

The Importance of Expert Testimony in Proving Corruption Crimes

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Abstract

The criminal act of corruption is an extraordinary crime that has an extraordinary impact on the state and the survival of its people. Corruption as an extraordinary crime requires extraordinary handling efforts as well, especially in the process of proving it. Proving corruption often requires the role of experts from several disciplines to ensure that corruption has actually occurred. The purpose of writing this article is to analyze the existence of expert testimony as evidence in proving corruption and the extent to which expert testimony contributes to convincing judges that corruption has occurred. The writing of this article uses normative legal research methods with a statutory approach. The results of this study are that the submission of expert testimony to the trial of corruption will increase the judge's confidence in the truth of other evidence submitted by the public prosecutor, and strengthen the judge's conviction to pass a sentence of punishment if indeed from the existing evidence the defendant is legally and convincingly proven to have committed corruption.

Keywords: Evidence, Expert Testimony, Corruption

I. INTRODUCTION

Corruption as an extraordinary crime has a huge negative impact on the survival of a country. Some of these impacts are ruining the economy and state finances, hampering the development process, neglecting people's welfare, and disrupting national stability (Dwiputrianti, 2009). In connection with the enormity of the negative impact of corruption on the survival of a country, efforts to eradicate corruption need to be carried out massively to protect the interests of the state and its citizens (Najmi, 2020).

The development of criminal acts of corruption which continues to increase from time to time results in multi-dimensional negative impacts. Damage to the country's finances and economy due to corruption hampers various sectors related to fulfilling people's welfare. Sectors that are disrupted due to corruption include the education, health, and sectors that provide daily needs for the community (Sugiarta, 2021).

The forms of criminal acts of corruption are also very diverse, and the most common is corruption in the form of abuse of authority. This abuse of authority is carried

out by state officials who should be the party whose duty is to provide services for the welfare of the community. The abuse they do is none other than to seek benefits for themselves, their families, and those closest to state officials (Putra, 2021). Efforts to eradicate corruption include efforts to maintain the accountability of state administrators and government officials so that there is no abuse of authority and power aimed at taking advantage of the power they have. The result of this abuse of authority and power is the harm of people's rights to life welfare.

Corruption committed by state officials is often carried out systematically and structurally by involving related stakeholders. This means that corruption often involves many parties and is carried out in a well-planned manner. That is why law enforcers experience difficulties and obstacles in eradicating corruption. Related to this phenomenon, ideally the eradication of corruption also requires strong cooperation and support from the community. Thus, corruption is no longer a crime that is difficult to eradicate.

Based on the explanation above, to facilitate the investigation and eradication of

corruption crimes, it can be said that expert testimony plays a very important role in the examination and proof of corruption crimes, because the theories put forward by these experts can clarify the occurrence of alleged corruption crimes that occur (Alamri, 2017).

Expert opinion is information needed to explain the criminal process and who has special specialized knowledge. The Corruption Law does not grant special privileges to experts. This means that their testimony can be used as evidence to prove the existence of a criminal act of corruption. It can be concluded that experts have a role in examining cases because of their expertise, enabling judges to have a perspective on the case in question and believe in what their decision will be based on other evidence presented later. in court hearings. Eradication of criminal acts of corruption which stipulates that investigations, prosecutions, and examinations in court of criminal acts of corruption are carried out based on the applicable criminal procedure law, unless otherwise provided for in this law. That is, based on the wording of the article, it can be concluded that as long as the Corruption Law does not stipulate otherwise, then all provisions of the criminal procedural law contained in the Criminal Procedure Code apply to corruption criminal justice processes. Various attempts were made to eradicate this criminal act of corruption (Aryatmaja, *et.al*, 2023).

Seeing the importance of expert testimony in the process of examining and proving corruption in terms of seeking material truth, it is necessary to analyze the existence of expert testimony as evidence. In addition, it is also necessary to analyze the extent to which expert testimony contributes to increasing the judge's confidence in making a decision against the accused of corruption.

II. METHODS

The writing of this article uses normative legal research methods using a statutory approach. The legal materials used in writing this article are primary legal materials and secondary legal materials (Marzuki, 2010). The technique of collecting legal materials used in writing this article is library research, namely collecting legal materials that are relevant to the research

problem under study and can then be used to conduct analysis (Dewata & Achmad, 2010). The legal material analysis technique used is deductive analysis. Deductive analysis is an analysis that originates from general propositions and leads to specific propositions. The purpose of using deductive analysis is to obtain conclusions (conclusions) from the results of an analysis of the legal issues studied, namely regarding the position of evidence from expert testimony in the process of examining and proving corruption crimes.

III. RESULT AND DISCUSSION

Corruption is a criminal act that causes losses to the country's economy by abusing the power it has. The perpetrators of corruption commit acts of corruption in order to gain financial benefits, especially for themselves, their families, and for their closest groups/people. Proof of corruption is certainly not easy when viewed from the negative impact that is so large. Some of these impacts are ruining the economy and state finances, hampering the development process, neglecting people's welfare, and disrupting national stability. So that sufficient evidence is needed, even more in terms of quantity compared to proving other crimes. Evidence that can be used to prove corruption refers to Article 184 of Law Number 8 of 1981 concerning Criminal Procedure Code (KUHAP). The means of evidence are witness statements, expert statements, letters, instructions, and statements of the accused. All of the evidence has the same position and is balanced, so that no evidence has full evidential power (Alexander, 2023).

Expert testimony is objective evidence because it is conveyed by a person who has expertise in accordance with the scientific discipline, and is based on objective knowledge and knowledge. Expert testimony in the examination of criminal cases can be used at all levels of examination, both at the preliminary examination level and at the trial level. Investigators in preliminary examinations can use expert testimony in ascertaining the occurrence of alleged criminal acts which will then be followed up by examinations at the prosecution level.

Investigators can consult with experts to help them select suspects, and expert

testimony does not bind judges in determining whether the prosecutor has fulfilled the burden of proof in charging the accused with the crime (Sofian, 2020). The expert's report is a convincing document because it is issued at the request of a government official, and therefore is excluded from the tort category. The contents of the expert's minutes reflect the level of authority of the investigator and public prosecutor, while the judge will determine the strength of evidence based on the expert's statement

Law Number 8 of 1981 concerning Criminal Procedure Law does not provide normative-limitative conditions related to expert evidence to be summoned before a trial. In practice, the requirements for becoming an expert can be shown through the experience and/or knowledge of an expert in a particular field according to the knowledge he has mastered. Because the Criminal Procedure Code does not provide a limit, the determination of a person to become an expert whose testimony becomes evidence of expert testimony or is not left entirely to the discretion of the judge as the presiding officer of the trial (Harahap, 2010).

Evidence is a major issue when examining cases in court proceedings. It contains provisions regarding guidelines for legal procedures for proving the guilt of the accused against the accused. Regarding article 179 paragraph (1) of the Criminal Procedure Code, M. Yahya Harahap in his book discussing the problems and application of the Criminal Procedure Code says that in general what is meant by a medical expert in the judiciary is a forensic expert or a post-mortem surgeon. However, the article itself does not limit judicial medical experts.

Evidence can be used to prove accusations or in criminal cases, for example. It can be something that has been proven in a way that can be used to support a claim or used as evidence in a court of law (Hamza, 2009). Article 184 paragraph (1) of the Criminal Procedure Code describes legal evidence. Settlement of corruption in the Corruption Court through several stages, among others; first, carrying out case administration, then the stages of settling

cases with pre-prosecution, reading of charges, exceptions, interlocutory decisions, evidence, demands, pledoi, replica, duplik, and judge's verdicts (Arifin, 2023).

The criminal act of corruption violates both economic and social rights. Corruption has now become an extraordinary crime, and as a result people continue to suffer both economically and socially (Santika, 2020). Human ingenuity to circumvent systems that protect the integrity of ideas and processes is seemingly endless, and if left unchecked, corruption is likely to increase. Shame has become a rare commodity in this country, as a result of which corruption is often out of control (Rambey, 2016). Corruption is an act or practice that goes against the principles and objectives of government institutions. In fact, corruption is contrary to the goals of the Indonesian nation as stated in the Preamble of the 1945 Constitution, which is to promote general welfare, either because of the negative public image it may generate or because of the financial benefits that can be obtained from it. It can also involve breaking personal rules of conduct. Corruption usually violates people's rights, educationally, economically, socially, and even in the extreme, their right to life. Corruption has now become an extraordinary crime, and as a result people, especially those living below the poverty line, continue to suffer. The human capacity to circumvent integrity protection systems and processes is seemingly endless. Left unchecked, corruption is likely to increase, as shame is a rare commodity in today's society (Rambey, 2016). According to article 184 paragraph 1 of the Criminal Procedure Code, the strength of valid evidence is an expert opinion. This is because before the Criminal Procedure Code came into effect, experts were not used as evidence.

Expert testimony also has a special feature, namely the presence of witnesses who can be identified. In the HIR era, expert testimony was not considered as evidence in criminal investigations. HIR does not consider expert testimony as valid evidence. But consider it as an expert's opinion to be made a judge in his own opinion, if the judge considers the expert's opinion to be acceptable to him. In fact, the place is in second place after the testimony. On the one hand it functions as an expert opinion, on the other

hand it can function as evidence in the form of a letter. an expert opinion is information from someone with special expertise. The methods of crime have evolved significantly over the years, as has the quality of evidence needed to build a case. This causes the need to maintain a balance between the use of quality methods of proof, which require knowledge, skills and expertise, with methods that are more accessible to the wider community (Harahap, 1985).

The testimony of an expert is a statement given by someone who has experience in a particular field. This information can be very helpful in making decisions about certain situations. Have special knowledge and experience in criminal case investigation. This information can be very helpful when trying to understand a criminal case, especially when used in conjunction with other information (such as police reports and other evidence). If investigators, prosecutors, or judges need this kind of information, they can usually find experts who can help. Expert testimony has special weight in court; it can take the form of persuasive evidence and expert testimony. Expert testimony is defined in article 1 number 28 of the Criminal Procedure Code, which states that an expert is a person who has special knowledge on a topic that can help clarify a criminal case. Article 186 of the Criminal Procedure Code states that expert testimony is expert testimony exactly as said by the expert in court.

IV. CONCLUSION

Expert testimony in court regarding corruption is intended to convince the judge. The expert's statement is evidence, and this article does not explain how well the expert's statement is included in the expert's statement as referred to in Article 184 paragraph (1) of the Criminal Procedure Code. In the case of examination of expert testimony at a court session, the expert's statement is heard first and then followed by the testimony of the witness in that case to see whether there is conformity. The power of binding opinion in the settlement of corruption cases at the Corruption Court is important in convincing the judge to win the prosecution in a corruption crime decision. If the opinion of an

expert can influence the judge regarding the truth of the testimony of a witness in relation to the opinion of another expert or other evidence, then this is related and adds to the burden of proving the validity of the expert's testimony. If the expert's testimony is combined with the testimony of other witnesses and other evidence, then this can influence the judge's opinion in deciding against the defendant

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