


Analysis of Determining the Qualification/Degree of Injuries in Injury Cases Reviewed From Legal and Medical Aspects Through Focus Group Discussion

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Article Info	ABSTRACT
<p>Keywords: Injury qualification, degree of injury, legal, medical</p>	<p>The determination of the qualification/degree of injury in the injury case is crucial in the criminal justice system, because it will be used as a consideration for law enforcement officials in determining criminal sanctions against violent perpetrators. The degree of injury when viewed from legal and medical aspects has several differences. In the legal aspect, the determination of the qualification/degree of injury is based on existing legal foundations, such as the Criminal Code and specific laws in cases of violence, for example domestic violence, violence against children and traffic accidents. Meanwhile, in the medical aspect, a doctor will consider starting from diagnosis, medical therapy needs and prognosis. There is one similarity in both aspects, namely the qualification/degree of serious injury, where in both aspects the basis of the criteria in article 90 of the Criminal Code is used. However, in practice in the field, the imposition of sanctions against the perpetrators will absolutely depend on the existing legal evidence and the judge's trust. This is in accordance with what is mentioned in the Criminal Procedure Code. The research method used in this study is a normative juridical method, which is a method that is carried out based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to this research. This research will analyze legal issues, facts, and other legal phenomena related to the legal approach, then obtain a comprehensive picture of the problem to be researched. The assessment of the qualification/degree of injury from the legal and medical aspects uses different basis of consideration. From the legal aspect, it will be guided by the Criminal Code and specific laws depending on the case handled. From a medical aspect, it is guided by clinical/medical considerations of the effects of the injury caused on the victim's body.</p>
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INTRODUCTION

In clinical forensic medicine practice, the determination of the qualification/degree of injury is an important aspect, especially in the case of injury. The qualification/degree of injury will be listed in the Visum et repertum (VeR). Visum et repertum is a statement made by a doctor at the request of an authorized investigator regarding the results of medical examinations on human beings, whether living or dead, to be used as evidence in court. The basis for the VeR

request to the doctor is in accordance with article 133 of the Criminal Code, and visum et repertum is one of the valid evidence as written in article 184 of the Criminal Code (Henky, 2016; Hariyani IP, 2021).

Visum et repertum consists of 5 fixed parts, including: The word Pro Justitia, written at the top, which informs that the visum et repertum was made for the benefit of the judiciary. There is no need to add a stamp so that visum et repertum can be used as valid evidence in courts that have legal force (Afandi D, 2011; Forensic Medicine Section, Faculty of Medicine, University of Indonesia, 1997).

1. The Introduction section which explains the name of the doctor who made the visum et repertum and the health service facility where the doctor examined the victim, who requested an examination, along with the number and date of the request letter for expert testimony from the agency, the place and time of the examination and the identity of the victim examined according to the request letter for expert testimony from the investigator. In this section, other information provided by the investigator can be added, for example about the criminal event or the circumstances when it was found.
2. The News Section, contains the results of medical examinations about health conditions, injuries or injuries, supporting examinations or consultation results, and medical actions taken by doctors and other health workers.
3. The Conclusion section contains the opinion of the doctor based on his knowledge regarding the type of injury found, the type of violence caused and the degree of injury.
4. The Closing Section contains a concluding sentence that hints at the truth of the content of visum et repertum, in the form of a sentence that has been standardized, namely "Thus I made this visum et repertum in fact, based on my knowledge and remembering the oath in accordance with the Criminal Procedure Code" (Afandi D, 2011; Forensic Medicine Section, Faculty of Medicine, University of Indonesia, 1997).

In making Visum et repertum of living victims, especially victims of injuries, in the conclusion section in addition to writing the cause of the injury is also written the legal consequences of an injury which is more often known as the qualification/degree of injury. In making the qualification of injuries in the conclusion section, it must refer to the provisions contained in the Criminal Code. Confusion in the qualification/degree of injury will have an impact on the conclusion of visum et repertum, which also affects the final decision in court (Henky, 2016).

In the practice of forensic medicine, the qualification/degree of injury is used to distinguish between mild, moderate, and severe injuries which will then be translated into legal language according to the Criminal Code. This determination has a direct effect on the criminal justice process, including in the classification of acts of violence, such as persecution (Article 351 of the Criminal Code) or domestic violence (Law of the Republic of Indonesia No. 23 of 2004). Cases that require a determination of the degree of injury include abuse, assault, domestic violence (KDRT) or in the case of traffic accidents. In this case, forensic experts have a crucial role in providing objective, scientific, and legally accountable information (Afandi D, 2011).

Based on data from Kemenppa.go.id during 2025 there were 22,317 reported cases, with physical violence ranking second with 7516 cases. At Bhayangkara Tk.1 Hospital of the National Police Health Center itself, where the author practices as a forensic and medicolegal specialist, cases of physical violence ranked first during the period from January to August 2025; which is as much as 48%, followed by sexual violence as much as 41%.

The qualification/degree of injury determination is often different between legal practitioners and doctors. In forensic medicine practice, the qualification/degree of injury is divided into three, which are based on a doctor's clinical consideration of the injuries that occur on the victim's body, namely minor injuries (1st degree injuries), moderate injuries (2nd degree injuries), and severe injuries (3rd degree injuries). However, from a legal point of view, the qualification/degree of injury will depend on the case at hand, and is based on whether there are obstacles in carrying out work, position, and/or livelihood and daily activities (KUHP). The formulation of the problem is as follows: How is the qualification/degree of injury determined from the point of view of legal practitioners/legal aspects?. How is the qualification/degree of injury determined from the point of view of legal practitioners/legal aspects?

RESEARCH METHODS

The research method used in this study is a normative juridical method, which is a method that is carried out based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to this research. This research will analyze legal issues, facts, and other legal phenomena related to the legal approach, then obtain a comprehensive picture of the problem to be studied (Windiyastusi, 2022). This method is typically used to identify, understand, and evaluate existing knowledge around a topic, as well as to find gaps or areas that require further research (Robekha, 2024). The normative juridical method is also known as literature research, namely by studying books, laws and regulations and other documents related to this research (Soemitro, 1990). This research method also involves interviews with legal practitioners and practitioners of forensic and medicolegal specialists to get a more comprehensive view according to what happens in daily legal practice.

RESULTS AND DISCUSSION

Legal Aspects Related To The Determination Of Qualifications/Degree Of Injury In Injury Cases

The degree of injury refers to the classification of the severity of the injury suffered by a person, as a result of the trauma or violence he or she has experienced. This assessment has significant legal value in determining the type of cause of violence, the type of criminal act, and the sanctions that will be imposed on the suspect. One of the things that must be in the conclusion *visum et repertum* of a living victim is the degree of injury. The degree of injury is closely related to the type of criminal act committed by the perpetrator and the severity of the maximum criminal threat that can be imposed on the perpetrator (Herkutanto, 2005; Sampurna B et al, 2003). In a legal view, the qualification/degree of injury is based on the type

of case faced, namely cases of abuse, domestic violence (KDRT), physical violence against children and traffic accidents. Here's the discussion:

KUHP

In the Criminal Code, what is explained are persecution (article 351), minor persecution (article 352) and serious injury (article 90).⁵ In article 351 paragraph (1) it is written as follows: *Persecution is threatened with a maximum of two years and eight months imprisonment or a maximum fine of four thousand five hundred rupiah.*

And in article 352 paragraph (1) it is written as follows: *Except for those mentioned in articles 353 and 356, persecution that does not cause illness or obstruction to carrying out the work of office or livelihood, is threatened, as minor persecution, with a maximum Prison Sentence of three months or a Fine of a maximum of Four Thousand five hundred rupiah. Penalties can be increased by one-third for the person who commits the crime against the person who works for him, or becomes his subordinate (Criminal Code).*

Furthermore, in article 90 of the Criminal Code, it explains the qualifications/degree of serious injury, with the condition of one of the following (Criminal Code):

1. getting sick or getting a wound that gives no hope of healing at all, or that poses a mortal danger
2. inability to continuously carry out job duties or search work;
3. loss of one of the senses;
4. get severe disability;
5. suffering from paralysis;
6. impaired thinking for more than four weeks;
7. miscarriage or death of a woman's womb.

That way, in the Criminal Code, the qualification or degree of injury is divided into minor persecution, persecution and serious injury.

Domestic Violence

Domestic Violence (KDRT) is any act against a person, especially women, which results in physical, sexual, psychological, and/or domestic neglect or misery including threats to commit unlawful acts, coercion, or deprivation of independence within the scope of the household.⁸ In Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law), it is explained that one of the violence in domestic violence is physical violence, so that determining the qualification/degree of injury in the conclusion of VeR is essential to obtain appropriate criminal sanctions for perpetrators of violence (Sampurna B et al., 2003; Law of the Republic of Indonesia Number 23, 2004).

In paragraph (1) of Article 44 of Law of the Republic of Indonesia Number 23 concerning PKDRT it is stated: *"Every person who commits an act of physical violence within the scope of the household as referred to in Article 5 letter a shall be sentenced to imprisonment for a maximum of 5 (five) years or a maximum fine of Rp 15,000,000.00 (fifteen million rupiah)."* And in paragraph (2) it is stated: *"In the event that the act as referred to in paragraph (1) results in the victim getting sick or seriously injured, it shall be punished with imprisonment for a maximum of 10 (ten) years or a maximum fine of Rp 30,000,000.00 (thirty million rupiah)."* And in paragraph (4) it is stated: *In the event that the act as intended in paragraph*

(1) is committed by the husband against his wife or vice versa that does not cause illness or obstruction to carry out the work of his office or livelihood or daily activities, he shall be sentenced to imprisonment for a maximum of 4 (four) months or a maximum fine of Rp 5,000,000.00 (five million rupiah)".

In the case of handling cases of domestic violence, especially cases of physical violence, the investigator will use Article 44 mentioned above. That way, the qualification/degree of injury in question is physical violence, physical violence that results in the victim getting sick or seriously injured and physical violence that does not cause illness or obstacles to carrying out job duties or livelihoods or daily activities.

Physical Violence Against Children

Violence against children is any act against a child that results in physical, psychological, sexual, and/or neglectful suffering or suffering, including threats to commit unlawful acts, coercion, or deprivation of independence (Law of the Republic of Indonesia number 35, 2014). Violence against children is regulated in Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (PA Law). Article 76C states: "*Everyone is prohibited from placing, permitting, doing, ordering to do, or participating in committing Violence against Children*". And the sanctions for committing physical violence against children are mentioned in Article 80, with the following divisions:

- (1) Every person who violates the provisions as referred to in Article 76C shall be sentenced to imprisonment for a maximum of 3 (three) years and 6 (six) months and/or a maximum fine of Rp72,000,000.00 (seventy-two million rupiah).
- (2) In the case of a child as referred to in paragraph (1) of serious injury, the perpetrator shall be sentenced to a maximum of 5 (five) years in prison and/or a maximum fine of Rp100,000,000.00 (one hundred million rupiah).
- (3) In the event that the child as referred to in paragraph (2) dies, the perpetrator shall be sentenced to a maximum of 15 (fifteen) years in prison and/or a maximum fine of Rp3,000,000,000.00 (three billion rupiah).

Thus, in the PA Law, the qualification/degree of injury is based on physical violence and physical violence that results in the child getting serious injuries.

Traffic Accidents

Meanwhile, in the case of traffic accidents, it is regulated in the Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation, where the qualification/degree of injury is explained in Article 310, as follows:

- (1) Every person who drives a Motor Vehicle who, due to his negligence, causes a Traffic Accident with damage to the Vehicle and/or goods as referred to in Article 229 paragraph (2), shall be sentenced to imprisonment for a maximum of 6 (six) months and/or a maximum fine of Rp 1,000,000.00 (one million rupiah).
- (2) Every person who drives a Motor Vehicle that due to his negligence results in a Traffic Accident with minor injuries and damage to the Vehicle and/or goods as referred to in Article 229 paragraph (3), shall be sentenced to imprisonment for a maximum of 1 (one) year and/or a maximum fine of Rp2,000,000.00 (two million rupiah).

- (3) Every person who drives a Motor Vehicle that due to negligence causes a Traffic Accident with serious injuries as referred to in Article 229 paragraph (4), shall be sentenced to a maximum of 5 (five) years in prison and/or a maximum fine of Rp 10,000,000.00 (ten million rupiah).
- (4) In the event of an accident as intended in paragraph (3) that results in the death of another person, it shall be sentenced to a maximum of 6 (six) years in prison and/or a maximum fine of Rp12,000,000.00 (twelve million rupiah).

That way, in the case of a traffic accident, the qualifications/degree of injury that applies according to the Law are minor injuries and serious injuries. A summary of the four legal bases can be read in Table 1.

The author also conducted focused interviews with legal practitioners, by asking the question (1) What is considered by a legal practitioner in determining the suspect's sanctions in cases of physical violence? (2) Are the results of Visum et repertum in cases of physical violence proven to be helpful in determining the sanctions to be imposed on the suspect? And (3) What are the opinions of legal practitioners regarding the degree of injury in cases of physical violence?

According to the opinion of a legal practitioner, who was interviewed, the following answer was obtained to question number (1): According to the Criminal Code and the Constitutional Court Decision No. 21/PUU-XII/2014, the determination of a suspect must be based on at least two valid evidence, namely witness statements, experts, letters, instructions, or statements of the defendant, and must be accompanied by the investigator's belief that there is a strong suspicion that the person is the perpetrator of a criminal act. If sufficient preliminary evidence is not met, the determination of the suspect becomes invalid. In cases of persecution or domestic violence, legal practitioners will consider the nature and type of violence (physical, psychological, sexual, neglect), the severity of the impact of violence on the victim (injury, illness, and even death), the relationship between the perpetrator and the victim (including within the scope of the household), as well as elements that mitigate or aggravate the perpetrator, such as remorse and confession regulated in Articles 64 and 193 of the Criminal Procedure Code (KUHAP). Sanctions have also been regulated in the Criminal Code such as in Articles 351 to 355 of the Criminal Code for persecution and Article 170 of the Criminal Code for demolition, as well as Law Number 23 of 2004 concerning the Elimination of Domestic Violence for Domestic Violence. Domestic violence perpetrators who cause serious injury can be subject to a maximum prison sentence of 10 years. Perpetrators of demolition that cause serious injury to victims can be subject to a maximum prison sentence of 9 years, as stipulated in Article 170 of the Criminal Code. Proof of cases of violence involving the human body legal practitioners can ask for assistance from experts referring to Article 133 of the Criminal Code by authorizing investigators to ask for expert testimony, such as doctors or judicial medicine experts, for judicial purposes against victims who are suspected of being victims of criminal acts. The results of the examination of the victim will be stated in the Visum et Repertum (VER) and function as evidence of expert testimony or letters in the legal process. In addition, other evidence such as CCTV footage, photographs, and other documents can also be used as evidence of clues or letters.

Furthermore, for question number (2), it was conveyed as follows: That the results of visum et repertum are very helpful for legal practitioners in cases of persecution, demolition, and domestic violence in determining sanctions for the behavior. Visum Et Repertum itself contains the results of examinations of victims of criminal acts made by experts, doctors and/or judicial medicine experts because it is a valid evidence to prove the existence of violence, determine the severity of the injury, and support the victim's testimony. The request for a visa on the victim was carried out by investigators at an early stage to collect physical evidence optimally. Visum not only serves as an investigation, but also becomes an important document and consideration in the trial process. This Visum Et Repertum strengthens the evidence by providing expert information about the physical condition of the victim, thereby helping to uncover the criminal elements of persecution and facilitate the judicial process. This Visum Et Repertum strengthens the evidence by providing expert information about the physical condition of the victim, thereby helping to uncover the criminal elements of persecution and facilitate the judicial process

And for question number (3), it was conveyed as follows: The determination of the degree of injury by forensic doctors in VeR is very crucial. If the doctor determines the injury as severe, then the suspect will be charged with articles of severe persecution which has a higher threat of criminal sanctions than minor persecution. On the other hand, if the injury is categorized as minor, the sanctions given will also be adjusted to that classification.

Table 1. Summary of Qualifications/degree of Injury from Legal Aspects

No.	Legal Basis	Article	Information
1.	CRIMINAL Code	Article 351 Article 352	Persecution Minor persecution
2.	Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence	Article 90 Article 44 paragraph (1) Article 44 paragraph (2) Article 44 paragraph (4)	Severe injuries Committing physical violence Severe injuries Violence that does not cause illness or obstacles to carrying out the work of the office or livelihood or daily activities
3.	Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection	Article 80 paragraph (1) Article 80 paragraph (2)	Physical violence Severe injuries

4	Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation	Article 310 paragraph (2) Article 310 paragraph (3)	Minor wounds Severe injuries
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Source: Criminal Code, Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence, Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation

Medical Aspects Of Determining The Qualification/Degree Of Injury In Injury Cases

In the medical aspect, the determination of the degree of injury to victims of physical violence will depend heavily on the ability of the examining doctor to analyze based on clinical/medical considerations.

In the practice of forensic and medicolegal medicine, the qualification/degree of injury in victims with physical violence is divided into 3, namely minor injuries, moderate injuries, and severe injuries, or generally called 1st degree injuries, 2nd degree injuries and 3rd degree injuries. (Sampurna et al., 2003). In the field, a doctor's medical/clinical considerations can differ depending on what aspects are being discussed. The easiest is to determine the severity of the injury, because the doctor will follow the criteria listed in article 90 of the Criminal Code. Although there are often certain medical conditions that can cause confusion. For example, in cases of violence where a person is poked in the mouth area, one of his teeth is broken. In physical and anatomical aspects, the broken tooth is considered a severe defect that cannot be healed anymore. However, from the functional aspect, the person still has other teeth that can accommodate the function of the gum teeth as a whole, so that the person can still bite, chew and talk. It may be different if the broken tooth involves more than one tooth.

The author has conducted interviews with several forensic and medicolegal specialists, regarding the determination of qualifications/degree of injuries in victims of physical violence. From the interview, it was found that the main essence of a doctor determining the degree of injury is based on the medical diagnosis of the patient/victim. In theory, the degree of injury can be established when diagnostic actions no longer add value to the diagnosis and/or therapeutic actions no longer add to the therapy. That way, the severity of the injuries suffered by the victim can be determined. However, there are also those who argue that determining the qualification/degree of injury can be based on the need for medical therapy and the prognosis of the injury suffered.

For more than 30 years, several efforts have been developed and implemented to measure the severity of injuries on a nominal scale. Many *scoring* systems have been created, but in general there are three main groups of trauma *scores*, each of which has its limitations and advantages (Henky, 2016).

1. Anatomical - Abbreviated injury scale (AIS); Injury severity score (ISS); dan New Injury severity score (NISS)

2. Physiological - RTS, APACHE x Revised Trauma Score (RTS) x Glasgow coma score (GCS) x Acute Physiology and Chronic Health Evaluation- (APACHE)
3. Combined x Trauma Related Injury Severity Score - (TRISS) x International Classification of Diseases-based ISS - (ICISS).

Based on the author's personal experience, the determination of the qualification/degree of injury is most appropriate if following the diagnosis. In theory, a doctor in determining the diagnosis will be guided by an anamnesis (interview of the patient), physical examination and supporting examinations (if needed). If the patient's diagnosis can be established, the degree of injury can also be determined. Although it is indeed associated with the functional aspect of a certain organ, the degree of injury can change. But what is certain is that changes to the degree of injury can only increase, not decrease. Therefore, the determination of the degree of injury cannot be done in a hurry.

A doctor can also analyze medical conditions based on existing trauma *score* considerations, so that quantitative determination can be achieved.

In daily practice, the determination of the qualification/degree of injury starts from determining whether the injury is classified as a serious injury or not, because it can follow the criteria listed in article 90 of the Criminal Code. If the injury suffered by the victim falls under one of the criteria listed in article 90 of the Criminal Code, then the doctor can immediately determine the degree of injury (Henky, 2016; Hariyani IP, 2021).

And if the wound suffered by the victim can heal on its own without the need for medical treatment/treatment, it can be classified as a minor injury. An example is a bruise on the left cheek, without a fracture or damage to blood vessels or nerves in the area. In the 1st degree of injury, the victim does not necessarily state that the victim does not need medical treatment, but the aspect emphasized is that the injuries suffered by the victim can heal on their own without the medical treatment. If the doctor wants to prescribe a certain medication, for example ointments or painkillers, then the prescription will not add to the degree of the wound.

Meanwhile, if the injuries suffered by the victim are not classified as severe or light, they can be classified into moderate injuries. In practice in the field, the classification of qualifications/degrees of moderate injuries has its own challenges, therefore, analysis using existing trauma *scores* can help appropriately.

In short, the determination of the degree of injury can start from analyzing whether the injuries suffered by the victim fall within the criteria of serious injury as stated in article 90 of the Criminal Code. If one of the criteria is obtained, then the degree of injury is severe. If not, the doctor must be able to answer whether the injuries suffered by the victim can heal on their own without medical treatment. If it turns out that the wound can heal on its own, then it is classified as a minor wound. Thus, if the answer is no, then the wound is classified as a moderate degree of injury.

However, in practice, the determination of the qualification/severity of injuries in the victim that has been determined by the doctor, can be decided differently by the judge. In this case, there is no need to argue harshly, because a judge in determining criminal sanctions for the perpetrator will consider several other valid evidence.

CONCLUSION

The assessment of the qualification/degree of injury from the legal and medical aspects uses different basis of consideration. From the legal aspect, it will be guided by the Criminal Code and specific laws depending on the case handled. From a medical aspect, it is guided by clinical/medical considerations of the effects of the injury caused on the victim's body. For serious injuries, both from legal and medical aspects, they have the same considerations, namely using the criteria stated in article 90 of the Criminal Code. Ultimately, the determination of the qualification/degree of injury will depend on the judge's beliefs. Suggestion: There is a need for qualitative research involving law enforcement officials and health workers, in this case forensic and medicolegal specialists on the assessment of the qualifications/degree of injuries in victims of violence. Review of the legal basis regarding the determination of sanctions on perpetrators of physical violence.

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