

Received: 04.11.2022; Revised: 23.11.2022, Accepted: 02.12.2022, Published Online: 28.12.2022

DOI: 04.36299/oeco.584830

VIOLENCE IN THE FAMILY

Asan Petrus

Department of Forensic and Medicolegal, Faculty of Medicine, Universitas Sumatera Utara, Medan, Indonesia, Email: asanpetrus95@gmail.com

ABSTRACT

Introduction: *Victims of child abuse were increased every year, started from 12.285 cases in 2019, then 12.425 cases found in 2020, and increased to 15.972 cases in 2021, which dominated by sexual violence. Child abuse is an act committed by individual to those who are under 18 years old and causes physical and mental problems. Child abuse often occurs in family, usually by parents and/or the other family member, as well as in the school by teacher and even in Islamic boarding school.*

Case: *An 8 years old girl was reported to have been abused by her stepmother. The victim's father reported the case to the police and some examinations were carried at the emergency room at the hospital according to the visum request letter.*

Result: *There were found bruises on the eyelids of both eyes up to the both cheeks and bluish-red bruises on the right earlobe and the right back of the neck. There were also found a wound that has been undergoing a healing process on the right cheek.*

Discussion: *From the examination, the victim is a child. The age of the wounds was varied, indicating repeated violence. Physically, the victim experienced abusive behaviour which required temporary treatment. The victim was also diagnosed with moderate depression by a psychiatrist which would require specific treatment.*

Conclusion: *An eight-years-old girl was a victim of blunt trauma with a moderate degree of injury based on the physical assessment.*

Keywords: *child abuse, blunt trauma*

I. INTRODUCTION

Children are the future hope of the nation, so that children's rights must be fulfilled from birth, especially by their parents in accordance with applicable laws and regulations. Legal protection for children is an effort to protect various freedoms and children's rights as well as various interests related to child welfare, which in Indonesia is contained in Undang-Undang Republik Indonesia No. 23 tahun 2002 concerning Child Protection. Even the legal form has been made clear, the number of child abuse victims were increased every year, started from 12.285 cases in 2019, then 12.425 cases found in 2020, and increased to 15.972 cases in 2021, which dominated by sexual violence (Kompas.com, 2022).

Child abuse is often associated with parents and families. Nowadays, child abuse known as a part of domestic violence. A theory states that stress in the family is the cause of child abuse, which is also supported by socio-cultural factors regarding inequality of rights and opportunities. Child abuse is an act committed by individual to those who are under 18 years old and causes physical and mental problems. Physical problems usually associated with trauma, which means violence against living body tissue then causing injury.

Abrasion is a peeling of the skin that can occur superficially (epidermis only), deeper into the lower layer of skin (dermis), or even to the soft tissue beneath the skin. Bleeding may occur if the abrasion is deeper than the epidermis. Based on the mechanism, abrasions are divided into scratch abrasion, graze abrasion, pressure abrasion, imprint abrasion. Characteristics of this wound in living person are: epithelial loss (some or all part), crusts on the surface, inflammation, and without scar tissue.

Bruise is the extravasation of blood in the subcutaneous/subepithelial tissues due to rupture of blood vessels, usually capillaries, as a result of blunt force injury or pressure. This bleeding is blue-black in colour and sometimes accompanied by swelling. Bruises indicates type and degree of the violence, such in child abuse case would show hand marks due to heavy pressure. Bruises will heal and change in colour due to haemoglobin remodeling, but this phenomenon cannot be used to determine the age of injury because there are other factors that influence it, such as the breadth of extravasation, the age of victim, and the victim's idiosyncrasy (Dahlan, Sofwan, 2008; Idries AM, 1989; Mansjoer A, dkk, 2000).

Child abuse is a form of violation of children's rights. In child abuse cases, the applicable legal provisions are: Undang-Undang Republik Indonesia No. 35 tahun 2014 articles 76C and articles 80 concerning Amendments to Undang-Undang Republik Indonesia No. 23 tahun 2002 concerning Child Protection and also Undang-Undang Republik Indonesia No. 23 tahun 2004 concerning Domestic Violence (UU RI, 2014).

II. CASE REPORT

It was reported that the victim was a girl, 8 years old, was brought by her father to the Emergency Unit at the hospital on January 11, 2022 at 17.30 WIB. The victim's father angrily said that his daughter was beaten by his wife (the victim's stepmother) on January 11, 2022 at 14.30 WIB. This incident was triggered because the victim did not hear when called by the perpetrator, so the perpetrator came to and hit the victim five times in the face and back of the head. Prior to this incident, the victim also often experienced violence by her stepmother.

The history and examination revealed that the victim was a girl with the initials is M. A., 8 years

old. The victim came to the hospital in a fully conscious state and the general condition was moderate illness. The victim complained of dizziness and facial pain, but there was no nausea and vomiting. In general appearance, the victim was neatly dressed cooperative, with a gloomy face. On the examination of vital signs, blood pressure was 110/70 mmHg, pulse rate was 84 times/minute, respiratory rate was 16 times/minute, and the body temperature was 36,2°C.

On physical examination, the eyelids membrane of both eyes was red and the membrane of the right eyeball was reddish. The result of vision inspection with Snellen Chart was 6/6. There was found bruise around the right eyelid to the right cheek with a length of 7cm, a width of 3cm, with a distance of 2cm from the anterior midline of the body and 2cm from the outer corner of the left eye. The characteristics of this wound were bluish red in colour, irregular in shape, and indeterminate boundaries. There were also bruise around the left eyelid to the left cheek, with a length of 9cm, width of 5cm, and with a distance of 2cm from the anterior midline of the body and 8cm from the left ear, characterized by bluish red colour, irregular shape, and indeterminate boundaries. There was swelling in the left lower eyelid (Figure 1 and 2)



Figure 1 Bruise on the left lower eyelid



Gambar 2 Bruise on the left cheek

There was found abrasion that have undergone healing process on the right cheek with a length of 2,5cm, a width of 1,5cm, with a distance of 6cm from the anterior midline of the body and 4cm from the left ear. Characteristics of the wound were pinkish colour with an irregular shape (Figure 3). There were no signs of fractures from palpation and the total of teeth was twenty.



Figure 3 Bruise on the right cheek and healing wound

There was found bluish red bruise on the posterior right earlobe with a length of 2cm and a width 1cm (Figure 4). There was also found bruise on the right part of the posterior neck with a length of 7cm, a width of 3cm, with a distance of 2cm from the anterior midline of the body and 3cm from the posterior midline of the body, characterized by bluish red colour, irregular shape, and indeterminate boundaries (Figure 5)



Figure 4 Bruise on the right earlobe

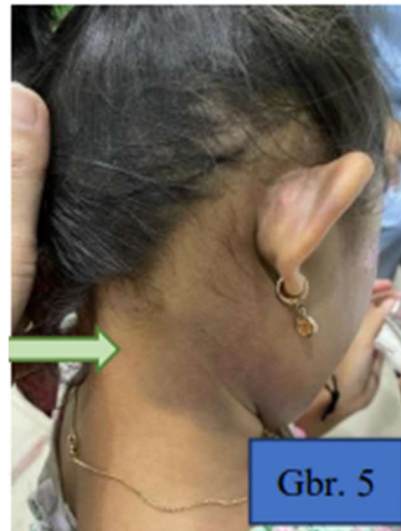


Figure 5 Bruise on the right part of the posterior neck

The patient was consulted to an ophthalmologist and a diagnosis of the left palpebral haematoma was obtained. In addition, the patient received a consultation from a psychiatrist with a diagnosis of moderate depression. Some treatments that have been given to the victim were wound care and administration of drugs (antibiotic, analgesic, antihistamine, and vitamin), clinical forensic examination, consultation with an ophthalmologist and a psychiatrist.

III. DISCUSSION

According to UU RI No. 35 tahun 2014 concerning Amendments to UU RI No. 23 tahun 2002 concerning Child Protection articles 1 paragraph 1, child is someone who is under 18 (eighteen) years old, including children who are still in the womb. The number of 28 teeth (7 in each side), which means the third molars (M3) have not yet erupted, represents an age range of 12-14 years old.

Based on the history of the victim, the perpetrator is the victim's stepmother who lives together with the victim. This condition states that the victim is a victim of Domestic Violence as regulated in UU RI No. 23 tahun 2004 concerning the Elimination of Domestic Violence that states: "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 freedom against the law in the domestic sphere". The scope of this household consists of husband, wife, children, people who have family relationships with other people because of blood relations, marriage, breastfeeding, care, and guardianship who live in the household or work to help the household and stay in the household.

From the examination, it was found that the general condition of the victim was good, *compos mentis*, and her vital signs were in normal limit although the victim still needed further treatment for the wound and the diagnosis from the ophthalmologist. If this condition is associated with criminal law policies in determining the degree of injury based on its effect on physical, spiritual, physical aesthetics, work, and the function of sense organ, it is concluded that the trauma that occurred to the victim did not cause serious injury.

From the physical examination, bruises were found on the eyelids of both eyes up to the cheeks as well as bluish red bruise on the right earlobe and the right part of posterior neck. The colour, shape, and indeterminate boundaries of the wound indicate that the victim suffered bruising due to blunt trauma. Based on the colour of the bruises, which are bluish-red, it can be determined that the age of the injuries suffered by the victim is from a few hours to 3 days. There was also abrasion on the right cheek that is healing. Based on the shape of the wound, this abrasion occurs superficially, which means the damage to the body is limited to the outermost layer of the skin. The characteristics of healing wound was found, which is pinkish colour with brownish edges, indicating the age of the wound was 7-14 days. If this condition is related to the history of the victim's father, about a week ago the victim had also experienced violence by her stepmother on the right cheek. The findings of wounds that have varied ages in this victim indicate that the victim experienced repeated violence.

In this case, the victim is a child, so the suspected perpetrator can be punished by UU RI No. 35 tahun 2014 concerning Amendments to UU RI No. 23 tahun 2002 concerning Child Protection Article 80 Paragraph 1: "Everyone who violates the provisions as referred to in Article 76C shall be punished with imprisonment for a maximum of 3 (three) years and 6 (six) months and/or an amercement of a maximum of Rp 72.000.000,00 (seventy-two million rupiahs)" and Paragraph 4: "Criminal punishment is added by one third of the provisions as referred to in paragraph (1), paragraph (2), and paragraph (3) if it is the parents who commit the abuse".

IV. CONCLUSION

An eight-years-old girl has been examined. Based on the examination results and the theories

above, it is concluded that the victim suffered injuries due to blunt trauma with a moderate degree of injury. Perpetrator can be subject to sanctions and penalties in accordance with UU RI No. 23 tahun 2004 concerning the Elimination of Domestic Violence and UU RI No. 35 tahun 2014 concerning Amendments to UU RI No. 23 tahun 2002 concerning Child Protection.

BIBLIOGRAPHY

Budiyanto A, Widiatmika W, Sudiono S, et al. (1997). Ilmu Kedokteran Forensik. FK-UI.Jakarta.

Kompas.com (2022): [https://nasional.kompas.com/read/2022/01/20/12435801/laporan-kasus-kekerasanterhadap-anak-dan-perempuan-meningkat-3-tahun#:~:text=%22Kekerasan%20yang%20terjadi%20pada%20anak,kekerasan%20fisi k%2C%22%20kata%20Bintang.&text=Bila%20diperinci%2C%20laporan%20kekerasan%20terhadap,kekerasan%20fisik%20\(18%20persen\)](https://nasional.kompas.com/read/2022/01/20/12435801/laporan-kasus-kekerasanterhadap-anak-dan-perempuan-meningkat-3-tahun#:~:text=%22Kekerasan%20yang%20terjadi%20pada%20anak,kekerasan%20fisi k%2C%22%20kata%20Bintang.&text=Bila%20diperinci%2C%20laporan%20kekerasan%20terhadap,kekerasan%20fisik%20(18%20persen))

Dahlan, Sofwan. (200). Ilmu Kedokteran Forensik. Cetakan Pertama , Badan Penerbit Universitas Diponegoro, Semarang.

Dahlan, Sofwan. (2008), Pembuatan Visum et Repertum. Badan Penerbit Universitas Diponegoro, Semarang.

Idries AM, (1989), Pedoman Ilmu Kedokteran Forensic, Edisi Pertama, PT. Binarupa Aksara, Jakarta.

Mansjoer A, dkk.(200), Traumatologi. Dalam Kapita Selekta Kedokteran , ed 3. Jilid kedua. Media Aeskulapius. FK-UI.Jakarta.

Undang-Undang Republik Indonesia nomor 35 tahun 2014 Tentang Perubahan atas UU nomor 23 tahun 2002 tentang Perlindungan Anak.