

DOMESTIC VIOLENCE AGAINST PARENTS BY CHILDREN

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Abstract

Background: This persecution problem often occurs, both in the community and in the family environment. The crime of persecution is one of the crimes that is growing from time to time. Efforts to regulate domestic violence into legislation have been carried out through Law no. 23 of 2004 concerning the Elimination of Domestic Violence is a community demand that is in accordance with the objectives of Pancasila and the 1945 Constitution of the Unitary State of the Republic of Indonesia (hereinafter abbreviated as UUNKRI 1945) to eliminate all forms of violence in Indonesia, especially domestic violence. Law No. 23 of 2004 concerning the Elimination of Domestic Violence (herein after abbreviated as the Elimination of Domestic Violence) has described several scopes of domestic violence where one form of violence is "abuse of biological parents by biological children".

Case Report: A Case with a Chronology of Events On Wednesday, November 17, 2021 at 17.30 WIB, the victim came to the ER at the Langsa City Hospital. Based on the victim's statement, the victim complained of pain in the face in the left eyebrow and under the left eye due to being hit by the victim's child on November 17, 2021 at 16.30 WIB. This was triggered because the perpetrator asked the victim for money and felt that it was not enough then got angry and then hit the victim in the eye until the victim finally fell. After the incident, the victim was immediately taken to the hospital by her daughter because she panicked when she saw blood dripping from the victim's forehead, to get treatment at the Langsa Hospital and after receiving treatment and education by medical personnel in the ER, the victim and her child went to the Langsa City police station. to report this incident. And the investigators followed up by issuing a Request for Visum et Repertum on behalf of the victim. From the results of the examination, there were bruises on the left upper and lower eyelids, abrasions on the left cheek and a torn wound on the left eyebrow due to blunt force.

Conclusion: A 61-year-old woman has been examined. The victim is a victim of domestic violence by the victim's biological child. The crime in the case experienced by the victim is a Special Crime where this is regulated in Law no. 23 of 2004 concerning the Elimination of Domestic Violence Article 44 paragraph 1.

Keyword: victim, victim of domestic violence, the victim's biological child

PRELIMINARY

Background

This persecution problem often occurs, both in the community and in the family environment. The crime of persecution is one of the crimes that is growing from time to time. One of them can be seen from the perpetrators who are no longer adults but also children, the perpetrators are not only other people but can occur in the family environment. A family consisting of father, mother, and children whose function is to protect each other, love and

care for each other, and there are ties, blood relations, and kinship relationships. Children in the family have a role which is expressly stated that the state guarantees the rights of *visum et Repertum* of child to survival, growth and development as well as protection from violence and discrimination.²

The state provides protection for children and parents through laws. One of the laws regulates the right of alimantation in Article 46 paragraph 1 of Law Number 1 of 1974 concerning Marriage which states "If a child is an adult, he is obliged to maintain according to his ability, parents and family in a straight line up, if they are need his help." But in reality *visum et Repertum* that occurred in Indonesia which reached 11.7% people in 2013 caused a shift in values in society, one of which was a shift in people's behavior in families, nowadays there are many cases of neglect and abuse of parents by biological children.³ Efforts to regulate domestic violence into legislation have been carried out through Law no. 23 of 2004 concerning the Elimination of Domestic Violence is a community demand that is in accordance with the objectives of Pancasila and the 1945 Constitution of the Unitary State of the Republic of Indonesia (hereinafter abbreviated as UUD 1945) to eliminate all forms of violence in Indonesia, especially domestic violence. Law No. 23 of 2004 concerning the Elimination of Domestic Violence (hereinafter abbreviated as the Elimination of Domestic Violence) has described several scopes of domestic violence where one form of violence is "abuse of biological parents by biological children".

Medicolegal Aspects of Life Victim Visum

a. Visum et Repertum and Medical Records

The term *Visum et Repertum* comes from Latin, *visum* means "seen", *et* means "and", and *repertum* means "found". In simple terms, *Visum et Repertum* can be interpreted as "seeing and reporting".⁴

KUHAP also regulates doctor's products that are commensurate with the *Visum*, namely: ⁹ (1) Article 1 point 28 (2) Article 186 (3) Article 187 point c. All three are included in the legal evidence in accordance with the provisions of the Criminal Procedure Code article 184 (1):⁹ "Legal evidence is witness testimony, expert testimony, letters, instructions, and statements from the defendant."

From the articles above, it appears that what is meant by expert testimony and letter (point (c)) in the Criminal Procedure Code is equivalent to what is meant by *Visum et Repertum* in *Staatsblad* No. 350 of 1937. The difference is that expert statements or letters (KUHAP) are statements or opinions made by experts (including doctors) based on their

knowledge, not only limited to what they saw and found by the maker of Visum et Repertum. Thus, the expert's statement or the letter made by the doctor must be made based on a medical examination. Opinions that are not based on the results of medical examinations are certainly not part of the Visum et Repertum. This is considering that advances in medical science have resulted in various special examinations having to be carried out by doctors with special expertise, so that medical examinations of a patient (victim) may be made by several doctors from various specialist fields. The name "Visum et Repertum" is still maintained and is used to distinguish letters or expert statements made by doctors from letters or statements made by other experts who are not doctors.

The obligation of doctors in assisting the judicial process is regulated in the Criminal Procedure Code: 9 (a) Article 133 of the Criminal Procedure Code, (b) Article 179 of the Criminal Procedure Code. It is clear in this case that a doctor who is asked for assistance in his capacity as an expert can provide expert testimony, which in the judicial system is one of the valid evidence. Meanwhile, requests for assistance from doctors in their capacity as experts are stated in Article 120 of the Criminal Procedure Code paragraph (1): ⁹"In the event that the investigator deems it necessary, he can ask for the opinion of an expert or a person with special expertise."

If the Visum et Repertum has not been able to clear up the issue in court, the judge may request expert testimony or submit new materials, which give the possibility of conducting a re-examination/re-examination of evidence, if a reasonable objection arises from the defendant or legal adviser to a result of his post-mortem examination. Article 180 of the Criminal Procedure Code).

a. Letter of Request for Visum et Repertum Visum of Life Victims

The status of a doctor's relationship with a patient after receiving a letter of request for visum et repertum is the relationship between a doctor and evidence. The principle difference between the two types of doctor relationship patterns, namely the relationship pattern between a doctor and someone as a patient and the relationship pattern between a doctor and someone as evidence, is whether or not it is obligatory to keep medical secrets. With the receipt of this letter, doctors must carry out the law by disclosing medical secrets for the benefit of the judiciary. One of the grounds for issuing a letter of request for a visum et repertum is the existence of a victim report, which in itself means that medical secrets can be legally disclosed.¹⁰

So that doctors are not hindered by the principle of being obliged to keep medical secrets, a letter of request for Visum et Repertum must be immediately sent to the doctor who

examines the victim. The investigator should accompany the victim to the doctor to ensure the authenticity of the evidence. The reality in daily practice, the request letter for Visum et Repertum comes after a medical examination. This can lead to formal legal problems where there are differences of opinion if the request letter for Visum et Repertum arrives after the patient (who in this case is also the victim) returns home. This difference of opinion concerns the making of Visum et Repertum from Medical Records.

Budi Sampurna is of the opinion that doctors can disclose in the form of Visum et Repertum because the visa request letter is not a letter asking for an examination but a letter asking for expert information regarding the results of the examination. So, this is not against the law. Even in terms of truth, it can be said that the contents of the Visum et Repertum should not be different or contradict the contents of the medical record.⁵

Meanwhile, according to Sofwan Dahlan, if the visa request letter is received when the patient has returned home, the investigator must bring the patient back for examination and the results of the examination will be stated in the form of Visum et Repertum. This is because the Visum et Repertum does not apply backwards. Doctors do not need to make a Visum et Repertum based on the patient's medical record because the medical record is already legal evidence, it can be used by the court if needed (Article 13 of the PERMENKES RI Number 269/MENKES/PER/III/2008 concerning Medical Records). Wound qualifications can be given by the doctor himself before a judge in a court hearing when giving testimony in criminal justice (Article 179 of the Criminal Procedure Code).¹¹

In the PERMENKES RI Number: 269/MENKES/PER/III/2008 concerning Medical Records, although it is explained about the contents of the Summary of Medical Records, there is no explanation regarding the format of the Medical Records. When a patient arrives without a visa request letter, the doctor will make a medical record in the format like an ordinary certificate made without being based on an oath or confirmed by an oath and without a written statement that the letter in question will be used for judicial purposes. According to Article 187 of the Criminal Procedure Code, the condition for a letter to become evidence is that it must be made on an oath of office or confirmed by oath, it can be in the form of an official report and other letters in an official form made by an authorized official, made according to the provisions of the legislation, if the information is expert, then the letter contains the expert opinion that is officially requested, or another letter if it relates to the contents of other evidence¹²

Summary of Medical Records as stated in Article 10 of the PERMENKES RI Number 269/MENKES/PER/III/2008 concerning Medical Records does not contain expert opinions,

so summaries of medical records cannot be included as evidence in the form of expert certificates. If the preparation is based on the patient's permission, the summary of the medical record is only a guide for the investigator to continue the investigation and investigation, but if it is made on the basis of a request from law enforcement and fulfills the requirements as stated in Article 187 of the Criminal Code, contains an opinion, is made by remembering the oath and for the benefit of the public. the judiciary is essentially the same as the Visum et Repertum, only the name is different.¹²

a. Doctor's Examination on Living Victims¹³

In the event that the victim is a victim of a criminal act of persecution or negligence of another person, the assistance of a doctor is required to prove the presence or absence of injuries, the object causing the injury, the way the object can cause injury, and the impact or effect of the injury.

Abnormalities that occur due to trauma can be seen from 2 aspects, namely:¹⁴

1) Medical Aspect

Based on the principle of inertia (principle of inertia) of Galileo Galilei, eVisum et Repertum y object will remain in shape and size until there is an external force capable of changing it. Furthermore, Isaac Newton with his 3 laws managed to find a method that can be used to measure and calculate energy.

With these basics, it can be explained how a potential energy in the form of violence turns into kinetic energy that is capable of causing injury, namely tissue damage which may or may not be accompanied by discontinuity of the skin surface.¹⁴

Consequences of injuries resulting from injuries caused by trauma can be:¹⁴

(a). Physical/organic abnormalities, in the form of:¹⁴ (1) Loss of tissue or part of the body. (2) Partial or complete loss of certain organs. (b). Impaired function of certain body organs. The form of this functional impairment depends on the organ or body part affected by the trauma. Examples of impaired function include paralysis, blindness, deafness or impaired function of internal organs. (c). Infection: It is known that the skin or mucous membranes are a barrier to infection. If the skin or membrane is damaged, germs will enter through this door. Even germs can enter through bruised areas or even irritation due to objects contaminated with germs. (d). Disease: Trauma is often considered as a precipitating factor in the occurrence of heart disease, although the causal relationship is difficult to explain and is still under control of Visum et Repertum. (e). Psychic disorders.

Trauma, although not causing brain damage, may be a precipitating factor for the development of a Visum et Repertum y broad spectrum of mental disorders; which can be a

compensational neurosis, anxiety neurosis, primary dementia praecox (schizophrenia), manic depressive or psychosis. Therefore, in each post-traumatic mental disorder, it is necessary to examine the basic elements consisting of mental and emotional background and the relative value for the person concerned on the tissue or organ affected by the trauma.

It is generally accepted that the relationship between tissue or organ damage and posttraumatic psychosis is based on: (1). Totally healthy mental state before the trauma. (2). Trauma has damaged the central nervous system. (3). Trauma regardless of location, threatens someone's life. (4). Trauma causes damage to parts whose structure or function can affect emotions (genital organs, breasts, eyes, hands, or face). (5). Victim worry about the length of time suffering. (6). Psychosis occurs within a reasonable timeframe. (7). The victim is haunted by the incident (crime or accident) that happened to him.

2). Juridical Aspect

If from a medical point of view, the wound is tissue damage (whether accompanied or not accompanied by a skin surface discontinuity) due to trauma, then from a legal point of view, the wound is a disorder that can be caused by a criminal act, whether intentional (intentional), recklessness or negligence (lack of caution). To determine the *seVisum et Repertum* ity of the punishment, it is necessary to first determine the *seVisum et Repertum* ity of the injury¹⁴

The criminal law policy in determining the *seVisum et Repertum* ity of the injury is based on its effect on: (a) Physical health (b) Spiritual health. (c) Survival of the fetus in the womb (d) Physical aesthetics (e) Occupation or occupation (f) Functions of the senses.

The doctor included the determination of the *seVisum et Repertum* ity of the wound in the conclusion section of the *Visum et Repertum* in the form of wound qualification. The qualifications for the wound are:

1. Minor injuries

Minor injuries are injuries that do not cause illness or obstacles in carrying out their job, position or livelihood. The punishment for minor injuries is stated in Article 352 paragraph (1) of the Criminal Code

2. Moderate wound

Moderate injury is an injury that causes illness or an obstacle in carrying out work, position or livelihood for a while. Punishment can be imposed based on Article 351 paragraph (1) of the Criminal Code

3. Serious injury

Serious injuries are as stated in Article 90 of the Criminal Code, namely:

1. Falling sick or getting an injury that doesn't give any hope of healing at all, or that poses a mortal danger.
2. Not being able to continue to carry out job duties or job searches
3. Loss of one of the five senses
4. Got a serious disability
5. Suffering from paralysis
6. Disruption of thinking power for more than four weeks
7. Abortion or death of a woman's womb

The sentence can be imposed based on Article 351 paragraph (2) and paragraph (3), Article 353, Article 354, Article 355 of the Criminal Code.

Wound

Definition of Wound

Wounds are damage to normal anatomical structures and functions due to a pathological process that occurs comes from internal or external and about certain organs. There are seVisum et Repertum al ways determine the classification of the wound.¹⁵

Wound Mechanism

The mechanical force causing the wound may come from a tool or object that movement, or the movement of the body itself. Examples include, the resulting opposing force by the inertia of the body, the rigidity of some stationary object with respect to a falling body.¹¹

Wound Classification

Table 1. Classification of wounds based on their nature and causes.^{14,16}

mechanic	Physics	Chemical
• Blunt trauma • Sharp trauma • Gunshot wounds	• Temperature • Electricity and lightning • Acoustic air pressure changes • Radiation	• Strong acid • Strong language

Wounds Due to Blunt Object Violence^{11,15,16}

Blunt objects when hitting the body can cause injuries, namely bruises, abrasions and lacerations or open wounds. If the blunt force is so great it can also cause fractures.

1. Abrasion:

Abrasion is a superficial wound, the damage to the body is limited to the outermost layer of the skin / epidermis. Ante mortem abrasions are reddish brown in color, irregular in

shape, not well defined, sometimes a little bleeding is found, the surface is covered with crusts, on microscopic examination some parts are still covered by epithelium and tissue reaction. The abrasions are divided into 3, namely: lacerations, pressure sores and lacerations.

2. Bruises (contusions)

Bruises are a condition where there is bleeding in the tissue that occurs while a person is still alive, due to the rupture of capillary blood vessels due to the force of a blunt object. When blunt force trauma resulting in bruising occurs in areas where the tissue is loose, such as in the eye area, neck, or in the elderly, the visible bruising is often disproportionate to violence, in the sense that it is often broader: and the presence of loose tissue This allows the "bruise" to move to a lower area, based on gravity. One form of bruise that can provide information about the shape of a blunt object, is what is known as "marginal haemorrhages", for example if the victim's body is run over by a vehicle tire, where the pressure does not show abnormalities, bleeding will pull over to form a bleeding edge that matches the shape of the gap between the two adjacent treads.

With the passage of time, the bruises heal and the Hb dye changes in 4-5 days to green, then yellowish in a few days then disappears in 10-14 days, but it cannot be used accurately to determine the duration of the injury, because it is influenced by several factors: the amount of extravasation, the age of the victim, the identity of the victim.

Color	Age
Red	Still new, about 1-2 hours
Blue	Several hours, up to 3 days
Black Brown	The fourth day
Green	Between 4 – 6 days
Yellow	Between 6 – 12 days
Normal	2 weeks

Chada VP, Ilmu Forensik dan Toksikology, Edisi Kelima, Widya Medika, Jakarta, 1995, Hal 69

2. Wounds torn, torn (laceration)

Cuts or open wounds caused by blunt force can occur if the force is so strong that it exceeds the elasticity of the skin or muscles. Careful painting of open wounds caused by blunt objects can thus be of great help to investigators, especially during reconstruction: as well as when doctors are made witness at the judge's table.

3. fracture

A fracture is a break in the continuity of the bone and is determined according to the type and extent or each crack or fracture of an intact bone.

Domestic violence

Behavior or acts of domestic violence as a social fact are not new from the sociological perspective of Indonesian society. This problem has been around for a long time and is still ongoing. Domestic violence as referred to in Law Number 23 of 2004, Chapter 1 concerning General Provisions Article 2 is any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household. including threats to commit acts, coercion, or deprivation of liberty against the law within the scope of the household.¹⁷

The scope of household as intended in Law Number 23 of 2004 concerning Elimination of Domestic Violence, Chapter 1 concerning General Provisions Article 2 covers husband, wife, children, people who have relationships with husbands, wives, and children because of blood relations , marriage, breastfeeding, care, and guardianship who stay in the household, and or people who work to help the household and stay in the household.¹⁷

This act of violence can be committed by a husband or wife against their respective partners, or against children or vice versa by children against their parents, other family members, and against their helpers separately or simultaneously.

CASE REPORT

Chronology of Events

On Wednesday, November 17, 2021, at 17.30 WIB, the victim came to the ER at the Langsa City Hospital. Based on the victim's statement, the victim complained of pain in the face in the left eyebrow and under the left eye due to being hit by the victim's child on November 17, 2021 at 16.30 WIB. This was triggered because the perpetrator asked the victim for money and felt that it was not enough then got angry and then hit the victim in the eye until the victim finally fell. After the incident, the victim was immediately taken to the hospital by her daughter because she panicked when she saw blood dripping from the victim's forehead, to get treatment at the Langsa Hospital and after receiving treatment and education by medical personnel in the ER, the victim and her child went to the Langsa City police station. to report this incident. And the investigators followed up by issuing a Request for Visum et Repertum on behalf of the victim.

On November 17, 2021 at 20.00 WIB at the Forensic Installation of the Langsa Regional General Hospital, an examination was carried out on the victim who was a patient with medical record number 0-66-87-** based on a request letter for visum et repertum from the State Police of the Republic of Indonesia, Langsa Sector Resort. Langsa City number B/2*/XI/2021 with investigator R rank IPDA with NRP 700902**** dated November 17, 2021 with the following identities: Name: Y M, Age: 61 Years Old, Gender: Female, Ethnic/Religion: Aceh/Islam, Occupation: Housewife

Check up result

The victim came in fully conscious with a general condition Mild pain (a). General appearance/cooperative attitude, well-groomed. (b) On examination of vital signs: Blood pressure: 130/90 mmHg, Pulse: 84x/minute, Breathing:16x/minute, Temperature: 36.8⁰ C. (c) On physical examination:

Head: No signs of violence were found

Forehead: Found gauze plaster on the left forehead, after the gauze plaster was opened, found a wound that had been stitched with black thread on the left eyebrow with a length of 2.5 cm, width 0.5 cm, with a distance of 2 cm from the midline of the front body and 10 cm from the left ear with a characteristic red wound, irregular shape, uneven wound edges. On palpation there were no signs of fracture.



Figure 1. Gauze bandage on the left forehead Figure 2. The wound has been sutured

Eyes: Bruises were found on the upper left eyelid measuring 5 cm in length, 3 cm in width with a distance of 2 cm from the centerline of the front body and about the corner of the left outer eye, characterized by red, bluish, irregular shape, indeterminate boundaries.

Bruises were found on the lower left eyelid to the cheeks, measuring 8 cm in length 5 cm wide with a distance of 2 cm from the centerline of the front body and 8 cm from the left ear, characterized by red, bluish, irregular shape, no border firmly. Found swelling on the lower left eyelid.

Found both red eyelid membranes, clear eyelid membranes, reddish eyeball membranes, round eye beads, diameter 5 millimeters, the diameter of the right and left eyelids are the same, rainbow black eyes. On examination of eye Visus using Snellen chart, 6/6 eye Visus results were obtained

Cheeks: Abrasions were found on the left cheek measuring 1.5 cm long, 0.5 cm wide with a distance of 6 cm from the centerline of the front body and 12 cm from the left ear, with red wounds, irregular shape, uneven edges. . On palpation no signs of fracture were found.

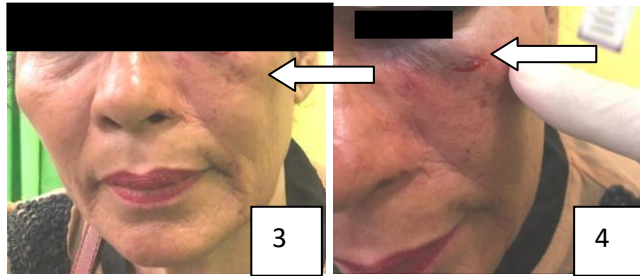


Figure 3. Bruises on the left lower eyelid up to the cheek

Figure 4. Bruises on left cheek

Supporting investigation

The results of the consultation with an ophthalmologist, the diagnosis was: Left Palpebra Haematoma. With the recommendation to continue therapy from the doctor in the emergency departments (IGD)

Action Against Victims

(1) Wound care and antibiotics, analgesics, antihistamines and vitamins are given. (2) Clinical forensic examination (3) Consultation with an ophthalmologist.

DISCUSSION

In this case, the victim first came to the hospital because the victim's daughter panicked when she saw blood dripping from her mother's forehead. The victim then immediately received wound care and treatment. The results of the victim's examination are entered into the Medical Record. Because there is no Visa Request Letter, the status of the victim here is as a patient. Then after the victim received wound care and treatment, the victim's family was also educated to immediately bring the victim to report the incident to the Langsa Kota Police Station and the investigator followed up by issuing a Visum et Repertum Request Letter on behalf of the victim. Hospital, then the results of the patient's examination are used as the basis for making a visa.

From the results of the physical examination of the victim, there were wounds on the upper and lower left eyelids. Based on the color, shape and boundaries of the wound, which were not clear, it indicated that the victim had bruises. Where a bruise is a condition where there is bleeding in the tissue, which is caused by the rupture of capillary blood vessels due to blunt force. When blunt force trauma resulting in bruising occurs in areas where the tissue is loose, such as in the eye area, neck or in the elderly, the visible bruising is often disproportionate to the violence, in the sense that it is often more extensive: and the presence of such loose tissue allows displacement of the "bruise" to a lower area, based on gravity. Meanwhile, the wound on the cheek, which is characterized by abrasions, is a superficial wound, the body damage is limited to the outermost layer of the skin/epidermis. And a tear on the eyebrow is an open wound caused by the force of a blunt object, which can occur when the force is so strong that it exceeds the elasticity of the skin or muscle and will tear the most important part. With the characteristics of an irregular shape wound, uneven wound edges, found a bridge of tissue between the two edges of the wound or wound wall, hair roots are still intact at the edges of the wound, easy to occur on the skin covering the bone. Usually has profuse bleeding. The length and width of the wound is wider than the depth of the wound. Bruises on the upper and lower left eyelids, the victim's stomach is red and has torn wounds on the eyebrows and red abrasions on the cheeks, and blood and serum were found, there is no scabies. Based on the results of the examination and supported by the above theories, this indicates that the victim suffered a blunt trauma injury.

The examination found that the general condition of the victim was good, awareness of *mentis compos*, and examination of vital signs were within normal limits, although for the next time the victim still needed wound care and consultation with an ophthalmologist, the victim did not experience visual disturbances and abnormalities in the eyeball so that the victim does not require continuous medical services and the victim is not dependent on others in daily activities. In this case, the victim's occupation is a housewife. If it is related to the criminal law policy in determining the severity of the injury, it is based on its effect on: Physical health, spiritual health, survival of the fetus in the womb, physical aesthetics, occupation or livelihood work, the function of the senses, then the injuries suffered by the victim at qualify as a minor injury, i.e. the wound suffered by the victim does not cause illness or an obstacle to carrying out job positions or livelihoods,

Based on the history of the victim, the perpetrator is the victim's biological child, this is the basis that the victim is a victim of Domestic Violence, this is in accordance with Law no. 23 of 2004 concerning the Elimination of Domestic Violence, namely: "Domestic

violence is any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering and neglect of the household, including threats to commit acts, coercion or deprivation of liberty against domestic law.

Within the scope of the household, it consists of husband, wife, children, people who have family relationships with other people because of blood relations, marriage, breastfeeding, care and guardianship who stay in the household or work to help the household and stay in the household.

CONCLUSION

In this case report, a 61-year-old woman was examined. From the results of the examination, there were bruises on the left upper and lower eyelids, abrasions on the left cheek and a torn wound on the left eyebrow due to blunt force. The wound does not cause illness or an obstacle to carrying out work, position or livelihood and the victim requires wound care.

The victim is a victim of domestic violence by the victim's biological child. The crime in the case experienced by the victim is a Special Crime where this is regulated in Law no. 23 of 2004 concerning the Elimination of Domestic Violence Article 44 paragraph 1.

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