Article 184 paragraph

(1) of the Criminal Code, Article 186 of the Criminal Code, Article 187 of the Criminal Code, Article 188 paragraph (1), Article 1 paragraph (1) of Law number 23 of 2004 and Article 7 paragraph (2) of Government Regulation number 3 of 2002. The legal basis is very influential in proving psychological violence. However, optimizing its use requires increasing the awareness of law enforcement officials, better access to experts, and education to the public about the importance of this document in the legal process.

## 2. Suggestion

In supporting the smooth running of *VeRP*, *supporting* facilities and infrastructure are needed, such as psychological and psychiatric services, psychometric test kits, psychosocial legal assistance services, and training for investigators and prosecutors in handling cases, because in Indonesia itself it is still very rare for *VeRP* cases themselves. There is a need for assistance in psychological violence aimed at strengthening the Legal and Regulatory Framework regarding *VeRP*.

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