The Importance of The Minimum Limitation of Criminal Proof As The Implementation of The Unus Testis Nullus Testis Principle In Court

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ABSTRACT

A legal evidence and judge's conviction are a crucial requirement in proving a criminal case. In practice, often, due to judge's negligence appraising an evidence, someone was sentenced to violating the law. How is the provision of the minimum limit of proving a crime in court, and How is the strength of the defendant's statement as evidence of a crime base on the principle of unus testis nullus testis? Based on Article 189 (4) of the Criminal Procedure Code, the accused's statement is insufficient to prove a crime. However, in practice, the accused's testimony has been used as the only evidence in deciding the accused's guilt in a criminal case in an Indonesian court. So, a minimum limit is needed in proving a criminal case. Criminal law as an ultimum remedium is not used arbitrarily by law enforcers and guarantees the protection of citizens' human rights as the goal of criminal law.

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1. Introduction

The state is responsible for protecting its citizens, which must be based on the law by providing implementation limits in carrying out this function. A democratic state provides an opportunity for citizens, through their representatives, to shape the boundaries of state power and the rights of citizens that state administrators cannot violate through laws (laws). Indonesian criminal law is formed with the main principle, namely the principle of legality. The negative meaning of this principle is a limitation on the arbitrariness that state administrators can potentially carry out. This also has implications for formal criminal law enforcement (strafprocesrecht). What are the legal ways of enforcing the law so that law enforcers are obliged to follow and seek the truth through the mechanisms regulated in the Criminal Procedure Code as the basis for formal criminal law?

Many experts debate the criminal justice system in Indonesia. Still, the most relevant today is the expert opinion which states the tendency of the Criminal Procedure Code to use the inquisitor system. In this system, the judge must find material truth by examining witnesses and other evidence that can prove the defendant’s actions before the trial. The examination process is carried out with the obligation for the public prosecutor to submit evidence at trial. This aligns with the adagio actor iunctum onus probandi (whoever argues, he must prove). This adage gives the responsibility of the public prosecutor to wisely sue someone in court and prove it so that the defendant has no obligation to prove that he is innocent.¹

The Indonesian Criminal Procedure Code uses the negative wetelijke bewijs theory, which focuses on valid evidence and the conviction of the judge2 to decide the case3. Legal evidence is regulated in such a way in the Criminal Procedure Code as the legal basis for proving criminal cases4. This becomes part of the characteristics of formal criminal law to uphold material justice as true justice5. Because of its nature which limits human rights, the judge needs to explore the truth in court by examining the accused carefully to avoid making a wrong decision to obtain material justice.

Since ancient Rome, the criminal law system has recognized the unus testis nullus testis as a mechanism seen as fair and valid in proving a person's actions before the court. This principle is still used in our justice system, even in modern society in previous decades, which put forward science as validation of truth or our post-modern culture, which tends to see truth as something relative. But this principle is the central core of the evidentiary system to seek truth and justice.

¹ Republic of Indonesia. Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHAP), Article 66.
⁴ Ibid, Article 184.
Judicial practice in Indonesia could have been better, as expected. Judges often do not pay attention when deciding cases so that cases whose evidence is not yet clear are found guilty by the judge. One example of the panel of judges' carelessness in determining a case can be seen in Decision No. 135/Pid.B/2022/PN Pdg, which was strengthened by Decision No. 77/PID/2022/PT Pdg with charges of theft with weighting, the defendant was found guilty. The examination process only brought in two witnesses, not at the locus delicti. The basis for the judge's consideration in deciding the defendant's guilt was only the defendant's statement who admitted his actions. This is prohibited in the Criminal Procedure Code, as Article 189 paragraph (4) stipulated regarding the accused's statement as evidence in court. At the same time, there is a possibility that the defendant is under pressure from law enforcement.

The unclear boundaries also cause this shortage of evidence regarding the minimum criminal proof stipulated in Article 183 of the Criminal Procedure Code, which is an implementation of the principle of unus testis nullus testis. The accused's testimony alone cannot be the only evidence for the judge to conclude a guilty verdict. Other means of evidence are needed to declare someone guilty and convincing in court. This decision can inductively be used as a rationale for reviewing the deficiencies in the criminal justice system in Indonesia regarding the minimum threshold for imposing a guilty verdict in a case criminal.

Therefore, this description is interesting for further study regarding the application (das sein) and normatively (das sollen), where there is a legal vacuum regarding the minimum proof limit in criminal cases in Indonesia. The author identifies several legal issues: 1. What is the minimum limit for proving a crime by implementing the unus testis nullus testis? 2. What is the strength of the defendant's statement as the only evidence of a crime in terms of the principle of unus testis nullus testis?

2. Research Method

The author uses a normative juridical approach, namely responding to legal provisions which are procedurally regulated in the Criminal Procedure Code, the application of the occurrence to the case study of Decision No. 135/Pid.B/2022/PN Pdg and Decision No. 77/PID/2022/PT Pdg, conducts legal comparisons and scientific proposals from legal experts regarding minimum limits of proof and is expected to be used as a reference by legislators and law enforcers. This qualitative research type examines problems with scientific logic, deductive-inductive reasoning, and comparisons of the minimum limit of evidence in court. This research is descriptive by explaining and describing the issues regarding the limits of proof in criminal cases. So that a fair

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6 Article 189 paragraph (4) of the Criminal Procedure Code.
mechanism is obtained to prove criminal acts in the criminal justice system in Indonesia.


3.1. The concept of proving a crime

The thing that must be considered in the law enforcement process is correct evidence. Criminal procedural law, thick with seeking material truth, requires correct methods juridically and logically to prove an event's truth. The concept of proof needs to be understood by truth seekers in the law enforcement process, especially the criminal law regime, which is the ultimum remedium in the formal legal system used as a method of dispute resolution for our modern society today.

This explanation regarding the conception of proof can answer the question, "What can be said as proof?" We will discover how to prove material justice in a case by answering these questions. Hilbert (1930) states, "A proof is a sequence of formulae, each of which is either an axiom of follows from earlier formulae by a rule of inference." Hilbert's opinion is, of course, too mathematical in explaining the proof. While in the Merriam-Webster dictionary, "Proof is the process or an instance of establishing the validity of a statement, especially by derivation from other statements following principles of reasoning." So, in general, proof can be interpreted as a process to validate an opinion or truth based on principles/reasoning methods.

Proof in criminal procedural law in Indonesia is narrowly defined in terms of the types of evidence that can be presented at trial. The provisions of Article 184 paragraph (1) of the Indonesian Criminal Procedure Code state that only 5 (five) pieces of evidence are admitted at a criminal trial. Then afterward, it was recognized that electronic evidence based on Article 5 Paragraphs (1) and (2) of the ITE Law was in electronic information and documents. However, this evidence is rarely used as evidence in court. This is because the procedure for using electronic evidence still needs to be revised to prove it. This evidence is included in the law due to the evidentiary system in criminal procedural law in Indonesia, which uses a negative wetteijke system.

The wettelijke negative proof system allows for clear proof with various means of evidence regulated by law as a form of legal certainty regarding the valid proof. Furthermore, by considering the conscience of a judge as a seeker of truth in deciding a criminal case. So the judge can assess whether the perpetrator can be sentenced or not. Proof of law (wettelijke) that judges in criminal cases must prove is a form of

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checks and balances in deciding a case so that the judge is not arbitrarily imposing a sentence without clear evidence. Moreover, it can free someone innocent from the bondage of the law. In simple terms, it can be formulated as follows:

Valid evidence + judge's conviction = sentencing

So that these two elements must be fulfilled when the judge decides the defendant's guilt, the absence of one of these elements has implications for the acquittal of the accused from prosecution\(^{11}\). Elements of valid evidence must be proven to obtain a judge's conviction. However, the limitation regarding this proof needs to be contained in the laws and regulations in Indonesia. Article 183 of the Criminal Procedure Code only explains that there must be 2 (two) valid pieces of evidence to obtain a judge's conviction. This can be interpreted into two meanings, between the two cumulative meanings of evidence in a case or two optional pieces of evidence for each of the facts in the series of events in that case.

The tendency of the evidentiary system used by the judiciary in Indonesia can be seen in the guilty verdict, that the defendant is legally and convincingly proven guilty of committing a crime. This is regulated in Article 193 of the Criminal Procedure Code, "If the court believes that the defendant is guilty of committing the crime for which he was charged, then the court imposes a sentence." Then regarding the authority of judges in deciding cases is also stipulated in Article 6 of the Judicial Powers Law, "No one can be sentenced to a crime, unless the court, because of valid means of proof according to law, gets the conviction that someone who is considered to be responsible, has been guilty of the acts he is accused of." This can be interpreted negatively, that the judge must have a basis of consideration based on valid means of proof according to the law as the basis for his conviction to decide someone's guilt before the court. This proves that the negative wettelijke system is a proof system adopted in Indonesia.

The fundamental conception of the evidentiary system in criminal justice in Indonesia rests on the provisions of Article 183 of the Criminal Procedure Code, which are the conditions that must be met in deciding someone's guilt before a court. These conditions are cumulative conditions that must be fulfilled in total, namely: (1) the presence of 2 (two) legal evidence and (2) the judge's conviction of the perpetrator's guilt. However, in the criminal justice system in Indonesia, these two pieces of evidence as the main prerequisites in deciding someone's guilt are not given proportional limits regarding the proof of the events when a crime occurs. So that judges often ignore justice to provide punishment for defendants who are likely to be

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\(^{11}\) Article 191 KUHAP.
under pressure from law enforcement to admit actions they did not necessarily commit. This loophole is often used by law enforcement to punish someone innocent. This, of course, dramatically offends the sense of justice that should be upheld in our judiciary.

3.2. Proposal for Mathematical Orrobability as Standards of Proofs

According to experts, the law has three foundations that need to be considered in the law enforcement process: justice, certainty, and expediency. Legal certainty is a concept that distinguishes law from other social sciences or humanities. Law becomes close to the exact sciences that seek certainty and rational patterns in our social life, making it have a distinctive characteristic that distinguishes it from other social sciences. However, only some legal experts in Indonesia use exact science as an auxiliary science in explaining and developing our legal theory. Meanwhile, legal experts in western countries have begun to submit proposals regarding using mathematical methods in legal science.

In the context of criminal law, evidence is an essential part of the proceedings in court. This is because the aim is to seek the truth about an act of the accused. Essentially in the criminal law enforcement process, there is a question, "Did the defendant commit the act he was charged with?" This central question forms the basis of the entire criminal law enforcement process. Then it will be answered in the decision that a person is "proven guilty" or "not proven guilty," even though there is another option in the form of an acquittal (ontslag van alle rechtsvervolging).12 This is also based on the objective of criminal procedural law, which seeks material truth to hold the accused accountable for his actions.13

We will look inductively at previous research regarding the position of scientific evidence in environmental matters. This is the best example of how scientific evidence and the closeness of exact and natural sciences prove in court. Environmental crimes are very close to elements of a causal relationship (cause and effect) which are difficult to prove by ordinary people. This is also related to proving the influence of chemicals on pollution. So it is necessary to examine the formal requirements (permits, AMDAL) more deeply, research polluted locations, and analysis regarding the influence of business activities on pollution. The Supreme Court issued a decision regarding expanding evidence in environmental cases to make it easier for judges to see and decide on environmental cases.

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12 *Ibid*, KUHAP, Article 191 Paragraph (2)
14 Supreme Court. Supreme Court Decision No. 36/KMA/SK/II/2013 concerning Enforcement of Guidelines for Handling Environmental Cases.
This study concluded that scientific evidence extends environmental protection and management law evidence in anticipation of legal rigidity. This is also in line with the limitations on valid evidence in court in the Criminal Procedure Code. Then the concept of scientific evidence becomes the starting point for the transformation of legal evidence in courts in Indonesia. This is logically acceptable because scientific evidence is the most scientific method, valid, up-to-date, and recognized by experts. Even in scientific circles, validating the truth of the rebuttal is needed logically and scientifically to refute a truth.

Legal science needs to use tools in the form of other sciences in seeking justice as its noble task. Jurisprudence cannot be confined to a science that looks at aspects of life seeking justice only within the social sciences/humanities framework. However, you have to open your eyes by looking at scientific methods recognized for their stability and certainty. This logic should be acceptable to legal experts.

Kaplan once used the scientific method in the United States (US) Supreme Court proceedings. The US Supreme Court rejected his proposal, but it was considered a breakthrough in the justice system. Beyond a Reasonable Doubt is the evidentiary standard required to validate criminal convictions in most adversarial legal systems. Kaplan submitted a proposal regarding the probabilistic threshold, which illustrates interpreting the standard of proof. Kaplan focuses on disability as an avoidant tendency to punish the accused. In criminal law, there are only two choices: to convict or acquit the accused. In criminal cases, decisions must be made to convict, where the expected disutility from acquittals is greater than the expected disutility from guilty verdicts. This aims to minimize the expected disutility. This can be formulated as follows:

$$P \cdot \text{Dag} > (1 - P) \text{Dci}$$

P is the probability that the defendant is guilty based on all the evidence presented in the case. Dag is a disutility to acquit someone guilty. And Dci is a disutility to punish innocent people. In this approach, a person should be punished for his actions only if P is more significant than:

$$\frac{1}{1 + \frac{\text{Dag}}{\text{Dci}}}$$

In this formula, the vital thing in the standard of proof is the ratio of the two disabilities (Dag and Dci). Dci is considered to be much bigger than Dag\textsuperscript{18}. Therefore, the probability threshold for a conviction proposed by Kaplan must be much higher than 0.5 to determine a person guilty or acquitted.

Because the utility depends on individual circumstances regarding the crime's seriousness and the sentence's severity, the probability threshold must vary from case to case. In other words, standards of proof must be flexible or floating so that this view is considered problematic due to the emergence of uncertainty regarding the probability threshold.

Then Cohen proposes a standard of proof that must be understood as a matter of weight of proof. He explains legal fact-finding in terms of inductive probability by Francis Bacon and J.S. Mill. This probability is based on generalizing logic to validate relevant inferences. So that, beyond a reasonable doubt, represents the maximum level of inductive probability.

The use of mathematical models in providing proof standards is still being developed better with various debates conducted by experts. Nevertheless, the mathematical model presented above is a proposal that has yet to mature to be implemented in court. Moreover, developing this mathematical model is more relevant in an adversarial system where the parties must fight over the evidence of the examined case. So that the parties, both the public prosecutor and the defense (defendant), have an equal position in court and will produce a probability value that has a slight difference to being convicted or acquitted.

Indonesia, which uses the inquisitor system, can carry out comparative studies by using scientific logic in providing limits/standards of evidence in deciding a defendant's guilt. In a civil law legal system that upholds legality and legal certainty, these limits need to be regulated more clearly for fairer law enforcement. This can be done in different ways. By using mathematical logic in the form of an algorithm to prove each matrix that is arranged in such a way as to achieve certainty over precise, clear, and actual proof. The inquisitor system adopted in Indonesia can provide more limits on proof.

3.3. Case study Decision No. 135/Pid.B/2022/PN Pdg and Decision No. 77/PID/2022/PT Pdg

This study uses examples of cases of weighted theft regulated in Article 363 of the Criminal Code. Case in Padang District Court Decision No. 135/Pid.B/2022/PN Pdg is based on the provisions of Article 183 of the Criminal Procedure Code, which until now have not been regulated. As the author has explained in the introduction, a crime is an

\textsuperscript{18} As acknowledged by Judge Harlan in the case of In Re Winship at the US Supreme Court, 1970, 397 U.S. 358, 371-271. In the legal adage that we know that, “it is better that ten guilty people be acquitted, than one innocent person be punished.”
event that has a series of events. So it is only natural that some experts give the term ‘criminal incident’ to explain strafbaarfeit in criminal law works in Indonesia.

An event is an action with a flow of events, from the beginning, the process of action, until the completion of the action or the modus operandi. During the examination before the court, the defendant admitted his actions. However, there is no other evidence that can support his actions. Moreover, the panel of judges found the defendant guilty with the evidence of 2 (two) witnesses who were not at the scene of the incident. During the settlement of this case, the defendant was arrested at his home without any solid evidence. It is only in the form of a 3 kg LPG gas cylinder, which cannot be used as evidence logically because these objects are commonplace in every home.

In this case, the witness at the trial was not in locus delicti at the time of the incident. So the entire flow of events needs to be clear and proven. Moreover, there is a possibility that there will be pressure from law enforcement officials to force the defendant to confess to these actions during the detention period. The defendant was charged with Article 65 paragraph (1) of the Criminal Code or Concorsus Reals. However, Article 65 is only proven by the defendant's testimony, who admits that the act was continued at different times.

<table>
<thead>
<tr>
<th>Trial Facts</th>
<th>Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>The defendant preyed on Witness Resti's boarding house window.</td>
<td>Defendant's Statement</td>
</tr>
<tr>
<td>The defendant entered the boarding house through Witness Resti's window.</td>
<td>Defendant's Statement</td>
</tr>
<tr>
<td>The defendant took an LG brand TV, a 3 KG green gas cylinder, and 1 (one) white shirt and took it to the defendant's house on Thursday, November 4, 2021, at 02. WIB.</td>
<td>Defendant's Statement</td>
</tr>
<tr>
<td>At 13.30 WIB, Defendant sold the goods to an unknown flea dealer for Rp. 38,000</td>
<td>Defendant's Statement</td>
</tr>
<tr>
<td>The defendant re-entered Witness Resti's boarding house on November 8, 2021, around 02.30 WIB.</td>
<td>Defendant's Statement</td>
</tr>
</tbody>
</table>
The defendant took 1 (one) fan, 1 (one) 12 kg gas cylinder, and 1 (one) white circle shirt.

<table>
<thead>
<tr>
<th>Defendant's Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>The defendant sold the fan for Rp. 138,000</td>
</tr>
</tbody>
</table>

Table 1 Trial Facts and Evidence in the Akhbar Case

The testimony of the witness presented at the trial did not explain what happened other than that the belongings of the witness-victim (Witness Resti) were lost after he returned to his boarding house on November 8, 2021.

The deficiencies contained in the provisions of Article 183 of the Criminal Procedure Code provide injustice to the defendant because there is no clear and unmistakable evidence for his actions, and is only proven by the defendant's statement. After an appeal was made at the Padang High Court, the judge upheld the Padang District Court decision, even though it reduced the defendant's sentence to 1 (one) year. Uncertainty regarding the 2 (two) valid pieces of evidence and how this is implemented in proving a crime makes the Indonesian criminal justice system not have clear standards regarding the minimum limits of proving the actions of someone charged in court—the provisions of Article 183 and the provisions of Chapter. XVI section four of the Criminal Procedure Code regarding Evidence does not provide clear boundaries as to whether these 2 (two) legal pieces of evidence constitute cumulative evidence for the entire course of the defendant's actions as charged by the public prosecutor. Alternatively, 2 (two) pieces of evidence must be present in each course of events to prove the defendant's actions. Of course, this cannot be explained only by cumulatively 2 (two) pieces of evidence for complex criminal cases. However, clear evidence is needed at the stages of the criminal act to explain and prove that the incident occurred and was carried out by the defendant to obtain a fair decision.

4. Strength of Defendant's Statement as Evidence of a Criminal Act

Criminal procedural law is a sub-section of the criminal law regime that restricts human rights. So that the principle of lex scripta, lex certa, lex stricta must become a fundamental principles in court proceedings, especially in matters of proof. The criminal justice process is the most complicated process among other settlements. However, this goal is based on the postulate that must be upheld, in criminalibus, probationes bedent esse luce clariores, which means that in a criminal case, the evidence must be brighter than light.
However, in the *negative wettelijke bewijs theory system* adhered to in the Criminal Procedure Code, Indonesia's criminal procedural law limits what can be used as evidence in court. These provisions are regulated in Article 184, paragraph (1) of the Criminal Procedure Code. The limitation regarding the evidence is implementing the principle of legality to guard against the arbitrariness of law enforcers and protect human rights. However, this limitation complicates the examination process with the possibility of false testimony or evidence being presented at trial. Or law enforcers' negligence in finding evidence to prove the defendant's actions.

The evidence regulated in the Criminal Procedure Code is common in various judicial systems worldwide. The provisions of Article 184 paragraph (1) of the Criminal Procedure Code regulate legal evidence that can be submitted during an examination at trial. Witness testimony is evidence that he saw, heard, and knew a fact that happened to him. Generally, it can be recognized as evidence of the defendant's actions. Then, the expert's statement provides an understanding of scientific expertise of a phenomenon that occurs and scientific evidence on scientific facts in a series of events in a crime. The letter is part of the evidence that can provide legality for an act of the defendant. This evidence can be in the form of minutes and other letters in an official form before an authorized public official, a letter made according to statutory regulations, a statement from an expert containing an opinion, and other letters which can only be valid if they relate to other evidence. Clues are actions, events, or circumstances that can be used as evidence of the truth of an event.

However, the Criminal Procedure Code only limits the sources of evidence to witness statements, letters, and statements of the accused. Regarding the truth of the instructions, it becomes the authority of the judge to determine the truth. "The defendant's statement alone is not enough to prove that he is guilty of committing the act he was charged with, but must be accompanied by other evidence."

The quote from Article 189, paragraph (4) above becomes the basis for the examination and evidence at trial. The accused's statement cannot be used absolute to prove that he is guilty. This is, of course, based on the position of the accused, who can give false information or be pressured by law enforcement officials.

The presence of witnesses in examining a case in court to prove a crime is required as evidence. The witnesses' testimony must meet the formal and material requirements, where the witness must be sworn in as a formal requirement. The statement can be used as valid evidence by validating other evidence (statements of other witnesses,

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19 Article 187 KUHAP.
experts, instructions, and the accused). Or in legal science, it is believed that there is a postulate, * unus testis nullus testi s*.

The postulate is the most basic concept of the evidentiary system, which requires 2 (two) valid pieces of evidence to prove facts at trial. This logically validates the truth of a witness's statement with other evidence. With these limits, it can be an initial concept of the minimum limit that must exist in proving a crime.

This principle is also contained in the provisions regarding the mechanism for using evidence in court. Article 185 of the Criminal Procedure Code paragraph (3) requires other evidence to validate the testimony of a witness. And Article 189 paragraph (4) requires validation of the defendant's statement, that his statement alone is insufficient to prove that he is guilty of committing the act he was charged with.

*The unus testis* principle is an essential part of cross-checking the evidence presented at trial to obtain a clear explanation for the actions charged to the defendant. So that the judge cannot pass a guilty verdict without clear evidence of the crime charged. This also maintains the judge’s function at trial in deciding cases from arbitrariness.

In proving a criminal case, the judge must explain the evidence of the accusation of the act charged against the defendant. The legal postulates *Incriminalibus, probationes bedent esse luce clariores* can be used as a basis for proving in criminal cases. It also means that in deciding a case, the evidence submitted must be clear and accurate in proving the accusation. This aligns with the adage *judex debit judicare secundum allegata et probate*, where the judge must decide based on accusations and evidence.

Regarding the clarity in proving an accusation in the discourse regarding the ideal of upholding the law, it is better to release ten guilty people than to punish someone who is not guilty so that no one is punished for something he did not do. Even if the judge doubts the evidence submitted, a favorable decision must be made (*nobiliores et benigniores praesumptiones in dubiis sunt praeferendae*).

Applying the legal principle of * unus testis nullus testis* can be used as a reference for the minimum limit of proving a crime. However, Indonesian laws and regulations have yet to regulate a logical and clear mechanism in more detail. Are the 2 (two) valid pieces of evidence counted cumulatively from the entire series of criminal acts committed by the defendant? Or optionally, regarding the facts in the trial, which are

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22 Ibid.
a series of modus operandi of the perpetrators of criminal acts and have the elements of the charges been fulfilled? So that the evidence for the accused's actions can be clear, precise, and accurate.

In the case discussed by the author in the previous sub-chapter, can it be seen regarding the facultative lack of evidence in explaining and explaining the defendant's actions? The evidence supporting the indictment was almost entirely proven by the defendant's testimony alone. There is a possibility that the defendant's confession was caused by psychological factors, pressure from law enforcement, or other conditions that could cast doubt on his statement.

Based on the decision in this case, the judge considered that the evidence in the form of statements from 2 (two) witnesses and the defendant had complied with the provisions of Article 183 of the Criminal Procedure Code. This can occur due to the need for more clarity in explaining the provisions regarding 2 (two) valid pieces of evidence that must be used as the basis for the judge's consideration so that the interpretation of the minimum limit of proof can be interpreted cumulatively. Moreover, this understanding can be detrimental to someone not necessarily guilty because this precondition has been formally fulfilled. So that the postulate incriminalibus probationes bedent esse luce clariores is just an empty slogan for law enforcers.

5. Conclusion

The minimum threshold for proving a crime in Indonesia has yet to be regulated. The unus testis nullus testis principle is not implemented in detail as a fundamental principle in the criminal justice system. Arrangements regarding this matter are given to the judge to determine the standard of proof of a crime. Based on the comparative studies conducted, United States jurists have provided an initial proposal in the evidentiary standard in the form of a probability threshold as a concrete norm in determining beyond a reasonable doubt. However, it has yet to be implemented due to the immaturity of the theory. The implication of not being regulated in detail regarding the provisions of Article 183 of the Criminal Procedure Code makes it unclear to interpret the minimum limits of proof in criminal cases. The obligation to present two pieces of evidence can be interpreted cumulatively to prove a criminal case so that the accused's statement in the decision under review has sufficient force to prove his actions and can be found guilty by a judge.

From the research results described above, the author advises that the provisions regarding the minimum limit of proof for a crime be regulated in detail, both the mechanism of evidence and clear boundaries, as following the principle of unus testis nullus testis in legal scholarship. The author proposes that the two pieces of evidence be interpreted cumulatively facultatively. This understanding means that two valid
pieces of evidence must support every fact. Moreover, its application can be regulated in more detail in the court decision format so that the function of criminal law as an *ultimatum remidium* is not used arbitrarily by law enforcement officials. The law still guarantees the protection of citizens' human rights as one of the objectives of the state and criminal law in particular.

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