

Investigation of Minor and Ordinary Assault Offenses: Case Study at Polsek Medan Timur, Indonesia

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ABSTRACT

Criminal assault remains one of the most common offenses encountered in society, often triggered by minor disputes that escalate into physical harm. This study aims to investigate the process of handling minor and ordinary assault offenses at the East Medan Police Sector and to analyze the legal distinctions between Article 351, paragraph (1), and Article 352 of the Indonesian Criminal Code. This research employs a normative-empirical method, combining statutory analysis with field data obtained through interviews, observations, and documentation. The findings reveal that differences in determining the severity of injuries often lead to inconsistencies between investigators and prosecutors, primarily due to the absence of clear legal criteria for injury classification. The study also shows that minor assault cases constitute the majority of reports handled, with restorative justice frequently used as a settlement mechanism. Investigators rely heavily on medical reports and victim statements to determine the appropriate article to apply. This research highlights the need for more explicit legal norms regarding injury categories and stronger coordination among law enforcement institutions to ensure consistent and fair handling of assault offenses.

Keywords: Assault Offenses, Minor Assault, Ordinary Assault, Investigation, Criminal Code.

I. Introduction

Crime does not always take the form of major offenses such as corruption or narcotics; often, it is seemingly "trivial" crimes such as abuse that are closest to the community. The acts referred to in Article 351 paragraph (1) and Article 352 of the Criminal Code can stem from simple matters. Misunderstandings and momentary emotions can lead to hurt, suffering, and even a loss of security (Hukum et al., 2025). From this, it can be seen that abuse, whether minor or severe, is not only a violation of the law but also reflects the vulnerability of social relations. Criminal assault is a crucial issue in criminal law, as it can cause pain or injury to the victim. This aligns with Van Hamel's definition of criminal law, which is "all principles and norms recognized by a State to maintain law and order, prohibit what is contrary to the law, and impose sanctions on violators." Simons describes criminal law as "a set of commands and prohibitions that can be subject to criminal sanctions, as well as the conditions for legal consequences." Meanwhile, Pompe emphasizes that

criminal law consists of provisions that determine which behaviors can be punished and the types of punishment that can be imposed (Efridadewi, 2020).

In Indonesian criminal law, regulations concerning ordinary maltreatment are contained in Article 351 paragraph (1) of the Criminal Code, while minor maltreatment is regulated in Article 352 of the Criminal Code. (Sanjaya, 2023). However, the provisions of the Criminal Code do not specifically describe the categories of injury or pain in these two articles, nor do they distinguish between abuse based on the severity of the injuries suffered by the victim (Firosyiah & Suyatna, 2024). The absence of norms creates problems in the practice of law enforcement, particularly regarding ordinary assault (Article 351 paragraph 1 of the Criminal Code) and minor assault (Article 352 of the Criminal Code). The law does not explicitly explain the criteria for injuries or the level of harm that serves as the basis for distinguishing between the two types of assault. (Effendi, 2024). As a result, investigators and prosecutors often face difficulties in determining whether an act constitutes ordinary or minor assault, because there are no clear legal guidelines regarding the severity of injuries, the impact on the victim's health, or the need for medical treatment. The void in this norm opens a vast space for interpretation among law enforcement officials, resulting in practical differences in judgment and inconsistencies between investigators and prosecutors in applying Articles 351 and 352. In practice, differences in interpretation are often determined through jurisprudence or court decisions, with the *Visum et repertum* serving as valid evidence in accordance with Article 184 paragraph (1) of the Criminal Procedure Code. Thus, court decisions play an important role in clarifying the distinction between ordinary abuse and minor abuse, while also providing legal certainty. (Andi Hamzah, 2010). Based on data obtained from the Criminal Investigation Unit of the Medan Timur Police Station, the number of police reports related to criminal acts of abuse over the past year is as follows:

Table 1. Number of Police Reports of Criminal Assault in January to September 2025

Type Abuse	Number of Police Reports	Number of Cases Completed	P21	SP2	SP3	Case
Article 351, paragraph (1) of the Criminal Code (Ordinary)	17 Case	2	1	1	-	2
Article 352 of the Criminal Code (Minor)	35 Case	15	2	9	4	15
Total	52 Case	17	3	10	4	17

When viewed in terms of the articles applied, it appears that Article 352 of the Criminal Code, concerning minor assault, is more frequently applied each year compared to Article 351, paragraph (1), which regulates ordinary assault offenses. This dominance indicates that most cases of assault in the jurisdiction of the East Medan Police Station only result in minor injuries. In contrast, cases resulting in serious injuries remain relatively stable at around 14 to 17 cases per year. This phenomenon shows that although the number of abuse cases tends to decline, this crime still occurs quite frequently. This emphasizes the importance of further analysis on how investigators handle abuse crimes and assess and differentiate between ordinary abuse and minor abuse in investigative practices. In addition to being regulated in the Criminal Code, which regulates types of criminal acts, investigations into criminal acts also refer to the rules of criminal procedure as stipulated in Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHAP). Article 1, paragraph (2) of the Criminal Procedure Code states that an investigation is a set of activities carried out by investigators based on the provisions of this regulation, to find and collect valid evidence regarding criminal acts and identify the perpetrators of these crimes. This regulation forms the basis for investigators in carrying out their duties. Therefore, studies on the application of law regarding abuse at the Medan Timur Police Station are important to understand how investigators respond to cases of varying severity and the mechanisms for protecting victims. The Medan Timur Police Station, as a police unit at the sub-district level, plays a strategic role in law

enforcement. Investigators at the Criminal Investigation Unit of the Police Sector are responsible for receiving reports, conducting investigations, and following up on every case of abuse in accordance with applicable laws and regulations. The duties and authorities of the police in the judicial enforcement of criminal law are stipulated in Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHP) and Law No. 2 of 2002 concerning the Indonesian National Police. This is in accordance with the provisions of Article 13 of Law Number 2 of 2002 (Hasibuan, 2021).

Based on the background described above, it is necessary to formulate the central problem examined in this study clearly. The central research question of this study is how investigators at the East Medan police sector distinguish between minor assault (Article 352 of the Criminal Code) and ordinary assault (Article 351, paragraph 1 of the Criminal Code) during the investigation process. This study also examines the factors that lead to inconsistencies between investigators and prosecutors in determining the appropriate article to apply. Additionally, aspects of protection for crime survivors are also regulated in Law No. 13 of 2006 concerning Witness and Victim Protection, as amended by Law No. 31 of 2014. This law provides legal guarantees, security, and restoration of the rights of victims, including those who are victims of criminal abuse (Maria Cristy & Zukriadi, 2024). This provision is important because in many cases, victims of abuse suffer not only physical injuries but also psychological distress and loss of security. With this protection in place, it is hoped that law enforcement officials will not only focus on the perpetrators but also give proportionate attention to the victims.

Success in law enforcement depends not only on the provisions of the Criminal Code but also on the practical implementation of investigations in the field (Mulyaningsih & Kadarusman, 2020). This study was conducted to gain an understanding of how criminal acts of abuse are handled at the Medan Timur Police Station and how minor and ordinary crimes of abuse differ, including the most prevalent types of abuse handled. The results of this study are expected to provide a realistic picture of the handling of abuse cases at the police station level, as well as serve as material for evaluation by police officers and legal academics. To examine this issue, the author conducted a study titled "Investigation of Minor and Regular Criminal Acts of Abuse in the Jurisdiction of the East Medan Police Sector."

II. Literature Review and Hypothesis Development

Previous research related to this theme can be found in the work of Eli Saputra and colleagues (2025) entitled "A Juridical Review of the Crime of Assault (Analysis of Decision Number: 17/Pid. B/2024/PN Mnd)." This study examines the legal principles governing the crime of assault, with a focus on the application of Article 351 of the Criminal Code in the context of criminal justice proceedings (Penganiayaan, 2025). Through an analysis of the judges' considerations in court rulings, the study explains that the ambiguity regarding the definition of injury elements and the severity of the consequences caused by the perpetrator's actions often leads to differences in perspectives when assessing whether the elements of assault are met. Through an analysis of the judges' considerations in court rulings, the study explains that the ambiguity regarding the definition of injury elements and the severity of the consequences caused by the perpetrator's actions often leads to differences in perspectives when assessing whether the elements of assault are met. However, the study only examined the issue of abuse from a judicial perspective, that is, after a case enters the trial process and receives a legal assessment from the panel of judges. The focus was on analyzing the verdicts, so the study did not explain how cases of abuse are handled at the early stages of the criminal justice system, particularly at the investigative level in the police. In fact, the investigation stage is the most crucial phase in determining which article will be applied to the perpetrator, assessing the severity of injuries based on the medical report, and ensuring whether an act is classified as minor assault (Article 352 of the Criminal Code) or regular assault (Article 351 paragraph (1) of the Criminal Code). Building on this gap, this study offers a different perspective and places greater emphasis on the initial process of law enforcement, specifically the investigation stage. This study specifically examines how investigators at the Medan Timur Police Sector determine the boundary between minor assault and ordinary assault, as well as how forensic reports, witness statements, the impact

of injuries on the victim, and the investigator's interpretation contribute to this classification process. This research also delves deeply into the factors that cause inconsistencies in the implementation of articles between investigators and prosecutors, including structural, technical obstacles, as well as aspects of legal understanding faced by the officials. In addition, this study makes a new contribution by capturing the real conditions in the field related to the patterns of handling abuse cases at the police level, which have not been previously explained. By employing an empirical approach in the Medan Timur Police Sector environment, this study presents a factual overview of the challenges in investigations, the urgency level of *visum et repertum* as primary evidence, and the implications of the absence of norms in the Criminal Code on law enforcement practices. Thus, this study not only complements the findings of previous research but also expands the understanding of the dynamics of applying assault provisions in the investigation process, which has rarely been placed as the primary focus of criminal law research.

Research conducted by Andi Istiqlal Assaad, Mursyid, and S. Setyaningsih examines issues surrounding homicide, with particular attention to the evaluations made by judges when making legal decisions. This analysis portrays homicide as a form of violence directed at another individual, resulting in the victim's death. It highlights how judges evaluate the elements of the act and its effects within the criminal justice system (Assaad et al., 2021). This study serves as a conceptual reference in research to describe the nature of violent criminal acts directed at the human body within the context of criminal law. This research is not intended to compare research findings, but rather to enhance theoretical understanding of assault as a form of violence that results in physical injury and suffering for the victims. Meanwhile, this study specifically focuses on how cases of violence are handled during the investigation process at the police. The study's findings indicate that the categorization of violent criminal acts, whether as minor violence or general violence, heavily depends on the investigators' assessment of the severity of the injuries suffered by the victim. This assessment not only refers to the legal provisions in the Criminal Code, but also to the results of medical examinations, information from witnesses, and the investigator's personal judgment regarding the effects of the injuries sustained. In addition, this study shows the existence of inconsistencies in the implementation of articles related to abuse, caused by differences in understanding among law enforcement officers regarding the limits of injury elements and the impact of actions on the victims. These findings suggest that the investigative process plays a crucial role in determining the steps for handling abuse cases and has a direct impact on the legal protection afforded to victims.

Based on the author's assessment of the scientific work compiled by Ari Iswandy Sihombing, it becomes clear that the research focuses on the application of criminal law at the advanced stages of the criminal justice system, specifically during the prosecution and trial stages. In his writing, Ari Iswandy Sihombing emphasizes the importance of juridical formal evidence and the crucial role of the prosecutor in demonstrating to the judge that the elements of a criminal offense have been fulfilled. The journal's important findings revealed that the effectiveness of law enforcement greatly depends on the integrity of the available evidence and the manner in which it is presented during the prosecution process (Sihombing & Siregar, 2025). Nevertheless, the author believes that the focus and findings in that journal differ significantly from those of the research they conducted. This study does not focus on the prosecution process or trial proceedings in court, but rather on the early stages of the criminal justice process, namely the investigation conducted by the police. The author is convinced that the differences in these stages directly affect the nature of the research results. While Ari Iswandy Sihombing emphasizes how to prove the elements of a crime in front of a judge, the author instead highlights how those elements are interpreted, shaped, and categorized by the police from the very beginning.

According to the author, the most prominent aspect is the manner in which the determination of the abuse article is carried out. In an article written by Ari Iswandy Sihombing, the determination of the case is considered relatively sure once it enters the prosecution phase, so the analysis focuses on the sufficiency of evidence to support the accusation. On the contrary, according to the results obtained by the author during the internship and research at the East Medan Police Sector, the determination of the article is actually a dynamic process that involves many considerations from the investigation phase onwards. The author found

that investigators often face dilemmas in deciding whether an act falls into the category of minor assault or ordinary assault, given that there is no clear definition of the type of injury in the Criminal Code. Furthermore, the author argues that the journal written by Ari Iswandy Sihombing has not explicitly revealed the normative issues faced by investigators in practice on the ground. The study in the journal focuses more on the application and testing of the law in the courtroom. In contrast, this research highlights the differences between written legal norms and the reality of law enforcement at the sector police level. Based on the author's findings, the lack of clarity regarding the classification of injuries in Article 351 paragraph (1) and Article 352 of the Criminal Code is the leading cause of differing perspectives between investigators and prosecutors, which ultimately affects the process of transferring case files.

The author also found that, during the investigation process, the *visum et repertum* serves not only as medical evidence but also as a key tool in determining the direction of law enforcement. This finding differs from what is described in a journal by Ari Iswandy Sihombing, who views evidence more as a means to prove a case in court. According to the author, during the investigation stage, the *visum et repertum* serves as an initial basis for evaluating the extent of injuries and determining the applicable charges. Therefore, the role of evidence in this study is more strategic and crucial from the outset, rather than merely reinforcing allegations in court. In addition, differences in research results also appear in how the role of authorities is perceived. In the article written by Ari Iswandy Sihombing, law enforcement officials are situated within the structural context of the criminal justice system, which emphasizes the importance of adhering to official procedures. On the other hand, based on the author's findings, investigators at the Medan Timur Police Sector are often faced with situations where they have to make decisions based on more nuanced considerations, including the condition of the victim, the impact of injuries on daily activities, and the potential for resolving cases through a restorative justice approach. The author argues that this practical element is not fully represented in the existing comparative journals.

Another significant difference is in the protection afforded to victims. In an article written by Ari Iswandy Sihombing, victim protection is often understood in the context of the judicial process, specifically through the judge's decision. However, according to the author's findings, victim protection is actually tested during the investigation stage, especially when investigators decide whether a case should proceed, be discontinued, or be resolved through a restorative justice approach. The author finds that the investigator's decision at this stage greatly influences the victim's perception of justice. Thus, the author argues that the differences in results between this study and the article written by Ari Iswandy Sihombing are not contradictory but rather reflect variations in perspective and analytical focus. The article makes a significant contribution to understanding the application of law during the prosecution phase. At the same time, this research adds insight by revealing the reality of law enforcement during the investigation stage. The author emphasizes that the results of this study enhance the discussion of criminal law by presenting an empirical viewpoint from the police sector level, which has so far received limited attention in criminal law studies. In general, the author concludes that the main difference between the results of this study and the findings in the reference journal lies in the focus of the analysis. While the journal emphasizes the trial process as the primary aspect, this study highlights that the root of the issue in the application of the assault article actually lies at the investigation stage. Thus, the author considers that this study provides a new and important contribution in detailing the initial law enforcement process for assault crimes, particularly in distinguishing between minor and ordinary assault at the police level.

The research conducted by Santi Rande and Mayada Asmarani (2025) examines the implementation of policies to protect children who are victims of violence, utilizing the role approach of the DP2PA of Samarinda City, along with Edward III's policy implementation model. This study focuses on the dimensions of public policy and governance in addressing children who experience violence (Rande & Asmarani, 2025). Unlike this study, which focuses on handling abuse cases during the investigation stage at the police, especially from the perspective of criminal law and law enforcement practices, this research examines how police officers conduct the investigation process. These juridical and empirical issues, as well as the legal protection provided to victims within the criminal justice system, arise. Thus, the focus of this study differs in

terms of object, approach, and scope of analysis. The study entitled "The Death Penalty from a Human Rights Perspective: The Right to Life examines the application of the death penalty from a human rights perspective, particularly the right to life (right to life)", by categorizing crimes that are criminal in nature as the most serious crimes and emphasizing the distinction between state power and human rights protection principles (Arifullah, 2024). However, the study is normative in nature and prioritizes policies and international legal frameworks, without addressing the application of law at the investigation stage. Unlike that study, this research focuses on physical violent crimes in the form of assault within a social context, with an emphasis on investigative practices carried out by police officers at the sector police level.

III. Research Method

This study employs empirical legal research methods and is qualitative in nature, with a descriptive focus. The empirical legal approach places greater emphasis on the application of existing law in practice, particularly concerning the investigation process of minor assaults and ordinary assaults within the jurisdiction of the Medan Timur Police Sector (Marzuki, 2020). The approach in this study is an empirical legal approach, which involves examining how the legal provisions regulating the crime of assault are implemented by investigators in the investigation process, Legislation such as the Criminal Code (KUHP), the Criminal Procedure Code (KUHP), Law Number 2 of 2002 concerning the Indonesian National Police, as well as Law Number 13 of 2006 on the Protection of Witnesses and Victims as amended by Law Number 31 of 2014, is used as a reference framework for understanding investigative practices, not as a normative approach. The collection of information for this research was conducted through direct research at the East Medan Police Sector. Data were obtained directly during the author's two-month internship at the East Medan Police Sector, which allowed the author to observe and interact directly with investigators handling assault cases. The technique used to collect data is as follows:

1) Interview

The interview process was conducted in a planned manner, together with investigators from the Criminal Investigation Unit of the Medan Timur Police Sector, to gather information regarding the investigation of an assault case. A series of questions was systematically arranged based on initial observations obtained during the internship to explore the investigation steps, the reasons for using specific articles, and the obstacles encountered in the evidence-gathering process.

2) Observation

Observations were conducted indirectly through interviews and in-depth discussions with investigators during the internship. This observation aims to obtain a real picture of the investigation practices of minor assault and common assault crimes in the field.

Quantitative data in the form of the number of abuse cases serves as additional information, while the primary focus of this study is on qualitative data. The determination of sources in this study employed a purposive sampling method, which involves selecting investigators from the Medan Timur Police Criminal Investigation Unit who have experience and understanding in handling violent criminal cases. The selection of sources was based on direct participation in the investigation process during the internship period. In this regard, the purpose of data analysis in this study is to obtain a clear picture of the investigation of minor and ordinary assault cases by the Criminal Investigation Unit at the Medan Timur Police Sector. This data analysis is conducted by paying attention to the stages of the investigation, the considerations taken by the investigators when applying Article 351 paragraph (1) of the Criminal Code or Article 352 of the Criminal Code, as well as the obstacles that arise in the evidence-gathering process. The data collected through interviews and observations during the internship period were processed using a qualitative approach. This process involves the systematic elaboration and analysis of findings from field research, enabling a deep understanding of how violence cases are investigated at the Medan Timur Police Sector.

The interviews in this study were conducted systematically and were closely related to the author's two-month internship at the Medan Timur Police Sector. During the internship, the author held initial discussions with investigators to determine the legal issues to be studied. From these discussions, the author prepared a list of interview questions that were organized and aimed at addressing two main issues, namely: 1) How is the handling process of assault crimes by the Criminal Investigation Officers of Medan Timur Sector Police, and 2) What is the difference between ordinary assault under Article 351 paragraph (1) of the Criminal Code and minor assault under Article 352 of the Criminal Code.

IV. Results and Discussion

4.1. Implementation of Criminal Abuse Handling by Criminal Investigators at the East Medan Police Station

During the internship at the Medan Timur Police Station, which began on August 1, 2025, and concluded on September 30, 2025, the author gained firsthand insight into the dynamics of investigating crimes of abuse. However, the author did not witness the entire investigation process directly; the investigators were focused on handling ongoing cases at that time. However, through a series of discussions and interviews with investigators, the author obtained detailed explanations regarding the stages of investigation and the obstacles often encountered in the field.

The author discovered this phenomenon during the internship and became the main reason why this topic was chosen for research. This understanding reveals a gap between the legal theory outlined in the Criminal Code and its practical application in the field of law enforcement. Through this empirical experience, the author felt it was important to conduct further research on how criminal investigators at the East Medan Police Station apply legal provisions in handling cases of minor and ordinary assault. In law enforcement efforts, the role of police investigators is vital, especially in dealing with crimes of abuse. Investigators have the authority to conduct a series of investigations and examinations to gather substantial evidence, thereby explaining a criminal act and identifying the perpetrator, in accordance with the regulations set out in Article 1, paragraph 2 of the Criminal Procedure Code. Thus, these results focus on how investigators from the East Medan Police Criminal Investigation Unit handle cases of criminal abuse. The handling of criminal acts of abuse basically begins with the receipt of a report, either directly from the victim or from another party, such as a complaint from the community, at the Integrated Police Service Center (SPKT) of the Medan Timur Police Station. After the report is received and an initial investigation is conducted, investigators then continue the case handling process in accordance with the established stages. The handling of criminal acts of abuse is carried out through several stages.

First, investigators conduct investigations by questioning witnesses and obtaining medical reports from hospitals. These reports serve a strategic function as they provide scientific evidence used to assess the extent of the injuries suffered by victims and determine the relevant articles to be applied. Second, a case hearing is held to determine whether the incident can be classified as a criminal act and, if so, to determine the appropriate article to be applied. Third, the investigation process involves further examination of witnesses, seizure of evidence, and identification of suspects. According to the assistant investigator of the Medan Timur Police Criminal Investigation Unit, if the investigation results in the application of Article 351, paragraph (1), of the Criminal Code, the case files are transferred to the Public Prosecutor. Meanwhile, if Article 352 of the Criminal Code is used, the case file is submitted directly to the court, preceded by the submission of an SPDP (Notification of Commencement of Investigation) to the prosecutor's office as a form of notification. Thus, a mutually supportive collaboration between investigators and prosecutors is established, carried out through communication and consultation as stipulated in Article 14 of Regulation Number 6 of 2019 (Pasaribu, 2025).

Based on the information contained in the previous table, it can be seen that the resolution of abuse cases handled by criminal investigators at the East Medan Police Station, as of the latest data for September

2025, shows varying results. Of the total reports, there were 2 cases classified as ordinary assault in accordance with Article 351(1). In comparison, the remaining 15 cases fell under the category of minor assault, as defined in Article 352 of the Criminal Code. In the settlement stage of criminal cases involving abuse, several mechanisms are used. A total of three cases (one case of regular abuse and two cases of minor abuse) have reached the P21 stage (case file submission to the prosecutor), where the case file is declared complete by the prosecutor, and the investigator then submits the suspect and evidence to the prosecutor's office for prosecution. On the other hand, 10 cases (1 case of regular assault and 9 cases of minor assault) fall under the category of SP2 (Order to Stop Investigation or Investigation Termination Order). Meanwhile, four cases of minor assault were resolved with an SP3 (Order to Stop Investigation or Investigation Termination Order), where the cases were settled through reconciliation between the parties involved through restorative justice, resulting in the termination of the investigation process and no further action taken. In practice, at stages SP2 and SP3, especially for cases of minor abuse, investigators attempt to resolve the issue through a restorative justice approach by holding a meeting between the victim and the perpetrator to reach an amicable agreement. However, if the victim refuses to settle, investigators will respect their decision and continue the investigation until the suspect is identified and apprehended. The case file is forwarded to the prosecutor's office. This approach reflects investigators' commitment to upholding the law fairly by prioritizing restorative justice while respecting the victim's right to obtain justice through legal proceedings. During the internship, the author discussed with investigators and noted that, despite various challenges, they completed each stage of the report in accordance with the P21, SP2, and SP3 mechanisms, ensuring that the investigation proceeded in accordance with applicable laws. The results of this study reflect the pattern of resolving abuse cases in the jurisdiction of the East Medan Police and provide a basis for the author to understand the investigation mechanism and the application of relevant articles in police practice.

However, in practice, investigators often encounter significant obstacles in handling cases. One of the main obstacles mentioned by the Criminal Investigation Unit of the East Medan Police is the limited evidence in the form of witness statements from those who directly saw or heard the abuse (Prakoso, 1988). This condition has implications for the difficulty of proving the case, as witness testimony is a valid means of evidence recognized under Article 184 of the Criminal Procedure Code. For this reason, investigators strive to optimize other sources of evidence, particularly medical reports and victim testimony, to support the case. The success of an investigation is not only determined by the technical capabilities of investigators but also requires the support of the community to provide testimony and the guarantee of legal protection for witnesses so that law enforcement can be carried out effectively and obstacles to witness testimony can be minimized (Ayu Apriani & Hadi Pura, 2020). Therefore, the obstacles of limited witnesses in proving cases of abuse can be overcome by maximizing the use of medical reports and statements from victims as valid evidence. In addition, it is necessary to raise public awareness of the law so that people are more willing to participate in providing information, as well as to strengthen legal protection for witnesses, thereby creating a more efficient, transparent, and fair investigation process.

4.2. The Difference Between Ordinary Assault as Referred to in Article 351 Paragraph (1) of the Criminal Code and Minor Assault as Referred to in Article 352 of the Criminal Code

From the results of the discussion, investigators explained that differences in the application of Article 351 paragraph (1) and Article 352 of the Criminal Code often led to differences of opinion between investigators and prosecutors. In some cases, investigators apply Article 351 of the Criminal Code, while prosecutors consider that the act is more appropriately categorized under Article 352 of the Criminal Code, or vice versa. That is, there are times when the results of the investigation are considered incomplete by the prosecutor's office, which in turn affects the transfer of case files (Pasaribu, 2025). The provisions relating to the crime of maltreatment in the Criminal Code appear simple at first glance, namely through Article 351 paragraph (1) of the Criminal Code concerning ordinary maltreatment and Article 352 of the Criminal Code concerning minor maltreatment. However, behind this brief formulation lies a complex problem in practice,

as the Criminal Code does not provide clear boundaries regarding the criteria for severe and minor injuries, thereby causing problems for law enforcement (Pangemanan, 2025).

According to Andi Hamzah, Articles 351 and 352 of the Criminal Code do not explain the category of injury referred to, whether it is a serious injury or a minor injury. This normative gap creates a broad room for interpretation among judges in determining the appropriate article to apply, resulting in varying interpretations of the law, which may differ depending on the judge's perspective. Meanwhile, (R. Soesilo) emphasizes that the difference between ordinary abuse and minor abuse does not lie in the elements of the act. However, in the consequences, it causes, namely, the extent to which the injuries suffered by the victim affect their physical condition or health. Thus, both experts agree that the level of consequences caused is the main determining factor in distinguishing between ordinary and minor abuse. In investigative practice at the East Medan Police Station, the author assesses that the classification of assault, whether minor or ordinary, is more appropriately determined based on the actual consequences experienced by the victim, including the severity of injuries, impact on health, and the need for medical treatment. The author understands that the absence of norms in the Criminal Code regarding the clarity of the type of injury in criminal acts of abuse provides flexibility for law enforcement officials; however, this also requires consistency and careful consideration in the investigation so that the application of articles is carried out fairly and proportionally. Thus, the author concludes that experience and observations in investigations demonstrate the importance of considering the actual consequences experienced by the victim as a basis for determining the appropriate article, as well as a guideline for formulating clearer legal policies in the future.

Based on the author's review of several verdicts, the verdict stipulates Article 351 paragraph (1) of the Criminal Code, where the victim clearly suffers serious injuries, such as injuries that require medical treatment, as a result of the perpetrator's actions (Fitroni et al., 2025). Conversely, judges apply Article 352 of the Criminal Code if the injuries suffered by the victim are minor, such as bruises or swelling, which do not qualify as serious injuries (Renaldy et al., 2019). From the author's analysis of these verdicts, it appears that ordinary maltreatment (Article 351 paragraph 1) causes serious injury, while minor maltreatment (Article 352) causes minor injury. Based on the author's observations, this indicates that jurisprudence plays a crucial role as a guideline in the application of these two articles and also confirms the criteria for injuries that judges consider. In investigative practice, investigators sometimes use several court decisions (jurisprudence) as a reference to determine whether an act constitutes minor abuse or ordinary abuse. Based on a review of several decisions, judges tend to apply Article 351 paragraph (1) when the victim suffers serious injuries that require medical treatment. In contrast, Article 352 is applied when the injuries are minor, such as bruises or swelling, which do not have a profound impact on the victim's health (Pasaribu, 2025). Therefore, to avoid differences in the application of articles concerning maltreatment, efforts must be made to reformulate legal norms to produce a more precise definition of the categories of serious and minor injuries. Given that the Criminal Code has not provided detailed explanations regarding the limits of such injuries to date, jurisprudence can serve as a reference for law enforcement officials in selecting the appropriate article to apply. In addition, it is essential to continue encouraging legal reforms that are more responsive to developments in judicial practice, so that the application of criminal law can be carried out consistently, proportionately, and fairly.

V. Conclusion

From the results of the research that has been conducted and the comprehensive discussion that has been outlined, it can be concluded that:

1. The handling of assault crimes by the Criminal Investigation Officers of Medan Timur Police Sector reflects the implementation of the law that balances legal certainty and justice. This is based on the author's direct experience during an internship, discussions with investigators, and police report data from January to September 2025. The investigation process is conducted professionally and in an orderly manner, in accordance with the provisions of the Criminal Code (KUHP), the Criminal

Procedure Code (KUHP), and police regulations. Investigators begin handling cases by receiving reports at the Integrated Police Service Center (SPKT), then proceed with investigations, evidence collection, including forensic reports, case discussions, and the determination of suspects, before finally submitting the case files. Findings from the field indicate that most cases fall under the category of minor assault, as defined in Article 352 of the Criminal Code, with a total of 35 cases. In contrast, ordinary assault, as defined under Article 351, paragraph (1) of the Criminal Code, resulted in 17 cases. These data confirm that most incidents result in only minor injuries, but still require appropriate legal handling to ensure protection for the victims. Investigators resolve cases through procedures such as P-21, SP-2, or SP-3. Specifically, for minor cases, investigators also use a restorative justice approach as an alternative resolution option, provided the victim gives their consent. This demonstrates the application of the principles of proportionality and efficiency in the criminal justice system. In general, the research findings indicate that the investigators at the Criminal Investigation Unit of Medan Timur Police Station have carried out their investigative duties effectively, transparently, and in accordance with the provisions of the Criminal Procedure Law. They successfully combined repressive and restorative approaches while still protecting the rights of victims through existing protection procedures. Therefore, the goal of law enforcement in addressing assault crimes can be achieved in a fair, measured, and socially responsible manner.

2. The differences in the application of Article 351 paragraph (1) of the Criminal Code regarding ordinary assault and Article 352 of the Criminal Code concerning minor assault still often cause differing opinions between investigators and prosecutors. In some cases, investigators apply Article 351 of the Criminal Code, while prosecutors consider that the act is more appropriately included under Article 352 of the Criminal Code. These differences in assessment often impact the completeness of documents and the referral process. The formulation of the Criminal Code does not explicitly explain the types of injuries that can be considered severe or minor. The absence of this limitation determines articles that are highly dependent on the judgment of legal officials regarding the effects experienced by the victims. Based on the author's observations and experiences during an internship at the East Medan Police Sector, the determination of articles largely depends on the actual situation experienced by the victim, including the severity of the injury, its impact on health, and the need for medical treatment. The author's findings indicate that investigators tend to consider the direct consequences experienced by the victim as the main guideline for determining whether an act falls into the category of ordinary or minor assault. By reviewing several decisions, the author also identified a pattern that Article 351 paragraph (1) of the Criminal Code is used if the victim suffers injuries considered severe. In contrast, Article 352 of the Criminal Code is applied in cases of lighter injuries such as bruises or swelling. This pattern indicates that jurisprudence plays a significant role as a reference in the investigation process. The author's overall findings indicate that the determination of articles in assault cases depends on the impact experienced by the victim. Therefore, updating legal norms is crucial for establishing more precise boundaries regarding the types of injuries and ensuring the consistent and fair application of these articles.

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