

The Role of Medical Forensic in Helping the Police Reveal the Crime of Murder

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Abstract. It is difficult to uncover or find a bright spot in the crime of murder due to victims who cannot be recognized because they may no longer be clear or are in a condition that has been damaged due to the length of handling (*tempos delicti*) or has been mutilated and the bodies are separated at great distances, as well as from the evidence provided was not sufficient (evidence materials), eyewitnesses at the crime scene (*locus delicti*) did not dare to speak for security reasons. This research is empirical legal research that is carried out by collecting data from primary data or data obtained directly from research subjects, which is carried out either through observation or direct interviews. An autopsy is an effort to prove the crime of murder, its function is to prove that in judicial practice and efforts to prove criminal cases, the aim of conducting this research is to determine the role of an autopsy in proving the crime of murder committed by the police. This research uses a normative juridical approach. Based on the research results, it can be understood that the role of an autopsy in proving criminal acts of murder committed by the police is to determine age, whether there was abuse, determine whether a person died, and determine the identity of the victim.

Keywords: Forensic Doctor; Murder; Police

1 Background

The crime of murder is something that is no longer something new in society. People are no longer surprised to hear, see, or witness murder because of the increase in these crimes. It cannot be denied that some residents commit crimes, and some of them may be victims of their own families. Since a person's life is irreplaceable, only God has the authority to decide whether they live or die. At least ordinary murder and premeditated murder are crimes for the State which within a certain period have reached written law before being included in law. Crimes such as murder can be classified as having a negative legal impact and are crimes that deserve severe punishment.

It is difficult to identify or find a bright spot in the crime of murder because the victim can no longer be recognized. After all, it may no longer be clear or its condition has been damaged due to prolonged handling (*tempos delicti*) or has been mutilated, and the body is separated over a long distance, as well as from tools, the evidence provided is insufficient (evidence material), and eyewitnesses at the scene of the crime (*locus delicti*) who do not dare to speak up for police action must be taken to investigate and explore to solve this murder crime. Law enforcers in uncovering the motive for criminal acts of murder need assistance from experts in the field of

Forensic Medicine to handle cases of crimes against the body such as carrying out an autopsy. Judging from the legal interests it protects, the offense of murder is a type of offense against life.

Measurable medication is a specific part of clinical science that uses clinical science to help policing tackle issues in the legitimate field.[1] Forensic medicine in practice in the United States and other English-speaking countries is somewhat different from practice in other European countries. In contrast to other developing European countries, forensic medicine is more concentrated in the United States and "Anglo-Saxon" countries on the practice of forensic pathology, which is an important component of the coroner and medical examiner system. As time goes by, the field of forensic medicine studies continues to develop.[2] Starting with the sudden and unexpected death of a criminal, progressing to living victims of the crime, or even skeletons, tissues, and biological materials believed to be of human origin. Different types of cases include murder, assault, sexual offenses, domestic violence, child abuse, divorce-related issues, insurance fraud and abuse, and human rights violations.

Crime scene investigators will collect concrete evidence from the crime scene, victims, and/or suspects in a standard criminal investigation. The items are then examined by forensic experts who produce scientific testimony to support police investigations and court cases. Therefore, they often cooperate with the police. When, where, and how a person died can be ascertained using forensic science if a death occurs. If the death is not natural, forensics can also determine who caused it, what type of weapon was used, and whether the victim was a victim of a crime.[3]

Murder cases are the most crucial issue to be handled in death cases that include criminal charges, such as murder cases, cases of abuse that result in death, and cases of death caused by carelessness because these cases are only revealed to the surface when the victim dies. Apart from that, the basis for resolving the criminal case in question, including investigation, prosecution, and trial, is the disclosure of issues related to death.

Regarding the assistance of expert information needed in examining a criminal case, this assistance at the investigation stage also has an important role in helping investigators search for and collect evidence in their efforts to find the material truth of a criminal case.[3] In certain cases, investigators even rely heavily on expert testimony to reveal further a criminal incident they are handling. Criminal cases such as murder, assault, and rape are examples of cases where investigators need the help of experts such as forensic experts or medical doctors.

2 Method

The legitimate exploration utilized in this examination utilizes a regularizing technique which is an exploration where regulation is conceptualized as what is written in legal guidelines or regulation is likewise conceptualized as standards and rules which are rules for human way of behaving that are viewed as proper.[4] This regularizing legitimate examination depends on essential and auxiliary lawful materials. The methodology utilized in this exploration is an interconnected legal methodology and a reasonable methodology. This approach is utilized to comprehend ideas connected with standards in regulation, where understanding these perspectives and tenets is a reason for scientists in building a legitimate contention in tackling the main thing in need of attention.[5]

3 Results and Discussion

3.1 Forensic Autopsy

Expert assistance is very important at the examination stage of a court trial for the criminal case examination process. By gathering evidence relevant to their area of expertise, providing stronger and more direct clues as to who the perpetrators of crimes are, and helping judges make appropriate and fair decisions on the cases they examine, an expert plays an important role in assisting legal authorities. Law enforcement officers explain criminal cases.[6]

As specified in Article 6 section (2) of Regulation Number 48 of 2009 concerning Legal Power, which expresses that: "Nobody can be condemned to a wrongdoing, except if the court, in view of legitimate proof as per the Law, is persuaded that an individual who is considered can be considered mindful, has been at real fault for the demonstrations charged against him."

The family objected when law enforcement asked for permission to carry out a forensic post-mortem, so that in the end the case did not reach a resolution, and they were unable to identify the perpetrator of the crime, who killed or abused the victim.

In light of Article 134 of the Criminal Technique Code, to be specific: (1) Examiners are obliged to tell the casualty's family ahead of time in fundamental conditions to demonstrate that a criminological posthumous can't be stayed away from. (2) The investigator is obliged to explain the need for the event as clearly as possible if the family objects. (3) If after two days the family has not responded or the party who was notified has not been found, the investigator must immediately implement the provisions of Article 33 paragraph 3 of this Law.

This article, which stipulates the need for a forensic post-mortem for evidence, means investigators can notify the victim's family with the aim of holding a forensic post-mortem. If the victim's family objects, the investigator must explain as clearly as possible the purpose of the surgery. If the investigator has explained the importance of holding a forensic post-mortem, but the family remains persistent in showing objections and leads to a refusal to carry out a forensic post-mortem, then this is what creates a problem between the importance of finding the truth of the body of the deceased for justice and the rights of the victim's family. Inconsistencies in Article 134 of the Criminal Procedure Code concerning Forensic post-mortems, as well as their application, are considered to be able to obscure cases of unnatural death, making it difficult to discover the material truth.

Examination of a body suspected of having died due to unnatural causes is known as a forensic autopsy. For investigation, law enforcement, and determining the cause of death, this examination is crucial. The number of autopsies has decreased over the past ten years. In the US, the decline was 19.3% in 1972 and 8.5% in 2007. The percentage of autopsies decreased from 15.7% in 1981 to 11% in 2003. Autopsy rates decreased in European countries such as the UK and Wales from 8.9% in 1966, to 1.7% in 1991. Declines also occurred in other countries, including Canada, France, China, and Zambia. Currently, there are no exact figures regarding the number of autopsies carried out in Indonesia.

At the seminar "The Role of Forensic Medicine in the Justice System" in 2012, according to Herkutanto, there were certain cases or situations where an autopsy could not be carried out due to community and social pressures. The main barrier factor is

mostly from the victim's family. Many refusals to an autopsy are due to the victim's family not knowing about autopsies. Not a few people think that autopsies are no longer useful because they cannot bring dead victims back to life. Apart from that, some assume that body organs were removed after an internal examination was carried out.

Fear of mutilation is the main reason for refusing an autopsy. Next is respect for the body and religious motifs. In Indonesia, forensic autopsies are not always necessary. Investigators determined that an autopsy is necessary if there is suspicion that the death occurred due to unnatural causes. The large number of people who refuse to carry out autopsies is a challenge for investigators in the field to find out the cause of the victim's death. The process for investigators to obtain post-mortem et repertum (VeR), namely a written report made to the judiciary as legal evidence to be used in the trial process, is hampered due to this obstacle.

The request for a post-mortem is submitted by the investigative team in written form to the forensic doctor. At this stage, nothing can hinder its implementation, and does not require the approval of the closest family. However, investigators are obliged to notify the victim's family first. Types of Forensic Post-mortems (Autopsies) In general, there are three types of autopsies, that is:

a. Clinical Autopsy

With the consent of the deceased person's close family, this type of autopsy is carried out in a hospital. What is sought is not only the abnormality, its causes, its association with clinical symptoms, and the cause of death of the corpse, but also the facts and errors made by medical professionals when making diagnoses and prescribing treatment. Anatomic pathologists (medical professionals who specialize in anatomy) are uniquely qualified to perform this type of autopsy. The family of the deceased usually requests this kind of autopsy to determine the cause of death.

b. Anatomical Autopsy

This type of autopsy is usually carried out by medical students to study the structure of organs and tissues in a healthy human body. This type of autopsy is carried out in the anatomy ward under the supervision of an anatomist.

c. Judicial Autopsy

This autopsy is an autopsy at the request of the authorities (Police/Investigators). The investigator will request an autopsy by first providing a request called a Visum et Repertum (V.e.R) request letter for the body. In a judicial autopsy, it is necessary to determine the cause-and-effect relationship between the actions carried out by a person or several people and the consequences that occur on the victim's body. Based on this cause-and-effect relationship, the judge can provide considerations in deciding a criminal case. This judicial autopsy was carried out by a forensic expert. The importance of carrying out this judicial autopsy is:

- 1) Determine the cause of death of the victim with certainty. This is because, without a judicial autopsy, the exact cause of death cannot be determined. The results of the examination carried out are then stated in a letter called Visum et Repertum (V.e.R) of the corpse.
- 2) Assist investigators in uncovering a criminal case, for example, the suspect's confession that the victim was killed with a sharp weapon, while the evidence confiscated from the perpetrator was a blunt object.

So, from the results of the autopsy, it can be estimated which weapon was used by the perpetrator to kill the victim.

- 3) Helps estimate the time of death of the victim. For murder victims, the estimated time of death is very important because it is used to match the suspect's confession. Is it true that the alibi stated by the suspect matches the estimated time of the victim's death? A judicial autopsy is only carried out if there is a previous request from the investigator, namely in the form of a letter requesting a Visum et Repertum (V.e.R) for the body.

Without a letter mentioning a Visum et Repertum (V.e. R) for the body, the specialist has no commitment to do a post-mortem examination. This reality is expressed in Article 179 passage (1) of the Criminal Technique Code, which states: " Each individual whose assessment is asked as a legal clinical master or specialist or other master is obliged to give master data to the purpose of equity." Another condition is that there is permission from the victim's family for an autopsy to be carried out. Without a permission letter from the family, doctors do not dare to carry out autopsies, because doctors can be in trouble for not paying attention to the rights of the patient or their family.

3.2 Basis for Investigators Obtaining Autopsy Information

To handle criminal cases involving the victim's body, such as traffic accidents, criminal acts of abuse, and murder, investigators must first collect expert medical information from doctors Article 133. Each victim of this heinous crime suffered minor injuries, serious injury, or even death. Investigators usually take victims to the hospital if they have minor or major injuries so that they can receive emergency medical treatment and ask a doctor to carry out a post-mortem et revertum examination. If there is an expert doctor, the examination may be carried out by a general practitioner and the investigator must make a written request to the expert doctor concerned.

The corpse must be taken to the hospital with full respect and given a label containing the corpse's identity. The parties with the authority to request assistance from judicial medical experts are Waluyadi, 2007: 2-7

- a. Criminal judge through the prosecutor and carried out by investigators;
- b. Civil judges, ask directly to judicial medical experts;
- c. Judge at the Religious Court;
- d. Public Prosecutor;
- e. Investigator.

Article 134 of the Criminal Procedure Code determines that:

- a. If it is important to demonstrate an examination it is as of now not feasible to stay away from it, the examiner is obliged to advise the casualty's family first;
- b. If the family protests, the agent is obliged to make sense of as plainly as conceivable the point and reason for the requirement for the medical procedure;
- 3) In the event that in the span of two days there is no reaction from the family or the party who should be told is found, the specialist will promptly carry out the arrangements as expected in article 133 passage (3) of this regulation.

The regulations above state that autopsies for evidentiary purposes cannot be avoided. This clause highlights the urgency of performing an autopsy. According to

Article 135 of the Criminal Procedure Code, if in the interests of justice exhumation of a body is required, it is carried out by the guidelines contained in Article 133 paragraph (2) and Article 134 paragraph (1) of the law. According to the definition of Article 135, "exhumation of bodies" refers to the removal of bodies from all types of graves and burial practices. However, the victim's relatives must give their consent before the body is exhumed, or investigators must provide prior notification. If the victim's family has objections, investigators or other law enforcers will provide consent or understanding by providing as clear information as possible regarding the aims and objectives and the need for the body to be exhumed, so that the family's objections can disappear and those interested become aware.

After an autopsy is carried out, the doctor must provide information according to the findings of the corpse in court. Article 179 of the Criminal Procedure Code determines that:

- a. Every individual whose assessment is looked for as a legal clinical master or specialist or other master is obliged to give master declaration to the purpose of equity;
- b. All of the arrangements referenced above for witnesses additionally apply to the people who give master declaration, given that they make a vow or vow to give the best and most genuine data as per their insight into their main subject area.

From the forensic autopsy examination carried out, doctors who have expertise in the field of judicial medicine are expected to be able to provide information at least about the wounds or injuries experienced by the victim, about the causes of the wounds or injuries, as well as about the causes of death and the mechanism of death, and are also expected to be able to estimate the way death and other causes that contributed to the victim's death. Expert information contained in an examination report is a manifestation of the actual knowledge, techniques, knowledge, and experience provided by the expert himself.

3.3 The Role of the Police in Revealing Autopsy Results for Murder Crimes

Criminal procedural law has the aim of finding the truth of an incident in a criminal case. The discovery of the truth itself cannot be separated from evidence which describes a concrete event, proving something according to criminal law means showing things that can be captured by the five senses, in expressing this and thinking logically, proof in a criminal case according to article 184 of the Criminal Procedure Code requires the presence of valid evidence, namely: "Witness testimony, expert testimony, letters, instructions, and the defendant's statement." The formation of the judge's confidence in making a criminal decision based on the results of examining the evidence that has been presented during the trial process as well as the case for cases that are related to human bodily injury or the loss of a person's life, to determine when the injury occurred and whether the injury was caused by a criminal act that requires evidence that can be legally accounted for.

Forensic post-mortems are only performed for legal reasons, and the information that can be provided regarding a death includes the cause, manner, and whether the death was caused by crime, suicide, accident, or disease. The judicial process, from investigation, and prosecution, to cross-examination at trial, absolutely requires these efforts. About the provisions of the laws and regulations mentioned above, law

enforcement officers are obliged to make every effort to collect as much information as possible regarding the criminal cases they handle because the judicial process aims to ensure the material truth of a criminal case.

The police as one of the institutions given authority in Article 133 paragraph 1 of the Criminal Procedure Code is given the authority to carry out autopsy examinations, in carrying out investigations as intended in Article 18, investigators are authorized to:

- 1) Carrying out investigations and examinations of events that arise in society based on the nature or environment that are reasonably suspected of serious violations of human rights.
- 2) Receive reports or grievances from an individual or gathering in regards to the event of serious basic liberties infringement, and look for data and proof.
- 3) Summon the complainant, victim, or party being complained about for questioning.
- 4) Summon witnesses for questioning
- 5) Review and gather data at the location of the occurrence and different spots considered significant.
- 6) Summon the parties concerned to provide written information or submit the required documents by the originals.
- 7) Based on orders from the examination, moves can be made as:
 - a. Mail examination.
 - b. Search and seizure.
 - c. Local review of houses, yards, structures, and different spots involved or possessed by specific gatherings.
 - d. Bring in specialists regarding the examination.

In connection with the authority listed above, the author understands that the National Police as investigators in criminal acts have a very important role, especially in carrying out the process of handling criminal acts of murder. Remember that in uncovering a criminal act of murder, of course, you must have evidence that has the aim of convincing the judge at trial. This has been confirmed in Article 183 of the Criminal Strategy Code which peruses: " An appointed authority may not force a wrongdoing on an individual except if he has no less than two substantial bits of proof that he accepts that a crook act has happened and that the respondent is at fault for perpetrating it."(Sackett et al., n.d.)

Regarding valid evidence, as has also been confirmed in Article 184 of the Criminal Technique Code which expresses that: " Lawful proof is: witness proclamations, master articulations, letters, guidelines and respondent explanations." So, to prove a criminal act, the role of the Police is to investigate and inquire to collect the evidence needed to shed light on a criminal act that occurred. Apart from that, autopsies are carried out on investigators in connection with the investigation of a case. The results of the examination itself are objective findings on the victim, which are obtained from the medical examination that will be used. Several things need to be considered in each investigation process in a forensic autopsy:[7]

- 1) The place to carry out an autopsy is in the mortuary and can also be carried out at the TPU (Public Cemetery).
- 2) An autopsy is only carried out if there is a request for a forensic autopsy by the authorized party.
- 3) A forensic autopsy must be carried out immediately upon receipt of a letter requesting an autopsy.

- 4) Matters related to the cause of death must be collected first before starting a forensic autopsy. However, conclusions must be based on the findings of the physical examination.
- 5) Good lighting is very important in forensic autopsies.
- 6) The victim's identity according to the police statement must be recorded in the report. In the case of unidentified remains, identification signs, photographs, fingerprints, etc. must be obtained.
- 7) When a forensic autopsy is carried out, it must not be witnessed by someone who does not have the authority to carry it out and is not an expert in their field.
- 8) Recording of details when the forensic autopsy is carried out by the assistant.
- 9) In the forensic autopsy report no part must be deleted.
- 10) Decayed bodies can also be autopsied.

There are 3 objectives in carrying out an autopsy, namely:[8]

- 1) Provide facts (evidence) through a Visum et repertum report to the judge.
- 2) Conclude based on cause-and-effect relationships
- 3) Allows the judge to summon an expert doctor to make a new autopsy conclusion if the autopsy has not been able to clear up the issues at the court hearing, the judge can ask for information from experts or submit new material, as stated in the Criminal Procedure Code (KUHAP), which provides the possibility of re-examination or research of evidence if a reasonable objection arises from the defendant or his legal advisor to the results of an examination. (Criminal & Planning, 2021)

From the above, it can be concluded that Visum et repertum is a doctor's statement about what was seen and found during a forensic autopsy for justice. So in this case the autopsy is written testimony in the judicial process. To obtain the correct Visum et repertum, a Forensic Autopsy is carried out including the following:

- 1) External examination of the corpse in the form of actions that do not damage the integrity of the corpse's tissue thoroughly and systematically.
- 2) Post-mortem examination, a thorough examination by opening the skull, neck, chest, stomach, and pelvis cavities. Sometimes this is done with necessary supporting examinations such as toxicological examinations and so on.

There are several purposes for conducting a corpse dissection or forensic autopsy, but the most frequently carried out are: [9]

- 1) to find out the cause of a person's death when a crime occurs. To fulfill this need, an expert doctor autopsies the body to find out the cause of a person's death. Did the body die naturally or because of a criminal act?
- 2) to find out the cause of death in general. By carrying out an autopsy, a forensic expert can determine the disease that caused the death of the corpse. If it is an epidemic and it is feared that it will spread to other creatures, then preventive action must be taken immediately for the sake of mutual safety.
- 3) forensic autopsies carried out by forensic medical experts themselves are carried out by experienced people and also medical faculty students who know every part of the human body's organs. This is very necessary to determine the presence of disease in the body's organs precisely.

Moving on from the inability to uncover all these incidents, of course, the law requires help from other sciences, namely medicine, which of course, help from medical science is not only limited to things like that, but from all problems related to injuries, health and a person's life. caused by a criminal case which will then be explained by a doctor to resolve a criminal case. Ways that can be used to provide evidence in criminal cases include asking for help from a doctor as a witness who can produce written statements in the form of a post mortem et repertum and can provide information in the trial as an expert witness. What is clear is that medical science also has a very important role in helping investigators, prosecutors, and judges to be able to resolve criminal cases using forensic medical science.

An autopsy must be carried out objectively by collecting facts and connecting them logically with each other and then conclusions can be drawn, therefore when giving a report the news of the autopsy results must be truthful and objective about what was seen and discovered during the inspection. The results of a forensic autopsy itself are written evidence, therefore the results of the autopsy are substitute evidence for an event that occurred and must be able to replace evidence that has been examined by containing all the evidence so that logical and appropriate conclusions can be drawn. Apart from the autopsy day, it may be used as a document that can be questioned by the forensic expert doctor who has examined if the public prosecutor and judge do not agree with the results of the examination.

The ability of a forensic autopsy to replace all Corpus Delicti (evidence) makes it crucial in proving the existence of a criminal act. It is clear that in criminal cases that result in harm to a person's body or health or loss of life, the victim's body constitutes Corpus Delicti, which cannot be handed over or submitted to the court and of course must be replaced with the results of an autopsy (Visum et Repertum), and the position of the victim is also relevant. Because forensic expert evidence will ultimately determine whether the evidence is true, forensic experts who treat crime victims and will offer autopsy results must be aware of this and ensure its legality.

In connection with the very important role of an autopsy in uncovering a criminal case. Therefore, testimony from experts in the form of a post mortem et repertum will be used as valid evidence because it is based on an oath at the request of an authorized person for the benefit of the court, so it will help the performance of police officers, prosecutors, and the judiciary in uncovering a case.[10]

4 Closing

Forensic post-mortems are solely for justice, and the clarity that can be revealed from forensic post-mortems includes finding out the cause of death, method of death, murder, suicide, accident, or death due to disease. This effort is needed in the judicial process from the investigation, and prosecution, to examination at trial. So, in the process of resolving a criminal case, law enforcers are obliged to try to collect evidence and facts regarding the criminal case being handled as completely as possible, similarly as the assessment of a crook case in the legal cycle is pointed toward finding the material truth with respect to a lawbreaker case. The job of scientific post-mortem examination results as proof to uncover a lawbreaker instance of homicide, to be specific: As one of the lawful bits of proof directed in Article 184 section (1) related to Article 187 letter (c) of the Criminal Strategy Code. Article 184 passage (1)

"Legitimate proof is observer articulations, master explanations, letters, guidelines, and litigant proclamations." Article 187 letter (c) "An assertion from a specialist containing an assessment in light of his mastery with respect to a matter or circumstance that has been formally mentioned from him." In this case of detaining a suspect, investigators must have very strong evidence. One of the pieces of evidence that must be controlled is the result of the criminal act committed by the suspect against the victim.

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