



FORENSIC SCIENCE AS A STEPS FOR THE SETTLEMENT OF CRIMINAL CASES OF MUTILATION IN THE ROLE OF EVIDENCE BEFORE THE LAW

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ABSTRACT

Proof of murder and other crimes related to forensic science to reveal the perpetrators of crimes and their evidence, the purpose of this study was to determine the important role that forensic science has in solving crimes and the strength of the evidence of Visum et Repertum in court, the research method taken at This writing is a normative legal method in which Primary legal material contains premeditated murder as regulated in 340 of the Criminal Code, legislation Number 8 of 1981 concerning the Criminal Procedure Code, Number 29 of 2004 concerning Medical Practice, to solve this criminal case requires various types of knowledge. forensics, which is stated in the National Police Chief Number 10 of 2009 concerning Procedures and Requirements for Technical Requests for Criminal Cases at Case Incidents and Criminal Laboratory for State Evidence of the Republic of Indonesia. The case that was brought to the mutilation criminal case was focused on the decision Number 1036/Pid.B/2008/PN.DPK, the element of deliberate intentional killing of lives has been proven by fulfilling the implementation of Article 340 of the Criminal Code with this decision. Keywords: Criminal Acts, Forensic Science, Visum et Repertum, Premeditated murder

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I. INTRODUCTION

A. Background & Overview

Cases of crime always occur every day, crimes that often occur can be seen based on the mass media that publish cases that occur in people's lives, crime which is a negative act where the occurrence of crimes that are against the law enforced by Indonesian state law. This criminal case is focused on crimes that provide sanctions in the form of fines, imprisonment, and the death penalty. Cases to help resolve criminal cases require a Forensic Science expert to find out some evidence that can help resolve death cases based on the evidence available on the victim's body. Forensic Science which plays an important role in solving cases presented in this trial with the aim of assisting the apparatus in law enforcement and utilizing this knowledge to help resolve cases that occur in the legal field.



Forensic Science has emerged since 700 BC and the evidence used at that time used fingerprint identification, then as the times progressed, forensic science continued to create new ways to fulfill the means by obtaining stronger evidence based on the evolving forensic science and technology. to be used as an important evidence in a criminal case.¹

In Article 133 paragraph (1) of the Criminal Procedure Code this stipulates that a judicial expert or doctor is given the authority to carry out a mandatory investigation and judicial process by providing information from an expert in conducting an examination of a victim of a crime.. However, in this case it is more likely that the investigator feels that the crime against the victim is not an ordinary death but a crime related to murder or other crimes so that the investigator has the right to request a forensic expert to conduct an examination and the forensic expert does not have the authority to withdraw the request. Crimes such as murder, rape, violence tend to happen all around us and we need a forensic psychology perspective to help people to be more careful and avoid being a criminal. Criminal cases continue to occur and tend to show an increase in which many cases become more sadistic and the minds of the perpetrators continue to develop to commit murder or other well-planned crimes in order to avoid finding evidence and avoiding being entangled in prison sentences..² Carrying out an investigation into the death of a crime victim, unexpected and unexpected death, unknown corpses, to crime victims who are still alive or only in skeletal form as well as tissues and biological materials of human origin are tasks related to criminal investigations, Crime scene investigators are also known as crime scenes (CSI). In this case, of course, the forensic expert is in close contact with the police and the court process to resolve the case. This cooperative relationship between investigators and forensic experts can be needed with the existence of an expert statement whose statement is in the form of *Visum et repertum* so that with the issuance of the letter issued by the law enforcement officers themselves and the role of law enforcement must be active because with the investigations they do see the victim dies in a way that may be related to a criminal

¹ Hoiriyah, "Historical Perkembangan Forensik dan Digital Forensik". Slideshare.Vol.2.No.3,2015,hal.23

² Didik Sudyana, Somi, "Etika dan Profesionalisme Saksi Ahli Forensik".Jurnal Computer Science and Information Technology.Vol.1 No.1.2020,hal 13.



act, the role of law enforcement is to make a decision whether the victim should hold an autopsy to have strong evidence that the victim is a victim of a crime while the role in forensic science is only passive in that they will carry out an autopsy if the law enforcer issues a letter for the autopsy.³

In this case, it can be taken based on the example of the serial mutilation murder case committed by Ryan Jombang, this serial murder has killed as many as 11 victims, the murder committed by Ryan Jombang has no conscience and certainly has a mental disorder, this murder case has obstacles to reveal the truth, To find a starting point in this problem, of course, it is necessary to know on the basis of what the motives of the perpetrators were against the victims, but based on the cases that occurred in most of these victims, they were related to sexual behavior. motives that must be considered, such as personal revenge motives, and others. The crime of mutilation which is understood based on the science of criminology is the separation of human limbs due to a deliberate crime to commit a crime, the mutilation carried out by Ryan Jombang is an unusual murder but a very heinous murder that is inhumane and has no mercy in itself. The evidence carried out by investigators from this police institution is guided by the existing law in our country, namely the provisions in the law, in the process of revealing the evidence of serial mutilation murder, they have the right and obligation to coordinate with relevant agencies to obtain disclosure of the murder with right, namely with the forensic science agency.⁴

So based on the decision, this case is included in the Decision on Case No. 1036/Pid.B/2008/PN.DPK which based on the chronology of this case initially found 7 body parts which it is known that the body pieces belong to Heri Santoso who is 40 years old who works at the company. Private and known to be Ryan Jombang's lover, it is hereby known that Ryan Jombang is gay and the murder committed against his lover was due to jealousy, because his lover tempted Ryan to let him sleep with another man named Noval, after

³ Marchel R.Maramis, "*Peran Ilmu Forensik dalam Penyelesaian Kasus Kejahatan Seksual dalam Dunia Maya (Internet)*" Jurnal Ilmu Hukum. Vol 2 No.7,2015.hal.43

⁴ Tunggul Andreas, "*Analisis yuridis terhadap Pengungkapan Pelaku Pembunuhan melalui Tes DNA Oleh Kepolisian*".JOM Fakultas Hukum. Vol 1 No.2, 2014, hal.4.



hearing this request Ryan immediately got angry and the two of them got into an argument which led to a scuffle then Ryan went to the kitchen and took a knife that stabbed Heri in the gut with a precise, helpless condition Ryan dragged Heri to the bathroom and stretched his body, hit his head with an iron rod until Heri died, then to remove traces he mutilated inside several parts, namely knees, thighs, hands, vital organs, and neck which were then put into plastic bags and bags which then Ryan called a taxi and asked to take him to Ragunan to dispose of the victim's body parts.

B. Problems Presented

Based on the above, several problems were found, namely:

1. How is the regulation of criminal law in the settlement of criminal cases in evidence in the study of forensic science?
2. How is the criminal law based on the strength of the evidence of visum et repertum in solving mutilation murder cases?

C. Research Methods

The method used in this research is normative law in which scientific research procedures to find the truth of the case are based on the scientific logic of law from the normative side, the perspective in scientific logic also comes from the object of the law itself, with this research there are sources of law and legislation. invitations, as well as documents related to forensics in proving criminal acts and also supplemented with secondary data consisting of: a) Primary legal materials whose contents are in the form of premeditated murder as regulated in Article 340 of the Criminal Code, a set of laws and regulations Number 8 of 1981 concerning the Criminal Procedure Code, Law Number 29 of 2004 concerning Medical Practice. B) Secondary legal materials consist of journals, books that have been published on issues that have been investigated by a study.

II. DISCUSSION

A. Regulation of Criminal Law in the Steps of Settlement of Criminal Cases in Evidence in Forensic Science Studies



Ordinary murder as stated in Article 338 of the Criminal Code is a crime of homicide which generally contains "Anyone who deliberately takes the life of another, is threatened with murder with a maximum imprisonment of fifteen years". Then the loss of life by weight is regulated in Article 339 of the Criminal Code which reads "Murder which is followed, accompanied or preceded by a criminal act committed with the intention of preparing or facilitating its implementation, or for oneself or other participants from a crime in the event of being caught red-handed, or for ensure control of the goods obtained by him against the law, is punishable by life imprisonment or for a certain period of time, a maximum of twenty years". Premeditated murder as regulated in Article 340 of the Criminal Code which reads "Anyone who intentionally and with premeditated plans to take another person's life, is threatened, because of premeditated murder, with a death penalty or imprisonment for life or for a certain period of time, a maximum of twenty years. year".

Based on the articles of murder mentioned above, the formulation of article 339 of the Criminal Code does not contain the core part but there is also content that refers to Article 338 of the Criminal Code because there was an intentional act aimed at depriving another person of life and added with being followed, accompanied, or preceded by a crime. which may serve in addition to increasing a criminal sentence from fifteen years imprisonment to a criminal sentence of twenty years imprisonment or life imprisonment. The criminal threat is even more severe than ordinary murder and this mass murder is premeditated murder and a death penalty which is not listed in other crimes against life so that those who become aware of this premeditated murder in article 340 of the Criminal Code are due to prior planning to commit a murder. Law enforcement requires forensic experts to assist in the search for perpetrators based on evidence attached to the victim's body. In a forensic examination there are stages in the examination, namely Acquisition, Preservation, Analysis, and Presentation).⁵

This case is included in the Decision on Case Number 1036/Pid.B/2008/PN.DPK which I have raised against the background of the chronology of the Ryan Jombang case in

⁵ Mayrany J.Wuwung, "*Tindak Pidana Pembunuhan Berencana Menggunakan Racun*".Lex Crimen.Vol.7 No.4 2018,hal 2.



which the perpetrator mutilated the victim. The consequences of this act have been classified as premeditated murder. Then if a murder case occurs, it is regulated in Article 338 of the Criminal Code, but in this case a premeditated murder is even planned by this perpetrator to mutilate the victim so that due to the This is carried out by means of premeditated murder which is regulated in Article 340 of the Criminal Code which reads "Anyone who intentionally and with premeditated plans to take another person's life, is threatened, for murder with a plan (mood), with a death penalty or imprisonment for life or for a period of time. certain, twenty years at most".⁶

The criminal case of murder by way of mutilation carried out by the perpetrator named Very Idam Henyansyah alias Ryan Jombang was at the beginning of the verdict with Number 1036/Pid.B/2008/PN.DPK on the basis of Article 340 of the Criminal Code which contains several items which contain elements of goods. who committed the crime of murder committed by mutilating Very Idam Henyahsyah whose identity has been correctly identified as the defendant in the trial, in this case Very Idam Henyansyah as the defendant and his legal subject who was held accountable so that the decision Number 1036/Pid.B/2008/PN.DPK is a legal subject in a decision as an individual. So in this case the element of whoever has been fulfilled in the decision Number 1036/Pid.B/2008/PN.DPK that Very Idam Henyansyah has been declared a defendant, the second element is intentional, in which the facts that occur have proven the existence of an element of a crime. intentional in carrying out this murder case, with the thought of carrying out mutilation, it is very clear that it has a will by knowing very clearly the actions committed against the victim, in the sense that it intentionally contains a meaning that the act committed is based on a fact raised in the the trial that the defendant had deliberately dismembered the victim's body into several parts so that this element of intent was proven in the decision 1036/Pid.B/2008/PN.DPK.⁷

⁶ Undang-Undang Hukum Pidana pasal 340 tentang pembunuhan berencana

⁷ Ria Hartati,"*Analisis Tindak Pidana Pembunuhan dengan Cara Mutilasi dalam Sistem Hukum Pidana di Indonesia (Studi Putusan Hakim Nomor 1036/Pid.B/2008/PN.DPK dan 511/Pid.B/2009/PN.TNG)*", Digital Library.2013,hal 34



This element is planned in advance. The element is carried out with a plan regarding the time to want to commit a crime, so that the relationship in the case that occurred was due to the time the defendant thought of committing the act with its implementation there was still time for the perpetrator to remain calm so that can think clearly about the crime that will be carried out next, so logically the perpetrator must have thought beforehand to want to continue or stop committing the crime, but what was done by the perpetrator still continued his action until he carried out an act of mutilation so that in this case the perpetrator already had thoughts and intentions to kill and mutilate the victim, as evidenced by the perpetrator who dragged the victim when the victim had no energy and continued the action, namely by mutilating, so that these elements were also fulfilled, and the last element of taking the life of another person this element has been clearly proven with the result that the perpetrator has committed an act that caused the loss of another person's life, the condition found was that the victim was already in a lifeless state until the victim's body parts were found, and in this case the perpetrator also has admitted to all his actions that have taken the lives of others, so that the premeditated murder is included on the basis of article 340 of the Criminal Code which is faced with a death penalty, for life or for a maximum period of twenty years in prison, but in this case the perpetrator was sentenced to dead because it has been proven that these four implementations have fulfilled all the elements contained in article 340 of the Criminal Code with the correct decision 1036/Pid.B/2008/PN.DPK, because there are many things that are very burdensome to the perpetrator, because of the behavior of the perpetrator very inhumane.

The act of committing an act of killing alone is considered sadistic but the perpetrator still performs another aggravating action by mutilating the victim so that this sadism cannot be denied anymore, then the act of taking the life of someone who has been created by God, after that the act that has caused sadness and sad news. obtained by the victim's family, the perpetrator has no remorse for his actions, and states that the perpetrator has committed a serial murder that occurred in the Jombang area, East Java. So that these things have a basis and law that can incriminate the perpetrators because the murder was not only committed



against a victim named Heri Santoso but also committed other murders by killing 10 (ten) other victims in Jombang, East Java..⁸

In general, the outline that is classified in the elements that support criminal acts can be categorized into two parts, in which the part is a subjective element and an objective element. The group in the subjective element in question is an element that is inherent in oneself and cannot be avoided anymore because it is something that is already contained from the bottom of his heart, then this objective element is a relationship with a situation in which the situation is in a state the perpetrator must do. There are two elements in these elements, namely the subjective element, the element attached to the perpetrator who has appeared in himself, has an element contained in the presence of an intentional or unintentional act by the perpetrator, the existence of a plan to commit murder and is regulated in article 340 of the Criminal Code. , There is a crime of killing a person's life as regulated in Article 338 of the Criminal Code, There is a feeling of fear in the formulation of a criminal act regulated in Article 308 of the Criminal Code, The purpose of an experiment as referred to in Article 53 paragraph (1) of the Criminal Code, and Various types of intent in a crime such as crimes of theft, fraud, forgery and others, then the Objective Element relating to the outward which is in which circumstances the action was carried out so that this element comes from outside the mind of the perpetrator, the element contained in the occurrence of law carried out by Causality in which the relationship in a action as cause with reality as a result.⁹

The process of proving a crime such as murder is handled by a forensic pathologist who has the authority if the legal apparatus issues a letter to perform an autopsy on a corpse or victim, confirming that a forensic expert is justified in carrying out an autopsy. Methods and Requirements for Requests for Criminal Procedures at the Place of Case of Cases and

⁸ Achmad M.Masykur, Subandi, "Perjalanan Menuju Puncak Agresi : Studi Fenomologi - Forensik Pada Remaja Pelaku Pembunuhan" . Jurnal Psikologi. Vol 7 No.1,2018,hal 33

⁹ Muchlas Rastra Samara Muksin, Nur Rochaeti, "Pertimbangan Hakim dalam Menggunakan Keterangan Ahli Kedokteran Ahli Forensik sebagai Alat Bukti Tindak Pidana Pembunuhan".Jurnal Pembangunan Hukum Indonesia. Vol.2 No.3, 2020,hal 345



for Criminalistics Laboratories for Evidence of the Republic of Indonesia.¹⁰ Then regulated in Perkapolri Number 12 of 2011 concerning police medicine, there are Forensic Medicine, Forensic Odontology, Forensic Pathology, Forensic Biological Chemistry, Forensic Psychology, Forensic Toxicology, Forensic Physics, Forensic DNA (Doixyribo Nucleic Acid Forensic), Forensic Anthropology, Forensic Pharmacy Forensic Psychiatry, Forensic Documents and Counterfeit Money, Ballistics and Forensic Metallurgy, Technical examinations that examine living or dead people, examinations of materials derived from the human body, such as hair, cement, blood and others for the investigation and judicial process..¹¹

Types of forensics based on the thirteen types of forensics mentioned above are related to mutilation cases based on forensic DNA forensics (Doixyribo Nucleic Acid Forensic), Forensic Psychology, Forensic Medicine and Forensic Pathology. In learning forensic medicine at the Faculty of Law as the use of Forensic medicine, it is accompanied by an examination based on the object of examination which in this case is divided into three parts, namely based on the object of examination, form of service, according to the place of work, and according to the time of examination..¹²

The guidelines used by the Disaster Victim Identification standard and the external examination of the corpse are collected by secondary identifiers in the form of medical identifiers and props, which are required first, the label of the corpse from the police, which is on the label. The corpse uses photography to have strong evidence of the goods attached to the body of the corpse on when it was initially found without any touch, then if the photographic examination has been completed properly, the body will be stored together with the examination file, and the label of the corpse from the hospital and the bracelet must be attached to the body of the corpse until the body is in the hospital. which has a function as

¹⁰ Undang-Undang Nomor 29 Tahun 2004 tentang Praktik Kedokteran

¹¹ Diah Ayi Siregar, Skipsi "*Penggunaan Alat Bukti Autopsi Forensik dalam Pembuktian Tindak Pidana Pembunuhan*"(Medan : UMSU,2017),Hal 56

¹² Putri G.Kumean, "*Kewenangan dan Kewajiban Dokter Forensik dalam Tindak Pidana Pembunuhan Menggunakan zat-zat Berbahaya atau racun*". *Lex Crimen* Vol.7.No.8, 2018,hal.48.



the identity of the corpse that is not confused, and the description written in the table includes several things, namely based on the material, writing and color on the suspect's label, after that there is a cover for the body to be sent so that it will be closed and n there is a type of wrapping on the material, color or writing on the wrapper.¹³

The position that plays an important role in the DNA test is regarding the investigation and identification of the perpetrator in the process of investigating and developing the case, then revealing the crime itself so that it can be seen the purpose and intent of the perpetrator of this mutilation murder act. Then the proof using the results of this DNA test is contained in Article 184 of the Criminal Procedure Code which has 5 (five) valid evidence, namely based on the testimony of the witnesses presented, information given by an expert, letters, instructions and information given by the defendant. The regulation on DNA test evidence is regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) which regulates formal criminal acts but has not explicitly regulated the regulation of DNA as legal and strong evidence. The results of using the results on the DNA test are a very strategic step that can be taken at this time with the authenticity of the DNA test results as evidence in Article 184 of the Criminal Procedure Code (KUHAP) regarding valid evidence.¹⁴

B. Criminal Law based on the Power of Evidence *Visum et Repertum* in the Settlement of Murder Mutilation Cases?

Ordinary killings in general are often carried out as ordinary murder acts as regulated in Article 338 of the Criminal Code and premeditated murder is contained in Article 340 of the Criminal Code, from this implementing element there is a grace period between the intention and the mindset for its implementation so that this premeditated murder is more severe, the act of killing that is more severe. depriving a person of the right to life who has

¹³ Handoko Tjondoputranto dan Rukiah Handoko, Materi Ajar Ilmu Kedokteran Forensik, Fakultas Hukum Universitas Indonesia, Jakarta,2000/2001,hlm.5-6,diakses dari m.hukumonline.com pada tanggal 10 Februari 2022)

¹⁴ Diah Ayi Siregar, Skripsi "*Penggunaan Alat Bukti Autopsi Forensik dalam Pembuktian Tindak Pidana Pembunuhan*"(Medan : UMSU,2017),Hal 56



been against the nature of God who has created this person has violated human rights. Based on article 187 letter c of the Criminal Procedure Code, it is stated that the documentary evidence referred to in the article is a Visum et Repertum which is mainly carried out when a murder case or other crime is suspected to be a victim of a crime requiring an expert to follow up with a forensic post-mortem. autopsy) to find out the cause of death experienced by the victim and to find traces to find the perpetrators of the crime. Visum et repertum is required to follow the formal and material requirements. This formal requirement is included in the procedure that must be fulfilled to carry out the act and while this material requirement is related to the content, where the content is a fact of what happened to the victim's body after being investigated. receipt of the request letter for Visum et Repertum from this investigator can be used as strong evidence in a criminal case provided that the formal and material requirements are met.¹⁵

Regarding the location on the Visum et Repertum, the Staatsblad provision of 1973 Number 350 is a provision given by the Visum et Repertum, which explains that in the Doctor's Reperta Visa regarding legal criminal cases against evidence of equipment, evidence of admission made on the basis of a doctor's statement. in written form. Evidence such as Visum et Repertum is needed for the purpose of supporting the investigation of this case to be carried out smoothly, to support based on the accuracy of the results of the examination based on the evidence of Visum et Repertum, and as a means of proof in court proceedings. So that with the use of Visum et Repertum as evidence in court because this evidence is very strong and technology continues to develop so as to find traces of the perpetrators it becomes easier and with this evidence we hope to reduce criminal acts due to the speed level based on the results of Visum et al. This repertum can make when someone wants to commit a crime, they will think again because every crime act must leave a trace related to the perpetrator, even though it comes from small evidence, because the function of the Visum et Repertum can be used as material to strengthen suspicions against the perpetrator and be used as evidence. evidence for reasons of detention. A letter issued by an

¹⁵ Narulita Putri Kusmira, "*Kekuatan Pembuktian dan Penilaian Alat Bukti Visum et Repertum Dalam Tindak Pidana Persetubuhan Terhadap Anak*". Jurnal Verstek. Vol4 No.3,2016,hal 138



official who is authorized to make arrangements for which responsibilities are made and something that is intended to be proven in a situation, namely by a certificate issued by a forensic expert based on something concerning the thing or something officially requested from him, and a letter that in its existence has a relationship if the tool is with other evidence contents.¹⁶

The provisions located in the Criminal Procedure Code provide a legal basis at the investigation stage in requesting information from an expert given by an expert by a doctor Visum et Repertum, so that in this case an examination of evidence is made, in Article 7 of the Criminal Procedure Code regarding actions that are the authority of the investigator, in this case This is the benchmark for bringing in an expert who is needed in the examination of cases, Article 120 of the Criminal Procedure Code paragraph (1) states "In the event that an investigator deems it necessary, he can ask for the opinion of an expert or a person with special expertise", Article 133 paragraph (1) states "In the case of In the interest of the judiciary, for the purpose of dealing with a victim, whether injured, poisoned or dead, which is suspected to be due to an incident which constitutes a criminal act, he or she is authorized to submit a request for expert information to a judicial medical expert or a doctor or other expert."¹⁷

Examination of this criminal case is mentioned in the search for material truth, so that everything in carrying out this examination every related issue must be clearly stated even though it is only small evidence because small evidence can be a puzzle to find further evidence, so in the case of Visum et al. Repertum carried out by forensic doctors or other experts to be able to clarify the existing evidence that a criminal act did occur and it was the perpetrator who committed the crime, for matters on a legal basis that have a Visum et Repertum role in the function of assisting law enforcement officers to deal with In a criminal

¹⁶ Bagus Widyatmoko, "Tindak Pidana Pembunuhan Dengan Cara Memotong-Motong Mayat Korban Dalam Perspektif Hukum dan Kriminologi". Jurnal Negara dan Keadilan. Vol 10 No. 1, 2021, hal.56.

¹⁷ Widowati, Y.A Triana Ohoiwutun, Fiska Maulidian Nugroho, Samsudi, Godeliva Ayudyana Suyudi, " Peranan Autopsi Forensik dan Korelasinya dengan Kasus Kematian Tidak Wajar". Jurnal Ilmu Hukum. Vol.6 No. 1, 2021,hal 3



case, it is based on the provisions in the Criminal Procedure Code in providing the possibility of using expert assistance to clarify and facilitate the disclosure and examination of a criminal case.

One of the pieces of evidence mentioned in Article 8 of 1981 KUHAP explains that a witness is a person who can provide information in order to carry out an investigation, prosecution and trial regarding a criminal case which he himself heard, saw and experienced himself. given by a witness on evidence in a criminal case whose contents are in the form of a criminal event which he heard for himself, he saw for himself and he experienced it himself Meanwhile, Article 1 point 28 of the Criminal Procedure Code explains that what is meant is the statement of an expert witness who gives information by someone who has special expertise regarding the things needed to make a statement of a criminal case for the purpose of examination. The special expertise possessed by an expert witness cannot be possessed by just anyone, because it is a knowledge that is basically owned by a certain person.¹⁸

To determine whether the defendant is guilty or not, it can be seen based on objective and subjective elements. This system is run to determine whether the defendant is wrong or not, then objective and subjective elements can be used, but in this determination it is not dominant in both, because if it is wrong, the absence of one of the elements between the two elements does not meet strong evidence in determining if the defendant is wrong. the defendant is guilty so that seen from the perspective of the provisions of the method and with valid evidence tools used according to the sanctions contained in the law that based on this evidence the perpetrator is found guilty, the judge himself is not sure of the guilt of the defendant that has been proven earlier, then in this case In this way, the defendant cannot be declared guilty, on the other hand, the judge is absolutely sure that the defendant is really guilty of committing the crime he is accused of. Then, although there is no KUHAP that regulates the victim, this *Visum et Repertum* must be submitted to a proven criminal case, but the examination i It is still carried out if the incident of death is unusual and is accepted

¹⁸ Yulia Monita, Dheny Wahyudhi, “*Peranan Dokter Forensik Dalam Pembuktian Perkara Pidana*”, Jurnal Ilmu Hukum. Vol 6 No.7,2013,hal.8



by the victim's family to continue the examination so that the judge can strengthen his decision on strong written evidence.¹⁹

III. CLOSURE

A. Conclusion

Based on the results of the research that has been done, the authors draw the conclusion that the times that continue to develop and change, the nature and thoughts and hearts of humans are unpredictable so that it is difficult to avoid them in handling, these crimes occur in the surrounding community so that it requires a team of investigators to use science. Forensic medicine conducts investigations related to the victim who allegedly died in unusual circumstances but a murder occurred, the legal verdict of this crime is usually in punishment under Article 338 of the Criminal Code, but because the Ryan Jombang case is included in the mutilation murder, the murder carried out has the following elements: elements with whom, intentionally, premeditated, as well as taking a person's life according to the implementation of Article 340 of the Criminal Code with the decision 1036/Pid.B/2008/PN.DPK so that with the elements fulfilled, they are sentenced to death and imprisonment. This decision is very appropriate with the cruelty of murder without guilt in carrying out the mutilation and serial killings. Visum et Repertum has a very strong force, a letter which is regulated in Article 184 paragraph (1) letter c Jo Article 187 letter c of the Criminal Procedure Code, the indictment given by the judge is seen from the evidence of the Visum et Repertum.

B. Suggestion

Based on this research, the researcher hopes that the community needs to expand socialization for the benefit of fellow people and especially the lay community because of the need to make the public aware of actions where there are elements of prohibition or not before the law, then law enforcement officers need to expand research and insight. along with the experience because the actions of the perpetrators who remove the traces continue to grow, and get the truth in accordance with the existing facts in order to reveal and get the perpetrators by

¹⁹ Ni puti Mega Cahyani, I nyoman Sujana , I Made Minggu Widyantara, "Visum et Repertum sebagai Alat Bukti dalam tindak Pidana Penganiayaan" *Jurnal Analogi Hukum*, Vol.3 No. 1, 2021, hal.123



giving the appropriate punishment for the crime of murder, mutilation, which is carried out in the fairest way possible.

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