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The Effectiveness of The Polygraph Instrument (Lie Detector) As Evidence In Court

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| ARTICLE INFO | ABSTRACT |
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| <p>Keywords : Court, Polygraph, Law, ITE</p> <p>Submitted: 2023-12-30</p> <p>Last revised: 2024-05-20</p> <p>Accepted: 2024-06-28</p> <p>DOI : 10.25077/alj.v9i1.67</p> | <p>Polygraph is a computer technology that is capable of interpreting fraud up to 98% through physiological data such as changes in skin moisture due to anxiety, blood pressure, respiratory frequency and pulse frequency. The National Police Chief's Regulation (Perkap) Number 10 of 2009 Article 9 Paragraph (2) Letter A stipulated that the use of a polygraph as evidence in court will provide assistance to the judge in making a decision although the polygraph cannot be used as evidence because it does not meet the required standards. The purpose of this research is how to study the law on the use of polygraph equipment as valid evidence in court as written in the ITE Law Number 19 of 2016 concerning amendments to the UU ITE Number 11 of 2008. The research uses normative law as a research method and uses primary, secondary and data. tertiary. Research has found that a polygraph cannot be used as evidence, but if supported by expert opinion it can be used as valid supporting evidence in court.</p> |
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1. Introduction

Advances in technology are progressing rapidly and impacting human life. Information technology has changed the behavior of societies and human civilizations around the world. The existence of science and technology has a very important meaning and role in every aspect of life. Rapid development of technology and information. The world is entering a new era faster than ever before. This technological development brings about changes in many areas of human life, including economic, social, cultural, political, and legal life. Qualitatively and quantitatively, this is something that the government is very focused on, and this is because the government, as the servant and protector of society, is trying to reduce crime in order to minimize it.

The perpetrators of crimes often do not admit to the crimes they have committed. This is the reason behind the development of lie detection tools. The first tool, a device called a lie detector, appeared. Lie detectors have been used to test and record the electrical activity of the human brain.¹ Lie detectors were initially used in police departments.² It was also used as a lie detector by FBI agents and the Central Intelligence Agency (CIA).³ The tool tracks psychological changes in the body when someone lies by looking at digitally or paper-recorded blood pressure, electrical skin resistance, presence of sweat, and changes in heart rate and breathing. When trying to obtain this evidence, law enforcement agencies, especially investigators, often have difficulty finding truthful information or obtaining evidence to support the Investigation Reports prepared by investigators.

Often there is one reason is that the information provided by Suspect has changed or does not match other evidence. Therefore, other methods are needed to detect this increasingly evolving crime. One of them is the use of a tool called a polygraph. (Lie Detector). A polygraph (lie detector) is a type of test in the forensic field designed to detect lies through her identification based on physical evidence, with the aim of assisting in the detection of crimes committed. Lie detector measures a person's anxiety level. Most people get anxious when faced with a lie detector test, but experienced liars don't get anxious when they lie.

The National Police of the Republic of Indonesia first became aware of polygraphs (lie detectors) when police began using the tool in the murder investigation of Ryan.⁴ Due to Ryan's inconsistent information, police decided to use a lie detector test. The detector only detects changes in heart rate, increases in body temperature, and blood buildup

¹Paul Root Wolpe, Kenneth R. Foster, and Daniel D. Langleben, 'Emerging Neurotechnologies for Lie-Detection: Promises and Perils', *The American Journal of Bioethics* 10, no. 10 (13 October 2010): 40–48, <https://doi.org/10.1080/15265161.2010.519238>.

²Axelrod, Robert M, 'The Use of Lie Detectors by Criminal Defense Attorneys', *Nat'l J. Crim. Def.*, 1977, 107.

³'From Detection to Surveillance: US Lie Detection Regimes from the Cold War to the War on Terror', *BEHEMOTH-A Journal on Civilisation* 1 (2015): 46–66.

⁴'Ryan Akan Diuji Kebohongan Senin 4 Agustus', <https://news.detik.com/berita/d-981857/ryan-akan-diuji-kebohongan-senin-4-agustus>.

due to dilation of blood vessels in some parts of the body. Technology is of great importance for human activity in various fields and has a direct impact on the emergence of new legal forms. The entry into force of Law No. 11 of 2008 on Information and Electronic Transactions is the right step towards preventing various possibilities of uncontrolled misuse of technology that may harm others. Governments must support the rapid development and advancement of information technology through legal and regulatory infrastructure to ensure that its use is safe.

Law No. 11 of 2008 on Information and Electronic Transactions updates the Criminal Procedure Code in force in Indonesia and has the potential to expand information as valid evidence. Furthermore, Article 5, Paragraph 2 of Law No. 11 of 2008 on Information and Electronic Transactions states: with. " is a procedural law applicable in Indonesia. One way he achieves this is through the investigative process carried out by the police in support of the government's mission.

Investigative measures are the search and collection of evidence that is clear and unambiguous and that allows the perpetrator to be found and identified. However, if the perpetrator of a crime is found, it is often for something he has already done. The more complex a police investigation is, the more technical and information tools that can support the police investigation are needed. Technical and information technology tools used to assist police investigations consist of lie detectors, often referred to as "lie detectors".

2. Method

The approach used to create this journal is a prescriptive legal research method. Through this method, this study carries out a literature review by exploring and considering various primary data such as criminal procedure law, or secondary data such as legal norms and regulations, books of law-level related legislation and enforcement regulations. To do this research, books on lie detectors, as well as various documents that serve as basic reference materials have been utilized.

In writing this study, data were collected using an approach that was processed through the identification of legal regulations through the classification of appropriate legal materials in order to study the dynamics involved in the writing of this journal. Legal regulations remain inadequate and standards are unclear. The legal material collection method is a document research method that uses legal materials in the form of data and documents according to the research topic. This type of research is carried out through technical analysis of legal materials. Qualitative analysis is the analysis of all data collected using primary or secondary data.

3. The urgency of using a lie detector (lie detection tool) in trial phase of a premeditated murder investigation

The analysis on the use of lie detectors show that lie detectors play an important role in their role as a tool to support the investigative process, as they are urgent and can increase reliability in crime detection.⁵ The investigators who investigated possible suspects in premeditated murder cases describe the results of this lie detector are correlated with existing evidence to get a correspondence with the actual facts.⁶ Therefore, lie detector has an urgency to solve the crime of premeditated murder:

- a. The lie detector was requested by investigators through the Forensic Science Laboratory as an aid tool in the interrogation of suspects and witnesses, making it easier for investigators to carry out the premeditated murder case carried out by Jessica Cross Cover . Angeline's death.
- b. Lie detectors are used as an investigation tool in cases that are difficult to solve, but lie detectors are tools used to uncover the truth.
- c. Although the contradictions and statements of witnesses and suspects in the premeditated murder cases described above are constantly changing, which poses an obstacle for investigators in solving criminal cases, lie detector results This could provide evidence to support investigators' inferences in linking the two murders. Being evidence and fact.
- d. The lie detector will be used to shed light on a criminal case of premeditated murder by uncovering statements from witnesses and suspects and determining their veracity.
- e. A lie detector is a tool for extracting information from witnesses and suspects and finding matches with evidence to determine true facts.

4. The position of the lie detector (lie detection tool) is bound by the laws of the Republic of Indonesia.

The position of lie detectors (tools for detecting lies) is related to Law No. 8 of 1981 on the Code of Criminal Procedure. The lie detector served as an investigative tool to solve complex and difficult-to-solve cases, and greatly contributed to increasing the confidence of investigators in finding suspects. Especially in cases of premeditated murder. Lie detector is one of the tests in the field of forensic physics, with scientific tests applied. This is Article 9, Section 2 of the National Police Chief Regulation No. 10 of 2009 on Procedures and Requirements for Application of Technical Criminal Investigation of Crime Scene and Criminal Laboratory Evidence to the Forensic

⁵Inbau, Fred E., and John E. Reid, 'The Lie-Detector Technique: A Reliable and Valuable Investigative Aid', *ABAJ*50, 1964.

⁶Kleinmuntz, Benjamin, and Julian J. Szucko, 'On the Fallibility of Lie Detection', *Law & Society Review* 17 1 (1982): 85–104.

Laboratory of the Indonesian National Police stipulated in section. , that is, the type of evidence that can be carried out.

National Police Research Institute includes research in the field of forensic physics. The polygraph test in the case of Angeline and Jessica Kumara Wongso was conducted at the request of the investigator to the Forensic Science Laboratory Center (Puslabfor), which is responsible for investigating the case, as the above case was considered difficult. conducted by investigators. to solve. Investigators use lie detectors as a means or upstream tool for law enforcement, which is of course the most important tool for law enforcement in finding strong evidence from the investigation into Angeline's death and Myrna's death.

Efficiency may be affected. This is done by attaching a sensor to a part of the body of a witness or suspect in a case, which records every movement resulting from the physical symptoms of the person being investigated, through a respirator sensor that has the ability to measure pressure. The chest blood pressure sensor measures the subject being tested, the blood pressure sensor measures blood pressure , and the skin resistance sensor measures the amount of sweat produced by the finger of the test subject. The position of the lie detector is relevant to Article 184 (1) of the StPO. That is, a printout of the results of a lie detector test performed on a witness or suspect may be used as a supplement to the investigation file, supported by the testimony of a forensic scientist. This process can be done with the context of lie detector as part of investigative process. Content psychologists explain the results of their analysis of graphic images in the form of printouts. Therefore, the status of a lie detector under the Code of Criminal Procedure (KUHAP) is not evidence.

According to Article 5 of Law No. 11 of 2008 on Electronic Information and Transactions (*Informasi dan Transaksi Elektronik*): Electronic information and/or electronic documents and/or printed materials are valid legal evidence. 2) Electronic information and/or electronic documents and/or printouts referred to in paragraph (1) constitute an extension of valid evidence according to the applicable procedural law in Indonesia. 3) Electronic information and / or is valid if electronic systems are used in accordance with the provisions laid down in this Law in which electronic documents are declared. 4) The provisions relating to electronic and/or electronic within the meaning of paragraph 1 shall not apply to: 1) A letter that must be in writing by law; 2) Letters and documents that, by law, must be in the form of a notarial deed or a deed executed by the issuer of the deed.

Explanation of Article 5 of Law No. of 2008 No. 11 on Information and Electronic Transactions. discusses electronic information and/or its hard copies as valid legal evidence. In the context of a lie detector, in this case it is part of an electronic system and its test results can be used as valid evidence in court, but electronic data evidence

in this case is one of the cases . A solution that gives judges confidence in imposing sanctions against perpetrators of criminal acts.

Furthermore, Article 5, No. 2 of Law No. 11 of 2008 on Information and Electronic Transactions states that electronic information and/or electronic documents and/or printed materials are an extension of valid evidence under current procedural law. It is explained that it is configured. In Indonesia. Explanation of Article of the Code of Criminal Procedure 177 Draft Book Draft, KUHAP), electronic evidence is information transmitted by voice. received or stored electronically using optical devices or the like; includes any record of data or information that can be viewed or read. and/or a hearing may be issued with or without any means, whether specified in writing, a physical object other than paper, or electronically in the form of a document. Meaningful documents, drawings, maps, drawings, photographs, letters, letters, numbers, perforations, etc.

Polygraph (lie detector) in this case is a legal procedure carried out in Indonesia, when the results of the test on the validity of the lie detector test (lie detector) are presented by the statements of experts or expert witnesses. It may be considered valid evidence under the law. Judges must be careful and precise in their use of the definitions of information and electronic transactions that may be admitted into evidence at trial, and therefore must adhere to those definitions in the process. Article 28, No. 1 of Law No. 48 of 2009 on Judicial Power states: "Judges have a duty to study, observe, and understand the legal values and sense of justice that exist in society. "

5. Conclusion

A polygraph, also known as a lie detector, is a computer technology that can detect fraud with up to 98% accuracy by analyzing physiological data such as changes in skin moisture, blood pressure, respiratory rate, and heart rate. According to the Regulation of the National Police Chief (Perkap) No. 10 of 2009, the use of a polygraph as evidence in court can help judges make informed decisions. The purpose of this study is to examine the law regarding the use of polygraph devices as valid evidence in court, as outlined in the ITE Law No. 19 of 2016 and the UU ITE Amendment No. 11 of 2008.

The use of polygraphs has become important in police investigations, especially in cases where obtaining truthful information or gathering evidence is challenging. Lie detectors are used to measure a person's anxiety level and have been used in the investigation of various crimes, including premeditated murder cases. The results of a lie detector test can provide valuable evidence to support investigative reports and help in the detection of crime.

The entry into force of the Information and Electronic Transactions Law No. 11 of 2008 has been a significant step in preventing potential abuses of technology that could harm others. This law has updated the Criminal Procedure Code in Indonesia and has the potential to expand the use of information as valid evidence in court. Lie detectors are considered as part of the electronic evidence system and can be presented as valuable evidence in court proceedings.

The use of lie detectors in the investigation of criminal cases, such as premeditated murder, has been crucial in providing insights and supporting the findings of investigators. Lie detectors are used as a tool to extract information from witnesses and suspects and to determine the authenticity of their statements. The results of a lie detector test can be considered valuable evidence in court, and judges must carefully consider the definitions of electronic information and transactions that may be admitted into evidence during trial proceedings.

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