

## The Legal Position of Fingerprints in Revealing Criminal Acts of Murder

Mulyadi\*)

\*) Faculty of Law, Universitas Islam Sultan Agung Semarang, Indonesia, E-mail:  
[mol.serse@gmail.com](mailto:mol.serse@gmail.com)

**Abstract.** *This study aims to identify and analyze the legal position of fingerprints in uncovering criminal acts of murder at the Blora Resort Police and to analyze the legal power of fingerprints in proving a crime of murder at the Blora Resort Police. This research approach method is sociological juridical, descriptive analytical research specifications. The type of data uses primary data and secondary data so that the data collection method is through field research and library research. The method of data analysis is qualitative analysis. Based on the results of the study it was concluded that the position of fingerprints is as evidence for expert testimony. The strength of proof with fingerprints is strong, but there must be other evidence that fingerprints cannot stand alone without other evidence.*

**Keywords:** *Crime; Fingerprints; Murder.*

### 1. Introduction

Indonesia is a state based on law, this is as mandated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "the State of Indonesia is based on law and not based on mere power". Thus, Indonesia guarantees human rights in the field of law, namely guaranteeing that citizens have the same position before law and government.<sup>1</sup>

Law is a collection of coercive regulations, which determine human behavior in a social environment, which are made by official state bodies and contain strict sanctions for these regulations.<sup>2</sup> The law works by providing instructions about behavior and functions as a form of social control in society, so that behavior that deviates from the law does not occur.

---

<sup>1</sup>Anton Rudiyanto, Function of Fingerprints of Murderers (Case Study at Tegal Police), Journal of Khaira Ummah Law, Volume 12 Number 4 December 2017, p.928, url  
[:http://jurnal.unissula.ac.id/index.php/jhku/article/viewFile/2568/1925](http://jurnal.unissula.ac.id/index.php/jhku/article/viewFile/2568/1925)

<sup>2</sup>Ishaq, Fundamentals of Law, Sinar Graphic, Jakarta, 2012, p. 3.

Along with the development of the times, the influence on crime also developed as well. Crime is a social phenomenon, the age of crime is the same as the age of human civilization itself, so where there is society there must be crime. Crime is a social phenomenon that is always faced by people in this world. As for human efforts to eradicate it, it will not be possible to completely eradicate it, because indeed the crime cannot be eradicated, unless it is reduced in intensity and quality.<sup>3</sup>

The development of crime in society is closely related to changes in society both in the self of each individual human being and in social conditions and environment. The various influences and causes for the growth of crime can reflect the fact that there are more and more crimes with different types, degrees and different characteristics.<sup>4</sup>

One of the most frightening types of crime is murder. Several studies have shown that members of the lower social strata with feelings of "relative deprivation" and increased expectations have developed an impatience with their social mobility and in turn eliminated hesitation to use violent means such as murder.<sup>5</sup> The law has regulated the criminal act of murder in the Criminal Code, namely in Chapter XIX concerning crimes against life which are broken down in Articles 338 to Article 350 of the Criminal Code.

The background to the killings in Indonesia varies widely. Apart from being influenced by the motives or background of the perpetrators, this is also an illustration of the decline in the nation's morals. Moral decline, economic pressure, impatience and hatred are some of the factors that lead to killings. The harshness of life and the fragility of religious education may also be a factor in how easily one person kills another.<sup>6</sup>

In the context of law enforcement, if an incident occurs that is suspected or reasonably suspected to be a criminal act, the legal apparatus is obliged to take various actions in accordance with their respective authorities as determined by the applicable laws and regulations. For the police, the intended action is to carry out an investigation by investigators and then continue with the investigation as an action to find and collect evidence so that the crimes found can become clear and can find and determine the perpetrators.<sup>7</sup> This is as regulated in Article 16 paragraph (1) of Act No. 2 of 2002

---

<sup>3</sup>Safaruddin Harefa, Law Enforcement of Crime in Indonesia Through Positive Criminal Law and Islamic Criminal Law, Ubelaj, Volume 4 Number 1, April 2019, p. 39.

<sup>4</sup>Bambang Poernomo, 1999, Growth of Deviation Law Outside the Codification of Criminal Law, Jakarta: Bina Script, p. 10

<sup>5</sup>Ismail Rumadan, 2007, Criminology Studies on the Causes of Crime, Yogyakarta: Grha Guru, h. 31.

<sup>6</sup>Budi Setiawan, Anis Mashdurohatun and Munsyarif Abdul Chalim, Investigation of the Offenders of the Crime of Accused Murder at the Central Java Regional Police, Journal of Khaira Ummah Law, Volume 12 Number 4 December 2017, p. 910, URLs

:<http://jurnal.unissula.ac.id/index.php/jhku/article/view/2308/1736>

<sup>7</sup>Kusfitono, Umar Ma'ruf and Sri Kusriyah, Implementation of Constitutional Court Ruling Number 130/PUU-XIII/2015 Against the Process of Investigating Criminal Acts of Burglary at the Kendal Police Criminal Investigation Unit, Khaira Ummah Law Journal, Vol. 12. No. 4 December 2017, h.863, url :<http://jurnal.unissula.ac.id/index.php/jhku/article/view/2303>

concerning the Indonesian National Police.

In the crime of murder, in finding the identity of the perpetrators of crime, it is necessary to have evidence, including fingerprints. To find initiatives to clarify a criminal case, investigators need the suspect's fingerprints, this is to avoid mistakes in proving at trial. Fingerprints are also used by investigators in arresting suspects, if the suspect runs away or does not want to admit what he did.

Fingerprints, which in English are called fingerprints, are taken during the investigation process to examine further evidence that may be left at the crime scene (TKP). The results achieved from the investigation earlier is a knowledge called dactyloscopy or knowledge of fingerprints.<sup>8</sup>

Each person's fingerprint has a different formula and form so that a person's fingerprint helps the police in uncovering the identity of the perpetrator more quickly, and as soon as possible the perpetrator can be caught. The fingerprint function itself is a process of analyzing the structure of the wrinkles on the perpetrator and is carried out by the police to identify and distinguish between one person and another. In the world of identification, the function of fingerprints is to carry out investigations in a crime case. The level of accuracy of the fingerprint structure can be compared to someone who is suspected of committing a crime. The effectiveness of fingerprints has an influence on the matter of proving that fingerprints that can compare are the same or not those who allegedly committed a crime so as to obtain the required evidence.<sup>9</sup>

Fingerprints for investigators have an important role in finding or reacquainting suspects or perpetrators, in order to make light of a crime as well as catch the culprit. Fingerprint examination is carried out only in certain crime cases where the suspect leaves fingerprints or evidence at the crime scene. Evidence in the form of fingerprints cannot be avoided by the suspect, because a person's fingerprints will not change throughout his life and no two people will have the same fingerprints.

Examination of fingerprints is one way to look for evidence in finding the perpetrators of the crime of murder. As for valid evidence according to the provisions of Article 184 paragraph (1) of the Criminal Procedure Code (KUHAP) are witness statements, expert statements, letters, instructions, and statements of the accused. The results of the fingerprint examination are in the form of a statement made by an expert so that it can be qualified as expert testimony. This is because reading fingerprints requires special expertise in order to be able to provide explanations to investigators or the panel of judges regarding matters of a technical nature that are generally unknown to investigators or the panel of judges.<sup>10</sup>

---

<sup>8</sup>M Karjadi, 1971, *Actions and First Investigation at the scene of the Case*, Jakarta: P. Gita Karya, h. 54.

<sup>9</sup>Anton Rudianto, *Op.Cit.*, p.929.

<sup>10</sup>Nancy C.Kereh, *The Function of Fingerprint Evidence in Exposing the Crime of Premeditated Murder, Lex et Societatis*, Vol. IV/No. 7/July/2016, p.79

In the jurisdiction of the Blora Police, there have been murder cases, one of which was the murder case of an elementary school victim, whose body was found in a crooked rice field, Balun Village, Cepu District, Blora Regency. To uncover this case, the Blora Police carried out an investigation and investigation to uncover the perpetrators of the crime, one of which was by examining fingerprints.

The results of the fingerprint examination in the form of an expert certificate are one of the pieces of evidence in Article 184 paragraph (1) of the Criminal Procedure Code. Proof by using fingerprints is a very accurate scientific proof. Identification of fingerprints left at the crime scene can prove the perpetrator of the crime of murder. Meanwhile, the identification of victims whose identities are known, then taking the victim's fingerprints serves to complete the minutes and as a means to clarify the identity of the victim.

In the examination of criminal cases in court, the results of fingerprint examination in the form of an expert's certificate can expedite the judicial process, because the suspect can immediately be presented before the court session along with strong evidence. Fingerprints along with valid evidence are taken into consideration by judges in deciding a criminal case in court.

This study aims to determine and analyze the legal position of fingerprints in uncovering criminal acts of murder at the Blora Resort Police and to analyze the legal power of fingerprints in proving the crime of murder at the Blora Resort Police.

## **2. Research Methods**

This research approach method is sociological juridicalnamely in research based on normative law but also observing how reactions and interactions occur when the system of norms works in society.<sup>11</sup>The specification of descriptive analytical research is to provide a systematic description or description of a phenomenon that occurs in society.<sup>12</sup>The types of data are primary data and secondary data while the method of data collection is field studies and literature studies. Methods of data analysis using qualitative analysis, namely analysis that is non-statistical/non-mathematical.

## **3. Results and Discussion**

### **3.1. Position of Fingerprint Law in Revealing Criminal Acts of Murder at the Blora Resort Police**

Fingerprint identification or dactyloscopy is to formulate fingerprint patterns on the same palm, left or right. There are several types of fingerprint identification methods, namely the Henry, Rocher and Vucetich methods. Indonesia itself uses the Henry Method. The

---

<sup>11</sup> Mukti Fajar ND and Yulianto Achmad, 2013, *Dualism of Normative and Empirical Legal Research*, Yogyakarta: Student Library, h. 47.

<sup>12</sup> M. Djunaidi Ghoni and Fauzan Almansur, 2012, *Qualitative Research Methodology*, Yogyakarta :ar-Ruzz Media, h. 25.

function of fingerprints is to reveal crimes, one of which is the crime of murder.<sup>13</sup>

In the crime of murder at the Blora Police, investigators use fingerprint examination to identify a perpetrator or victim. The investigator's authority in taking fingerprints is contained in Article 7 paragraph (1) letter f of the Criminal Procedure Code and Article 15 paragraph (1) letter h of Law no. 2 of 2002 concerning the National Police, which basically states that in carrying out their duties, the Police have the authority to take fingerprints and other identities as well as take a picture of a person.

In the crime of murder, fingerprint identification is carried out if the victim and perpetrator are unknown or their identities are still blurred or their identities are known. Thus, in the crime of murder, the emphasis will be on fingerprint identification. Fingerprint identification is carried out to find out the identity of the victim or perpetrator with several comparison materials accompanied by other evidence. The latent fingerprints found at the TKP will be compared with the fingerprints of the suspected person based on witness statements or with the police files. Evidence from witnesses can be used as a basis for taking fingerprints of people suspected of being the perpetrators. Besides that,

The results of the fingerprint examination are the basis for investigators to determine a person as a suspect in the crime of murder. The position of fingerprints in identifying victims and perpetrators of crimes is very important to scientifically reveal or prove victims and perpetrators. The results of the fingerprint examination are in the form of a certificate so that they are categorized as evidence of expert testimony.

### **3.2. The Power of Fingerprint Law in Proving the Crime of Murder at the Blora Resort Police**

Evidence is a problem that plays a role in the examination process in court. The fate of the accused for the crime of murder will be determined based on the evidence. In the event that there is insufficient evidence, the defendant is acquitted of the crime, but if the defendant can be proven with evidence, the defendant is found guilty and sentenced to a sentence.

In criminal cases, based on the provisions of Article 184 of the Criminal Procedure Code, there are five valid pieces of evidence, namely witness statements; expert testimony; letter; pointer; and the testimony of the accused. Identification of fingerprints is evidence of expert testimony.

The results of examination of fingerprints at the investigation stage can be used as the basis for initial evidence or instructions to narrow down presumptions and strengthen the police's belief in a person suspected of having committed a criminal act of murder before being named a suspect. In this case fingerprint identification is strong initial evidence as a

---

<sup>13</sup>Rahmat Sufyan Fuadi and Ira Alia Maerani, Position of Fingerprints in the Criminal Investigation Process (Case Study at the Pati Resort Police), Proceedings of the Unissula Student Scientific Conference (KIMU) 2, Sultan Agung Islamic University, Semarang, 18 October 2019, p.543

basic reference for establishing a suspect. At the investigation stage, fingerprint identification is very strong initial evidence to prove someone as a suspect. Identification of fingerprints is strong evidence that investigators have to refute and prove someone's involvement and make him a suspect.<sup>14</sup>

The use of these fingerprints itself can really support a process of proving evidence, because these fingerprints prove very accurate because everyone's fingerprints are not the same. In the proof system, the influence of fingerprints is very large compared to other evidence.<sup>15</sup>

The strength of proof with fingerprints is strong, but there must be other evidence because basically fingerprints are only supporting evidence. Fingerprints cannot stand alone without other evidence.

Fingerprints can help the process of proof in investigations, whereby using fingerprints can find out the identity of the perpetrator of a crime of murder or a victim of a crime of murder. changes throughout life, the papilloma line will not change except for its size, besides that it has the highest accuracy compared to other methods. With this fingerprint identification, witnesses and victims cannot avoid it.

The strength of fingerprint evidence as a guide in the investigation of criminal acts of theft is clearly valid and has the same validity as other evidence. The validity of this fingerprint evidence is undeniable.

#### **4. Conclusion**

The position of fingerprints in identifying victims and perpetrators of crimes is very important to scientifically reveal or prove victims and perpetrators. The results of the fingerprint examination are in the form of a certificate so that they are categorized as evidence of expert testimony. The strength of proof with fingerprints is strong, but there must be other evidence that fingerprints cannot stand alone without other evidence. Given the importance of fingerprints in detecting criminal acts of murder, to avoid mistakes the examiner must be truly professional.

#### **5. References**

Anton Rudiyanto, Function of Fingerprints of Murderers (Case Study at Tegal Police), *Journal of Khaira Ummah Law*, Volume 12 Number 4 December 2017.

---

<sup>14</sup>Heri Siswanto, Analysis of the Role of Sidik Jare Identification in Disclosure of Crime, *Fiat Justisia Journal of Legal Studies*, Volume 1 No. 1, January-April 2007, p.40

<sup>15</sup>Uswatun Hasanah, Yulia Monita, Sidik Jare as Supporting Evidence in the Criminal Case Investigation Process, *Pampas : Journal of Criminal Law*, Vol 1 No 3, 2020, p.148.

Bambang Poernomo. (1999). Growth of Deviation Law Outside of Codification of Criminal Law, Jakarta: Bina Script.

Budi Setiawan, Anis Mashdurohatun and Munsyarif Abdul Chalim, Investigation of Criminal Offenders with Weighting at the Central Java Regional Police, Journal of Khaira Ummah Law, Volume 12 Number 4 December 2017.

Heri Siswanto, Analysis of the Role of Sidik Jare Identification in Disclosure of Crime, Fiat Justisia Journal of Legal Studies, Volume 1 No. 1, January-April 2007.

Ishaq. (2012). Fundamentals of Law, Jakarta: Sinar Graphic.

Ismail Rumandan. (2007). Criminology Study of the Causes of Crime, Yogyakarta : Grha Guru.

Kusfitono, Umar Ma'ruf and Sri Kusriyah, Implementation of Constitutional Court Ruling Number 130/PUU-XIII/2015 Against the Process of Investigating Criminal Acts of Burglary at the Kendal Police Criminal Investigation Unit, Khaira Ummah Law Journal, Vol. 12. No. December 4, 2017.

M Karjadi. (1971). Actions and First Investigation at the scene of the incident, Jakarta: P. Gita Karya.

M. Djunaidi Ghoni and Fauzan Almansur. (2012). Qualitative Research Methodology. Yogyakarta :ar-Ruzz Media.

Mukti Fajar ND and Yulianto Achmad. (2013). Dualism of Normative and Empirical Law Research, Yogyakarta: Student Library.

Nancy C.Kereh, The Function of Fingerprint Evidence in Exposing the Crime of Premeditated Murder, *Lex et Societatis*, Vol. IV/No. 7/July/2016.

Rahmat Sufyan Fuadi and Ira Alia Maerani, Position of Fingerprints in the Criminal Investigation Process (Case Study at the Pati Resort Police), Proceedings of the Unissula Student Scientific Conference (KIMU) 2, Sultan Agung Islamic University, Semarang, 18 October 2019

Safaruddin Harefa, Law Enforcement Against Crime in Indonesia Through Positive Criminal Law and Islamic Criminal Law, Ubelaj, Volume 4 Number 1, April 2019.

Uswatun Hasanah, Yulia Monita, Sidik Jare as Supporting Evidence in the Criminal Case Investigation Process, Pampas: Journal of Criminal Law, Vol 1 No 3, 2020.