

Case Report: Forensic Examination in Sexual Violence Cases

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Abstract. Sexual violence is any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. In Indonesia, 88% of violence cases reported to Komnas Perempuan are sexual violence. This case report applied a normative-empirical legal research method focused on the implementation of these provisions and positive law. The result from the study found out that it was reported that the victim (26 years and 6 months old) was sexually violated by the perpetrator (the victim's boyfriend) in an apartment near the victim's home. The results of the examination by forensic experts at the Regional General Hospital Dr Chasbullah Abdulmajid Bekasi City found five old hymenal laceration and a scar from a sectio caesarean surgery due to pregnancy caused by sexual violence. Doctors conducted a thorough examination to determine the presence of sexual violence, beginning with a history, followed by a physical examination and supporting examinations. Sexual violence is a criminal offense under the Criminal Code 284, 285, 286 and 291 and Law No. 12 of 2022. In sexual violence cases, doctors play an important role in collecting evidence. In this case, the presence of genital trauma in the form of a hymenal laceration and a previous sectio caesarea surgery scar indicates sexual violence.

Keywords: *visum et repertum*, Sexual Violence, Forensic, Women, Criminal offence

1 Introduction

According to WHO, sexual violence is any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. Sexual violence includes physical, non-physical, verbal or through information and communication technology.[1]

In Indonesia, based on data from the National Commission on Violence Against Women 2015-2022, 88% of violence cases complained about were sexual violence cases. The number of sexual violence cases in 2023 was 401,975 cases. Based on the form of violence, sexual violence dominated by 34.80%, followed by psychological violence by 28.5%, physical violence by 27.2% and economic violence by 9.5%.[2]

2 Method

The case report applied a normative-empirical legal theory approach, which examined positive law in the implementation of these provisions (written documents on every legal event that occurred). Then, normative-empirical legal theory research examined not only the norm system in laws and regulations, but also the reactions and interactions that occurred. As a result, this research method was one of the tools for unravelling contemporary legal issues in Indonesia and restoring a sense of justice in the community.

3 Results And Discussion

3.1 Result

A sexual violence case was reported in Bekasi City, West Java. The examination of the victim started from anamnesis, physical examination and supporting examination was carried out at the Forensic and Medikolegal Clinic of the Regional General Hospital Dr Chasbullah Abdulmadjid, Bekasi City.

Based on information from the victim, in early 2020, around 16.00 in the afternoon at an apartment in Bekasi City, the perpetrator (the victim's boyfriend), whom she had known since 2019, invited her to have sexual intercourse for the first time. The victim had refused, but due to her fear of being threatened by the perpetrator, she was unable to resist. The victim was kissed, grabbed by the breasts, and forced to undress. The perpetrator then inserted his genitals into the victim's genitals, causing the victim to see a thick white liquid emerged. From 2020 to 2023, the victim had sexual intercourse with the perpetrator three times per week without using contraception. The victim found she was pregnant in March 2023, but her baby died in the womb at 8 months old in November 2023, forcing her to undergo a *sectio caesarean* at Seto Hasbadi Hospital. The victim last had sexual intercourse with the perpetrator in October 2023. The perpetrator also promised to marry the victim later, but he broke his promise and was caught having an affair with another woman. The victim admitted to have regular menstruation, with her last period beginning on February 10, 2024, and lasting 5 days.

In this case, police officers took the victim to the hospital with a letter requesting a *visum* on Tuesday, March 5, 2024 at approximately 10 a.m., and forensic experts issued a *visum et repertum*. The physical examination of the victim yielded the following results. On the lower abdomen, there was a perpendicular scar to the body's midline, with the center of the wound 6 cm from the horizontal line passing through both upper ends of the pelvic bulge, 13 cm long, 0.5 cm wide, linear shape, firm borders, blackish in color, and rough to the touch.

On the labia majora of the genitals, there was white, thick, sticky and smelly vaginal discharge.

There were five old hymenal tears. The first tear was at one o'clock, it did not extend to the base, with the same color as the surrounding tissue. Second tear was at three o'clock, it did not extend to the base, with the same color as surrounding tissue. The third tear was at five o'clock, it did not extend to the base, with the same color as the surrounding tissue. Fourth tear was at nine o'clock, it did not extend to the base, same color as surrounding tissue. The fifth tear was at eleven o'clock, it did not extend to the base, with the same color as the surrounding

tissue.

The doctor also conducted laboratory tests included vaginal swabs and anti-HIV. Consultation to a VCT doctor and an Obstetrics and Gynecology Specialist was also conducted for indications of a history of sexual intercourse in 2020-2023 and abnormal vaginal discharge. The forensic expert concluded that it was suspected that sexual violence has been occurred with the finding of scars on the lower abdomen and 5 old lacerations on the hymen and further examination was carried out in the form of a vaginal swab examination.

3.2 Discussion

Sexual violence is defined as any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. Coercion or lack of consent from the other party is a significant element of sexual violence. Trauma caused by sexual violence in victims will be difficult to eliminate if not handled.[1]

According to Law No. 12 of 2022, sexual violence consists of:[1][3]

1. Non-physical sexual violence: are inappropriate statements, gestures or activities directed towards the body, sexual and/or reproductive desires, such as teasing, joking, whistling, etc.
2. Physical sexual violence: is a sexual act directed against the body, sexual desires and/or reproductive organs.
3. Forced contraception and sterilization: Forced is defined as when contraceptive devices are inserted and/or sterilization is conducted without the woman's full consent because she is not fully informed or deemed legally incapable of giving consent.
4. Forced marriage: there are some practices where women are bound to marry against their will, such as when a woman feels she has no choice but to follow her parents' wishes to marry, even if it is not the person she wants to marry.
5. Sexual harassment: specific acts against women's organs and sexuality, committed intentionally, causing severe pain or suffering, whether physical, mental or sexual.
6. Sexual exploitation: is an act of harassment of unequal power, or harassment of trust, for the purpose of sexual gratification, as well as for monetary, social, political and other benefits. The practice of sexual exploitation that is often encountered is using women's poverty.
7. Sexual slavery: a situation where the perpetrator feels like the "owner" of the victim's body and has the right to do anything including obtaining sexual satisfaction through rape or other forms of sexual violence.
8. Electronic-based sexual violence: e.g. recording and/or taking sexually charged images against the will or without consent and then transmitting electronic information aimed at sexual desires.

In an effort to prove to the law that a sexual violence crime occurred, forensic medicine plays a critical role in conducting an examination and obtaining a medical explanation of what happened. If, pursuant to Article 170 paragraph (1) of KUHAP, doctors are required to provide expert testimony for the sake of justice when asked for their opinion as a judicial medical expert, doctor, or other expert. The doctor's responsibilities include performing the requested examination, providing the required information, taking an oath or promise, and following the

necessary legal procedures. Expert testimony is information provided by an expert with specialized knowledge to clarify a criminal case for the purpose of examination. Expert testimony must be provided by someone who meets the requirements and contains information that is within their area of expertise. According to Article 184 of the Criminal Procedure Code, expert testimony, witness testimony, letters, instructions, and defendant testimony are all valid forms of evidence.[4]

Anamnesis can be divided into general and specific anamnesis. The general anamnesis includes age or date of birth, marital status, menstrual cycle, history of condom use, drug use (including drugs), history of current illness, history of past illness, history of genital and gynecological diseases, and the presence of other diseases such as epilepsy or syncope, as well as complaints or symptoms felt during the examination.[5]

Specific history taking included information about the reported sexual violence that can be used to guide the physical examination, such as the time, date, and time. If there was a long period of time between the incident and the reporting to the authorities, it was assumed that the incident was not a rape, but rather an intercourse in which the woman did not consent. In addition, inquire as to where the incident occurred in order to locate any evidence left by the victim or perpetrator. It was necessary to determine whether or not the victim resisted; if she did, lacerations in her clothes, signs of violence, etc. can be found. Determine whether or not the victim fainted, if penetration and ejaculation occurred, and whether the victim washed, bathed, or changed clothes following the incident.[5]

After taking a history, the doctor conducted a physical examination which can be divided into general and specialized physical examinations. The general physical examination included the victim's level of consciousness, general condition, vital signs, appearance (hair or face), neat or matted, emotional state (calm or sad/disturbed), any signs of loss of consciousness or anesthesia/sleep, needle marks, signs of violence, bruises or abrasions on the mouth, neck, wrists, arms, inner thighs, and waist, signs of genital development, height, and weight.[5]

Specialized physical examinations were aimed to find physical evidence related to the sexual violence crime, including:

1. The presence or absence of pubic hair that sticks together due to dried seminal fluid, cut them off for laboratory examination.
2. Pubic hair combing, which aimed to find loose pubic hairs that might belong to the perpetrator, clumping or adhesion of pubic hairs due to seminal fluid.
3. Found seminal fluid spots around the genitals, then swabbed with a cotton swab.
4. Vulvar area with signs of abuse, oedema, bruising, abrasions.
5. Labia mayora and minora (large lips and small lips), namely looking for soft tissue lesions or patches of seminal fluid.
6. The vestibule and posterior fourchette (where the lower pubic lips meet), namely looking for a lesion.
7. Hymen, the presence or absence of rupture, if there was a new or old rupture, noted its location and checked to see if it reached the insertion. Determine the size of the orifice, the tip of the little finger, the index finger, or 2 fingers. In long-standing ruptures, the laceration spread to the incisors, causing scarring of the underlying tissue. Ruptures

that did not reach the incisors were undetectable after they healed.

8. The vagina (vaginal opening), which looked for openings and the presence of fluid or mucus.
9. Uterus, which checked for signs of pregnancy.
10. Checked for signs of venereal disease.
11. Anus (anal opening) and perianal area, if indicated by anamnesis.[5] [6]

In cases of sexual harassment, a supporting examination can be performed, which involved checking the presence or absence of seminal fluid and sperm using examination materials obtained from the victim's vaginal swab. However, there were several signs that no spermatozoa were found in the victim: The perpetrator did not ejaculate, the time between the incident and the examination was sufficient, the victim has cleaned the vagina, sample collection and handling were inappropriate, the examination process was ineffective, the perpetrator has azoospermia or aspermia, the perpetrator used a condom, or the victim had bacterial vaginosis, which stimulated immune system activity and accelerated sperm degradation. On days I, III, V, and VII, N. Gonorrhoea germs from urethral secretions were examined and stained with Giemsa. If N. Gonorrhoea germs were found during the examination, it indicated that there was sexual contact with the patient. If there was an ulcer, the secretion should be collected for serological and bacterial testing.[5]

It should be noted that the absence of a laceration in the hymen does not imply that penetration did not occur; rather, the presence of the laceration in the hymen indicated that an object (penis or otherwise) penetrated the vagina. To determine whether or not there has been intercourse, the doctor must look for direct and indirect signs. Direct signs include a laceration in the hymen, abrasions or bruises in the vaginal canal, and the presence of sperm; indirect signs include the victim's pregnancy and sexually transmitted diseases.[5]

Sexual violence criminal crimes can have impacts on the victim, as follow:

1. Physical Impact

Sexual violence can cause bruises, cuts, and fractures, bleeding, temporary disability, health problems, loss of consciousness, and unwanted pregnancy, forcing the victim to accept the pregnancy and causing stress during pregnancy. Pregnancy at a young age can cause several pregnancy problems for the victim due to the unpreparedness of the reproductive organs to accept pregnancy, reproductive organ disorders (reproductive tract infections, pain during intercourse, and other reproductive problems), and increased transmission of sexually transmitted diseases (HIV, Gonorrhoea, herpes, chlamydia, etc.) as well as impaired sexual function, both loss of sexual desire to become hypersexual and change sexual orientation.²

2. Psychological Impact

Here are some mental illness conditions:

- a. Feelings of guilt and self-blame
- b. Feelings of shame
- c. Feelings of denial
- d. Identity and personality disorders, where some victims may experience changes in their personality or have difficulty forming interpersonal relationships

- e. Trauma and mental disorders
 - f. Distrust of others
 - g. Decreased self-esteem
 - h. Health problems such as sleeplessness and loss of appetite
 - i. Emergence of somatic symptoms
 - j. Fear, anxiety and loss of security, including when meeting people or mobile phones ringing or exhibited by sudden anxiety attacks
 - k. Post traumatic stress disorder
 - l. Obsessive-compulsive symptoms
 - m. Strong suicidal ideation.
 - n. Trauma causes unwillingness to work, unwillingness to attend school, poor academic performance, and expulsion from school or office.[7] [8]
3. Socio-economic Impact

Sexual violence is not only personally harmful, but it also has far-reaching social consequences, altering the dynamics of interpersonal relationships and posing significant challenges. Distrust of others, difficulty in forming relationships, loneliness, and self-isolation. One obvious social impact is the social stigma associated with victims. Society often blames the victim, resulting in an unsupportive and even demeaning environment. This stigma exacerbates the victim's suffering by causing ostracism from family and society, including separation from children, reluctance to seek help, and a loss of communication and educational opportunities. The social consequences of sexual violence can be mitigated through community education and cultural change. Public education and awareness campaigns are critical for changing misconceptions and providing much-needed support. Ensuring that the victim feels heard and protected will help boost their confidence. Victims/families pay for emergency care, inpatient/road treatment, recovery, and medication. Victims who choose to pursue legal action must pay for the investigation and court proceedings, which is extremely difficult for poor women and will cause them to become poorer.[7]

4. Legal Impact

Law No. 12 of 2022 article 1 paragraph 1 of the Sexual Violence Criminal Act, the definition of sexual violence is any act that degrades, humiliates, attacks, and/or other acts against the body, sexual desire of someone, and/or reproductive functions, forcibly, contrary to someone's will, which causes the person unable to give consent freely, due to power relations and/or gender relations resulting or may result in physical, psychological, sexual suffering or distress, economic, social, cultural, and/or political losses.

The regulation of sexual violence criminal crime is based on the principle of:

- a. Respect for human dignity.
- b. Non-discrimination.
- c. The best interests of the Victim.
- d. Justice.
- e. Beneficence.
- f. Legal certainty.

According to Minister Health Regulation No. 38 of 2022 Regarding Medical Services for

Public Interest Article 1 paragraph (1), medical service for legal purposes, hereinafter referred as Yandokum, are examinations of the body or objects originating from or suspected to originate from the human body carried out based on the needs in the legal process or for purposes that are suspected to potentially become legal issues. Article 12 paragraph (1) Yandokum for living individuals as referred to in Article 9 letter A is carried out on victims of physical, psychological, sexual, neglect, and/or other cases. Article 12 paragraph (4) sexual violence as referred to in paragraph (1) letter C is any act that meets the elements of sexual violence crimes in accordance with the provisions of the laws and regulations. Article 14, the result of medical examinations as referred to in article 12 and 13 are recorded in medical records.

In the Criminal Code, sexual harassment can be charged using the obscenity article, namely Article 284 to Article 296 of the Criminal Code.[9]

In Article 284 “Any person who has sexual intercourse with a person who is not his husband or wife, shall, being guilty of adultery, shall be punished with a maximum imprisonment of 1 year or a maximum fine of category II, namely IDR 10,000,000.”

In Article 285 “Any person who by using force or threat of force forces a woman to have sexual intercourse with him out of marriage, shall, being guilty of rape, shall be punished with a maximum imprisonment of twelve years.”

And Article 286 “Any person who out of marriage has carnal knowledge of a woman of whom he knows that she is unconscious or helpless, shall be punished by a maximum imprisonment of nine - years and/or a maximum fine of fifty million rupiahs.

Any person who performs physical sexual acts aimed at the body, sexual desire, and/or reproductive organs with the intention of placing someone under his control against the law, both within and outside marriage with a maximum imprisonment of 12 years and/or a maximum fine of three hundred million rupiahs.

Any person who abuses position, authority, trust, or disposition arising from deceit or relationship circumstances or exploiting a person's vulnerability, inequality or dependence, coercing or by misleading that person to commit or allow sexual intercourse or obscene acts to be carried out with him or her or with another person with a maximum imprisonment of 12 years and/or a maximum fine of three hundred million rupiahs.”

Law No. 23 of 2004 on the Elimination of Domestic Violence (PKDRT) is regulated in Article 8(b), Article 47, Article 48. Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons is regulated in Article 1 paragraph 3 and 7. Other criminal offences related to the crime of sexual violence are regulated in Chapter III Article 19. Law No. 12 of 2022 on the Criminal Crime of Sexual Violence is regulated in Chapter II Article 4 to Article 18.[10]

In Article 6: “Sentenced for physical sexual harassment:[3] Anyone who performs a physical sexual act aimed at the body, sexual desire, and/or reproductive organs with the intention of degrading a person's dignity based on sexuality and/or decency which is not included in other more severe criminal provisions with a maximum imprisonment of 4 (four)

4 Conclusion

In cases of sexual abuse, doctors play an important role in creating *visum et repertum*, which can be used as legal evidence to ensure justice for survivors. *visum et repertum* is obtained by conducting a thorough examination of the victim, including history taking, physical examination, and supporting examination.

The victim in this case was a women aged 26 years and 6 months who was allegedly sexually abused. Scars on the victim's lower abdomen and five lacerations on her hymen caused by a blunt object, indicating contact with her genitals, were evidence of sexual harassment. To confirm the suspicion, the doctor performed a supportive examination, which included a vaginal swab.

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