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THE ROLE, POSITION, AND FUNCTIONS OF VERBAL WITNESSES AS EVIDENCE IN PROVING CRIMINAL CASES ASSOCIATED WITH THE CRIMINAL PROCEDURE CODE (KUHAP)

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Abstract. A criminal case is the act of a person who has violated the provisions of material criminal law, both those stipulated in the Criminal Code (KUHP) and those regulated outside the Criminal Code. The evidence is the central point in the examination of cases in court. This is because through this stage of evidence there is a process, method, act of proving to show whether the defendant is right or wrong in a criminal case in court. However, as time goes by the practice of criminal justice in Indonesia, it is often the case that the testimony of witnesses in front of the trial differs from the information that witnesses give at the investigation stage, which is contained in the minutes of witness examination. If there is a difference in information like this, then the information before the court takes precedence. If the priority is the information in the Witness's BAP, then all of the accusations of the public prosecutor are proven automatically. If something like this happens, then the thing that can be done is to summon the investigating officer who made the BAP to be examined in front of the trial called a verbal witness. The research specification used is descriptive analytical, which provides data or a description as accurately as possible about the object of the problem, while the approach used in this study is a normative juridical approach. The results of this study explain that, The role of verbal witnesses as evidence in proving criminal cases associated with the Criminal Procedure Code (KUHAP) is very important, because it is useful for finding answers regarding the defendant who revoked the Examination Report (BAP) who admitted that he was tortured, forced or he felt trapped by the police during the investigation process, the Judge or the Public Prosecutor presented the Verbalisan Witness to find answers or refutation of what was stated by the defendant..

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1. INTRODUCTION

The handling of a criminal case is started by investigators after receiving reports and or complaints from the public or knowing the occurrence of a criminal act themselves, then being prosecuted by the public prosecutor by delegating the case to the court (Basri, 2021). A criminal case is the act of a person who has violated the provisions of material criminal law, both those stipulated in the Criminal Code (KUHP) and those regulated outside the Criminal Code. When talking about criminal acts, according to the Criminal Code, they are divided into two types, namely criminal acts of the type of crime and criminal acts of violation. Of the two types of criminal acts, the prosecution of which must go through the Public Prosecutor is a criminal case of the type of crime (Chrisnanto et al., 2021).

According to Elvandari, et al (2020) criminal acts in general can only be committed by humans / private individuals, therefore criminal law so far has only been about people, a person / group of people as legal subjects. Based on Article 55 of the Criminal Code, what is meant by criminal acts are people who commit, those who order to do (give orders), people who participate in doing (dader), and people who persuade to do. In subsequent developments, it turns out that crimes (criminal acts) are not only committed by individuals, but also by corporations or legal entities, such as limited liability companies. However, if it is related to the crimes contained in the Criminal Code, the formulation of crimes according to the Criminal Code are all forms of actions that meet the formulation of the provisions of

the Criminal Code (Ferrel, 2017).

In the journal Haworth (2020) the types of criminal cases can be seen from the criminal cases which are divided into several categories such as in the Criminal Code, crimes are regulated in book II of the Criminal Code. Meanwhile, the violation is regulated in Book III. The Criminal Code does not explain the criteria for the division of criminal acts into crimes and violations, but according to science, the distinction between crimes and crimes is qualitative where crimes are rechtsdelic, namely acts that are contrary to the sense of justice, regardless of whether the act is punishable by a criminal offence or not. Then formal crime, the emphasis of its formulation is on prohibited acts. So, a formal criminal act is completed by committing an act as stated in the formulation of the offense, for example the act of taking the crime of theft.

Furthermore, the judge will examine whether the indictment of the public prosecutor directed against the defendant is proven or not. In every examination, whether it is an examination with an ordinary procedure, a brief program, or a quick procedure, each piece of evidence is needed to assist the judge in making his decision. The legal evidence according to Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) is regulated in Article 184 paragraph (1), which consists of, witness statements, expert testimony, letters and instructions (Murniasih, 2019; Achmad, 2021).

The results of Naibaho's research (2015) In Article 184 paragraph (1) of the Criminal Procedure Code states that one of the evidences is the testimony of witnesses, in general, evidence of witness testimony is the most important evidence in criminal practice. It can be said that there is no criminal case that escapes the evidence of witness testimony. Almost all evidence in criminal cases always relies on witness examination. At least in addition to proving with other evidence, it is always necessary to prove it by means of witness testimony. Meanwhile, the results of research by RAHARJA (2010) explain that, proof is the act of proving. Proving is the same as giving (showing) evidence, doing something as truth, implementing, signifying, witnessing and convincing.

According to Setyaningrat (2019) in the context of the civil process as a whole, the evidentiary process is one part or stage of the process, therefore the objectives and principles that apply to it also apply to proof. Meanwhile, in the process of examining criminal cases, evidence is a matter that plays a decisive role. With this evidence will determine the fate of the defendant, guilty or not guilty. Basically, this aspect of evidence has actually started at the stage of investigating a criminal case. In the investigation stage, the investigator's action is to seek and find an event that is suspected of being a criminal act in order to carry out an investigation or not, here there is already a proof stage.

Based on the results of research by Yonea, et al (2021) as time goes by the practice of criminal justice in Indonesia, it is often the case that witness statements in front of courts are different from the statements given by witnesses at the investigation stage, which are contained in the minutes of witness examination. If there is a difference in information like this, then the information before the court takes precedence. If the priority is the information in the Witness's BAP, then all of the accusations of the public prosecutor are proven automatically. If something like this happens, then the thing that can be done is to summon the investigating officer who made the BAP to be examined in front of the trial called a verbal witness. The position as a witness is an obligation for everyone. Therefore, the witness who is summoned by the investigator/public prosecutor/court is obliged to comply with the summons and if he refuses to fulfill the summons/provide information he can be prosecuted and threatened with a criminal sentence based on the provisions of the applicable legislation (Poluakan et al., 2019; Zahrie, 2021).

Basically, the provisions regarding verbal witnesses have not been regulated in the Criminal Procedure Code or other laws and regulations in Indonesia. However, the use of verbal witnesses is often found in the realm of criminal procedural law practice. In terms of criminal procedural law, what is meant by verbal witness or also known as investigator witness is an investigator who later becomes a witness in a criminal case because the defendant states that the Minutes of Investigation ("BAP") has been made under pressure or coercion. In other words, the defendant denied the truth of the BAP prepared by the investigator concerned. So, to answer the defendant's objection, the public prosecutor can present this verbal witness.

The background of the appearance of this verbal witness is the provision of Article 163 of the

Criminal Procedure Code which stipulates that, if the testimony of the witness at trial is different from the statement contained in the official report, the judge at the hearing shall remind the witness about it and ask for information regarding the differences that exist and are recorded in the report. trial hearing. For this reason, the presence of verbal witnesses is often encountered in court proceedings. Because defendants often admit that they are forced to admit their accusations because they are pressured or tortured by investigators. However, whenever the defendant used the pressure and torture as an excuse to withdraw the BAP, the investigator generally denied it. It can be said that verbal witnesses almost never admit their actions. So based on the description and explanation of the background that has been presented above, the researcher is interested in conducting research as a continuation of the research road map regarding the role, position, and function of verbal witnesses as evidence in proving criminal cases.

2. METHOD

The specification of the research used is descriptive analytical, which is to provide data or a description as accurately as possible about the object of the problem (Nazir, 1988). While the approach taken in this study is a normative juridical approach, where according to Zaini (2011), normative juridical is a method that focuses on research on library data, or called secondary data through legal principles and legal comparisons. In writing this thesis, the author also uses primary data, which is data obtained directly from the community or through field research as supporting and complementary data by conducting interviews/interviews with resource persons. In this regard, the most dominant inventory data as writing material in this thesis is secondary data, namely data from library materials in the form of literature books. The technique for collecting data is using document studies, namely conducting research on documents related to the problem being discussed. Furthermore, data analysis, which is a way to draw conclusions from the results of research that has been carried out, used juridical-qualitative data analysis. As a way to draw conclusions from the results of research that has been carried out, qualitative juridical analysis is used. Juridical because this research is based on the law, legally; from a legal point of view (Efendi et al., 2018).

3. RESULTS AND DISCUSSION

The Role of Verbal Witnesses as Evidence in Proving Criminal Cases Associated with the Criminal Procedure Code (KUHAP)

Indonesia as a state of law has several kinds of laws to regulate the actions of its citizens, including criminal law and criminal procedural law. These two laws have a very close relationship, because essentially criminal procedural law is included in the meaning of criminal law. It's just that criminal procedural law or what is also known as formal criminal law is more focused on the provisions governing how the state through its tools implements its right to convict and impose criminal penalties in accordance with Law Number 8 of 1981 concerning Criminal Procedure Code. (KUHAP).

Through this criminal procedural law, every individual who commits a crime, especially a crime, will be able to be processed in an examination process in court, because according to the criminal procedure law, to prove the guilt of a defendant, he must go through an examination in front of a court, and to prove he is right. whether or not the defendant commits the act charged with it requires evidence. Basically, evidence plays a very important role in the trial process, because it is with this evidence that the fate of the accused is determined, and only by proving a criminal act can a criminal sentence be imposed. So that if the results of evidence with the evidence determined by the law are not sufficient to prove the guilt charged to the defendant, then the defendant is freed from punishment, and vice versa if the defendant's guilt can be proven, the defendant must be declared guilty and he will be sentenced to crime.

Evidence is also the central point of criminal procedural law. This can be proven from the start of the investigation, investigation, pre-prosecution, additional examination, prosecution, examination in court, judge's decision even to legal remedies, the problem of proof is the subject of discussion and review by all parties and officials concerned at all levels of examination in the process. judiciary, especially for judges. Therefore, judges must be careful, thorough, and mature in assessing and

considering the value of evidence and can examine the minimum limit of strength of evidence or bewijskracht of any legal evidence according to the law.

Proof must use evidence (its type is in Article 184) in certain ways (Article 183-189) called the proof system. The evidentiary system is the method and conditions that have been determined in the law regarding the use of evidence and the strength/value of the influence of evidence on the proving of something, in casu a criminal act, in the sense of all its elements. One of the legal evidence that has been stipulated in the Criminal Procedure Code is the testimony of a witness, namely a statement about a criminal event that the witness himself heard and saw and experienced himself, by stating the reasons for his knowledge. Thus, it means that everything that is known by the witness directly, is neither an opinion nor a fiction and does not originate from the testimony that the witness hears from other people.

In general, witness evidence is the most important evidence in criminal practice. It can be said that there is no criminal case that escapes the evidence of witness testimony. Almost all evidence in criminal cases always relies on witness examination. At least in addition to proving with other evidence, it is always necessary to prove it by means of witness testimony. According to Article 164 of the Criminal Procedure Code, evidence in the form of witness statements ranks first, in this case regulated in Article 160 paragraph (1) letter b. KUHAP, whose formulation is as follows: First of all, the victim will be the witness. Not all witness statements have value as evidence. Witness testimony that has value is information that is in accordance with what is explained in Article 1 number 27 of the Criminal Procedure Code: what the witness saw for himself, the witness heard himself, and the witness experienced himself, and stated the reasons for his knowledge (Sidiq et al., 2021; Alfandi & Natsif, 2022).

However, after the issuance of the Constitutional Court Decision Number 65/PUU-VIII/2010, the witness' testimony de auditu has been recognized as evidence. Decision of the Constitutional Court Number 65/PUU-VIII/2010 which expands the meaning of witness in Law Number 8 of 1981 concerning the Criminal Procedure Code with the recognition of witness testimony de auditu in criminal justice. The Constitutional Court in its decision Number 65/PUU-VIII/2010 has given the interpretation of Article 1 number 26 and number 27; Article 65; Article 116 paragraph (3) and paragraph (4); and Article 184 paragraph (1) letter a of Law Number 8 of 1981 concerning Criminal Procedure Law in accordance with the original intent of the 1945 Constitution, namely, the definition of a witness is contrary to the 1945 Constitution as long as it is not interpreted as including "a person who can provide information in the context of investigation, prosecution, and trial of a criminal act which he does not always hear for himself, he sees for himself and he experiences for himself.

The Constitutional Court is of the opinion that the importance of a witness lies not in whether he has seen, heard, or experienced a criminal incident himself, but rather in the relevance of his testimony to a criminal case that is being processed and it is the duty of investigators, public prosecutors, and judges to summon and examine witnesses who benefit. for the suspect. Furthermore, so that witness statements can be assessed as evidence, they must be "stated" in court. This is in accordance with the affirmation of Article 185 paragraph (1) of the Criminal Procedure Code. If so, the witness's testimony which contains an explanation of what he himself heard, saw or experienced himself regarding a criminal event, can only be valuable as evidence if the witness declares the testimony before a court hearing. Information stated outside the court is not evidence, it cannot be used to prove the defendant's guilt.

From these provisions the question arises, how is the status and value of evidence of witness statements given to investigators and has been poured or written in the form of BAP (Minutes of Investigation). Furthermore, by the public prosecutor delegated and brought before a trial by a panel of judges? The testimony of the witness which has been written by the investigator in the BAP shall serve as evidence based on Article 187 letter b of the Criminal Procedure Code. And if the testimony of a witness written in the BAP has been given under oath, then that statement is stated in value with the testimony of a witness under oath pronounced before a court session (Article 162 paragraph (2) of the Criminal Procedure Code).

Evidence is a very important factor in the examination of criminal cases at the district court, which will determine the success or failure of an indictment by the Public Prosecutor, and in the end

determine a verdict handed down by the judge, whether it is to punish, acquit or release the accused from all legal charges. . Evidence plays an important role in the process of examining criminal cases in the District Court. Through the evidence, the fate of the defendant will be determined, as has been stated, whether the defendant is acquitted, convicted or released. If the results of evidence with the evidence provided by law are "not sufficient" to prove the guilt charged against the defendant, the defendant is "acquitted" from punishment in accordance with article 191 (1) of the Criminal Procedure Code which reads: if the court is of the opinion that the results of the examination at trial the guilt of the accused for his actions which he is accused of is not legally and convincingly proven, then the defendant is acquitted.

On the other hand, if the defendant's guilt can be proven by means of evidence referred to in Article 184, the defendant is declared "guilty". A sentence will be imposed on him, which is in accordance with Article 193 (1) of the Criminal Procedure Code which reads: if the court is of the opinion that the defendant is guilty of committing the crime he is accused of, the court shall impose a sentence. A fact that grows in the practice of trial trials in the District Court, namely with the emergence of a version of witness testimony known as Verbalisan witness testimony. Investigators who are witnesses or who are known as verbal witnesses have not actually been explicitly regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code or other laws and regulations in Indonesia. However, the use of verbal witnesses is often found in the realm of criminal procedural law practice.

The use of verbal witnesses (investigating witnesses) in the process of examining criminal cases in a normative manner does not have a clear regulation, but its use is allowed and should be presented if verbal witnesses are present during a court examination when, for example, the witness or the defendant denies the information contained in the minutes of the investigation because of the presence of elements. pressure or intervention from the investigator at the time of making the investigation report, causing the legal facts obtained in court examination to be false and unclear. The use of verbal witnesses in proving a criminal case in a District Court trial is actually to paralyze the denial of the Defendant and at the same time maintain the contents of the investigation report he made. Members of the National Police as investigators have the task of carrying out a series of investigations according to the provisions stipulated in the Act (Nikmah, 2020).

Thus, the role of verbal witnesses as evidence in proving criminal cases related to the Criminal Procedure Code (KUHAP) is very important, because it is useful for finding answers regarding the defendant who revoked the Examination Report (BAP) who admitted that he was tortured, he forced or he feels trapped by the police during the investigation process, the Judge or the Public Prosecutor presents the Verbalisan Witness to find answers or rebuttals to what the defendant has stated. In this case, the testimony of the witness verbalizes the facts of the crime committed by the defendant as a consideration by the judge who should and should be guided by Article 183 in conjunction with Article 193 paragraph (1) of the Criminal Procedure Code which then determines the decision on the case, so that the truth is revealed and justice is realized.

Functions of Verbal Witnesses as Evidence in Proving Criminal Cases Associated with the Criminal Procedure Code (KUHAP)

In general, witness evidence is the most important evidence in criminal practice. It can be said that there is no criminal case that escapes the evidence of witness testimony. Almost all evidence in criminal cases always relies on witness examination. At least in addition to proving with other evidence, it is always necessary to prove it by means of witness testimony. The Criminal Procedure

Code pays attention to the status of a person who is submitted trial as a defendant on the one hand and as a witness on the other, where

The position and rights of each are different. The difference is that a witness is required to tell the truth and has the right to resign in certain cases while a defendant has the right to deny it.

The witness who was presented to the courtroom was an investigator who conducted an investigation into the case. However, problems arise in this case, the investigator does not see for himself, hear for himself, or experience the crime being investigated himself, only as an investigator who makes arrests on suspects based on reports and characteristics. -characteristics given by the victim.

To assess the strength of the evidence, the investigator's statement is handed back to the panel of judges who hear the case because basically the investigator who is a witness at trial still has the right to be a witness if he fulfills the formal and material requirements of a witness.

Provisions regarding verbal witnesses have not been regulated in Law Number 8 of 1981 concerning Criminal Procedure Code or other regulations in Indonesia, but in the practice of criminal procedural law in Indonesia, verbal witnesses have been found. According to the practice of law enforcement of criminal procedures, verbal witnesses are investigators who later become witnesses of a criminal case before the trial because the defendant says that the information contained in the Minutes of Examination (BAP) was made under pressure or there is a difference in the witness's testimony from that written in the News Report. In addition, the defendant often admitted that he had been framed in a case by law enforcement officers, namely the police.

An explanation of whether verbal witnesses can be presented in evidence in court to convince the judge as clarification is contained in Article 163 of Law Number 8 of 1981 concerning the Criminal Procedure Code which reads: "If the witness testimony at trial is different from the information contained in the official report, the judge the chairman of the trial reminded the witness of this and asked for information regarding the existing differences and recorded in the minutes of the trial examination." However, when verbal witnesses are presented to witness the fact that a case will occur, it is not regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (Rozi, 2018).

KUHAP, the fourth part of which regulates Evidence and Decisions in the Ordinary Examination Procedure, among others: regulates the evidentiary system, various types of evidence and the strength of evidence. In the practice of criminal justice, especially in proving a criminal case at the level of examination in the District Court, basically it is closely related to the problem of proof. Proof is a matter that plays a decisive role. With this evidence will determine the fate of the accused, guilty or not guilty. With this evidence will determine the fate of the accused, guilty or not guilty.

Judges must be careful, thorough and mature in assessing and considering evidentiary issues. The judge must examine the extent to which the minimum strength of the evidentiary strength of each piece of evidence as stated in Article 184 of the Criminal Procedure Code. This evidentiary problem is related to the provisions governing the evidence that is justified by law and which the judge may use in proving the defendant's guilt. Both judges, public prosecutors, defendants and legal advisors are each bound by the provisions of the procedure and assessment of evidence determined by law. It is well known that the purpose of criminal trials is to find material truth. If the panel of judges is to put the truth it finds in the decision to be handed down, then the truth must be tested with the available evidence, which has been determined by law in a limited manner as referred to in Article 184 of the Criminal Procedure Code. In summary, it can be concluded that all parties in how to use and evaluate evidence must be carried out within the limits permitted by law.

The evidence system adopted by Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), is a system or theory of evidence based on negative laws (negative wettelijk). This can be concluded in the sound of Article 183 of the Criminal Procedure Code which states as follows, a judge may not impose a sentence on a person unless with at least two valid pieces of evidence he obtains the belief that a criminal act has actually occurred and the defendant is guilty of committing it. The definition of the article is not limited to an article that regulates the imposition of a criminal but can be interpreted otherwise, namely as a provision that regulates the absence of criminal imposition. The judge will not impose a sentence if, there is no minimum evidence of at least two pieces of evidence, the judge does not obtain confidence from the minimum evidence, it is not proven that the criminal act was charged which resulted in the decision being released from all lawsuits (Article 191

(2) KUHAP and it is not proven that the defendant is guilty of a criminal act as charged, resulting in an acquittal (Article 191 (1) of the Criminal Procedure Code).

Furthermore, several provisions relating to valid evidence and the judge's belief are contained in several provisions of the legislation, including the following, Article 294 paragraph (1) of the HIR states that: No one may be sentenced, except if the judge obtains conviction by means of valid evidence that it is true that a punishable act has taken place and that the accused person is guilty of that act. Article 298 of the HIR states that: There is no evidence that obliges to punish the accused person, if the judge

is not sure that it is the person who committed the punishable act that is accused of him or that he helped commit the act. And Article 6 paragraph (2) of Law Number 48 of 2009 concerning Judicial Power states that: No one can be sentenced to a crime, unless the court, because of the legal evidence according to the law, is convinced that someone who is considered to be responsible, has been guilty of the act he was accused of (Dewi, 2016).

From the provisions of Article 183 of the Criminal Procedure Code, Article 294 paragraph (1) and Article 298 HIR and Article 6 paragraph (2) of Law Number 2 of 2009 concerning Judicial Power, it is clear that evidence must be based on the law (KUHAP), namely a tool valid evidence as referred to in Article 184 paragraph (1) of the Criminal Procedure Code, namely 1. witness statements; 2. expert testimony; 3. Letters; 4. Instructions; 5 statements of the defendant. accompanied by the judge's conviction obtained from the evidence. The submission of legal evidence according to the law in the trial is carried out by the public prosecutor with the aim of proving his charge and the defendant or legal counsel, if there is mitigating evidence, to lighten or free the accused.

The panel of judges as the leader and directing an impartial trial, the panel of judges obtains input from the results of the evidence of the Public Prosecutor (JPU) in his requisites or legal counsel in his pledooi which can influence his opinion or not at all. In this case, the judges have their own opinion. Nevertheless, at least some of the opinions of the public prosecutor and some of the opinions of legal advisers are useful and can be taken by the panel into its legal considerations as a basis for drawing the dictum of the verdict.

Starting from the explanation of the discussion above, it can be stated that evidence is everything that has to do with an act, such as a criminal act, where the evidence can be used as evidence, either by the Public Prosecutor or the defendant or legal counsel in order to raise the judge's belief or the truth of a criminal act that has been committed by the defendant. In every judge/court decision that examines, hears, and decides on a criminal case in the paragraph "considering judge's decision" the sentence is often used: "based on valid evidence , believes in the guilt of the defendant" or the sentence: "based on valid evidence, believes that there is no guilt of the defendant". Whatever the content of the decision, consideration of the decision must be based on valid evidence and the judge has obtained confidence from the valid evidence.

Based on the description of the discussion and analysis above, it can be concluded that the function of evidence in proving a criminal case at the level of examination in the District Court based on the Criminal Procedure Code is very important for judges to seek and find material truth in the criminal case they are handling or he examines and gains confidence that a person who is proposed to the trial court for the examination of the criminal case has been guilty or not of the act that has been charged against the person (defendant).

The main purpose of presenting verbal witnesses in court is to confront the defendant's denials. Efforts to confront the defendant's denial at trial are intended to maintain the investigation report because the defendant retracts the information that has been stated before the investigator. Thus, it is clear that the presence of verbal witnesses is to paralyze the testimony of the defendant's denial at trial, as well as to function to maintain the contents of the investigation report which has actually been contained in the testimony of the suspect's confession.

The presence of verbal witnesses can support the judge's conviction if the reason for the defendant's denial can be accepted by the judge and vice versa. The Panel of Judges will consider whether there is a match between the statements of verbalized witnesses and the statements of other evidence, the judge will feel more confident in trusting the statements of verbalized witnesses.

It should be reiterated that basically, the provisions regarding verbal witnesses have not been regulated in the Criminal Procedure Code or other laws and regulations in Indonesia. However, the use of verbal witnesses is often found in the realm of criminal procedural law practice. From the side of criminal procedural law, what is meant by verbal witness or also called investigator witness is an investigator who later becomes a witness in a criminal case because the defendant stated that the Minutes of Investigation (“BAP”) has been made under duress or coercion. In other words, the defendant denied the truth of the BAP prepared by the investigator concerned. So, to answer the defendant's objection, the public prosecutor can present this verbal witness.

The background of the emergence of this verbal witness is the provision of Article 163 of the Criminal Procedure Code which stipulates: "If the testimony of the witness at trial is different from the statement contained in the official report, the judge at the hearing shall remind the witness about it and ask for information regarding the differences that exist and are recorded in the report. trial hearings." For this reason, the presence of verbal witnesses is often encountered in court proceedings. Because defendants often admit that they are forced to admit their accusations because they are pressured or tortured by investigators. However, whenever the defendant used the pressure and torture as an excuse to withdraw the BAP, the investigator generally denied it. It can be said that verbal witnesses almost never admit their actions. For more information, see the article Verbalistic Witnesses Can't Confess.

So, as described above, verbal witnesses are investigative witnesses whose function is to examine the defendant's rebuttal to the truth of the BAP and convince the judge as a clarification contained in Article 163 of the Criminal Procedure Code which reads: "If the testimony of the witness at trial is different from the information contained in the official report , the judge presiding over the trial reminds the witness of this and asks for information regarding the differences that exist and are recorded in the minutes of the trial examination." However, when verbal witnesses are presented to witness the fact that a case will occur, it is not regulated in the Criminal Procedure Code. Because if a verbal witness is presented as a witness, then it is considered not objective about the occurrence of a case.

4. CONCLUSION

The role of verbal witnesses as evidence in proving criminal cases associated with the Criminal Procedure Code (KUHAP) is very important, because it is useful for finding answers regarding the defendant who revoked the Examination Report (BAP) who admitted that he was tortured, forced or he felt trapped by the police during the investigation process, the Judge or the Public Prosecutor presented the Verbalisan Witness to find answers or refutation of what was stated by the defendant. The position of the verbal witness as evidence in proving a criminal case associated with the Criminal Procedure Code (KUHAP) is as a witness who is useful in providing information on whether or not the defendant's statement is true that those who admit that he was tortured, he was forced or he felt trapped by the party. the police during the investigation process, so that the defendant retracts the defendant's statement at trial in proving a criminal case under the provisions of the Criminal Procedure Code. The function of verbal witnesses as evidence in proving criminal cases related to the Criminal Procedure Code is to examine the defendant's rebuttal to the truth of the BAP and convince the judge for clarification. However, when verbal witnesses are presented to witness the fact that a case will occur, it is not regulated in the Criminal Procedure Code. Because if a verbal witness is presented as a witness, then it is considered not objective about the occurrence of a case.

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