

## **ABSTRACT**

### **ANALYSIS OF THE EVIDENCE'S STRENGTH (*BEWIJSKRACHT*) OF INVESTIGATOR'S TESTIMONY BASED ON WIRETAPPING IN CORRUPTION CRIME**

by

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Corruption Eradication Commission (KPK) in order to attempt the eradication of corruption as referred to in Article 12 paragraph (1) letter a of Law 30 of 2002 on Corruption Eradication Commission granted some authority, one of them is tapping. The authority in practice actually causes some problems, one of them is when KPK investigators who tap are presented in the trial as a witness and give testimony based on wiretapping. Legal consideration by the judge in assessing the witness' testimony as valid evidence is important because, witness's testimony in general is the most important evidence in criminal cases. The problems discussed in this paper is (1) how probative force investigator information by tapping (2) how probative force wiretaps in the process of proving in corruption court.

The research method used is normative. The data used in this research is a secondary data consisting of primary and secondary legal materials were obtained from the literature include legislation, case law and other written legal literatures. After legal materials collected, then processed by examining the legal materials, legal materials labeling, rearrangements legal materials, and placing it in the framework of a systematic discussion of the problem in order to be analyzed further.

Based on the results of research conducted, that the strength of evidence in the investigation by tapping valuable information as valid evidence. investigator's testimony as a witness, is free and is not perfect and does not specify or non-binding. Detachment judge in the sense that the judge is free to judge the perfection and the truth. In the next corruption cases, wiretaps worth as an evidence that the instructions as set out in the Criminal Procedure Code. Enforceability regulation No. 20 of 2001 on the Amendment of Act 31 of 1999 on Corruption Eradication governing wiretaps as evidence instructions embodies the principle of *Lex Specialis derogat Lex Generalis* which means that special laws override common law rules.

Based on research, the authors suggest that : (1) Assessment of witness's testimony by the judge should be done very carefully considering the fact that not all witness's statements to help the judge in making clear a crime, but not infrequently witness's testimony presented by the judge actually misleading. (2) setting wiretaps as evidence in corruption cases should be fully utilized by all law enforcement agencies, particularly for judges. The information contained in the wiretap recordings are very effective in revealing the corruption on cases considering the conventional methods are no longer sufficient for uncovering corruption in the category of extraordinary crime.

**Keywords** : strength of evidence , investigator's testimony, corruption