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Fair Trial Principles in the Basis of Judges Considering Decisions Based on Testimonium De Auditu

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ABSTRACT: After the enactment of the Constitutional Court Decision Number 65 / PUU-VIII / 2010, the history in the process of proving a criminal incident in Indonesia began to experience development. However, this creates a new problem because the decision of the constitutional court regarding the generalization of witness is contrary to legal norms in Law Number 8 of 1981 concerning the Criminal Procedure Code, especially in article 185 paragraph 1 and its exegesis. The decision of the constitutional court itself provides an opportunity for the testimonium de auditu to be used as evidence but does not provide a detailed explanation of the classification of the de auditu witness evidence including its type of evidence as evidence for witness testimony or indicative evidence following Article 184 of the Indonesia Criminal Procedure Code, exceptions regarding the acceptance of de auditu witnesses are used as evidence and the validity of testimony heard from other people (testimonium de auditu) is used as evidence. This also affects the quality of the judge's consideration when the de auditu witness must be used by the judge as a basis for his consideration, especially in the aspect of justice (fair trial). This study uses a normative juridical method that uses two primary and secondary data sources. The results showed that the importance of detailed arrangements in the Criminal Procedure Code regarding exceptions using the testimony de auditu with certain conditions to ensure justice, certainty, expediency to create a fair trial.

KEYWORDS: Fair trial, Testimonium De Auditu; Indicative evidence

INTRODUCTION

Everyone has the right to a fair trial in both civil and criminal cases. Effective protection of human rights is highly dependent on the practice of providing access to courts that are competent, independent, and impartial and will administer justice fairly (Mole & Harby, 2006, p. 8). In this case, Law Number 8 of 1981 concerning the Indonesia Criminal Procedure Code hereinafter referred to as KUHAP has the essence of upholding human rights and is a new era in the judicial system in Indonesia (Hatta, 2008, p. 20). However, the Indonesian criminal procedure code is one of the Dutch colonial legacies that we still use so far, even though what renewed it. However, there are still deficiencies in the Indonesia Criminal Procedure Code (Alfitra, 2011, p. 3).

The problem that is interesting so that this research is created is regarding the generalization of the of witnesses and witness statements in articles 1 number 26 and 27 of the Indonesia Criminal Procedure Code after the issuance of the Constitutional Court decision number 65 / PUU-VIII / 2010, this is in fact contrary to article 185 paragraph 1 of the Indonesia Criminal Procedure Code and the exegesis which reads, "The witness statement as evidence is what the witness stated in court." The elucidation of Article 185 paragraph 1 of the Criminal Procedure Code reads, "In the witness testimony, it does not include information obtained from other people (testimonium de auditu." According to Andi Hamzah, the definition of the testimony de auditu is, "Witnesses who hear from someone else's words, doesn't hear or see the facts by itself but only hear from those who say it" (Andi, 2008, p. 264; Chazawi, 2011, p. 35; Subekti, 2008, pp. 44–45). The definition of testimonium de auditu in the book "Dictionary of Legal Terms" compiled by Viswandoro is a witness testimony delivered before a court session is the result of a mere thought or an invention obtained from another person (Viswandoro, 2014). In the explanation of Article 185, paragraph 1 of the Indonesia Criminal Procedure Code, the testimonium de auditu is information obtained from other people.

RESEARCH METHOD

The type of researcher that is used is normative research that focuses on identifying, describing the principles of fair trial principles in consideration of judges who make decisions based on evidence testimonials de auditu speech after the enactment of the Constitutional Court decision Number VIII 65 / PUU-2010 Accord-ing to Terry Hutchinson, quoting Peter Mahmud Marzuki defines that the re-search of a doctrinal or normative law is as follows: “Doctrinal research: research which provides a systematic

exposition of the rules governing a particular legal category, analyses the relationship between rules, explain areas of difficulty and, perhaps, predict future development."(Marzuki, 2017, p. 32).

This is according to Johny Abraham's opinion:

"Legal issues regarding the case or norms that are in the realm of concern, are the types of research that are used are normative juridical research, which is a normative research which is considered to be a normative research which is considered positive."

There are three types and sources of legal materials in the research, namely:

The primary law is researching and re-viewing secondary data in the form of existing legal norms in statutory regulations, court decisions, and existing public legal norms.

Secondary law, namely laws that explain primary laws among other books, scientific writings, scientific research results, and reports of related interpretations. Secondary data, namely data obtained through a library study, is used to obtain theoretical based on the principle of fair trial based on the judge's consideration who decides based on the evidence of the testimonial evidence.

In this case, the interpretation used is grammatical interpretation to interpret the meaning of the text based on the rules of language and legal principles in the rules and jurisprudence in Indonesia and also uses teleology interpretation, namely the old rules in this case article 185 paragraph 1 of the Criminal Procedure Code and its explanation of the Court Decisions. The Constitution Number 65 / PUU-VIII / 2010 looks good (actual) under the needs and interests of society (social goals).

Besides that, it does not close the possibility of obtaining other legal material. The collection of legal material is done by reading, study, and browse the available data, Scientific articles, written documents, and literature sources. Data analysis in this study is carried out on qualitative data, namely data analysis by analyzing, interpreting, concluding using the statutory approach, the case approach, and the comparative approach related to the fair trial principle based on the judgment. of judges who make decisions based on testimonium de auditu evdence.

RESULTS AND DISCUSSION

In using the testimonium de auditu as evidence, judges must also consider various things by using theories, namely (Sudarto, 1977, p. 74) The theory of balance is the balance between the terms determined by laws and the interests of the parties concerned or related to the criminal case. The balance between the interests of the public and the defendant, in general practice, is formulated in consideration of matters that are burdensome and alleviate the imposition of punishment for the defendant, where the interests of the community are formulated in terms of incrimination and the interests of the defendant are formulated in mitigating terms (Hendriawan, 2017), the art and intuition approach theory is that the imposition of a judge's decision is the judge's discretion or authority.

As a discretion, in making a verdict, the judge will adjust to the circumstances and a reasonable sentence for each criminal act or in a civil case, in a civil case, the defendant or general counsel in a criminal case.(Sudarto, 1977) When the decision is made, the judge uses an artistic approach, which is more determined by instinct or intuition than by the judge's knowledge. The starting point of the scientific approach is the idea that the criminal imposition process must be carried out systematically and with great care, especially concerning previous decisions to ensure the consistency of judges' decisions(Sudarto, 1977), The theory of the experiential approach is that sourced from the experience of a judge is something that can help him in dealing with the cases he faces daily.(Sudarto, 1977), Ratio Decindendi's theory is based on a fundamental philosophical foundation that considers all aspects of the subject matter in dispute and then looks for laws and regulations relevant to the subject matter in dispute as a legal basis in making decisions. Judges' considerations must be based on clear motives for uphold the law and provide justice for the parties in litigation (Sudarto, 1977), Wisdom Theory discusses emphasizing that the government, the community, families, and parents are also responsible for guiding, fostering, educating, and protecting those who are affected, can survive and survive.(Sudarto, 1977).

Justice in a general sense consists of two elements, namely justice and law-abiding. Each is not the same thing. Being unfair is against the law, but not all acts of breaking the law are unfair. Justice in the general sense is closely related to obeying the law.(Safa'at, 2011). The act of a defendant who deprived the victim of justice was an act of disobedience, so the defendant would be given the right way as determined by law without any manipulation of evidence, so in the use of testimonial, de auditu must pay attention to the principle of equality before the law (equality before the law) truly impartially but assessing carefully and carefully the de auditu statement has relevance or not to a criminal act. Justice for the victim is legal certainty for the victim regarding who is responsible for the criminal act she has experienced.(Pangaribuan, 2013)

The purpose of the judge using de auditu witnesses as evidence in the examination process at trial if it is associated with Mardjono's opinion related to the objectives of the criminal justice system is Preventive Efforts: Prevent people from becoming victims of crime, Repressive Efforts: Resolving crime cases that occur so that the community is satisfied that justice has been confirmed and the guilty are punished.(Muladi, 1995)

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The balance to be achieved is justice for victims of crime; besides that, in criminal law, both materially and formally uphold the rights of everyone even if he is a suspect. Justice for a suspect in this case is getting legal assistance (General explanation point 3f of the Criminal Procedure Code, (Articles 35 and 36 of Law Number 14 of 1970 in conjunction with Articles 54, 55 and 56 of the Criminal Procedure Code, Articles 69-74 of the Criminal Procedure Code) and also receiving a similar sentence. in accordance with the guilt of the defendant which was proven in the trial. In this case the role of the witness de auditu becomes important, even though he does not hear himself, he does not see for himself, and he does not experience it himself if he can prove what is the context in criminal evidence, namely: An act/criminal act actually occurred. The suspect or defendant actually committed or was involved in the crime/criminal act referred to by the existence of a criminal act/action committed by the suspect or defendant. Rehabilitation Efforts: Ensuring that those who have committed crimes do not repeat their crimes.

The aspect of justice that the judge wants to uphold by using testimonials de auditu as evidence in proving a criminal event is in line with the objectives of the criminal justice system is balanced justice for both victims and perpetrators.

The justice to be achieved for victims is that apart from access to justice, it is fair treatment for victims who have suffered material losses, physical suffering, and psychological suffering in the form of trauma, loss of trust in society and public order. For a crime victim, the occurrence of a crime against him will destroy that belief system and the task of material and formal criminal law is to function to restore that trust. So the task of the judge is based on the concept of criminal arrangements for victims of crime, namely:

Procedural model: By playing an active role in the judicial process to hear statements related to their interests or rights that have been violated, but not only listening to victim-witnesses but also listening to other witnesses even though they are de auditu witnesses but as long as the statements are in accordance with the incident, it is a crime then the statement can be used by means of chain witness statements (ketting bewijs). This method supports the restoration of the victim's self-esteem and confidence. However, what must be considered is that the judiciary should not be used as an arena for revenge, it must be linear for the main purpose of the criminal justice system to protect victims as well as to create universal justice for both victims and perpetrators, and the imposition of law is a rehabilitative effort, namely creating a deterrent effect for perpetrators. For example, in the love case in the Supreme Court Decision Number 2410 K/PID.SUS/2016 with the application of Ilham bin Baktiar, he was sentenced to 5 years in prison.

Service Model: in this case, compensation for victims is one of the sanctions given to criminals that are restitutive and the impact of the victim's statement before dropping it. In accordance with Article 1 paragraph 22 of the Criminal Procedure Code and based on Article 8 PERMA 3 of 2017 concerning Guidelines for adjudicating cases dealing with the law.

The justice to be achieved for perpetrators of criminal acts is not to be due to a demand that the criminal justice system aims to ensnare everyone who commits a crime, it does not pay attention to how much involvement a perpetrator is in the crime by hearing from witnesses, even though witnesses it is de auditu. This creates a great potential for self-criminalization of forced prosecutions, which places law enforcement in a less humane or less targeted manner.(Aprilianda, 2017)

Regarding the testimonium de auditu, the Criminal Procedure Code in Article 185 paragraph 1 and its explanation explicitly rejects the testimony (testimonium de auditu or witnesses hearing from other people) testifying before the trial. Many experts have pros and cons regarding testimonials de auditu; among the experts, some agree, and some do not agree. However, it is again emphasized that one of the formal sources of the law of evidence is the Constitutional Court's decision which emphasizes that the importance of witnesses does not lie in hearing, seeing for themselves, and experiencing themselves but in the relevance of the evidence to the crime. In Alfitra's book it is also explained that if in practice difficulties are found in its application or encounter deficiencies or to meet needs, doctrine or jurisprudence is used.

In this case, based on legal sources, the evidence becomes a reference for the author who wants to recommend an arrangement regarding testimony de auditu as evidence that will occur after the law; the arrangement must be clarified. This is in accordance with Article 3 of the Criminal Procedure Code (principle of legality in criminal procedural law, namely nullum iudicium sine lege) which states that, “Criminal law enforcement (including the judiciary) is carried out according to the method regulated by law. In addition, it also sees the 1945 Constitution of the Republic of Indonesia, hereinafter referred to as the 1945 Constitution of the Republic of Indonesia, as the main basis for the formation of a law in this case related to Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia and Article 28 of the 1945 Constitution of the Republic of Indonesia.

In line with creating an integrated and coordinated criminal justice system so that it becomes a unified whole and integrated by combining Muladi's opinion by applying the concept of system law from Lawrence Friedman in creating an Integrated Criminal Justice System, namely : Substance In this case, it is currently revising the Criminal Procedure Code, especially Article 185 paragraph 1 and its explanation in the Criminal Procedure Code in accordance with the recommendation of the Constitutional Court Decision Number 65/PUU-VIII/2010 regarding de auditu testimony, which initially did not accept it changed to accept with the following provisions: Can reveal the process of the occurrence of a crime, Conformity with witness statements and other evidence. In criminal events such as Unus Testis Nullus Testis (One Witness Not Witness) in certain cases or obscenity, there is often a shortage of witnesses, and relying on victim witnesses, in this case witnesses, is used as a consideration

to determine how the criminal event occurred. happened and who did it and also combined with other tools. Other evidence is your statement which admits that his actions occurred because of consensual relationships, but the perpetrators still use persuasion as a tool to commit criminal acts, this is stated in the decision of the case in the Supreme Court Decision Number 2410 K/PID.SUS/2016 with . The proof that the judge does is ketting bewijs (chain) by looking at the suitability of each statement so that the judge believes that he is the culprit and must be punished for his actions, It was proposed because the one who was supposed to be a witness was sick and could not be presented at the trial, The testimony of witnesses de auditu must be sworn in : This is to protect perpetrators from false information. For judges, this information is a source of confidence in determining the perpetrator's guilt, if not sworn in, there will be a criminalization process or a misguided trial which will harm the perpetrator's human rights based on fasting, a simple, cheap, free, honest and impartial trial. (General explanation point 3e KUHAP).

The testimonium of de auditu witnesses in valid evidence, the more appropriate position is because the nature of the evidence is not direct but through actions, events or circumstances that are compatible with each other or with the crime itself, which shows that an act has occurred and who did it. The reason for revising the Criminal Procedure Code so that it is Kelsen stated his theory regarding the levels of legal norms (Stufentheori), in which he argues that legal norms are tiered and layered in a hierarchy, a hierarchy of norms "same, a higher norm, sourced and based on an even higher norm, and so on until a higher norm, and so on until a norm that is not higher so that it is often called (Basic Norm).(Marjan Miharja, 2019)Andi, H. (2008). Hukum Acara Pidana Indonesia. *Jakarta: Sinar Grafika*.

Aprilianda, N. (2017). *Sistem Peradilan Pidana Indonesia: Teori dan Praktik*. Universitas Brawijaya Press.

Chazawi, A. (2011). *Hukum Pembuktian Tindak Pidana Korupsi, Cet. 1*. Penerbit Bayumedia Publishing, Malang.

Hendriawan, B. (2017). Pertimbangan Pengadilan Tinggi Dalam Memutus Banding Perkara Tindak Pidana Korupsi. *Verstek*, *5*(1).

Marjan Miharja, S. H. M. H. (2019). *Gesetzgebungswissenschaft: Bahan Ajar Ilmu Perundang-undangan*. CV. Penerbit Qiara Media.

Marzuki, M. (2017). *Penelitian Hukum: Edisi Revisi*. Prenada Media.

Muladi. (1995). *Kapita selekta sistem peradilan pidana*. Badan Penerbit Universitas Diponegoro.

Pangaribuan, L. M. P. (2013). *Hukum Acara Pidana: Surat Resmi Advokat Di pengadilan Praperadilan, Eksepsi, Pledoi, Duplik, Memori Bandin, Kasasi dan peninjauan kembali*.

Safa'at, M. A. (2011). Pemikiran Keadilan (Plato, Aristoteles, dan John Rawls). *Dikutip Http://Safaat. Lecture. Ub. Ac. Id/Files/2011/1*.

Subekti, R. (2008). Hukum Pembuktian Cetakan ke-17. *Jakarta: Pradnya Paramita*.

Sudarto. (1977). *Hukum dan hukum Pidana*. Alumni. https://books.google.co.id/books?id=MKw1OAAACAAJ

Viswandoro. (2014). *Kamus Istilah Hukum: Sumber Rujukan Peristilahan Hukum*. Penerbit Pustaka Yustisia. https://books.google.co.id/books?id=hNyBDwAAQBAJ

To adjusted to the decision of the constitutional court number 65/PUU-VIII/2010 is related to Article 1 paragraph 3 of the Constitution of the Republic of Indonesia, namely "Indonesia is a state of law." Every action in the administration of criminal justice must be based on applicable law. In a sense, whatever is to be done in the context of criminal justice must be based on the rules of the game that are determined and determined jointly, namely the Criminal Procedure Code in the Criminal Procedure Code there is the principle of legality in Article 3 of the Criminal Procedure Code which emphasizes that justice is carried out according to the method stipulated in the law. This law, if in its article in particular Article 185 paragraph 1 of the Criminal Procedure Code and its explanation that confirming the testimony de auditu cannot be used as evidence in the judicial process, but the decision of the constitutional court number 65/PUU-VIII/2010 allows it on condition that it is in accordance with the incident of a criminal act, then there will be a This norm conflict between the Criminal Procedure Code and the Constitutional Court Decision which is a reflection of the 1945 Constitution of the Republic of Indonesia creates a legal uncertainty that affects the principle of legality (judicial process) so it needs to be revised in order to create legal certainty and the judicial process runs according to with what you Act in the Criminal Procedure Code and of course the Constitutional Court Decision which is a reflection of the 1945 Constitution is the source of the Criminal Procedure Code and must be implemented in order to guarantee human rights in this case victims and perpetrators.

Structure : If the substance has been fixed, the structure will follow, namely the police, prosecutors, courts, and advocates who acknowledge the existence of the testimony de auditu with the conditions contained in the Constitutional Supreme Court Decision Number 65/PUU-VIII/2010. The focus is on judges in terms of making decisions to judge de auditu witnesses as worthy or not worthy of being accepted as evidence. Culture : This proves that our Criminal Procedure Code is not as rigid as the consequences of the scripta, stricta, and certa contained in the Criminal Procedure Code. KUHAP is able to change legal culture and adapt to Indonesian legal culture. In Anglo Saxon, testimonials de auditu are known as hearsay evidence or hearsay, but there is evidence that is accepted in accepting the evidence so that it can be accepted as evidence, for example the United States of America it is explained that these exceptions are very large. and in Rule 803 Federal Rules Of Evidence, which are as follows:

1. Impressions of Immediate Thoughts, 2. Expressions of Excitement, Physical, Emotional, and Mental Conditions, 3. Statements for Diagnosis of Disease or Treatment, 4. Recorded Recollections, 5. Records of Organized Activities, 6. Regular Activities Undocumented, 7. Public Records or Records, 8. Important Statistical Records, 9. Lost Public Records, 10. Records of Religious Organizations, 11. Marriage, Baptism, or Similar Certificates, 12. Family Records, 13. Records in Proprietary-Related Documents, 14. Statements in Proprietary-Related Documents, 15. Statements in Classical Documents, 16. Market Records or Commercial Publications, 17. Statements in Studyed Journals, 18. Reputation Regarding Personal History or Family, 19. Reputation Concerning the General History of Land Boundaries, 20. Reputation Concerning Character, 21. Prior Sentences on Sentencing, 22. Judgments against Personal, Family, General History, or Land Boundaries, 23. Other Statements Equivalent to a Circumstantial Guarantee of Truth, 24. Prior Testimony, 25. Statements of a Dying Person, 26. Statements Contrary to His Interest, 27. Statements of History Personal or Family, 28. Express Thoughts or Feelings.

There are similarities between the United States and Indonesia in using de auditu witnesses in relation to public record reports. This has happened in Indonesia in the case of blasphemy committed by Basuki Tjahja Purnama or Ahok. The witnesses who incriminated Ahok were de auditu witnesses because the source of their knowledge was obtained indirectly but through videos distributed from Whatsapp and government social media, which proved Ahok's mistake. Finally, Ahok was sentenced to imprisonment for 2 years.

Regarding personal history, this has also been used in the cyanide coffee case with the defendant Jessica Kumala Wongso, the testimony of Witness Kristie Louise Carter through a proof of Jessica's character who tends to be psychopathic and John Jesus Torres in his testimony often violated the rules and was sentenced by the Australian police to away from his ex-girlfriend because of his actions that made her boyfriend uncomfortable and that made the judge even more convinced that the potential for him to commit a crime (premeditated murder) against Mirna Salihin was very large.

It's just that there is a difference regarding the testimony de auditu in Indonesia and in America. It is considered taboo because it is not possible to hear testimony from other people, but this was rejected by the constitutional court on the condition that there must be conformity with the criminal act. Whereas in the United States it has been classified and contained in the law, namely Rule 803 Federal Rules Of Evidence 1th December 2014 concerning the exception of de auditu witnesses who can be used as evidence.

So in order to create an Integrated Criminal Justice System, one of them is through improving the substance, which in this case is evidence of de auditu testimony as evidence of instructions in criminal procedural law (Law Number 8 of 1981) in the criminal justice system as a form of implementation of The 1945 Constitution of the Republic of Indonesia, in particular, Article 1 paragraph 3 which states that Indonesia is a state of law, meaning that all actions or actions taken must be in accordance with applicable law and Article 28 D paragraph 1 concerning Everyone has the right to guarantee legal protection. , legal certainty and equal treatment before the law as well as adhering to the principle of legality in Article 3 of the Criminal Procedure Code. However, in this use the requirements for use are very strict and are not used for use.

CONCLUSION

The existence of the testimony de auditu in Indonesia is slowly starting to be recognized, not least in the judge's decision that uses the testimony de auditu to be used as evidence in revealing a criminal act based on the conditions set out in the Constitutional Court Decision number 65/PUU- VIII/2010 the objective is in the judge's decision that the results to be achieved are aspects of justice for victims and defendants (providing victims and defendants with appropriate and balanced rights that have been determined by law) as well as appropriate and appropriate legal impositions. perpetrators of criminal acts, even if the proof is using testimony de auditu. Evidence of de auditu testimony in the Criminal Procedure Code as evidence of acceptance in the Criminal Procedure Code as evidence of instructions with the requirements that have been proposed in the Constitutional Court Decision Number 65/PUU-VIII/2010 and also the requirements that have been met in the Criminal Procedure Code in an effort to achieve justice for both the victim and the perpetrator. As well as creating a synchronization in legal substance (KUHAP) as a support for the creation of an integrated criminal justice system based on the Constitutional Court Decision Number 65/PUU-VIII/2010 which provides recognition of witnesses de auditu, Article 1 Paragraph 3 of the Constitution (UUD).)) 1945. Indonesia is a legal state, all aspects of life in the territory of the Unitary State of the Republic of Indonesia must be based on the law and all laws and derivatives that apply in the territory of the Republic of Indonesia, including the use of evidence of testimony de auditu, Article 28 D paragraph 1 of the Law The basis of the State of the Republic of Indonesia, namely for legal certainty regarding the use of evidence in the testimony of de auditu instructions in the trial of Article 3 of the Criminal Procedure Code regarding legality and General Explanation of Point 3a of the Criminal Procedure Code.

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WORKS CITED

1) Andi, H. (2008). Hukum Acara Pidana Indonesia. *Jakarta: Sinar Grafika*.
2) Aprilianda, N. (2017). *Sistem Peradilan Pidana Indonesia: Teori dan Praktik*. Universitas Brawijaya Press.
3) Chazawi, A. (2011). *Hukum Pembuktian Tindak Pidana Korupsi, Cet. 1*. Penerbit Bayumedia Publishing, Malang.
4) Hendriawan, B. (2017). Pertimbangan Pengadilan Tinggi Dalam Memutus Banding Perkara Tindak Pidana Korupsi. *Verstek*, *5*(1).
5) Marjan Miharja, S. H. M. H. (2019). *Gesetzgebungswissenschaft: Bahan Ajar Ilmu Perundang-undangan*. CV. Penerbit Qiara Media.
6) Marzuki, M. (2017). *Penelitian Hukum: Edisi Revisi*. Prenada Media.
7) Muladi. (1995). *Kapita selekta sistem peradilan pidana*. Badan Penerbit Universitas Diponegoro.
8) Pangaribuan, L. M. P. (2013). *Hukum Acara Pidana: Surat Resmi Advokat Di pengadilan Praperadilan, Eksepsi, Pledoi, Duplik, Memori Bandin, Kasasi dan peninjauan kembali*.
9) Safa'at, M. A. (2011). Pemikiran Keadilan (Plato, Aristoteles, dan John Rawls). *Dikutip Http://Safaat. Lecture. Ub. Ac. Id/Files/2011/1*.
10) Subekti, R. (2008). Hukum Pembuktian Cetakan ke-17. *Jakarta: Pradnya Paramita*.
11) Sudarto. (1977). *Hukum dan hukum Pidana*. Alumni. https://books.google.co.id/books?id=MKw1OAAACAAJ
12) Viswandoro. (2014). *Kamus Istilah Hukum: Sumber Rujukan Peristilahan Hukum*. Penerbit Pustaka Yustisia. https://books.google.co.id/books?id=hNyBDwAAQBAJ