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## Contribution of Forensic Laboratory Examination Results in Proving Narcotics Crimes

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### Abstract

The results of forensic laboratory examinations are included in documentary evidence that can prove that a crime has occurred. In practice, there is a narcotics crime that requires a forensic laboratory examination related to the alleged narcotics crime. This research aims to analyze the role of forensic laboratory examination results as documentary evidence. These problems are analyzed using normative legal research methods with a case approach. The results of this research show that the results of forensic laboratory examinations of substances suspected of being narcotics play a very important role in proving that a crime of illicit narcotics trafficking has occurred.

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### Keywords

evidence; forensic laboratory; narcotic crime

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## 1. INTRODUCTION

The introduction should briefly place the study in a broad context and highlight why it is important. It should define the purpose of the work and its significance. The current state of the research field should be reviewed carefully, and key publications cited. Please highlight controversial and diverging hypotheses when necessary. Finally, briefly mention the main aim of the work and highlight the principal conclusions. As far as possible, please keep the introduction comprehensible to scientists outside your particular field of research. References should be cited as (Kamba, 2018) or (Marchlewska et al., 2019) or (Cichocka, 2016; Hidayat & Khalika, 2019; Ikhwan, 2019; Madjid, 2002) or (Miller & Josephs, 2009, p. 12) or Rakhmat (1989). See the end of the document for further details on references. Technical terms should be defined. Symbols, abbreviations, and acronyms should be defined the first time they are used. All tables and figures should be cited in numerical order.

In the current era, narcotics have become a problem whose intensity continues to increase every year, both in terms of quantity and quality. The use of narcotics in the current era does not recognize age, age and gender boundaries, but in the field it is often found that narcotics users mostly come from young people. The rapid development of narcotics abuse is also supported by the development of increasingly sophisticated technology, therefore more stringent regulations regarding narcotics crimes are needed considering that this crime has become a transnational crime (Raja Gukguk & Jaya, 2019)



Indonesia is one of the countries with high narcotics abuse and is included in the narcotics emergency category.

Narcotics are drugs or substances that can calm the nerves, cause unconsciousness or anesthesia, relieve aches and pains, cause drowsiness or stimulate, can cause a stupor effect, and can cause addiction, and which are designated by the Minister of Health as Narcotics (Rahmadika, 2018).

According to Article 1 number 1 of Law Number 35 of 2009 concerning Narcotics states that: "Narcotics are substances or drugs derived from plants or non-plants, whether synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce or eliminate pain, and can cause dependence, which are divided into groups as follows attached to this Law."

An accordance with the provisions of Article 7 of Law Number 35 of 2009 concerning narcotics, narcotics are only used for the purposes of health services and/or the development of science and technology. The use of narcotics outside of the above interests is considered illegal and violates existing legal provisions. Basically, the use of narcotics is regulated in accordance with applicable laws and regulations and their distribution is strictly monitored. However, in reality on the ground, obtaining narcotics illegally is not a difficult thing for ordinary people to do.

In adjudicating and deciding a case in court, a judge, apart from considering the evidence submitted by the litigant, must also consider other aspects outside of the evidence to decide a case. When a judge handles a case at trial, a judge is bound by the legal rules of evidence in Article 184 of the Criminal Procedure Code, but in trying and deciding a case that does not mean that the judge is not truly looking for the truth. Before a decision is read before the court, the judge must make sufficient considerations and provide reasons that serve as a basis for making a decision. Judges must still pay attention to propriety and the value of justice, both written and unwritten laws.

Regarding evidence, R. Subekti believes that evidence is a process to convince the judge of the truth of the argument or arguments put forward in a dispute (Basri, 2021). According to R. Atang Ranomiharjo, valid evidence is tools that are related to a criminal act, where these tools can be used as evidentiary material, in order to create confidence in the judge regarding the truth of the existence of a criminal act that has been committed by the defendant (Samandari et al., 2017).

In the case of narcotics abuse in Decision Number 118/Pid.Sus/2019/PN Skt, in the trial process there was documentary evidence in the form of the Minutes of Criminalistic Laboratory Examination, which contained the examination of evidence held by the defendant containing methamphetamine. The judge in his decision stated that the defendant was proven to have consumed class I narcotics, not plants. In his decision the judge stated that the defendant had not been legally and convincingly proven to have committed the crime charged in the primary indictment, but here the judge stated that the defendant had been proven to have committed the crime as stated in the subsidiary indictment and was found

guilty of the crime he had committed, namely without rights and It is against the law to store and possess non-plant class I narcotics.

Proving someone is guilty or not in a criminal act requires proof. Evidence is provisions that contain outlines and guidelines regarding methods permitted by law to prove the guilt of the accused. The evidentiary system is a regulation of the types of evidence used, the description of the evidence and the ways in which the evidence is used and in what way the judge must form his belief (Lintogareng, 2013). Evidence is also a provision that regulates evidence that is permitted by law and may be used by a judge to prove the guilt of the accused.

Based on the description given above, the researcher raised the case in Decision Number 118/Pid.Sus/2019/Pn Skt regarding narcotics abuse cases and the author wanted to examine the role of criminal laboratory examination reports in evidence at trial?

## **2. METHODS**

This research uses a normative type of research and is perspective and applied. This legal research uses a case approach. The basis of this approach is ratio decidendi or reasoning, namely the judge's reasons for arriving at a decision. The source of research materials uses two materials, namely primary legal materials and secondary legal materials. The data collection technique used is document study (library study). The data analysis technique used is the syllogism method which uses a deductive mindset.

## **3. FINDINGS AND DISCUSSION**

As we already know, the provisions regarding documentary evidence are regulated in Article 187 of the Criminal Procedure Code, which is included as valid documentary evidence:

- a. Minutes and other letters in official form made by an authorized public official or made in his presence, which contain information about events or conditions heard, seen or personally experienced, accompanied by clear and unequivocal reasons for the statement;
- b. A letter made in accordance with the provisions of statutory regulations or a letter made by an official regarding matters included in the administration for which he is responsible and which is intended to prove something or a situation;
- c. A statement from an expert containing an opinion based on his expertise regarding a matter or situation that has been officially requested by him.
- d. Other letters can only be valid if they are related to the contents of other evidence.

Based on the provisions in article 187 of the Criminal Procedure Code letter c, the Minutes. The Criminalistics Laboratory Examination has met the requirements to say the least as legal documentary evidence and can be used by the judge as material for consideration in making a court decision.

In examining a criminal case in the judicial process, the Panel of Judges must search for and find the truth that the criminal act charged against the Defendant actually occurred and it is the Defendant who is to blame for the act (Muksin & Rochaeti, 2020).

In the verdict that was read out in this trial, the judge considered the evidence that had been submitted and presented by the public prosecutor and stated that the defendant had been legally and convincingly proven guilty of committing the crime of unlawfully possessing and storing class I narcotics. not a plant.

In this trial case, documentary evidence in the form of criminal laboratory examination reports has a role for the judge to consider the primary and subsidiary charges submitted by the public prosecutor. The defendant was acquitted of the primary charge because he did not fulfill one of the elements in Article 114 paragraph (1) of Law number 35 concerning Narcotics, namely the element of offering to sell, selling, buying, receiving, being an intermediary in buying and selling, exchanging or handing over Class I Narcotics. because the defendant has been acquitted of the primary charges, the judge then considers the subsidiary charges of Article 112 paragraph (1) of Law number 35 concerning Narcotics and based on the judge's consideration the defendant has fulfilled all the elements in that article, namely every person and without rights or against the law possessing, keeping , controlled, or provided non-plant class I narcotics, the judge stated that the defendant was legally and convincingly guilty of committing a criminal act as stated in the subsidiary indictment of Article 112 paragraph (1) of Law number 35 concerning Narcotics.

When the Judge considered the elements of Article 112 paragraph (1) of Law number 35 concerning Narcotics, namely without rights or against the law possessing, storing, controlling or providing Class I non-plant Narcotics in the Subsidiary indictment, the Judge also considered documentary evidence in the form of an investigation report. criminalistics laboratory stated that the evidence belonging to the suspect in the form of crystal powder in a plastic clip contained methamphetamine, because it was proven to contain methamphetamine, the Judge believed that the Defendant had been proven to have violated the provisions of Article 112 paragraph (1) of Law Number 35 concerning Narcotics.

Here, documentary evidence has an important role for the judge to consider an indictment, because the contents of the documentary evidence in the form of a criminal laboratory examination report clearly and convincingly explain that the items confiscated from the defendant in the form of crystal powder contained methamphetamine so that it can help the judge to have sufficient consideration in considering the charges at trial.

As the trial of this case progressed, the panel of judges put forward the considerations in deciding the issue, the panel of judges made the criminal laboratory examination report, number: 571/NNF/2019, into evidence as one of the judge's considerations in deciding this case. Assessing the strength of

evidence attached to documentary evidence, the Criminal Procedure Code itself does not regulate, but here we can review it from a theoretical perspective and then connect it with several principles of evidence regulated in the Criminal Procedure Code, then a conclusion can be drawn:

- a. From a formal perspective, the documentary evidence referred to in Article 187 letters a, b and c is perfect evidence. because the letters referred to in it were made officially according to the formalities determined by statutory regulations. This formal review focuses on a theoretical perspective;
- b. From a material perspective, documentary evidence is free, the judge is free to evaluate the evidence, the judge can use it or get rid of it.

In principle, the principles of evidence adopted by criminal procedural law do not recognize tools perfect and binding evidence, because criminal procedural law adheres to a negative system of evidence according to law as formulated in Article 183 of the Criminal Procedure Code. The Defendant's guilt can be proven with valid evidence as stated in Article 184 of the Criminal Procedure Code and based on this evidence the Judge is convinced that a criminal act has actually occurred and the Defendant is guilty of committing it, then the Defendant must be declared guilty and sentenced.<sup>9</sup> Article 193 paragraph (1) states that the sentence to be terminated against a defendant is based on the court's assessment, if the court legally and is convinced that he has committed the criminal act charged against him in accordance with Article 183, the defendant's guilt has been relatively proven by at least two valid pieces of evidence that provide confidence in the judge.

Based on the results of research on Decision Number: Number 118/Pid.Sus/2019/Pn Skt on the Minutes of Criminalistic Laboratory Examination, No. Lab: 571/NNF/2019 is a consideration for the Judge in handing down a decision. The judge who examines and tries the case imposes a crime using at least two valid pieces of evidence by examining and considering documentary evidence in the form of a criminal laboratory report accompanied by other valid pieces of evidence, namely the witness's statement and the defendant's statement. The judge considered the Minutes of Criminalistic Laboratory Examination, No. Lab: 571/NNF/ as documentary evidence, the results of which stated that the defendant's evidence was proven to contain methamphetamine listed in class 1, not a plant, in accordance with attachment Number 61 of Law of the Republic of Indonesia No. 35 of 2009 concerning Narcotics. The judge in handing down his decision on the narcotics case by Dodi Suhartanto had considered the facts revealed in the trial so that the Panel of Judges who examined and tried the case declared him legally and convincingly proven guilty of committing a criminal act without rights and against the law of possessing and storing class I narcotics, not plants with imprisonment for 5 (five) years and 6 (six) months, a fine of IDR 800,000,000.00 (Eight hundred million rupiah), provided that if the fine is not paid it must be replaced by imprisonment for 3 (three) months .

#### **4. CONCLUSION**

Based on the results of research on Decision Number: Number 118/Pid.Sus/2019/Pn Skt, a conclusion can be drawn that documentary evidence in the form of minutes of criminal laboratory examinations has an important role for the Judge in his consideration of making a decision. The contents of the documentary evidence in the form of the Minutes of Criminal Investigation Laboratory have explained clearly and convincingly that the items confiscated from the defendant in the form of crystal powder contained methamphetamine so that it can help the judge to have sufficient consideration in considering the charges in the trial. Here the Judge has also examined and decided the case in accordance with the provisions in the Criminal Procedure Code. The judge in handing down his decision on the narcotics case by Dodi Suhartanto had considered the facts revealed in the trial so that the Panel of Judges who examined and tried the case declared him legally and convincingly proven guilty of committing a criminal act without rights and against the law of possessing and storing class I narcotics, not plants with imprisonment for 5 (five) years and 6 (six) months, a fine of IDR 800,000,000.00 (Eight hundred million rupiah), provided that if the fine is not paid it must be replaced by imprisonment for 3 (three) months .

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