LAW CONSIDERATION ABOUT THE USAGE OF LIE DETECTOR IN CRIMINAL JUDICATURE PROCESS RELATED WITH LAW NUMBER 8 YEAR 1981 ABOUT CRIMINAL PROCEDURE *JUNCTO* LAW NUMBER 11 YEAR 2008 ABOUT INFORMATION AND ELECTRONIC TRANSACTION

ABSTRACT

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Rapid development of technology has actually affected human life. Information technology has globally changed the society's behavior and human civilization. Recent development of technology and information has influenced the world economic, especially in Indonesia, and indirectly affected the world society life in general. The technology development has become one of many factors which can cause crime, whereas the crime itself has existed from the beginning of human life and will continue existing in the future. The types of existing crime have grown more various, such as data looting, copyright piracy and identification deception through e-mail or familiarly called phishing. The government focuses on the quality and quantity of crime improvement. The goverment, as the public servant and protector, attempts to overcome this phenomenon, so the criminals can be punished. The criminals often deny the accusation delivered to them. It triggered the invention of lie detector tool. In 1902, for the first time a tool called the lie detector was invented and used to detect the deceit of a suspect. Lie detector is used to test and record electrical activities of a human brain. Indonesia began to use lie detector in 1994. The presence of lie detector in Indonesia is a legal mechanism in POLRI to determine whether a man lies or not. Based on this background, the writer employs the problem of how the role of lie detector in the criminal judicature process is and how the Law Number 8 Year 1981 about Criminal Procedure and the Law Number 11 Year 2008 about Information and Electronic Transaction regulate the law detector verification in the criminal judicature process.

This study uses a descriptive analysis method with *yuridis normatif* approach. The writer uses the *kualitatif yuridis* to analyze the data. It means a law regulation may not contradict with other regulations. The writer also regards the hierarchy and the due process of law.

Based on the result, it can be concluded that the lie detector can be used as the alternative way if the police investigator is short of witnesses and information from the suspect. Related with the information technology evidence, especially the usage of lie detector as the evidence, it can be based on Law Number 11 year 2008 about Information and Electronic Transaction as the cause of action in the usage of electronic/information system in the trial. The Law Number 11 Year 2008 about Information and Electronic Transaction gives the due process of law because the validity scope is wider than the Law Number 8 Year 1981. Lie detector, in this case, can be the legal evidence according to the applied procedural law in Indonesia if the legality of the lie detector test result is given by an expert/expert testimony, such as an expert of computer forensics lab.