

The Role of Police Forensic Laboratory Results as A Legal Power of Evidence In Judges' Decisions on Criminal Acts of Narcotics Abuse

Diaryke Rizki Tyasanti*), Lathifah Hanim**) and Ira Alia Maerani***)

*) State Prosecutor, E-mail: diaryke86@gmail.com

) & *) Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang

Abstract.

The purpose of this paper is to examine, identify and analyze the efforts to apply the role of forensic laboratories as legal force for judges' decisions against narcotics abuse. In this paper, the author uses a normative juridical method. In the discussion that the role of the forensic laboratory is important in uncovering crime cases through the process of examining evidence, because the evidence system according to forensic science is the existence of triangular evidence at the crime scene, there is a chain between the victim, the evidence and the perpetrator. Therefore, not all crimes can be known and revealed through the statements of witnesses and suspects or defendants, but evidence can also provide clues or information on a crime that has occurred, because the results of the examination of evidence from the forensic laboratory there are three pieces of evidence that the laboratory can be fulfilled from five valid evidence based on Act No. 8 of 1981 concerning Criminal Procedure Code Article 184 paragraph (1) namely expert statements, letters, and instructions. Forensic Laboratory is a place that is used to prove from a document or circumstances that are used as evidence in a case. From the provisions of Article 187 letter b of the Criminal Procedure Code, it is stated that a letter made according to the provisions of the legislation or a letter made by an official regarding matters referred to in the management that is his responsibility and is intended to prove something or a situation.

Keywords: Forensic; Laboratory; Narcotics.

1. Introduction

Presidential Instruction No. 2/1999 and TAP MPR No. 6/2000 on the separation of the National Police from the TNI, were also strengthened by TAP MPR No. 7/2000 on the Role of the TNI and the Indonesian National Police. The police are trying to build an image as well as a new paradigm. The image of the Indonesian National Police, which was originally militaristic and tends to be repressive, has gradually begun to change with a new paradigm as a protector, protector, and public servant (to serve and protect), a modern and trusted professional. However, it is realized that it is not easy to make changes to the militaristic culture and paradigm of state instruments that are already rooted in the police.¹

The role of the National Police Forensic Laboratory as an expert in its field is in accordance with Article 7 paragraph (1) letter h and Article 120 paragraph (1) of the Criminal Procedure Code in processing the Crime Scene (TKP) by applying the scientific crime investigation (SCI) method. Therefore, it is the right momentum for the National Police to always empower scientific investigations

¹Satjipto Rahardjo. (2007). *Membangun Polisi Sipil Perspektif Hukum, Sosial & Masyarakat*, Penerbit Buku Kompas, Jakarta, p.75.

(Scientific Crime Investigation / SCI). Criminalistics/forensic science is conveyed as early as possible to Polri educational institutions, investigators, prosecutors, judges in the hope that later they can become a reliable law enforcer (enforce the rule of law) who already has a criminalistic perspective. Indonesia adheres to an integrated law enforcement system (Integrated Criminal Justice System) which is the legal spirit of the Criminal Procedure Code.²

Along with the development of science and technology, nowadays no less developing is the influence of the use of drugs among the public this is as a result of progress. Science and technology are increasingly developing rapidly, and one of the most prevalent problems today is the problem of Narcotics and Psychotropics.³

Circulation of Narcotics and Psychotropics irresponsibly has become increasingly widespread in the community. This will certainly be more worrying, especially since we know that those who use Narcotics and Psychotropics a lot are the younger generation (the next generation of the nation) who are the hope and foundation of the nation in the future.⁴

Narcotics are substances that can cause unconsciousness or anesthesia because these substances work to affect the central nervous system. This definition of narcotics includes opiates, such as morphine, cocaine, and heroin, or substances made from opiates such as meripidine and methadone.⁵ Narcotics abuse is a form of behavioral deviation as said by Dr. Mardani: "Narcotics abuse is the use of narcotics outside of medical indications, without a doctor's instructions or prescription, and its use is pathological (causing abnormalities) and creates obstacles in activities at home, school or campus, workplace, and social environment".⁶

Evidence found because of a narcotics abuse case must be carefully examined and examined, because it can affect a judge's decision concerning the freedom of a person's life with the sentence imposed. To examine and examine the evidence of narcotics abuse found, the evidence will be sent back to be used as evidence in the Court, where the evidence can determine the future fate of the suspect, whether proven guilty or not.

Material truth requires sophisticated and advanced tools and of course requires no small amount of money. Therefore, if narcotics evidence is sent to the branch Forensic Laboratory for examination but the required equipment is inadequate or not available, the evidence will be sent to the central Forensic

²Romli Atmasasmita. (1996). *Sistem Peradilan Pidana; Perspektif Eksistensialisme dan Abilisionisme*, Cet II revisi, Bina Cipta, Bandung, p. 9-10.

³Ade Christian Manapa. (2019). *Policy Formulation of Criminal Law against Narcotics Traffickers Based On Justice Value*, Jurnal Daulat Hukum, 2 (4), url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8385/3895>

⁴Asep Suherdin and Maryanto. (2019). *Analysis of Law Enforcement to Drugs Criminal Act in Military Environment (Case Study in Jurisdiction of Military Court II/09 Bandung)*, Jurnal Daulat Hukum, 2 (4), url: <http://jurnal.unissula.ac.id/index.php/RH/article/view/8357/3872>

⁵Djoko Prakoso. (1986). *Kejahatan-Kejahatan Yang Merugikan dan Membahayakan Negara*, Bina Aksara, Jakarta, p. 481.

⁶Mardani. (2008). *Penyalahgunaan Narkoba Dalam Perspektif Hukum Islam dan Hukum Pidana Nasional*, Jakarta: PT Raja Grafindo Persada, p.2

Laboratory for further examination. Efforts to more evenly distribute the scientific examination of evidence, namely the existence of Forensic Laboratory branches.⁷

Based on this background, the purpose of this paper is to examine, identify and analyze the applicative efforts of the forensic laboratory's role as legal force for judges' decisions against narcotics abuse.

2. Research Methods

To conduct an assessment in this writing, the author uses a normative juridical method. This study uses a writing specification with a descriptive method with the process of solving a problem investigated by describing or describing the current state of the subject or object of research based on the facts that appear or as they are.⁸The data used for this research is secondary data. To obtain data in this paper, secondary data collection methods were used which were obtained from literature books, laws, and the opinions of legal experts.

3. Result and Discussion

Applicative Efforts for the Role of Forensic Laboratories as Legal Force for Judges' Decisions on Narcotics Abuse

The implementation of SCI/Criminalism/Forensics in crime scene processing is a quality assurance (Quality Assurance) and quality control (Quality control). In the implementation of crime scene processing, the implementation plays an important role in the process of creating judges' beliefs for the determination of judicial decisions and is a valid and undeniable evidence because it is based on scientific principles.⁹

The role of the Forensic Laboratory, namely as an expert, is needed at every stage of the examination of the case which is closely related to the effort to prove the case in question, and in the end the evidence must be carried out in front of the trial. In relation to proving criminal cases, in general, the role of expert testimony can be given in two forms, the first is a written statement commonly called *Visum et Repertum* and expert testimony (results of laboratory research).¹⁰

The doctor in this case is a Forensic Laboratory expert doctor can provide assistance in relation to the judicial process in terms of:

- Inspection at the crime scene. In general, it is requested by investigators or courts in terms of revealing the cause of the crime. Examination by a forensic expert is very important in determining the cause of the crime, in this regard the doctor will make a report on the minutes of the criminalistic laboratory examination.

⁷Musa Perdana kusuma. (1984). *Bab-Bab Tentang Kedokteran Forensik*, Jakarta, Ghalia Indonesia, p.111

⁸Soemitro. (1998). *Metodologi Penelitian Hukum dan Jurimetri*, Jakarta, Ghalia Indonesia, p. 24

⁹Teguh Prihmono, Umar Ma'ruf, and Sri Endah Wahyuningsih. (2018). *Peran Laboratorium Forensik Polri Sebagai Pendukung Penyidikan Secara Ilmiah Dalam Sistem Peradilan Pidana Di Indonesia*, Jurnal Hukum Khaira Ummah, 13. (1)

¹⁰Distty Rosa Permanasari Harry Tanto. (2011). *Fungsi Dan Peran Laboratorium Forensik Dalam Mengungkap Sebab-Sebab Kematian Korban Tindak Pidana Pembunuhan (Studi Pada Laboratorium Forensik Cabang Semarang)*, Skripsi, Universitas Negeri Semarang, p. 6

- Evidence check
- Giving testimony in court, in this case what is said by him (forensic expert) will be categorized as expert testimony).¹¹

The role of the forensic laboratory is important in uncovering crime cases through the process of examining evidence, because the evidence system according to forensic science is the existence of a triangular evidence at the crime scene, so there is a chain between the victim, the evidence and the perpetrator. Therefore, not all crimes can be known and revealed through the statements of witnesses and suspects or defendants, but evidence can also provide clues or information on a crime that has occurred, because the results of the examination of evidence from the forensic laboratory there are three pieces of evidence that the laboratory can be fulfilled from five valid evidences based on Act No. 8 of 1981 concerning Criminal Procedure Code Article 184 paragraph (1) namely expert statements, letters, and instructions.

The role of the forensic laboratory in the settlement of criminal cases in court is to assist law enforcement in finding and proving the elements charged with the perpetrators. With the help of the forensic laboratory, it will provide an overview of the causal relationship between the victim and the perpetrator of the crime by knowing the report in the forensic examination.

Evidence is important for revealing a criminal event at the level of investigation or at a court hearing, by connecting with witnesses or defendants when asked for their statements. Evidence that can be submitted in a psychotropic criminal case is goods in the form of basic ingredients, powder or flour, crystals or in the form of pills (drugs) which are included in Narcotics. In addition, goods or equipment related to the criminal incident, such as bottles as a means of smoking methamphetamine, money from the sale of ecstasy pills, offer letters, vehicles to transport the goods and so on.

As stated in Act No. 35 of 2009 concerning Narcotics Article 75, BNN investigators are authorized to "Perform urine tests, blood tests, hair tests, deoxyribonucleic acid (DNA) tests, and/or other body parts tests". That this is the role of urine test results in proving narcotics crimes is very necessary in order to prevent and deliver suspects accused of narcotics crimes to court for processing in accordance with applicable law.¹² Based on the results of in-depth interviews with people related to the title of the author, everyone who is processed by investigators because they are proven to have or use narcotics must have at least two pieces of evidence sufficient to make that person a suspect.

Each suspect being processed must first find valid evidence according to the law, in other words the investigator team has found strong evidence or one of the items that a suspect used at the time of his arrest. In addition, if the suspect has found the goods in their possession or the narcotics they used at the time of the arrest, the first evidence has been obtained to process the person in court, but to process a person to become a suspect in court, at least two legal evidence according to law. After finding the first evidence or evidence, the investigator must obtain the second evidence or evidence.

¹¹Ibid, p. 67-68.

¹²Siswanto Sunarso. 2015. *Penerapan Hukum Psikitropika*, Studi Sosiologi Hukum, Jakarta, PT RajaGrafindo Persada, p. 50

The way investigators obtain the second piece of evidence is that the investigator must conduct a urine test on a person who commits the narcotic crime. A sample of the user's urine is taken and then taken for examination whether the urine is positive or negative using narcotics. At the time of urine examination, if the result is positive, in other words, the user has indeed used narcotics, then two valid pieces of evidence have been obtained according to the law.

Forensic laboratories in examining Narcotics evidence have a very important role, namely as evidence in court for the occurrence or not of Narcotics crime, determining the status of a person in a Narcotics case, namely from suspect to defendant and finally becoming a convict, guaranteeing legal certainty, meaning by the existence of an examination in the forensic laboratory, the perpetrators are punished and those who are not proven are released so that the rule of law can be enforced. The results of forensic laboratory examinations can provide directions and instructions for the process of investigation, investigation, filing, and can be used as evidence in court in the form of letter evidence and expert evidence which are considered by judges in making decisions in criminal justice.

Basically, evidence produced from forensic laboratory examinations can be categorized into evidence of expert testimony and documentary evidence. The reason the urine test results can be included in the category of expert testimony evidence is because in carrying out the laboratory examination of course using the services of an expert in the field of forensics. As explained in the KUHP Article 1 number 28, as follows:

"Expert testimony is information given by a person who has special expertise on matters needed to make light of a criminal case for the purpose of examination".

With regard to the explanation of the article, it is clear that the information on the results of the Forensic Laboratory is given by a person with special expertise, who is assigned to the Regional Police of the Republic of Indonesia in the Field of Forensic Laboratory to make clear cases of criminal acts of narcotics abuse for the purpose of examination. For this reason, the results of the Forensic Laboratory on Evidence in the case of a criminal act of narcotics abuse have fulfilled the elements contained in the explanation of Article 1 number 28 of the Criminal Procedure Code. However, in the next setting in Article 186 of the Criminal Procedure Code, it reads as follows:

"Expert testimony is what an expert declares in court."

Forensic Laboratory is a place that is used to prove from a document or circumstances that are used as evidence in a case. From the provisions of Article 187 letter b of the Criminal Procedure Code, it is stated that a letter made according to the provisions of the legislation or a letter made by an official regarding matters referred to in the management that is his responsibility and is intended to prove something or a situation.

The existence of the Forensic Laboratory is a place where the implementation of its functions is regulated in the provisions of Act No. 2 of 2002 concerning the State Police of the Republic of Indonesia and is closely related to the event being investigated, namely in the Regulation of the Chief of the National Police Number 10 of 2009 concerning Procedures and Requirements for Requests

for Criminal Investigation of Crime Scenes and Evidence Laboratories under the Police Criminal Investigation Unit.

Evidence is the central point of examination of cases in court proceedings. According to C. Djisman Samosir regarding evidence and evidence, namely in every examination, whether it is an examination with an ordinary procedure, a brief program, or a quick procedure, each piece of evidence is needed to assist the judge in making his decision. This evidence is very necessary, because a judge may not impose a sentence on a person unless with at least two valid pieces of evidence and the judge obtains the belief that a criminal act has actually occurred and the defendant has committed the act. Thus the evidence is very important in an effort to find the truth or in an effort to find out who did the act.¹³

Before making a decision, the judge needs to consider several aspects, both juridical and non-juridical aspects. The juridical aspect is based on the assessment of the results of the evidence of the articles indicted by the Public Prosecutor, while the non-juridical aspects are matters that are closely related to the social, economic and personality conditions of the defendant which can be described in aggravating and mitigating matters.

The definition of judge's own judgment is an opinion about good and bad in making a decision. The decision made by the judge in court depends on the consensus of the judges based on the assessment they get from the indictment related to everything that is proven in the examination in court. Decisions are the result of conclusions from something that has been considered and assessed thoroughly, which can be in written or oral form. There are also those who interpret the decision or verdict as a permanent (definitive) verdict, regarding the word decision which is translated from a verdict is the final result of examining cases in court.¹⁴In this case, the role of the Forensic Laboratory in analyzing narcotic evidence is none other than maximizing the judge's decision in order to achieve legal certainty in the decision.

4. Conclusion

The role of the forensic laboratory is important in uncovering crime cases through the process of examining evidence, because the evidence system according to forensic science is the existence of a triangular evidence at the crime scene, so there is a chain between the victim, the evidence and the perpetrator. Therefore, not all crimes can be known and revealed through the statements of witnesses and suspects or defendants, but evidence can also provide clues or information on a crime that has occurred, because the results of the examination of evidence from the forensic laboratory there are three pieces of evidence that the laboratory can be fulfilled from five valid evidences based on Act No. 8 of 1981 concerning Criminal Procedure Code Article 184 paragraph (1) namely expert statements, letters, and instructions. Forensic Laboratory is a place that is used to prove from a document or circumstances that are used as evidence in a case. From the provisions of Article 187 letter b of the Criminal Procedure Code, it is stated that a

¹³C.Djisman Samosir. (1985). *Jaksa Dan Hakim Dalam Proses Pidana*, Bina Cipta, Bandung, p.79

¹⁴Mulyati Pawennei dan Rahmanuddin Tomalili. (2015). *Hukum Pidana*, Mitra Wacana Media, Jakarta, p.36

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