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Implementation Reconstruction Criminal Acts Of Murder By Regional Police Ditreskrim North Sumatra

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Abstrak

Rekonstruksi mempunyai kedudukan yang sangat penting dalam pembuktian suatu perkara pidana, yaitu memperjelas dan memberikan gambaran tentang terjadinya suatu tindak pidana dengan cara memperagakan kembali cara tersangka melakukan tindak pidana, sehingga lebih meyakinkan kepada penyidik tentang tindak pidana tersebut. kebenaran keterangan tersangka atau saksi. Rekonstruksi digunakan untuk mendapatkan gambaran tentang tindak pidana yang dilakukan oleh tersangka dan untuk mencocokkan keterangan tersangka dan saksi sehingga tindak pidana menjadi lebih jelas. Rekonstruksi kekuatan pembuktian (rekonstruksi) yang dilakukan oleh penyidik dalam proses penyidikan suatu tindak pidana merupakan hasil rekonstruksi sebagai keterangan dari tersangka/terdakwa di luar ruang sidang, apabila sesuai dengan salah satu alat bukti yang lain, maka akan berfungsi sebagai sarana untuk menemukan bukti di persidangan atau instruksi. Kendala yang sering dihadapi penyidik dalam melakukan rekonstruksi yaitu hambatan eksternal berasal dari masyarakat yang tidak dapat bekerjasama atau tidak kooperatif pada saat rekonstruksi dilakukan oleh penyidik. Sedangkan kendala lain berupa hambatan internal pelaksana rekonstruksi tidak dihadapi penyidik. Upaya yang dilakukan penyidik dalam mengatasi kendala tersebut adalah dengan meningkatkan keamanan baik bagi tersangka pelaku tindak pidana maupun pada saat dilakukan rekonstruksi di TKP.

Kata Kunci: *Kejahatan, Pembunuhan, Rekonstruksi*

Abstract

Reconstruction has a very important position in proving a criminal case, namely to make it clear and provide an overview of the occurrence of a crime by re-demonstrating the way the suspect committed a crime, so that it is more convincing to the examiner about the truth of the statement of the suspect or witness. Reconstruction used to get an overview of the crime committed by the suspect and to match the testimony of the suspect and witness so that the crime becomes clearer. The power of proof reconstruction (reconstruction) carried out by investigators in the process of investigating a criminal act is the result reconstruction as a statement from the suspect/defendant outside the courtroom, if it is in accordance with one of the other pieces of evidence, it will serve as a means of finding evidence at trial or instructions. Obstacles that are often faced by investigators in carrying out reconstruction that is, external barriers come from people who cannot cooperate or are not cooperative at the moment reconstruction carried out by investigators. While other obstacles in the form of internal barriers to implementation reconstruction investigators did not face this. The efforts made by investigators in overcoming these obstacles are to increase security both for suspected perpetrators of criminal acts and at the crime scene reconstruction it is done.

Keyword: *Crime, Murder, Reconstruction*

INTRODUCTION

Indonesia already has a criminal procedural law known as the Criminal Procedure Code (KUHAP) (Butt & Lindsey, 2020). The criminal justice system has been regulated in such a way, particularly regarding the processes and procedures for examining a suspect starting from the level of investigation from the police, follow-up research at the prosecutor's level to examination in court, especially regarding the system of evidence (valid evidence) *explicit* (bright) has been regulated in the Criminal Procedure Code (Malarangan et al., 2018).

Since the investigation level has known the direction, which provisions (articles) of the Criminal Code have been violated, then at the prosecutor's level the minutes of the investigation are examined until the relevant articles are found to be charged. The indictments, which mostly originate from the police investigation report, are brought before the court to be examined, tried and decided (Sela-Shayovitz, 2018).

Some criminal incidents are certainly often heard of *reconstruction* (Mannheim, 2013). Implementation *reconstruction* this is in the form of repeating what the suspect has done to the victim, especially if the victim dies. As is well known, in certain criminal cases, the minutes of investigation are always accompanied by minutes and photographs *reconstruction* which

are chronologically news events and photos *reconstruction* this is an integral part of the indictment and even the examination in court, because of the minutes and photos *reconstruction* it has become an integral part of the case file and is attached to the indictment. It brings that impact *reconstruction* also be relevant to be examined in court hearings.

The Criminal Procedure Code has been regulated in detail regarding the procedure for examining the suspect himself *explicit* (bright) nothing set about *reconstruction* and the power of law later in court. However, the institution that played a role in investigating the case (the police) often carried out forms of investigation that were not regulated in the Criminal Procedure Code, especially *reconstruction*. The point is that it is an attempt by the police (investigators) to repeat what the suspect has done to the victim.

Reconstruction carried out not against all criminal acts, but only against certain criminal acts (Sinaga et al., 2020). For example murders, rapes and other things that are done with the minutes with the photos. The entire agenda *reconstruction* This is an integral part of the case file.

Process example *reconstruction* namely in the case of the murder of a family on Jalan Mangan 1, Mabar Village, Medan Deli District, Medan City, North Sumatra Province. *Reconstruction* or the reenactment of a sadistic murder led by the Head of the Sub Directorate of Jahtanas, Directorate of General Criminal Investigation of the North Sumatra Regional Police AKBP Feisal Napitupulu who led the arrest of the three suspects (Donovan, 2018). Previously, the North Sumatra Police arrested four suspects, namely three perpetrators and one intermediary involved in the murder of a family in Mabar Village, Medan Deli District. In that incident, five people died namely Rianto (40) and his wife Riyani (35), their two children Syafa Fadillah Hinaya (15) and Gilang Laksono (11) and their mother-in-law named Marni (60).

Reconstruction in the case of the murder of a family is one of the methods used by investigators in carrying out the investigative process despite its nature *reconstruction* this is not mandatory to do but to further clarify what happened. The purpose of holding *reconstruction* this is to provide an overview of the occurrence of a criminal act by way of re-demonstrating the way the suspect committed a crime with the aim of further convincing the examiner about the truth of the suspect's and witnesses' statements. *Reconstruction* This helps the investigation to obtain evidence in the form of evidence before the case is transferred to the prosecutor's office (Handlos et al., 2019).

Reconstruction usually done at the crime scene (TKP). Every demonstration carried out by suspects and witnesses needs to be photographed and the course of the demonstration *reconstruction* must be stated in the Minutes *Reconstruction*. The first actions

and obligations at the crime scene (TKP) are an important initial effort for the process of further investigation of criminal events (Wahyuningsih et al., 2018). The success or failure of the further investigation largely depends on the initial actions and obligations of the investigator who is carrying out work at the scene of the incident (George, 2019). The place of occurrence of this case is a source of materials for further investigation, because the place of occurrence of the case is often and repeatedly visited by investigators to carry out investigations in order to carry out investigations. *reconstruction* and also to obtain as many materials as possible so that the matter becomes clear and then can be judged smoothly.

Reconstruction has a very important position in proving a criminal case, namely to make it clear and provide an overview of the occurrence of a crime by re-demonstrating the way the suspect committed a crime, so that it is more convincing to the examiner about the truth of the statement of the suspect or witness (Wang et al., 2019).

The formulation of the problem in writing this is how the settings *reconstruction* (reconstruction) carried out by investigators in uncovering the criminal act of murder, what is the strength of evidence *reconstruction* (reconstruction) carried out by investigators in the process of investigating a criminal act, what are the obstacles and efforts made by investigators in the process *reconstruction* (re-engineering) in uncovering a criminal act (Moorthy & Moorthy, 2020).

RESEARCH METHOD

The object of this research is effectiveness *reconstruction* as proof of the crime of murder. The location of the research was carried out at the Ditreskrim of the North Sumatra Regional Police.

This research is descriptive in nature, namely describing the applicable laws and regulations associated with legal theory and practice of implementing positive law concerning the problem (Dahwir, 2019).

The approach method in this study is to use an empirical juridical approach, namely a legal research method that seeks to see the law in a real sense or can be said to see, examines how the law works in society, which then uses a research approach, a type of qualitative approach. Qualitative approaches are usually used to produce descriptive data in the form of written or spoken words from the people or behavior observed and then corroborated by primary data sources and secondary data sources.

RESULT AND DISCUSSION

To find evidence or as a sub-system of evidence in criminal cases. The power of proof *reconstruction* (reconstruction) carried out by investigators in the process of investigating a criminal act is the result *reconstruction* as a statement from the suspect/defendant outside the courtroom, if it is in accordance with one of the other evidences, it will serve as a means of finding evidence in court or instructions.

Avoiding the rules regarding *reconstruction* In this case, especially for the National Police as investigators, the National Police leadership has determined in the Technical Instructions and Implementation Instructions, namely the Chief of Police Decree No. Pol : Skep 1205/1X/2000 concerning Revision of the Association of Technical Guidelines and Technical Instructions for Investigation of Criminal Acts, so that based on this provision, investigators can carry out their duties without conflicting with the criminal procedural law (Borhaug, 2019).

Reconstruction is not intended as a testimony of the accused, then in fact according to the Criminal Procedure Code, *reconstruction* not entered as evidence, but when *reconstruction* this is in accordance with one of the other pieces of evidence, then its status is only a tool to find evidence at trial, because the statement is made in the minutes as referred to in Article 189 paragraph (2) that only the statement of the suspect/defendant made with the minutes is what can be used as a tool to find evidence in court, and the statement relates to the matter against which he was charged.

When it is compatible with one or the other evidence, *reconstruction* referred to, will change its position to become a guide, for which case it will be able to fulfill the minimum evidentiary requirements in awarding a decision on a criminal case. *Reconstruction* which changed its status from a tool to find evidence at trial to lead evidence, can be found in one of the decisions of the Supreme Court of the Republic of Indonesia dated 20 September 1977 No. 177/K/1985, confirms "Confirmation of confessions given outside the courtroom can be used by the judge as a guide to declare the defendant's guilt".

Evidence in a criminal case can only be used if all other evidence has been examined (Fonneløp et al., 2016). If the other pieces of evidence are not sufficient to convince the judge of the defendant's guilt, then these instructions will play a role. For this reason, this evidence cannot be used before other evidence is estimated. In accordance with the understanding of instructions based on Article 188 paragraph (1) of the Criminal Procedure Code, that instructions as acts of events or circumstances due to agreement between one and the other as well as with the crime itself, indicating that a crime has occurred and who the perpetrator is. The essence here is conformity, both the correspondence of events, circumstances or actions, as well as the correspondence with the crime itself.

Reconstruction as the defendant's statement made outside the courtroom, which can be used to help find evidence (Carrington, 2018). If there is a similarity with one of the other pieces of evidence, then the position *reconstruction* will turn into evidence, thus the minimum requirement of two pieces of evidence can be fulfilled. Nevertheless, the possibility is not closed for the defendant to withdraw or revoke the information he gave at the examination conducted by the investigator, when the case has been advanced before the trial court. Many cases were encountered where the defendant retracted the statement he had given after being heard by the court. Because it is rare for suspects to deny the acts they were charged with during the investigator's examination, on the contrary, they immediately admitted it.

This confession he gave could have been caused by the physical pressure exerted by the investigator, so that the suspect only confessed to the investigator's questions (Havens, 2021). Looking at the case files of investigators and public prosecutors, there is certainty that the suspect/defendant is the perpetrator. However, the Criminal Procedure Code itself emphasizes that the defendant's confession alone cannot make it a fact that he is the perpetrator. Because there could have been other people (third parties) as the main perpetrators of the crime, who were hiding behind the confessions of a suspect/defendant.

The suspect's confession can bring the person concerned to be punished or sentenced, so there will be many defendants who just admit it and be convicted, while the actual perpetrators are outside freely (Scherr et al., 2020). Therefore the purpose of the law to achieve certainty and uphold the law will not be achieved. Sometimes a confession can be made by the suspect/defendant, then the investigator does it *reconstruction*, However *reconstruction* was carried out not in accordance with the truth, for example one of the pieces of evidence was not included in the trial *reconstruction* or the suspect in giving his statement is the product of engineering (Warouw, 2023).

There was a mistake in the implementation *reconstruction*, or the suspect's statement outside the trial is retracted at trial, the judge must be able to evaluate the revocation objectively, wisely and prudently. The judge should not close his eyes or ears about the possible reasons for the revocation by the accused, for example the confession given was the result of coercion or torture by the investigator which was intolerable.

Juridically, the accused has the right and justification to withdraw the statement or confession he gave during the investigative examination or statement outside the courtroom (Ho, 2019). Revocation of this statement is only permitted during an examination at a court hearing. Even though the law does not limit the right to retract a statement outside the session, as long as the revocation is carried out with logical reasons and grounds. Because with logic and logical quality this is the basis, so that it can support the action of revocation, and that

reason is acceptable. RI Supreme Court Jurisprudence dated 22-2-1960 No. 225 K/Kr/1960 confirms that revocation is unacceptable without a reason.

Reconstruction as an attempt made at the stage of the investigator's examination to repeat what was experienced by the suspect, which if the repetition corresponds to one of the evidence in court, which will later become one of the evidence regulated in the Criminal Procedure Code, namely evidence evidence (Miranda-Ackerman et al., 2019).

Reconstruction is the defendant's statement given outside the courtroom which is included with the Minutes of Examination (BAP) is part of the components to determine whether the defendant is guilty as the perpetrator of the crime charged against him based on the minimum limit of evidence (Shade & Jacobson, 2015).

Reconstruction What is being carried out is that at the examination stage it is still in the hands of investigators, it is possible to experience deficiencies or errors, even mistakes both for the person and the incident, or even the formalities of implementation and the authority of the authorized official. When something like this happened, the defendant withdrew the statement given in *reconstruction* with reasonable reasons and grounds.

Implementation *reconstruction* Criminal cases in the jurisdiction of the North Sumatra Regional Police generally do not always run smoothly as expected by all parties. Investigators in reconstructing the occurrence of a crime experienced obstacles or obstacles, both internal and external (Hasan, 2022).

Constraints experienced by investigators in carrying out *reconstruction* criminal cases, in this case obstacles originating from the suspect, the suspect often refuses to reconstruct the crime he has committed. The accused's reluctance to commit *reconstruction* the crime he had committed because the suspect considered the information he gave to the investigator considered sufficient without having to re-enact the scene of the crime (Haliza et al., 2023).

The suspect didn't want to do it *reconstruction* also because the suspect was not the real perpetrator so he refused to make up a scene of an act he did not commit. Moreover, the suspect's refusal to do *reconstruction* because of his concern for his safety from the anger of the people who witnessed it *reconstruction* the. Such things hamper the work of investigators in *reconstruction* a criminal case so that the examination in the investigative process is slow and takes a lot of time (Klau, 2023).

The next obstacle in implementation *reconstruction* Criminal cases at the North Sumatra Regional Police came from witnesses. Witnesses often don't want to come when the investigator is going to do it *reconstruction*, this is because the witness feels that his statement to the investigator has been quite helpful in the investigation process. Witnesses who do not want to be present in reconstructing criminal events are felt to be very inefficient by

investigators, because investigators have to call witnesses again to be present at the execution. *reconstruction* in order to pay attention to the suspect in replaying whether it is in accordance with what he knows or not, whether something is covered or disguised by the suspect or not. Investigators sometimes use substitute witnesses in cases where the witness does not want to be present (Ciptono et al., 2022).

The obstacles that come from the police actually don't exist because the police do *reconstruction* is to get a direct picture of how the crime was committed by the suspect so that it becomes clear the direction to ensnare the suspect.

Efforts to overcome obstacles in implementation *reconstruction* and to anticipate unwanted things in the process *reconstruction* is that with extra tight guard will be enforced against the suspected killers. Efforts made by investigators to overcome these obstacles are to increase security at the place of action *reconstruction* and ensure the safety of suspects for execution *reconstruction* can run smoothly.

CONCLUSION

Arrangement *reconstruction* (reconstruction) carried out by investigators in uncovering criminal acts of murder is guided by the Regulation of the Head of the National Police of the Republic of Indonesia Number 14 of 2012 concerning Management of Investigation of Criminal Acts, and also remains guided and pays attention to the Criminal Code and Criminal Procedure Code. *Reconstruction* used to get an overview of the crime committed by the suspect and to match the testimony of the suspect and witness so that the crime becomes clearer.

The power of proof *reconstruction* (reconstruction) carried out by investigators in the process of investigating a criminal act is the result *reconstruction* as a statement from the suspect/defendant outside the courtroom, if it is in accordance with one of the other evidences, it will serve as a means of finding evidence in court or instructions. Because it can help judges in determining the guilt of the defendant, namely the minimum proof system. If there is an error in doing *reconstruction* was revoked by the defendant at trial, or the results *reconstruction* is not in accordance with any of the evidence, then the results *reconstruction* cannot be used as a tool to find evidence at trial because all information is out of court *reconstruction* must be in accordance with one of the other pieces of evidence, then the results can be used as a tool to find evidence, that a criminal incident has actually occurred, and the defendant is the perpetrator.

Obstacles that are often faced by investigators in carrying out *reconstruction* namely external resistance. These obstacles come from the community in the form of a state of society that cannot cooperate or is not cooperative at times *reconstruction* carried out by investigators.

While other obstacles in the form of internal barriers to implementation *reconstruction* investigators did not face this.

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