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Development of Criminal Evidence Law in Indonesia

Ali Yusran Gea

Fakultas Hukum, Program Studi Magister Ilmu Hukum, Universitas Pembangunan Panca Budi, Kota Medan, Indonesia

Abstract: Proof is a form of description relating to the truth of an event so that an acceptable truth status is obtained, apart from that, proof is also the act of proving. The evidentiary system is a regulation of the types of evidence that may be used. Proving whether the defendant actually committed the act charged is the most important part of the criminal procedure. There are 4 (four) theories of evidence known in the history of evidentiary law, namely Positive Wettelijk Bewijstheorie, Conviction In Time, Conviction Raisonne and Negative Wettelijk Bewijstheorie. The evidence system in Indonesia adheres to a negative system of evidence according to law (negatief wettelijk bewijstheorie) where evidence must be based on law, namely with at least two valid pieces of evidence. The judge obtains confidence that a criminal act actually occurred and that the defendant was guilty of doing it. The development of evidence in proving criminal acts in Indonesia, both those that have been regulated in special legislation and those that are purely based on the Criminal Procedure Code, has certainly had an impact on progress for law enforcement in Indonesia

Keywords: *Evidence, Crime, Evidence*

1. Introduction

Proof is a form of description relating to the truth of an event so that an acceptable truth status is obtained(Wikipedia, 2024), apart from that, proof is also an act of proving. The intention to prove means to give or show evidence, to do something true, to carry out, to signify, to witness and to convince. Meanwhile, what is meant by the law of evidence is a series of rules and regulations that judges must follow in the trial process to make decisions for justice seekers.(Panggabean, 2022).

The evolution of evidence law in Indonesia has undergone significant changes over the decades, reflecting the dynamic nature of the legal system and its adaptation to societal needs. Historically, Indonesian evidence law was heavily influenced by Dutch colonial legal traditions, particularly the Dutch Civil Code and the Code of Criminal Procedure. However, recent decades have seen substantial reforms aimed at modernizing and improving the judicial process. Notable changes include the adoption of the 2004 Law on the Judicial Power and the 2009 Law on Criminal Procedure, which introduced new principles and procedures to enhance transparency, fairness, and efficiency in the legal process. These reforms emphasize the importance of both formal and informal evidence, broaden the scope of admissible evidence, and seek to address issues of bias and procedural inconsistencies.

Despite these advancements, the application of evidence law in Indonesia, particularly in criminal cases, faces significant challenges. Key issues include the difficulties in ensuring the reliability and admissibility of evidence, balancing the rights of the accused with the need for justice, and addressing instances of procedural misconduct. The process of proving facts in criminal cases often involves complex evidentiary requirements, and the system's capacity to handle such demands can be hindered by factors such as inadequate training, corruption, and resource constraints. As a result, ensuring fair trials and just outcomes remains an ongoing challenge in the Indonesian legal system.

Correspondence:
Name: Ali Yusran gea
Email: ali-yusrangea@dosen.pancabudi.ac.id

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According to Law Number 8 of 1981 concerning the Criminal Procedure Code, it is stated in Article 184 Paragraph (1) that valid evidence is witness statements, expert statements, letters, instructions and defendant statements, therefore in determining a the suspect must have at least 2 pieces of sufficient evidence in accordance with Article 184 of Law Number 8 of 1981 concerning the Criminal Procedure Code(Law, 1987).

The evidentiary system is a regulation of the various types of evidence that may be used. Proving whether the defendant actually committed the act charged is the most important part of the criminal procedure. In this case, human rights are at stake. In proving criminal cases (criminal procedural law) the aim is to find material truth, namely the true or real truth.

According to Subekti, proof is convincing the judge about the truth of the argument or arguments put forward in a dispute.(Subekti, 2001). The process of proving or proving contains the intention and effort to state the truth of an event, so that the truth of the event can be accepted by reason(Martiman, 1998). According to Sudikno Mertokusumo, he uses the term prove, by providing the following meaning (Sopyan, 2013).

The term "prove" in a logical sense implies achieving absolute certainty, as it universally applies and precludes the possibility of contrary evidence. In contrast, "prove" in the conventional sense refers to proof that provides certainty, though not absolute, but rather relative or varying in degree. This certainty can be categorized into levels: firstly, certainty based on mere feelings, which is intuitive and often referred to as in-time conviction. Secondly, certainty grounded in rational considerations, known as raisonnee conviction. Additionally, "prove" holds a juridical meaning, signifying evidence that establishes certainty for a judge regarding the truth of an event that occurred.

Proof has been defined by much literature regarding the law of evidence itself, according to Eddy OS Hiariej in his book Theory and Law of Evidence. It can be concluded that there are at least 6 (six) theories which will be reviewed further regarding the parameters of the evidence itself, which consist of:(Eddie, 2022)

Bewijstheorie is the theory of evidence used by judges to evaluate evidence in court. Historically, there are four main theories of evidence. The Positive Wettelijk Bewijstheorie is based on positive law, meaning that evidence is strictly governed by legal rules. Judges must adhere to these rules, eliminating subjective considerations and ensuring strict compliance with established evidentiary standards (Sopyan, 2017).

In contrast, the Conviction In Time theory relies solely on the judge's personal belief when determining guilt or innocence, without the constraints of strict legal guidelines. Meanwhile, the Conviction Raisonne theory demands that the judge's belief be based on rational reasoning. The evidence must be reasonable and justifiable, not merely based on personal conviction, and this approach is often termed free proof (Sopyan, 2017).

The Negatief Wettelijk Bewijstheorie represents a different perspective, where the judge's belief arises from the evidence presented according to the law. This theory focuses on the judge's conviction derived from legal evidence (Eddie, 2022). Bewijsmiddelen refers to the tools used to prove that a legal event occurred. These tools provide judges with insights into past criminal acts (Simatupang, 2022). Bewijsvoering concerns how evidence is presented in court, a concept of particular importance in systems following the due process model of criminal justice. It emphasizes formalistic or procedural aspects, though in the realm of electronic crime, its relevance may be limited (Soni, 2019).

Bewijslast, or the burden of proof, addresses the distribution of proof required by law to establish a legal event. Bewijskracht focuses on the strength of each piece of evidence in determining whether an accusation is proven (Eddie, 2022).Lastly, Minimum

Bewijs deals with the minimum level of evidence needed to constrain a judge's discretion.

Evidence law, as part of criminal procedural law, governs valid types of evidence, the adopted evidentiary system, and the procedures for presenting and evaluating evidence. According to Djoko Sarwoko, the system aims to determine how to place evidence in the case, assess the proportionality of evidence to prove guilt, and evaluate whether the completeness of evidence still requires the judge's confidence. (Prakoso, 1987).

Thus, when examining, adjudicating and deciding a case, a judge must first use written law as the basis for his decision. If the written law is not enough, not appropriate to the problem in a case, then the judge will search and find the law himself from other legal sources such as jurisprudence, doctrine, treaties, customs or unwritten law.(Loway, 2023).

Regulations regarding evidence in the Criminal Procedure Law in Indonesia are broadly divided into the Criminal Procedure Code, namely as general regulations and in special legislation, as the lex specialis. Evidence, both in the Criminal Procedure Code and special legislation, along with the development of legal concepts will also develop (Eni, 2023). This development is influenced by developments in science and technology, developments in crime and modus operandi, and society. As crimes advance, such as crimes with transnational characteristics, extraordinary crimes and transborderless crimes and the birth of new modus operandi of crime, the impact caused by crime will become greater, so that electronic evidence can be considered as valid evidence.

Therefore, the problems studied are how the law of evidence is regulated in Indonesia and how the law of evidence has developed in Indonesia.

2. Materials and Methods

This form of research will be carried out using the Normative Legal Research Method. The normative research method is library legal research which is carried out by examining library materials or secondary data alone(Soekanto, 2023). Normative legal research is a process of finding legal rules, legal principles and legal doctrines to answer the legal issues faced. Normative legal research is carried out by examining library materials or secondary data, also called doctrinal research, where law is often conceptualized as what is written in statutory regulations [law in books] or conceptualized as rules or norms which are benchmarks for human behavior that are considered appropriate (Sugiyono, 2021). The data sources used in this research are secondary data and tertiary data. Secondary data is data obtained by researchers from library and document research, which is the result of research and processing by other people, which is already available in the form of books or documents which are usually provided in libraries, or are privately owned. Meanwhile, what is meant by tertiary data is reference material or guidelines for studying primary data and secondary data which can be obtained from encyclopedias, dictionaries, book scale article indexes and other materials.

3. Results and Discussion

3.1. Legal Regulations on Evidence in Indonesia

The Criminal Procedure Code (KUHAP) or commonly referred to as criminal procedure law strictly regulates evidence. This is regulated in Article 183 of the Criminal Procedure Code, which states: "A judge may not impose a crime on a person unless he is convinced by at least two pieces of valid evidence that a criminal act has actually occurred and that the defendant is guilty of committing it."

Based on the sound of Article 183 of the Criminal Procedure Code, it can be seen that the system of evidence adopted in the Criminal Procedure Code is a negative system of evidence according to law (negatief wettelijk bewijstheorie) where the evidence must be based on law, namely with at least two valid pieces of evidence that the judge obtains. belief that a criminal act actually occurred and that the defendant was guilty of committing it(Susanti, 2022). This system is an accommodation of the system of evidence according to law positively (positief wettelijk bewijstheorie) and evidence according to law negatively (negatief wettelijk bewijstheorie), so that the formulation of the results of combining the two systems, states whether a defendant is guilty or not is based on the tools. evidence that is valid according to law and is supplemented by the judge's belief. In other words, to impose a crime on the defendant, the following must be met(Naftali & Ibrahim, 2021): (a) Two valid pieces of evidence, (b) There is a judge's belief that a crime has occurred and that the defendant is guilty of committing it

According to Article 184 of the Criminal Procedure Code, there are important aspects needed to measure and assess the truth of valid evidence. The types of valid evidence are stated in the Criminal Procedure Code, namely:

a. Witness testimony

What is meant by witness testimony is a statement from a witness regarding a criminal incident that he personally heard, saw and experienced personally, stating the reasons for his knowledge.(Criminal Code).

b. Expert testimony

What is meant by expert information is information provided by someone who has special expertise regarding matters nee ded to shed light on a criminal case for examination purposes.(KUHAP P. 1.).

c. Letter

What is meant by letter is: (a) Minutes and other letters in official form made by an authorized public official or made in his presence, containing information about events or conditions heard, seen or personally experienced, accompanied by clear and unequivocal reasons for the statement. (b) A letter made in accordance with the provisions of statutory regulations or a letter made by an official regarding matters included in the management for which he is responsible and which is intended to prove something or a situation. (c) A statement from an expert containing an opinion based on his expertise regarding a matter or situation that has been officially requested from him

(d) Other letters can only be valid if they are related to the contents of other evidencewhich is explained in(KUHAP P. 1.).

d. Instructions

What is meant by indication is an act, event or situation which, because of its correspondence, either with one another or with the criminal act itself, indicates that a criminal act has occurred and who the perpetrator is. (KUHAP P. 1.).

e. Statement of the defendant

What is meant by the defendant's statement is the statement that the defendant stated in court regarding the actions he committed or which he himself knew or experienced(KUHAP P. 1.).

The classification of electronic devices as evidence in criminal trials has been determined in the ITE Law. The regulation of electronic evidence is based on the evidentiary system and principles of criminal procedural law applicable in Indonesia.Rapin Mudiardjo said that the validity of using electronic data as evidence in court still seems to be questionable. In court practice in Indonesia, the use of electronic data as legal evidence is not yet commonly used. In fact, in several countries, electronic data in the form of e-mail has become a consideration for judges when deciding a case (civil or criminal). Presumably, there is no need to wait long for the issue of electronic evidence, including e-mail, to gain legal recognition as valid evidence in court (Ilmu Hukum & Hukum Universitas Singaperbangsa Karawang Jalan Ronggowaluyo Desa Puseurjaya Kecamatan Telukjambe Timur Kabupaten Karawang Provinsi Jawa Barat Kode, 2020).

The Criminal Procedure Code does not yet clearly regulate valid electronic evidence. However, regarding the legality of electronic evidence in the criminal justice system, this is related to the principle of legality contained in Article 54 paragraph (1) of Law Number 11 of 2008 concerning Electronic Information and Transactions.(11, 2008), then using electronic data can be used as valid evidence. Law Number 11 of 2008 concerning Information and Electronic Transactions legally regulates this matter. This is shown in the Supreme Court Letter to the Minister of Justice Number 39/TU/88/102/Pid, dated 14 January 1988 stating "microfilm or microfiche can be used as valid evidence in criminal cases in court replacing documentary evidence, with microfilm records previously guaranteed its authenticity which can be traced back to the registration and minutes."(Joshua, 2017). The legality of electronic evidence in Law Number 11 of 2008 concerning Electronic Information and Transactions is regulated in CHAPTER III concerning Information, Documents and Electronic Signatures, as well as Article 44 of Law Number 11 of 2008 concerning Electronic Information and Transactions. Article 5 of Law Number 11 of 2008 concerning Information and Electronic Transactions states, namely: (a) Electronic Information and/or Electronic Documents and/or printouts are valid legal evidence. (b) Electronic Information and/or Electronic Documents and/or printouts as referred to in paragraph (1) are an extension of valid evidence in accordance with the Procedural Law in force in Indonesia. (c) Electronic Information and/or

Electronic Documents are declared valid if the Electronic System is used in accordance with the provisions regulated this Law. (d) Provisions regarding Electronic Information and/or Electronic Documents as intended in paragraph (1) do not apply to: (1) According to the law, letters must be made in writing. (2) The letter and its documents which according to the law must be made in the form of a notarial deed or a deed made by the official who made the deed(Insan, 2018).

The evidence specified in Article 184 of the Criminal Procedure Code can be applied to cybercrime cases through various electronic instruments such as electronic information and/or electronic documents. The evidence referred to is legally valid evidence and can be used in the evidentiary process in cybercrime cases, in accordance with the provisions of Article 5 Paragraph (1) and (2) of Law Number 11 of 2008 concerning Information and Electronic Transactions, so that there will be no legal vacuum and it is hoped that legal certainty and a sense of justice will be achieved. Proving electronic evidence in criminal cases often encounters obstacles when including electronic evidence in the KUHAP evidence provisions and how to recognize electronic data as valid evidence in court(Hamdi et al., 2013). However, a very real obstacle experienced by law enforcement officers, starting from investigators, prosecutors and judges, is that human resources are still lacking in electronics, so that in Indonesia we still rarely have cyber police, cyber prosecutors and judges, who should be legal officers. This cyber case must be evenly distributed throughout Indonesian jurisdiction to decide cyber cases fairly and legally. Another obstacle experienced by law enforcement officers is the lack of complementary facilities to make it easier for electronic devices to be used as evidence in trials(Suhaimi, 2019). The role of digital forensics in processing evidence is a necessary step in the event that electronic evidence will be used as evidence in a trial.

Article 183 of the Criminal Procedure Code also states that: A judge may not impose a crime on a person unless, with at least two valid pieces of evidence, he is convinced th at a criminal act has occurred and that the defendant is guilty of committing it. The judge's confidence does not arise by itself, but must arise from valid evidence as stated in the law and not from other circumstances. A decision cannot be justified even though there is sufficient legal evidence but it is not supported by the judge's belief. The judge's belief here is not only in valid evidence but is not supported by the judge's belief(Bawole, 2019). The judge's confidence here is not only in the evidence specified in Article 184 of the Criminal Procedure Code, but also in the evidence found at the scene of the crime.

In relation to the Judge's confidence in evidence, it must be formed on the basis of legal facts obtained from at least two valid pieces of evidence. The judge's confidence that must be obtained in the evidentiary process to be able to impose a crime is:(Bawole, 2019): (a) Belief that there has been a criminal act as alleged by the Public Prosecutor, meaning that the facts obtained from the two pieces of evidence (objective) form the Judge's belief that the criminal act charged by the Public Prosecutor has been legally and convincingly proven. Legitimately means having used evidence that meets the

requirements, namely a minimum of two pieces of evidence. Belief that a criminal act as charged by the prosecutor has been proven is not enough to impose a crime, but two other beliefs are also needed. (b) Beliefs about the defendant who did it, are also beliefs about the defendant being guilty in terms of committing a criminal act, which can occur due to two things/elements, namely the first thing which is objective, namely the absence of a justification for committing a criminal act. In the absence of any justification for the defendant, the judge is convinced that the defendant is guilty. Meanwhile, the judge's belief regarding subjective matters is the judge's belief regarding the defendant's guilt which is formed on the basis of things about the defendant. What this means is that when a defendant commits a criminal act, there is no excuse (fait d'excuse). It could be that the defendant really committed a crime and the judge is sure about that, but after obtaining facts relating to the defendant's mental condition at trial, the judge does not form a belief regarding the defendant's guilt in committing the crime.

Thus, evidence according to criminal procedural law is a provision that limits the court's efforts to search for and maintain the truth, whether by the judge, public prosecutor, defendant or legal advisor, each of whom is bound by the provisions of procedures and evaluation of evidence determined by law. . This means that in using and assessing the evidentiary strength inherent in each piece of evidence, the Judge, Prosecutor, defendant, and Legal Advisor must do so within the limits permitted by law. Likewise, in his legal considerations, the judge must include his assessment of the strength of the evidence and based on that assessment, his belief is whether the defendant is guilty or not, and whether he will be punished or not.(Wika, 2022). Based on the theory of negative legal evidence, the judge's decision in a case must be based on the judge's own beliefs as well as two of the five pieces of evidence and the judge must have confidence that a criminal act actually occurred and that the defendant is guilty of committing it.

The evidence system in Indonesia adheres to a negative system of evidence according to law (negatief wettelijk bewijstheorie) where evidence must be based on law, namely with at least two valid pieces of evidence. The judge obtains confidence that a criminal act actually occurred and that the defendant was who is guilty of doing it. The means of evidence referred to as contained in Article 184 of the Civil Code include witness statements, expert statements, letters, instructions and statements from the defendant as well as the judge's consideration in deciding a case must include his assessment of the strength of the evidence and based on that assessment, his belief that the defendant is guilty also emerges. or not, and punished or not.

3.2 Development of Evidence Law in Indonesia

In the history of legal development in Indonesia, the context of criminal evidence is the core of criminal trials in the general justice system in Indonesia, to search for material truth. Criminal evidence begins at the investigation stage in order to find out whether or not an investigation can be carried out in order to shed light on a criminal act

and find a suspect in the crime.(Grace, 2016). The development of evidence is influenced by developments in science and technology, developments in crime and modus operandi, and society. Factors that influence the development of evidence in criminal evidence include:(Wijayanti, 2013):

a. Development of science and technology

The development of science and technology will directly influence the development of existing evidence. This is related to the use of science and technology in society, and more specifically by perpetrators of criminal acts, and is even used as a means to uncover crimes by law enforcers.

b. Development of Crime and Modus Operandi

Crime develops according to society and the times. Crime today, based on police science, will develop towards New Dimension Of Crime, New Type Of Crime, Organize Crime, White Collar Crime and Terrorism. One form of New Dimension Of Crime or crime with a new dimension and New Type of Crime is Cyber Crime.

c. Society

Crime develops according to society and the times, this is because crime is a sociological phenomenon. Every human action is carried out because of the process of imitation and imitation. The development of evidence used in criminal acts will of course always be influenced by the uniqueness or nature of society itself

As crimes advance, such as transnational crimes, extraordinary crimes and transborderless crimes and the birth of new modus operandi of crime, the impacts caused by crime will become even greater. In order to enforce the law on these very advanced crimes, the legal arrangements in Indonesian legislation, namely the Criminal Code (KUHP), which is a translation of Wetboek Van Strafrecht and applies in Indonesia based on the principle of concordance, are of course very inadequate. adequate, thereby encouraging the formulation of special legislation. The birth of special legislation is not only a form of effort to reform material law. This is also related to formal law.Developments regarding evidence in criminal evidence based on the law include, among others(Wijayanti, 2019):

a. Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning the Eradication of Corruption Crimes.

Regulations on the development of evidence in the legislation to eradicate criminal acts of corruption are contained in Article 26A, which is in the form of an expansion of the sources of evidence in the Criminal Procedure Code, namely in the form of information stored and used/issued electronically as well as documents. In the form of information stored and used/issued electronically as well as documents

b. Law of the Republic of Indonesia Number 11 of 2008 concerning Information and Electronic Transactions

The rapid development in the field of information technology today is the impact of the increasingly complex human need for information itself. The close relationship between information and communication network technology has produced a virtual world called cyberspace technology. This technology contains a collection of information that can be accessed by everyone in the form of computer networks called the internet network. The problem that has arisen in the development of information technology is the emergence of forms of misuse of technology. These various forms of abuse can be seen from various cases that arise as a result of the use of technological devices. Data destruction, theft of goods, and the dissemination of immoral information using technological media.

The biggest influence on the development of evidence in this legislation is the development of crime and its characteristics in the form of modus operandi which is a crime based on technology, especially information technology. Regulations on the development of evidence in this legislation are contained in Article 44, namely in the form of recognizing new evidence in the form of electronic information and electronic documents, as well as regulating that printouts of electronic information are valid evidence and have valid legal consequences.

Then in the Draft Criminal Procedure Bill it is also planned to accommodate the regulation of electronic devices as evidence in criminal trials. According to the explanation of Article 177 paragraph (1) letter c of the Draft Criminal Procedure Code, what is meant by "electronic evidence" is information that is spoken, sent, received, or stored electronically with an optical device or something similar, including any recorded data or information that can be seen. , read, and/or heard which can be produced with or without the help of a means whether written on paper, any physical object other than paper or recorded electronically in the form of writing, drawings, maps, plans, photos, letters, signs, numbers , or perforations that have meaning(Hamdi, 2023).

c. Law of the Republic of Indonesia Number 15 of 2002 concerning the Crime of Money Laundering as amended by Law of the Republic of Indonesia Number 25 of 2003 concerning the Crime of Money Laundering

Regulations on the development of evidence in the money laundering crime legislation are contained in Article 38, namely in the form of recognition of new evidence in the form of information stored and used/issued electronically as well as documents. This development is influenced by the unique characteristics of the modus operandi of money laundering crimes. Regulations on the development of evidence in the legislation for criminal acts of money laundering can be seen in Article 38: evidence for examination of criminal acts of money laundering in the form of d) evidence as intended in the Criminal Procedure Law e) other evidence in the form of information spoken, sent, received, or stored electronically by optical or similar means; and f) documents as intended in article

1 number 7 Article 1 number 7: documents are data, recordings or information that can be seen, read and/or heard, which can be issued with or without the help of a means, whether stated above paper, any physical object other than paper, or recorded electronically, including but not limited to d) writing, sound, or image; e) maps, plans, photographs, or the like; f) letters, signs, numbers, symbols, or perforations that have meaning or can be understood by people who are able to read or understand them(Lebong, 2021).

d. Law of the Republic of Indonesia Number 15 of 2003 concerning the Establishment of Government Regulations in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism

Regulations for the development of evidence in this legislation are contained in Article 27, namely in the form of recognition of new evidence in the form of information stored and used/issued electronically as well as documents. This is similar to what is in the money laundering crime law.

e. Law of the Republic of Indonesia Number 21 of 2007 concerning Eradication of the Crime of Human Trafficking

The regulation of evidence in this Law is contained in Article 29, namely in the form of recognition of new evidence in the form of information stored and used/issued electronically as well as documents similar to those in the money laundering crime law and the anti-crime law. terrorism crime. The influence of the unique nature of trafficking criminal acts in the form of the division of elements in the form of process, means and objectives, the nature of this crime which is a transnational crime and the criminal subject in the form of individuals and corporations, causes the need for clearer regulations, as regulated in the explanation of Article 29, namely regarding evidence. documents including any bank, business, financial, credit or debt records, transactions related to individuals or corporations, movement or travel records, as well as documents or evidence obtained from other countries. Apart from that, there is confirmation regarding the exception to the principle of unus testis nullus testis in the examination of witness statements for victim witnesses, namely in Article 30.

The development of evidence in proving criminal acts in Indonesia, whether regulated in special legislation or purely based on the Criminal Procedure Code, has certainly had an impact on progress in law enforcement in Indonesia. However, its distribution in special laws and the lack of firmness in the regulations in the Criminal Procedure Code will have implications for the development of material and formal criminal law. As crimes advance, such as transnational crimes, extraordinary crimes and transborderless crimes and the birth of new modus operandi of crime, the impact caused by crime will be even greater, so that electronic evidence such aswriting, drawings, maps, plans, photos, letters, signs, numbers, or perforations that have meaningcan be considered as valid evidence.

4. Conclusions

The evidence system in Indonesia adheres to a negative system of evidence according to law (negatief wettelijk bewijstheorie) where evidence must be based on law, namely with at least two valid pieces of evidence. The judge obtains confidence that a criminal act actually occurred and that the defendant was who is guilty of doing it. The means of evidence referred to as contained in Article 184 of the Civil Code include witness statements, expert statements, letters, instructions and statements from the defendant as well as the judge's consideration in deciding a case must include his assessment of the strength of the evidence and based on that assessment, his belief that the defendant is guilty also emerges. or not, and punished or not.

The implications of these developments for the future of law enforcement in Indonesia are significant, particularly as they relate to the integration of electronic evidence into the legal framework. As criminal activities evolve and increasingly involve sophisticated technology, the traditional negative system of evidence, which relies on at least two valid pieces of evidence, may require adjustments to accommodate new forms of evidence such as digital and electronic records. The incorporation of electronic evidence—such as emails, digital documents, photos, and other electronic records—into the legal system necessitates updates to existing laws and procedures to ensure they are equipped to handle and validate such evidence effectively. This includes enhancing the legal framework to address the authenticity, integrity, and admissibility of electronic evidence. Furthermore, judicial officers and law enforcement agencies must be trained to handle these new types of evidence proficiently. As the legal system adapts to these advancements, ongoing reforms and adjustments will be crucial to maintaining justice and ensuring that law enforcement can effectively address and prosecute modern criminal activities.

The development of evidence in proving criminal acts in Indonesia, whether regulated in special legislation or purely based on the Criminal Procedure Code, has certainly had an impact on progress in law enforcement in Indonesia. With the advancement of crimes such as crimes that are characterized by transnational, extraordinary crimes to transborderless crimes and the birth of new modus operandi of crime, the impact that arises from crime will be even greater, so that electronic evidence such aswriting, drawings, maps, plans, photos, letters, signs, numbers, or perforations that have meaningcan be considered as valid evidence.

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