

The Role of Investigators in Resolving Criminal Acts of Assault Resulting in the Death of the Victim

Kristono Indra Yulianto¹⁾ & Muhammad Ngazis²⁾

¹⁾Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail: samberto23@gmail.com

²⁾Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail: muhammadngazis@unissula.ac.id

Abstract: *This study aims to determine and analyze the role of investigators in resolving criminal acts of abuse resulting in death, obstacles and solutions. The approach method is sociological juridical, the research specification is analytical descriptive, the data used consists of primary data and secondary data. The method of data collection through field studies and literature studies, while the method of data analysis is qualitative. The theory used in this study is the theory of role and law enforcement. Based on the results of the study, it can be concluded that the role of investigators in resolving criminal acts of abuse resulting in death is very important, considering that investigators are the front line in the criminal justice process. The obstacles faced by investigators in resolving criminal acts of abuse resulting in death are that the crime scene has changed, the perpetrator removes evidence, there are threats from the perpetrator to the victim's family, difficulty finding people who want to be witnesses and witnesses are not cooperative. The solution is to appeal to the community to help secure the crime scene, track the location of the disposal of evidence, convince the victim's family that the police will help uncover the perpetrators of abuse, provide an understanding to the community about the obligations of the community to become witnesses and their legal protection, examination of witnesses with a persuasive approach.*

Keywords: Abuse; Criminal; Death; Investigator.

1. Introduction

Indonesia is a country of law so that everything in national and social life is also based on law.¹The consequence is a guarantee of equality for everyone before the law (*equality before the law*), where everyone has the right to recognition,

¹Arief Gunawan & Andri Winjaya Laksana, Effectiveness of Law Enforcement in Investigation of Criminal Acts of Corruption, Ratio Legis Journal (LRJ), Volume 2 No. 2, June 2023, p. 766

guarantees, protection and fair legal certainty as well as equal treatment before the law.²Law is something abstract, cannot be seen and cannot be touched,³contains a collection of mandatory regulations made by official state bodies and has strict sanctions for violators.⁴Law as a social institution was created by humans to create order, where law lives and develops according to the values of society.⁵So in general the law must be obeyed by society and if it is violated then there is a threat in the form of compensation for losses or criminal penalties.⁶

Regulations related to criminal law regarding crimes and sanctions are regulated in the Criminal Code, which aims to maintain public order and combat crime and prevent crimes from occurring.⁷But in reality there are still many crimes, one of which is the crime of assault, which sometimes results in the victim's death. The rampant acts of assault that are often reported are a sign that this is inseparable from the behavior of society that is less controlled.⁸Acts of abuse against another party are human activities that indicate they are against legal norms, in verbal or physical form and result in damage to property, physical injury or even death of the victim.⁹This is regulated in Chapter XX concerning abuse of the Criminal Code, Articles 351 to 358.¹⁰Specifically, criminal acts of abuse resulting in the victim's death are regulated in Article 354 paragraph (2) of the Criminal Code, which states that anyone who commits abuse resulting in death is subject to a maximum prison sentence of ten years.

The crime of assault in Indonesia is quite high, this is according to dataThe National Crime Information Center (Pusiknas) of the Indonesian National Police recorded that in 2024 until mid-July there were cases of violence consisting of 5,683 cases of Domestic Violence (KDRT), 2,360 cases of violence with sharp weapons or thuggery, 1,400 cases of serious assault, and 612 cases of murder.¹¹In the

²Advocate Immunity Rights,<http://hendriklawcommunity.blogspot.co.id>, accessed August 20, 2024.

³Sri Endah Wahyuningsih, Wilsa, HR. Mahmutarom, The Implementation of Child Welfare in Indonesian Community Institutions, *Journal of International Law*, Volume 4 Issue 5, September 2018, p. 40.

⁴Ishaq, 2012, *Basics of Legal Science*, Sinar Grafika, Jakarta, p. 3.

⁵Pujiyono, 2007, *Collection of Criminal Law Writings*, Mandar Maju, Bandung, p. 66

⁶Topo Santoso, 2020, *Criminal Law: An Introduction*, Raja Grafindo Persada, Depok, p. 8.

⁷Nur Ainiyah Rahmawati, *Indonesian Criminal Law: Ultimum Remidium or Premum Remidium*, *Recidive Journal*, Vol. 2, No. 1, 2013, p. 39.

⁸Nur Atika Sari, Sudyono, Ningrum Ambarsari, The Role of Police Investigators in Revealing Criminal Acts of Assault (Case Study in Martapura City), Article,<https://eprints.uniska-bjm.ac.id>, accessed August 20, 2024.

⁹Friska Zailalita, Nurhafifah, Case Study of Tanjungkarang District Court Decision Number 1316/Pid.B/2020/PN.TJK concerning Criminal Acts of Assault on Clerics, *JIM Criminal Law Division*, Vol. 6 No. 2, May 2022, p. 185.

¹⁰Hasan Alwi, 2002, *Big Indonesian Dictionary*, Balai Pustaka, Jakarta, p. 35.

¹¹Ajeng Dwinta Ayuningtyas, Theft is the Most Massive Criminal Activity in Indonesia,<https://goodstats.id>, accessed August 20, 2024.

jurisdiction of the Banyumas Police, there were 9 cases of abuse recorded in 2023, while in 2024 up to June there were 9 cases recorded.

To uncover a crime, a criminal justice process is carried out, namely the case examination process which begins with an investigation process by investigators.¹²The Indonesian National Police (Polri) is a state apparatus whose main task is to maintain public security and order, enforce the law and provide protection, shelter, and service to the community. Polri not only carries out law enforcement and public order enforcement, but Polri also protects and serves the community directly.¹³ The Indonesian National Police is also responsible for trying, preventing and eliminating¹⁴from any symptoms that may appear and could disrupt security and order in society.

Settlement of criminal acts including assault can basically be done with two options, namely through litigation and non-litigation. Litigation is a way to resolve problems through the courts, while non-litigation is a way to resolve problems outside the courts.¹⁵However, in criminal acts that result in the victim's death with a maximum prison sentence of 15 years, it cannot be resolved through non-litigation. Thus, in the investigation process, it will be continued to the prosecution stage. The Police as investigators play an important role in resolving criminal acts of abuse, where investigators are required to uncover cases by finding suspects to be brought to court. In practice, sometimes in conducting investigations, investigators encounter obstacles in collecting evidence from the Crime Scene (TKP). This has an impact on the accumulation of cases and a long examination process. Therefore, investigators are required to be professional in resolving criminal cases of abuse, so that they are able to realize public security and order.

This study aims to determine and analyze the role of investigators in resolving criminal acts of abuse resulting in the death of the victim as well as the obstacles and solutions.

2. Research methods

This research uses a sociological legal approach method. The research specification is descriptive analytical. The types of data used are primary data and secondary data. Data collection methods are field studies and literature studies. Data analysis methods use qualitative analysis.

¹² Syaiful Bakhri, 2015, *Indonesian Criminal Justice System*, Student Library, Yogyakarta, p. 19.

¹³Admin Polri, Multi Roles Performed by the Police during the Pandemic, <https://tribrataneews.polri.go.id>, accessed August 20, 2024.

¹⁴A. Wahyurudhanto, Effectiveness of the Implementation of the Police Cooperation Program with JICA in the Field of Community Policing, *Journal of Police Science*, Volume 12, Number 1 April 2018, p. 46.

¹⁵Arif Septria Hendra Saputra, Gunarto, Lathifah Hanim, Implementation of Restorative Justice as an Alternative to Resolving Criminal Acts of Assault at the Lasem Police Criminal Investigation Unit, *Jurnal Daulat Hukum*, Volume 1 Number 1, March 2018, p. 185.

3. Results and Discussion

3.1. The Role of Investigators in Resolving Criminal Acts of Assault Resulting in the Death of the Victim

Based on the results of research at the Banyumas Police, the causes of criminal acts of assault are personal grudges, disputes over trade or work areas, problems with women or girlfriends, inability to control emotions, heartache, loss of self-esteem, use of drugs or alcoholic beverages, emotional friction.¹⁶The crime of abuse resulting in the death of the victim is regulated in Article 351 paragraph (3) of the Criminal Code which states that abuse resulting in death is subject to a maximum prison sentence of seven years. In this case, law enforcement officers are required to take various actions in accordance with their respective authorities in order to enforce the law. In the police, the actions in question are conducting investigations and inquiries.¹⁷Investigators have an important role in identifying and investigating an incident that is suspected to be a criminal act.

The role of investigators in resolving criminal acts of abuse resulting in the death of the victim above is as follows:

1. Receiving reports and conducting initial studies
2. Order investigators to carry out investigations and investigate the crime scene
3. Making a letter of request for an autopsy to the hospital
4. Make an arrest of the perpetrator
5. Detaining the suspect
6. Conducting a seizure
7. Carrying out case title
8. Examining witnesses and perpetrators
9. Create case file resumes and organize case files
10. Submitting case files to the prosecutor's office (Stage 1)
11. Transferring the suspect and evidence to the prosecutor's office (stage 2)

Based on the description above, it can be understood that the role of investigators in resolving criminal acts of abuse resulting in the victim's death is very important. In its legal analysis, it is stated that the suspect's actions can be charged with the Article on murder as regulated in Article 338 of the Criminal Code subsidiary to Article 351 paragraph (3) of the Criminal Code. This is important, considering that the results of the investigation are the basis for the public prosecutor to continue

¹⁶Results of the interview with Iptu Mulyo Handoko, as Banyumas Police Investigator, November 27, 2024

¹⁷Kusfitono, Umar Ma'ruf and Sri Kusriyah, Implementation of Constitutional Court Decision Number 130/PUU-XIII/2015 Regarding the Investigation Process of Aggravated Theft at the Kendal Police Criminal Investigation Unit, *Khaira Ummah Law Journal*, Vol. 12. No. 4 December 201., p. 263.

the law enforcement process to the prosecution stage. The facts found by the investigator become the basis for the public prosecutor to formulate the indictment. This will reduce the risk of the case being dropped due to lack of evidence or procedural errors.

The implementation of the role of investigators in resolving criminal acts of abuse resulting in the death of the victim has been in accordance with the role theory, namely normative roles, ideal roles and roles carried out by oneself. In this case, investigators have carried out normative roles, namely roles carried out based on laws and regulations. In this case, investigators have acted to carry out a series of investigative actions in accordance with applicable laws and regulations, namely the Criminal Procedure Code, Police Regulation Number 6 of 2019, to uncover criminal acts by finding suspects, collecting valid evidence to resolve criminal acts. Investigators have also carried out ideal roles, where as law enforcement officers they have acted as protectors for the community in order to realize order and security which have the ultimate goal of community welfare.

3.2. Obstacles and Solutions to the Role of Investigators in Resolving Criminal Acts of Assault Resulting in the Death of the Victim

The implementation of the role of investigators in resolving acts of abuse resulting in the victim's death has encountered several obstacles, namely:¹⁸

1. The scene of the crime (TKP) has changed

The solution to overcome these obstacles is to invite local residents to cooperate in providing information and to help secure the crime scene.

2. The perpetrator's attempt to remove evidence

The solution to overcome these obstacles is for investigators to track the location of the disposal of evidence by digging up information from witnesses or perpetrators or people who know the incident to determine the location of the evidence. Armed with information obtained from the perpetrator or witness, investigators can track the location of the evidence.

3. There were threats from the perpetrator to the victim's family

The solution to overcome these obstacles is for investigators to try to convince the victim's family that the police will help the victim in revealing the perpetrator of the abuse. Investigators can also involve LPSK in efforts to protect the families of victims of criminal acts who receive threats from the perpetrators.

4. Difficulty finding people willing to be witnesses

The solution to overcome these obstacles is to provide an understanding to the public that being a witness in a criminal incident is a citizen's obligation and the procedure is not complicated and free of charge and is protected by law.

¹⁸Results of the interview with Iptu Mulyo Handoko, as Banyumas Police Investigator, November 27, 2024

5. Witnesses are uncooperative

The solution to overcome these obstacles is to examine witnesses using a different approach, for example using more persuasive interview techniques or asking more detailed and clear questions to obtain more accurate information.

The obstacles faced by investigators in resolving criminal acts of abuse resulting in the victim's death affect the law enforcement process so that the investigation process is hampered.

4. Conclusion

The role of investigators in resolving criminal acts of abuse resulting in the death of the victim is very important, considering that investigators are the front line in the criminal justice process, but there are several obstacles including the crime scene has changed, the perpetrator's efforts to remove evidence, threats from the perpetrator to the victim's family, difficulty finding people who are willing to be witnesses and witnesses who are not cooperative. Therefore, the community should participate in the investigation process by guarding the crime scene and being willing to be witnesses if needed.

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