



THE AUTHENTICITY OF VOICE RECORDING EVIDENCE IN THE ERA OF AI *VOICE CLONING*: A REEVALUATION OF *WIRETAPPING EVIDENCE* METHODS IN CRIMINAL CASES

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Abstract:

Background. The development of artificial intelligence (AI), especially Voice Cloning technology, poses new challenges in the criminal justice system in Indonesia. Voice recordings that have been used as eavesdropping evidence are vulnerable to questions about their authenticity because AI technology can reproduce a person's voice with a high level of similarity.

Aims. This study aims to analyze the mechanism for testing the authenticity of wiretapping recordings when the Defendant submits an exception that the recording is the result of AI-based Voice Cloning and to analyze the fair distribution of the burden of proof between the Public Prosecutor and the Defendant in proving the authenticity or falsity of the digital voice.

Methods. The research method used is normative juridical with a statutory approach, a case approach, and a conceptual approach.

Result. The results of the study show that the provisions in Article 184 of the Criminal Procedure Code, Article 235 of Law No. 20 of 2025 concerning the Criminal Code, Article 5 of Law No. 1 of 2024 concerning the Second Amendment to the ITE Law, and the Constitutional Court Decision No. 20/PUU-XIV/2016 have not provided a mechanism for testing the authenticity of electronic evidence that is adaptive to the threat of AI Voice Cloning.

Implementation. This study recommends establishing a nationally standardized AI-based forensic audio protocol and implementing a balanced burden of proof that remains grounded in due process of law and the principle of presumption of innocence.

Keywords: Voice Cloning; AI; Criminal Proof; Wiretapping; Authenticity; Burden of Proof

I. INTRODUCTION

The development and advancement of knowledge and technology, and their implementation, are always related to the law. This is because every technological or knowledge development produces legal implications that can exceed the reach of applicable law in a country. One of the technological developments that has legal implications at this time is the existence of artificial intelligence technology, especially *voice cloning technology, which is based on artificial intelligence (AI)*. The technology itself can be described as a synthetic sound mechanism that mimics a person's vocals by using available samples. (Perdana & Aprilia, 2023; Syarief, 2025)

The existence of the above technology at this time is not a mere fiction. Considering that, along with increasingly massive AI, platforms such as ElevenLabs, Resemble AI, and other generative text-to-speech services are now easily accessible to all groups of people. This phenomenon has an impact on the realm of criminal proof, and this impact requires urgent, comprehensive study. As explained earlier, the existence of technology can give rise to skeptical views about evidence in criminal law that has the same nature as text-to-speech (Kulangareth et al., 2024).

Under criminal procedure law, one type of evidence that resembles text-to-speech technology is voice recordings, which are often obtained through a legitimate *wiretapping* mechanism. The sound recordings obtained through the wiretapping mechanism are, of course, shaky due to the use of artificial intelligence. The recordings that are currently always used in the disclosure of criminal acts, especially criminal acts involving organized crime such as corruption, terrorism, and narcotics, currently only rely on the assumption that the voice matches a certain individual, and in this case, the view formed is that the voice will not be able to be replicated identically by other parties. (Astrid et al., 2023)

These views and assumptions are currently refuted by the existence of *artificial intelligence* in the form of *voice cloning*. This problem can arise if the voice recording is submitted as evidence in court, and upon the submission, the defendant, with the existence of *voice cloning* technology, can have an argument to file an exception; in the exception, it may argue that the voice recording from the wiretap is the result of *artificial intelligence* and not the real voice of the defendant concerned. The existence of this phenomenon raises questions about which mechanism in Indonesian criminal law can resolve or address the questions or exceptions raised by the defendant.

When connected to the legal framework of proof that applies in Indonesia until the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code (hereinafter referred to as the New Criminal Procedure Code), it can be explained that the evidentiary framework in Indonesia is actually based on a negative proof system based on the law as stipulated in Article 183 of Law Number 8 of 1981 concerning the Criminal Procedure Code ((Old Criminal Procedure Code). Referring to this provision, it can be explained that in the context of evidentiary law in Indonesia, it is required to be based on at least two valid pieces of evidence and the judge's conviction as a cumulative condition in order to impose a crime. The electronic recordings (including those obtained from wiretapping) can also be examined on other legal grounds that are *lex specialis* (Aditia & Iksan, 2025), namely the provisions of Article 5 paragraph (1) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions.

In accordance with Article 5, paragraph (1), electronic information and/or electronic documents and/or their printed copies are valid legal evidence. Unfortunately, when it is connected to the phenomenon of *artificial intelligence*, especially *voice cloning*, it can be explained that the legal regulation is still not accompanied by an adequate authenticity testing mechanism in order to address the problems that arise as a result of counterfeiting carried out by utilizing *artificial intelligence* (Lubis et al., 2025). In connection with the electronic recording, it has also been legitimized by the Constitutional Court Decision Number 20/PUU-XIV/2016.

The Constitutional Court Decision Number 20/PUU-XIV/2016 has affirmed that electronic recordings obtained in the context of wiretapping must be carried out in the course of law enforcement by or at the request of authorized law enforcement officials. The existence of the decision itself strengthens the legality of the evidence obtained, but even when examined more comprehensively, it does not address the authenticity of the recording's content. Thus, it can be said that whether it is an original recording obtained legally or one manipulated by AI, under Indonesian criminal procedure law, there is currently no instrument capable of distinguishing between the two. (Juliani, 2022)

Apart from that, as explained above, discussion of this problem or phenomenon is also important, especially after the enactment of the New Criminal Procedure Code, which, in this case, adheres to an open *system of evidence* with eight categories of evidence as stipulated in Article 235. Referring to Article 235, it is clear that it explicitly recognizes electronic evidence

as valid and independent evidence. Even though electronic evidence has been regulated, the New Criminal Code still cannot expand recognition of the standard for testing the authenticity of electronic evidence because the regulation does not provide the technical standards that must be applied.

This is itself a problem that must be resolved immediately, given that, under Article 235 paragraph (3) of the New Criminal Code, evidence must be proven to be authentic. The lack of clarity in the testing mechanism itself can certainly have a direct impact on the burden of proof. When referring to the principle of (Harahap et al., 2025) *presumption of innocence* as guaranteed in General Explanation number 3 letter c of the Criminal Code, Article 66 of the old Criminal Code, Law Number 39 of 1999 concerning Human Rights, and Article 66 of the Rome Statute, it can be explained that the burden of proof should be fully on the public prosecutor. However, when the defendant submits a rebuttal that the recording in the trial is the result of (June, 2022) *artificial intelligence*, of course, it raises questions in the form of whether the claim is sufficient as a basis for shifting the burden of proof or whether the proof must be carried out by the defendant who submitted the argument.

The vacancy described above must be resolved immediately, given that its existence has the potential to create legal uncertainty, which, in turn, can be detrimental to the law enforcement process and to the protection of the defendant's human rights. Thus, it is necessary to discuss this, given that current studies generally focus only on the legality of obtaining records and the status of mere recording as evidence. Research that specifically analyzes the impact of *artificial intelligence* enabled by voice cloning on testing mechanisms remains very limited. Departing from this, the researcher wants to address the existing problem in this study with the title "The Authenticity of Voice Recording Evidence in the Era of AI *Voice Cloning*: A Reevaluation of the Method of Proving *Wiretapping* in Criminal Cases".

II. RESEARCH METHODS

This research was carried out using normative legal research, which is prescriptive-analytical in nature. In this case, normative legal research methods will center on the study of legal materials, both primary and secondary. This research will be carried out using deductive logic and three research approaches: the Statute Approach, the Case Approach, and the Conceptual Approach. (Rosidi et al., 2024)

First, the statute approach. This approach is used by examining all regulations relevant to the subject matter chosen and raised in this study. The regulations used in this study include the 1945 Constitution of the Republic of Indonesia, the New Criminal Code, the Old Criminal

Code, Law Number 1 of 2024, and Law Number 39 of 1999 concerning Human Rights. This research approach can help researchers identify the normative relationships found in various existing regulations. Additionally, it can later help researchers identify legal gaps in the criminal proof system related to problems (Wibowo et al., 2025). Artificial Intelligence, in particular *Voice Cloning*.

Second, the case approach (*Case Approach*). This approach uses various court decisions that remain relevant to the problems studied in the research. For this study, the main reference was Constitutional Court Decision Number 20/PUU-XIV/2016, which explained the constitutional interpretation of the position of electronic evidence from wiretapping. In addition to these decisions, this study also draws on various first-instance court decisions relevant to testing the authenticity of voice recordings. This approach can later help researchers understand various evidentiary norms in Indonesia's legal system.

Third, the conceptual approach (*conceptual approach*). This approach is used by researchers in order to explain and construct a research framework. The executor himself draws on various doctrines, theories, concepts, and sciences that have developed in criminal procedure law. In the implementation of this research itself, the theories used, such as the theory of the burden of proof, the doctrine of (Nurdiansyah et al., 2024), the exclusionary rule, the concept of chain of custody, and various other concepts, still have relevance to the problems raised in the research.

The implementation of research certainly requires legal materials to help address the problems to be researched. The legal materials in this study include primary legal materials sourced from authoritative documents (laws and regulations, court decisions), secondary legal materials (journals, doctrines, and reports), and tertiary legal materials (legal dictionaries and encyclopedias). All legal materials as described are collected by the method of literature study (Imani et al., 2023; *Library Research*). Then the legal materials are analyzed qualitatively and argumentatively using various interpretive methods, such as grammatical, systematic, and teleological interpretations of the norms discussed in the research.

III. RESEARCH RESULTS

Mechanism for Testing the Authenticity of Wiretapping Recordings in the Indonesian Criminal Procedure Law in the Face of *Voice Cloning Exceptions*

The problem of testing the authenticity of voice recordings as evidence in criminal trials is not new. Even before voice cloning technology was widely used, the authenticity of voice recordings was a concern due to the potential for manipulating audio recordings. This raises

questions about the authenticity of the recorded evidence. The problem as it occurs at this time, only changes in the scale, accuracy, and accessibility of the technology, which, from the initial problem in the form of the authenticity of the voice recording with the mechanism of manipulation practice (*editing*) changed to whether the recording is the result of *artificial intelligence* fabrication, which is, of course, difficult to detect with conventional proof methods.

In connection with these problems, in order to understand how procedural law in Indonesia responds to the problems that occur, of course, it must be studied in depth first, the various normative laws that apply in Indonesia. The first study must begin with an understanding of evidence in criminal procedure law, as referred to in Article 184 of the Old Criminal Code, which identifies five types of evidence: witness statements, expert statements, letters, instructions, and defendant statements. By reference to this provision, electronic voice recordings are not explicitly mentioned in this list, so for many years they floated between the categories of 'letters' (in the broad sense) and 'instructions'. The regulation regarding this matter has only gained a little clarity with the existence of the ITE Law, which directly states in Article 5 that electronic information and/or electronic documents are legal evidence, as well as an expansion of the evidence regulated in the applicable procedural law. (R. Putri, 2025)

The regulation of evidence then underwent a revision with the promulgation of the New Criminal Code, which, in Article 235, introduced an open proof system with eight types of evidence, including electronic evidence as independent evidence rather than an extension of other evidence. In connection with the evidence stipulated in Article 235, paragraph (3) of the New Criminal Procedure Code, it also gives rise to an obligation: to prove that the evidence is authentic and obtained lawfully. If you look at the construction of Article 235, paragraph (3), it can actually be explained that there are initial arrangements regarding authenticity testing, but the problem is that this law does not specify the technical standards for how the authentication should be carried out, who is responsible for doing it, and what methods should be used. This, when connected with the problems being studied, of course, results in existing problems that cannot be answered with the applicable law. (Rakanadi, 2026)

Even though it can be said that the provisions of the New Criminal Code have not solved the problem, that does not mean the problem cannot be solved. In fact, to address these problems, expert testimony can be used. When viewed again in the legal framework of evidence in Indonesia, both in Article 184 paragraph (1) letter b of the old Criminal Code and Article 235 paragraph (1) of the new Criminal Procedure Code, expert testimony is a valid

piece of evidence and has a special position in explaining technical matters that are beyond the reach of the judge's general knowledge. When a defendant submits an exception that the wiretapping recording used as evidence is the result of voice-cloning fabrication (Motian & Pura, 2024), the problem immediately becomes a technical issue that requires specialized expertise in audio forensics. Deepfake detection is a skill that judges do not have in their capacity as *judices facti*. Thus, to solve these problems, the presence of digital forensic experts is a *sine qua non*.

Audio forensics, as a scientific discipline, provides a range of technical methods for testing the authenticity of sound recordings. These methods include analysis of acoustic characteristics such as formant bandwidth, *pitch*, *MFCC* (*Mel-Frequency Cepstral Coefficients*), and *likelihood ratio (LR) analysis for speaker identification*. In the context of (Z. D. Putri & Suryani, 2025), of course, the methods used can be more sophisticated, such as prosodic analysis (variations in rhythm, tone, and accent in speech), spectral pattern comparison, and a *machine learning* approach that trains detector models on synthetic sound datasets. Although expert testimony can be considered one solution to the problem, these technical findings are still not explicitly integrated into the evidentiary legal system in Indonesia.

In addition to utilizing expert testimony in criminal justice practice in Indonesia, the most relevant mechanism for testing the authenticity of recordings can also be carried out using the principle of *the chain of custody*. The existence of this concept can be explained by requiring that, since the recording is obtained, it must be obtained in a lawful way, and there is a clear and uninterrupted record of every movement, as well as the handling of the evidence. In fact, this mechanism already has an international standard that regulates it, such as ISO/IEC 27037:2012, which concerns Guidelines for the Identification, Collection, Acquisition, and Preservation of Digital Evidence, and until now has not had an equivalent national protocol. The existence of this authentication mechanism itself, when considered in the context of Voice Cloning, can also be said to be relevant, because by utilizing this approach, a recording can be identified as its original before it is used as evidence. Knowing the origin of the evidence can later explain whether it is valid. (Apollo & Michael, 2024)

The determination of whether evidence is valid, when it relates to the rules that apply in Indonesia, namely the New Criminal Code, can be considered appropriate. This is in accordance with the provisions of Article 235, paragraph (5), which authorizes the judge to declare evidence inadmissible if it is not authentic or obtained illegally. However, even though

there are regulations as stipulated in Article 235, paragraph (5), they can be described as reactive. This is because judges can apply it only after a dispute over authenticity arises, and its application requires technical assessment standards not formulated in the law. In other words, Article 235 paragraph (5) of the Criminal Procedure Code only opens the door, but does not provide a key to open it.

In addition, the problem that can be explained lies in the digital forensic infrastructure available in Indonesia. To ensure that the authentication problem does not widen, Indonesia must have an adequate forensic laboratories, not only in one region. In fact, there are not many forensic laboratories that are really adequate to research problems related to *artificial intelligence* and are not evenly distributed. This can result in the emergence of a situation in the form of the unavailability of competent experts and adequate facilities for the examination of cases in Indonesia.

The occurrence of the vacancy problem has resulted in the Indonesian judicial system being in an unclear condition. Where, on the one hand, the adagium in criminalibus, probationes debent *esse luce clariores* (in criminal cases, the evidence must be lighter than light) demands a clear standard of proof. On the other hand, the presence of *artificial intelligence* technology actually shows that the standard of proof is still not available. The implication is that the legal system is under pressure between legal certainty and real material truth. In this regard, of course, normative changes are needed to the provisions that apply in Indonesia.

The problems mentioned above, when viewed from a normative construction, can actually be explained by the fact that when the defendant applies for *the exception of voice cloning*, the most likely evidentiary mechanism is as follows: First, the judge with the authority regulated in Article 235 of the Criminal Code can only order a technical examination of the recording in question by presenting an audio forensic expert who does have competence. *Second*, the information provided by the expert will be assessed as valid evidence, and the judge can use it to build his belief. *Third*, the judge can also use judicial *observation*, as recognized in Article 235 of the New Criminal Code as an open residual clause, to assess the exception submitted by the defendant.

Meanwhile, in the context of future legal development, regulatory updates can be implemented by adding verification stages, as follows: First, verify the technical integrity of records through metadata and hash value analysis to ensure that records have not been modified since they were acquired. *Second*, acoustic characteristics analysis through speaker verification

tools using deep learning methods. *Third*, a cross-comparison between the recording in question and a reference voice sample obtained independently from a verified source. The use of this verification layer, if later adopted in the Indonesian legal system, can help address the weaknesses described earlier.

Departing from the overall analysis explained above, it can be said that the current criminal procedure law in Indonesia is still in a transitional phase that has not been completed. In the new Criminal Code, there is a normative space to test the authenticity of electronic evidence, but the technical provisions detailing the mechanism are not yet available. In fact, the ITE Law has recognized the legal force of digital evidence, but, as in the new Criminal Code, there is still no technical mechanism for its implementation, particularly for testing the authenticity of the evidence. This is a serious problem, given that this condition makes the evidentiary system highly dependent on ad hoc, nonstandardized expert testimony and on judges' assessments lacking adequate technical guidance.

Standardization of the burden of proof that is fair between the public prosecutor and the defendant in terms of the authenticity of digital voice recordings

The problem of the authenticity of the voice recording is certainly inseparable from the fundamental question: who should bear the burden of proof, and to what extent the proof should be carried out. This is very important to answer, considering that this problem is very fundamental. If the question is not answered, it can open the legal system to the possibility of punishing innocent people or releasing the actually guilty. The problem with this question also becomes even more important when it is connected to the *voice cloning* exception proposed by the defendant, which will be a serious problem considering that the technology itself does not provide easy-to-read instructions for various instruments that exist today.

From the perspective of Indonesia's criminal procedure law, the system places the burden of proof entirely on the public prosecutor. This itself is a manifestation of the principle of the *presumption of innocence* which is multi-layered guaranteed in the General Explanation number 3 letter c of the Criminal Code, Article 66 of the old Criminal Code, Article 7 of Law No. 39 of 1999 concerning Human Rights, Article 11 paragraph (1) of the Universal Declaration of Human Rights, and Article 66 paragraph (1) of the Rome Statute on the International Criminal Court. Given this principle, the defendant has no obligation to prove his innocence. The defendant is sufficient to file a rebuttal, and it is the prosecutor who must prove the charge beyond a reasonable doubt. (Wibowo et al., 2025)

Nevertheless, this general principle faces significant modifications when dealing with technical claims filed by the defendants themselves. When the defendant actively claimed that the recording used as evidence was the result of *voice-cloning* fabrication. With this exception in place, of course, the defendant is no longer in denial; in this case, it can be said to present positive facts that require separate and independent proof. In criminal procedure, this is known as an affirmative defense, in which the defendant admits the existence of a fact (the voice recording exists) but questions its interpretation (the recording is not the voice). The juridical question with respect to the existence of the phenomenon is whether this (Seitz, 2024) *technical claim of Voice Cloning* should be treated as an affirmative defense that requires the defendant to present preliminary evidence or whether the burden remains on the public prosecutor to prove its authenticity.

In order to answer such questions, it is necessary to use two theories of proof contained in the criminal procedure law. The first theory is the single burden of proof theory, which explains that the burden of proof remains on the public prosecutor. By utilizing this theory, if the defendant submits the exception of Voice Cloning, the public prosecutor is still obliged to prove the authenticity of the recording as part of proving the element of delicacy. The second theory that can be used is the *balanced burden of proof theory*, also known as the reverse theory of proof, which explains that there is actually room for the distribution of the burden of proof based on the circumstances and type of defense submitted. (Umam et al., 2026)

If in this case the first theory is consistently used, then the public prosecutor is obliged to prove the authenticity of the wiretapping recordings from the outset, even before the defendant raises any exceptions. In the presence of such an obligation, the public prosecutor has the obligation to: (a) present an audio forensic expert who scientifically tests the authenticity of the recording; (b) prove *that the chain of custody* was unbroken from the time the recordings were obtained until they were presented at trial; and (c) demonstrate that the electronic systems used in the wiretapping meet the standards of reliability and integrity as required by Article 6, Article 15, and Article 16 of the ITE Law. With such an application, the nature of the exception raised by the defendant under the pretext of *voice cloning* can be mitigated by changing the function of the exception as a reminder to the court that the standard of proof must be truly proven only and not as a defense that requires separate proof.

Unfortunately, the approach based on the first theory has weaknesses in its implementation. This weakness arises because the public prosecutor is unlikely to be required to anticipate every possible technical exception the defendant may raise (including, in this case,

the voice cloning exception) before the defendant actually raises it. If in this case the public prosecutor is charged with this obligation, it can burden the resources of law enforcement itself. This can cause delays and various other problems for law enforcement.

In relation to the existence of these problems, in the author's opinion, it is the theory of a balanced burden of proof that can solve the existing problems. The construction of a balanced proof can be carried out with three layers of application, where the first layer is that the public prosecutor bears the primary burden of proof to prove all elements of the criminal act charged, including presenting wiretapping recordings as evidence, along with information from the eavesdropping official and *adequate chain of custody documentation*. *This is an irreversible burden and is a manifestation of the principle ne bis in idem* in the broader logic of state responsibility in the enforcement of criminal law.

The second layer *is* that if the defendant proposes a specific and concrete *voice-cloning exception (not just a rejection)*, *the defendant can be charged with the evidential burden of presenting sufficient prima facie evidence* that the claim is worthy of further examination. The burden of introductory proof here itself is not the same as full proof. This means that, in this case, the defendant is not required to prove that the footage is a deepfake, but only to show that there is a reasonable ground to doubt its authenticity (Pandey, 2026).

The *third layer* is that, after the defendant meets the evidential burden, the full burden of proof returns to the public prosecutor. For this, the public prosecutor must be able to prove the authenticity of the recording to a higher degree than before, namely through adequate technical evidence. This itself is in accordance with the evidentiary mechanism applied in Indonesia, where the defendant can be given a proportionate burden of proof under certain conditions without violating the principle of presumption of innocence, as long as the burden is limited and balanced. The only obstacle or problem in this case has to do with the threshold of *evidential burden* that the defendant must meet in order to raise the voice-cloning claim to a level worthy of judicial review.

This can be a problem if the set threshold is too low, because it will create opportunities to use voice-cloning claims as a barrier tactic that can hinder the law enforcement process. However, if the threshold is set too high, the burden cannot be met by a defendant who lacks access to advanced forensic laboratories, which is contrary to the principle of *equality of arms* between the prosecutor and the defendant in criminal proceedings. The most proportionate benchmark for the evidential burden threshold of Voice Cloning is to adopt a standard of technical plausibility. Under this standard, the defendant is required to submit: *first*, the fact

that the recording is likely to be technically fabricated with reference to the capabilities of the AI Voice Cloning technology available at the time the recording was made; and *second*, the initial indication of an anomaly or inconsistency in the identifiable recording (e.g., an unnaturalness of a prosodic pattern, suspicious digital artifacts, or a contradiction between the content of the recording and the recording). Other facts that have been proven, and these indications can be made, do not necessarily take the form of laboratory analysis results, but must be able to be explained concretely when examined.

Another aspect that cannot be ignored in this standardization of the burden of proof is access to technical expertise. The principle of *equality of arms* in criminal procedure law requires that the defendant have a fair opportunity to respond to evidence submitted by the public prosecutor, including when a counter-expert is present. Defendants who are unable to afford to retain an independent audio forensic expert will be in a very weak position in the face of state-owned forensic experts, which can create a power asymmetry contrary to the principles of *due process*. The solution could be in the form of a state obligation to provide access to audio forensic experts through an expanded *legal aid mechanism*, or through the establishment of an independent forensic institution that can be accessed by defendants.

In addition to the above, the focus on the institutional dimension of the standardization carried out can also be said to be equally important. The standard for the burden of proof in the Voice Cloning exception should ideally not be left solely to the judge's discretion on a case-by-case basis, as doing so would create jurisprudential inconsistencies that undermine legal certainty. A more appropriate mechanism is the establishment of a Supreme Court Regulation (PERMA), which specifically regulates the following matters:

- 1) Procedure for submitting technical exceptions to the authenticity of Artificial Intelligence-based electronic evidence.
- 2) Acceptable standards of audio forensic expert qualifications.
- 3) The *threshold of evidential burden* that must be met by the defendant.
- 4) The judge's procedure in assessing the contradiction of expert testimony from both parties.

Departing from the overall presentation as explained above, it can be explained that the standardization of evidence in the context of the exception of voice cloning in its implementation requires a layered arrangement that must accommodate the principle of the presumption of innocence and not open up opportunities for the use of the exception without a clear basis to hinder the law enforcement process. In simple terms, to establish a fair burden of

proof, the Public Prosecutor bears the primary burden of proof, including technical verification of the recordings' authenticity, while the defendant who filed the Voice Cloning exception bears *the evidential burden* clearly. When, in this case, the *evidential burden* is met, the burden shifts back to the public prosecutor to prove authenticity with stronger technical evidence

IV. CONCLUSION

The results of the study show that the criminal procedure law in Indonesia currently does not have an adequate mechanism to test the authenticity of evidence in the form of wiretapping recordings when faced with the exception of Artificial Intelligence (AI)-based voice cloning. Although various legal instruments, such as the Electronic Information and Transactions (ITE) Act, the Constitutional Court ruling, and the new Criminal Code, have recognized electronic recordings as valid evidence and emphasized the importance of authenticity verification, they have not provided clear technical standards regarding methods of testing the authenticity of voice recordings. As a result, the evidentiary process in judicial practice remains highly dependent on expert testimony that is casuistic and ad hoc, which can cause differences in judgments between cases and reduce legal certainty in criminal evidence involving artificial intelligence technology.

The study also found that applying the burden of proof in dealing with voice cloning claims requires a more structured and proportionate legal construction. The current regulations do not explicitly regulate the mechanism for sharing the burden of proof when defendants raise objections to the authenticity of voice recordings on the grounds of AI-based manipulation. Therefore, this study proposes applying the evidential burden to the party who submits the voice cloning claim as a first step to provide a rational indication of the possibility of recording manipulation. These findings show that the approach remains in line with the principles of due process of law and the principle of presumption of innocence, as long as its application is clearly regulated through binding legal instruments. Thus, it is necessary to establish special guidelines, such as the Supreme Court Regulation, to create more consistent standards of proof, increase legal certainty, and answer the challenges of the development of artificial intelligence technology in the Indonesian criminal justice system.

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