

INJURES TO A MAN AS A RESULT OF ABUSE

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Abstract

In the services of doctors, the most frequently encountered in visum et repertum are victims who have experienced trauma (injury), whether they are still alive or dead. Clarity is needed regarding the type of trauma, the tools used, the causal relationship, the age of the wound, and the degree of qualification of the wound. In this case report, a 38-year-old man was abused by one known person because of a problem that occurred between them. The results of the examination found a wound with stitches on the left forehead, redness of the left eyeball, bruises on the left cheek, and abrasions on the left neck and ring finger of the right hand. The injuries were the result of blunt trauma.

Key Words : Abrasions, Blunt Trauma, Trauma

INTRODUCTION

In the services of doctors, the most frequently encountered in visum et repertum are victims who have experienced trauma (injury), whether they are still alive or dead. Clarity is needed regarding the type of trauma, the tools used, the causal relationship, the age of the wound, and the degree of qualification of the wound, and in the dead, plus determining the cause, method, and mechanism of death. (Affaline)

Traumatology is a branch of medical science that studies trauma or injuries, injuries and their relationship to various forms of violence (involuntary) where abnormalities occur in the body due to tissue discontinuity due to violence that causes traces. The types of trauma based on the etiology are divided into: (Windi)

1. Mechanical Trauma

- Blunt trauma
 - Contusions (bruise, contusion)
 - Blisters (abrasions)
 - Torn Wounds (lacerations)
 - Fractures, displacement of joints (fracture, dislocation)
- Sharp Trauma
 - Incised wounds (incise wounds)
 - Stab/stab wounds (punctured wound)
 - Chopped wounds (chopped wounds)
- Gunshot wounds

2. Physical Trauma

- Temperature high or low temperature
- As a result of auditory violence
- As a result of violence by electric current/ lightning
- Violent consequences of radiation

3. Chemical Trauma

- Strong acids
- Substance-strong base
- Intoxication

4. Trauma of a combination of mechanical and physical objects

In determining the severity of the injuries suffered by the victim and assisting in judex factii (in upholding justice), a distinction is made: minor, moderate, or severe injuries. Minor injuries: injuries that do not interfere with carrying out / do not interfere with livelihoods / daily activities. By following the Criminal Code article 352. Moderate injuries: between minor and serious injuries. By following the Criminal Code article 353, 351 paragraph

1. Serious injury: By following the Criminal Code article 90, stated, serious injury means: (Hamza)

- Get sick or get an injury that gives no hope of recovery at all or that poses a mortal danger
- Not able to continuously carry out job duties or work for a living
- Losing one of the five senses
- Got a severe disability
- Suffering from paralysis
- Disruption of thinking power for more than four weeks.

This serious injury is also contained in the Criminal Code article 351 paragraph 2, 354 paragraph 1, 355 paragraph 1.

The provision of qualifications for this wound, and is a bridge to convey from a medical point of view to law enforcement. The degree of this qualification will also relate to the suspect's sentence.

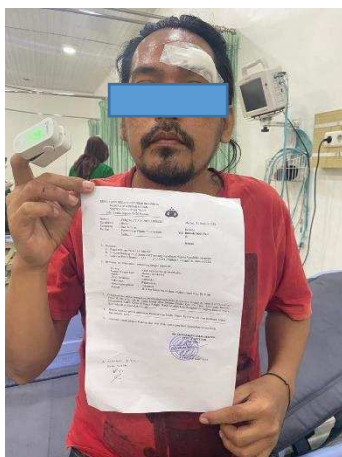
Investigators as assigned by the State for the sake of justice, are responsible for gathering evidence that supports the clarity of a criminal case. If the evidence concerns the human body, the investigator may request assistance from a doctor whose examination results are reported in the form of a post mortem et repertum. (Idries)

For the assistance provided by a doctor to have legal value, the doctor should know the correct procedure for assisting assistance. Because the legal requirements for an item of evidence to become evidence must meet material requirements, namely that what is written in the visum et repertum must be by following per under the actual situation and does not conflict with medical theory that has been proven true and the formal requirement that the procedure for obtaining said evidence must be by following per under the applicable law, for example making a visa et repertum, must be based on a request for a visa from the investigator (SPV). (Afflaine)

In the case of living victims, it must be viewed from two sides, namely the medical side and the legal side. On the medical side, a victim is a patient who must receive medical assistance, from a legal point of view, a victim is evidence that can be used as evidence in court if the handling follows legal procedures. Appropriate treatment will help victims recover and obtain justice. (Utah)

CASE REPORTS

A 38-year-old man came accompanied by the victim's older brother to the Emergency Room at Haji Hospital in Medan City on 31 th January 2023, at around 10.00 WIB, with complaints of a wound with stitches on the forehead, left eye, bruises on the cheek, abrasions on the neck and the ring finger of the right hand. The victim said he was beaten by his neighbor with his bare hands. The victim worked as an entrepreneur (selling groceries at the market). At the time of the incident, the victim was in the market. Then the victim argued verbally with the perpetrator who was also a trader in the market. After the argument, the perpetrator abused the victim with his bare hands. From the anamnesis, the victim said that it had been noisy for a long time and did not suit the perpetrator. But only this time to get abuse from the perpetrators. There were several times when the victim argued in the form of insults and insults.



Pic. 1. A man 38 years old

Based on this request, an examination was carried out on the victim on January 31, 2023, at around 10.00 WIB.

Fact checks first:

1. The victim came with the victim's sister with complaints of pain in the left forehead, left eye, left cheek, left neck, and left ring finger.

2. General condition:

- Level of consciousness: fully conscious
- Pulse: 97x/minute
- Breathing: 20 x/minute
- Blood pressure: 157/ 105 mm Hg
- Body temperature: 36.7°C

Physical examination facts:

- Forehead :

- On the left forehead, three point five centimeters from the body's midline, a distance of three centimeters from the inner corner of the left eye, there is a wound that has been sewn up



Pics. 2 wound that has been sewn on the left forehead

Eyeball :

- On the left membrane eyeball found a reddish color with a length of one centimeter one centimeter wide.



Pics . 3 redness of the left eyeball

Cheek :

- On the left cheek, three centimeters from the midline of the body, a distance of zero point five centimeters from the outer corner of the left eye, there is a bluish-red bruise measuring five centimeters long and three centimeters wide.



pics. 4 bruise on left cheek

Neck :

- On the left neck, four centimeters from the body's midline, twelve centimeters from the left ear canal, there was a brownish-red blister with a length of one point five centimeters and a width of zero point three centimeters.

Neck :

- On the left neck, five centimeters from the body's midline, and fourteen centimeters from the left ear canal, there is a brownish-red abrasion with a length of one centimeter and a width of zero point three centimeters



Pics. 5 abrasion on left neck

- Right finger hand:

- On the back side of the ring finger of the right hand, four centimeters from the top of the ring finger of the right hand, there was a red-brown abrasion with a length of one centimeter and a width of one centimeter.



Pics. 6 abrasions on the ring finger of the left hand

Results

Based on the facts found from the person's examination, a man 38 th years old with brown skin and good nutrition was examined. There was a wound with stitches on the left forehead, redness of the left eyeball, bruises on the left cheek, abrasions on the left neck, and ring finger of the right hand. The injuries were the result of blunt trauma. These injuries do not cause pain or impede the ability to carry out occupational work or livelihood. Victims can carry out their work as market traders.

DISCUSSION

Examination of living victims if victims of criminal acts of persecution or negligence cause other people to be injured, then the assistance of a doctor is needed to prove; whether there were injuries or not, the object that caused the wound, how the object caused the wound, and how the impact or effect of the wound had on the victim. The influence of wounds on the body can cause discomfort and impaired function, this condition is expressed as a disease.

The effect of the wound on the body is the basis for determining the severity of the wound which is legally based on the effect of the wound on physical health, spiritual health, the survival of the fetus in the womb, physical aesthetics, occupational work or livelihood work and the function of the sensory organs. Determination of the severity of the wound is listed in the conclusion section of the post mortem et repertum.

In this case, the victim came alone to the hospital for treatment because she was abused, so it became a medical secret. After reporting to the Police and being given a request for a post-mortem examination, the status is no longer a patient but evidence, automatically the right to keep medical secrets is no longer valid. The victim was examined by a doctor based on Article 133 of the Criminal Procedure Code which reads:

(1). In the case of an investigator for the sake of justice regarding a victim, either injured, poisoned, or dead, presumably due to an event constituting a criminal act, he or she has the authority to submit a request for information from a medical expert of the judiciary or a doctor or other expert.

(2). The request for expert testimony as referred to in paragraph 1 shall be made in writing which in the letter expressly states to examine the wound or examine the corpse and or dissect the corpse.

Based on the report from the victim, investigators issued a letter requesting a post visa application letter (SPV) with letter number: VER/36//B/I/2023/PERCUT. The letter requesting a post-mortem came with the same date as the date the victim was examined at the hospital so that the results of the initial examination of the patient/victim can serve as the basis for making a post-mortem.

In this case, the doctor who made the visum et repertum was a doctor from the forensic department, even though it was the emergency room doctor who initially received it, because during the examination and it was suspected of a crime, the doctor from the forensic department was involved to be with the emergency room doctor to carry out the examination and treatment. This is by following the opinion of Sofwan Dahlan, Mun'im Idris, and Agus Purwadianto who said that VER was made based on what was seen and found during the examination so that VER became the personal responsibility of the doctor concerned. According to Sofwan Dahlan, the facts from the results of the forensic doctor's examination with other doctors or other experts can be considered as facts that the doctor who made the visum et repertum found himself and can be included in the news, but the facts from the results of the examination by doctors or other experts are not carried out with the doctor making the visum et repertum, cannot be included in the news.

From the results of the examination, it was found that there was a wound with stitches on the left forehead, redness of the left eyeball, bruises on the left cheek, and abrasions on the left neck and ring finger of the right hand. From the characteristics of the injuries it can be concluded that these injuries were caused by blunt force,

For this case, if it is proven that it is a general criminal case or abuse, then the perpetrator must be punished because of the persecution, referring to the Criminal Code article 352, then the persecution that does not cause illness or an obstacle to carrying out a job position or livelihood is threatened, as light abuse, with criminal imprisonment for a maximum of three months or a maximum fine of four thousand five hundred rupiahs. The penalty can be added one-third for the person who committed the crime against someone who works for him or is his subordinate.

Based on PP 58 of 2010, investigators must:

A wound that has been sewn is torn, this can be inferred from the uneven edges

On examination, the victim did not experience visual disturbances and daily work, so it was categorized as a minor injury.

CONCLUSION

1. Persecution is a criminal act, so it must be handled according to applicable legal procedures. As a human victim, doctors should be asked for their assistance to examine the victim and provide facts about the victim's condition which will become legal considerations in imposing sanctions.

2. Sanctions for perpetrators of minor maltreatment generally use the Criminal Code article 352.
3. The forensic doctor is responsible for making the VER, therefore it is hoped that there will be regular communication between the forensic doctor and other doctors in the service so that the responsibilities of each party arise in carrying out their duties.
4. If this case is accused of being a general crime, then according to the Criminal Code, this case is classified as light maltreatment because there was abuse, and it does not interfere with carrying out daily activities, so the sanctions are by following Article 352, the Criminal Code, with a maximum imprisonment of three months and a maximum fine of four thousand five hundred thousand rupiahs.

CLOSING

On this occasion, I as the author would like to thank my advisors and colleagues, all of whom have helped and provided support to me, so that I can complete this case report.

BIBLIOGRAPHY

- Aflanie I, dkk, Ilmu Kedokteran Forensik, Edisi Satu, PT RajaGrafindo Persada, Jakarta, 2017. Hal 91-125
- Idries AM, Tjiptomarnoto AL. Penerapan ilmu kedokteran forensik dalam proses penyidikan. Edisi Ke-3. Jakarta: CV. Sagung Seto;2013
- Hamzah A. Kitab undang - undang Republik Indonesia: Rineka Cipta; 2013
- Windi. Traumatologi forensic [online]. 2006 [cited 2014 sep 18]. Available from: <http://www.freewebs.com/traumatologi e2/traumatologi.htm>
- Chapter 4 Utah Medical Examiner Act[online]. Utah, 2011 [cited 2014 Oct 03]. Available from: https://le.utah.gov/xcode/Title26/Chapter4/C26-4_1800010118000101.pdf