

ABSTRACT

M. Rochman. MISUSE OF EXPERTISE CERTIFICATION ON CONSTRUCTION SERVICES IN CRIMINAL JUSTICE IN INDONESIA. Under the guidance of Prof. Dr. Abdullah Sulaiman, S.H., M.H. as the Adviser, and Dr. H. Suparno, SH, MM as Co Adviser.

Background of the Problem: The judge needs the support of evidence that can provide confidence for the judge of the case being examined, including the support of evidence in the form of expert testimony if there is a limited knowledge of the judge in the case of a case concerning multidisciplinary knowledge. In matters of construction, based on relevant laws and regulations, both expert assessors and construction workers who work in the Construction Services field must have a Work Competency Certificate, which proves their expertise in the field of Construction Services. But in reality, not all construction experts presented at the trial have Work Competency Certificates, including academics, so the information given is certainly different and will influence the judge in deciding a case related to the construction field. The problems examined in this dissertation are:

Issues : 1. What is the general view in the regulation of proof of expertise and construction services certification itself ?; 2. What is the research methodology for the misuse of the certification of expertise in construction services in Indonesia ?; 3. What is the discussion on the certification of expertise for construction services in the criminal justice system in Indonesia ?.

Research Methodes : This study uses a normative legal research method with a normative empirical approach, and in carrying out the analysis not only in a normative-qualitative manner, but must first make efforts to determine the criteria for identification, classification and systematization as well as to the discovery of the law whether in the form of legal interpretation or construction the law to give birth to a legal argument.

Research result: The results of the study show that first, regarding the general review in the arrangement of proof of expertise certification and construction services on the strength of proof of Expert Information, where there is no regulation regarding experts with what qualifications can be presented at the hearing, so that an assessment of the criteria of an expert presented at the trial fully surrendered to the conviction of the Panel of Judges themselves, because expert statements are basically not binding on Judges. Secondly, in the use of research methodology for the misuse of the certification of expertise in construction services in Indonesia, that Work Competency Certification as a Construction Expert is required in Law Number 2 of 2017 Concerning Construction Services, where certification is carried out by the LPJK in collaboration with the association -Professional associations that have been accredited by the Minister for holding Construction Workers certification. Third, the discussion on certification of expertise for construction services in the criminal justice system in Indonesia where the Construction Expert presented at the trial should be an Expert Appraiser, which according to LPJKN Regulation Number 4 of 2014 concerning Expert Appraisers in the Construction Services Sector requires an Expert Appraiser with an Expert Appraiser's Certificate (SPA), which must first have a Certificate of Expertise (SKA) in the field of Construction Services with sub-qualifications of at least intermediate experts, is also required to have experience in the field of carrying out construction works for at least 10 (ten) years, which certainly reflects that An Expert Appraiser truly understands the calculation and evaluation of building failures so that the assessment is accurate. Finally, I hope this research will be useful to increase the treasury of law in Indonesia.

Keywords : Construction Expert, Evidence, Proof Law.