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A Legal Analysis of Judicial Considerations in Sentencing Assault Offenses Resulting in Severe Bodily Injury: A Case Study of Supreme Court Decision Number 1488 K/Pid/2022"

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Abstract: The classification of physical harm in assault offenses frequently poses a critical legal issue, as demonstrated in Supreme Court Decision Number 1488 K/Pid/2022, where significant physical impairment was legally categorized as simple assault. A persistent research gap exists in judicial practices between the formalistic interpretation of bodily injuries and the substantive reality of the victim's functional loss. Therefore, this study aims to critically evaluate the judges' legal considerations in the aforementioned decision, specifically assessing whether their reasoning aligns with the legal parameters of severe bodily injury under Article 90 and Article 351 of the Indonesian Criminal Code (KUHP). This study employs a normative legal research methodology utilizing statutory and case-based approaches, supported by a qualitative analysis of primary, secondary, and tertiary legal materials. The findings reveal that the judicial reasoning in this verdict was overly restrictive and contained substantive flaws. By sentencing the defendant for simple assault (Article 351 paragraph 1) despite valid trial evidence such as a medical report (*visum et repertum*) and witness testimonies indicating the victim's continuous inability to perform their occupation the judges failed to properly apply the criteria for severe bodily injury under Article 90 of the KUHP, thereby compromising substantive justice. Ultimately, this study contributes to criminal law jurisprudence by advocating for a progressive and functional interpretation of "severe bodily injury," which is essential for ensuring legal certainty, proportional sentencing, and comprehensive protection for victims in future judicial proceedings.

Keywords: Legal Review, Judge's Consideration, Abuse, Serious Injury, Supreme Court Decision

1. Introduction

Law enforcement aims to prevent legal violations, protect the legitimate interests of the public, and ensure the maintenance of social order (Moeljatno, 2008). Within societal dynamics, assault is a frequently encountered offense, legally defined as an intentional act (*dolus*) committed to injure, inflict pain upon, or harm another person's body (Chazawi, 2010). In daily law enforcement practice, however, applying provisions related to physical violence presents significant challenges. One of the most critical issues is objectively establishing the demarcation line between minor harm and severe bodily injury, as this determination dictates the classification of the crime and the severity of the imposed sentence (Prasetyo, 2016).

To guide this evaluation, the parameters of severe bodily injury were systematically detailed in Article 90 of the former Indonesian Criminal Code (KUHP). Under this article, severe bodily injury encompasses conditions rendering a person continuously unfit for work, loss of senses, permanent disability, or life-threatening medical states (Marpaung, 2005). It must be explicitly stated that the analysis of the 2022 court decision in this study is strictly based on the former KUHP (Articles 351 and 90) that was in effect at the time of the adjudication. In line with modern legal developments, the law on assault has been updated via Articles 466 and 155 of the new KUHP (Law Number 1 of 2023). While the new KUHP reflects a paradigm shift toward proportionality and explicitly expands the scope of severe injury to include long-term cognitive and functional impairments

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(Soesilo, 1995; Law Number 1 of 2023), it serves in this study primarily as a prospective comparative framework rather than the basis for the specific case analysis.

Throughout criminal proceedings, judges possess the central authority to evaluate evidence and render verdicts, which must be constructed upon clear, logical, and accountable legal reasoning (Hamzah, 2015). Nevertheless, courtroom realities frequently display stark differences in legal interpretation between Judges and Public Prosecutors, particularly concerning the substantiation of the elements constituting severe bodily injury (Chazawi, 2014). A clear representation of this disparity is observed in Supreme Court Decision Number 1488 K/Pid/2022. In this case, the defendant, Etwin Karam, was charged with assaulting the victim, Jeremias Ipabloli, using a wooden plank.

Based on the legal facts and the medical report (*visum et repertum*) presented in the court ruling, it is crucial to distinguish between the victim's medical condition and its subsequent economic impact. Medically, the evidence demonstrated that the victim suffered a fracture and severe lacerations to his right arm, resulting in a prolonged inability to physically utilize the arm and a poor functional prognosis. Causally linked to this specific physical impairment was the devastating economic impact: the victim was permanently rendered unable to perform his occupation, losing his livelihood as a motorcycle taxi (*ojek*) driver.

Relying on this medical evidence, the Public Prosecutor argued that the victim's sustained inability to work legally met the criteria for severe bodily injury, charging the defendant under Article 351 paragraph (2) of the former KUHP and requesting a 2.5-year prison sentence. Conversely, the panel of judges concluded that the element of severe bodily injury was not legally substantiated, sentencing the defendant to only one year in prison under simple assault (Article 351 paragraph 1).

While existing literature has extensively explored judicial independence and formal evidentiary rules in criminal proceedings, there remains a persistent research gap regarding how judges substantively interpret the medical evidence of "inability to work" versus the formalistic classifications of physical harm. Previous studies often highlight the statutory differences between simple and severe assault but rarely dissect the jurisprudential discrepancies where a victim's functional loss is marginalized by narrow judicial interpretations. This study bridges that gap by offering a critical evaluation of the judicial substantiation of grievous bodily harm, establishing its novelty by contrasting functional medical realities with formal judicial reasoning.

Therefore, to align with the research objectives and contribute meaningful insights toward legal enforcement certainty in Indonesia, this study raises two explicit research questions: (1) How did the panel of judges substantiate and interpret the elements of "severe bodily injury" in relation to the medical facts presented in Supreme Court Decision Number 1488 K/Pid/2022? and (2) Does the judicial reasoning in this verdict accurately align with the substantive parameters of severe bodily injury outlined in Article 90 and Article 351 of the former KUHP?

2. Materials and Methods

This study utilizes a consistent descriptive-analytical normative (doctrinal) legal research design. Normative legal research focuses its analysis on the application of rules or norms within positive law (Ishaq, 2020). To resolve the formulated legal issues, this study adopts two primary approaches: the statute approach and the case approach. The statute approach is conducted by examining legal regulations directly intersecting with the main issue, specifically the provisions of Article 351 and Article 90 of the Criminal Code (KUHP) as well as its reform regulations under Law Number 1 of 2023 (Muhaimin, 2020). Concurrently, the case approach is applied by dissecting a specific judicial outcome to understand the panel of judges' legal reasoning in interpreting the elements of those articles (Marzuki, 2021).

In accordance with the characteristics of normative research, the data sources rely entirely on secondary data classified into three types of legal materials. Primary legal materials possess binding legal force and serve as the main material objects. For this

study, Supreme Court Decision Number 1488 K/Pid/2022 is utilized as the primary, verifiable source for the case analysis, alongside the former KUHP and Law Number 1 of 2023. Secondary legal materials are used to provide interpretations of the primary legal materials, encompassing criminal law literature, academic journals, and relevant prior research findings. Meanwhile, tertiary legal materials such as Legal Dictionaries and the Great Dictionary of the Indonesian Language (KBBI) serve as explanatory instruments for technical legal terms encountered (Susanti & Efendi, 2021).

Legal materials in this study were collected through documentary study techniques and library research. The researcher conducted a careful reading to clearly extract the facts presented at trial, the legal basis of the charges, the judge's underlying reasoning, and the final verdict (Nasution, 2022). All classified legal materials were subsequently analyzed using qualitative analysis techniques based on deductive reasoning, specifically by evaluating the coherence between the major premise (the statutory laws) and the minor premise (the legal facts and judicial considerations) (HS & Nurbani, 2020; Ibrahim, 2020).

To ensure a comprehensive and scientifically sound evaluation of the judge's reasoning, the analysis is conducted through the following systematic operational stages: (a) Identification of Legal Norms: Clarifying the application and strict parameters of Article 90 of the KUHP, specifically concerning the definition of severe bodily injury in relation to the victim's physical condition and prolonged incapacity to work. (b) Extraction of Legal Facts: Systematically outlining the empirical and medical evidence revealed in the court ruling. (c) Mapping Offense Elements: Aligning the established facts with the statutory elements of simple assault versus assault causing severe bodily injury. (c) Evaluation of Evidence: Assessing how the medical report (visum et repertum) and witness testimonies were weighed by the court. (d) Examination of the Ratio Decidendi: Critically analyzing the judge's legal considerations and reasoning to determine whether the dismissal of the severe injury element was substantively justified. (e) Formulation of Conclusions: Drawing final conclusions regarding the verdict's alignment with substantive justice and legal certainty.

To ensure that the connections between the legal norms, the trial facts, the judicial reasoning, and the author's critical evaluations are easily understood, this study employs an analysis matrix. The matrix structure, which serves as the core framework for the Results and Discussion section, is outlined in Table 1 below:

Table 1. Analytical Matrix of Judicial Considerations in Decision No. 1488 K/Pid/2022

Component	Description / Focus of Analysis
Legal Norms	Provisions of Article 351 and Article 90 of the former KUHP (focusing on physical impairment and capacity to work).
Legal Facts	Medical reports (visum et repertum), extent of the victim's physical injuries, and occupational impact extracted from the court ruling.
Judge's Reasoning (Ratio Decidendi)	The panel of judges' formalistic interpretation dismissing the elements of "severe bodily injury."
Author's Evaluation	Critical assessment of the gap between the victim's substantive reality (functional loss) and the judge's restrictive legal interpretation.

3. Results and Discussion

To provide a comprehensive and systematic analysis of Supreme Court Decision Number 1488 K/Pid/2022, this discussion is structured into three progressive stages: the interpretation of applicable legal norms, the examination of trial facts and medical evidence, and a critical assessment of whether the judicial conclusion can be legally sustained.

3.1 Interpretation of the Norms Applicable to the Case

In determining the criminal classification of assault, the element of consequence holds a central position. Normatively, Article 351 of the former Indonesian Criminal

Code (KUHP) distinguishes simple assault under paragraph (1) from assault resulting in severe bodily injury under paragraph (2). This distinction heavily relies on the interpretation of "severe bodily injury" (luka berat), which is strictly governed by Article 90 of the former KUHP. This article exhaustively lists specific conditions, including an injury that holds no hope of full recovery, creates a danger to life, or results in the victim being "continuously unable to carry out work or occupation" (Hiariej, 2021).

It is imperative to clarify the temporal applicability of the legal norms used in this analysis. Because the offense and the subsequent court decision (Number 1488 K/Pid/2022) occurred prior to the enactment of Law Number 1 of 2023 (the new KUHP), the case is strictly bound by the former KUHP. While Article 466 and Article 155 of the new KUHP offer a more progressive, functional definition of severe bodily injury that includes cognitive and long-term bodily impairments, these provisions cannot be applied retroactively. They are invoked in this study solely as a comparative theoretical framework to highlight the trajectory of Indonesian sentencing policy toward proportionality and restorative justice (Soesilo, 1995).

3.2 Examination of Facts and Evidence Against "Grievous Bodily Harm" Criteria

The legal facts in this case were constructed upon valid pieces of evidence as regulated under Article 184 paragraph (1) of the Indonesian Code of Criminal Procedure (KUHAP), utilizing witness testimony, the defendant's confession, and documentary medical evidence. The trial proceedings clearly established the presence of an intentional act (dolus) by the defendant, executed with the awareness to inflict violence upon the victim (Sofyan & Azisa, 2020).

However, a concrete breakdown of the evidence is necessary to determine if the criteria for "grievous bodily harm" under Article 90 were truly met. The primary documentary evidence, the medical report (visum et repertum), confirmed that the victim suffered a fracture and severe lacerations to the right arm due to blunt force trauma from a wooden plank. Witness testimonies corroborated that this injury caused significant pain and disrupted the victim's daily activities.

To qualify under Article 351 paragraph (2), the medical evidence and testimonies must definitively prove one of the criteria in Article 90. According to Teguh Prasetyo, causality is critical; the injury must directly result in a serious, sustained disruption to bodily functions or work capacity (Prasetyo, 2020). While the victim experienced a real economic impact losing his livelihood as a motorcycle taxi driver the clinical prognosis detailed in the visum et repertum is the defining legal parameter. If the medical report only detailed the fracture but failed to explicitly declare a permanent physical disability or provide a definitive medical prognosis stating the victim would be "continuously unable" to work in the future, the evidentiary threshold for Article 90 remains unfulfilled.

3.3 Assessment of the Judicial Conclusion and Sentencing Rationale

The final stage of this analysis assesses whether the panel of judges' decision to apply Article 351 paragraph (1) rather than paragraph (2) can be legally sustained. In the verdict, the judge reasoned that the elements of severe bodily injury—specifically the absence of permanent disability or a life-threatening condition—were not convincingly proven by the presented medical evidence.

Given the strict evidentiary regime of the KUHAP, which adheres to a negative statutory evidentiary system (negatief wettelijk bewijsstelsel), judges require at least two valid pieces of evidence plus judicial conviction to substantiate an aggravating element (Harahap, 2021). If the visum et repertum lacked explicit medical terminology confirming long-term or continuous incapacity, the evidence must be acknowledged as insufficient to trigger Article 351 paragraph (2). Therefore, from a formalistic procedural standpoint, the judge's conclusion to apply simple assault (Article 351 paragraph 1) can be legally sustained. It is not necessarily a judicial error, but rather a strict adherence to the limitations of the available medical documentation.

Nevertheless, from a substantive legal perspective, this case highlights a critical vulnerability in the evaluation of consequences. Barda Nawawi Arief asserts that criminal law must be enforced not only for legal certainty but also to achieve genuine justice for the victim (Arief, 2020). By relying purely on the clinical text of the visum without deeply probing the functional, real-world duration of the victim's inability to work, the court's reasoning leaned heavily toward textualism. As Eva Achjani Zulfa argues, judges should perform progressive interpretations of legal norms (Zulfa, 2021). While the judge's application of Article 351(1) is legally defensible based on the evidence presented, a more holistic judicial approach—one that bridges the gap between formal medical classifications and the victim's substantive reality—would better serve the principle of proportional sentencing and legal protection for victims.

4. Conclusions

Based on the legal analysis of Supreme Court Decision Number 1488 K/Pid/2022, this study draws two primary conclusions that directly address the research questions. First, regarding the substantiation of legal norms and the sufficiency of evidence, the judge's application of the elements of "severe bodily injury" was procedurally valid but substantively restrictive. The judgment was strictly grounded in the available forensic medical report (*visum et repertum*), which documented the physical injury but lacked an explicit medical prognosis regarding the victim's continuous inability to work. Acknowledging this evidentiary limitation, the judge was formally constrained by procedural law to apply the lesser charge of simple assault under Article 351 paragraph (1) of the former KUHP.

Second, evaluating the decision's alignment with the substantive parameters of Article 90 of the former KUHP, the judicial reasoning ultimately failed to capture the functional and economic impact of the injury. While the formal medical evidence was limited, the panel of judges missed the opportunity to cross-reference the *visum et repertum* with corroborative witness testimonies regarding the victim's permanent loss of livelihood as a motorcycle taxi (*ojek*) driver. By prioritizing formal medical classifications over the substantive reality of the victim's functional loss, the court's interpretation of grievous bodily harm remained excessively narrow, resulting in a sentence that lacked proportionality relative to the severe socioeconomic consequences endured by the victim.

Based on these findings, this study offers three specific recommendations. First, Public Prosecutors and forensic medical professionals must collaborate more effectively during the investigation phase to ensure that the *visum et repertum* explicitly documents not only physical trauma but also the victim's functional prognosis and occupational capacity. Second, judges are encouraged to adopt a more progressive evidentiary approach when interpreting Article 90 of the KUHP, utilizing trial testimonies regarding a victim's socioeconomic impairment to complement medical reports when the latter are insufficiently detailed. Finally, it is recommended that the Supreme Court issue an updated circular or sentencing guideline specifically addressing the substantiation of "severe bodily injury," ensuring that functional and occupational incapacitation are standardized as measurable, objective indicators of severe harm in future judicial proceedings.

5. Patents

A legal analysis of the judicial considerations in sentencing the assault offense resulting in severe bodily injury under Supreme Court Decision Number 1488 K/Pid/2022 reveals that the judge properly adhered to the provisions of both procedural criminal law and substantive criminal law. This is evident from the fulfillment of the statutory elements of the crime—specifically, the presence of an intentional act resulting in severe bodily injury to the victim as regulated under the Criminal Code (KUHP). The judge grounded the decision on legally valid evidence, including witness testimony, expert testimony, and the medical report (*visum et repertum*), which were mutually corroborative and reinforced judicial conviction regarding the defendant's guilt.

Furthermore, in imposing the sentence, the judge considered not only judicial aspects but also sociological and philosophical dimensions, such as the background of the act, the impact on the victim, and the personal condition of the defendant. The verdict reflects a balance between legal certainty, justice, and utility, while maintaining due regard for the principle of proportionality between the offense and the sanction. Consequently, the judicial reasoning in this case can be assessed as appropriate and aligned with the objectives of punishment: delivering deterrence, protecting society, and satisfying the victim's sense of justice.

In sentencing assault offenses that cause severe bodily injury, judges are recommended to optimize comprehensive considerations by going beyond formal legal aspects to incorporate the sociological and psychological dimensions of the incident. This approach is essential to ensure that court decisions achieve not only formal legal certainty but also deliver a more substantive sense of justice for both victims and the public.

Furthermore, greater consistency in law enforcement by judges is required to minimize sentencing disparities in similar cases. To this end, the Supreme Court is expected to continuously strengthen and clarify sentencing guidelines as a uniform reference, ensuring that every verdict follows clear, proportional standards that reflect balanced justice.

In addition, lawmakers are advised to evaluate and update criminal code provisions governing assault—specifically concerning the definition, criteria, and statutory penalties for severe bodily injury. Such reforms are crucial to adapt to evolving social conditions, ensuring that applicable laws remain relevant, adaptive, and capable of providing optimal legal protection for victims alongside an effective deterrent for offenders.

References

Arief, B. N. (2020). *Kebijakan Hukum Pidana*. Kencana.

Chazawi, A. (2010). *Kejahatan Terhadap Tubuh dan Nyawa*. Raja Grafindo Persada.

Chazawi, A. (2014). *Pelajaran Hukum Pidana*. Raja Grafindo Persada.

Hameed, J. A., Saeed, A. T., & Rajab, M. H. (2018). Design and analysis of hydroelectric generation using waterwheel. *2018 9th International Renewable Energy Congress, IREC 2018*, *17788781*(May), 1–6. https://doi.org/10.1109/IREC.2018.8362443

Hamzah, A. (2015). *Asas-Asas Hukum Pidana di Indonesia*. Rineka Cipta.

Harahap, M. Y. (2021). *Pembahasan Permasalahan dan Penerapan KUHAP*. Sinar Grafika.

Hiariej, E. O. S. (2021). *Prinsip-Prinsip Hukum Pidana*. Cahaya Atma Pustaka.

HS, S., & Nurbani, E. S. (2020). *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi*. RajaGrafindo Persada.

Ibrahim, J. (2020). *Teori dan Metodologi Penelitian Hukum Normatif*. Bayumedia Publishing.

Ishaq. (2020). *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, serta Disertasi*. Alfabeta.

Marpaung, L. (2005). *Tindak Pidana Terhadap Tubuh dan Nyawa*. Sinar Grafika.

Marzuki, P. M. (2021). *Penelitian Hukum (Edisi Revisi)*. Kencana.

Moeljatno. (2008). *Asas-Asas Hukum Pidana*. Rineka Cipta.

Nasution, B. J. (2022). *Metode Penelitian Ilmu Hukum*. Mandar Maju.

Prasetyo, T. (2016). *Hukum Pidana*. Raja Grafindo Persada.

Prasetyo, T. (2020). *Hukum Pidana*. RajaGrafindo Persada.

Schwarzenbach, R. P., Gschwend, P. M., & Imboden, D. M. (2016). *Environmental organic chemistry*. John Wiley & Sons.

Soesilo, R. (1995). *Kitab Undang-Undang Hukum Pidana (KUHP) serta Komentar-Komentarnya Lengkap Pasal demi Pasal*. Politeia.

Sofyan, A., & Azisa, N. (2020). *Hukum Pidana Indonesia*. Pustaka Pena Press.

Stöcker, C., Bennett, R., Nex, F., Gerke, M., & Zevenbergen, J. (2017). Review of the current state of UAV regulations. *Remote Sensing*, *9*(5), 459.

Susanti, D. O., & Efendi, A. (2021). *Penelitian Hukum (Legal Research)*. Sinar Grafika.