ARTIKEL LAPORAN KASUS

DOCTOR’S ROLE IN DETERMINING WOUNDS QUALIFICATION OF TERRORISM VICTIMS

PERAN DOKTER DALAM MENENTUKAN KUALIFIKASI LUKA KORBAN TERORISME

Mohammad Tegar Indrayana*, Annisa Ulfa, Nurul Afrilla Ridwan, Auni Afikah, Anytia Zulfa Khasanah

Department of Forensic and Medicolegal, Facuty of Medicine, Universitas Riau, Jl. Diponegoro No. 1, Pekanbaru, Riau Province, 28133
* Correspondent: tegar.forensik@gmail.com

ABSTRACT
Introduction: The terms terrorist (perpetrator) and terrorism (action) are derived from the Latin word “terrere” which means to shake or vibrate. The European Convention first discussed the definition of terrorism on the Suppression of Terrorism (ECST) in Europe in 1977; there was a paradigm expansion in the meaning of Crime against State to Crime against Humanity. Crime against Humanity includes criminal acts committed to create a situation that causes individuals, groups, and the general public to be in a tense atmosphere. Necessary to have a clinical forensic examination to determine the degree of injury suffered by victims of terrorist criminal acts as a reference for providing compensation from the state.

Case Report: On Friday, October 23rd, 2020, at 09.25 a.m. at the Bhayangkara Hospital Emergency Installation, examinations were conducted on 4 men. The basis for the examination is based on a written request from the LPSK with the number: R-1176/1a.5.1/LPSK/10/2020 on October 21st, 2020.

Discussion: There is a mechanism in the forensic examination for the victims of terrorism crimes. The process for obtaining compensation can be submitted by victims of terrorism crimes, their families, or their heirs. LPSK will conduct a substantive examination and calculate the losses suffered by victims of terrorism crimes.

Conclusion: Regarding the provisions of these laws and regulations, the Indonesian Forensic Doctors Association (PDFI) cooperates with LPSK, as stated in the cooperation agreement.

Key Words: doctor’s role, wound qualification, terrorism victims.
INTRODUCTION

Terrorism has always been a global, regional, and local threat to each country. Terrorism as part of transnational crime has become a concern in developed and developing countries because terror attacks keep evolving.¹ The terms terrorist (perpetrator) and terrorism (action) are derived from the Latin word “terrere” which means to shake or vibrate. The definition of terrorism was first discussed by the European Convention on the Suppression of Terrorism (ECST) in Europe in 1977. There was an expansion related to the paradigm about the meaning of Crime against State to Crime against Humanity. Crime against Humanity includes criminal acts committed to create a situation that causes individuals, groups, and the general public to be in a tense atmosphere.² The root of terrorism from deviated beliefs, doctrines, and ideologies can happen to anyone. The impact of acts of terrorism, apart from being a threat to a person’s human rights, it’s also detrimental in terms of the welfare and security of society.³,⁴

According to the FBI, acts of terrorism are divided into two types, international and domestic. It is called international terrorism if the perpetrators are foreigners sponsored by certain countries. Meanwhile, it is said to be domestic terrorism if the perpetrators are from within the country itself whose motivation is based on social, environmental, religious, and political influence.⁵

Based on data from the Global Terrorism Database states that there have been 850 acts of terrorism in Indonesia from 1977 to 2020. The occurrence of terrorism in Indonesia was initiated by the bombing incident at the Cikini College Complex in 1962, and the latest act of terrorism was the bombing at Makassar City in 2021. The most act of terrorism that happened carried out by organizations such as the Organisasi Papua Merdeka (OPM), Mujahidin Indonesia Timur (MIT), Jamaah Ansharut Daulah (JAD), Negara Islam Indonesia (NII), Gerakan Aceh Merdeka (GAM), and several other unknown organizations based on religious, racial and political influence.⁶,⁷

Based on the Law of the Republic Indonesia Number 5 in 2018 concerning the amendments to Law Number 15 in 2003 concerning the Establishment of Government Regulations surrogate of Law Number 1 in 2002 concerning Eradication of Criminal Acts of Terrorism into Law states, “Terrorism is an act that uses violence or threats of violence that create terror circumstances or widespread fear, which can cause mass victims, and/or cause damage or destruction to vital strategic objects, the environment, public facilities, or international facilities with ideological, political, or security disturbances”.⁸

Based on Law number 31 in 2014 concerning Amendments to Law number 13 in 2006 concerning witness protection based on the Witness and Victim Protection Agency or Lembaga Perlindungan Saksi dan Korban in Indonesia, which can be shortened as LPSK, is an institution that has the authority to provide protection and other rights to witnesses and/or victims as regulated in this Law.⁹ In this case, LPSK works with two laws, Law Number 31 in 2014 concerning the Protection of Witnesses and Victims, and Law Number 5 in
2018 concerning the Eradication of Terrorism Criminal Acts. Providing medical assistance, psychosocial and psychological rehabilitation, and compensation for the deceased is carried out by the institution that carries out witness and victim protection affairs and can cooperate with the relevant institution or agencies.10

The issue of Law Number 5 in 2018 concerning the amendments to Law Number 15 in 2003 concerning the stipulation of Government Regulation in surrogate of Law Number 1 in 2002 concerning the Eradication of Terrorism Criminal Acts into Law and the existence of Government Regulation number 35 in 2020 surrogate to Government Regulation number 7 in 2018 concerning the allocation of Compensation, Restitution, and support to Witnesses and Victims that is necessary to have a clinical forensic examination to determine the degree of injury suffered by victims of terrorism criminal acts as a reference for providing compensation from the state. Regarding the provisions of these laws and regulations, the Indonesian Forensic Doctors Association or in Indonesia called Persatuan Dokter Forensik Indonesia, which can be shortened as PDFI, cooperate with LPSK, which has been stated in the cooperation agreement and was signed on August 31, 2020.11

Persatuan Dokter Forensik Indonesia is a professional organization for forensic and medicolegal specialist doctors in Indonesia, part of the Indonesian Doctors Association. In realizing the collaboration between PDFI and LPSK, an Implementation Manual (petunjuk pelaksanaan/Juklak) for the Management of Clinical Forensic Examinations for Victims of Terrorism Crimes was made as a guide for forensic and medicolegal specialists in carrying out the agreement.11

One of the doctor's obligations is to make expert statements, as regulated in Article 133 of the Criminal Code. According to Article 184 of the Criminal Code, expert testimony will be used as legal evidence in court. The definition of expert testimony by Article 1 Point 28 of the Criminal Procedure Code is "Information given by a person who has special expertise on matters needed to make light of a criminal case for examination". This expert testimony can be given orally before a court session (Article 186 of the Criminal Code) and as a written statement in a letter (Article 187 of the Criminal Code). Article 184 of the Criminal Procedure Code states that a letter is valid evidence. According to Article 187 of the Criminal Procedure Code, the letter as referred to in Article 184 paragraph (1) letter (c), made on an oath of office or confirmed by oath, is: a statement letter from an expert containing an opinion based on his expertise regarding a matter or a situation that is officially requested.12

According to Article 133 paragraph (1) of the Criminal Procedure Code, those who are authorized to carry out forensic examinations concerning the human body and make expert statements are doctors who are experts in judicial medicine (forensic), doctors and other experts.12

CASE REPORT

On Friday, October 23rd, 2020, at 09.25 a.m. at the Bhayangkara Hospital Emergency
Installation, an examination was carried out on a 35-year-old man based on a written request from the LPSK with the number: R-1176/1a.5.1/LPSK/10/2020 on October 21st, 2020. The victim is a terrorist victim who was attacked by one of the perpetrators using a sharp weapon on Wednesday, May 16th, 2018, at 09.00 a.m. The perpetrator injured the victim’s hand. At the time, the victim’s wound was found on the back of the thumb of the right hand, three centimeters below the wrist; there were open wounds, flat edges, both sharp corners, bone base, no tissue bridge, broken bones appeared, the length is about eight centimeters in a line. The victim did an X-Ray examination of the right hand; the result was a partial fracture of the thumb of the right hand. The victim underwent an operation to reposition the tendon and install a plate. The victim was treated at the hospital Bhayangkara Pekanbaru for 3 days, from May 16th, 2018, to May 19th, 2018.

On Friday, October 23rd, 2020, at 09.25 a.m. at the Bhayangkara Hospital Emergency Installation, an examination was carried out on a 53-year-old man based on a written request from the LPSK with the number: R-1176/1a.5.1/LPSK/10/2020 on October 21st, 2020. On May 16th, 2018, the victim claimed to have been run over by an Multi-Purpose Vehicle (MPV) car tire on the right foot area. After the incident, initially, the victim went to Bhayangkara Hospital in Pekanbaru, and it stated that there was no problem. However, when the victim returned home, his right leg was swollen and painful, so he could not walk. The victim was then treated at the Awal Bros Hospital in Pekanbaru, and an X-ray was taken, and it was stated that the bone in the sole of the right foot appeared fractured. This is evidenced by the results of medical records at Bhayangkara Hospital Pekanbaru dated May 22nd, 2018, when the victim recontrolled the wound, and the medical record data included a right foot fracture. After 2 months, the victim admitted that the pain had disappeared. The victim then came with a general condition and vital signs within normal limits. Supporting examination: A right foot base of the skull, there are no network bridges, the length is about twelve centimeters in a line. The victim was subjected to an X-ray examination and head scanning, the results of the fractures on the right temporal and bleeding above the membrane of the brain. The victim underwent surgery and 18 knots of wound suturing. The victim was treated at the hospital. Bhayangkara Pekanbaru for six days, from May 16th, 2018, to May 22nd, 2018.

On Friday, October 23rd, 2020, at 09.25 a.m. at the Bhayangkara Hospital Emergency Installation, an examination was carried out on a 29-year-old man. The examination was based on a written request from the LPSK with the number: R-1176/1a.5.1/LPSK/10/2020 on October 21st, 2020. On May 16th, 2018, the victim claimed to have been run over by an Multi-Purpose Vehicle (MPV) car tire on the right foot area. After the incident, initially, the victim went to Bhayangkara Hospital in Pekanbaru, and it stated that there was no problem. However, when the victim returned home, his right leg was swollen and painful, so he could not walk. The victim was then treated at the Awal Bros Hospital in Pekanbaru, and an X-ray was taken, and it was stated that the bone in the sole of the right foot appeared fractured. This is evidenced by the results of medical records at Bhayangkara Hospital Pekanbaru dated May 22nd, 2018, when the victim recontrolled the wound, and the medical record data included a right foot fracture. After 2 months, the victim admitted that the pain had disappeared. The victim then came with a general condition and vital signs within normal limits. Supporting examination: A right foot base of the skull, there are no network bridges, the length is about twelve centimeters in a line. The victim was subjected to an X-ray examination and head scanning, the results of the fractures on the right temporal and bleeding above the membrane of the brain. The victim underwent surgery and 18 knots of wound suturing. The victim was treated at the hospital. Bhayangkara Pekanbaru for six days, from May 16th, 2018, to May 22nd, 2018.
A fracture was obtained based on the X-ray taken at Awal Bros Hospital Pekanbaru on May 18th, 2018.

On Friday, October 23rd, 2020, at 09.25 a.m. at the Bhayangkara Hospital Emergency Installation, a 25-year-old man was examined. The examination is based on a written request from the LPSK with the number: R-1176/1a.5.1/LPSK/10/2020 on October 21st, 2020. The victim is a terrorist victim who was hit from behind by a white MPV car belonging to the terrorist on Wednesday, May 16th, 2018, at 09.00 a.m. The victim then bounced and fell, lying on the road. The victim was still able to stand up and immediately looked for help. The victim was finally carried to Bhayangkara Hospital by another journalist friend for treatment. The victim said that he received a wound in the form of abrasions on his back, waist, and hands, and red bruises on the victim's back. Then a nurse cleaned the wounds, and there was no further treatment. The victim's confession was confirmed based on photo evidence from a television news broadcast stating that the victim was in the ER at Bhayangkara Hospital Pekanbaru.

<table>
<thead>
<tr>
<th>No.</th>
<th>Gender</th>
<th>Age (year)</th>
<th>Profession</th>
<th>Injuries</th>
<th>Wound Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Man</td>
<td>35</td>
<td>Police member in the Republics of Indonesia</td>
<td>On the back of the thumb in the right hand, three centimeters below the wrist, there is an open wound; the edges are flat, both sharp corners, the base of the bone, there is no tissue bridge, broken bones appear when they are brought together they form a line eight centimeters long.</td>
<td>Severe injury</td>
</tr>
<tr>
<td>2</td>
<td>Man</td>
<td>53</td>
<td>Police member in the Republic of Indonesia</td>
<td>On the back of the head on the right side, three centimeters from the mid-front line, nine centimeters above the hairline at the back, there is an open wound, the edges are flat, both angles are sharp, the base of the skull, there is no tissue bridge when pressed together it forms a line twelve centimeters long.</td>
<td>Severe injury</td>
</tr>
<tr>
<td>3</td>
<td>Man</td>
<td>29</td>
<td>Police member in the Republic of Indonesia</td>
<td>In the medical record at Bhayangkara Hospital on May 22, 2018, it was found that there was a fracture of the sole of the right foot.</td>
<td>Moderate wound</td>
</tr>
<tr>
<td>4</td>
<td>Man</td>
<td>25</td>
<td>Journalist</td>
<td>1. Red bruises on the back and waist 2. Scratches on hands</td>
<td>Minor injuries</td>
</tr>
</tbody>
</table>
DISCUSSION

Implementation Mechanism

The following is the mechanism for providing forensic examination services for victims of past terrorism crimes:

1. LPSK provides a written application for examination of victims of terrorism crimes to the central administration of PDFI (Pengurus Pusat Perhimpunan Dokter Forensik Indonesia, PP PDFI) through PP PDFI’s contact person, which is held by the Deputy Secretary General of PP PDFI.

2. PP PDFI’s contact person documents the inspection request, checks the documents’ completeness, and asks for the required documents.

3. Within no later than 3 (three) working days after the receipt of the application for examination, PP PDFI forwards the application for examination to the relevant PDFI Branch according to the location of the victim’s residence to be examined.

4. PDFI Branch documents the request and refers the request for examination to forensic and medicolegal specialists and health service facilities that have been previously determined (preferably already in collaboration with LPSK). The determination of health service facilities as inspection sites are adjusted to the competence of human resources for forensic and medicolegal specialists.

5. Interviews between forensic and medicolegal specialists and victims can be conducted online or offline. If the examination is carried out offline, the forensic and medicolegal specialist will conduct a clinical forensic examination at the health care facility designated at the medicolegal polyclinic of the health care facility.

6. In limited access and facilities, forensic and medicolegal specialist doctors accompanied by LPSK officers can examine the victim at the victim’s house.

7. Forensic and medicolegal specialists who carry out the examination make a Certificate of Expert, called Surat Keterangan Ahli (SKA), according to the format provided in this operational guide, given a signature and stamped by the health service facility where the examination is located.

8. The hospital bills the examination cost incurred at the health service facility to the LPSK. If the examination is carried out at the victim's house or online, a bill for the examination fee is submitted by the PDFI Branch to the LPSK.

9. PDFI Branch forwards the inspection result documents in electronic form (soft copy) or printed (hard copy) to PP PDFI.

10. PP PDFI provides a bill of inspection fees to LPSK. PP PDFI verifies the SKA that has been made and ratifies the SKA by giving the PP PDFI stamp at the bottom of the signature and affixing the verifier officer's initials and the ratification date.

11. PDFI submits the verified and sealed SKA to LPSK. PP PDFI receives the disbursement of the examination bill from the LPSK; then, it is given to the PDFI Branch to be paid to the related health service facility.
**Inspection of Service Flow**

The process for obtaining compensation can be submitted by victims of terrorism crimes, their families, or their heirs. LPSK will conduct a substantive examination and calculate the losses suffered by victims of terrorism crimes. The following is the flow of processing requests for forensic examinations for victims of terrorism crime:

Submission of an application for compensation to LPSK in writing in Indonesian on stamped paper, then LPSK checks the completeness of the compensation application within a maximum period of 7 days from the date the compensation application is received. LPSK conducts administrative and substantive examinations (asking for information from victims of criminal acts of terrorism, families, heirs, attorneys, ministries/institutions, and related parties). Then, LPSK performs a detailed calculation of the actual losses suffered by victims of terrorism crimes, then rational and proportional calculations considering the material and immaterial losses. LPSK makes a decision accompanied by its considerations and fills the recommendation to grant or reject compensation applications. LPSK must submit a compensation application along with LPSK's decision and considerations to investigators while investigators attach a request for compensation in the case file. Victims of past terrorism crimes are entitled to:

1. Compensation
2. Medical assistance
3. Psychosocial and psychological rehabilitation

The application as intended must contain the following:

- a. Identity of Victims of Past Terrorism Crimes;
- b. Identity of the heir, family, or proxies if the Victim of Past Terrorism Crimes does not apply; and
- c. A description of the events of the past criminal acts of terrorism.

The application, as intended by attaching:

- a. Photocopy of the identity of the Victims of Past Terrorism Crimes;
b. Photocopy of a death certificate if the Victim of Past Terrorism Crimes dies;
c. Family relationship certificate, if the family applies;
d. Certificate of inheritance made or legalized by the competent authority if the heirs apply;
e. Letter of determination of Victims of Past Terrorism Crimes issued by the National Counter-Terrorism Agency; and
f. A power of attorney or procuration. If the Compensation application is submitted by the attorney of the Victim of Past Terrorism Crimes or the attorney of the Family.

Compensation

According to Law of the Republic of Indonesia Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning Stipulation of Government Regulations instead of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism, Article 35 concerning the protection of victims states that victims are the responsibility state, the victims as referred to in paragraph (1) include direct or indirect victims, the form of state responsibility as referred to in paragraph (1) in the form of medical assistance, psychosocial and psychological rehabilitation, compensation for the family in the event the victim dies, and compensation. According to the provisions of Article 36, compensation, as referred to in Article 35 A, paragraph (4), is given to the victim or heir with the financing borne by the state. The compensation, as referred to in paragraph (1), shall be submitted by the victim, his family, or his heirs through the institution that carries out affairs in the field of witness and victim protection starting from the time of the investigation. In Article 36, paragraph (5), the amount of compensation is based on the loss suffered by the victim due to the criminal act of terrorism in the guidance submitted by the public prosecutor.\(^8\)

By the mandate given by Law Number 31 of 2014 and Law Number 5 of 2018, LPSK also calculates the amount of compensation and submits it to victims of terrorism. The amount of compensation given to victims varies, depending on the type of loss suffered. In Law Number 5 of 2018, the compensation mechanism has been regulated. Submission of compensation by victims, their families, or their heirs through LPSK starts from the investigation. Then the application for compensation by the Public Prosecutor is included in the Claim, and LPSK will make compensation payments to the victim based on a court decision. If a victim of terrorism does not apply, LPSK can do it in the same manner as if it receives a request from a victim of terrorism.\(^15\)

According to the Regulation of the Witness and Victim Protection Agency of the Republic of Indonesia Number 7 of 2020 concerning Procedures for Submission and Examination of Applications for Compensation, Medical Assistance, or Psychosocial and Psychological Rehabilitation for Victims of Past Terrorism Crimes, in Article 6 it is stated that LPSK examines the application as intended in Article 4. As referred to in paragraph (1), the application is examined administratively
and substantively. According to Article (7), the administrative inspection, as referred to in Article 6 paragraph (2) letter (a), is carried out to check the completeness of the application documents and other administrative matters as needed. For substantive examination for Medical Assistance or Psychosocial and Psychological Rehabilitation applications by Article 12.

To assist the implementation of the substantive examination, LPSK may form an examination team determined by the chief of the LPSK (Article 14), the team as referred to in Article 14 is formed to examine the degree of injury, information on the cause of death of the victim, information on the cause of the injured victim, the victim's medical condition, victim's psychological needs, and/or the victim's psychosocial needs. By Article 16, the examination results for the degree of injury, referred to in Article 15 letter (a), consist of severe, moderate, or light injuries. The substantive examination results are used as the basis for recommending compensation based on the degree of injury to the Victim of Past Terrorism Crimes or death, and/or providing Medical Assistance or Psychosocial and Psychological Rehabilitation to be given to Victims of Past Terrorism Crimes. The provision of compensation and/or Medical Assistance or Psychosocial and Psychological Rehabilitation is determined by the decision of the LPSK.¹⁶

**Algorithm for determining the degree of injury**

The algorithm for determining the degree of injury can be seen in Fig. 2.¹⁴ In determining the degree of injury of the victims based on case reports, an examination was carried out on four men as terrorism victims on October 23rd, 2020, 09.25 WIB at the Bhayangkara Hospital Emergency Installation. In an examination of a 35-year-old man who was attacked by one of the perpetrators using a sharp weapon on Wednesday, May 16th, 2018, the victim's wound was found on the back of the thumb of the right hand, three centimeters below the wrist; there were open wounds, flat edges, both sharp corners, bone base, no tissue bridge, broken bones appeared, the length is about eight centimeters in a line. The victim did an X-ray examination of the right hand; the result was a partial fracture of the thumb of the right hand. The victim underwent an operation to reposition the tendon and install a plate. The victim was treated at the hospital Bhayangkara Pekanbaru for 3 days. From the examination held in October 2020, the partial thumb fracture underwent an incomplete healing called non-union; the length of the right and left thumbs also became unequal. Nonunion of bone is the body’s inability to heal a fracture or a fracture that persists for a minimum of nine months without a sign of healing for three months.¹⁷ By Article 90 of the criminal code, the victim received an injury that did not give any hope of healing, so the victim's wounds were classified as 3rd-degree injury or severe injury.

In an examination of a 53-year-old man who was attacked by one of the perpetrators using a sharp weapon on Wednesday, May 16th, 2018. The victim's wound was found on
the temporal of the head, three centimeters from the front midline, nine centimeters above the back hairline; there was an open wound, flat edges, both sharp corners, base of the skull, there are no network bridges, the length is about twelve centimeters in a line. The victim was subjected to an x-ray examination and head scanning, and there was a fracture on the right temporal and bleeding above the membrane of the brain. The victim underwent surgery and 18 knots of wound suturing. The victim was treated at the hospital. Bhayangkara Pekanbaru for six days. By Article 90 of the criminal code, the victim’s wound is indicated as posing a danger of death because the wound is located on the most vital organ in the human body and also had bleeding above the membrane of the brain, so this victim’s wounds classified as 3rd-degree injury or severe injury.

In an examination of a 29-year-old man who was claimed to have been run over by an MPV (Multi-Purpose Vehicle) car tire on the right foot area, the victim's right leg was swollen and painful, so he could not walk. The victim was then treated at the Awal Bros
Hospital in Pekanbaru, and an X-ray was taken, and it was stated that the bone in the sole of the right foot appeared fractured. This victim's wound is not under the severe injury criteria in Article 90 of the criminal code. Still, because the victim could not walk at that time, the victim needed to see a doctor, and a fracture on the sole of the right foot indicated there was functional impairment of the victim. Hence, this victim's wounds include 2 criteria in moderate injury; this wound is classified as a 2nd-degree injury.

In an examination of a 25-year-old man who was hit from behind by a white Multi-Purpose Vehicle (MPV) car and got a wound in the form of abrasions on his back, the victim's waist, and hands, and there were red bruises on the victim's back. Then a nurse cleaned the wounds, and there was no further treatment. Because the wound is not by any severe injury criteria in Article 90 of the criminal code, and there was just an abrasions wounds that did not need further treatment, also there were not any functional impairments of the victim’s body, this wound was classified as a minor injury or 1st-degree injury.

CONCLUSION

Perhimpunan Dokter Forensik Indonesia is a professional organization for forensic and medicolegal specialist doctors in Indonesia, part of the Indonesian Doctors Association. Regarding the provisions of these laws and regulations, PDFI cooperates with LPSK, as stated in the cooperation agreement. This case reports discussing four terrorist victims based on a written request from the LPSK with the number: R-1176/1a.5.1/LPSK/10/2020 on October 21st, 2020. The examination was conducted on Friday, October 23rd, 2020, at 09.25 a.m. at the Bhayangkara Hospital Emergency Installation.

The degree of injury, as referred to in Article 15 letter (a), consists of severe, moderate, or light injuries and is used as the basis for consideration to recommend compensation based on the degree of injury. The provision of compensation and/or Medical Assistance or Psychosocial and Psychological Rehabilitation is determined by the decision of the LPSK.

REFERENCES

8. Presiden Republik Indonesia. Undang-Undang
Doctor’s Role in Determining Wounds Qualification of Terrorism Victims


