

# Sexual Violence in Women (Clinical Forensic Case Report)

Zulfia Retnanti Marissa, Adriansyah Lubis, Reza Priatna

Departemen of Forensic and Medicolegal, Faculty of Medicine University of North Sumatera

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**Abstract-** There was around 736 millions of woman documented to have experience physical violence or sexual violence by their spouse or sexual violence from other people. This was an updated data collected from 2000 to 2018. In the recent data from WHO, it was stated that every 1 of 3 woman had experienced violence. sexual violence is any kind of act by a person to another person which resulted in sexual pleasure to the doer and offend the other person's dignity. Investigation of sexual intercourse is the sign of penetration /violence and sign of ejaculation. In this case report, the victim is a 19-year-old woman which plead to have been raped by a man. The victim had experienced a threat and violence. During physical examination, a laceration in lips and bloody gum was found. There was a hymen tear and bruise in the labia minora. Microscopic examination of vaginal swab showed spermatozoa. From the result of the examination, it can be concluded that there was a sexual intercourse and violence to the victim. The culprit can be charged with Indonesia' KUHP chapter 285 about rape under threat and violence.

**Index Terms-** Sexual crime, Rape, Violence.

## I. INTRODUCTION

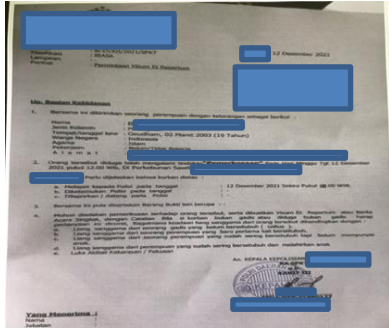
There was approximately 736 millions of woman who had been documented with sexual violence either from their spouse or not from their spouse. This data was collected from 2000 to 2018. In the recent data from WHO, it was stated that every 1 of 3 woman had experienced violence. This number has not been changing during the last decade. The incidence of violence has also been found even in younger women. The incidence was 1 from 4 young women, within 15 to 24 years old, which was in a relationship and experience violence by their spouse in their middle twenties. Violence in women is more prone to happen in middle to low-income countries. WHO stated that 37 percent of woman living in poor country had experienced violence. They experienced physical and sexual violence from their spouse. Several countries even have a prevalence of 1 from 2 women who had experienced violence. The prevalence of violence in women was categorized based on its location, which were: Oseania area, around Melanesia 51 percent, Micronesia 41 percent, and Polinesia 39 percent, South Asia 35 percent, sub-saharan Africa

33 percent, North Africa 30 percent, West Afrika 39 percent, North America 25 percent, Australia and New Zealand 23 percent, Latin America and Caribbean 25 percent, North Europe 23 percent, Southeast Asia 21 percent, West Europe 21 percent, East Asia 20 percent, East Europe 20 percent, Middle Asia 18 percent, South Europe 16 percent. From the data above, the women who had spouse has the highest rate of violence incidence which was 16 percent in the last 12 months. This number was found in woman within 15 to 24 years old<sup>1</sup>.

In a national study prior to violence on women, published in 2000 and sponsored by Institute of National Justice and the Center for Disease Control in the United States of America, which uses a sampling strategy which was very contextual with the national demography, they found that<sup>2</sup>:

- 14.8% women had experience sexual abuse and rape.
- 2.8% women had been an attempted rape victim.
- 0.3% women was rape victim in the last 12 months, with the incidence of 8.7 per 1,000 incidences.

In Indonesia, the National Commission of Anti Violence Against Women reported 2,363 cases of sexual violence women in personal area which was documented in 2021. Most of the cases were rape. It was documented that there were 597 cases of rape in women or 25% of the total cases. Rape in marriage was the second highest with 591 number of cases. There were 433 cases of incest. Incest is a sexual intercourse between people that share a close blood relation or close family relatives which was against the existing customs, law and religion. Also, there as 374 cases of sexual abuse. Sexual intercourse and digital cases were each 164 cases and 108 cases. 63 cases were molestation. There were also 17 sex slavery cases, 14 sex exploitation cases, and 2 attempted rape cases.<sup>3</sup>



## II. CASE REPORT

### Chronology

A 19-year-old woman was reported for being raped by an unknown man. According to the victim's report, on Sunday, 12<sup>th</sup> December 2021 around 12.00 WIB, the culprit is raping the victim in the PTPN field of Palm plantation. At first, the victim and her spouse were together on their way to her spouse' house around 11.00 WIB. On their way, the victim and her spouse were intercepted by the culprit (unknown man) and her spouse was tied, the culprit asked for money and phone from both the victim and her spouse, and the victim was then taken to the palm plantation and then raped. The victim tried to resist and shouting, asking for help. On this incidence, the victim filed a report to the police. On 12<sup>th</sup> December 2021, at 17.00 WIB in Forensic and Medicolegal Department in General Hospital, the victim came with investigator to be examined.

### Examination Report

Based on an anamnesis with the victim, several information was acquired:

- The Victim has never been pregnant
- Menstruation: Menarche in 11 years old, menstrual period 5 days, menstrual period occurs regularly, first day of last menstruation is on 5/12/21.
- History of previous disease and drug consumption: None.
- The Victim plead of getting raped.
- There was a total penetration of the culprit's penis to the victim's genital organ and ejaculate inside the victim's genital organ.
- The Victim plead of getting smothered and slapped by the culprit.
- From the time of the incidence until the time of the examination, the victim has not changed her cloth, and has not washed her genital organ.
- The victim has not fainted or unconscious.
- The victim plead that she has not done a sexual intercourse during a period in which she was apart from her husband.

The Victim came consciously, with blood pressure 120/80 mmHg, pulse 84 x/m, respiratory rate 16 x/m, and body temperature 36.3°C. During physical examination, a laceration

was found in the right lower lips with the size of 0.5 cm length and 0.2 cm depth with soft tissue base.

### Image 2. Laceration Wound in Lower Lips and bleeding gums.

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examination of genital organ:

- a. External genital organ: erythematous abrasions in labia minora with size 0.8 cm x 0.5 cm.

Hymen:

- i. Old tear reaching the base in three and four o clock direction.
  - ii. New tear reaching the base in six, seven and nine o clock direction.
- b. Copulation Hole: Examined as one finger loose.
  - c. Anal: No signs of violence, normal anal contraction.

### Image 3. Examination of Genital Organ.



Additional examination: Vaginal discharge examination was performed using vaginal swab and examined under microscope. Spermatozoa was found.

### Image 4. Spermatozoa found in Microscope Examination

## III. DISCUSSION

The legal basis of visum et repertum is in Indonesian KUHAP chapter 133, which stated that human is to be examined as a victim or suspected victim of a crime, either alive or dead.

KUHAP chapter 133:

1. In a case of an investigator prior to the court, investigating a victim, either wound, poisoning or dead which was a suspected crime, he/she has the right to



propose for an expertise from an expert forensic & medicolegal doctor or doctor with another expertise.

2. A proposal for an expertise from an expert, as stated in verse (1) is done in written document, which clearly included the aim either to perform wound examination, dead body examination, or autopsy.

3. Dead body delivered to a doctor with forensic and medicolegal expertise or a doctor in a hospital must be treated well with dignity and must be given a label that includes an identity, stuck and stamped and labeled in their toe thumb or other part of the body.

According to KUHAP chapter 133 verse 2, an expertise request must be in a written document by the investigator either for wound examination, dead body examination or an autopsy. In this case report, the Visum et Repertum document proposal was proposed from Police station in Langsa with the document number B/37/XI/2021/SPKT which proposed for a clinical examination of a patient identified as Ms. D.

KUHAP Chapter 133 stated that legal officer who can propose for a visum et repertum is an investigator. Afterwards, because visum et repertum was performed for a crime in physical and mental health, which is concluded as general crime, then the investigator is a police officer from (and military police officer). Afterwards, the regulation for the rank requirement for an investigator or investigator assistant according to the constitution is regulated in the Government Order No. 27 year 1983 chapter 2 that said: Investigator is Indonesia Police Officer which is at least in the rank of lieutenant II.

To simplify the authentication of the visum et repertum proposal, the writing of the visum et repertum letter by Indonesia Police always written on behalf of the head of the local police station, which according to Government Order No 27-year 1983 stated above, is always an investigator. Due to this regulation, the one who will be in charge is the attribute officer, which is the commander (as an investigator), while the officer that signed the document or the mandatory officer is only responsible to the commander. In the VeR document no B/37/XI/2021/SPKT the investigator proposing for the examination is a police officer ranked Police inspector II on behalf of the commander of the resort, which authenticate the document.

This was a case of a 19 years old is reported to be a rape victim of an unknown man in a palm field. The victim came with an investigator in a conscious state. During a physical examination, the patient was conscious, blood pressure was 120/80 mmHg, respiratory rate was 16 x/m, pulse rate was 84 x/m, body temperature was 36.3°C, the patient can explain the chronology clearly. During the examination an erythematous lacerated wound was found in the lower right region of the lips with 0.5 cm length and 0.2 cm depth and soft tissue was exposed in the base. A bloody gum was found in the 5<sup>th</sup> lower left teeth. The victim's wound in the lower lips and bloody gum was a caused by a blunt object, in which blunt object causes bruises, abrasion, laceration, and broken bone. These wounds were a sign of physical violence to force the victim to a sexual intercourse. The violence was to raise fear and to suppress the victim from fighting back.<sup>5</sup>

From the examination on the genital organ, there was an erythematous abrasion in the labia minora. In the hymen there were an old tear in the direction of 3 to 4 o'clock, and a new tear to the base in around the direction of 6, 7 and 9 o'clock. The copulation hole can be measured as one finger loose. There was no disorder in anal area, anal contraction is normal. During the additional examination on the victim, vaginal discharge examination was performed using swab and during microscopic examination, spermatozoa was found.

Sexual violence is any act performed by someone to another person which resulted in sexual satisfaction to the culprit and hindered someone's dignity. Sexual crimes is one of a crime that involves human body, health and life. Examination of the sign of sexual intercourse includes a sign of penetration/violence, and signs of ejaculation. Penetration was marked by hymen tear reaching the base in a marked direction, while sign of ejaculation were the existence of cement or spermatozoa or seminal fluid. Direct signs of sexual intercourse were hymen tear due to penetration, abrasion or bruises prior to rubbing of penis, and an existence of sperm from ejaculation. In proving a sexual intercourse, several factors must be considered; the size of the male genital organ, the degree of the penetration, the shape and elasticity of the hymen, ejaculate contains, sexual intercourse position, and the authenticity of the prove, and time of examination. Tear in the hymen reaching to the base only proved that there is a penetration into the vagina, however hymen tear not reaching to the base cannot be interpreted as a penetration/violence. On the contrary, no hymen tear does not guarantee that there was no penetration. There were 2 types of hymen tear, an old tear and new tear. New hymen tear is characterized by erythematous around the tear and sometimes there is an oedema, an old hymen tear is characterized by the homogenous color of tear without oedema, because hymen is a tissue with small number of vascularization, there is only a small amount of bleeding during hymen tear. Hymen tear recovery is around 7-10 days.<sup>5,6</sup>

Ejaculation can be proved medically by identifying spermatozoa or sperm cell in the vagina, around the genital organ or at the patient's cloth. Spermatozoa is pathognomonic of sexual intercourse. Spermatozoa examination is very important not only to identify if a sexual intercourse happened or not, but also to identify the culprit through DNA and blood type examination. If Sexual intercourse can be defined, by identifying spermatozoa, then a sexual intercourse can be defined with several note as follows; spermatozoa in the vagina can move for around 4-5 hours post coital, spermatozoa can still be found after 24-36 hours post coital, but it doesn't move anymore.

A legal sexual intercourse (according to the law) is an intercourse performed with these principles:

- The woman is a legal wife (According to Indonesia's UU RI No. 16/2019 about the changes of Indonesia's UU RI No. 1/74 about marriage) and there is a consent from the woman.
- The woman is old enough, sane, and is not in a marriage with another person, and is not a close relative.

Sexual crime can occur inside or outside of marriage. Sexual intercourse in marriage which was considered a crime according to KUHP chapter 288, is when a husband is doing a sexual intercourse with an unprepared woman which resulted in wound, severe wound, or death. In the case of sexual intercourse occur outside of the marriage which was considered a crime, if it was agreed by the woman then it will be referred to KUHP chapter 284 (adultery or sexual intercourse) and KUHP chapter 287 (sex with underage woman), in these case if no charge is given but a complaint from the husband/wife which is defiled, except if the woman is under 12 years old, then it must be proven that there is a violence and an intercourse. In the case in which there is no

agreement from the woman, according to chapter 285 about rape, which was the case in this case report and KUHP chapter 286.

#### IV. CONCLUSION

Based on the discussion in this case report, we can conclude that the patient has been having a sexual intercourse and sexual violence. The culprit can be charged with chapter 285 or chapter 286 of Indonesia's KUHP.

#### AUTHORS

**First Author** – Zulfia Retnanti Marissa, Department of Forensic and Medicolegal, Faculty of Medicine University of North Sumatera

**Second Author** – Adriansyah Lubis, Department of Forensic and Medicolegal, Faculty of Medicine University of North Sumatera

**Third Author** – Reza Priatna, Department of Forensic and Medicolegal, Faculty of Medicine University of North Sumatera

**Email:** fia.marissa22@gmail.com