

ANALYSIS OF EXAMINATION OF EVIDENCE THROUGH THE SCIENTIFIC CRIME INVESTIGATION METHOD IN THE DISCLOSURE OF HOMICIDE CRIMES

Hefa Ruspita, Muhammad Yusuf Siregar, Wahyu Simon Tampubolon, Risdalina

Faculty of Law, University of Labuanbatu

bundamodis2105@gmail.com, muhammadyusufsiregar0112@gmail.com,

Wahyu.tampubolon@yahoo.com, risdalinasiregar@gmail.com

Abstract (Indonesia)

Received: November 26,
2022
Revised : November 29,
2022
Accepted: December 01,
2022

Latar Belakang: Penegakan hukum merupakan salah satu usaha untuk menciptakan tata tertib, keamanan dan ketentraman di dalam masyarakat, khususnya penindakan setelah terjadinya pelanggaran hukum.

Tujuan: Penelitian ini bertujuan untuk mengetahui serta menganalisis tentang penguatan alat bukti melalui scientific crime investigation dalam tindak pidana pembunuhan. Serta mengetahui serta menganalisis tentang kelebihan dan kelemahan pemanfaatan metode *scientific crime investigation* dalam pengolahan TKP yang dilakukan oleh laboratorium forensik.

Metode: Penelitian ini termasuk jenis penelitian normatif. Sehingga dapat diketahui bahwa metode *scientific crime investigation* yang digunakan dalam pembuktian tindak pidana pembunuhan forensik.

Hasil: Pasal 184 ayat (1) KUHAP telah mengatur alat bukti yang sah menurut undangundang secara limitatif. Selain dari alat bukti tersebut, tidak dibenarkan digunakan untuk pembuktian kesalahan yang dilakukan oleh terdakwa. Majelis hakim, penuntut umum, terdakwa, dan penasehat hukum, terbatas dan terikat hanya dibenarkan menggunakan alat bukti yang sesuai dengan aturan hukum acara pidana saja. Pembuktian dengan menggunakan alat bukti selain alat bukti yang diatur di dalam Pasal 184 ayat (1) tidak memiliki nilai kekuatan pembuktian yang mengikat.

Kesimpulan: Berdasarkan pemaparan di atas, maka dapat disimpulkan bahwa metode *scientific crime investigation* yang digunakan dalam pembuktian tindak pidana pembunuhan forensik.

Kata kunci: Pemeriksaan alat bukti, *Scientific Crime Investigation*, Tindak Pidana Pembunuhan

Abstract (English)

Background: Law enforcement is one of the efforts to create order, security, and peace in the community, especially enforcement after violations of the law.

Objective: This study aims to find out and analyze the strengthening of evidence through scientific crime investigation in homicide crimes. As well as knowing and analyzing the advantages and disadvantages of using the scientific crime investigation method in crime scene processing carried out by the forensic laboratory.

Methods: This research belongs to the normative type of research. So that it can be known that the scientific crime investigation method is used in proving the crime of forensic murder.

Result: Article 184 paragraph (1) of the Criminal Procedure Code has restrictively regulated valid evidence according to the law. Apart from the aforesaid evidence, it is not justifiable to be used to prove the wrongs committed by the accused. Judges, public prosecutors, defendants, and legal counsel, are limited and bound to use evidence by the rules of criminal procedure only. Evidence using evidence other than the evidence provided in Article 184 paragraph (1) has no binding evidentiary force value.

Conclusion: Based on the explanation above, it can be concluded that the scientific crime investigation method is used in proving the crime of forensic murder.

Keywords: Examination of evidence, Scientific Crime Investigation, Crime of Murder

*Correspondent Author: Hefa Ruspita
Email: bundamodis2105@gmail.com



INTRODUCTION

Law enforcement is one of the efforts to create order, security, and peace in the community, especially enforcement after violations of the law.

The proof is one of the main things in the examination and enforcement after a criminal case.

This is because through the evidentiary stage there is a process, method, and act of proving to show the right or wrong of a defendant in a criminal case, especially in court hearings.

The proof is a problem that plays a role in the examination process in court. Through proof is determined the fate of the accused is.

If the result of proof by the evidence prescribed by law "does not sufficiently" prove the guilt charged to the defendant, the defendant is "acquitted" of the sentence.

On the other hand, if the guilt of the defendant can be proved by evidence, then the defendant is found guilty. The defendant will be imposed a sentence.

Therefore, judges must be careful, careful, assessing and considering the evidentiary value (Harahap, 2002). The purpose of this proof is to provide certainty/confidence to the judge of the truth of a concrete event that is disputed.

Achmad Ali and Wiwie Heryani stated, "The Law of Proof is the entire rule of proof that uses valid evidence as a tool to obtain the truth through a judge's verdict or determination" (Achmad Ali, 2008).

This aspect of proof has already begun at the stage of investigating criminal cases. In the investigation stage, the act of investigation is carried out to find and determine an event that is suspected of being a criminal act, to be able to investigate or not.

While in this stage there is already a stage of proof. Similarly, it is determined that there is an investigator's action to search and collect evidence, and with that evidence makes light of the criminal act that occurred and to find the suspect.

Based on Article 183 of Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), it can be concluded that before the judge sentences the suspect/defendant, the judge needs two pieces of evidence.

This evidence serves to strengthen the judge's belief in criminal acts committed by suspects/defendants. In the face of criminal cases that are not supported by a minimum of two valid pieces of evidence, it is difficult for law enforcement officials to prove whether or not the suspect/defendant is guilty.

In ancient times, if law enforcement officials found a criminal case that was not supported by valid evidence but residents suspected or accused someone of being the perpetrator of the crime, then law enforcement officials would prioritize the confession of the suspect/defendant.

In obtaining this evidence, law enforcement officials cut corners by persecuting and torturing suspects/defendants by forcing them to confess to criminal acts.

The investigation process (KUHAP jo Article 1 number 10 of the Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian State Police,) criminal acts today have made a lot of progress with the development of modern science and technology.

One of the impacts of scientific and technological developments on investigations using *Scientific Crime Investigation* or scientific-based investigations that are applied as breakthroughs in the evidentiary process.

Scientific Crime Investigation Method, in Article 34 and Article 35 of the Regulation of the Chief of Police of the Republic of Indonesia Number 6 of 2019 concerning Investigation of Criminal Acts (hereinafter abbreviated as Perkap 6/2019).

In article 34, investigators carrying out criminal investigations are supported by technical assistance in investigating for scientific evidence (SCI).

Article 35 Technical assistance for investigations as referred to in Article 34, among others:

- a. Forensic laboratory, used if the Investigator requires the examination and testing of evidence that must be received special treatment and/or treatment;
- b. Identification, used if the Investigator requires certainty of the identity of the Suspect / Witness / Victim of the criminal act and as evidence;
- c. Forensic medicine, used if the Investigator requires the examination of suspects/witnesses/victims who must receive special physical treatment/treatment;
- d. Forensic psychology used if the Investigator requires the examination of suspects/witnesses/victims who must receive special psychic treatment/treatment; and

- e. Digital forensics, used if the Investigator requires the examination and testing of Digital evidence that must be received special treatment and/or treatment.

The aforementioned auxiliary knowledge is used by the Indonesian National Police in the disclosure of a criminal case.

This is because not all criminal cases can be revealed easily, for example in criminal cases of murder by poisoning accompanied by persecution and there are many other examples of cases that are very complicated for investigators to solve in terms of criminal cases.

The CSI method is very useful in assisting investigators in terms of proving a criminal act.

RESEARCH METHODS

The research method used in this study is a normative legal research method. Normative legal research is legal research carried out by examining library materials or secondary data (Soekanto, 2007).

According to Peter Mahmud Marzuki (Marzuki, 2010), normative legal research is a process to find a rule of law, legal principles, and legal doctrines to answer the legal issues faced.

In this type of legal research, often the law is conceptualized as what is written in legislation or law is conceptualized as a rule or norm that is a benchmark for human behavior that is considered appropriate (Asikin, 2004).

RESULTS AND DISCUSSION

Knowing the Strengthening of Evidence Through *Scientific Crime Investigation* in Homicide Crimes

Article 184 paragraph (1) of the Criminal Procedure Code has restrictively regulated valid evidence according to the law. Apart from the aforesaid evidence, it is not justifiable to be used to prove the wrongs committed by the accused.

Judges, public prosecutors, defendants, and legal counsel, are limited and bound to use evidence by the rules of criminal procedure only.

Evidence using evidence other than the evidence provided in Article 184 paragraph (1) has no binding evidentiary force value.

Evidence has a central role in the process of finding material truth in a criminal case.

Therefore, in theoretical practice, a piece of evidence must be used and given a careful assessment to achieve true truth without neglecting the human rights of the accused.

The strength of each of these pieces of evidence will be described as follows, namely:

- 1) The strength of the evidence of the testimony of witnesses the value of the evidentiary power attached to the evidence of the testimony of witnesses is as follows:

- a) Has the power of free proof.

To the evidence, the testimony of the witness has not attached a perfect proof (*volledig bewijskracht*) nor is it attached to it the character of the binding and decisive force of proof (*besliessende wewijs Kracht*).

Witness testimony evidence is valid evidence that has free evidentiary value.

Therefore, the evidence of witness testimony as valid evidence does not have perfect evidentiary power nor does it have binding and decisive evidentiary power.

- b) The value of its evidentiary power depends on the judge's judgment.

The evidence of witness testimony as free evidence that does not have the perfect and indeterminate value of evidentiary power is in no way binding on the judge.

The judge is free to consider its truth and perfection. It depends on the judge's judgment to judge whether it is perfect or not. The judge doesn't need to accept the truth of every witness testimony.

The judge has the freedom to judge the force or truth attached to the witness's testimony and may accept or set it aside.

Nevertheless, judges must be held responsible for exercising the freedom to judge the evidentiary power of witness evidence.

The freedom of judgment of judges should not lead to arbitrariness without morality and integrity.

c) Not all witness statements have value as evidence.

The testimony of witnesses who have value as evidence is by the provisions of Article 1 number 27 of the Criminal Procedure Code, namely that the witness sees, hears, and experiences himself, and explains the reasons for his knowledge.

Furthermore, for a witness's testimony to have value as evidence, the witness's testimony must be stated at the court hearing, by the provisions of Article 185 paragraph (1) of the Criminal Procedure Code.

Witness statements stated outside the trial court are not evidence that cannot be judged as evidence and cannot be used to prove the guilt of the accused.

d) The testimony of one witness alone cannot be judged as evidence (*unus testis nullus testis*).

Although the testimony of a (single) witness is clear, the defendant denies the testimony, and the single witness is not supported by other evidence, such a witness has no evidentiary power.

It is different if, in the trial, the defendant admitted the criminal act charged against him, then the testimony of a single witness is enough to prove the guilt of the defendant because, in addition to the testimony of a witness, it has been supported by other evidence, namely the defendant's testimony.

2) The strength of expert evidence.

The value of the evidentiary power attached to the evidence of expert testimony is as follows (Rusli, 2007):

- a) Expert testimony evidence has no binding and decisive evidentiary power value. The value of the evidentiary power of expert testimony is the same as the value of the strength of the evidence of witness testimony, that is, it has the value of the power of free proof (*vrijn bewijskracht*). Judges are free to give judgments and are not bound, but judges' judgments must be strictly morally based and responsible for realizing the ultimate truth and for upholding the law and providing legal certainty.
- b) Based on the minimum evidentiary principle specified in Article 183 of the Criminal Procedure Code, an expert's testimony that stands alone without being supported by any of the other evidence, is not sufficient to prove the guilt of the accused. Thus, for the expert's testimony to be judged sufficient to prove the guilt of the accused, it must be supported by one of the other pieces of evidence.

3) The power of letter evidence.

The evidence of the letter is an official form of minutes made by the authorized general officer in the forensic criminalistic examination.

Namely the National Police Forensic Laboratory which contains information from experts containing opinions based on their expertise on something or something that is officially requested to prove the cause of death of the victim.

4) The strength of the defendant's testimony.

The strength of the evidence (Siti et al., 2019) the testimony of witnesses in the case of murder with poison is not strong enough according to the author's judgment for the following juridical reasons:

- 1) Witness testimony is one the evidence in a criminal case in the form of testimony from a witness about a criminal event that he heard himself, saw for himself, and experienced himself by mentioning the reason for his knowledge (The Code of Criminal Procedure.). In the case of the murder with poison, there was not a single witness other than the crown witness, who heard, saw, and experienced the murder event himself.
- 2) In the case file of each defendant, there is only one witness who can prove the guilt of each defendant, namely the crown witness, so by Article 185 paragraph (2) of the Criminal Procedure Code, the testimony of a witness alone is not sufficient to prove that the defendant is guilty of the acts charged against him. However, in Article 185 paragraph (3) of the Criminal Procedure Code, it is emphasized that this provision does not apply if it is accompanied by other valid evidence so that the evidence of witnesses in the case of murder with poison must be supported and corroborated with other evidence.

The *scientific crime investigation* method which is outlined in tangible form through forensic laboratory examination and the testimony of police forensic experts becomes the central point (*hub*).

In linking the relationship between perpetrators, victims, and evidence with the crime scene the construction of a proof of criminal acts becomes stronger and can give confidence to the judge in deciding a case fairly and by the facts.

In the case of the crime of murder with poison, the testimony of witnesses and the testimony of the two defendants are linked and interconnected with each other after the *scientific crime investigation* method is applied.

Knowing the Advantages and Disadvantages of Using the *Scientific Crime Investigation* Method in Crime Scene Processing Carried out by the Forensic Laboratory

For the advantages and disadvantages of using the *scientific crime investigation* method in crime scene processing carried out by the forensic laboratory.

1. The advantage of the application of *scientific crime investigation* is the disclosure of cases with old methods that are violent, interventional, and others that are abandoned.
2. Fast, precise, and accurate inspection supported by special tools that have been standardized internationally;
3. Minimize errors implemented at the time before the implementation of sci (manual patterns are replaced with digital patterns).

With the application of *scientific crime investigation*, the disclosure of cases with old methods that use intervention, violence, and so on is abandoned, because it is seen that it is a sadistic and inhumane thing.

In addition, with the application of such methods, the examination becomes fast, precise, and accurate. Because it uses special tools that support the examination of evidence or processing of crime scenes.

This scientific investigation or SCI uses science that develops by the times.

It is becoming increasingly complex and detailed for the data resulting from such checks.

And this refers to reducing or minimizing errors that often occur when processing evidence, such as incomplete data.

While the disadvantages are:

1. Internal Side of Satcher (Work Unit): the limited number of human resources who supervise and understand the use of Asus (Special Tools), and special equipment both primary and secondary is expensive.

When viewed from the human resources owned by this country, it should be enough to assist the Forensic Laboratory team in supervision and people who understand the special tools that support the performance of the Forensic Laboratory.

In addition, the government should be more respectful with the procurement of these special tools, although not all should always use these special tools.

But these tools are very useful for the smooth running of investigations and or investigations. Because the resulting inspection data is much more detailed and accurate.

2. External Side of SatKer (Task Force): the public does not understand the application (*Scientific Crime Investigation*), that the assumption of disclosure of criminal acts by the police is still the model of the past. Using coercion, beatings, and so on.

With the rise of social media at this time, the public should know better who are the parties who work behind the scenes in processing crime scenes. Because so far, the public only knows that the investigator is only the police.

Few people know, even if it is from legal circles. In addition, there are problems with existing customs and religions that sometimes have rules that contradict the procedures carried out by the Forensic Laboratory team and the cost of autopsies is still quite expensive.

Like murder cases, most of it has been fancied, and it is difficult to autopsies. This is because of the "pamali" or taboo of opening the shroud that has been worn, and also the expensive cost of the autopsy.

CONCLUSION

Based on the explanation above, it can be concluded that the *scientific crime investigation* method is used in proving the crime of forensic murder.

Suggestion

The need for further development for the implementation of its SCI (*Scientific Crime Investigation*) and the addition of tools to support the performance of the Satcher (Work Unit) of the Forensic Laboratory Team.

BIBLIOGRAPHY

- Achmad Ali. (2008). *Revealing the Law*. Ghalia Indonesia.
- Asikin, Z. (2004). Amiruddin, Pengantar Metode Penelitian Hukum, Jakarta: PT. Raja Grafindo Persada.
- Harahap, M. Y. (2002). *Pembahasan permasalahan dan penerapan KUHP: Pemeriksaan sidang pengadilan, banding, kasasi, dan peninjauan kembali*.
- Marzuki, P. M. (2010). Penelitian Hukum, Kencana Prenada Group. Jakarta. h, 35.
- Rusli, M. (2007). Hukum Acara Pidana Kontemporer. Citra Aditya Bakti, Bandung.
- Siti, S., Hamdani, H., & Yulia, Y. (2019). PENERAPAN SAKSI TESTIMONIUM DE AUDITU DALAM PERKARA ITSBAT NIKAH DI MAHKAMAH

SYAR'IYAH BIREUEN. *Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh*, 7(1), 1–28.

Soekanto, S. (2007). *Penelitian hukum normatif: Suatu tinjauan singkat*.



© 2021 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY SA) license (<https://creativecommons.org/licenses/by-sa/4.0/>).