

Analisis Medikolegal terhadap Kriteria Derajat Luka Menurut Kitab Undang - Undang Hukum Pidana = Medicolegal Analysis on The Degree of Injury According to The National Criminal Code

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Abstrak

Latar Belakang: Hasil pemeriksaan dokter dalam bentuk visum et repertum mengandung derajat luka yang merupakan gambaran dari efek kekerasan atau penganiayaan sesuai dengan KUHP Kitab Undang-Undang Hukum Pidana . Tidak ada uraian/batasan yang jelas mengenai derajat luka sehingga kesimpulan yang dibuat oleh para dokter pemeriksa menjadi berbeda. Ketidakteraturan penentuan derajat luka dapat menimbulkan ketidakadilan bagi korban maupun pelaku tindak pidana. Tujuan: Menentukan kriteria luka ringan, luka sedang, dan luka berat. Metode: Penelitian ini adalah penelitian kualitatif dengan rancangan Teori Grounded. Sampel penelitian adalah pakar hukum pidana, hakim, advokat, dokter forensik dan dokter forensik yang sekaligus sarjana hukum. Pengumpulan data dilakukan dengan wawancara mendalam dan Focus Group Discussion FGD . Penelitian dilakukan selama bulan September-Desember 2016. Teknik pengujian kredibilitas data dilakukan dengan triangulasi. Hasil: Berdasarkan wawancara mendalam dan FGD didapatkan bahwa luka ringan tidak ada di dalam undang-undang yang dipakai di Indonesia. KUHP memiliki definisi mengenai aniaya ringan, dan penganiayaan. Luka sedang dapat dirumuskan sebagai bukan luka berat maupun luka ringan, dan kriteria luka berat dapat dirumuskan dari pengertian luka berat dalam pasal 90 KUHP. Kesimpulan: Luka terbagi menjadi dua yaitu luka berat pada pasal 90 KUHP dan luka sedemikian rupa pada pasal 360 KUHP ayat 2 . Luka berat disimpulkan dengan menyebutkan kondisi mediknya saja. Ada perbedaan pemahaman antara pakar pidana, hakim, advokat dan dokter forensik. Kata Kunci: Analisis Medikolegal, Derajat Luka, KUHP

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