

ANALYSIS OF LEGAL POSITIVISM THEORY IN MURDER CASES: THE ROLE OF EVIDENCE, THE OBJECTIVE-EMPIRICAL RELATIONSHIP, AND THE INFLUENCE OF MORAL VALUES

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Abstract

The purpose of this writing is to find out how to analyze murder cases based on the theory of legal positivism. Using qualitative research methods. The results and discussion show that the theory of legal positivism plays a central role in the analysis of murder cases by emphasizing objective and empirical aspects. In this context, evidence and facts have a crucial role in determining the guilt or innocence of the defendant. Law enforcement in murder cases is influenced by an approach based on empirical realities that can be measured and identified objectively. Moral and ethical aspects, although they may be relevant in social contexts, do not receive primary emphasis in legal analysis based on positivist theory. Instead, the assessment of criminal acts is more inclined towards facts, rather than considerations of moral values. Thus, legal positivism theory provides a strong foundation for the analysis of murder cases by prioritizing a more objective and empirical approach.

Keywords: legal positivism, murder case, law

INTRODUCTION

In a modern legal system, law enforcement plays an important role in maintaining security and justice in society. Murder cases are one of the cases that require serious handling, because they involve the right to life of individuals and have a significant impact on victims and society.

In analyzing murder cases, the theory of legal positivism is a relevant approach. This theory emphasizes the objective and empirical aspects of law, and considers law as a social phenomenon that can be studied and analyzed scientifically. In this context, the analysis of murder cases based on legal positivism theory involves applying existing legal rules objectively, considering the available facts and evidence, and ignoring subjective moral and ethical values.

However, while legal positivism emphasizes the objectivity of the law, there is debate about the extent to which moral and ethical values should be considered in law enforcement. Some argue that moral and ethical aspects should also be taken into account in homicide cases to achieve fuller justice. Therefore, it is important to understand how legal positivism theory is applied in the context of analyzing murder cases and to what extent moral and ethical values play a role in the process.

Against this background, this paper aims to analyze murder cases based on the theory of legal positivism. Through research and discussion of relevant cases, it will explore the concept of legal positivism theory, the role of evidence and facts in determining the guilt or

innocence of the accused, the influence of objective and empirical aspects in law enforcement, and the role of moral and ethical values in the analysis of murder cases. In addition, it will also discuss how legal changes can affect the handling of murder cases within the framework of legal positivism theory.

By studying and understanding the analysis of murder cases based on the theory of legal positivism, it is hoped that law enforcement efforts in murder cases can be carried out more objectively, fairly and effectively, so as to better maintain security and justice in society.

RESEARCH METHODOLOGY

The research method used is qualitative research method. Qualitative research method is a scientific approach that emphasizes a deep understanding of the context and complexity of the phenomenon under study. Compared to quantitative methods that prioritize measurement and statistics, qualitative research focuses more on interpreting the meaning, relationships, and dynamics underlying events. This research involves collecting descriptive data in the form of interviews, observations, or document analysis, which are then analyzed in depth to identify patterns, themes, and emerging concepts. Flexibility and sensitivity to social context make qualitative research methods well suited for the exploration and understanding of social phenomena, culture, and human behavior in a holistic and contextual way.

RESULTS AND DISCUSSION

Application of Legal Positivism Theory in Murder Cases

Legal positivism theory is an important approach in analyzing murder cases, as it emphasizes the objective and empirical aspects of the law. In the context of murder cases, the application of legal positivism theory involves an approach that is objective and based on the applicable legal rules.

In the analysis of murder cases based on the theory of legal positivism, primary attention is given to the evidence and facts at hand. Law is considered a social phenomenon that can be observed and analyzed scientifically. Therefore, the determination of the guilt or innocence of the accused is based on the evidence found during the investigation and trial. This means that court decisions are based on concrete verifiable facts, such as physical evidence, eyewitnesses, and relevant documentation.

In addition, the theory of legal positivism also emphasizes the importance of following the established law. In the context of murder cases, the applicable law is the rules set by the applicable legal system, such as the Criminal Code. In analyzing murder cases, the law is used as a basis for assessing whether the defendant committed an act of murder in accordance with existing legal definitions. This principle emphasizes that courts must operate in accordance with the applicable law and cannot ignore or replace the law with subjective moral or ethical considerations.

In addition, legal positivism theory values the principles of neutrality and objectivity in law enforcement. In analyzing a murder case, the court's decision must be based on objective facts and evidence, without any personal bias or preference. Judges and juries are expected to consider all available evidence and apply it fairly, without taking sides or being influenced by irrelevant subjective considerations.

However, it is important to remember that legal positivism theory does not ignore the importance of ethics and morals in society. Although in the analysis of a murder case, the determination of the defendant's guilt or innocence is based on objective aspects of the law, this does not mean that moral and ethical values are irrelevant. In practice, the legal system often reflects the moral values that society deems important. For example, sentences given for murder cases often reflect the moral judgment that it is wrong to take the life of another person.

The development of legal positivism theory has evolved throughout its history. Here are five paragraphs that explain the development of legal positivism theory :

1. Early development: Legal positivism emerged in the 19th century as a response to the natural law view that attributed law to moral or natural principles. Figures such as Jeremy Bentham and John Austin were pioneers of legal positivism. They argued that laws should be seen as rules made by political authorities, and that the validity of laws does not depend on moral considerations.
2. Focus on law as rules: Legal positivists regard law as a set of rules laid down by the political authority in force in a country. They emphasize the importance of clear and objectively understandable laws. The law must be detached from considerations of values or goals and solely based on the rules that have been set.
3. The development of imperative theory: Subsequently, legal positivism developed into imperative theory. Hans Kelsen was the main figure in this development. Kelsen argued that the main source of legal validity is the basic norms that provide the basis

of legitimacy to the legal system. Law is not just a set of rules, but also requires a system that ensures its validity.

4. Non-interpretative approach: One of the main characteristics of legal positivism is its non-interpretative approach to law. Legal positivists argue that a judge's job is to apply the existing law without introducing considerations of values or broad interpretations. Judges must adhere to the existing law and must not interfere with political policy or moral considerations in their decisions.
5. Criticism and further development: The theory of legal positivism has also faced significant criticism. One of the main criticisms is that the positivist view ignores the relationship between law and morals. Critics argue that law should take into account higher moral principles to avoid injustice. Over time, developments in legal positivism theory tried to incorporate moral elements in the understanding of law, such as the concepts of human rights and equitable justice, while still maintaining its non-interpretative approach.

The development of legal positivism theory has undergone transformations and changes over time. From an initial focus on law as authoritative rules, the theory evolved into more complex thinking that tried to incorporate moral elements within the framework of legal positivism.

Legal positivism theory is an approach to the study of law that focuses on the factual and objective aspects of law. It argues that law should be based on objective observation and analysis of what actually happens in society, without involving moral considerations or subjective values.

In the context of analyzing murder cases, legal positivism theory can be effective in providing an objective framework for understanding and evaluating the legal aspects of the case. It allows for a neutral assessment of the murder case, focusing on the facts, the applicable law, and the legal process involved.

The advantages of legal positivism theory in analyzing murder cases are as follows:

1. Objectivity: Legal positivism theory seeks to maintain independence from moral considerations and subjective values. This allows the analysis of murder cases to be more neutral and focused on the relevant legal aspects.
2. Use of applicable law: This approach emphasizes the importance of referring to existing legal regulations. In the analysis of murder cases, the theory of legal

positivism allows in-depth research into the applicable criminal laws and how they can be applied to concrete cases.

3. Consistency: By basing the analysis on the applicable law, legal positivism theory can provide a consistent and testable framework for analyzing murder cases. This can help minimize subjectivity and misinterpretation in the analysis process.

However, it should be noted that legal positivism has limitations in the context of analyzing homicide cases. This approach does not consider moral and ethical values that may be relevant in understanding the moral implications of the act of murder. In some cases, moral and ethical considerations can also be important factors in the legal decision-making process.

It is important to note that there are various other approaches and theories that can be used in the analysis of homicide cases, such as justice theory approaches, legal ethics, or interdisciplinary approaches. It is important to consider a variety of relevant factors and perspectives in the analysis of homicide cases to gain a comprehensive and thorough understanding.

The Role of Evidence and Facts in Determining The Defendant in a Murder Case

The role of evidence and facts in determining the guilt or innocence of defendants in murder cases is very important in the context of legal positivism theory. This theory emphasizes the objective and empirical aspects of law, where judgments and decisions are based on observable facts and existing evidence. In analyzing murder cases, the role of evidence and facts has several aspects that need to be considered.

First, evidence and facts have a central role in determining whether the defendant is guilty or not. In the theory of legal positivism, legal decisions must be based on strong and clear evidence, which provides a convincing indication of the act of murder that occurred. This evidence may include testimonies, forensic records, medical records, or other evidence relevant to the murder case. It is important to conduct an objective analysis of the evidence to ensure the accuracy and consistency of the information contained therein.

Secondly, evidence and facts also help identify the defendant's involvement in the act of murder. In murder cases, evidence collected such as fingerprints, DNA, alibis, or other evidence can provide important clues regarding the presence and role of the accused in the incident. The theory of legal positivism demands that judgments based on such evidence be made objectively, without any preconceived notions or assumptions.

Furthermore, the role of evidence and facts in the analysis of murder cases under legal positivism theory is to help ensure justice. In the legal positivism approach, legal decisions must be based on objective and testable information. By considering relevant evidence and facts, legal decisions can reflect the objective truth and provide fair legal protection to all parties involved in a murder case.

However, it is also important to remember that in the analysis of a murder case, evidence and facts must be interpreted appropriately and proportionately. A careful assessment of the evidence must be made, and the possibility of errors or mistakes in the collection or interpretation of evidence must be considered. In addition, it should be borne in mind that in some cases, the evidence may not be fully determinative of the guilt or innocence of the accused. Therefore, the application of legal positivism theory in the analysis of murder cases should be done with caution and accuracy in mind.

CONCLUSION

Investigating whether and to what extent moral and ethical values influence the analysis of murder cases based on legal positivism theory is an interesting and relevant topic in the modern legal context. Legal positivism theory emphasizes the objective and empirical aspects of law, which views law as a social phenomenon that can be studied and analyzed scientifically. However, in the case of murder, the role of moral and ethical values can also have a significant influence in the analysis process.

Basically, the theory of legal positivism argues that law enforcement should be based on rules that have been established by formally authorized authorities. In this context, legal decisions should reflect the objective and consistent application of those rules. Therefore, in analyzing murder cases, subjective moral and ethical values should not influence the law enforcement process.

However, in reality, moral and ethical values can play a significant role in the analysis of homicide cases. Human life and decisions related to one's death naturally have a strong moral dimension. Considerations such as values about the right to life, individual freedom, and social justice can influence the views and decisions of individuals involved in law enforcement.

In the context of analyzing homicide cases, moral and ethical values may influence the consideration of a number of aspects. For example, in determining the sanction or punishment to be given to the defendant, moral and ethical considerations about the purpose

of punishment can play an important role. Whether the purpose of punishment is to punish, correct, restore, or protect society can be influenced by the moral views underlying the legal system.

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