

Synchronization of Regulations Governing Visum et Repertum (VeR) Financing As a Form of Protection for Victims

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Abstract

Visum et Repertum (VER) financing regulated in KUHAP Article 136 and Law No.36 of 2009 article 125 is different from VER financing stipulated in Presidential Regulation No. 82/2018, Permenkes RI no. 71 of 2013, and PERKAPOLRI no. 5 of 2014. The research method used is the library research method (Library Research). The formulation of the problem in this research is how the legal arrangements governing VER financing as a form of protection for victims, what are the constraints on VER financing as a form of protection for victims, how to synchronize the regulations governing VER financing as a form of protection for victims. The purpose of this study is to determine the legal arrangements that regulate VER financing as a form of protection for victims, to analyze the constraints of VER financing as a form of protection for victims, to understand the synchronization of regulations governing VER financing as a form of protection for victims.

The conclusion from the results of this study is that the legal arrangements governing the financing of Visum et Repertum as a form of protection for victims are not synchronized, the constraints in financing VeR are the overlapping regulations between KUHAP Article 136, RI Law No.36 of 2009 Article 125, Regulations Minister of Health No. 71 of 2013 Article 20 paragraph (4), Regulation of the Head of the State Police of the Republic of Indonesia of 2014 Article 15 and Presidential Decree NO.82 of 2018 Article 52 paragraph (1) letters r, s, t, u so that there is no clarity about who pays the post mortem, synchronizing the regulations that regulate VeR financing as a form of protection for victims needs to be realized in practice in the field. Lower legal regulations must follow higher legal regulations, so that there is compatibility between the law and the legal regulations under it.

Keywords: Synchronization; Financing; Visum et Repertum; Victim

1. Introduction

In Indonesia, the exercise of power to run the government based on the rule of law because Indonesia is a state based on law as stated in the 1945 Constitution Article 1 paragraph 3 which reads "Indonesia is a state of law". Examination of a criminal case in the judicial process is essentially aimed at finding the material truth of the case. The efforts made to find the material truth of a criminal case are intended to avoid mistakes in the imposition of a criminal in a person. In trying to obtain evidence necessary for the purpose of examining a criminal case, law enforcers are often faced with certain problems or matters that cannot be resolved on their own because the problem is beyond their ability or expertise. In this case, the assistance of an expert is very important in order to find the complete material truth for the law enforcers. Criminal cases such as murder, assault and rape are examples of cases

where investigators need the assistance of experts such as forensic doctors or other specialists to provide medical information about the victim's condition which is then sufficiently influential for the investigator's actions to further reveal the case. The doctor's statement referred to is set forth in writing in the form of a medical examination result letter known as Visum et Repertum. Visum et Repertum (VeR) is a valid evidence as written in KUHAP Article 184. VeR financing is the presence of overlapping regulations, between KUHAP Article 136, RI Law No. 36/2009 Article 125, Minister of Health Regulation No. 71 of 2013 Article 20 paragraph (4), Regulation of the Head of the State Police of the Republic of Indonesia of 2014 Article 15 and Presidential Decree N0.82 of 2018 Article 52 paragraph (1) letters r, s, t, u so that there is no clarity about who pays the post mortem .

2. Research Methods

The research method used is the Library Research Method. The primary legal materials used in this study are contained in Article 136 of the Criminal Procedure Code, Indonesian Law No. 36 of 2009 Article 125, Presidential Regulation No. 82 of 2018, Minister of Health Regulation No. 71 of 2013 article 20 paragraph (4), Regulation of the Head of the Indonesian National Police No. 5 of 2014 article 15. The formulation of the problem in this research is 1. How is the legal arrangement governing the financing of Visum et Repertum (VER) as a form of protection for victims. 2. What are the constraints on Visum et Repertum (VER) financing as a form of protection for victims. 3. How to synchronize the regulations governing Visum et Repertum (VER) financing as a form of protection for victims. The objectives of this study are: 1. To find out the legal arrangements that regulate the financing of Visum et Repertum (VER) as a form of protection for victims. 2. To analyze the constraints on financing the Visum et Repertum (VER) as a form of protection for victims. 3. Understand the synchronization of regulations governing Visum et Repertum (VER) financing as a form of protection for victims. The benefits of this research are expected to develop the science of law in medical law studies, especially the law regarding the financing of Visum et Repertum in order to provide synchronization of regulations governing the financing of Visum et Repertum. and This research is expected to become a new discourse, as well as provide a deeper understanding of the synchronization of regulations regarding the financing of Visum et Repertum in Indonesia.

3. Results and Discussion

Article 136 of KUHAP, RI Law no. 36 of 2009 Article 125 explains that the cost of medical examinations for victims of criminal acts and / or examinations of bodies for legal purposes is borne by the government through APBN and APBD, so that the making of Visum et Repertum should be borne by the state because it is related to criminal acts. In the Republic of Indonesia Health Minister Regulation no. 71 of 2013 Article 20 paragraph (4), forensic examinations covered by BPJS Kesehatan are only for living people (clinical forensics) and psychiatric forensic examinations, while forensic pathology examinations (autopsy) have not been covered by BPJS Kesehatan. At PERKAPOLRI no. 5 of 2014 Article 15 examinations related to forensic medicine only apply to the Police Institution. In Presidential Decree no. 82 of 2008 Article 52 states that health services that are not guaranteed are due to criminal acts of maltreatment, sexual violence, victims of terrorism, while the making of Visum et Repertum is related to criminal acts, so the making of VeR for the above consequences is not borne by the state.

4. Conclusion

1. The legal arrangements governing the financing of Visum et Repertum as a form of protection for victims are not yet synchronized.
2. Constraints in financing VeR are overlapping regulations, between KUHAP Article 136, RI Law No. 36/2009 Article 125, Minister of Health Regulation No. 71 of 2013 Article 20 paragraph (4), Regulation of the Head of the State Police of the Republic of Indonesia of 2014 Article 15 and Presidential Decree N0.82 of 2018 Article 52 paragraph (1) letters r, s, t, u so that there is no clarity about who pays the post mortem .
3. Synchronization of regulations that govern VeR financing as a form of protection for victims needs to be realized in practice in the field. Lower legal regulations must follow higher legal regulations, so that there is compatibility between the law and the legal regulations under it.

References

- Abdul Mun'im Idries.. Pedoman Ilmu Kedokteran Forensik. Jakarta, Binarupa Aksara, 1997.
- Abdussalam, H.R, Buku Pintar Forensik (Pembuktian Ilmiah), PTIK Press Jakarta; Jakarta, 2014.

- Amar Singh, Ilmu Kedokteran Kehakiman, Medan: Universitas Methodist Indonesia, 2010.
- Apeldoorn, L.J.Van, Pengantar Ilmu Hukum, Pradnya Paramita, Jakarta, 1975.
- Soedikno Mertokusumo, *Mengenal Hukum: Suatu Pengantar*, Yogyakarta, Liberty, 1988.
- Djisman, C. Samosir, Sekelumit Tentang Penologi & Pemasarakatan, Nuansa Aulia, Bandung, 2012.
- Edisi Lengkap KUHP dan KUHAP – Surat Putusan Mahkamah Konstitusi Nomor 6/PUU-V/2007 Tentang Perubahan Pasal 154 dan 156 Dalam KUHP, Parama Publishing, Yogyakarta, 2012.
- Endang Kusuma Astuti, *Transaksi Terapeutik dalam Upaya Pelayanan Medis di Rumah Sakit*. Bandung: Citra Aditya Bakti, 2009.
- Idries, A.M., Pedoman Praktis Ilmu Kedokteran Forensik Bagi Praktisi Hukum, Jakarta: Seagung Seto, 2009.
- Institute for Criminal Justice Reform (ICJR)*, Keputusan Pemerintah untuk Mencabut Layanan Bantuan Korban dari BPJS Kesehatan Mengecewakan, 7 Januari 2019.
- Johan Hutauruk, Catatan Kuliah Ilmu Forensik Dan Toksikologi. Jakarta: Widya Medika, 1995.
- Kitab Undang – Undang Hukum Pidana, Parama Publishing, Yogyakarta, 2012.
- Mun’Im Idries, Abdul, dan Legowo Tjiptomartono, Agung, Penerapan Ilmu Kedokteran Forensik dalam Proses Penyidikan, CV. Agung Seto, 2010.
- Nikola Simanjuntak, *Acara Pidana Indonesia Dalam Sirkus Hukum*, Bogor: Ghalia Indonesia, 2009
- Peraturan Pemerintah Nomor 59 Tahun 2001 tentang Lembaga Perlindungan Konsumen Swadaya Masyarakat.
- Peraturan Menteri Kesehatan Nomor 4 Tahun 2017 tentang Perubahan Kedua atas Peraturan Menteri Kesehatan Nomor 52 Tahun 2016 tentang Standar Tarif Pelayanan Kesehatan dalam Penyelenggaraan Program Jaminan Kesehatan.
- Sundoyo, 2009. Jurnal Hukum Kesehatan, Biro hukum dan Organisasi Setjen Departemen Kesehatan RI, Jakarta.
- Suwito, S., Putusan Hakim yang Progresif dalam Perkara Perdata (Telaah Kasus Pohon Mangga), Jurnal Hassanuddi Law Review: 1 (2), 2015.
- Syarifudin, A. , & Febriani, I., Sistem Hukum dan Teori Hukum Chaos. Jurnal Hasanuddin Law Review: 1 (2), 2015.

Undang – Undang Republik Indonesia Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman, Pasal 6 ayat (2).

Undang-Undang Republik Indonesia Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.

Undang-Undang Republik Indonesia Nomor 24 Tahun 2011 tentang Badan Penyelenggara Jaminan Sosial.

Undang-Undang Republik Indonesia Nomor 36 Tahun 2009 tentang Kesehatan.

Undang-Undang Republik Indonesia Nomor 36 Tahun 2014 tentang Tenaga Kesehatan.

Undang-Undang Republik Indonesia Nomor 44 Tahun 2009 tentang Rumah Sakit.

Yukilfi Poluan, Bedah Mayat dan Akibat Hukumnya, Lex Crimen Vol.III/No.4/Ags-Nov/2014. Fakultas Hukum Universitas Sam Ratulangi, 2014.