

# Position of CCTV Recordings as Evidence Tools in the Criminal Act of Theft

(Study of Decision No. 105/Pid.B/2015/PN. Bdg)

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## ABSTRACT

Law No. 8 of 1981 concerning the Code of Criminal Procedure in Article 184 Paragraph 1 concerning criminal procedural law governing legal evidence, with the Act No. 11 of 2008 concerning information and electronic transactions also regulates evidence which is an extension of the Code of Criminal Procedure. One of the most frequently used electronic devices for security devices is Closed Circuit Television (CCTV). Example of a criminal case committed by ECEP RUSTIANA Bin EMAN SULAEMAN that occurred at Hasan Sadikin Hospital in Bandung, namely the theft of a cellphone whose action was recorded by the CCTV of the Hospital and the CCTV footage of the hospital was used as evidence at the trial to ensnare the suspect in the act of committing the crime he has done and sentenced according to Article 363 Paragraph (1) to 3, drop the sentence to the defendant and therefore imprisonment for 10 (ten) months. The research method used in writing this thesis is a normative juridical legal research method that is analytical descriptive by conducting library research to obtain secondary data needed, including primary, secondary, and tertiary legal materials related to the problem. Overall data was collected using the method of collecting library research data (library research). Based on the results of the study showed that CCTV recordings can be used as evidence instructions, referred to by the directive as regulated in Article 188 Paragraph (1) of the Code of Criminal Procedure is an act, event or condition which due to the matching between one and another with the crime itself indicates that it has been a crime occurs and who is the culprit. These instructions can only be obtained from witness statements, letters, and

statements of the Defendant (Article 188 Paragraph (2) of the Code of Criminal Procedure). CCTV records as evidence can not be separated from the Electronic Information and Transactions (EIT) Law, CCTV recordings included in the understanding of information and electronic documents as regulated in Article 1 Points 1 and 4 of the Law. No. 11 of 2008 concerning EIT and is valid evidence in the applicable procedural law, so that in criminal procedural law can be used as evidence in the process of investigation, prosecution and trial as stipulated in Article 5 Paragraph (1) and (2) and Article 44 Law of No. 11 of 2008 concerning EIT Law.

**Keywords:** CCTV Footage, Evidence, Theft

## I. INTRODUCTION

### A. Background of the Study

The development of technology today cannot be compared to the technology in the past, where before there was no electronic media. In an era of increasingly rapid technology, we are required to be more familiar with technological advances. This development further advances the mindset and ways of interacting with each person which brings changes to the economic, social and cultural life in the surrounding environment.

According to Soerjono Soekanto, advances in technology will coincide with the emergence of changes in the social sector. Changes in society can concern social values, social rules, behavior patterns, organization and structure of social institutions. Behind the negative impact

there is also a positive impact where technological developments can facilitate the process of evidence in court.

R. Supomo argues that proof has two meanings. First, in a broad sense, proof justifies a legal relationship, for example if a judge grants the plaintiff's claim. The plaintiff's claim that is granted implies that the judge has drawn the conclusion that the matter stated by the plaintiff as the legal relationship between the plaintiff and the defendant is true. Proving in a broad sense means strengthening the judge's conclusion on the terms of valid evidence. Second, in a *limEITd* sense, proof is only needed if the things stated by the defendant. Meanwhile, things that are not refuted need not be proven.

Sudikno Mertokusumo proved that he has several meanings, namely logical, conventional and juridical meanings. First, proving in a logical sense is to provide absolute certainty because it applies to everyone and does not allow opposing evidence. Second, proof in the conventional sense is to provide certainty that is relative or relative. Third, proving in a juridical sense is to provide sufficient grounds for the judge examining the case concerned in order to provide certainty about the truth of the event being proposed.

Law No. 8 of 1981 concerning the Code of Criminal Procedure in Article 184 Paragraph 1 concerning criminal procedural law which regulates legal evidence. Efforts to obtain the necessary evidence to examine criminal cases often experience difficulties for law enforcement officers because these problems are beyond their expertise. Complete material truth for law enforcement members requires the assistance of an expert.

The current development has given birth to a new law where Law No. 11 of 2008 on information and electronic transactions also regulates evidence which is an extension of the Code of Criminal Procedure. As written in Article 5 of the EIT Law.

Article 5 of the EIT Law reads:

1. Electronic information and/or electronic documents and/or printouts thereof are valid legal evidence.
2. Electronic information and/or electronic documents and/or printouts thereof as referred to in Paragraph (1) are extensions of valid evidence in accordance with the applicable procedural laws in Indonesia.
3. Electronic information and/or electronic documents are declared valid if using electronic systems in accordance with the provisions regulated in this law.

The nature of the Code of Criminal Procedure as a *lex generalist* of criminal procedural law in Indonesia is an absolute position, so that every formal law regulated in special legislation will always be bound by the *lex specialist derogat lex generalist* principle (special criminal laws override general laws), and will always come back and be sourced from the Code of Criminal Procedure if there are no regulations, even if there are regulations that have not confirmed acceptance in the trial, because there is still controversy over its conformity with the provisions of the Code of Criminal Procedure as a *lex generalist*.

Law No. 19 of 2016 Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions are a form of anticipation from the Government of the Republic of Indonesia together with the People's Representative Council to prevent any possible adverse impacts that may arise.

One of the most frequently used electronic devices for security is Closed Circuit Television (CCTV). CCTV is often used as a security tool in shops, homes, airports and hospitals and offices because it is often used to monitor conditions around the environment and also to see whether a crime has been committed. For example, several criminal cases where the exact and detailed events of which are not known. It requires the help of other evidence that can be used as a guide, and becomes one of the evidence other than the witness's confession to reveal criminal acts that aim at the values of justice.

Herman Dwi Surjono, CCTV recording is a medium that can be used to load any recording information that can be seen, read and heard with the help of CCTV recording facilities. CCTV footage is used as evidence that the system uses a video camera to display and record images at a certain time and place where this device is installed, which means it uses a closed signal, unlike ordinary television which is a broadcast signal.

CCTV can function as evidence presented before a court hearing to serve as clues and reveal criminal acts in court. The evidence in the form of CCTV is temporarily kept under the control of the authorized official for the purposes of investigation, prosecution and evidence at trial.

In response to this situation, one example of this criminal act was committed by ECEP RUSTIANA Bin EMAN SULAEMAN which occurred at Hasan Sadikin Hospital, Bandung City, namely the theft of a cellphone whose action was recorded by the Hospital's CCTV and the Hospital's CCTV recordings were used as evidence at the trial to charge the suspect for an act he had committed and was sentenced based on Article 363 Paragraph (1) No. 3, the Criminal Code and other relevant regulations. Therefore, the sentence imposed on the defendant is imprisoned for 10 (ten) months.

### **B. Problem Statement**

Based on the background of the study aforementioned, the problems to be discussed in this study are as follows:

1. How to arrange CCTV recordings as evidence in the criminal justice processes?
2. How is the evidence power of CCTV recordings as evidence for guidance in the criminal justice processes?
3. How do judges consider CCTV recordings as reinforcing evidence in the criminal act of theft in (Study of Decision No. 105/Pid.B/2015/PN.Bdg)?

### **C. Research Objectives**

Research objectives are what things are to be achieved in a study. Based on the background and the problem formulation above, the objectives of this study are:

1. To review the CCTV recordings that can be used as evidence in the criminal justice processes.
2. To review the evidence power of CCTV recordings as evidence for guidance in the criminal justice process.
3. To review judges' considerations of CCTV recordings as reinforcement of evidence and guidance in the Criminal Act of Theft in Study of Decision No. 105/Pid.B/2015/PN.Bdg).

### **D. Significance of the Study**

A research will be valuable if it can provide benefits or significances to various parties. The benefits of this research are:

#### **1. Theoretical Significances**

This research is expected to be useful for the development of Law Science in general, as well as Criminal Procedure Law in particular, especially with regard to the Arrangement of CCTV Recordings as Evidence Tools in the Criminal Act of Theft.

#### **2. Practical Significances**

The results of this study are expected to develop critical reasoning and patterns for related parties, with regard to the Postgraduate of Law Science at the University of North Sumatera and be able to help and provide additional knowledge for parties related to the problem being studied.

## **II. THEORETICAL FRAMEWORK**

Criminal Procedural Law recognizes several kinds of evidentiary theories that are used by judges in conducting examinations at court proceedings. In line with the development of time, theories or systems of evidence undergo development and change. Likewise, the application of the proof system in one country can be different from other countries. As for the system or theory of proof known in the world of criminal

law, namely conviction in time or theory of proof based solely on the conviction of the judge, conviction ratio or theory of proof based on the belief of the judge within certain limits for logical reasons, positive wettelijk bewijstheorie or theory of proof which only based on the evidentiary tools called by the law positively, and negatively wettelijk bewijstheorie or theory of proof based on the judge's conviction arising from the evidence in the law negatively.

**a. Conviction in-time or theory of proof based solely on the conviction of the judge**

Conviction in-time is defined as proof based on the judge's conviction alone. This theory of proof gives more freedom to the judge to issue a decision based on the judge's conviction, meaning that if in consideration of the judge's decision it has been proven that an act is proven in accordance with the conviction arising from conscience, the defendant who is presented to him can be sentenced. The judge's conviction in this theory is to determine and ignore other things if they are not in accordance with or contrary to the judge's conviction.

**b. Conviction rasionnee or theory of proof based on the judge's belief within certain limits for logical reasons**

Conviction ratio proof system is a proof system that still uses the judge's conviction, but the judge's conviction is based on rational reasoning. In this system, judges can no longer have the freedom to determine their convictions, but their convictions must be followed by reasonable reasons, namely reasons that are acceptable to the intellect on which their convictions are based.

**c. Positive wettelijk bewijstheorie or theory of evidence which is only based on the means of proof called positively by law**

The wettelijk bewijstheorie positive proof system is proof based on positive statutory

evidence or proof using evidence previously determined in the law. Determining a person's guilt, the judge must base on the evidence as stated in the law, if the evidence has been fulfilled, the judge has sufficient grounds to impose his decision without having to have prior confidence as to the validity of the existing evidence. The conviction of a judge is not given the opportunity to determine whether someone is guilty or not, the conviction of a judge must be avoided and cannot be used as a consideration in determining someone's fault.

**d. Negatief wettelijk bewijstheorie or the theory of proof based on the judge's conviction that arises from the evidence in the law in a negative way**

Negative proof wettelijk bewijstheorie or proof based on the law negatively is proof that in addition to using evidence that is included in the law, it also uses the conviction of a judge. Even though they use the conviction of a judge, the judge's conviction is limited to the means of evidence specified in the law. This proof system combines the proof system according to the law positively and the proof system according to the judge's conviction so that this system of proof is called double proof (doubelen grondslag).

### III. RESULTS AND DISCUSSIONS

#### 1. Setting CCTV Recordings as Evidence in the Criminal Justice Process

##### a. CCTV Recordings as Evidence According to the Code of Criminal Procedure

The legal evidence stated in Article 184 Paragraph 1 (one) is to prove the material truth of the defendant whether he is guilty or not. For law enforcement officers, it will be easier to prove if the witness can prove or show the guilt of the accused who has committed the crime. On the other hand, if the witness is unable to prove or show the guilt of the defendant having committed the crime of this crime, then law enforcement

officials will find it more difficult to trace and prove the material truth.

Based on the provisions of Article 184 Paragraph (1) letter d of the Code of Criminal Procedure, “instructions” are the fourth gradation as evidence. The essence of this evidence for guidance is regulated by the provisions of Article 188 of the Code of Criminal Procedure, which reads in full as follows:

1. an indication is an act, event or situation which because of its compatibility, either between one and the other, or with the criminal act itself, indicates that a criminal act has occurred and who the perpetrator is.
2. the instructions as referred to in Paragraph (1) can only be obtained from:
  - a. witness statement;
  - b. letter;
  - c. the defendant’s statement.
3. Judge wisely and wisely evaluating the evidentiary power of an indication in each particular situation, after he has conducted an examination with full accuracy and thoroughness based on his conscience.

Article 188 Paragraph (1) formulates instructions as acts, events or circumstances which because of their compatibility, either between one another, or with the criminal act itself, indicate that a criminal act has occurred and who the perpetrator is. If this Paragraph (1) is directly linked to Paragraph (2) and Paragraph 93) then this indication is a construction concerning:

1. acts, events or circumstances;
2. due to the correspondence between the testimony of witnesses, letters and statements of the accused and the criminal act that occurred;
3. based on an assessment by the judge.

CCTV can be used as evidence of guidance, if the CCTV has a link between witness testimony, letter and statement of the defendant as stated in Article 188 Paragraph (2) of the Code of Criminal

Procedure. With the connection between the testimony of the witness, the letter and the statement of the defendant and the CCTV itself, the CCTV can support as an indication of what has been stated by the testimony of witnesses, letters and statements of the defendant whether or not it is compatible with the CCTV. this can be used as evidence in the case.

The strength of the evidence of guidance, action, incident or situation due to its suitability is an important matter, from the provisions of Article 188 Paragraph (1) connected with Paragraph (2) of the Code of Criminal Procedure, then the corresponding act, incident or condition must be obtained from witness statements, letters and statement of the defendant. In using directive evidence, the judge’s task will be more difficult. He must look for the relationship between actions, events or circumstances, draw the necessary conclusions and combine the consequences and finally arrive at a decision about whether or not something has been accused. Its application to judges is placed in the trust to determine whether an act, event or condition is an indication.

#### **b. CCTV Recordings as Evidence According to Law Number 11 of 2008 Concerning Electronic Information and Transactions**

According to Munir Fuady, law of proof is a process, both in civil proceedings, criminal proceedings, and other procedures, where by using valid evidence, special procedures are taken to determine whether a fact or statement, especially a fact or the disputed statement in court submitted and declared by a party in the court process is true or not as stated.

Not all electronic information/electronic documents can be used as valid evidence. According to the EIT Law, an electronic information/electronic document is declared valid as evidence when using an electronic system that is in accordance with the provisions stipulated in the EIT Law,

namely an electronic system that is reliable and safe, and meets the following minimum requirements:

1. able to display electronic information and/or electronic documents in their entirety in accordance with the retention period stipulated by laws and regulations.
2. able to protect the availability, integrity, authenticity, confidentiality and accessibility of electronic information in the operation of the electronic system.
3. able to operate in accordance with the procedures or instructions in the operation of the electronic system.
4. equipped with procedures or instructions that are announced in a language, information or symbols that can be understood by the party concerned with the operation of the electronic system.
5. contain a sustainable mechanism to maintain the novelty, clarity and accountability of procedures or instructions.

Article 5 Paragraph (2) of the EIT Law regulates that Electronic Information and/or Electronic Documents and/or their printouts are extensions of legal evidence in accordance with the applicable procedural law in Indonesia. What is meant by expansion here must be related to the types of evidence provided for in Article 5 Paragraph (1) of the EIT Law. The expansion here means:

1. adding evidence that has been regulated in Criminal Procedural Law in Indonesia, for example the Code of Criminal Procedure. Electronic information and/or electronic documents as electronic evidence tools add to the types of evidence regulated in the Code of Criminal Procedure.
2. expanding the scope of evidence that has been regulated in Criminal Procedural Law in Indonesia, for example in the Code of Criminal Procedure. The printout of electronic information or documents is documentary evidence

regulated in the Code of Criminal Procedure.

In Article 5 of Law Number 11 Year 2008 concerning Electronic Information and Transactions, which in Paragraph (1) states that electronic information and/or electronic documents and/or printouts are valid legal evidence. And in Paragraph (2) states that electronic information and/or electronic documents and/or printouts thereof as referred to in Paragraph (1) constitute an extension of valid evidence in accordance with the applicable procedural law in Indonesia. With the existence of Article 5 Paragraph (1) and (2) of Law Number 11 Year 2008 concerning Electronic Information and Transactions, this has become a development of external evidence.

Article 5 of the EIT Law does not provide information such as Article 26 A of Law No. 31 of 1999 as amended by Law No. 20 of 2001. However, because Electronic Information and Electronic Documents as defined by Article 1 No. 1 and 4 of the EIT Law, have the same characteristics as documentary evidence. The same characteristic lies in the writing and/or images that can be seen and read and contains certain meanings, then the phrase "is an extension" in the sentence of Electronic information and/or electronic documents and/or the print thereof as in Paragraph (1) is an extension of the tools. Valid evidence in accordance with the applicable procedural law in Indonesia must be interpreted as an extension of documentary evidence.

Therefore, in relation to evidence of evidence, electronic information and electronic documents as an extension of documentary evidence, or have the same position and function as documentary evidence, also have their position and function as documentary evidence in the event that they are used as material to form a letter evidence and evidence of instructions.

With the enactment of the provisions in Article 5 Paragraph (1) and Paragraph (2) Electronic Information and Transactions

Law, valid evidence in both civil and criminal procedural law is not only limited to the evidence in CODE OF CRIMINAL PROCEDURE, but also includes tools. evidence mentioned in Article 5 Paragraph (1) and Paragraph (2) of the Law, namely Electronic Information and/or Electronic Documents and/or printouts thereof. The expansion of the evidence has brought changes in the law of evidence that applies to procedural law in Indonesia.

According to Eddy O.S. Hiariej, was of the opinion that based on Article 5 of the EIT Law, evidence of electronic information and electronic documents and their printouts is an extension of evidence based on Article 184 of the Code of Criminal Procedure. According to him, there is no need to argue whether the electronic information evidence and electronic documents and their printouts are an extension of documentary evidence or evidence, because basically the electronic information evidence and the printed output are the addition of new evidence other than those in the EIT Law.

## **2. The Evidence Power of CCTV Recordings As Instrumental Evidence In The Criminal Court Process**

The development of technology and information with all its negative impacts, including its misuse, which results in losses and turns into a criminal act, has created its own difficulties, not only for investigators, public prosecutors and judges with regard to its evidence, if it is fixated on evidence as stipulated in the law. applicable criminal procedure. Law number 11 of 2008 concerning Electronic Information and Transactions (EIT) Law has stipulated that overcoming these difficulties, so that it is related to criminal acts in the field of information and electronic transactions of evidence which can be used to prove suspected criminal acts not only with tools. Evidence that has been known in the Code of Criminal Procedure also includes electronic information and electronic documents and/or the printout is valid legal evidence. In essence, the strength of all

evidence is the same, no one exceeds the other. The power of proof is not based on the order as stated in Article 184 of the Code of Criminal Procedure.

In its development, Law No. 11 of 2008 concerning Electronic Information and transactions through Article 5 regulates electronic evidence, which states that:

1. Electronic Information and/or Electronic Documents and/or printouts thereof are valid legal evidence.
2. Electronic Information and/or Electronic Documents and/or printouts thereof as referred to in Paragraph (1) are extensions of valid evidence in accordance with the applicable Procedural Laws in Indonesia.
3. Electronic Information and/or Electronic Documents are declared valid if using Electronic Systems in accordance with the provisions regulated in this Law.
4. Provisions regarding Electronic Information and/or Electronic Documents as intended in Paragraph (1) do not apply to:
  - a. a letter which according to the law must be in writing, and;
  - b. a letter and its documents which according to the law must be made in the form of a notary deed or a deed by the deed-making official.

Article 6 stipulates that in relation to the provisions governing information must be in written and original form, electronic information and/or electronic documents are considered valid as long as the information contained therein can be accessed, displayed, guaranteed its integrity, and can be accounted for so that it explains a situation.

It can be concluded that in general the forms of electronic evidence are electronic information, electronic documents and other computer outputs. According to article 1 Paragraph (1) of the Electronic Information and Transactions Law, Electronic Information is:

*“One or a set of electronic data, including, but not limited to writing, sound, images, maps, drafts, photographs, electronic data*

*interchange (EDJ), electronic mail (electronic mail), telegram, telex, telecopy or the like, letters, signs, numbers, Access Codes, symbols, or processed perforations that have meaning. or can be understood by someone who can understand it.”*

Article 5 Paragraph (1) Law Number 11 Year 2008 concerning Electronic Information and Transactions states that electronic information and/or electronic documents and/or printouts are valid legal evidence. In Paragraph (2) it states that electronic information and electronic documents are an extension of valid evidence.

Article 5 Paragraph (2) of the EIT Law regulates that electronic information and/or electronic documents and/or their printouts are extensions of legal evidence in accordance with the applicable procedural law in Indonesia. What is meant by expansion here must be related to the types of evidence provided for in Article 5 Paragraph (1) of the EIT Law. The expansion here means:

1. Adding evidence that has been regulated in criminal procedural law in Indonesia, for example the Code of Criminal Procedure. Electronic information and/or electronic documents as electronic evidence tools add to the types of evidence regulated in the Code of Criminal Procedure.
2. Expanding the scope of evidence that has been regulated in Criminal Procedural Law in Indonesia, for example in the Code of Criminal Procedure. The printout of electronic information or documents is documentary evidence regulated in the Code of Criminal Procedure.

In order for electronic information and documents to be used as valid legal evidence, the EIT Law stipulates that there are formal and material requirements that must be met. Formal requirements are regulated in Article 5 Paragraph (4) of the EIT Law, namely that electronic information or documents are not documents or letters which according to

legislation must be in written form. Meanwhile, the material requirements are regulated in Article 6, Article 15, and Article 16 of the EIT Law, which in essence, electronic information and documents must be guaranteed their authenticity, integrity and availability. In order to ensure the fulfillment of the material requirements referred to, in many cases digital forensics is needed. Thus, e-mails, recorded files for chats, and various other electronic documents can be used as valid evidence as evidence for electronic mail.

### **3. Judges' Considerations of CCTV Recordings as Strengthening Evidence Tools for Instructions in the Criminal Act of Theft in Decisions (No 105/Pid.B/2015/PN.Bdg)**

A judge must act as a legal former in the event that the laws and regulations do not state any provisions for resolving a case that occurs. In other words, judges must adapt laws to concrete matters, because regulations cannot cover all legal events that arise in society. Because the judge participates in determining what constitutes law and what is not, Paul Scholten said that the judge carried out “rechtsvinding” (participated in discovering the law). Even though the judge is the inventor of law, the judge’s position is not the holder of legislative power, because the judge’s decision does not have legal force that applies like general regulations. The judge’s decision only applies to the parties related to the case being examined. Judges’ decisions are also recognized as a source of formal law, therefore judges are also said to be a factor in shaping the law.

CCTV recordings as evidence cannot be separated from the EIT Law. CCTV recordings are included in the meaning of electronic information and documents as regulated in articles 1, points 1 and 4 of the Law. No. 11 of 2008 concerning EIT and is a valid evidence tool in the applicable procedural law, so that in criminal procedural law it can be used as



evidence in the process of investigation, prosecution and trial as regulated in Article 5 Paragraph (1) and (2) and Article 44 UU. No. 11 of 2008 concerning EIT.

Whereas what is meant by INSTRUCTIONS as provided for in Article 188 Paragraph (1) of the Code of Criminal Procedure are actions, events or circumstances which because of their agreement between one another and the criminal act itself indicate that a criminal act has occurred and who the perpetrator is. And these instructions can only be obtained from witness statements, letters and statements of the Defendant (Article 188 Paragraph (2) of the Code of Criminal Procedure).

#### **IV. CONCLUSION AND RECOMMENDATION**

##### **A. CONCLUSION**

1. Arrangement of CCTV footage as evidence in the criminal justice process is regulated in Article 188 Paragraph (1), (2), (3) Law No. 8 of 1981 concerning the Code of Criminal Procedure and Article 5 Paragraph (2). Law No. 11 of 2008 concerning Electronic Technology Information, that Electronic Information and/or Electronic Documents and/or their printouts are an extension of legal evidence which is valid in accordance with the applicable procedural law in Indonesia.
2. The proving power of CCTV recordings as evidence in the criminal justice process where CCTV footage can be used as reinforcement of evidence, CCTV footage has a link between witness testimony, letters and statements of the defendant as stated in Article 188 Paragraph (2) of the Book of Law. Criminal Procedure Law., CCTV footage as an indication of what has been stated by the witness testimony, letter and statement of the defendant whether or not it is in accordance

with the CCTV footage, if it is in conformity then the CCTV recording can be used as evidence in the case.

3. Judges' consideration of CCTV recordings as reinforcing evidence in the verdict (No. 105/Pid.B/2015/PN.Bdg) The panel of judges made CCTV recordings as reinforcement of the testimonies of the witnesses presented in the investigation. Judges as law inventors are not holders of legislative power, because judges' decisions do not have the force of law that applies like general regulations. The judge's decision only applies to the parties related to the case being examined.

##### **B. RECOMMENDATION**

1. Evidence using technological evidence, one of which is CCTV camera recordings, should be regulated or compiled more clearly and firmly in the Code of Criminal Procedure (CODE OF CRIMINAL PROCEDURE) to help reveal material truth. Not only CCTV recordings but also regulating the existence of other digital evidence, where digital evidence has an important role in a search for material truth and gives judges confidence in deciding cases fairly. So that the judge's reference in giving or passing a decision is not only fixed in Article 184 of the Code of Criminal Procedure.
2. It should be regulated in more detail or specifically and firmly regarding the evidence for Electronic Information and Transactions which is an "extension" of the evidence in Law Number 8 of 1981 concerning Criminal Procedure Law which is limitative in nature, so that the use of CCTV as evidence for guidance in every criminal case, especially criminal cases related to CCTV so that this CCTV recordings is valid to

be used as a reinforcement of evidence.

3. With advances in technology and the development of information techniques that are increasingly rapid, the government must immediately recognize that electronic evidence can be used as evidence in court. Judges must no longer hesitate to use electronic evidence as part of their way of delivering case decisions in court. The use of electronic evidence is recognized from the start of the investigation stage. Types of electronic evidence will develop so rapidly that law enforcers must keep abreast of developments in electronic evidence.

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