

Forensic and Legal Victimology Education: The Actualization of Ethical Values in Law

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Abstract

Ethics need to be redeveloped as an effort to build the excellent forensic and legal victimology education, and law-abiding human beings with moral value. Being ethical means, therefore the awareness of the importance of ethics must always be a basic requirement in the forensic and legal victimology education order. The relation between ethics and educations is indeed close. There are many links which make both share similarities and differences, but the difference is not meant to separate them one from another. In addition, ethics and legal norms both have the same social aims, namely humans to do deeds according to the norms of society. Without a strong ethical principle, the awareness of forensic and legal victimology education may not grow well, the education may lose its substance. Even, the forensic and legal victimology is used as a tool to merely invigorate greed and selfishness. But by sticking to ethical principles, the awareness of forensic and legal victimology might grow well, as it may deliver and elevate human standards may realize social justice in Indonesia.

Keywords: *Values, Ethics, Forensic, Victimology, Law*

Introduction

The awareness of legal ethics is one of the most important components in forensic education and legal victimology. Even the ethics within the said education is deemed to be more challenging to establish than building either education facilities and infrastructure or legal victimology. The awareness of legal ethics is tantamount to questioning the human characters as an object or subject of a teaching related to forensic and victimology. Therefore, the awareness of legal ethics needs to be redeveloped as an effort to build the character of students who are currently studying forensic education and legal victimology.

Forensic science reveals legal issues—specifically in criminal acts, to investigate the cause of one's death case allegedly by poisoning in particular, the investigators will use Forensic Science and will ask for

help from forensic experts. Forensics is commonly used to assist investigations in a crime case. Forensics is a field of science which is used to assist law enforcement processes through the application of science. Forensic science is applied for legal purposes by providing scientific evidence which may be used in court in solving crimes, as explained by Soekanto and Mamudji.⁽¹⁾

Terminologically, according to Gosita⁽²⁾ victimology means a legal study which studies the victims, the causes of victims and the consequences of victims which then become human issues as a social reality. The condition of Indonesians today shows that instead of growing further into improvement, it is evidently experiencing a setback. One of them is how the norms of decency is gradually blurred. Wiguno⁽³⁾ said that there are numerous cases of rape, harassment, and crime which run rampant to other moral issues. The said norm of decency is one of the norms which applies in the society both as a barrier and reminder for each individual to not fall into such despicable act.

Legal victimology education is deemed equal as rebuilding human characters in order to learn and be more outspoken regarding existing issues, hence the

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most fundamental issue in victimology is its relation to ethics.

Legal victimology issues is closely related to the existence of ethics, whereas it may be proven that when human beings are exposed to the importance of respect to others, and take care of each other's dignity. For that reason, the actualization of ethics in human life requires such processes in a long period, in the sense of ethical education to guide human life. Ethics does not question human circumstances, yet rather on how humans should act properly, as said by Djuneaidi.⁽⁴⁾

It's undeniable how humans constantly search for good things. And when humans distinguish whether something is good or not, or something should be done or not, those things happen as the humans understand those of which are deemed to be good, proper, and appropriate in order to reach the supposedly right direction, said Poespoprodjo⁽⁵⁾ It's the consequence of the ethics, which questions how humans act, their behavior upon their existence as human being. Basically, legal awareness will be well formed, if human individuals are aware of the importance of the ethical noble values as a guide to be expressed in various dimensions of life. Therefore, according to Keller⁽⁶⁾ community obedience upon the existing norms might be developed by itself, which is why legal awareness is of collective awareness which needs to be supported simultaneously by individuals in order to achieve a common goal that the order of life would be more directed and run dynamically.

The legal ethics awareness issue emerges when the collective awareness of the importance of ethical values is no longer discussed in forensic education and legal victimology. Ethical values began to be fragmented of cultural influences of hedonism, pragmatism, materialism, and ego of power. So, it is crystal clear, that such influences would gradually erode the morality of forensic experts and legal victim. The impact of ethical awareness in forensic and victimology examination efforts is extremely low, the law enforcement also loses its substance if the crime is unsolved.

Method

This research used juridical normative methods and a library research about ethics and moral on the Forensic and Legal Victimology educations in Indonesia

Findings and Discussion

In its literal meaning, the word ethics is derived from the word *ethos* (singular, Greek) which then became *ethics* (English). Bartens⁽⁷⁾ explained that the word *ethics* is rooted from ancient Greek; *ethos* in singular form which means customs, or good morals. The plural form of *ethos* is *ta etha* which means customs or good morals. This plural form then birthed the term of ethics which, by the Greek philosopher, Aristotle (384-322 BC) had been used to denote moral philosophy.

The word "ethics" has a number of meanings. Generally, ethics is seen as a branch of value philosophy (axiology). In this value philosophy, aside from ethics (behavior or moral philosophy). On daily basis, ethics may be interpreted as product, which then emerged the terminology of professional code of ethics, which a collection of norms which govern "the do's and the don'ts" of a profession. Norms in a professional code of ethics are set independently (self-regulation) by those with the profession including forensic and victimology experts. It contains the vision and mission of the profession, including all traditions which involve the forensic and victimology professions. Shidarta⁽⁸⁾ explains that the aim is nothing but to maintain the honor of the said profession.

Meanwhile, according to James J. Spilane SJ in Muhammad⁽⁹⁾, he considers ethics to always pay attention or consider human behavior in moral decision making. Ethics directs or connects the use of individual reason under the objectivity to determine "truth" or "mistakes" and one's behavior toward others. While in the ethical aspects in Immanuel Kant's view of moral values is an act which depends on the intention of the person who carries out the particular act, and such act has a moral value only if it was enacted due to obligation. This means that such act may not only have to be in accordance with what is mandated by the obligation, but it also has to be carried out in order to fulfill the obligations of the doer. According to Acton⁽¹⁰⁾ an act may be considered as an obligation if it were enacted for concern of punishment or to gain advantages for others, yet said act has no moral value.

Ethics in general is to equip oneself with noble character, commendable attitude in associating and interacting with humans, or circumstances and proper approach, what might help in prevent from conducting

mistakes, or nature which may keep someone from matters which is potential to humiliation, as said by Aliyah.⁽¹¹⁾ Hence, it can be said that the word “ethic” (manner), according to the previous Muslim writers is not indicated on the commitment to morals only, but it is also indicated on the commitment to sharia and law, the qualities that must be possessed by the authorities in power, and so forth, as mentioned by Al-Qasimi.⁽¹²⁾

The Chief Justice of the United States of America, Earl Warren (1953-1969) in Asshiddiqie⁽¹³⁾ once said, “In civilized life, law floats in a sea of ethics”. Earl Warren called forensic science as something that can only be upheld, sailing, moving on ethics. Ethics is the foundation for the law to float on the sea. He further stated that the law could not be upheld in a fair manner if the ethical oceanic water did not flow or did not function well.

Therefore, in order for the law to be upheld and properly maintained, the development of ethical awareness in the community is very urgent. Ethics is basically very urgent. In every violation of forensic procedures and victimology provision, most of them are also a violation of ethics. Forensic officers and victimologists can let go of the criminal by changing the forensic test results or the victimology examinations if they ignore ethics.

Thus, ethical values must be explicitly stated in the law enforcement efforts that are in line with the current development. So that the education of ethical values which is the result of crystallization of human behavior must always be realized in forensics and victimology. Without ethical values, forensic science and victimology can also be controlled by crime to exploit other humans by producing false reports. For this reason, there are some basic ethical values that must be used as guidelines in building an education system of forensics and victimology to make law enforcement more authoritative, protective and giving a sense of justice.

Forensic test and victimology examination in law enforcement are vital things that must prioritize principles and ethics and must not compartmentalize humans, discredit humans, discriminate them, let alone castrate human rights. Forensic expert and legal victimologists must conduct honest examinations and in accordance with the actual fact because it is part of

the ethics that must be fulfilled in the profession, said Harahap.⁽¹⁴⁾

Thus, ethical values in the education of forensics and legal victimology are the main means that must be achieved to develop knowledge in forensics and victimology. Therefore, ethical values are the moral foundation in the development of forensic science and victimology to uphold the law in line with the empathy for humanity and the sense of justice.

According to Fernard Brundel, the current tendency for forensic experts and victimologists to betray their country and colleagues by falsifying the reports and or being half-hearted in conducting examinations, so that the mutual trust fades, the law or the institution are ineffective in maintaining order and peace, the hard work and the integrity are made into enemies, the laziness and the corruption are glorified. Ethical policies are destroyed and replaced by violence and greed.

The destroyed virtue of ethics has led to the emergence of negative connotations in the society related to the profession of forensic expert and legal victimologist such as: unethical, immoral, or uncultured. The connotations of ‘uncultured’, ‘unethical’, ‘immoral’ are people who are considered lowly civilized. This connotation is often attached to many people in the community who are considered to do the act, according to Imran.⁽¹⁵⁾

Ethics needs to be redeveloped in an effort to build the existence of forensic expert and victimologist that are civilized and moralized. The Grand Indonesian Dictionary (KBBI-*Kamus Besar Bahasa Indonesia*) defines ethics as the science of what is good and what is bad, and about the obligation and rights of moral or value and the moral norm that become a guideline for a person or a group in adjusting their behavior.

Ethics and science (forensics and victimology) cannot be separated from each other, when one of them is questioned, then ethics becomes a problem. Ethics questions the problem of good and bad of human actions, ethics need to be upheld, actualized and realized in the law, with the hope to develop a legal awareness for every forensic expert and legal victimologist as a collective awareness that must be developed together in order to achieve the basic objective of the law namely justice.

Although some of these experts in the country are experiencing a moral crisis, with various unethical, immoral, and uncivilized acts, such as the misuse of authority, receiving bribes on forensic and victimology tests and other unethical actions. To realize all that, it needs to be fought by promoting ethical values as the basic rules of education that underlie it, as said by Harahap.⁽¹⁴⁾ Indonesia has made a policy to develop the education of forensics and legal victimology by incorporating ethical elements since 1983 to the present. Where the policy is directed toward achieving the purpose of forming forensic experts and victimologists who meet professional ethics, as mentioned by Imran.⁽¹⁵⁾

Back to the ethical issue in its relation to legal awareness, in line with that, according to Franz Magnis Suseno, one of the main ethical functions is to help critically seek orientation when dealing with confusing morality. Ethics is systematic thinking, and what it produces directly is not goodness, but a more basic and critical understanding. That way, ethics can be interpreted as the attitude, the habit, the belief of a person or group with another person or group that becomes a guide for them in adjusting their behavior, said Suseno.⁽¹⁶⁾

Thus, there are several main ethical functions in developing; *first*, ethics oriented on the behavior or the action that prioritize the values of courage, honesty and sincerity, with those values awakening the attitude and the mentality of forensic experts and victimologist to always uphold ethical values in every action and in every behavior in daily life as well as in carrying out their profession.

Conclusion

Education of forensics and legal victimology is not only *an sich* substantially in its field but also discusses the professional ethics, even further, because it also teaches forensic expert and legal victimologist to carry out the test based on the actual fact and present the examination result seriously and avoid all bad behavior in daily life and in carrying out the profession. Pramudya and Ananto⁽¹⁷⁾ said that there are many links that make the two sciences and ethics have similarities, such as both has normative nature and contain ethical norm as well as are binding.

Without a strong ethical basis, forensic experts and victimologists will not develop well, and will lose their substance, even forensic science and victimology

are used as tools to strengthen greed and selfishness. However, by sticking to an ethical foundation, the awareness will develop well, because it can deliver and elevate the degree of people who work as forensic expert and victimologist, its enforcement can realize the human values that are just and civilized.

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