

## ***Testimonium De Auditu* as a Basis for Judge's Considerations in Deciding Immoral Criminal Cases**

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DOI: <https://doi.org/10.37729/amnesti.v5i2.2850>

*Submitted: Juni 2023*

*Revision: Juli 2023*

*Accepted: Agustus 2023*

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### **ABSTRACT**

**Kata Kunci:**  
*Witness  
Testimony,  
Testimonium  
De Auditu,  
Judge's  
Considerations*

The provisions of the Criminal Procedure Code (KUHP) regulate limitations on evidence and witness testimony. The birth of Constitutional Court Decision Number 65/PUU-VIII/2010 has expanded the meaning of witness testimony to witnesses who do not have to hear, see, and experience directly a criminal event. However, this still shows the vagueness of the *testimonium de auditu* testimony witnesses, thus causing differences in perceptions for law enforcement officials in criminal proceedings. The purpose of this study is to determine the basis for judge's considerations in deciding immoral crimes based on the existence of *testimonium de auditu* witness testimony in the evidentiary process. The method used in this study is juridical normatif with a case approach and a statute approach. The data used were sourced from laws, articles, books, and other legal materials relevant to this study. The results of this study show that the position of *testimonium de auditu* in the Criminal Procedure Code can only be used as additional evidence as a guide and the existence of Constitutional Court Decision Number 65/PUU-VIII/2010 is only used as a guideline for judges. However, the existence of *testimonium de auditu* is still used as clue evidence where judges in assessing and constructing the use of *testimonium de auditu* are adjusted to the provisions of Article 185 paragraph (6) of the Criminal Procedure Code based on the conditions of formil and material requirements including in deciding cases of immoral crimes.

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### **ABSTRAK**

**Keywords:**  
Keterangan  
Saksi,  
Testimonium  
De Auditu,  
Pertimbangan  
Hakim

*Ketentuan dalam Kitab Undang-Undang Hukum Acara Pidana (KUHAP) mengatur batasan mengenai alat bukti dan keterangan saksi. Lahirnya Putusan Mahkamah Konstitusi Nomor 65/PUU-VIII/2010 telah memperluas makna dari keterangan saksi menjadi saksi yang tidak harus mendengar, melihat, dan mengalami langsung suatu peristiwa pidana. Namun, hal tersebut masih menunjukkan ketidakjelasan mengenai keterangan saksi testimonium de auditu, sehingga menimbulkan perbedaan persepsi bagi aparat penegak hukum dalam beracara pidana. Tujuan dalam penelitian ini adalah untuk mengetahui dasar pertimbangan hakim dalam memutus tindak pidana asusila berdasarkan keberadaan keterangan saksi testimonium de auditu dalam proses pembuktian. Metode yang digunakan dalam penelitian ini yaitu yuridis normatif dengan pendekatan kasus (Case Approach) dan pendekatan perundang-undangan (Statute Approach). Data yang digunakan bersumber dari Undang-Undang, Artikel, Buku, dan bahan hukum lain yang relevan pada penelitian ini. Hasil dari penelitian ini menunjukkan bahwa kedudukan testimonium de auditu dalam KUHAP hanya dapat dijadikan sebagai alat bukti tambahan sebagai petunjuk dan adanya Putusan Mahkamah Konstitusi Nomor 65/PUU-VIII/2010 hanya dijadikan pedoman saja bagi hakim. Akan tetapi, keberadaan testimonium de auditu tetap dijadikan alat bukti petunjuk dimana hakim dalam menilai dan mengkonstruksikan penggunaan testimonium de auditu disesuaikan dengan ketentuan Pasal 185 ayat (6) KUHAP dengan berdasar syarat formil dan syarat materiil termasuk dalam memutus perkara tindak pidana asusila.*

## 1. INTRODUCTION

In the implementation guidelines of the Criminal Procedure Code (KUHAP), it has been explained that the criminal procedural law has the purpose of seeking and obtaining the truth, or at least approaching to the material truth. To obtain the material truth, an evidentiary process is needed (Hakim, 2019).

Evidence is a provision that provides an outline and guidelines about the methods that allowed by law in proving the defendant's guilt (Setiamandani, 2012). In the evidentiary process, the judge may not impose a sentence on someone unless there are at least two valid means of evidence, this is in accordance with Article 183 of the Code Criminal Procedure.

As formulated in Article 184 paragraph (1) of the Criminal Procedure Code which states that the evidence that is considered valid is witness testimony, expert testimony, letters, instructions, and testimony of the defendant. The placement of witness testimony as evidence is placed in the most important position, because the perpetrator in committing a criminal act

tends to always try to eliminate the tools he used in committing the criminal act. Thus, it is necessary to have witness testimony who knows the criminal event at the scene of the crime.

In relation to Article 1 number 27 of the Criminal Procedure Code, that witness testimony is one of the evidence in the form of testimony about a criminal event that he heard, saw, and experienced himself by stating the reasons for his knowledge. However, a person's testimony cannot always be considered as witness testimony. As emphasized in Article 185 Paragraph (5) of the Criminal Procedure Code, witness testimony that is not valid as evidence is testimony obtained from other people or *testimonium de auditu*. So that the existence of *testimonium de auditu* witnesses presented in the trial can only be used as additional or indirect evidence in the form of clues, whose assessment and consideration can be submitted to the judge (Prameswari et al., 2015).

The birth of the decision of the Constitutional Court (MK) in its decision Number 65/PUU-VIII/2010 has had the effect on expanding the definition of witness testimony to be a witnesses who do not have to see, hear, and experience a criminal event (Destiana & Yulianti, 2021). However, this still shows that there is a lack of clarity regarding the *testimonium de auditu* witness testimony, which can lead to multiple interpretations for law enforcement officials in criminal proceedings.

There is an immoral crime case contained in the Criminal Court Decision Number 40/Pid.Sus/2022/PN.Mgl, which is one of the decisions in which the judge considers *testimonium de auditu* as evidence. The existence of that decision is certainly somewhat deviated from the Criminal Procedure Code, because the existence of witnesses who did not see or hear the events directly, in the Criminal Procedure Code can not be a valid evidence.

## **2. RESEARCH METHODS**

This research is a normative legal research that uses a case approach and a statute approach. In this research, the technique of collecting primary, or secondary legal materials, was carried out using literature study techniques (Soekanto & Mamudji, 2003). The primary and secondary legal materials in this research were analyzed by syllogism methods and deductive mindsets. The presentation carried out in this study is by concluding from a general discussion in the form of provisions in the Criminal Procedure Code and the Constitutional Court Decision Number 65/PUU-VIII/2010 to a more specific

discussion in the form of judge's considerations in making *testimonium de auditu* as evidence in deciding immoral crimes.

### 3. RESULTS AND DISCUSSION

#### 3.1 *Testimonium De Auditu* in Court Decisions in Indonesia

The existence of *testimonium de auditu* in the trial process, the judge refers to the Constitutional Court Decision Number 65/PUU-VII/2010. The decision states that the witness presented in the trial does not have to be someone who directly hears, sees, and experiences a criminal incidents. The application of the law regarding *testimonium de auditu* contained in several decisions in Indonesia, including the following:

- 1) Decision of the Menggala District Court Number 40/Pid.Sus/2022/PN.Mgl, where the Defendant Paidi was involved in the crime of sexual intercourse against children. The Public Prosecutor (JPU) presented four witnesses in this verdict, the first witness was the victim who was involved in the incident, while the other three witnesses were the victim's mother and the victim's two older brothers who only knew about the incident from the victim's story. The judge in considering his decision, used the *testimonium de auditu* witness testimony as an extension of the meaning of the witness stipulated in the Constitutional Court Decision Number 65/PUU-VII/2010 to convict the defendant;
- 2) Supreme Court Decision Number 2179/K/Pid.Sus/2009, in which Defendant Sulaeman has repeatedly committed immoral crimes against to a child. In this case, the prosecutor presented *testimonium de auditu* witness testimony, they were witness Muhammad Nurin, witness Sumarni, and witness Jumriana. The judge stated that the Defendant Sulaeman had been legally and conclusively proven guilty based on the existence of witnesses supported by other evidences;
- 3) Decision of the Supreme Court (MA) in the Judicial Review (PK) Number 193 PK/Pid.Sus/2010. It was explained that the Supreme Court's decision essentially accepted the testimony of Amintas Lumban Raja Bin D. Lumban Raja, witness Anis Sirait Binti Ahiya Sirait, witness Dyah Ariani Pudjilestari Binti Soedjadi, and witness Ucok Sabar Lumban Raja Bin Amintas Lumban Raja which was used as one of the evidence. The presence of these witnesses was not a direct witness who heard, saw, and experienced the incident, but the testimony was obtained from the testimony of the victim witness, Farida

Lumban Raja. Therefore, such witness testimony can be categorized as a *testimonium de auditu*.

In the author's view, there is a fact that the use of *testimonium de auditu* witness testimony after the Constitutional Court Decision Number 65/PUU-VIII/2010, it was found that there were several Supreme Court Decisions and Court Decisions below, which made the Constitutional Court's decision as a guideline for the use *testimonium de auditu* witness testimony as evidence in the trial process. The Supreme Court as the highest authority does not provide guidelines in clear directions and instructions for criminal cases related to *testimonium de auditu* witness testimony (Anda, 2022).

The lack of clear policies and guidelines for the use of *testimonium de auditu* in the judicial system in Indonesia has led the need for regulations that can resolve the issue of using *testimonium de auditu* regarding the value and evidentiary power as evidence, so that it can be used effectively at the stage of investigation, prosecution, to the trial stage (Situmorang, 2020).

### **3.2 The Position of *Testimonium De Auditu* Witnesses as Evidence in Criminal Trials**

#### **3.2.1 *Testimonium De Auditu* Based on the Provisions of the Criminal Procedure Code**

Law Number 8 of 1981 concerning the Criminal Procedure Code has set limits related to evidence in the trial process (Leasa, 2019). The provisions of the article explain that valid evidence in court is regulated in Article 184 paragraph (1) of the Criminal Procedure Code, which consists of witness testimony, expert testimony, letters, instructions, and testimony of the defendant. The use of witness testimony is also always used as a basis by judges in finding the material truth of a criminal event (Harahap, 2015). As stated in Article 1 number 26 and 27 of the Criminal Procedure Code. In Article 1 number 26 explains that the presence of witnesses is very necessary to provide information at the level of investigation and prosecution in court hearings. In another word, that everyone can be used as a witness and asked for testimony without having to look at the status of the person such as the testimony of the suspect or defendant (Kawengian, 2016).

Meanwhile, those mentioned in Article 1 number 27 of the Criminal Procedure Code regarding witness testimony are :

*"Witness testimony is one of the evidence in criminal cases in the form of statement from witnesses regarding a criminal event that he heard himself,*

*saw for himself, and experienced himself by stating the reasons for his knowledge”.*

The formulation mentioned above explains that information about all matters sourced from outside these requirements, cannot be said to have evidentiary power or value in the use of witness testimony evidence (I. K. Putri, 2016).

Furthermore, when viewed from the point of view of judicial practice, the existence of witness testimony to be assessed in evidence must fulfill several conditions as follows (Ipol, 2015):

1. Formiil Requirements

*First*, basically a person's testimony given in court proceedings is based on an oath or promise based on his religion. *Second*, in accordance with the explanation of Article 185 paragraph (2) of the Criminal Procedure Code, if there is only one witness, then this aspect is considered insufficient to show that the defendant committed the criminal act as charged to him.

2. Material Requirements

Material requirements can be inferred from the relationship between the provisions of Article 185 paragraph (1) and Article 1 number 27 of the Criminal Procedure Code, which in Article 185 paragraph (1) states that "*Witness testimony as evidence is about everything that the witness states at the court hearing*". The meaning of the provision only limits the understanding of witness testimony as evidence, namely what the witness stated in the trial.

In the application of criminal evidence, a testimony obtained by hearing stories or words from other people about a criminal event is commonly referred to as *testimonium de auditu*. *Testimonium de auditu* can also be referred to as testimony or indirect evidence, because it has similarities with gossip or rumors (Fuady, 2012).

Wirjono Prodjodikoro explained that in the use of *testimonium de auditu* there are still things that need to be considered, namely, when there are witnesses who claim to have heard of a criminal event from other people, such testimony cannot always be dismissed casually. This situation is possible because hearing about criminal events originating from other people may be useful for the preparation of a series of evidence against the defendant (Bustamam, 2021).

According to the law, *testimonium de auditu* cannot be considered as evidence, but *testimonium de auditu* still has value as additional evidence in the

form of clues that can strengthen other evidence and can justify the facts obtained using other valid evidence.

Therefore, the main focus in using *testimonium de auditu* as evidence is the extent to which the testimony of witnesses who did not hear or see the criminal event can be trusted. If the trial judge assesses or believes that the *testimonium de auditu* witness testimony is reasonable enough to be believed, then the testimony can be considered as evidence in the trial process (Wangke, 2017).

### **3.2.2 The Position of *Testimonium De Auditu* Witnesses after the Constitutional Court Decision Number 65/PUU-VIII/2010**

The position of the *testimonium de auditu* witnesses after the Constitutional Court Decision Number 65/PUU-VIII/2010, certainly has an impact on the definition of a witnesses and the witness testimony to be someone who he does not always have to hear, see, and experience a criminal event himself, the most important thing is that the statements stated by the witness has relevance to the testimony of other witnesses (Supriyanta & Kusumo, 2021).

According to legal expert Munir Fuady regarding relevance, if it is related to evidence, it is an evidence tool which in its use in the trial process is more likely to make the facts being revealed clearer than if the evidence is not used (Fuady, 2012). With the Constitutional Court Decision Number 65/PUU-VIII/2010, the existence of *testimonium de auditu* witnesses is included in the classification of witnesses that have been regulated in Article 1 number 26 and 27 of the Criminal Procedure Code and is considered to have evidentiary power as valid evidence (Agusta & Umara, 2022).

However, the existence of Constitutional Court Decision Number 65/PUU-VIII/2010 cannot necessarily remove or set aside Article 185 paragraph (5) of the Criminal Procedure Code. Thus, Constitutional Court Decision Number 65/PUU-VIII/2010 can only be used as a guideline for judges when examining testimony obtained from other people. The existence of the Constitutional Court Decision Number 65/PUU-VIII/2010 cannot change the status of the *testimonium de auditu*, and the position of the *testimonium de auditu* is still considered only as clue evidence, not as witnesses, because their testimony must be supported by other valid evidence. Therefore, the position of the *testimonium de auditu* witnesses cannot stand alone. The testimonies in *testimonium de auditu* can only be used as a judge's consideration if the statement has relevance to other fact witnesses (M. Putri et al., 2019).



### 3.2.3 Reasons for Judge's Consideration in Deciding Immoral Crimes Based on *Testimonium De Auditu*

Judges are state court law enforcers who are authorized by law to adjudicate cases as stipulated in Article 1 paragraph (8) of the Criminal Procedure Code. Therefore, the judge is seen as a figure who is trusted by the community in adjudicating correctly and fairly in a case that befalls the community.

Indeciding a case based on the theory of negative evidence, the judge must first refer to the laws and regulations related to the mechanism of holding the trial (Takasihaeng, 2013). In the implementation of the evidentiary process, it is necessary to present witnesses, expert witnesses, letters, instructions, and testimony of the defendant, as regulated in Article 184 paragraph (1) of the Criminal Procedure Code. In addition, this negative evidence theory also explains that in addition to believing in legal rules regarding evidence, judges can also use their beliefs in deciding a case.

In the event that there is a witness who is considered to have no legal certainty stipulated in the Criminal Procedure Code, such as *testimonium de auditu*, then in deciding a case, if it is returned to the theory of negative evidence, the judge cannot make the testimony of the *testimonium de auditu* as the only information that is considered true and valid, because there is no legal basis for this (Septiyanti & Sulchan, 2020).

The existence of *testimonium de auditu* cannot stand alone that will convince the judge between the witness and the beliefs. Although this has been regulated by the Constitutional Court and in the Criminal Procedure Code can be used as a guide, the existence of the *testimonium de auditu* must be juxtaposed and tested with other evidence in the trial. So that the judge based on his beliefs, he can juxtapose it negatively in the evidentiary process.

Regarding the application of law to judge's decisions, there are juridical and non-juridical considerations contained in a decision, these foundations are (Karisa, 2020):

1. Juridical Considerations

The existence of legal facts that arise and revealed in a trial will serve as the basis for the formation of juridical considerations by the judge. The law requires this as the main thing that must be contained in a decision. These are the charges of the Public Prosecutor (JPU), the testimony of the



defendant, the testimony of witnesses, evidence presented at the trial, and the conformity with provisions of the articles in criminal law regulations.

## 2. Non-Juridical Considerations

The judge's consideration is based on the discovery of non-juridical facts arising in the trial, which are then included into aggravating or mitigating matters based on:

- a. Defendant's Background;
- b. Consequences of the defendant's actions;
- c. Personal condition of the defendant;
- d. Religion of the defendant.

The component that must be considered by the judge in making a decision is the witness testimony. The position of witness testimony is placed as the most important consideration. The testimony stated by the witness will be categorized as evidence if the information relates to a criminal event which he heard, saw, and experienced himself, and the information must be conveyed in court by taking an oath (Haris et al., 2019).

In terms of the validity of testimony given at trial, witness testimony must be in the form of true testimony based on his own consciousness supported by reasons of knowledge that have a connection with the criminal act being examined. In addition, the witnesses used must consist of at least two witnesses (Marwanti, 2015).

If it is related to the case of immoral crimes, where not everyone knows the act, then the existence of *testimonium de auditu* witnesses can be used as additional evidence if the judge has a logical reason (*rational*) to decide the case (Imron & Iqbal, 2019). However, the judge has no attachment to the *testimonium de auditu* witness testimony, because the judge can set aside the testimony by giving logical legal reasons and based on strong arguments. Thus, the existence of *testimonium de auditu* can be accepted by the judge on the grounds that the testimony submitted has relevance to the facts of the criminal incident and or with reasons of an exceptional basis to accept it (Eddyono, 2017).

The application of the judicial system in Indonesia can recognize the existence of *testimonium de auditu* exceptionally (exception), namely by recognizing *testimonium de auditu* as evidence on the basis that is exceptionally justified in *common law* (Septiningsih et al., 2020). For example, if there is a witness to the fact of a criminal event who dies and previously the witness has not told the criminal incident he saw or heard to other people, then in this case

the existence of *testimonium de auditu* can be exceptionally accepted as evidence. However, the provision for the acceptance of *testimonium de auditu* exceptionally can only be recognized as evidence if the formal requirements by carrying out an oath on the testimony have been fulfilled (Asmuni, 2014).

The testimony witnesses of *testimonium de auditu* can be recognized only as indirect evidence, namely by making it clue evidence. If so, then the evidence has the same strength as that stipulated in the Criminal Procedure Code, namely the evidentiary power of evidence is free, not bound. Therefore, the judge in assessing the clue has the freedom to draw conclusions about the defendant's guilt based on the information that has been described by the witness *testimonium de auditu* in the trial. However, if the judge does not make a final decision after receiving valid evidence, the judge cannot decide that the defendant is found guilty of that incident or crime.

#### 4. CONCLUSIONS

Legal provisions regarding the position and assessment of witness testimony evidence have been regulated in the Criminal Procedure Code, where testimony obtained from other people or *testimonium de auditu* is not acceptable in evidence. This has been adjusted to the rules of Article 185 paragraph (5), because the existence of *testimonium de auditu* is considered contrary to the rules of Article 1 paragraph (27) of the Criminal Procedure Code. The status of the *testimonium de auditu* witnesses here can only be used as an additional evidence in the form of clues which must still be adjusted to other witnesses, namely fact witnesses. The birth of Constitutional Court Decision Number 65/PUU-VIII/2010 in emphasizing the expansion of the definition of witnesses, does not necessarily remove or set aside Article 185 paragraph (5) of the Criminal Procedure Code, so that the decision can only be used by the judge as a guide when examining the existence of *testimonium de auditu* in court. That means that the position of the *testimonium de auditu* witnesses is still considered as clue evidence only. When assessing and constructing the use of *testimonium de auditu*, the judge must refer to the provisions of Article 185 paragraph (6) of the Criminal Procedure Code regarding the correlation between witness testimony and other evidence. In the context of immoral crimes, where not everyone is aware of the crime, the presence of *testimonium de auditu* witnesses can have the opportunity to be used as additional evidence if the judge has a reasonable reason to decide the case with the fulfillment of formal and material

requirements related to the strength of *testimonium de auditu* witnesses as evidence in criminal cases.

## REFERENCES

- Agusta, M. A., & Umara, N. S. (2022). Construction of Proof of De Auditu Testimonial Witness as a Tool of Evidence in the Post Constitutional Court's Criminal Justice System (Analysis of Decision Number: 93/Pid.B/2013/PN.TK). *Al-Qisth Law Review*, 6(1), 130–155.
- Anda, A. (2022). The Juridical Review of Legal Position of Witness Testimonium De Auditu in the Criminal Justice System. *Ratio Legis Journal*, 1(2), 82–91.
- Asmuni, A. (2014). Testimonium De Auditu Telaah Perspektif Hukum Acara Perdata Dan Fiqh. *Jurnal Hukum Dan Peradilan*, 3(2), 191–202. <https://doi.org/10.25216/jhp.3.2.2014.191-202>
- Bustamam, A. (2021). Penolakan Saksi Testimonium De Auditu sebagai Alat Bukti dalam Putusan Mahkamah Syariah Aceh Nomor 7/JN/2021/MS Aceh. *LEGITIMASI: Jurnal Hukum Pidana Dan Politik Hukum*, 10(1), 85–108. <https://doi.org/10.22373/legitimasi.v10i1.10519>
- Destiana, E. S., & Yulianti, S. W. (2021). Telaah Nilai Pembuktian Dan Kekuatan Pembuktian Atas Perluasan Keterangan Saksi Testimonium De Audit. *Verstek*, 9(2), 262–271.
- Eddyono, S. W. (2017). *Kompilasi Putusan Mahkamah Konstitusi dan Perubahan Kitab Hukum Acara Pidana (KUHAP) Indonesia*. Institute for Criminal Justice Reform.
- Fuady, M. (2012). *Teori Hukum Pembuktian Pidana dan Perdata*. Citra Aditya Bakti.
- Hakim, L. (2019). *Asas-Asas Hukum Pidana*. CV Budi Utama.
- Harahap, Y. (2015). *Pembahasan Permasalahan dan Penerapan KUHAP Pemeriksaan Sidang Pengadilan, Banding, Kasasi, Dan Peninjauan Kembali*. Sinar Grafika.
- Haris, O. K., Hidayat, S., & Dasinglolo, H. R. (2019). Ratio Decidendi Terhadap Penetapan Alat Bukti Dalam Tindak Pidana Korupsi. *Amanna Gappa*, 27(1), 1–13.
- Imron, A., & Iqbal, M. (2019). *Hukum Pembuktian*. Unpam Press.
- Ipol, T. (2015). Keterangan Seorang Saksi Tidak Cukup Untuk Membuktikan Terdakwa Bersalah (Kajian Pasal 185 KUHAP). *Lex Crimen*, IV(7), 105–115.
- Karisa, I. A. (2020). Analisis Pertimbangan Hakim Dalam Penjatuhan Pidana

- Terhadap Tindak Pidana Pencabulan Oleh Anak. *Verstek*, 8(1), 157–167. <https://doi.org/10.20961/jv.v8i1.39623>
- Kawengian, T. A. (2016). Peranan Keterangan Saksi sebagai Salah Satu Akat Bukti dalam Proses Pidana Menurut KUHP. *Lex Privatum*, IV(4), 30–37.
- Leasa, E. Z. (2019). Kekuatan Keterangan Saksi Sebagai Alat Bukti Pada Perkara Kekerasan Dalam Rumah Tangga. *Jurnal Belo*, 4(2), 188–203. <https://doi.org/10.30598/belovol4issue2page188-203>
- Marwanti, L. (2015). *Tindakan Hakim Dalam Menilai Kekuatan Alat Bukti Keterangan Saksi Yang Berbeda Antara Di Depan Penyidik Dengan Dipersidangan*. Universitas Muhammadiyah Surakarta.
- Prameswari, N., Samirah, & Yuliati Sri Wahyuningsih. (2015). Kedudukan Alat Bukti Petunjuk di Ranah Hukum Acara Pidana. *Jurnal Verstek*, 3(2), 1–10.
- Putri, I. K. (2016). Kekuatan Pembuktian Keterangan Saksi Yang Tidak Melihat, Mendengar Dan Mengetahui Secara Langsung Dalam Kekerasan Terhadap Anak Oleh Ibu Kandung (Studi Putusan Nomor 3/Pid.Sus.Anak/2016/Pn.Dps). *Verstek*, 8(1), 174–179.
- Putri, M., Danil, E., & Mulyati, N. (2019). International Journal of Multicultural and Multireligious Understanding Legal Standing of Testimonium De Auditu on Child Sex Crime. *International Journal of Multicultural and Multireligious Understanding*, 6(6), 666–676.
- Septiningsih, I., Kurniawan, I. D., & Putranto, M. A. D. (2020). Juridical Testimony Testimonium De Auditu And Unus Testis Nullus Testis In The Disclosure Of Criminal Offenses To Children. *Veteran Justice Journal*, 2(1), 23–32.
- Septiyanti, S., & Sulchan, A. (2020). Judges Considerations of Criminal Acts Conducted By Adult against Children. *Law Development Journal*, 2(3), 360–367. <https://doi.org/10.30659/ldj.2.3.360-367>
- Setiamandani, E. D. (2012). *Kedudukan Saksi Korban Sebagai Alat Bukti Dalam Darkah Media*.
- Situmorang, N. G. (2020). Kedudukan Hukum (Legal Standing) Keterangan Saksi Testimonium De Auditu Sebagai Alat Bukti yang Sah Para dan Pasca Putusan Mahkamah Konstitusi Nomor: 65/PUU-VIII/2010. *PALAR (Pakuan Law Review)*, 6(2), 101–122.
- Soekanto, S., & Mamudji, S. (2003). *Penelitian Hukum Normatif; Suatu Tinjauan Singkat*. Raja Grafindo Persada.
- Supriyanta, & Kusumo, B. A. (2021). Alat Bukti Keterangan Saksi Dalam

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Perkara Pidana Sesudah Putusan Mahkamah Konstitusi Nomor 65/PUU-VIII/2010. *Research Fair Unisri*, 5(1), 7.  
<https://doi.org/10.33061/rsfu.v5i1.4566>

Takasihaeng, A. (2013). Praktik Peradilan dalam Penerapan Alat-Alat Bukti Menurut KUHP. *Lex Crimen*, II(3), 123–132.

Wangke, A. (2017). Kedudukan Saksi De Auditu Dalam Praktik Peradilan Menurut Hukum Acara Pidana. *Lex Crimen*, VI(6), 146–154.



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