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The Jurisprudential Essence of Autopsy – A Critical Study

Authored By - Radhika Dwivedi

INTRODUCTION

A judicial examination of a criminal offense is simply seeking material truth on the case. This may be seen in the many attempts taken by law enforcement personnel to gather the evidence required to discover a case, both at the preliminary examination stage, such as investigation and prosecution, and at the trial stage. In the context of criminal proceedings, material truth and justice are goals, so law enforcement officials are required to act and carry out their duties and obligations under the law in order to realize the principle of the rule of law. Foresight in using evidence in the process of proof in front of a court session is one of the efforts of judges in upholding justice and seeking and finding material truth in resolving / deciding criminal cases¹. The quest to discover and discover material truth in a criminal proceeding is inextricably linked to the issue of proof. In the Code of Criminal Procedure Code, hereinafter abbreviated as KUHAP, there are provisions regarding evidence, such as how the evidence system works in Article 183 and the evidence that can be utilized in Article 184. The verification system of the Criminal Procedure Code is outlined in Article 183 of the Criminal Procedure Code.

Proof is a provision that contains inheritance and recommendations on the legal means to prove the wrongs that were accused against the offender. Proof is also a legal requirement that governs evidence that can be used by courts to prove the guilt of the accused. In this regard, judges must always be cautious, cautious, and mature while examining and considering the question of proof. The judge must consider whether the minimal limit of the strength of the evidence or evidence of each evidence referred to in Article 184 of the Criminal Procedure Code has been met. In Article 184 of the Republic of Indonesia Law No.8 of 1981 governing the Criminal Procedure Code (KUHAP), it is stated: Legal evidence is:

¹ Bakhtiar, H.S. (2019) *The essence of autopsy in the Criminal Investigation Process - Researchgate, Research Gate.* Available at: https://www.researchgate.net/publication/338676554_The_Essence_Of_Autopsy_In_The_Criminal_Investigation_Process (Accessed: November 14, 2022).

- a. witness statement
- b. expert statement
- c. letter
- d. instructions and
- e. defendant's statement.

The regulation of the development of evidence and proof of criminal acts in specific criminal law legislation in Indonesia has seen developments in line with the advancement of crimes characterized from transnational to extraordinary crime and the birth of a new modus operandi of crime, resulting in a greater impact from crime. The existence of evidence, also known as proof, is a critical feature in court proceedings to provide certainty and law enforcement. Because of the correctness or precision of the evidentiary effort, justice can be realized and is highly dependent on legal certainty. Accurate verification is the only way to ensure fairness. On the contrary, incorrect verification will result in injustice and legal uncertainty. The judge will obtain a clear picture of the events at issue in court if there is proof.

Concrete proof at the time of the crime that can be legally justified is required to discover legally if a crime has actually occurred, what the true reason is, and with what instrument the crime was perpetrated. To clarify the course of events and the relationship between one action and another in the series of events, the assistance of many experts in relevant fields is required for further research and investigation and settlement of legal issues until finally the termination of the case in court.

FINDING FOR CAUSE OF DEATH (COD)

Crimes that result in the death of a person are common. Proving the reality of death in this type of crime is normally not difficult, because a person's death can be shown by the existence of medical records indicating that someone is deceased. Death is understood in medical science when the heart stops working; there is also a statement when death happens in the brain stem or when someone ceases breathing. When dealing with deaths with several dimensions, a specific amount of evidence is required to determine the cause of death. Sometimes the evidence offered in court is insufficient to determine a person's cause of death, which means that not every evidence presented can answer the cause of death². Knowledge is required to link these facts, assess the sequence of facts, and derive

² Bakhtiar, H.S. (2019) *The essence of autopsy in the Criminal Investigation Process - Researchgate, Research Gate*. Available at: https://www.researchgate.net/publication/338676554_The_Essence_Of_Autopsy_In_The_Criminal_Investigation_Process (Accessed: November 14, 2022).

inferences from a number of these facts. The study of causality, which can link and analyze diverse causative elements and relate them to consequences, is known as jurisprudence in law. The doctrine of causality is applied to determine which activities (deeds) are the cause of death.

A) Cause of Death

The cause of death is disease or injury, or a combination of illness and injury, which starts a never-ending cycle of events that leads to death. There may be a single cause of death or numerous contributory causes of death. Following the order, there could be an underlying, intermediate, or direct cause of death. The underlying cause of death is the most significant for statistical purposes, as well as determining death, and must be noted in the cause of death section of the death certificate. Depending on the type and circumstances of the case, the declaration of death might be relatively simple or rather complicated.

The date of the initial incident has no bearing on whether or not it can be regarded an underlying cause of death. When determining the cause of death, it is critical to consider all relevant circumstances. Although anatomical and/or laboratory results (toxicology, microbiology, and chemistry) can sometimes be used to determine the exact cause of death, this is not always the case.

When determining the cause of death, it is critical to consider all relevant circumstances. Although anatomical and/or laboratory results (toxicology, microbiology, and chemistry) can sometimes be used to determine the exact cause of death, this is not always the case. This occurs when there are numerous illnesses, injuries, or test abnormalities that are adequate to explain mortality. The fatal part could be induced by one of several variables, or by a complicated combination of several factors, or by all of them.

B) Mechanism of Death

The physiological, metabolic, or anatomic changes caused by the underlying cause of death that causes death are referred to as the mechanism of death. The mechanism of death denotes pathological alterations caused by causes of death such as bleeding, infection, and lethal arrhythmias. It is possible that several causes of death share the same mechanism of death, and vice versa. If bleeding occurs as a result of acute trauma, puncture, or lung cancer. In contrast, because the cause of death can cause the origin of multiple death mechanisms, such as gunshot wounds causing bleeding, if the person lives, complications of infection are the mechanism.

For example, consider a middle-aged man who was transported to the hospital after being shot many times during a heist. He underwent an emergency procedure to repair the organ damaged by the bullet. The man's condition improved slightly, but he developed pneumonia, which led to renal failure, liver failure, and, finally, heart failure. An autopsy found that he had died as a result of serious lung and heart illness. Multiple gunshot wounds were the cause of death because they created a chain of lethal events. The treating doctor, on the other hand, was intrigued by the mechanism of death, multi-organ failure, and questioned why this guy experienced multi-organ failure when all of his injuries had been fixed. The treating doctor also inquired about his pre-existing heart and lung illness, without which he could not have survived. Injury takes precedence over illness in determining the cause of death, hence pre-existing disease is not the cause of death. In other words, illness is defeated by harm.

C) Manner of Death

The treating doctor also inquired about his pre-existing heart and lung illness, without which he could not have survived. Injury takes precedence over illness in determining the cause of death, hence pre-existing disease is not the cause of death. In other words, illness is defeated by harm. There are different definitions of killing as a form of death, including death at the hands of another person, death as a result of actions of will or carelessness by other individuals meant to inflict damage, danger, fear, or death, or death as a result of neglect that ignores human life death.

Certain death conditions can have a substantial impact on determining the proper method of death. As a result, the findings of initial investigations, including the appraisal of crime scene investigations, as well as subsequent investigations, such as autopsy findings, are frequently very crucial. If, after all of these investigative steps, a definite decision about natural death, accident, suicide, or murder cannot be made with certainty, the manner of death is referred to as undetermined death. Manner of death are as follows: -

1. Natural
2. Accident
3. Suicide

D) Murder

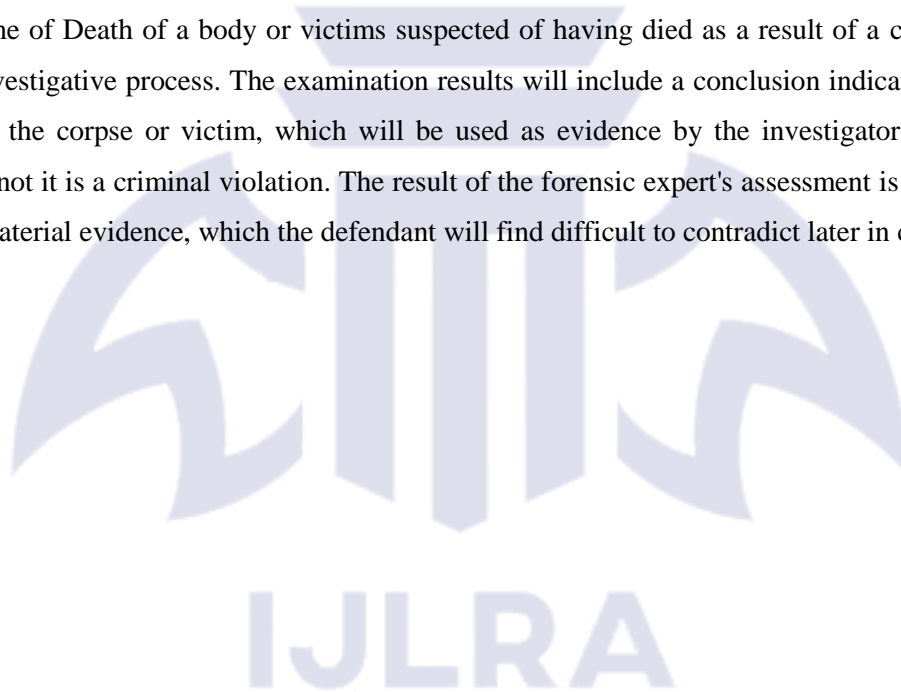
Although individual intentions play a significant part in establishing the manner of death in cases of suicide, murder judgements do not always require evidence that the individual who committed the murder genuinely intended to do so. While proof of purpose is not required in murder proceedings, there are several circumstances where the attacker's intentions play a factor in deciding the method of death.

For example, if a driver of a car is actively pursued by another person who attempts to injure the vehicle on the road, crashes, and dies, this is deemed murder. Sometimes the state of the body is such that, even if the exact cause of death cannot be identified, the circumstances surrounding death are definitely murder.

A decomposing body hidden in a remote place in a shallow burial is an illustration of this. Cases where acts of negligence or carelessness have resulted in the death of another person include cases where, making decisions concerning the mode of death of a homicide may be challenging³.

CONCLUSION

An autopsy can reveal who is The Cause of Death, the Mechanism of Death, the Manner of Death, and the Time of Death of a body or victims suspected of having died as a result of a crime during a criminal investigative process. The examination results will include a conclusion indicating the cause of death of the corpse or victim, which will be used as evidence by the investigator to determine whether or not it is a criminal violation. The result of the forensic expert's assessment is objective and scientific material evidence, which the defendant will find difficult to contradict later in court.



³ Bakhtiar, H.S. (2019) *The essence of autopsy in the Criminal Investigation Process - Researchgate, Research Gate.* Available at: https://www.researchgate.net/publication/338676554_The_Essence_Of_Autopsy_In_The_Criminal_Investigation_Process (Accessed: November 14, 2022).