

URGENSI PEMBENTUKAN *NATIONAL DEOXYRIBONUCLEIC ACID (DNA) DATABASE* SEBAGAI UPAYA PENINGKATAN EFISIENSI PENYIDIKAN TINDAK PIDANA TERHADAP TUBUH DAN NYAWA DI INDONESIA

Oleh: Octa Nadia Mellynda¹ dan Marcus Priyo Gunarto²

INTISARI

Berbagai kasus tindak pidana terhadap tubuh dan nyawa di Indonesia membutuhkan waktu lama dalam penyidikan karena minimnya bukti di TKP. National DNA Database dapat menjadi solusi dalam permasalahan inefisiensi penyidikan. Penelitian ini berupaya untuk menguraikan urgensi pembentukan National DNA Database dalam perspektif filosofis, sosiologis dan yuridis serta menguraikan prospek pengaturan dan penerapan National DNA Database untuk menunjang efisiensi penyidikan di Indonesia

Jenis penelitian hukum ini adalah normatif yang ditunjang dengan hasil wawancara. Data diperoleh dari studi kepustakaan dan wawancara yang dianalisis secara deskriptif dengan pendekatan komparatif atau perbandingan hukum terhadap hukum Inggris, Belanda, dan Jepang, serta pendekatan konseptual.

Hasil penelitian menunjukkan 2 hal, pertama, secara filosofis pembentukan National DNA Database dapat mengembalikan Pancasila sebagai cara pandang konstruksi hukum melalui tercapainya efisiensi penyidikan. Secara sosiologis, National DNA Database penting untuk dikembangkan secara intensif dengan mengingat perkembangan modus operandi kejahatan yang kerap menyulitkan penyidikan. Secara yuridis, terlepas dari eksisnya DNA Database di Indonesia, tidak ada payung hukum yang spesifik dan elaboratif sebagai landasan operasional DNA Database. Kedua, sebagai respon terhadap kendala tersebut, perlu dibentuk suatu undang-undang terkait DNA Database yang dikonstruksikan dengan mengkaji produk hukum dari negara pembanding seperti Inggris, Belanda, dan Jepang. Substansi undang-undang yang idealnya dimuat antara lain mengenai kewenangan pengelolaan DNA Database, subjek dan sifat pengambilan profil DNA, skema penyimpanan dan penghapusan profil DNA, serta perlindungan data dalam DNA Database. *Rooms for improvement* turut dijabarkan sebagai acuan penelitian lanjutan terhadap penelitian hukum ini.

Kata Kunci: DNA Database, Penyidikan, Tindak Pidana Tubuh dan Nyawa

¹ Mahasiswa Departemen Hukum Pidana, Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.

² Dosen Departemen Hukum Pidana, Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.

***THE URGENCY OF ESTABLISHING NATIONAL
DEOXYRIBONUCLEIC ACID (DNA) DATABASE TO INCREASE THE
INVESTIGATION EFFICIENCY OF CRIMES AGAINST BODY AND
LIFE IN INDONESIA***

By: Octa Nadia Mellynda¹ and Marcus Priyo Gunarto²

ABSTRACT

Various cases of crimes against body and life in Indonesia require a long time to be investigated due to the lack of evidence at the crime scene. The National DNA Database can be a solution to the problem of investigation inefficiency. This study seeks to describe the urgency of establishing a National DNA Database in a philosophical, sociological, and juridical perspective as well as outlining the prospects for regulating and implementing the National DNA Database to support the efficiency of investigations in Indonesia.

This type of legal research is normative and supported by interviews. Data obtained from literature studies and interviews were analyzed descriptively with a comparative approach or legal comparison to English, Dutch, and Japanese laws, as well as a conceptual approach.

The results of the study show 2 things, first, philosophically, the formation of the National DNA Database can restore Pancasila as a legal construction perspective through the achievement of investigative efficiency. Sociologically, it is important for the National DNA Database to be developed intensively by keeping in mind the development of the modus operandi of crimes that often complicate investigations. Juridically, apart from the existence of the DNA Database in Indonesia, there is no specific and elaborative legal basis to operate the DNA Database.

Second, as a response to these obstacles, it is necessary to establish a law related to the DNA Database which is constructed by reviewing the legal products of other countries such as the UK, the Netherlands, and Japan. The substance of the law that should ideally be contained includes, among others, the authority to manage the DNA Database, the subject and nature of taking DNA profiles, schemes for storing and deleting DNA profiles, as well as data protection in the DNA Database. Room for improvements is also described as a reference for further research on this legal research.

Keywords: *DNA Database, Investigation, Crime against Body and Life*

¹ Undergraduate Student of the Department of Criminal Law, Faculty of Law, Gadjah Mada University, Yogyakarta.

² Lecturer of the Department of Criminal Law, Faculty of Law, Gadjah Mada University, Yogyakarta.