

**PENGATURAN HUKUM PENGGUNAAN DETEKTOR KEBOHONGAN
(*LIE DETECTOR/POLYGRAPH*) DALAM PROSES HUKUM ACARA
PIDANA**

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ABSTRAK

Penggunaan *lie detector* (detektor kebohongan/polygraph) dalam proses hukum acara pidana di Indonesia menimbulkan persoalan yuridis karena belum diatur secara eksplisit dalam Pasal 184 ayat (1) KUHAP sebagai alat bukti yang sah. Meskipun secara teori dapat dikategorikan sebagai informasi elektronik menurut Pasal 5 UU ITE, penggunaan alat ini menghadapi kendala normatif, khususnya terkait kekaburan norma dalam Pasal 13 ayat (2) huruf d Perkap No. 10 Tahun 2009 yang menyaratkan kondisi “tidak dalam keadaan tertekan” tanpa indikator yang jelas. Kekaburan ini berpotensi menimbulkan pelanggaran hak konstitusional tersangka, termasuk asas *non-self-incrimination* dan *due process of law*, serta memengaruhi validitas hasil pemeriksaan. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Data dianalisis secara kualitatif dan bersifat analitis-preskriptif. Studi dilakukan terhadap Putusan Pengadilan Negeri Denpasar Nomor 708/Pid.B/2015 dan Putusan Pengadilan Negeri Jakarta Timur Nomor 229/Pid.Sus/2014. Hasil penelitian menunjukkan bahwa *lie detector* belum dapat digunakan sebagai alat bukti mandiri karena belum memiliki dasar hukum yang kuat, serta berpotensi melanggar hak asasi manusia. Oleh karena itu, perlu formulasi hukum ideal berupa revisi Perkap untuk indikator teknis tekanan, penyempurnaan PERMA terkait alat bantu elektronik, penambahan Pasal 5A UU ITE, dan usulan norma baru dalam revisi KUHAP. Usulan ini bertujuan membangun kerangka hukum yang komprehensif dan menjamin perlindungan hak dalam proses peradilan pidana.

Kata Kunci: Detektor Kebohongan, Norma Kabur, Hukum Acara Pidana, Hak Asasi Manusia, Formulasi Hukum Ideal.

**LEGAL REGULATION OF THE USE OF LIE DETECTORS (POLYGRAPH)
IN CRIMINAL PROCEDURE**

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ABSTRACT

The use of polygraphs in criminal procedure in Indonesia raises legal issues, as they are not explicitly recognized as valid evidence under Article 184 paragraph (1) of the Criminal Procedure Code (KUHAP). Although theoretically they may be categorized as electronic information under Article 5 of the Electronic Information and Transactions Law (UU ITE), their use faces normative constraints, particularly due to the legal ambiguity in Article 13 paragraph (2) letter d of the Chief of Police Regulation No. 10 of 2009, which requires the subject to be "not under duress" without providing clear indicators. This vagueness potentially leads to violations of suspects' constitutional rights, including the principles of non-self-incrimination and due process of law, and affects the validity of the examination results. This research is a normative legal study employing statutory, conceptual, and case approaches. The data is analyzed qualitatively and is normative-prescriptive in nature. The study examines Denpasar District Court Decision Number 708/Pid.B/2015 and East Jakarta District Court Decision Number 229/Pid.Sus/2014. The findings indicate that polygraphs do not yet have a strong legal basis to be used as independent evidence and may potentially violate human rights. Therefore, an ideal legal formulation is proposed, including the revision of the Police Regulation, the drafting of a Government Regulation to define technical indicators of psychological pressure, the refinement of the Supreme Court Regulation (PERMA) concerning supporting electronic evidentiary tools, and the addition of Article 5A to the UU ITE. The most fundamental proposal involves the inclusion of new norms in the revision of KUHAP. This proposal aims to build a comprehensive legal framework and ensure the protection of fundamental rights in criminal justice procedures.

Keywords: *Lie detector, Vague Norm, Criminal Procedure Law, Human Rights, Ideal Legal Formulation.*