

The Existence of Autopsy in Assisting The Disclosure of Homicide Crimes

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Abstract, Murder is an inhumane criminal act and can be considered a heinous act, as it takes another person's life, whether done instantly or with prior planning. In the investigation process of a murder case, a specific procedure is required to uncover the incident, namely an autopsy. An autopsy is the examination of a deceased body, deemed to have died unnaturally, by performing surgical procedures to determine the cause of death, estimate the time of death, identify unidentified bodies, uncover the perpetrator, and more. The findings from the autopsy are compiled into a written report prepared by a forensic doctor, known as *visum et repertum*. Before drafting the *visum et repertum*, the forensic doctor takes an oath to ensure that the contents of the report can be held accountable. This report will later be used in court as evidence to support other evidence related to the murder.

Keywords: murder, autopsy, forensic

1. INTRODUCTION

Law is a collection of rules, norms and regulations, both written and unwritten, that have a coercive nature and bind humans. In addition, the law also aims to control and protect humans from abuse of power that is detrimental to individuals or groups. With the existence of law, each individual or group is given a guarantee of security, gets recognition and defense before the applicable law. The presence and existence of the law can at least help reduce or eradicate crimes that can affect the sustainability of community or state life, whether carried out individually or in groups.

Since ancient times, crime has existed and has developed along with human development, especially since crime can be viewed differently by each person. This means that for certain people, an action carried out by a person is considered a crime, but on the other hand, there are views from some people who argue that an action by a person is not a crime, so that crime has its own meaning for each individual. Crime becomes a suffering and misery for a person or group that is very detrimental both in terms of material and non-material (Emila, 2019). Material losses can be caused by various crimes such as pickpocketing, theft, robbery, fraud, mugging, and many more forms on the other hand non-material losses can be caused by crimes such as murder, rape, abuse, harassment, domestic violence, and others. By seeing the development of increasingly rampant crime, laws are needed to regulate every behavior, mindset and habit of society to create harmony in society.

Article 1 paragraph 3 of the 1945 Constitution states that "The State of Indonesia is a state based on law." Which means that all actions are regulated by a rule made by the government or an institution. In social life, it cannot always run normally or according to human desires. There are always things that can disrupt the peace and order of society by irresponsible individuals or groups. The presence of law in the midst of society does not make crime eradicated and in reality crimes are still being committed continuously. Moreover, with the increasing development of science and the rapid development of technology that supports humans to continue to commit crimes. Humans commit crimes due to several factors such as economics, mental pressures from within or from outside, revenge, and many other factors that drive humans to commit crimes.

Humans basically have rights inherent in themselves while in their mother's womb obtained from God Almighty, namely the right to life. Which should be respected, honored, and guarded by every individual or group. However, nowadays many are found from news programs, print media, social media, or directly encountered cases that rob basic human rights, namely murder. Murder is one of the inhumane crimes.

The deprivation of a person's right to life is an act that is far from humane, no one has the right to revoke or take away a person's right to life except the giver of the right to life, namely God Almighty. In today's era, human life seems to be worthless because of the rampant murder cases that occur. Humans are no longer afraid to take someone's life so that the role of law and the role of government are needed in prosecuting and handling murder cases. There are two types of murder, namely instant murder and premeditated murder where in revealing the perpetrator or the way in taking someone's life, assistance from related parties or agencies is needed.

In handling murder cases, evidence is needed. The evidence must be related to the murder, therefore assistance from the police is needed in investigating the bodies found and considered to have died unnaturally. In the investigation process, the police submit a request for a post-mortem or autopsy to a forensic doctor. The action taken by a forensic doctor is to perform a post-mortem on someone who is considered to have died unnaturally.

Autopsy is performed as a form of evidence in the crime of murder which is used during the trial process. In the medical dictionary, the definition of autopsy is explained as an examination of a corpse to determine the cause of death or the nature of psychological changes (Difa, 2009). Article 133 paragraph (1) of the Criminal Procedure Code states: "In the case where an investigator, in the interests of justice, handles a victim of injury, poisoning or death which is suspected to be due to an event which constitutes a criminal act, he has the authority

to submit a request for expert information to a forensic medicine expert or a doctor and/or other expert (Criminal Procedure Code Article 133 paragraph (1)). "From the contents of the article it is explained that investigators have the authority to submit a request for an examination of a person suspected of having died unnaturally so that a visum et repertum is needed to contain the causes of death of a person. Visum et repertum is one of the evidence in the form of a letter containing a report from the results of a corpse examination, containing conclusions accompanied by analysis carried out professionally by a forensic doctor.

Autopsy is not done carelessly, police approval is indeed needed, but family approval is also needed to follow up on the police's request to perform an autopsy. There are often arguments or quarrels between the police and the victim's family because the family does not agree to an autopsy for various reasons that encourage the rejection of the autopsy on the victim. In fact, an autopsy is very helpful in the process of revealing a death that is considered very strange, but because of the lack of knowledge about autopsies among the community, there is often a rejection of autopsies. Before performing an autopsy, there are several things that the police need to follow, which are written in Article 134 of the Criminal Procedure Code, namely as follows:

- (1) In cases where it is absolutely necessary for evidentiary purposes, where a post-mortem examination cannot be avoided, the investigator is obliged to notify the victim's family first;
- (2) If the family objects, the investigator is obliged to explain as clearly as possible the purpose and objective of carrying out the surgery;
- (3) If within two days there is no response from the family or the party that needs to be notified is not found, the investigator will immediately implement the provisions as referred to in Article 133 paragraph (1) of this Law.

Through the explanation of the article above, the police can still carry out an autopsy even though there is no further notification from the victim's family regarding a request for approval to carry out an autopsy as long as the action is carried out in the public interest and to achieve justice.

Autopsy plays an important role in revealing the crime of murder to find out who the perpetrator is for the loss of life and how the perpetrator killed the victim. As seen in the recent incident that shocked the Indonesian people where a two-star General named Ferdy Sambo had the heart to kill his aide named Nofriansyah Yosua Hutabarat who was considered like family. Initially the victim was accused of harassing the perpetrator's wife, so another aide named Richard Eliezer chased Brigadier Josua who was about to escape after committing harassment.

During the pursuit of Brigadier Josua, a shootout occurred between the aides, causing one of Ferdy Sambo's aides to die from a gunshot wound.

That was the initial scenario created by the perpetrator Ferdy Sambo to cover up his crime. However, because the family felt strange about his death, Brigadier Josua's family asked the investigators to conduct a re-autopsy to reveal the cause of Brigadier Josua's death which was considered unnatural. After the re-autopsy was carried out by going through various obstacles faced by the victim's family, it was finally revealed that Brigadier Josua was initially killed by Richard Eliezer on the orders of his superiors with promises of promotion, gifts and others. Furthermore, the shooting was carried out by Ferdy Sambo which caused the victim Brigadier Josua to breathe his last breath due to several shots he received.

The above case illustrates the role of autopsy in revealing the crime of murder. Although the chronology of a person's death has been manipulated in such a way, the autopsy is able to reveal the true events that caused a person's death through the results of the examination and analysis made by a forensic doctor. The results of the autopsy examination cannot be manipulated because they are obtained from the results of direct examination of the body suspected of having died unnaturally, before writing the results of the examination report the forensic doctor will be asked to read the professional oath so that when the autopsy examination report is manipulated, the forensic doctor who issued the report of the results of the examination can be held legally accountable.

By conducting an autopsy, it can help law enforcement in deciding whether the murder was an instant murder or a premeditated murder and also to determine what punishment will be given to the perpetrator of the crime of murder.

2. RESEARCH METHODOLOGY

In achieving a goal, a way or method is needed, so that in carrying out this writing, a method is also needed in searching for and collecting legal materials where this writing uses a descriptive method where in this method it provides an illustration of a situation or event, so that this method studies the main data first by conducting a study of documents or literature (library research).

A. Types of Data and Sources of Legal Materials

In compiling the research, the author used 3 types of data, namely:

1. Primary Legal Materials

Primary data is data that can be obtained from previous researchers or from first-hand sources. Researchers collect data or information directly by utilizing predetermined instruments. The legal materials can be taken from:

- a. Criminal Procedure Code
- b. Criminal Code
- c. Law Number 36 of 2009 concerning Health
- d. Law Number 17 of 2023
- e. Chief of Police Instruction Number Pol: Ins/E/20/IX/75
- f. Regulation of the Minister of Health Number 38 of 2022 concerning Medical Services for the Public Interest.
- g. Indonesian Code of Medical Ethics

2. Secondary Legal Materials

Secondary data is data that can be obtained from existing sources or from other researchers who have the nature of supporting the research. This data can be in various forms such as books, journals, articles, previous theses and others that are related to this research (Mahmudi, 2022).

3. Tertiary Legal Materials

Tertiary data is a complementary data that can be used to explain or provide guidance to primary data and secondary data. Where secondary data is obtained from the Legal Dictionary, the Great Dictionary of the Indonesian Language, or obtained from the internet.

B. Data collection technique

In this research, the author used library research by collecting several types of books, documents, magazines, and other alternatives that can later be used as guidelines or a basis for completing this research.

C. Data analysis

Data analysis is a stage in writing research to obtain a conclusion. Or the process of processing data obtained from secondary or primary data so that later the results can be useful information to answer problems from a study. So that the data analysis applied by the author in this study is qualitative data which has a descriptive nature or in the form of sentences (Kumparan.com).

3. RESULT AND DISCUSSION

The Function of Autopsy in Revealing Murder Crimes

There are two ways of death, namely natural death (Natural Death) and unnatural death (Unnatural Death). Natural death (Natural Death) is a natural death caused by various types of diseases such as heart disease, diabetes and others, or which can be said to die because it is time. While unnatural death (Unnatural Death) is a death that is not natural or there is interference from other people to a person's life which is usually called murder or death caused by oneself which is called suicide or death caused by unintentional actions by others or oneself which is called an accident (Nabil, 2003). In determining the manner of death of a person, an examination called a forensic autopsy is required.

The purpose of performing a forensic autopsy is

1. Identifying victims

Cases that require forensic identification include unrecognizable corpses, corpses that are victims of mutilation, corpses that are damaged or rotting, corpses that are burnt, corpses found due to mass accidents or corpses resulting from natural disasters, corpses in an event that results in many fatalities and so on.

2. Determination of death

In determining death, a conclusion will be made as to whether a person's body died a natural death or an unnatural death.

3. Estimating the time of death

Forensic examination will also produce a conclusion about the estimated time of death of a person, which will then be matched to the perpetrator's statement. From the perpetrator's statement, it will be assessed whether his confession is in accordance with the results of the forensic doctor's examination or not.

4. Making of Visum Et Repertum

When the examination of a person's body has been completed, the doctor will write a written report on what has been examined.

5. Protecting innocent people

In a forensic examination, it can be identified who has committed a crime against someone, so that by conducting a forensic examination, it is possible that cases of mistaken arrest will not occur.

6. Prosecution of the guilty

By conducting a forensic autopsy, investigators can help find the real perpetrator.

Autopsy is an important part of law enforcement, both in the investigation process carried out by investigators and in the process of determining or imposing sentences by judges. Autopsy is an examination of a human body that has become a corpse, which is carried out to find out whether the person died of natural causes or something happened to the person that caused the death. To find out whether a person died of natural causes or not, a forensic doctor will conduct an examination of the body, where the examination can be in the form of an external examination of the body first, followed by an internal examination of the body and other additional examinations. This is stated in the Chief of Police Instruction No. Pol. Ins/E/20/IX/75 which explains that it is not permissible to request a visum et repertum for a corpse if only an external examination is carried out, so the examination is carried out by dissecting the body parts of the corpse to find out the cause of death (Mahmudi, 2023).

An autopsy is not carried out carelessly on a corpse, it is necessary to first request an authorized party to carry out an autopsy. This has been regulated in Article 133 paragraph (1) of the Criminal Procedure Code which states "In the case that an investigator for the benefit of justice handles a victim, whether injured, poisoned, or dead which is suspected of being due to an event that constitutes a criminal act, he has the authority to submit a request to a forensic medical expert or a doctor and/or other expert". Article 222 of the Criminal Code also states "Anyone who intentionally prevents, obstructs or thwarts a forensic examination of a corpse, shall be subject to a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiah". This means that an autopsy must be carried out on a person whose death is irregular for the public interest or to achieve the truth about how a person died.

The results of the examination of the body will be stated in the Visum et Repertum which will later be used for the benefit of the court. Visum et Repertum is a written report made by a doctor regarding everything that has been seen or found on an object that has been examined or researched with the best knowledge. Before writing the written report, the doctor will be sworn in first, this is done so that the doctor writes the truth without adding or reducing what has been examined so that the report can later be accounted for by a forensic specialist doctor in court as a form of expert evidence.

Even if someone's death has been engineered, the cause of death can still be determined through an autopsy. Many murder cases are engineered so that the perpetrators can avoid punishment, such as in the recent major case involving Brigadier Nofriansyah Josua Hutabarat, whose death was engineered by his superior, Ferdy Sambo. The perpetrator's actions can be determined through an autopsy on Brigadier Josua's body, where the results of the autopsy written in Decision No.53/PID/2023/PT DKI found five gunshot wounds in the back of the

head on the left side, lower lip, right shoulder peak, and right side and left lower arm on the back side and there were four gunshot wounds exiting on the top of the nose on the right side, right neck, right upper arm, and left wrist on the front side. From the results of the autopsy carried out by forensic medicine that examined Brigadier Josua's body, it was concluded that the victim died due to gunshot violence in the chest area that had penetrated the lungs and fatal gunshot violence in the back.

The case example above shows that an autopsy is very necessary in proving the cause of someone's death. By making the results of the examination of the body as stated in the visum et repertum made by a forensic doctor, it provides a bright spot in a case. What was initially a case engineered as an accidental shootout, became a premeditated murder. This can be concluded not only from the results of the examination of witnesses who were at the scene, but based on the real results of the autopsy carried out on the victim's body. The body can indirectly tell the real incident through wounds or findings on the body by the forensic doctor, who will later be the forensic doctor who will tell the truth in the trial process through the visum et repertum that he has made based on the examination of the murder victim's body.

The Existence of Autopsy in Evidence in Trial of Murder Crimes

In the trial process, a judge must have at least two pieces of evidence from the five valid pieces of evidence according to the Law in deciding a case, where with at least 2 pieces of evidence the judge can determine and impose a sentence on the perpetrator of the crime. The evidence that is the basis for the judge's consideration in deciding a case that is being tried is contained in Article 184 of the Criminal Procedure Code, namely:

1. Witness testimony
2. Expert testimony
3. Letter
4. Defendant's Statement
5. Instruction.

The evidence will show whether someone is guilty or not guilty, which later in a murder case can achieve the material truth. In achieving material truth in a murder case, an action is needed to prove whether someone died naturally or died due to a crime, the action is in the form of an autopsy which is one of the evidence in proving the crime of murder. Of the five pieces of evidence, expert testimony is one of the most important pieces of evidence in a murder case. The expert testimony is obtained from a forensic doctor who performs an autopsy on a corpse whose death is considered unnatural. From the examination carried out, it will later be written into a written report called a visum et repertum. The writing of a visum et repertum

aims to convey the actual facts of the body of a person who died due to a crime so that later with the existence of a visum et repertum, it is hoped that law enforcers can apply the law to the perpetrator in accordance with norms or provisions.

Visum and repertum which is important at the time of proof in court is called corpus delicti (evidence). In the event of the loss of a person's life or destruction of a person's body, the victim's body is the corpus delicti which during the trial process cannot be presented or shown in public, so it is replaced with a visum et repertum as a written report regarding the examination by a forensic doctor of the victim's body. When the autopsy of the body has been completed, the forensic doctor will then be asked for information regarding what he has found through the autopsy of the victim's body as regulated in Article 179 of the Criminal Procedure Code which states:

1. Every person who is asked for his opinion as a forensic medical expert or other medical specialist is obliged to provide expert testimony for the sake of justice.
2. All of the above provisions for witnesses also apply to those who provide expert testimony, with the provision that they take an oath or promise to provide the best and most truthful testimony according to their knowledge of their field of expertise.

Where later through the forensic expert's statement can provide a bright spot, clarity or disclosure of a mystery about a case so as to make it easier for the judge to make a right decision or impose a sentence on the perpetrator who has committed a crime. Autopsy is a method in determining whether the murder was committed instantly or was done in a planned manner. From the results of the autopsy it will be seen how someone died, so from the results of the victim's autopsy the judge can consider the sentence that will be imposed on the perpetrator in court by considering the elements of the murder article. There are several types of murder, namely:

1. Common murder

This type of murder is contained in Article 338 of the Criminal Code with the elements of the act must be intentional and the intentional act is instantaneous with the intention that someone dies. With a maximum sentence of fifteen years.

2. Qualified murder

There is in Article 339 of the Criminal Code which is murder followed, accompanied or preceded by a crime. With a sentence of life imprisonment or for a certain period, a maximum of twenty years.

3. Premeditated murder

This type of murder is regulated in Article 340 of the Criminal Code where the act is done intentionally and before committing the act has been planned in advance. This type of murder is threatened with the death penalty or life imprisonment.

4. Infanticide

Articles 341 and 342 of the Criminal Code regulate a mother who intentionally kills her child at birth or shortly after birth. Article 341 of the Criminal Code is subject to a seven-year prison sentence, while Article 342 of the Criminal Code, which is carried out with prior planning, is subject to a nine-year prison sentence.

5. Murder at the victim's request.

Article 334 of the Criminal Code clearly regulates the prohibition of euthanasia. Euthanasia is an act carried out to eliminate a person's suffering by ending his life. If euthanasia is carried out, the person who carries out the act is threatened with a maximum prison sentence of twelve years.

6. Incitement to suicide

Article 354 of the Criminal Code explains that someone who incites another person to commit suicide. It is further explained that if the incitement causes someone to actually die as a result of the incitement to commit suicide, then they will be threatened with a maximum prison sentence of four years.

7. Abortion

The article that regulates this act is contained in Article 346 where the act of abortion is carried out by the pregnant person herself with the threat of a maximum prison sentence of four years. Article 347, namely abortion carried out by another person without the consent of the pregnant woman is punished with a maximum of twelve years in prison. While Article 348 where the act of abortion is carried out with the permission of the woman is punished with a maximum of five years and six months in prison (Dewi, dkk, 2024).

Decision No.53/PID/2023/PT DKI is one of the cases of premeditated murder, which at that time was engineered only as a shootout between fellow police officers at the house of a two-star general named Ferdy Sambo. The premeditated murder was uncovered through a second autopsy on the victim named Brigadier Nofriansyah Josua Hutabarat, which turned out that the second autopsy revealed that Ferdy Sambo was the one who planned to kill the victim and also participated in shooting once in the back of the victim's head on the left side to ensure

that the victim was no longer alive. Ferdy Sambo's actions are categorized as premeditated murder under Article 340 of the Criminal Code, which contains the following elements:

1. There is the word "Whoever" or any person who is a legal subject who can be held criminally responsible.
2. There is the word "intentionally" which means that the perpetrator has the will to cause a certain consequence because of a certain motive.
3. Having a plan in advance means that there is a gap between the plan and the actions that will be carried out in a structured manner.
4. Committing the taking of another person's life (Dini, 2023).

The above elements are suspected of the perpetrator based on the results of the autopsy conducted on the victim's body, so that the judge decided the case by imposing Article 340 of the Criminal Code on the perpetrator which had previously been considered based on the matching between the results of the victim's autopsy explained by the expert with the testimony of witnesses or with the testimony of the perpetrator based on Article 183 of the Criminal Procedure Code which states "A judge may not impose a sentence on a person unless with at least two valid pieces of evidence, he obtains the conviction that a crime actually occurred and that the defendant is guilty of committing it". With the expert testimony explaining the contents of the visum et repertum, it can help law enforcers in achieving legal certainty.

4 CONCLUSION

Autopsy is a surgical procedure conducted to uncover facts through examination of a corpse whose death is considered unnatural. The purpose of an autopsy is to assist in identifying bodies, such as those of mutilation victims, fire victims, decomposed bodies, and victims of natural disasters, among others. In addition, an autopsy serves to estimate the time of death, determine the cause of death, reveal the perpetrator through fingerprints found on the victim's body, and understand how the perpetrator killed the victim, among other functions.

An autopsy is a crucial procedure in the investigation of homicide cases, as stipulated in Article 184 of the Criminal Procedure Code, which identifies it as an important piece of evidence in court. The results of the autopsy are documented in a visum et repertum, which is a written report detailing the findings from the examination of the body. This visum et repertum will later be explained by an expert during the trial, and from the results of the autopsy, it can also be determined whether the murder was committed spontaneously or planned in advance.

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