



## Circumstantial Evidence in the Perspective of Criminal Procedure Law

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### Abstract

A judge in imposing criminal sanctions against a defendant will always use the provisions of Article 183 of the KUHP as a guide. This provision essentially stipulates that the judge in sentencing must be based on a minimum of 2 (two) valid and convincing pieces of evidence that the defendant has committed a criminal act. In the provisions of Article 184 of the KUHP, it regulates 5 (five) pieces of evidence, namely: a). Witness Statement; b). Expert Statement; c). Letter; d). Instruction; e). Defendant's statement. However, in the Central Jakarta District Court Decision Number: 777/Pid.B/2016/PN.Jkt.Pst, the judge used circumstantial evidence which is not regulated in the Criminal Procedure Code. In accordance with this description, the researcher is interested in conducting research with the title "Indirect Evidence (Circumstantial Evidence) in the Perspective of Criminal Law" with the formulation of the problem of the Position of indirect evidence (circumstantial evidence) in the perspective of criminal procedural law and the Ratio decidendi of the Decision of the Central Jakarta District Court No. 777/Pid.B/2016/PN.Jkt.Pst regarding circumstantial evidence. This research aims to explain and analyze the position of circumstantial evidence in the perspective of criminal procedural law, as well as explain and analyze the ratio decidendi of the Decision of the Central Jakarta District Court No. 777/Pid.B/2016/PN.Jkt.Pst regarding circumstantial evidence. The research method used is normative with statutory, conceptual and case approaches. The results of this research indicate that circumstantial evidence is not regulated in the KUHP. The use of indirect evidence (circumstantial evidence) is based on a doctrine that is in fact contrary to the KUHP and the principles of criminal law and has a big risk of deviating from the legal aim of realizing legal certainty.

**Keywords:** indirect evidence, circumstantial evidence, kuhap

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### INTRODUCTION

Criminal law as an ultimum remedium aims to seek material truth, namely the real truth through existing evidence, complete, and contains clarity on an event and criminal act committed by the defendant. Because what is sought is material truth, proof in criminal law has a central role, so that both judges and public prosecutors must be very careful and thorough in assessing and considering the evidence presented at trial to determine whether a defendant has actually committed the crime charged and of course it will greatly affect the decision to be imposed by the judge. Criminal offense is essentially an act that will not be committed by humans if their perception is in good condition. A crime is an act against conscience or an order stipulated by law, and the main condition for the existence of a crime is the existence of rules against it because the act is condemned by law (Hayy, 2022).

A judge, when imposing a criminal sanction on the defendant, will always adhere to the guidelines set forth in Article 183 of the Criminal Procedure Code. This provision essentially dictates that the judge must base their sentencing on a minimum of two (2) valid and convincing pieces of evidence proving that the defendant has committed a criminal offense. This principle is known as the doctrine of prima facie evidence. In other words, the evidence presented must consist of concrete and relevant facts that can directly prove an event or legal action. Prima facie is defined as "sufficient to establish a fact or raise a presumption unless disproved or rebutted" (Garner, 2009). Evidence encompasses everything related to the action and can be used by the judge to convince themselves of the truth of the defendant's criminal act (Sasangka & Rosita, 2009) According to Yahya Harahap,

in compliance with Article 184 of the Criminal Code, the evidence that can be utilized to prove the defendant's guilt includes the following: a) Witness Testimony; b) Expert Testimony; c) Documents; d) Instructions; e) Statements made by the Defendant.

Circumstantial evidence is defined as evidence that indirectly indicates the legal events that transpired, as per statutory regulations. The connection between the occurred facts and this type of evidence becomes comprehensible only after a prior conclusion has been drawn (Zega & Toha, 2012). According to Munir Fuady (2012), circumstantial evidence must be relevant and rational so that it can clarify the facts in the court process better than if the evidence is not used

Routledge (2010) gives the definition of circumstantial evidence as follows: "evidence of a fact that is not itself a fact in issue, but is a fact from which the existence or non-existence of a fact in issue can be inferred. Circumstantial evidence operates indirectly by tending to prove a fact relevant to the issue". Based on the opinion of Routledge (2010), it can be understood that circumstantial evidence is a situation that is real, but does not mean the only one, which is closely related to a case in court, which comes from several facts that are related or not to the case so that a conclusion can be drawn relating to the occurrence of an act or legal event.

Referring to Law Number 48 of 2009 concerning Judicial Power, no article specifies that a judge can apply circumstantial evidence when issuing a criminal verdict or sentence against a defendant. Similarly, the Criminal Procedure Code neither recognizes nor regulates the use of circumstantial evidence. Despite this, there are currently several criminal cases in which no witnesses have seen, heard, or experienced the criminal event charged against the defendant. As a solution to this condition, it is not uncommon for public prosecutors and judges to then use circumstantial evidence, such as in criminal case No. 777/Pid.B/2016/PN.Jkt.Pst or better known as the cyanide coffee case with the defendant Jessica Kumala Wongso, where in the case there was not a single witness who saw or witnessed a criminal event and action charged, but the public prosecutor presented a witness testimonium de audito, namely a witness whose testimony was only sourced from information obtained from other people.

Constitutional Court Decision No. 65/PUU-VIII/2010 dated August 8, 2011 expanded the definition of witness. Witness testimony that can be explicitly categorized as witness testimony according to the decision is witness testimony about criminal events that they hear, see, and experience themselves by explaining why they know it. This statement also includes witness testimony about criminal events that they do not always hear, see, and experience themselves.

The use of indirect evidence as evidence in several criminal decisions as well as the recognition of testimonium de audito witness testimony as indirect evidence by the Constitutional Court through decision No. 65/PUU-VIII/2010 is of course very contrary to the doctrine of prima facie evidence which requires evidence in the form of concrete facts that can prove an event or legal action directly.

The problems that will be raised from this paper are (1) What is the position of indirect evidence in the perspective of criminal procedure law? (2) How does the existence of indirect evidence affect the judge's confidence in determining the verdict?

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## METHODS

This research employs both normative juridical and empirical juridical methods, utilizing primary, secondary, and tertiary legal sources, along with secondary data obtained from documentation studies. Additionally, an interactive method is applied for analysis. Theories such as the theory of evidence, the theory of legal objectives, and the theory of criminal justice serve as analytical tools to elaborate on the issues addressed.

## RESULTS AND DISCUSSION

### The Position of Circumstantial Evidence as a Method of Proof in Deciding Criminal Cases

In general, Indonesian Criminal Law is categorized into two types: Material Criminal Law and Formal Criminal Law. Material Criminal Law encompasses all laws that govern principles, prohibitions, orders, and criminal sanctions for violators. On the other hand, Formal Criminal Law deals with the implementation of Material Criminal Law, including the principles and processes of criminal justice from investigation to execution of court decisions (Hiariej, 2012)

Currently, Formal Criminal Law in Indonesia is governed by the Criminal Procedure Code (KUHAP). According to Article 183 of the Criminal Procedure Code, a judge cannot impose a criminal sentence unless there are at least two valid pieces of evidence that create a belief that the criminal offense indeed occurred and that the defendant committed it. Furthermore, Article 184 paragraph (1) of KUHAP outlines the legal evidence in Criminal Law as follows:

#### 1. Witness Statement Evidence

Witness testimony is the most prioritized evidence in a criminal case. For a witness testimony to be considered valid, it must meet the following conditions:

- a. The witness must take an oath or promise as per Article 160 paragraph (3) of the Criminal Procedure Code.
- b. The testimony must detail a criminal event that the witness personally heard, saw, and experienced, providing reasons for their knowledge, in accordance with Article 27 of the Criminal Procedure Code.
- c. The testimony must be delivered before the court, as stipulated in Article 185 paragraph (1) of the Criminal Procedure Code.
- d. The testimony of multiple witnesses, which are individually given but interrelated, must collectively justify the existence of a certain event or situation, as stated in Article 185 paragraph (4) of the Criminal Procedure Code.
- e. The testimony of a single witness is deemed insufficient, following Article 185 paragraph (4) of the Criminal Procedure Code, which adheres to the principle of "unus testis, nullus testis," meaning one witness is not a witness.

#### 2. Expert Testimony Evidence

Expert testimony is an explanation given by a person who has special expertise regarding matters necessary to explain a criminal case for the sake of examination, as stipulated in Article 1 point 28 of the Criminal Procedure Code.

#### 3. Letter Evidence

Letter evidence in criminal procedure law is more or less the same as letter evidence in civil procedure law. All items that have understandable punctuation marks used to convey the contents of the mind are considered as letters. Article 187 of the Criminal Code stipulates that a letter as evidence can only be used if it is made under oath or corroborated by oath, and must be related to the contents of other evidence. Therefore, a letter that does not meet these requirements is not evidence.

#### 4. Clue Evidence

In accordance with Article 188 of the Criminal Procedure Code, a clue is defined as an act, event, or situation which, due to its correlation both with each other and with the criminal act



itself, indicates that a criminal act has occurred and identifies the perpetrator. Yahya Harahap (2005) describes a clue as:

"A condition derived from an act, event, or situation where the signal corresponds with one another or with the criminal act itself, and this correspondence forms a clue that confirms the occurrence of a criminal act and identifies the defendant as the perpetrator."

Based on this understanding, clues are evidence that cannot stand alone and must be supported by other evidence. In other words, a clue is formed when:

- There is a collection of acts, events, circumstances, or occurrences that are interconnected or related to each other; or
- The act, event, circumstance, or occurrence is related to or tied to the criminal offense;
- The correspondence between these elements results in or indicates that a criminal offense has occurred and the perpetrator is identified from this correspondence.

#### 5. Evidence of the Defendant's Statement

The provisions of Article 189 paragraph (1) of the Criminal Procedure Code stipulate that the statement of the defendant is what the defendant states in court about the actions he committed or what he knows or experiences himself.

If we look again at the existence of 5 (five) evidence regulated in the provisions of Article 184 of the Criminal Procedure Code, Circumstantial Evidence applies and is common in Anglo-Saxon countries such as America and Australia, these countries assume that the more the use of indirect evidence found at trial will strengthen other evidence at trial. (Indriani, 2018) However, in contrast to Indonesia, which adheres to Civil Law, there is still confusion about the use of indirect evidence because there are no provisions that clearly regulate it, such as the evidence regulated in Article 184 paragraph (1) of the Criminal Procedure Code which does not regulate the provisions of indirect evidence at all.

In 2011, the Constitutional Court (MK), through its decision number 65/PUU-VIII/2010, renewed its decision by granting a review of Articles 1 number 26 and 27 of Law Number 8 Year 1981 on Criminal Procedure. In its decision read out on August 28, 2011, the Constitutional Court stated that Articles 1 numbers 26 and 27, Article 65, Article 116 paragraph (3) and paragraph (4) of the Criminal Procedure Code are contrary to the 1945 Constitution if the definition of witness does not include people who hear, see, or experience an event. This indirectly supports indirect evidence. Indirect evidence includes all evidence obtained through the process of inference or inference, rather than direct physical evidence (Sidharta, 2008). Thus, in proof through indirect evidence, the evidence submitted is non-physical, but is obtained as a conclusion from the events revealed at trial.

The substance of criminal procedure law contained in KUHAP does not include the categorization of circumstantial evidence, as explained by criminal law expert Eddy O.S. Hiariej in the trial of Jessica Kumala Wongso's premeditated murder case (No. 777/Pid.B/2016/PN.Jkt.Pst). In the trial, Eddy O.S. Hiariej stated that the law of evidence recognizes direct evidence and indirect evidence (circumstantial evidence). Circumstantial evidence can be in the form of letter evidence, witness testimony, and testimony of the defendant, where the facts stand alone but are interrelated. If we look closely, Eddy O.S. Hiariej's opinion on circumstantial evidence is similar to Yahya

Harahap's definition of clue evidence. Harahap states that circumstantial evidence is an indication that can be taken from an action, event, or situation that shows the relationship between these indicators and their relation to a criminal offense, thus proving the occurrence of a criminal offense and confirming the defendant.

The above opinion shows that in criminal law, direct evidence as the main evidence includes testimony, expert testimony, documents, and statements of the defendant because

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all of them can be presented in court and have high evidential value if they meet certain conditions. Meanwhile, circumstantial evidence according to KUHAP is evidence of clues derived from testimony, documents, and statements of the defendant associated with evidence.

Prior to the Constitutional Court Decision No. 65/PUU-VIII/2010, the Criminal Procedure Code provided clear boundaries regarding witnesses and witness testimony. Article 1 point 26 of KUHAP stipulates that "a witness is a person who can provide information for the purpose of investigation, prosecution, and trial of a criminal case that he or she hears, sees, and experiences". Meanwhile, Article 1 point 27 of KUHAP defines witness testimony as evidence in a criminal case based on what the witness hears, sees, and experiences himself along with the reasons for his knowledge.

Constitutional Court Decision No. 65/PUU/VIII/2010 does not set limitations on witnesses, unlike in KUHAP where there are limitations on witnesses based on several articles. Article 1 point 27 defines witness testimony, which is related to Article 116 paragraph (2) which requires witnesses to provide actual information related to criminal acts. Article 1 point 27 and Article 185 paragraph (5) state that "opinions" or "fabrications" that are only based on thoughts are not included in the category of witness testimony.

This is an issue that raises questions about the limits or extent of relevance referred to by the Constitutional Court Decision. The relevance of witness testimony is very important to achieve material truth. The relevance of the evidence presented to the case being tried determines the strength of the evidence. Relevant evidence has greater evidentiary power, which in turn determines whether the evidence is accepted or not. (Saktia, 2013).

In relation to the use of evidence, be it direct or indirect evidence, one of the issues regarding the existence of the oldest requirements for evidence to be accepted as evidence is whether the evidence is relevant and material to the issue being tested, considering that evidence becomes relevant when it has a tendency to prove or not prove a fact in the problem. In addition, evidence is material when it relates or is related to the issue being tested at trial.

In common law, evidence must be both relevant and material to be admissible in court. Evidence must have a tendency to prove or disprove a fact in dispute and it must relate to a fact in issue, which are two distinct concepts.

Under the modern rules, the concept of material has evolved to the threshold requirement of relevance. The term relevant is still retained while material is no longer used in isolation, as shown in the definition of relevant evidence. According to the Tennessee state definition, relevant evidence means evidence that has a tendency to make the existence of a fact or its consequences in determining a course of action more probable or less probable without the evidence. When viewed from the concepts of relevance and materiality, there has actually been a development. Relevance is shown in the words "having a tendency to show the existence of a fact" is more likely or less likely than it would be without the evidence. Materiality is indicated by the words "a number of facts that determine an action". To be relevant, evidence has a tendency to prove or disprove a material fact in a matter. To meet the requirement of relevance, evidence must be probative, i.e. it must have a tendency to prove something.

In the process of proving facts in court, the judge must first choose whether to accept or reject the evidence submitted by the litigants because of its relevance. In Criminal Law, according to William R. Bell in Hiariej (2012) the factors that must be related to evidence are:

- a. Evidence must be relevant or pertinent. In the context of criminal matters, when investigating a case, the police usually ask basic questions such as what are the elements of the alleged crime, what guilt of the suspect must be proven, and which facts must be proven.
- b. Evidence must be reliable. This means that the evidence is reliable and must be supported by other evidence.
- c. Evidence must not be based on undue prejudice. This means that evidence must be objective in providing information about a fact.
- d. The basis of proof is that proof must be based on valid evidence.
- e. The method of seeking and collecting evidence must be done in accordance with the law.

Therefore, for evidence to be admissible at trial, it must be relevant to the case and still be submitted. If the evidence has no relevance to the case and is still insisted on being presented, then it will certainly have unnecessary consequences, including wasting time that will certainly slow down the trial process, and in addition it can cause misleading or misleading which causes unnecessary assumptions, the assessment of the problem to be disproportionate by exaggerating things that are actually small or downplaying things that are actually big, and making the judicial process incompatible with common sense. Therefore it is very important for a judge in a trial process to know and decide quickly whether or not an evidence has relevance to the facts to be proven at trial. To determine whether or not an evidence is relevant according to Fuady (2012), the steps that must be taken are to determine what evidence is proven, whether the evidence is material / substantial to the case, and whether the evidence has a logical relationship or not, and whether the evidence is sufficient to help explain the problem (enough to have an element of proof). When the conditions have been positively met, the next step is to see if there are other provisions that can be used as a basis for rejecting or denying the evidence. Furthermore, in his book, Fuady (2012) explains some of the reasons or rules that must be considered are as follows:

1. What is the perception of the concept of limited admissibility of evidence?
2. The evidence was rejected, as its admission could lead to unfair prejudice and confusion.
3. Witnesses de auditu must be rejected.
4. There are extrinsic reasons that can justify the rejection of such evidence, such as later repairs or insurance that can cover the loss, such as liability insurance.
5. There are restrictions on using such character evidence.

Based on the theory above, the application of indirect evidence will create difficulties in the law enforcement process because in finding relevance to the criminal case at hand requires a deepening that is not so easy then if a witness who does not hear, see and experience himself makes a false statement but is in accordance with the case at hand then it is not in accordance with reliable evidence. Moreover, this indirect evidence is more of a presumption, while this presumption is only known in Civil Procedure Law. Presumption can serve as a source of evidence by referring to other sources of evidence. In addition, a single presumption cannot be used as evidence. A presumption is a conclusion made by judges based on the law or their opinion about an event. The two types of presumptions are those based on statutory law, called *presumptio juris*, and those based on fact, called *presumptio facti*. (Momuat, 2014).

Evidence in Civil Procedure Law is regulated in the provisions of Article 164 HIR, the provisions of this article according to Yahya Harahap can be classified into two, namely Direct Evidence and Indirect Evidence. In Mardhatillah & Mahyani (2019), it is explained that it is called direct evidence because it is submitted directly (physically) by the parties in court while Indirect Evidence is because the evidence submitted is not physical but is obtained as a conclusion from things or events that occur in court, furthermore, if the provisions of Article 164 HIR are seen from a physical form, what becomes indirect evidence in civil procedure law is presumption, recognition, and oath. Events or rights that occur in court are the physical form of these three indirect evidence. (Aminah, 2022).

The regulation explicitly states that de auditu witness testimony is not valid as evidence and does not have the value of witness testimony in accordance with KUHAP. Experts, including S.M. Amin, rejected de auditu testimony because it does not meet the requirements of "heard, seen, or experienced", so it does not have the power of direct evidence. For example, if A tells B that he saw C looking for D with a knife, and the next day D is found dead, in court, B testifies based on A's deceased story. This shows that the testimony used came from witness B, not from A who was supposed to be the witness. (Pramudi, Noviyanto, & Harjati, 2015).



Based on the theoretical description above, indirect evidence is only recognized in civil procedural law and is not regulated in criminal procedural law. Of course when talking about criminal procedural law and civil procedural law are 2 (two) different things. The purpose of criminal procedural law is to seek material truth while civil procedural law is to seek formal truth. So it is appropriate even though based on the doctrine mentioned above, indirect evidence is included as indirect evidence contained in Article 164 HIR, but this cannot apply in criminal procedure law because the imposition of criminal sanctions concerns human dignity and even in Criminal Procedure Law, the principle of *In criminalibus, probationes bedent esse luce clariores* which means that the evidence presented in the trial must be clear and bright. This principle emphasizes that evidence must be clearer than light. This shows that evidence is a fundamental element that must exist, because without evidence, a crime cannot be solved.

### **The Existence of Circumstantial Evidence in Influencing Judges to Make Decisions**

Evidence is everything related to an act that can be used to convince a judge of the truth of a criminal offense committed by the defendant. (Sasangka & Rosita, 2009). According to Darwin Prints, valid evidence is related to a criminal offense and can be used to generate a judge's belief in the truth of the criminal offense. The goal is to help the judge find the material truth by applying the criminal procedure law honestly and accurately. Judges must comply with the provisions of the evidence mentioned in the law. (Pettanasse & Sulastri, 2016). Evidence in Article 184 of the Criminal Procedure Code includes: 1) Witness testimony; 2) Expert testimony; 3) Letters; 4) Clues; 5) Statement of the defendant. Things that are commonly known do not need to be proven and are called *notoire feiten* (Article 184 paragraph (2) KUHAP), which is divided into two groups: The first type includes things or events that are generally known to be so or should be so. The second type includes experiences or realities that always result in this or always constitute this conclusion. (Sasangka & Rosita, 2009). If we compare it with 5 (five) other evidence in Article 184 of the Criminal Procedure Code, then circumstantial evidence is not unanimous and independent evidence, but rather judge-made evidence.

This circumstantial evidence is the judge's thoughts or opinions compiled from the relationship or suitability of other evidence used in the trial, so the subjectivity of the judge is more dominant. This explanation shows that the final decision is left to the judge. Therefore, indirect evidence becomes the same as the judge's observation. The judge's observations must be made during the trial, and what the judge has previously experienced or knows cannot be used as a basis for proof, unless the act or event is already public knowledge.

The judge's analysis and belief relates to circumstantial evidence, which requires conformity between acts and events and the judge's belief. An example is the case of Jessica Kumala Wongso (Cyanide Coffee) in the Decision of PT Jakarta Number 393/PID/2016/PT.DKI 2017. In this case, the prosecutor had rejected evidence submitted by Polda Metro Jaya investigators. According to Chief Commissioner Awi Setiyono, 37 evidence and document files submitted to the Central Jakarta District Attorney's Office were complete, but the prosecutor rejected them because they were considered weak or not strong enough. This rejection occurred six times, and if the prosecutor did not accept the file within the specified time, the police had to release Jessica and remove her suspect status.

Circumstantial evidence generally involves analyzing the relationship between several other pieces of evidence, so it is not stand-alone evidence. This makes some experts object when this evidence begins to be taken into account and used in criminal case evidence law. The judge's conviction in a criminal case is based on his conscience and does not need to be included in the verdict. Before sentencing, the judge must be sure of his decision. (Lintogareng, 2013). This belief is the subjective right of the judge based on evidence. To form the judge's belief, evidence in accordance with the Criminal Procedure Code must be considered, as well as the facts presented at trial until the verdict is finally handed down. (Tajudin, Rahmadani, & Zahra, 2020).

Related to this judge's belief is the beyond reasonable doubt doctrine, namely something must be considered proven if there is no reasonable / logical reason that causes doubt. (Newman, 2019). In addition to this doctrine, there is the principle of *In Dubio Pro Reo*, which also applies in

criminal law, the judge can tip the scales in the defendant's favor if there is sufficient reason to doubt the defendant's guilt. (Sholeh, Danang, & Saputra, 2015).

For the panel of judges, since studying and understanding the indictment of the Public Prosecutor from the results of the Police BAP, they already have an idea of who is the perpetrator of a criminal offense, but to prove this belief, accurate proof is still needed, which is one of the duties of a judge to explore the actual legal facts, then assess the compatibility of relevant evidence to build circumstantial evidence until a judge's belief emerges.

## CONCLUSION

Circumstantial evidence plays a pivotal role in the realm of criminal procedure law, especially in cases where direct evidence is scarce or absent. Through the exploration of various legal perspectives and judicial precedents, it becomes evident that circumstantial evidence, while not explicitly outlined in the Indonesian Criminal Procedure Code (KUHAP), has found its application in several notable cases. The use of such evidence necessitates a thorough and careful evaluation by judges and prosecutors to ensure the material truth is uncovered, aligning with the overarching objective of criminal law to seek the real truth behind criminal acts.

The legal framework in Indonesia, influenced by civil law traditions, primarily emphasizes direct evidence, as stipulated in Article 184 of the Criminal Procedure Code. This includes witness testimony, expert testimony, documents, clues, and statements from the defendant. However, the recognition of circumstantial evidence in legal practices, albeit not formally codified, underscores its relevance and utility in judicial processes. Cases like the Jessica Kumala Wongso trial highlight how circumstantial evidence can substantiate other forms of evidence, thereby contributing to a holistic understanding of the criminal event.

Despite its utility, the integration of circumstantial evidence in criminal trials presents challenges. The lack of explicit regulation in KUHAP necessitates a reliance on judicial discretion and interpretation, potentially leading to inconsistencies in its application. Furthermore, the Constitutional Court's decision to broaden the definition of witness testimony has introduced complexities in distinguishing between direct and indirect evidence, necessitating further legal clarity and guidance to ensure consistent judicial outcomes.

To enhance the clarity and consistency in the application of circumstantial evidence, it is recommended that the Indonesian legal framework be updated to explicitly recognize and regulate its use. This would involve amending the Criminal Procedure Code to include provisions that define and outline the criteria for admissibility of circumstantial evidence, ensuring that its application is guided by clear legal standards and principles.

Judicial training and capacity building are essential to equip judges and prosecutors with the necessary skills and knowledge to effectively evaluate circumstantial evidence. This includes understanding the nuances of relevance, materiality, and the interplay between direct and indirect evidence. Regular workshops, seminars, and continuous legal education programs can facilitate the development of a robust understanding of circumstantial evidence among legal practitioners.

Further empirical research and scholarly analysis are needed to explore the impact of circumstantial evidence on judicial decision-making in Indonesia. By examining case studies and judicial opinions, researchers can identify patterns, challenges, and best practices in the use of circumstantial evidence. This can inform policy recommendations and contribute to the ongoing discourse on legal reforms aimed at enhancing the effectiveness and fairness of the criminal justice system.







In conclusion, while circumstantial evidence is indispensable in the pursuit of justice, its application requires meticulous judicial scrutiny and adherence to principles of relevance and materiality. The evolution of legal interpretations and judicial practices will continue to shape the role of circumstantial evidence in criminal procedure law, balancing the quest for material truth with the need for legal certainty and fairness.

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