



## **The role of scientific testimony in the process of investigation of crime in Indonesia**

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### **Abstract**

The crime scene is the base of the disclosure of a criminal case because at the crime scene there can be found interaction between the perpetrator (suspect), the evidence used and the witness of the crime at the time of the criminal incident. The increasingly diverse modus operandi of crime and increasingly difficult disclosures leads to the need for the help of other disciplines possessed by an expert. The purpose of this study is to analyze the role of expert information in the process of investigation of criminal cases in Indonesia. Approach method with empirical juridical, using primary data obtained by conducting interview with investigator handling criminal case in Polda Jawa Tengah. The results of the practice in handling the crime scene involve teams from elements of Sabhara, detective, Documentation and dactyloscopy, and in some cases involving experts. Expert information is a description given by a person who has specific expertise about what is necessary to make the light of a criminal case for the purposes of examination. The condition of the expert's explanation is that what is explained is everything that falls within the scope of his expertise, and which is explained is closely related to the criminal case being examined. The power of expert information in the proof is free, the judge is not bound and the role of expert information in court is a tool for the judge to discover material truth.

**Keywords:** scientific testimony, case review process, criminal, crime investigation

### **1. Introduction**

The Indonesian republic police is a state instrument that serves as law enforcement, protector and protector of the community, has an obligation to maintain law enforcement, justice and protection of human dignity, and law and order of law in Indonesia. One of the duties undertaken by the Police, is to conduct an investigation and investigation of all crimes in accordance with criminal procedural law and other laws and regulations. The criminal investigator is usually responsible for collecting information about the crime <sup>[1]</sup>.

In order to gather information to be clear about a crime it is necessary to involve other disciplines (multi-disciplinary), to assist the disclosure of the case, as Hans Gross's opinion is as follows <sup>[2]</sup>:

criminal investigations must be divided into two parts, first of all the use of all information and knowledge about the psychology, motivation and character of the perpetrator before, in time and after the crime is committed Secondly, the application of all scientific and technological information that can be used in attempt to solve the criminal cases concerned and in providing support to the allegations raised in the judiciary.

The importance of the support of other disciplines is also due to the development of types of crimes that occur in the community following the development of science and technology that increasingly rapidly and increasingly sophisticated modus operandi. Therefore, the investigation management must also adjust to the development of crime so that the case handled can be revealed.

There is an interesting tendency to be studied in law

enforcement practices in Indonesia. The role of expert information is increasingly prominent and there are quite a number of cases that use expert information as a justification basis in deciding criminal cases. This is because essentially, the examination of a case in a judicial process aims to find material truth (materialile waarheid) is the real truth of the case. This can be seen from the various efforts made by law enforcement officers in obtaining the necessary evidence to disclose a case both preliminary investigation stage such as investigation, investigation and prosecution as well as the trial stage of the case.

Based on this matter, it is important to conduct research on how the process of disclosure of criminal cases according to criminal procedure law in Indonesia, how the role of scientific testimony in the process of investigation of crime in Indonesia, and how the power of expert information in the proof of criminal case in Indonesia.

The aims of this research are to analyze the process of disclosure of criminal cases according to criminal procedure law in Indonesia, the role of scientific testimony in criminal cases in the process of investigation of criminal cases in Indonesia and to analyze the power of expert information in the proof of criminal case in the Central Java Provincial Police.

### **2. Research Methods**

Approach method in this research empirical juridical where data used primary data and secondary data. Primary data was obtained by conducting interviews with police officers who handled criminal cases in Polda Central Java. The research

specification is analytical descriptive. Descriptive nature of this research is expected to explain the description of the role of scientific testimony in the case of criminal acts in the process of investigation of criminal cases in Indonesia. Technique of data analysis in this research is descriptive qualitative, that is data obtained then arranged systematically which then analyzed qualitatively to reach clarity of problem discussed.

### 3. Result and Discussion

#### 3.1 Disclosure of Criminal Cases at the level of investigation under the rule of law in Indonesia

The process of examination of criminal cases in Indonesia is conducted according to several stages that must be passed in accordance with applicable legislation. The earliest stages and process of disclosure of criminal cases are investigations, followed by investigation, prosecution and trial in court.

In carrying out its duties, law enforcement officers shall always act on the basis of the prevailing laws and regulations so as not to engage in arbitrary and violation of human rights. As mentioned in Article 1 paragraph (1) of the Criminal Code on the principle of legality which states that: there is no punishable act, except in accordance with the existing criminal provisions of the law which is in advance of his own act<sup>[3]</sup>.

Therefore, the process of disclosure of criminal acts in Indonesia, carried out according to several stages that must be passed in accordance with applicable legislation. The earliest stage and process of disclosure of criminal cases is investigation, investigation, prosecution and examination in court proceedings. According to Law No.8 of 1981 on KUHAP because of its obligation the investigator has the authority:

- a. Receive a report or complaint from a person about a crime;
- b. Take first action at the scene;
- c. Tried to stop a suspect and check the suspect's identity;
- d. Making arrests, detentions, searches and seizures;
- e. Conducting examination and confiscation of mail;
- f. Takes fingerprints and take pictures of people;
- g. Calling people to be heard and examined as suspects or witnesses;
- h. To bring in the necessary experts in connection with the examination of the case;
- i. To hold a suspension of investigation;
- j. Takes other actions under responsible law.

In Law Number 2 Year 2002 regarding the State Police of the Republic of Indonesia Article 15 paragraph (1) states that in the framework of carrying out the duties as referred to in Articles 13 and 14 of the Indonesian National Police are generally authorized:

1. Receiving reports and / or complaints;
2. To assist in resolving community disputes that may disrupt public order;
3. Prevent and overcome the growth of public ills;
4. Oversee the flow that may cause division or threaten national unity and unity;
5. Issuing police regulations within the administrative sphere of the police;
6. Conduct special checks as part of police action in the context of prevention;

7. Take first action at the scene;
8. Taking fingerprints and other identities and photographing someone;
9. Search for information and evidence.

In Article 16 paragraph (1) of Law Number 2 Year 2002 concerning the Police of the Republic of Indonesia, declared in the framework of carrying out the duties as referred to in Articles 13 and 14 in the criminal process of the State Police of the Republic of Indonesia is authorized to:

1. Making arrests, detentions, searches and seizures;
2. Prohibit any person from exalting or entering a crime scene for the purpose of investigation;
3. Bringing and confronting the person to the investigator in the framework of the investigation;
4. Have the suspect stopped and inquire and check the identity of the person;
5. Conduct inspection and confiscation of mail;
6. Calling people to be heard and examined as suspects or witnesses;
7. To bring in the necessary expert in connection with the examination of the case;
8. Conducting a suspension of investigation;
9. Submit case files to the public prosecutor;
10. Request a request directly to the Immigration Officer at the Immigration Checkpoint in an urgent or abrupt manner to prevent or deny an alleged perpetrator of a criminal offense;
11. Providing guidance and investigation assistance to civil servant investigators and receiving results of investigations by civil servant investigators to be submitted to the public prosecutor; and
12. Carry out other actions under responsible law.

To implement the mandate mandated in the above-mentioned laws and regulations, as well as under Article 9 paragraph (1) of Law Number 2 Year 2002 on the Indonesian National Police, namely "the Chief of Police shall establish, organize and control the technical policies of the police", so the Chief of Police as the highest leader in the Police institution in performing its duties and authority may issue a Decree of the Chief of Police. From the Chief of Police's Decree, the police officers who are under his staff perform their duties and obligations based on existing instructions.

The implementation of the criminal investigation process still uses the basis of the Decree of the Chief of Police No. Pol Skep / 1205 / IX / 2000 dated September 11, 2000 on field manuals, Technical manuals and Administrative Handbook on the Criminal Investigation Process that replaced the Chief of Police Decree No. Pol. Juklak and Juknis / 04/1111982 on the Criminal Investigation Process as a Technical and Technical Instruction Manual in conducting an investigation and one of its parts regulates the process of handling the crime scene.

In Article 1 point 2 of Law No. 8 of 1981 on the Criminal Procedure Code states that the Investigation is a series of investigative actions in respect of and in accordance with the manner laid down in this Act to seek and collect evidence which by evidence it makes the light of the crime that occurred and in order to find the suspect.

The crime scene (crime scene) is the main part of the base of

the disclosure of criminal cases because in the crime scene can be found interaction between the perpetrator (suspect), the evidence used and the witness / victim of the crime <sup>[4]</sup>, at the time of the criminal event, the scene of the case which is part of the investigation stage.

Article 7 Paragraph (1) Sub-Paragraph b of the Criminal Procedure Code states that the investigator is authorized to perform the first action at the time of the crime scene. Based on an interview with the Head of Public Relations of the Central Java Regional Police, Pol Kombes Djarod Padakova, meant by taking the first action at the scene was to do all kinds of actions which the investigator deemed necessary to:

1. to save the life of the victim or the property of the person;
2. to arrest the perpetrator if the perpetrator is still within the scope of the investigator to be immediately arrested;
3. to close the scene for anyone whose presence there is not required to rescue the victim, to rescue the property of persons or for the sake of investigation and investigation with the intention that the scene remain in the original state to facilitate investigation and investigation.
4. Finding, saving, collecting and retrieving evidence and traces that may assist the investigator to obtain clues about the identity of the perpetrator, of the means and means used by the perpetrator and to weaken the alibi that the suspect might have proposed if he then arrested;
5. Finding the expected witnesses can help the investigator solve the problem he is facing and separate the witnesses so they cannot talk to each other, and so on <sup>[5]</sup>.

The statement by P.A.F Lamintang responded that what is meant by the scene is the place where a criminal offense has been committed. It is further stated that in taking the first action at the scene the investigator needs to be aware of the importance of the following points <sup>[6]</sup>:

1. That the evidence and files on the scene of the case are very easily lost and damaged, trampled to the ground, kicked by the feet to unexpected places, touched by hands or other objects;
2. That it is certain that the perpetrators of such criminal offenses will leave evidence and marks on the crime scene, therefore they may not be able to remove all the marks they have made at the crime scene for wanting to leave immediately, unless the offense they have committed has been perfectly planned;
3. Whereas there is no evidence or evidence contained therein that is of no use to disclose the events that have occurred and to investigate who the perpetrators are;
4. That the success or failure of an investigator to reveal the events that have occurred or to know who the perpetrators of the crime that has occurred it depends on the success or failure of the investigator to find, collect and secure goods or evidence that has been abandoned by the perpetrator in the crime scene;
5. That it should be kept so that none of the items contained on the scene of the case are touched, removed or removed from its original place by any person before they are photographed, drawn in a sketch of the place everywhere they are found, recorded where the objects are found, their location, their circumstances, etc. to facilitate the making of the minutes of the discoveries themselves;

6. That on all objects found at the scene should be given certain signs and the marking should be recorded by the investigator and should be endeavored not to damage any signs or marks that have been present on those objects.

In view of the importance of handling the crime scene of such action in the investigation, it requires precision, thoroughness and knowledge, experience and technical skills of the investigator, so that in practice the examination of the crime scene is generally led by a detective officer deemed competent to handle the task.

In practice, usually the handling of the crime scene involves teams from elements of Sabhara, Detective, Documentation / Photography and dactyloscopy. Sometimes it even involves outside elements of the police such as doctors and medical personnel <sup>[7]</sup>.

The objectives of handling the crime scene as part of the investigation stage are:

1. to keep the crime scene intact / unchanged as seen and found by the officer performing the first action at the crime scene.
2. to provide help / protection to the victims / members of the community in need, pending the action of processing the crime scene.
3. to protect the evidence and traces that are not lost, damaged or incurred / subtracted and changed its location, which resulted in difficult / obscure processing of the crime scene in conducting scientific investigations.
4. to obtain information and facts as further investigation in searching, finding and determining the perpetrators, victims, witnesses, evidence, modus operandi and tools used in the effort of disclosure of crime <sup>[8]</sup>.

Based on the results of interviews with Head of Public Relations of Central Java Police, that said the first stage of the process of disclosure of the crime is the investigation stage. This is in accordance with Article I point 5 of the Criminal Procedure Code that <sup>[9]</sup>: Investigation is a series of investigative actions to and find an event suspected as a criminal offense to determine whether or not an investigation is conducted in the manner set out in this law.

If the investigation finds that the action is a criminal offense, it is then upgraded to the investigation stage. This is in accordance with Article 1 point 2 that: "Investigation is a series of investigative actions in matters and in the manner set forth in this law (KUHAP-pen.) To seek and collect evidence which with evidence makes light of the act the criminal who happened to find the suspect".

If the result of the investigation delegated by the investigator is complete, then the criminal case settlement process shall enter the prosecution phase by the Public Prosecutor. This is in accordance with Article 1 point 7 of the Criminal Procedure Code that: "Prosecution is a public prosecutor's action to delegate criminal cases to the competent District Court in respect of and in accordance with the manner stipulated in this law with a request to be examined and decided by a judge in court". In case of a hearing in front of the trial of the District Court, the Criminal Procedure Code determines and distinguishes 3 (three) as follows:

1. A brief briefing (Articles 203-204);

2. Rapid examination (Articles 205-216);
3. Examination with regular events (Articles 152-182).

Furthermore, still based on the statement of Head of Public Relations of Central Java Police, the next stage is the implementation of Court Decision (Execution). This is in accordance with Articles 270 to 276 KUHAP. Article 270 of the Criminal Procedure Code states that: The enforcement of a court decision which has had legal force is still carried out by the prosecutor, for which the clerk sends a copy of the decision letter to him.

Andi Hamzah reminded of the crime scene as follows: the investigator at the time of the first examination on the scene of the case wherever possible do not change, damaging the situation at the scene so that the evidence does not disappear or become blurred. This is so that the fingerprints as well as other evidence such as footprints, blood spots, semen, hair and so on are not removed or lost<sup>[10]</sup>.

### 3.2 The Role of Scientific Testimony in the Criminal Case Review Process in Indonesia

The main function of the police is to enforce the law and serve the interests of the general public, therefore it can be said that the police's duty is to prevent crime and provide protection to the community, in addition, formally the duties of the police play an important role in the mechanism of the criminal justice system, by processing the alleged offender and applying to the prosecution process in court<sup>[11]</sup>.

In practice in the Court this evidence is called Expert Witness. Of course, the usage of expert witness term is incorrect because the words of the witness contain a different understanding from the Expert or the Expert's Description. Whereas the content of the testimony presented by the witness is everything that he heard himself, he saw for himself and experienced his own (Article 1 number 26 KUHAP).

In the testimony of the witness must be given the reason of the cause of his knowledge (Article 1 number 27 KUHAP in practice in the Court this evidence is called Expert Witness the Expert's Description does not need to be reinforced by reason of his expertise or knowledge as in the testimony of witnesses What the witness explained is the matter of reality or facts. As the Expert describes is an appreciation of the reality and / or conclusion of the award based on the expertise of an expert.

In addition, there are other differences if witness statements are given at the level of the investigation before prior to giving an explanation in advance of the investigator, the Expert shall pronounce the oath or appointment first (Article 120). However, a witness who is heard in the investigation level is not obligated to swear an oath or an appointment. The witness providing information at the investigation level may swear or promise if there is a special circumstance as an acceptable reason for the investigator that he or she can not appear at the court (Article 116)

The information of the Expert is the information given by a person who has specific expertise on what is necessary to make the light of a criminal case for the purposes of examination (Article 1 point 28). What is the content that must be explained by the expert, and what conditions must be fulfilled so that the expert's information has value is not regulated in the Criminal Procedure Code, but it can be

considered that based on Article 1 point 28 of the Criminal Procedure Code, in particular there are 2 (two) requirements from the expert's statement:

1. That what is explained must be about everything that falls within the scope of his expertise;
2. That which is explained about his expertise is closely related to the criminal case being examined.

Because it is a condition, then if there is a description of an expert who does not meet one of the conditions or both terms, then the expert's information is not valuable and should be ignored. The power of expert testimony in particular is to lie in the general conditions of evidence of other evidence instruments, especially witness statements (Article 179).

The general requirements of the power of evidence include witness statements, namely: to be endorsed or in conformity with the facts obtained from other evidence. In accordance with the provisions of Article 183 in conjunction with Article 183 jo Article 185 paragraph (2) of the Criminal Procedure Code, the Power of Proof of Information of Experts is not in addition to evidence such as witnesses that are not sworn in as witnesses of the family according to Article 185 paragraph 7 or witnesses of children and witnesses with illness (Article 171).

The statement of the Expert shall be on oath equal to the evidence of witness testimony (Article 160 paragraph 4 jo 179 paragraph 2). The information of the Expert presented before the trial shall still be sworn in, even if an Expert has been sworn in when the Expert will provide information at the level of investigation under Article 120 paragraph (2). This is reasonable because according to Article 185 of the Criminal Procedure Code, that the Expert's Description is what an expert state in court. Therefore, the oath at the investigation level is aimed only at putting the truths of the Expert's Description given at the investigation level only.

Improving the function and position of expert information to be acceptable evidence, given the rapid development of science and technology that is impossible judges can master all fields of science and technology, so it is natural that now the judge believes and believe the truth of the Expert Description.

Unlike witness statements, Expert Description is divided into 2 (two) kinds, namely:

1. Expert statement verbally in front of the hearing;
2. Statement of Experts in writing outside the session.

The written expert's information is set forth in a letter which is the evidence of a letter, such as the so-called *Visum et Repertum* (VER) given at 1 level of investigation at the request of the investigator (Art. 187 letter c).

There are several chapters in which the qualifications of special expertise that an Expert Witness should possess, such as: Expert who has expertise on fake letters and writings (Art. 132); Judicial medical expert or doctor (Article 133 paragraph 1, Article 179 paragraph 1), but the mention is not containing the conditions of an Expert but calling certain areas of expertise.

Of course, there are still many areas of expertise, not even limited skills beyond the areas of expertise already mentioned in those articles. From the point of view of the content of the

information given by the expert, the expert can be distinguished, among others:

1. Expert who explains the results of the examination of something he has done based on his particular expertise. For example, a forensic physician who gave expert testimony at the trial about the cause of death after the doctor performed a post-mortem (autopsy). Or an accountant to give testimony in the court hearing about the results of an audit he did on the finances of a government agency.
2. Expert who explains solely about the special expertise concerning something that is closely related to the criminal case being examined without prior examination. For example, an expert in the field of bomb-making that explains in a court hearing on how to assemble a bomb. In fact, in practice, a specialist expertise / concentration specialist is often used and they are also called experts.

An Expert is not always determined by the existence of a formal education specifically for his field of expertise such as forensic medicine professionals, but on certain experience and / or field work he or she has been engaged in for a long time, which according to reason is quite natural to be an expert in that particular field. For example, expertise in key areas, carpentry and so on. The judge determines that person as an expert or not through his legal considerations.

In practice, often the Public Prosecutor or Legal Counsel confronts the person he describes as an Expert to the trial. Not infrequently there is also a debate between the prosecutor and the Legal Counsel on the status of the Expert faced before the trial. In the face of the debate concerning the Expert and not the Expert judge who ultimately determines the person is an Expert or not an Expert who ultimately the value of the given Expert Statement may be accepted as evidence or not.

Based on Article 160 paragraph (1c) of the Criminal Procedure Code, it is reasonable for the judge to examine the person confronted with it, to be considered in the decision whether the person is an Expert or not. Naturally not only see a diploma or formal education. In fact, formal education or a formal education degree is not always sufficient to be used as a measure of a person's knowledge or expertise but must be added that his formal education field has then been diluted as a field of work for a long time.

Therefore, the judge should not merely base the consideration on a degree or formal education to establish an expert, but the judge needs to examine and consider whether the person's competence is in fact recognized by the public at large or not, or at least get an appointment from an official legally related to the area of expertise of the person, for example from the agency concerned. Any person who is consulted as a judicial medical expert or physician or other expert must provide expert information for the sake of justice.

All of the foregoing provisions for witnesses shall also apply to an Expert providing Expert Statement, provided that they make an oath or promise to provide the best and actual information according to their expertise (article 179 KUHAP). In case it is necessary to seek material truth in the trial, the presiding judge may request an expert statement and may request a new material by the interested party (article 180 of the Criminal Procedure Code). For example, according to the

description of the Expert (deskundigeverklaming) filed by the Prosecutor as a proof, it is explained that the writings and signatures contained in the evidence of the letter are true of the defendant's writing and signature, but the defendant and the legal advisor object to the Description of the Expert. In such a case where, according to the consideration of the presiding judge, the objection raised by the defendant and / or legal counsel is reasonable, the presiding judge may order the Prosecutor to submit the Expert's Note with the new material in comparison with the Expert's Statement that has been filed before the hearing. While the new material may be submitted and obtained from interested parties, ie and witnesses of the victim, the Prosecutor or from the defendant and / or legal counsel. It is intended to discover the real truth or material truth.

In the event of any objection which is deemed to have sufficient grounds of reason from the defendant and / or legal counsel to the result of the Description of the Expert as described above (article 180 paragraph (1) of the Criminal Procedure Code, the presiding judge may order that on re-examination. Besides, the judge because of his position can also order for re-examination as intended in Article 180 paragraph (2) KUHAP. The re-examination is done by the original institution with the composition of personnel (experts) are different and added personnel other agencies who have authority for it.

The re-examination referred to in Article 180 paragraph (4) of this Criminal Procedure Code is a re-examination conducted by the original agency for example by "POLRI Forensic Laboratory" but with the composition of different personnel (experts) and added or together with experts from other institutions (e.g. laboratories from certain Department of Health / University) who have the same authority as the Police Forensic Laboratory of the Republic of Indonesia.

In principle substantially on the Statement of Experts or in Dutch law according to Article 339 Sv. is referred to as Verklaringen van een Deskundige, in KUHAP there are several articles, namely Article 1 point 28, Article 120, Article 133, Article 160 paragraph (4), Article 161, Article 179, Article 180, Article 184 paragraph (1) letter b, Article 186, and Article 187 letter c of the Criminal Procedure Code. In essence, the Expert's Description is the information provided by a person who has special expertise on the matter necessary to make the light of a criminal case for the purposes of examination (Article 1 point 28 KUHAP).

### **3.3 Strength of Expert Description in Proof of Criminal Case in Indonesia.**

In the process of examining criminal cases the role of witnesses and expert information is very important, because to reveal the existence of a criminal act must have at least 2 evidences. In order to make the light of the criminal case there must be a witness who knows the event, as well as the competent expert on the matter of the occurrence of the offense, so that the role of witness and expert information becomes the main thing to reveal a criminal incident.

Expert information is needed to clear up the sitting of the case. If there is a criminal incident, there is a police report, then the warrant issued some new police then check the relevant witnesses. In the case of food and medicine there are external

witnesses from the Food and Drug Supervisory Agency (BPOM), a case of relationship with the human body (anatomy) there are forensic experts, language disputes law there are lawyers from academia, experts in the field of Information technology, ballistics experts, and others. In general, witness and expert information presented by the prosecutor to strengthen the indictment other than evidences, at least 2 (two) witnesses. As for expert information is required of severe cases, thus requiring certainty of the crime<sup>[12]</sup>.

Another example of the case concerning the hearing of expert information in the court hearing, the case relating to the press offense. In the article Law Enforcement Officers Asked to Refer to SEMA No. 13 of 2008 said that given the many cases of press offenses that go to court, the Supreme Court (MA) suggested to the judges to request information from experts in the field of press. In handling / examining cases related to press offenses, the assembly should hear the expert witnesses of the Press Council, because they are the ones who know the ins and outs of the press in theory and practice. This refers to the Supreme Court Circular Letter Number 13 of 2008 on Requests for Experts Witness (SEMA 13/2008)<sup>[13]</sup>.

Successful expert information in the court if able to explain the actual problems that occur especially related to the results of the investigative audit or the results of the calculation of state losses and clarify the problems that occur so that all parties such as judges, prosecutors and defense lawyers can understand and accept the explanation given expert. However, in the practice of the trial the most common thing is the existence of expert testing by opponents such as lawyers regarding the qualifications and authority of the expert giver. Lawyers are allowed to clarify and / or assess expert giver and find something that can deny or embarrass the expert. Expert credibility is constantly needed to answer questions.

Matters to be considered in the face of cross-examination of lawyers (defendant's attorney), among others as follows<sup>[14]</sup>:

1. An opposing lawyer usually has a plan with cross-examination in mind. Therefore, the expert giver needs to anticipate and prevent him from entering the trap.
2. In answering a lawyer's question, it is difficult to avoid the trap of assumptions, "what if" scenarios, and generalizations raised by legal counsel during questioning. If it happens, ask the question repeated with a sentence or a shorter sentence that is easier to understand.
3. The expert shall not underestimate the expertise of the lawyer, to bring the expert giver into the security. This can result in experts entering a difficult situation. Golden rule of attorney is a cross-examination only done if the case is favorable.
4. Lawyers will sometimes read all previous testimonies and publicize witnesses. If weaknesses are found, questions may be directed at those weaknesses.
5. Lawyers may also attempt to test expert psychology by:
  - a) make nonstop eye contact;
  - b) asking questions in a quick tone to confuse the expert;
  - c) Does not allow the expert to explain or deviate from the real question.

Law enforcers in this study were those who served as investigators, prosecutors, lawyers, and judges. They have

their own duties but are interconnected with each other. Their tasks are summarized in a process of settling criminal cases from the level of investigation to the level of decision / verdict. Expert description is different from witness statements, but it is difficult to be clearly differentiated. Sometimes an expert also doubles as a witness. The contents of a witness and expert are different. A witness's description of what the witness was witnessing was true while an expert's statement was about an assessment of the things that had already existed and conclusions about them. Where there is a difference between the witness's testimony and the expert's explanation in the proof process then the witness's testimony is used, because the witness is the one who sees, hears, and experiences a criminal event on his own. While the expert information only to support<sup>[15]</sup>.

The power of expert evidence is free, because it does not bind a judge to wear it when it is against his belief. For the expert's information in the court hearing is a tool for the judge to find the truth, and the judge is free to use as his own opinion or not. In accordance with the other facts in the hearing, expert information is taken as the opinion of the judge himself. If the expert's statements are contradictory, they may be ruled out by a judge. If the expert's explanation is set aside for clear reasons, it should not be left aside without reason, as the judge still has the authority to request re-research if necessary<sup>[16]</sup>.

#### 4. Conclusion

The general requirements of the power of evidence include witness statements, namely: to be endorsed or in conformity with the facts obtained from other evidence. In accordance with the provisions of Article 183 in conjunction with Article 183 jo Article 185 paragraph (2) of the Criminal Procedure Code, the Power of Proof of Information of Experts is not in addition to evidence such as witnesses that are not sworn in as witnesses of the family according to Article 185 paragraph 7 or witnesses of children and witnesses with illness (Article 171). Whereas an Expert gives information not concerning all things he sees, hears and experiences himself, but on matters that become or in his field of expertise relating to the case being examined. The information of the Expert does not need to be reinforced by reason of his expertise or knowledge as in the testimony of the witness. What the witness says is a matter of fact or fact. As the Expert explains it is an appreciation of the reality and / or conclusion of the award based on the expertise of an Expert. The information of the Expert is the information given by a person who has specific expertise on what is necessary to make the light of a criminal case for the purposes of examination (Article 1 point 28). What is the content that must be explained by the expert, and what conditions must be fulfilled so that the expert's information has value is not regulated in the Criminal Procedure Code, but it can be considered that based on Article 1 point 28 of the Criminal Procedure Code, in particular there are 2 (two) conditions from the expert's statement: That what is explained must be about everything that falls within the scope of his expertise; That explained about his expertise is closely related to the criminal case being examined.

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