

Forensic Autopsy as Legal Evidence: Legal and Ethical Responsibility of Forensic Doctors in Criminal Justice

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ABSTRACT: This article examines the dual function of forensic autopsies as both scientific procedures and critical instruments of legal evidence in murder investigations. It emphasizes the legal and ethical responsibilities of forensic doctors in conducting autopsies, particularly in cases with conflicting findings. Using normative legal methods and a case study analysis, including the controversial death of Brigadier J in Indonesia, this paper explores how discrepancies in autopsy results can undermine legal certainty and justice. The findings underscore the urgent need for forensic doctors to adhere strictly to ethical codes and legal standards to maintain credibility and reliability in criminal justice proceedings.

KEYWORDS: Forensic Autopsy, Legal Responsibility, Murder Investigation, Criminal Justice

INTRODUCTION

Law enforcement has three elements that must be considered, namely legal certainty, benefit, and justice. With legal certainty, society will be more orderly. One of the benefits of law enforcement is development in society. The community also expects to benefit from the enforcement of the law. In the implementation of law enforcement, the community also expects the law to provide justice for their interests.

Murder is defined as the intentional killing of another person. If someone intends to kill another person, they must perform an act or series of acts that results in death. The criminal offense of murder is defined in Article 338 of the Criminal Code, which states: "Anyone who intentionally takes the life of another person shall be punished for murder with imprisonment for a maximum of fifteen years."

When investigating an unusual cause of death that may be a criminal act, law enforcement officials need supporting information. Auxiliary sciences, such as forensic science, are needed to explain and assist in the investigation process in criminal cases related to human health, body, and life.

Forensic medicine plays a pivotal role in modern criminal justice systems. Autopsy findings serve not only to establish the cause and manner of death but also to substantiate or refute allegations of criminal conduct. The objectivity and integrity of the forensic doctor are crucial, especially when discrepancies in findings emerge, as they can significantly affect judicial outcomes. Forensic autopsy reports often become decisive elements in court proceedings, influencing both investigatory paths and judicial decisions. This underlines the need for forensic doctors to maintain not only technical competence but also unwavering ethical standards.

RESEARCH METHODOLOGY

This study employs a normative legal research method, using statutory, conceptual, and case-based approaches. The primary legal sources include national penal codes, health laws, and ethical standards such as the World Medical Association's guidelines and national codes like KODEKI (Indonesia). Secondary sources include peer-reviewed journal articles, forensic case studies, and judicial interpretations of medical expert evidence. The article also uses doctrinal analysis to assess the application of norms in real-world scenarios.

RESULTS AND DISCUSSION

Forensic Autopsy and Its Legal Function

When investigating an unusual cause of death that may be a criminal act, law enforcement officials need supporting information. Auxiliary sciences, such as forensic science, are needed to explain and assist in the investigation process in criminal cases related to human health, body, and life.

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Forensic science is the application of various scientific disciplines to explain the cause, manner, and circumstances of death. Within the legal system, many sciences can contribute to explaining what happened to a person who died under suspicious circumstances and/or as a result of violence. However, beyond its connection to the legal system, forensic science generally encompasses scientific methods and rules derived from the facts of various incidents to identify physical evidence. This requires the presence of a forensic pathologist to perform a forensic autopsy.

A forensic autopsy is a medically guided examination with significant legal value. It aims to determine the exact cause and manner of death, particularly in suspected unnatural deaths. Autopsies contribute critical data used in legal proceedings, often presented as expert testimony in the form of a *Visum et Repertum*. This documentation must adhere to the chain of custody and be conducted impartially to preserve its evidentiary integrity. Forensic doctors act not just as clinicians but as quasi-legal actors, directly influencing prosecutorial strategies and judicial determinations.

The important and strategic role of forensic autopsy is not only to reveal the cause of death, but also to determine the guilt of the defendant from a criminal law perspective.

Legal and Ethical Duties of Forensic Doctors

Forensic doctors have the following duties in carrying out their work:

1. Adhering to the code of ethics of the forensic medical profession, following medicolegal procedures, and performing their duties and responsibilities as forensic experts.
2. Establishing forensic and medico-legal diagnoses for living and deceased victims, handling cases while considering social, legal, and medico-legal aspects, communicating with authorities, and issuing forensic certifications in accordance with applicable regulations.
3. Designing, managing, and supervising forensic medicine units and morgues within healthcare institutions.
4. Participating in forensic case management teams and hospital ethics committees.
5. Act as a teacher and mentor in the fields of forensics, ethics, and medico-legal matters in accordance with applicable laws and regulations.
6. Actively participate in the development of medical science, particularly forensics, ethics, and medico-legal matters, by writing scientific papers and presenting research results.

Forensic doctors must comply with laws and regulations based on the ethical principles established by relevant professional organizations. When performing autopsies to collect medical evidence and evaluate examination results, they must adhere to these principles. Before reviewing the laws, regulations, and ethics governing forensic doctors who perform autopsies, it is important to understand their role in the medical field.

Forensic doctors are entrusted with the dual responsibility of upholding legal expectations and ethical integrity. Legally, their work must be impartial, based on scientific rigor, and documented clearly. Ethically, they must abide by declarations like the Declaration of Geneva, which emphasizes respect for human dignity and objectivity. Breaches, such as falsifying autopsy data or yielding to external pressure, can constitute criminal offenses including obstruction of justice. In jurisdictions such as Indonesia, violations can result in administrative sanctions from medical councils and legal proceedings under criminal law.

Consequences of Inconsistent Autopsy Findings

This refers to a case from several years ago that attracted significant public attention. It involved the death of a police officer under unusual circumstances, as well as numerous irregularities surrounding his death. Brigadier Joshua Hutabarat, the victim of a premeditated murder, underwent two autopsies conducted by the Indonesian Forensic Medical Association, meaning the body was exhumed. This procedure has the potential to produce discrepancies in the conclusions of the re-autopsy because Brigadier Joshua's case presents significant challenges due to the decomposition of the body and prior actions taken against him.

The 2022 case of Brigadier Nofriansyah Yoshua Hutabarat in Indonesia highlights the critical intersection between forensic medicine, public perception, and the law. Two distinct autopsy results—conducted by different forensic teams—yielded conflicting conclusions regarding entry and exit wounds, cause of death, and projectile trajectory. This disparity raised concerns about the influence of institutional bias, improper procedure, and ethical violations. The case drew intense public scrutiny, leading to calls for reforms in forensic procedures, transparency measures, and strengthened ethical oversight of forensic experts.

The first autopsy of Joshua Hutabarat's body was documented in *Visum et Repertum* No. R/082/S.K.H./VII/2022 IKF, signed by Dr. Farah P. Karouw, forensic and medico-legal specialists at Bhayangkara Hospital Tk. I Puskor POLRI, the following results were obtained: Seven entry gunshot wounds, six exit gunshot wounds, one lodged bullet, and a gunshot wound to the left rear of the head and a gunshot wound to the right side of the chest as the cause of death.

The second autopsy was performed on July 27, 2022, at Sungai Bahar District General Hospital in Muara Jambi Regency. The expert opinion letter is numbered 060/SKA/VIII/2022/PP. PDFI, signed by the Advisory Board chaired by Dr. Ade Firmansyah Sugiharto, Sp.F.M (K), and seven other forensic experts. The second autopsy revealed five entry gunshot wounds, four exit gunshot wounds, one lodged bullet, and a fatal gunshot wound to the head and chest as the cause of death.

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A forensic doctor who performs an autopsy and is found to have concealed or falsified the results may be held legally accountable in accordance with the code of ethics and criminal law. According to the medical code of ethics, a doctor who falsifies or conceals evidence in a murder case violates the professional discipline of doctors and dentists, as stipulated in Article 3, Paragraphs 1 and 2, Letter R, of the Indonesian Medical Council Regulation No. 4 of 2011, on the Professional Discipline of Doctors and Dentists. This regulation states the following:

- a) Every doctor and dentist is prohibited from committing violations of professional discipline.
 - b) Every doctor and dentist is prohibited from committing violations of professional discipline for doctors and dentists.
- A doctor suspected of violating this code may be reported to the Chairman of the Indonesian Medical Disciplinary Honorary Council (MKDKI). The MKDKI is the authorized body that determines if a doctor or dentist has committed an error in applying medical or dental discipline. The MKDKI may impose sanctions, which may include:
1. Issuing a written reprimand.
 2. Recommendation for revocation of the registration certificate or practice license.
 3. Obligation to undergo education or training at a medical or dental institution.

Forensic autopsy results play a crucial role in proving criminal acts of murder at all stages of the legal process, from investigation to prosecution to trial. In fact, it can be said that the results of forensic autopsies play a crucial role in murder cases.

Discrepancies in autopsy reports can significantly distort the judicial process. The following consequences often arise:

- a) Evidentiary uncertainty: Courts may discount or question the reliability of autopsy reports, weakening the prosecution or defense.
- b) Wrongful outcomes: Inaccurate or manipulated findings may lead to unjust acquittals or convictions.
- c) Professional liability: Doctors may face disciplinary actions, revocation of licenses, or even criminal charges.
- d) Erosion of public trust: High-profile inconsistencies damage the credibility of legal and medical institutions, triggering societal backlash and legislative reform.

The consequences of a forensic doctor's differing autopsy results depend on the case's context and the autopsy's purpose. These consequences may include disputes in the handling of cases, particularly in the legal process. These differences may lead to changes in how cases are handled, including investigations and trials. Differing autopsy results may affect evidence and court decisions, especially if the discrepancies relate to the cause of death or the nature of the injuries. Additionally, forensic doctors who intentionally obstruct or hinder a forensic autopsy may face sanctions.

To avoid legal uncertainty, forensic doctors should conduct autopsies with meticulous care and transparency, as discrepancies in autopsy results can have significant consequences for case handling, particularly in legal proceedings.

CONCLUSION

Forensic autopsies serve as cornerstones of truth-seeking in criminal justice. Their effectiveness depends on the technical accuracy and ethical discipline of the professionals conducting them. As evidenced by controversial cases like that of Brigadier J, deviations from professional standards have far-reaching legal and social consequences. Strengthening ethical frameworks, standardizing methodologies, and enforcing legal accountability are essential to restore and preserve the integrity of forensic medicine in law enforcement and judicial systems.

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Forensic Autopsy as Legal Evidence: Legal and Ethical Responsibility of Forensic Doctors in Criminal Justice

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