

The use of lie detectors (polygraphs) as evidence of expert statements in premeditated murder (Study of Decision Number 796/Pid.B/2022/PN Jkt.Sel)

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Abstract

Purpose: This study aims to determine the importance of using a Polygraph in court in proving the premeditated murder case committed by Ferdy Sambo and the judge's considerations in deciding the premeditated murder case based on Law Number 8 of 1981 concerning the Criminal Procedure Code.

Research Methodology: This study aims to determine the importance of using a Polygraph in court in proving the premeditated murder case committed by Ferdy Sambo and the judge's considerations in deciding the premeditated murder case based on Law Number 8 of 1981 concerning the Criminal Procedure Code.

Results: The Panel of Judges in Ferdy Sambo's trial found the fact that Ferdy Sambo had been convoluted and inconsistent in providing information, so that the Public Prosecutor to strengthen his charges continued the trial with the agenda of hearing witnesses and hearing expert testimony. The results and analysis of the Polygraph examination are written reports included in the evidence in the Indonesian criminal evidence system such as documentary evidence, expert opinions, and guidelines. Willa Wahyuni-12/16/2022 Reading 3 minutes The Polygraph Machine is used at the request of the investigator based on the needs of the investigation of a criminal case.

Keywords: *Polygraph, Criminal Act, Premeditated Murder*

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1. Introduction

Contextually, the Criminal Code is a material law that cannot stand alone without the support of formal law which is the procedural law for the implementation of material law. On the other hand, the development of formal criminal law is regulated in Law Number 8 of 1981 concerning Criminal Procedure Law or KUHAP which contains the substance of investigation, inquiry, detention, arrest, evidence and including other matters of a procedural nature. So that the rules of criminal law have a complexity that has legal certainty with the existence of material rules and formal rules (Auma, Obici, & Mwesigwa, 2022; Chazawi, 2019).

Based on its function, evidence has an important role in revealing the occurrence of a crime, and who the perpetrator is, as well as the guilt of a person suspected of being involved in a crime. In criminal procedure law, evidence is carried out by proving the charges against the defendant submitted by the Public Prosecutor (JPU). If the defendant is not proven guilty through the evidence determined by law, the defendant will be released (Chazawi, 2008; Sutarna, Dewi, & Rahayu, 2023). However, if the

defendant's guilt is proven based on the evidence, then the defendant will be found guilty and will be sentenced.

In this case, seeking material validity is a difficult task, because the existing evidence has high relativity according to applicable law, for example when someone who has a memory disorder gives testimony, then according to the discipline of psychology, observing a new event by a group of people can produce varying interpretations (Gustian, Respationo, Erniyanti, Anatami, & Parameshwara, 2022; Roy, 2022).

The use of Polygraphs in a series of criminal proceedings, there is an interesting fact that this Polygraph tool is used as one of the media to show valid evidence in court through expert testimony. The use of this Polygraph tool is something very new in the justice system in Indonesia. If you look at its history, the Polygraph or lie detector began in the late 19th century, when scientists and researchers began to study physical responses to lies psychologically. One of the early studies in this field was conducted by William M. Marston in 1917, who later developed a tool known as the Polygraph, or "lie machine." Marston was a psychologist and writer who was also known for creating the Wonder Woman character. However, the Polygraph tool he developed was not initially considered a reliable tool in detecting lies.

In 1921, a police officer named John A. Larson developed an early version of the Polygraph that used a number of sensors to record various physical responses, such as heart rate, breathing, and blood pressure. Larson introduced this tool as a criminal investigation tool, although at that time, there were still many doubts about its reliability and validity. In the 1930s and 1940s, the Polygraph began to be widely used by law enforcement agencies in the United States as a tool to detect lies in criminal investigations. Although not considered valid evidence in court, Polygraph results are often used to guide further investigation or as a means of psychological pressure on suspects. However, many legal experts and law enforcement are skeptical of the reliability of the Polygraph and question the validity of its results.

In the 1960s and 1970s, the use of Polygraphs began to increase in the context of trials in the United States. Some states even allow Polygraph results as evidence in court, although with various restrictions and requirements (Ekawati & Yudoko, 2024; Muhammad, 2007). However, court decisions that allow the use of Polygraphs are often questioned by experts and legal advocates who are skeptical of the reliability of the tool.

The debate about the reliability and validity of the Polygraph continues to this day. Many scientific experts and law enforcement consider the Polygraph to be an inconsistent tool and susceptible to manipulation. Meanwhile, some parties maintain the use of the Polygraph as a useful tool in investigating crimes or assessing a person's honesty. In various countries, regulations on the use of the Polygraph in law enforcement are regulated differently. Some countries, such as the United States, have strictly regulated the use of the Polygraph in court, while other countries have a looser approach or even prohibit its use completely. Several organizations and institutions, including the American Polygraph Association, are working to improve professional and ethical standards in the use of the Polygraph.

Along with the passage of time and advances in technology and informatics, especially in electronic systems, investigators can now use other evidence besides the five things mentioned above as evidence (Soekanto, 2013). One example is using a Polygraph Machine or equipment to detect lies. The Polygraph Machine is one of the devices used in the investigation process which is now starting to be applied to check the validity of evidence in Indonesia.

The Polygraph Machine is used as a device to identify the truth or lies of a person when giving a statement. This tool is often used in the context of law enforcement, especially in testing the truth of suspects whether they are involved in a crime or not. The Polygraph machine detects a lie through its wave analysis. If someone does not tell the truth, then the frequency of the wave will increase rapidly. But if someone chooses to be honest, then there is no rapid movement in the wave and it cannot be detected by the Polygraph machine.

However, there is a form of affirmation that this Polygraph machine cannot stand alone because in Indonesia its use is to facilitate the investigation process, such as in the shooting case of Pamudji and the murder case of Angeline. In such situations, the reason for using a Polygraph machine is to obtain information from suspects and witnesses that can be confirmed with existing evidence. In the shooting situation involving Pamudji, investigators used a Polygraph machine to interrogate Brigadier Susanto. However, the results of the examination using this Polygraph Machine are in line with what is contained in the Investigation Report (BAP). Therefore, the Polygraph machine only functions to provide additional assurance in strengthening the truth of the BAP that has been prepared. After that, the Lie Detector or Polygraph machine was used in the Angeline murder case to obtain information from suspect Agustay and several witnesses such as Andika and Margriet who were also still considered witnesses. The examination was carried out because the suspect often changed his statement during the investigation, so investigators decided to use a Polygraph machine to examine further. The examination of witnesses was carried out with the aim of revealing and finding some information that could support the investigation process.

What is then interesting is the expert testimony using a Polygraph as in the Decision of the District Court Number 796/Pid.B/2022/PN Jkt.Sel involving a High-ranking Officer in the Police, namely Ferdy Sambo, as a defendant in the premeditated murder case of his aide, namely Brigadier Nofriansyah Yosua Hutabarat. This raises various questions about how the Polygraph machine, which was originally carried out to facilitate the investigation process, became part of the expert testimony using the results of the Polygraph machine examination at the trial of the premeditated murder case of Ferdy Sambo..

The case of Decision Number 796/Pid.B/2022/PN Jkt.Sel., there is tension between Ferdy Sambo's camp consisting of Kuat Ma'ruf, Susi, Ricky Rizal Wibowo and Putri Candrawathi with Bharada Richard Eliezer who stated as a Justice Collaborator because of the legal game carried out by Ferdy Sambo with his group to obscure the criminal act of premeditated murder of Brigadier Nofriansyah Yosua Hutabarat. To open this case to be clear, the public prosecutor brought in an expert named Aji Febrianto Arrosyid as a Polygraph expert. In Indonesian law, especially the Criminal Code and the Criminal Procedure Code as criminal procedural law, it does not state that Polygraph is one of the valid evidence in a trial. So this raises big questions regarding the validity and legal force of the Polygraph results which are used as expert testimony in the trial.

Based on the description of the background, the author is interested in conducting research to what extent the position of Polygraph in criminal procedure law, whether the Polygraph, the results of which are then submitted in court by its experts, will actually be evidence that can be included in the evidence as regulated in the Criminal Procedure Code or otherwise determined by Law so that it can be examined in court. Based on this description, the author is interested in raising this research with the title **"The Use of Lie Detectors (Polygraphs) as Evidence of Expert Statements in Premeditated Murder (Study of Decision Number 796/Pid.B/2022/PN Jkt.Sel.)"**

1.1. Problem Formulation

Based on this background, the following problem formulations were obtained:

1. How is the judge's consideration of expert testimony evidence using the results of a polygraph examination in Decision Number 796/Pid.B/2022/PN Jkt.Sel.?
2. How is the regulation of expert testimony evidence using the results of a polygraph examination according to the Criminal Procedure Code?

2. Literature Review

2.1. Theoretical Framework

2.1.1. Proof Theory

The theory of evidence in the context of law is an important subject discussed by experts, such as Prof. Eddi Hiariej and Prof. Dr. Jur Andi Hamzah. According to Prof. Eddi Hiariej, the theory of evidence plays a crucial role in the justice system, where the evidence presented must meet the standards set to convince judges in making fair and appropriate decisions (Hiariej 2012). Hiariej emphasized the importance of being careful in assessing evidence, as well as considering various relevant aspects to

ensure justice is achieved in the trial process. Meanwhile, Prof. Dr. Jur Andi Hamzah developed an approach that is more focused on formal rules in assessing legal evidence. According to Hamzah, the theory of evidence involves the application of strict logical principles and methodology to determine the validity of evidence and prevent errors in making legal decisions (Hamzah, 2008). Thus, both views provide comprehensive insight into how the theory of evidence can influence the judicial process in achieving justice.

2.1.2. Legal System Theory

The legal system theory developed by Lawrence M. Friedman provides an in-depth view of how law and legal systems develop and interact in society. According to Friedman, the legal system does not only consist of formal written rules, but also includes norms, values, and practices that regulate the behavior of society at large. Friedman highlights the complexity of the legal system by emphasizing the importance of understanding the social, cultural, and historical context in which the law is implemented (Friedman 2018). He also emphasizes that the legal system is a product of social and political dynamics that are constantly changing, and can be influenced by various external factors. In this theory, the legal system can be divided into three clusters, consisting of Legal Structure, Legal Substance and Legal Culture. It becomes interesting in the legal substance section of Lawrence M. Friedman when it is associated with the use of Lie Detectors or Polygraph devices which were previously only used as supporting tools for investigations, but can now be used as evidence in expert testimony in the common law legal system. This certainly has an impact on the prevailing legal culture, where previously the Polygraph had no legal force in evidence and received objections from lawyers until it became one of the legal evidence used in the current Common Law court system.

On the other hand, as a renewal in American criminal procedure law, the use of the Polygraph indicates the progress of social life in the psychological aspect in the judicial environment. Thus, Friedman's theory provides a comprehensive understanding of how law not only reflects the values and aspirations of society, but also plays a role in shaping and directing the social and political development of a society.

2.2. Polygraph

The term Polygraph or Polygraph examination refers to a test method used to try to detect lies by measuring a person's physical responses as they answer a series of questions. The tool used in this test is called a Polygraph. Polygraph is essentially an aid. This tool is commonly used in various contexts, including criminal investigations, security, and employee recruitment, with the aim of helping authorities identify lies and verify the truth of a person's statement. The function of the Polygraph involves several aspects, from measuring physiological responses to formulating questions designed to elicit reactions in the body that can be interpreted as signs of lying (Vrij, 2008).

One of the main functions of the Polygraph is as a tool to assist in criminal investigations. In this context, the Polygraph is used to check the truth of a suspect's or witness' statement regarding a crime. The police or investigators can use the Polygraph as an additional method to obtain information that can guide the investigation (Harun, 1991). By recording physiological responses such as heart rate, blood pressure, and breathing, the Polygraph can provide investigators with clues regarding uncertainties or lies that may occur during the examination. However, it should be remembered that the Polygraph cannot determine the truth with certainty and must be used as one of many pieces of evidence (Ruspian, Deliana, & Erdiansyah, 2019).

The function of the Polygraph can also involve its use in handling legal cases or disputes. In some cases, Polygraph can be used as a negotiation tool to reach a settlement or obtain a confession from the parties involved. It should be noted that the use of Polygraph as evidence in court is still considered controversial and can vary in various jurisdictions. Many countries or regions do not recognize Polygraph results as admissible evidence in court because they are considered not reliable enough and can be influenced by non-lie factors.

As a tool directed at the body's physiological response, Polygraph attempts to measure various parameters that can change when someone gives a dishonest answer (Lovina, 2020). Heart rate, blood

pressure, breathing, and sometimes skin activity are indicators that are measured to detect tension or stress that can be associated with lies (Moeliono 2008). When someone gives an answer that is considered untrue, the body can respond by increasing autonomic nervous activity, which is reflected in changes in these parameters (Monica 2018).

The process of using Polygraph begins with the preparation of questions. These questions can be divided into three main categories: control questions, relevant questions, and neutral questions (Yusefin & Chalil, 2018). Control questions are designed to ensure that the Polygraph is functioning properly and to assist in understanding the individual's physiological responses to questions that are not related to the criminal case. Relevant questions are questions that are directly related to the criminal case or the lie being investigated. While neutral questions are designed to minimize factors that can affect the Polygraph results (Gunadi & Harjoko, 2012).

2.3. Lie Detection Arrangements in the Criminal Procedure Law

Strict regulation, at the normative level of criminal procedure law as well as in material criminal law, regarding *Polygraphs*, is not expressly regulated in the mention of criminal cases as a tool of evidence. The use of *polygraphs* in criminal law in Indonesia is a complex and controversial topic, considering that the existence of this tool is not explicitly regulated in Indonesian criminal law. However, to understand the position of *Polygraph* in the Indonesian legal system, we need to look at several relevant legal aspects, including the rules of proof in the Criminal Procedure Code (KUHAP), the views of legal experts, and applicable legal principles.

2.4. Expert Testimony

Polygraphs are often operated by experts who have special expertise in interpreting *Polygraph* test results. However, the use of *polygraphs* as evidence still requires recognition from experts who can testify about the test results in court. According to Article 186 of the Criminal Code, expert testimony is information provided by a person who has special expertise in matters that need to be proven. In this case, the *Polygraph expert* can provide an explanation of the Polygraph test results, but the results themselves are not the main evidence but the supporting ones.

2.5. Evidence in Criminal Procedure Law

2.5.1. Definition of Evidence

Evidence is everything used by judges in the process of investigation, prosecution, and examination of criminal cases to determine the truth of an event or fact that is the subject of a dispute in a case (Lamintang & Lamintang, 2012). This evidence is one of the most important elements in the criminal justice system because it plays a role in assisting judges in making fair and appropriate decisions based on the facts revealed during the trial.

Article 184 of the Criminal Procedure Code also regulates the conditions that must be met so that an evidence can be accepted by the judge in the trial. The practice of criminal procedure law determines that evidence has a very important role in determining the final outcome of a criminal case. There are several types of evidence that cannot be accepted by the court because they violate legal principles or do not meet the conditions that have been set. For example, evidence obtained through torture or confessions obtained by force cannot be accepted as evidence in a trial because it is contrary to the principles of justice and human rights.

In addition, there is also evidence that has a low probability value or is not strong enough to prove an event or fact. In this case, the judge has the authority to reject the evidence or assess it carefully in order to reach a fair and equitable decision.

2.6. Evidentiary System in Criminal Procedure Law

2.6.1. Scope of the Proof System

The evidentiary system in the Criminal Procedure Code is regulated starting from Article 183 to Article 189. Article 183 of the Criminal Code states that a judge may not impose a criminal sentence on a person unless with at least two valid pieces of evidence he or she is convinced that a criminal act actually

occurred and that the defendant is guilty of committing it. Article 184 of the Criminal Procedure Code explains the types of evidence that are valid in the criminal procedure law, namely:

- a. witness statements;
- b. expert testimony;
- c. letter;
- d. Instructions; and
- e. the defendant's statement.

The proof of criminal procedural law in practice also considers basic principles such as *presumption of innocence*, which means that everyone is presumed innocent until proven otherwise in court. The burden of proof is on the public prosecutor who must prove the defendant's guilt with valid evidence. This is an important principle to ensure that the accused is treated fairly and not punished without strong evidence.

3. Research methodology

3.1 Types of Research and Nature of Research

The doctrinal research method is a research approach that focuses on the analysis of relevant legal documents and literature to understand and analyze certain legal aspects (Ishaq, 2020). The prescriptive nature of this study is that the author will learn about the library.

3.2 Legal Materials

- 1) 1945 Constitution
- 2) Decision Number 796/Pid.B/2022/PN Jkt.Sel
- 3) Criminal Code
- 4) Code of Criminal Procedure
- 5) Regulation of the National Police Chief Number 10 of 2009 concerning Procedures and Requirements for Criminal Technical Requests for Crime Scenes and Evidence Criministic Laboratories to the Forensic Lab.
- 6) Other regulations related to the use of lie detectors (*Polygraphs*) as evidence of expert testimony in the crime of premeditated murder.

3.3 Data Collection Techniques

The first step is to identify the legal topic or issue to be researched. The next step in the doctrinal research method is the analysis of the documents that have been collected. This analysis involves reading and interpreting legal documents and relevant literature. Researchers will look for patterns, correlations, or differences between these documents to understand the legal implications of the topic being studied. The researcher will also identify legal arguments raised by the authors of relevant documents or literature. In addition, the researcher conducted limited empirical research with interviews.

After conducting the analysis, the researcher will compile the findings and analysis in the form of research reports or scientific writings. The report or writing will contain conclusions based on the analysis of legal documents and literature that have been carried out. These conclusions can be in the form of interpretations of applicable legal norms, identification of developments or trends in legal thinking, or policy recommendations based on research findings.

3.4 Data Analysis

The qualitative descriptive analysis method in the legal context is a research approach used to understand, explain, and interpret legal phenomena using descriptive and qualitative data and information (Soekanto & Mamudji, 2009). This method aims to describe and analyze in depth various aspects related to the law, including norms, policies, legal procedures, court decisions, and social dynamics that affect the application of the law.

3.5 Drawing conclusions

Drawing conclusions is carried out by means of the deductive method, which is one of the methods to draw conclusions from general statements to special statements. This is done by analyzing the use of expert evidence using *Polygraph* which is then analyzed with various existing regulations to test its validity and legal force.

4. Results and discussions

4.1 Analysis of the Judge's consideration of the evidence of expert testimony using the results of the *Polygraph*

The Judge's consideration of the results of the *Polygraph* as evidence from expert testimony in the trial held in the Ferdy Sambo case. The author further studied from various studies, literature and interviews with experts.

This study aims to find out the importance of the use of *Polygraph* in court in proving the case of premeditated murder committed by Ferdy Sambo and the judge's consideration in deciding the premeditated murder case based on Law Number 8 of 1981 concerning the Criminal Procedure Code.

Article 1

What is meant in this Law by:

1. Investigators are officials of the State Police of the Republic of Indonesia or certain civil servants who are given special authority by law to conduct investigations.
2. An investigation is a series of actions of an investigator in the case and in the manner regulated in this Law to seek and collect evidence with which to shed light on the criminal act that occurred and to find the suspect.
3. An assistant investigator is an official of the National Police of the Republic of Indonesia who, because he is given certain authority, can carry out the investigative duties regulated in this Law.
4. Investigators are state police officers of the Republic of Indonesia who are authorized by this Law to conduct investigations.
5. Investigation is a series of investigative actions to search for and find an event suspected of being a criminal act in order to determine whether or not an investigation can be carried out in the manner regulated in this Law.

Based on the above article, the investigation process regulated by this Law conducted an investigation with a *Polygraph tool* as a reference for the revelation of the murder case committed by the suspect Ferdy Sambo at that time. Why does the author still use the status of a suspect, because in the investigation process, the status of a person in the investigation is still a suspect and still uses the presumption of innocence.

After this process is declared complete (investigation), the next increase in the prosecution process begins with the Public Prosecutor receiving the file from the Investigator, and the status of the suspect becomes a defendant. The Public Prosecutor will prepare an indictment based on investigative evidence. At this stage of drafting the indictment, the results of the *Polygraph* will be considered by the Public Prosecutor, because the results of the *Polygraph* have become evidence of the letter and present witnesses and expert witnesses who will later explain according to their expertise.

The use of *polygraphs* in proving a criminal case, is not always used. *Polygraphs* as a tool, are generally used for complex and complicated criminal cases, and are of public concern, especially when revealing the testimony of the Defendant and Witnesses who are considered not to be openly and frankly honest in conveying what they have experienced, done, known or heard by the Suspect or Witness. In the event that the Investigator doubts the truth of the Suspect or Witness's statement, the *Polygraph tool* is one of the options to help the investigator find out the level of honesty or lies in the information provided by the Witness or Suspect. Interesting to analyze is the use of *Polygraph* in the case of premeditated murder that is of public concern, with the defendant Ferdy Sambo.

The South Jakarta District Court, in the criminal case it handled using the standard trial procedure for the first time, made a decision on the Defendant's case as follows:

1. Full name : FERDY SAMBO, S.H., S.I.K., M.H.;
2. Place of Birth : Barru;
3. Age and Date of Birth : 50 years, February 9, 1973;
4. Gender :Man;
5. Nationality :Indonesia.
6. Residence : Jalan Saguling 3 No. 29, Duren Tiga Village, Pancoran I District, South Jakarta Administrative City, Jakarta Special Capital Region Province, and Duren Tiga Police Complex No. 46, RT. 005/RW. 001, Duren Tiga Village, Pancoran District, South Jakarta City (according to KTP), or residential address Jalan Saguling III No. 29 Pancoran, South Jakarta;
7. Religion :Christian;
8. Work : Former member of the National Police;

The District Court; After reading;

- Determination of the Chairman of the South Jakarta District Court Number 796/Pid.B/2022/PN Jkt. Sel. dated October 10, 2022 regarding the appointment of the Panel of Judges;
- Determination of the Panel of Judges Number 796/Pid.B/2022/PN Jkt. Sel. dated October 10, 2022 regarding the determination of the hearing day;
- Case files and other relevant documents;
- After hearing the testimony of the Witnesses, Experts and Defendants and paying attention to the evidence of letters and evidence submitted at the trial;

After hearing the reading of the criminal charges filed by the Public Prosecutor, which are basically as follows:

1. Declaring that the Defendant FERDY SAMBO, S.H., S.I.K., M.H., has been legally and convincingly proven guilty of committing the crime of premeditated murder together in violation of Article 340 of the Criminal Code jo Article 55 paragraph (1) 1 of the Criminal Code, and declaring that it has been legally and convincingly proven to have committed a criminal act without rights or against the law to commit an act that results in the disruption of the electronic system to not work together as it should have violated Article 49 jo Article 33 Law No. 19 of 2016 concerning amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions jo Article 55 paragraph (1) 1st of the Criminal Code, as the First Primary Indictment and the First Second Primary Indictment;
2. Imposing a penalty on the Defendant with life imprisonment;

The practice of criminal procedural law, especially in the case of the criminal act with the defendant Ferdy Sambo, shows that *the Polygraph* is not specifically attached to the content of this decision. This can be analyzed as follows:

Judging from the *Theory of Proof*, where the Criminal Procedure Code of the Criminal Procedure Code adheres to *negative proof or proof* based on the law negatively, the use of *the Polygraph* tool can help and complement the Expert Testimony, and at the same time to provide the judge's confidence in deciding the evidentiary of the charges charged by the Public Prosecutor.

The expert testimony submitted in the trial at the request of the Public Prosecutor who testified in the Ferdy Sambo case as evidence in court in a criminal case is what the expert said in court. Expert opinions may be given at the time of examination by investigators or public prosecutors, in the form of "reports", and may also be submitted based on oaths taken when he or she holds office or other work.

This expert testimony can also be given at the time of examination by the investigator or public prosecutor which is stated in the form of a report and made by remembering the oath when he receives the position or job. If it is not given at the time of examination by the investigator or the public prosecutor, then at the examination at the trial is asked to provide information and recorded in the minutes of the examination. The information was given after he said a *sumah* or promise before the judge.

At the examination stage as described above, a request for information from a *polygraph expert* related to the Regulation of the Chief of the National Police of the Republic of Indonesia Number 10 of 2009 concerning Procedures and Requirements for Request for Criminal Technical Examination of Crime Scenes and Forensic Laboratory of Evidence to the Forensic Laboratory of the National Police of the Republic of Indonesia Article 9.

The position of a doctor in giving evidence in court does not necessarily mean that he is an expert psychopsychologist. So, for example, even if there is no expert psychophysiologicalist, the judge can obtain information from a doctor who is not an expert at the hearing. The testimony of a non-expert doctor is classified as evidence and is legally valid as "witness testimony". Statement Letter of Non-expert Doctor: The judge can ask for an expert doctor at the hearing together with the doctor who completes and signs the results *of the Polygraph* of the case file.

Many people's interpretation of *this Polygraph* tool still does not understand what the benefits of the results produced by the tool really are. This technology does not need to be regulated in the Law because the tools used have received international standards and the evidence of the results of *this Polygraph* is accurate as evidence as a letter issued by an expert witness.

Scientifically, it can be understood by the logic of the data collection process from *this Polygraph* tool. There are several questions that the author asked an expert about *Polygraphs*, namely Dr. Jayadi, S.H., M.H. as the Head of the Quality Management System section of the Labfor Police Headquarters in detail conveyed his expertise as follows according to the questions from the author:

1. Legal status of *Polygraph tools*

Polygraphs are almost the same as laboratory results, because *polygraphs* are tested in a closed and impermeable room in the laboratory, so the status is the same as an expert certificate. The results obtained from this laboratory examination will be submitted by an expert as scientific evidence which will be poured in the form of a letter and presented in the trial as the submission of expert witnesses presented by the Public Prosecutor. These results do not need to stand alone in the form of a *Polygraph* report but are the same as other letters in the form of various letters. Thus the results of *the Polygraph* are categorized as letters. Article 184 has explained various types of evidence such as witness statements, expert statements, letters, defendant statements, and instructions. For witnesses, there are also a lot of letters, including the results of *the Polygraph examination* according to the topic of the problem that the author analyzes.

2. How can this tool be applied to people who really like to lie with people who never or rarely lie? People who often lie their bodies will experience changes by releasing enzymes, their heart rate increases, therefore blood circulation must be faster, skin changes, body temperature rises, these are characteristics of people who lie in general. Then what about people who like to lie? People who lie between their mouths and thoughts will be different, then they will be tested with the lowest limit with the detection of the device.

This tool was indeed created to detect the reaction of the human body, the *polygraph test lie detection test stage* is carried out in several stages: prediction, interview, test administration and post-test. *The Polygraph Test* is 87% accurate. The following are the details of the stages of the *Polygraph* test, quoted from Howstuffworks.

a. Pre-test

The pretest stage consists of an interview between the examiner and the *Polygraph* test participant. This stage takes approximately 1 hour. In the pretest stage, the examiner will obtain a story from *the Polygraph* test taker about the event being investigated. In this process, the examiner also creates a profile *of the Polygraph* test participant. The examiner will observe how participants answer questions and process information.

b. Interview

Before conducting the interview, the baseline values of the participant's heart rate, respiratory rate, and blood pressure will be determined. Meanwhile, at the interview stage, there are different types of questions that can be asked:

1. Questions related to the investigation.
2. Control questions that will help compare reactions and responses.
3. The question is irrelevant for comparison of basic grades.
4. Hidden information questions

The purpose of this phase is to identify lies based on the specific case being investigated. Examiners are expected to ask 10 or 11 questions; However, only three out of four questions are relevant to the problem at hand. The rest are general control questions.

c. Postes

The examiner will now review the physiological response data collected during the examination to arrive at the determination of fraud on the part of *the Polygraph exam* takers. If there is a major change, there is an indication that there is cheating in the individual who took the test, This can also be seen from the consistency of the answers to repeated questions.

3. The level of accuracy and precision at Puslabfor.

The level of accuracy and precision of *the Polygraph* as a tool to measure the level of a person's lies, especially for Suspects / Witnesses, will certainly follow the times so that the level of accuracy and precision is further improved. The results of the researcher's research at the Puslabfor Institute of the National Police Headquarters, the author got information directly at the Puslabfor. Furthermore, the expert said that the tool can be trusted, even this tool has been tried for people who will occupy positions, cheat, drugs, like dugem and others.

4. The author also asked whether this tool has been regulated by law. Actually, this tool does not need to be regulated, for example, is there anyone who regulates the laboratory.

The meaning is that the laboratory has obtained ISO standards, so this laboratory no longer needs to be regulated by law, as well as *Polygraphs* if this tool called *Polygraph* has met ISO standards, then the tool no longer needs to be regulated with its own rules. Separately, the results of this lie detector or *Polygraph* are not included in the decision, but the results are included in the evidence of the letter which will be considered by the Hkim Council in making a decision.

That in decision number 796/Pid.B/2022/PN South Jakarta regarding the Ferdy Sambo case, the evidence from *the Polygraph* was not in writing stated in the content of the decision. However, the author believes that the judge's decision certainly considers the testimony of expert witnesses who said that Ferdy Sambo lied, which is evidenced by the existence of a lie test, namely *Polygraph*.

In the trial, an expert said that Ferdy Sambo's testimony showed lies, but Ferdy Sambo reasoned that *the Polygraph* could not be used as evidence at the trial. Can a *polygraph* determine a judge's decision in a case? Abdul Fickar Hadjar, a criminal law expert at Trisakti University, said that basically *Polygraph* is a tool that makes it easier for investigators to delve into a case "Yes, *Polygraph* is a tool that can be used to test whether someone is lying when answering questions.

The Panel of Judges of the South Jakarta District Court (PN Jakarta) examined domestic helper Susi, former Head of the Propam Division of the National Police, Ferdy Sambo, with changing results. During the trial, Susi was reminded that witnesses who gave altered testimony would be threatened with criminal threats. Susi was presented at the trial, the testimony of the defendant Bharada Richard E alias Richard Eliezer Pudihang Lumiu was examined in the case of the death of Brigadier Nofriansyah Yosua Hutabarat or Brigadier Josua Hutabarat. In the trial, Susi gave changing information, according to the article subject to Article 174 with the threat of Article 242 of the Criminal Code, a penalty of 7 years in prison.

Judge Wahyu Iman Santosa in the courtroom of the South Jakarta District Court, Monday, November 1, 2022, said that if the defendant wants to lie, it is okay, if the defendant is a right because he is not sworn in. "If the witness is false or lying, it will be compared with other witnesses, with other witnesses

whose object is the same, the incident is the same," he continued. The judge explained that providing false information under oath or commonly called the perjury/false testimony offense, is regulated in Article 242 of the Criminal Code, especially paragraphs 1 and 2, which read: "Paragraph 1 states; whoever in circumstances where the Law determines to give information on oath or to have legal consequences for such information, deliberately gives false information on oath, either orally or in writing, personally or by his or her attorney specially appointed for that purpose, shall be threatened with imprisonment for a maximum of seven years".

Regarding the results of the *Polygraph* submitted by experts in the trial, including expert testimony, it is not evidence but as documentary evidence, so it is documentary evidence as presented in the trial of the murder case of Brigadier Josua Hutabarat. In a trial, all decisions are in the hands of the judge, including what evidence or information is used to decide the case until the defendant is finally convicted. So the power is all in the judge's place based on the defendant's testimony, witness statements, and other evidence guaranteed by law.

4.2 Analysis of Polygraph settings in Positive Law

It must be admitted that *Polygraphs* as a tool are increasingly needed in the criminal procedure process, in revealing the material truth as the purpose of the criminal procedure process, to reveal the material truth. Although it later became a question for some legal experts, whether the existence of *Polygraphs* actually needs to be regulated in national legal regulations, or at least included in the formulation in the criminal procedure law. So the big question is whether it is necessary for this *Polygraph* tool to be specifically regulated in the Law.

Based on the *Legal System Theory* as stated by Lawrence M Friedman, the Legal System consists of: Legal Suspension (law), Legal Structure (institutional structure) and Legal Culture (Legal Culture). So in analyzing whether it is necessary to regulate *polygraphs* in the law. In terms of *Legal Substance*, it does not need to be regulated in the Law. The results of the researcher's research in an interview with forensic laboratory experts at the National Police Headquarters, experts argue that *polygraph tools* do not need to be regulated in regulations, technological tools do not need to be regulated by laws that specifically regulate them. Because, if it is regulated in the law, there will be many technological tools regulated in the law, because this technology has been ratified by the International. Tools that do not have standardization cannot be marketed and should not be circulated in the international market. Regarding many people who polemicize in the media because they do not understand the technology, according to experts, as legal people, they must know the reference. Between what is done and not done, it must send an electrical signal, the question also has standardization, if a small and simple question is a lie, then the main question must be a lie.

From the expert testimony, the author got a bright spot on the problem that the author analyzed that the *Polygraph* tool is indeed very necessary and the results achieved are close to 100%. The tool does not need to use a separate law because a tool that uses technology that has been standardized by ISO, namely international standardization, has certainly been tested for accuracy.

However, although *Polygraphs* do not need to be regulated in laws and regulations, in the practice of technical implementation of *Polygraph* Testing as a tool that can later help in proof, it can be found in a number of judges' decisions. In addition to the court decision, the regulation of the *Polygraph* is also indirectly regulated in the Regulation of the National Police Chief (Perkap) Number 10 of 2009 concerning Procedures and Requirements for Technical Applications for Crime Scene Examinations and Forensic Laboratories at the Forensic Agency of the National Police of the Republic of Indonesia.

In terms of *Legal Structure*, in the institutional structure, especially in the institution of the Investigator, the *Polygraph* can assist investigators in uncovering criminal acts, especially in investigations to find the actual perpetrators of criminal acts. And in the institution of the Court at the time of proof, the *Polygraph* is a tool to assist experts in providing expert testimony.

In further investigation, the results of the *Polygraph* examination actually come from the analysis of the *Polygraph* examination presented in the form of a report, so it is necessary to determine in advance whether the *Polygraph examination* of the suspect has been carried out in accordance with the truth, procedures and meets the standard requirements.

Therefore, in this study, we further examine the results of the *Polygraph* examination, as well as try to see the judge's opinion in assessing the status of the results of the *Polygraph* examination in several criminal cases in Indonesia. A *polygraph* is a tool that records a person's physiological changes in the form of changes in heart rate, blood pressure, respiratory rhythm will change, and an increase in sweat grains.

Polygraph experts had gone viral on social and electronic media, because of the case of Ferdy Sambo in the murder trial of Brigadier Josua Hutabarat. One of the witnesses presented was a *polygraph* expert or lie detector. The *Polygraph* Expert who was brought in was Aji Febrianto Arrosyid, in his findings that Sambo and his wife were indicated to lie or in other words, *deception indicated*.

Case disclosure using *Polygraphs*, as an effort to uncover cases that are being handled scientifically, accountably and objectively. The reason is that the examination carried out by the National Police is a *scientific investigation*, which is a series of investigations that prioritize many disciplines which are the development of examination techniques for suspects. In the *scientific investigation* method, the main goal is to find various evidence in uncovering the case.

Furthermore, the results of the *Polygraph* tool were only confronted with the suspect over the findings of evidence that had been collected with the suspect not enough reason to evade his crime. After knowing the results of the *Polygraph*, the suspect in his mind considered admitting his mistake.

Whoever the person is, if in the problem of his psychological condition, his comfort will be disturbed, therefore anxiety, indecision, fear, feeling depressed will haunt him at any time. During the trial, the *polygraph expert* was asked by the judge about the investigation that had been carried out. Then, it was only confronted with the suspect, in this context it was Ferdy Sambo and other suspects.

A *polygraph* is by definition a tool that detects someone lying. As for its usefulness in investigating Ferdy Sambo's statement in a case containing the truth or vice versa, it is proven that this tool can help solve legal problems in the Ferdy Sambo case.

According to Saman Azhari in *Polygraph Training* explained that a method of measuring and storing all kinds of psychological responses: blood pressure, heart rate, body skin condition results from a series of questions asked by experts to the suspect Ferdy Sambo. *Polygraph* In measuring a person's statement, using a physiological approach, later from the physiological reaction can determine the findings in the investigation being handled.

Polygraphs in revealing lies use a tool called *Polygraph* (lie detector). This work tool monitors heart rate, pulse rate and other physical changes. The way it works in exposing lies, if a person in the examination gives his statement honestly and correctly, then the heart rate, pulse rate and other physical responses will run normally. If it is the opposite, then the physical response will change.

Simply put, *polygraphs* are a tool in measuring the response caused by physiological changes in the body. For example, when a person is examined how much exhale is exhaled, what is his blood pressure like, and sudden reactions to the skin. From this study, it can be explained whether or not this tool is still important or not used by the Police in uncovering the truth of the suspect.

Furthermore, the author noted that several cases have gained a bright spot in the examination process, it is impossible for anyone to cover up what has been done, especially criminal acts. There is a saying that no matter how clever you are at storing the carcass, in the end you will definitely smell it too. Legal theory also says; Every crime must leave a mark.

The Locard Exchange theory says that "every contact leaves a trace" which means "every contact that occurs leaves a trace" in Indonesian. This theory was put forward by a French doctor named Dr. Edmund Lockard. He was a pioneer in forensic medicine and mineralogy, and his Lockard exchange theory is still in use today.

Dr. Edmund Lockard is also often referred to as the "House of the Shylock of France". What are the implications of the theory that every contact that occurs will leave a trace? As quoted in the *PCR Glossary of Forensic Glossary*, the *Lockard Exchange Principle* is "the theory that anyone or anything who enters a crime scene takes something from the crime scene and leaves something of his property when he comes out. "The theory explains that whoever, whatever, or both commit a crime at the scene will leave something behind when it leaves the scene."

In the case of Ferdy Sambo, evidence has been obtained, but Ferdy Sambo is very good at twisting the facts, this was proven when BAP said that there was a shooting with the victim because Brigadier Josua Hutabarat according to Ferdy Sambo harassed Ferdy Sambo's wife, Putri Candrawathi. One of the important events was when Putri told Sambo about the incident at Saguling's house in Magelang. In the investigation report (BAP) seen by Tempo, Ferdy admitted that he received a report from Putri about the incident.

The story of Joshua sexually harassing Putri Candrawathi, Putri Candrawathi told that Brigadier Josua Hutabarat entered by locking the room, at that time Putri was resting and Joshua attacked Putri in the room and raped her, who then tried to resist. After resisting, Joshua whipped Putri until she fell on the bathroom door.

According to BAP Putri Candrawathi, her two maids, Susi and Kuant Ma'ruf, were asked for help. "My reaction as a husband (said Ferdy Sambo) was very emotional and angry when I found out that my wife was treated like this, and it happened on my 22nd wedding anniversary," Sambo told investigators who investigated him.

From the Ferdy Sambo case, according to the researcher, if it is associated with the theory of Dr. Edmund Lockard, it is true, but by distorting the legal facts carried out by Ferdy Sambo, it is difficult for the Police to determine whether or not what Ferdy Sambo conveyed in the BAP is true. Another way is by using *Polygraph* as a tool, in this case letter evidence that can help reveal the results of the examination in criminal cases.

Polygraphs are one of the tools to uncover criminal cases committed by Ferdy Sambo. In Ferdy Sambo's examination, this tool responds from the physical that there is a change, whether the level is slight to the change is significant, then this is a sign that someone has lied.

Technically, *Polygraphs* monitor the responses generated by heart rate, pulse, blood pressure and other physical parts. The trick is to attach a *Polygraph* device to a person's stomach and chest. There is also a *Polygraph* tool installed on the fingers to see the sweat response or in other words, *electrodermal*.

One of the witnesses in the trial is a *Polygraph expert or a polygraph expert lie detection tool* who was brought in was Aji Febrianto Arrosyid. Aji knew that Sambo and his wife were lying, in other words they showed a trick. The disclosure of cases to the public uses *Polygraph* to publish cases that are handled scientifically, responsibly, and objectively. This is because the police investigation is a scientific investigation, which is a series of investigations that prioritize several disciplines.

In scientific research methods, the main goal is to find different types of evidence to uncover cases. They then presented the results of the evidence collected to the suspect. One of them is *Polygraph*, where *Polygraph* is used in the examination.

It was in the trial that the judge asked the *Polygraph expert* about the test. They then confronted the suspect, related to Ferdy Sambo and other suspects. Definition of *Polygraph* By definition, a *Polygraph*

is a tool that detects someone lying. Used when investigating whether a person's statement about something contains truth or vice versa.

In addition, according to Saman Azhar, it was explained in the *Polygraph Training* that the method to measure and record all kinds of psychological reactions (blood pressure, pulse, severe body condition) is due to the questions asked by experts to the suspect experts.

The polygraph itself measures a person's statement through a physiological approach, then the results of the research in question can be determined based on the physiological reaction. How *Polygraphs Work* Using a lie detector tool This tool monitors heart rate, pulse rate and other physical changes. How to expose a lie, if the subject conveys the statement honestly and correctly, heart rate, pulse, and other physical reactions work normally. Otherwise, the physical response will change.

The results and analysis of *the Polygraph* examination are written reports that are included in the evidence in the Indonesian criminal proof system such as evidence of letters, expert opinions, and guidelines. Willa Wahyuni-16/12/2022 3-minute reading *The Polygraph Machine* is used at the request of the investigator based on the needs of the investigation of a criminal case.

Usually, investigators ask to use a *polygraph machine* when it is difficult to get witness and suspect statements. Although the use of *Polygraph* tools is a relatively new technology and has several weaknesses, its use cannot be ignored according to Perkap No. 10 of 2009. The use of a *Polygraph machine* should be acceptable because article 184 of the Criminal Code contains a guideline of proof. However, in the evidentiary event, the procedure for its use must be explained again, so that the suspects do not feel pressured in the investigation and do not violate the rules, thus hindering the realization of legal certainty.

The *Polygraph examination technique* consists of four stages, namely preliminary interviews, stimulation, questions and results of *the Polygraph* examination in the form of diagrams obtained from body reactions and answers to questions asked in the *Polygraph* examination. The results of *the Polygraph* examination used in the trial came from the interpretation and analysis of the *Polygraph* examination of the suspect who participated in *the Polygraph* examination. Therefore, it is important to ensure that procedures and standards are followed during inspections.

The use of *the Polygraph machine* is rooted in the judge's conviction. In addition, the subject's consent must be required for *the Polygraph* examination, and consent is not valid if the *Polygraph* examination is not carried out voluntarily. If the interested party refuses, the *Polygraph* examination is not carried out. *Polygraph* examination as evidence of Indonesian criminal acts can be classified as evidence. Because in the evidence, the results and analysis of *the Polygraph* examination are written minutes, which are included in the evidence in the Indonesian criminal proof system in the form of evidence letters, expert statements, and instructions.

According to Hamzah (2008), the difference of opinion can actually be overcome because Indonesia adheres to the principle of limited prosecution which gives an important position to suspects in the right to investigate investigators, and this provision ends when the case is tried in court. In Indonesia, there are several examples of cases where the results of *the Polygraph* examination are used as scientific evidence in court. In the defense hearing of the child abuse trial involving the defendant Ziman and the grand jury, the child abuse involving the defendant Neil Bantleman used the results of the *Polygraph* examination as documentary evidence.

In convicting the defendant Agustay Handa May and the defendant Margriet Christina Megawe for child murder, the Panel of Judges also considered the results of *the Polygraph* examination and classified it as evidence as expert testimony. Before checking the status of *Polygraph* test results as scientific evidence in court, it is best to first briefly explain the scientific evidence. According to the criminal law evidentiary system, scientific evidence is usually additional evidence submitted by investigators or public prosecutors to prove the defendant's guilt definitively.

Internationally, scientific evidence is grouped into two parts, namely generally accepted scientific evidence and specifically accepted scientific evidence. Deoxyribonucleic acid (DNA) testing and fingerprinting can be accepted by the public. Meanwhile, regarding scientific proofs that have not been universally accepted, it is usually because the validity of the theory, such as voice signs and hypnosis, is still unclear. In addition, the results of *the Polygraph* examination also fall into this category. note that the results of *the Polygraph* examination have been used for almost a century, but are still rejected by many courts. In some cases, it can be revealed with a lie detector or *Polygraph*.

Meanwhile, researchers are trying to analyze whether this *Polygraph* tool can be applied to the investigation of suspects from the military using this tool as an investigative tool in uncovering criminal cases. Collecting evidence is an important step in a criminal case. At this stage, testimony is an effort to convince the judge about the validity or not of a criminal case. In this stage of proof, of course, there are various kinds of evidence that are used as a means of proving whether or not a criminal act has occurred.

In the context of criminal cases, evidence is everything that has a connection and relationship with a criminal event, both written evidence, statements, indictments, and oaths. The defendant's testimony has the same meaning as the witness statement, which is regulated in article 187 of the Criminal Procedure Code, that the witness statement and the defendant's testimony are his own testimony in providing information at the trial in connection with a criminal event, or an event that they experienced, knew or heard and saw.

In accordance with the reform and development of Indonesia's criminal justice in criminal cases that are in the investigation stage, lie detectors or *polygraphs* are often used as a tool to measure the level of falsity or inconsistency of information provided by criminal suspects. A *polygraph* is a tool that records changes in a person's physiological state, from pulse to breathing. The provisions for *polygraph examination* are regulated in the Regulation of the Chief of the National Police of the Republic of Indonesia (Perkap) Number 10 of 2009 which regulates the procedures and requirements for submitting applications for forensic technical examinations.

Although Article 184 of the Criminal Code does not regulate *Polygraphs* as legal evidence, in general, *Polygraphs* are acceptable as long as there are technical rules and procedures for their use so that there is no coercion for criminal suspects to use them to achieve legal certainty. From the description mentioned above, is it necessary or relevant in the investigation of the military?

Of course, it requires a separate study of *the Polygraph* tool as a lie detection for suspects who are members of the TNI. The study can be carried out by opening a legal seminar on whether it is necessary for *the Polygraph* tool to be used as a lie detection tool among the military involved in criminal cases.

Back in the case of Ferdy Sambo and his wife, Putri Candrawathi, investigators have succeeded in uncovering their lies with the help of a *polygraph*. The results presented by experts have shocked the public about their lies, but this is not the only cause of the revelation of the Ferdy Sambo case.

Based on the analysis of the problems presented in this thesis, it can be analyzed that the results of *the Polygraph* examination should be in the form of a written report made by a *Polygraph* expert, which contains the results and analysis of the *Polygraph* examination of the person being investigated.

Therefore, in the Indonesian criminal evidence system, the position of written letters obtained from the results of *the Polygraph* examination is evidence, which can then be classified as evidence of letters, expert statements, or instructions. Current court regulations and decisions in Indonesia agree that the results of *the Polygraph* examination are evidence that can be classified as evidence of letters, expert statements, or instructions.

In general, the *Polygraph* examination technique consists of four stages, namely preliminary interviews, stimulation, questions and results of *the Polygraph* examination in the form of diagrams

obtained from body reactions and answers to questions asked by the *Polygraph* examiner. Thus, the results of the *Polygraph* examination used in the test actually come from the interpretation and analysis of the *Polygraph* examiner on the suspect. In this regard, it is necessary to consider whether the *Polygraph* examination of the suspect is carried out according to the correct procedures and standards, because if not, the results of the *Polygraph* examination are invalid and have no evidentiary value.

An effort to prove that there are no procedures or standards regulated in conducting *polygraph* examinations in Indonesia. In comparison, the state of New Mexico, which also accepts the results of *polygraph* examinations as scientific evidence in court, already has regulations regarding *polygraph* examinations, especially the qualifications for *polygraph* examinations.

According to Rule 11-707 of the New Mexico Evidentiary Rules, *Polygraph* examiners must have a minimum of 5 years of experience in administering or interpreting *Polygraph* exams or equivalent academic training and at least 20 hours of advanced training certification in the field of *Polygraph* exams 12 months prior to taking the *Polygraph* exam or translation. Ir. Lukas Budi Santoso, M.Si, Ir. Suparnomol, Nurkolis, ST, SH, and Aji Febrianto, ST, who conducted *polygraph examinations* on Ziman, Neil Bantleman, Agustay Handa May, and Margriet Christina Megawe, have not met the requirements based on New Mexico Evidence Rule 11-707.

In addition to the qualifications of the *Polygraph* examiner, the most important factor that determines whether or not the results of the *Polygraph* examination are accepted as evidence in court are the procedures and techniques used in applying the *Polygraph* to the subject which ultimately determines whether the use of the *Polygraph* may violate their rights.

The procedure for the *Polygraph examination* is based on changes in the reaction of the body and the examinee's answers to the *Polygraph* examiner's questions, so the principle of fair justice, including voluntary examination, is important to obtain the consent of the person. The subject, legal counsel takes part in the research, and the subject is free to provide information and be fully informed about the procedures, research methods, and possible impact the research will have on him. The main basis of law enforcement, especially the Panel of Judges, is to make the results of the *Polygraph* test as scientific evidence in court.

If the principle is not determined, then the results of the *Polygraph* examination are invalid and have no evidentiary value in court. This assumption is still a hot topic of discussion for both legal practitioners, academics, and students. It must be a challenge for the author, the existence of the lie detection tool becomes the material of study and is more socialized to the public that according to the author's study and the analysis developed like this paper.

5. Conclusions

5.1. Conclusion

Based on the results of the research and analysis in the discussion connected with the two main points of confusion raised in this study, it can be concluded:

1. The judge's consideration related to the use of the *Polygraph* tool in the South Jakarta Court Decision in the case of the crime of murder with the defendant Ferdy Sambo, in Decision Number: 796/Pid.B/2022/PN Jak Sel, did not specifically consider the results of the *Polygraph*. The Panel of Judges in Ferdy Sambo's trial, found the fact that Ferdy Sambo had been convoluted and inconsistent in providing evidence, so the Public Prosecutor to strengthen his demands continued the trial with the agenda of listening to witnesses and listening to expert testimony.

At the hearing of the agenda to listen to expert testimony, the public prosecutor did not only present a forensic doctor to convey information whether the wounds on Yosua Hutabarat's body were indeed gunshot wounds or deliberately shot with the help of the forensic laboratory center. The judge also listened to the testimony of a *polygraph expert* from the public prosecutor, Aji Febrianto Arrosyid. In the subject matter of the case, and convey the main points of findings during the investigation as follows:

- a. The accuracy standard of *Polygraph* is 93%.
- b. The parameters of *the Polygraph* are known from the heart rate, sweat glands, chest breathing and abdominal breathing;
- c. The method used is the yuntasencty method, which consists of 11 questions.
- d. The results of this *Polygraph* examination are of 3 types, the first is *the indicative deception* or indicated lying, the second is *the indicative not deception*, indicated to be honest, indicated not to lie, the third is no opinion that cannot be concluded;
- e. Regarding the expert examination of the Defendant, the Defendant is categorized as a smart person;
- f. That for this accuracy it is influenced by the inspector, the more this inspector exports, the higher the flight hours the more it is checked, then this accuracy can increase;

That against the 5 examinees/Defendants, the score is as follows:

1. That for the Defendant the total score is minus 8;
2. That for the witness Putri Candrawathi minus 25;
3. Witness Kuat Ma'Ruf, we conducted two examinations, the first was plus 9 and the second was minus 13;
4. That for Witness Ricky Rizal Wibowo, it was carried out twice, the first was +11, the second was +19;
5. Witness Richard Eliezer Pudihang Lumiu +13;
6. That from the score that the expert mentioned earlier, it mentions that for a plus result means that someone is not indicated to be lying;
7. The defendant was identified as Minus, indicated to be lying;
8. Witness Putri Candrawathi was identified as Minus, indicated to be lying;

Based on these legal facts, the judge in the trial did not use the results of the examination *Polygraph* to be tested and considered because it is only a complement or assistant to shed light on a criminal act, but rather listens to expert testimony submitted by the Public Prosecutor.

2. Whether or not *Polygraphs* are regulated in the Law. In terms of *Legal Substance*, it does not need to be regulated in the Law. *Polygraph* tools do not need to be regulated in regulations, technological tools do not need to have laws that specifically regulate them. Because, if regulated in the law, there will be many technological tools regulated in the law, because this technology has been standardized internationally.

However, although *Polygraphs* do not need to be regulated in laws and regulations, in the practice of technical implementation of *Polygraph* Testing as a tool that can later help in proof, it can be found in a number of judges' decisions. In addition to the court decision, the regulation of *the Polygraph* is also indirectly regulated in the Regulation of the National Police Chief (Perkap) Number 10 of 2009 concerning Procedures and Requirements for Technical Applications for Crime Scene Examinations and Forensic Laboratories at the Forensic Agency of the National Police of the Republic of Indonesia.

5.2 Suggestion

1. Law enforcers, since the beginning of the investigation of complex cases that attract public attention, must rely on scientific investigation with one of them using a lie detector, and the Public Prosecutor in proving in front of the trial must present an Expert *Polygraph*, to reveal the material truth, and for the Judge it is necessary to consider the results of the detection *Polygraph* in his decision.
2. Settings *Polygraph* does not need to be regulated in the Law, but it needs to be regulated in the Technical Rules of Investigation with the Regulation of the National Police Chief combined with the Technical Regulations of the National Police Chief about the Procedures and Requirements for Technical Applications for Crime Scene Examination and Forensic Laboratory at the Forensic Agency of the National Police of the Republic of Indonesia.

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