

THE IMPLEMENTATION OF PROOF SYSTEM IN THE CRIMINAL ACT OF DOMESTIC VIOLENCE

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Abstract

Domestic Violence is any act committed against a person, resulting in the onset of physical, sexual, psychological, and/or domestic abuse. As we understand it, domestic violence crimes are common in the personal sphere and often lead to the absence of witnesses other than victims who make it difficult to prove. This research aims to determine the regulations related to the settlement of domestic violence and to find out the application of the system of proving domestic violence crimes. This research was conducted by normative juridical research methods. The legal source used is a secondary legal source. The approach used is the statute approach and case approach related to the problem. The results of this study explain that the regulation stipulated in the domestic violence crime stipulated in The Law of the Republic of Indonesia No. 24 of 2004, in establishing a person to be a defendant in a domestic violence crime with the testimony of one witness and supported by one other valid evidence, is proven by the Verdict No. 131/Pid.Sus/2017/PN Pre.

Keywords: *Criminal Offences, Domestic Violence, Evidence*

INTRODUCTION

Article 1 Number 1 "Law Number 23 Year 2004 Concerning the Elimination of Domestic Violence" states that: "Domestic violence is any act committed against someone, especially women, which results in suffering or suffering physically, sexually, psychological, and/or neglect of the household, including threats to commit acts, coercion, or illegal deprivation of liberty within the scope of the household." Recorded reports related to acts of violence committed in the family sphere state that domestic violence is mostly felt by wives. However, this does not deny that domestic violence can also be felt by men or husbands. Crimes of physical violence as contained in Article 44 paragraph (4) committed by men to women or vice versa are offenses of complaint. The opposite word in this Article means that violence can be perpetrated by the husband against the wife or by the wife against the husband. In essence, what is meant by acts of domestic violence are efforts made by women or men to shift the dominant position in a household.¹

Most people think that violence perpetrated by a wife to her husband in the family environment is something called a part of the dynamics of family life that usually occurs.² Studies on gender-based violence instead pay greater attention to violence against women than men. Hence, domestic violence against men is also not well documented in research on gender based violence.³ Crimes of domestic violence, if they do not have a very worrying impact on the victim, can usually be resolved by kinship, but sometimes parties choose to solve it through legal channels.⁴ As we understand it, domestic violence usually occurs in the personal sphere, which often results in the absence of other witnesses besides the victim which results in the lack of evidence obtained.

Evidence or in Dutch: *bewijs*, is defined as something that can state the truth of an action or event that has actually happened.⁵ Meanwhile, proving means showing evidence and the word proving means, processes, or actions in proving.⁶ In accordance with Yahya Harahap's explanation in his book "Discussion of Problems and Implementation of KUHAP Volume II", evidence is a problem that has a major role in the stage of court examination.⁷ Evidence based on Criminal Procedure Law has the meaning of steps to obtain information from evidence and evidence to gain confidence in whether the criminal crime allegedly committed by the perpetrator is true or not and to see whether or not there is an error in the defendant.⁸ Article 184 paragraph (1) "Law Number 8 Year 1981 Concerning Criminal Procedure Law" states:

"Valid evidence is:

- a. Witness testimony;
- b. Expert statement;
- c. Letter;
- d. Clue;

Statement of the defendant".

Proof becomes a problem that plays a role at the examination stage in a trial because of this evidence determines the fate of a defendant.⁹ Proving whether or not the perpetrator has acted as charged is the most important part of a criminal procedure. Based on this, human rights are also at stake. What will be the consequences if the accused individual is proven to have acted as charged according to the evidence and conviction of the judge, but it is not true. Therefore, criminal procedural law has the objective of tracing material truth, unlike civil procedural law which is based on formal truth (*formeel waarheid*).¹⁰ In tracing the truth and determining the presence or absence of a crime or

¹ Badriyah Khaleed, *Penyelesaian Hukum KDRT*, Yogyakarta: Medpress Digital, 2015, p. 2

² Gilang Kusuma Hadi, Prambudi Adi Negoro and Ratna Kusuma Hadi, *Perlindungan Hukum Terhadap Suami Sebagai Korban Kekerasan Dalam Rumah Tangga Yang Dilakukan Oleh Istri*, Gema, THN XXVII/50, 2015, p. 1748

³ Adetutu Aragbuwa and Kehinde Ayoola, Antithetical Gendered Stances in Readers' Comments on Domestic Violence against Men, *International Journal of Society, Culture & Language*, Vol. 6, No. 1, 2018, p. 63

⁴ Kardian Ruru, *Alat Bukti Yang Sah Dalam Pemeriksaan Perkara Kekerasan Fisik Dalam Rumah Tangga Di Pengadilan, Lex Crimen*, Volume VI, No. 1, 2015, p. 17

⁵ M. Fauzan, Baharudin Siagian, *Kamus Hukum dan Yurisprudensi*, Jakarta: Kencana, 2017, p. 122

⁶ Department of Education, "Kamus Besar Bahasa Indonesia", 4th Edition, Jakarta: PT. Gramedia Pustaka Utama, 2008, p. 217

⁷ Niken Safitri, *Pembuktian Dalam Tindak Pidana Kekerasan Seksual Terhadap Anak*, *Jurnal Bina Mulia Hukum*, Volume 4, No. 2, 2019, p. 277

⁸ Samsul, *Sistem Pembuktian Tindak Pidana Kekerasan Dalam Rumah Tangga (Kdrt) Perspektif Hukum Islam Dan Hukum Positif (Studi Di Unit Perlindungan Perempuan Dan Anak Polisi Resor Musi Rawas)*, *Qiyas: Jurnal Hukum Islam dan Peradilan*, Voume 3, No. 1 2018, p. 11

⁹ Bastianto Nugroho, *Peranan Alat Bukti Dalam Perkara Pidana Dalam Putusan Hakim Menurut KUHAP*, *Jurnal Yuridika*, Volume 32, No. 1, 2017, p. 18

¹⁰ Andi Hamzah, *Hukum Acara Pidana Indonesia, 2nd Edition*, Jakarta: Sinar Grafika, 2014, p. 249

a criminal event, it certainly requires a stage of examination carried out by the authorities. This investigation activity is also part of the verification process.

The investigation process that has been completed is continued with the investigation process. At the investigation stage, preliminary evidence obtained during the investigation is followed up to serve as evidence. In the event that sufficient evidence is not obtained, that is, if at least two valid and mutually compatible evidences are not obtained, the process of investigating the case must be terminated.¹¹ In line with the provisions in Article 183 "Law Number 8 of 1981 Concerning Criminal Procedure Law" which states that: "A judge may not impose a sentence on a person unless, with at least two valid evidence, he is convinced that a criminal act is correct. It happened and that the defendant was guilty of doing it". However, in relation to domestic violence crimes, Article 55 of Law Number 23 Year 2004 concerning the Elimination of Domestic Violence states that: "As a legal means of evidence, the testimony of a victim witness alone is sufficient to prove the defendant is guilty, if accompanied by another valid evidence".

In fact, this provision is not in line with the principle of proof in a criminal procedure, namely the principle of *unus testis nulus testis* which literally means one witness is not a witness.¹² This situation becomes a problem for judges in deciding a case of domestic violence crime with the inconsistency between the principle of "*unus testis nullus testis*" that exists in a criminal procedure in domestic violence crime which says 1 witness is sufficient.¹³ This will be examined by linking the case verdict at the Parepare District Court No. 131/Pid.Sus/2017/PN Pre with the defendant on behalf of Riska Damayanti Alias Riska binti Nurhan who in the indictment is suspected of committing physical violence to the household. Based on the description above, the author will examine several formulations of the problem, namely how are the rules regarding proof of domestic violence crime? And how is the application of proof in the settlement of criminal acts of domestic violence?

Researchers found several previous studies that were similar to research conducted by researchers. Among them:

1. "The process of proving criminal acts of psychological violence against domestic servants"
 Author : Sulhan, August 2020.
 Similarity : Discussing about proof in a criminal act of domestic violence.
 Difference : The object of research is more focused on the process of proving criminal acts of psychological violence against domestic servants, while the authors focus on proving physical crimes in households associated with court decisions No. 131/ Pid.Sus/2017/Pn.Pre.
2. "Islamic Law and Domestic Violence"
 Author : Abdul Haq Syawqi, 2015.
 Similarity : Research examines domestic violence.
 Difference : The object of research focuses on analysis related to Islamic Law, while researchers focus more on Positive Law ("Law Number 8 Year 1981 Concerning Criminal Procedure Law" and "Law Number 23 Year 2004 Concerning the Elimination of Domestic Violence.")
3. "Legal Evidence In Examination of Cases of Domestic Physical Violence in the Court"
 Author : Kardian Ruru, 2015.
 Similarity : Review the evidence in examining domestic physical violence.
 Difference : The object of the research is more focused on evidence in court, while the researcher discusses evidence from the stages of investigation, investigation to trial.

RESEARCH METHOD

The research method used in the research is normative juridical, namely legal research which is carried out by examining secondary data or library material which refers to the principles and legal norms contained in the law which relates to the legal issues being handled. The approach used is the

¹¹ TIM PENYUSUN MODUL BADAN DIKLAT KEJAKSAAN R.I., "MODUL HUKUM PEMBUKTIAN", <http://badiklat.kejaksaan.go.id/e-akademik/uploads/modul/bb66a74b1a866b9b5e24f93b184c23c7.pdf>, (accessed on October 18, 2020).

¹² Eddy O.S. Hiariej, *Teori & Hukum Pembuktian*, Jakarta: Erlangga, 2012, p. 45

¹³ Syifa Nabilah Marwa, Bambang Dwi Baskoro, Sukinta, "*Unus Testis*" Dalam Pembuktian Tindak Pidana Kekerasan Dalam Rumah Tangga (Studi Kasus Di Wilayah Hukum Pn. Lubuk Basung), *Diponegoro Law Journal*, Volume 8, Nomor 2, 2019, hlm. 1554

Case Approach and the Statute Approach.¹⁴ The Statute Approach is carried out by examining the laws related to legal issues currently being handled.¹⁵ The Case Approach is carried out by conducting a review of cases related to the legal issue at hand, using court decisions that already have permanent legal force.¹⁶ The data sources used include secondary data which includes "Law Number 23 Year 2004 concerning the Elimination of Domestic Violence", "Law Number 8 Year 1981 concerning Criminal Procedure Law", research results, scientific journals, textbooks and law dictionary. In the study of scientific writing, the researcher uses analytical descriptive analysis method, namely by explaining problem solving in detail and systematically

RESULTS AND DISCUSSION

Evidence Regulations in Crime of Domestic Violence

The proof system is an arrangement regarding what evidence is allowed to be used, the distribution of various kinds of evidence, as well as methods of using evidence and how the judge creates confidence in court proceedings.¹⁷ Proving in the criminal procedure law is an effort made to prove whether the crime against which the defendant is accused is true or not and to see whether or not the defendant is guilty. It can be seen if the evidence is observed from the point of view of criminal procedural law, namely provisions that limit court proceedings to efforts to defend and seek the truth, whether by legal advisers, defendants, public prosecutors or judges, all of which relate to procedures and provisions, as well as assessment of evidence stipulated by law.¹⁸ Proof is done by collecting evidence. Article 184 paragraph (1) of "Law Number 8 Year 1981" states: "Legal evidence is: a. Witness testimony; b. Expert statement; c. Letter; d. Instructions; e. The defendant's statement."

The initial stage in carrying out evidence begins with an investigation, to ascertain whether an incident can be declared a crime or not. Investigations can be carried out on places, people, or objects that are suspected of having committed a crime.¹⁹ In investigating, the investigator will look for preliminary evidence, where this preliminary evidence is later used to determine whether an event can be declared a crime or not and whether it can be continued for investigation. Initial evidence obtained in the investigation process is used to proceed to the investigation stage.

Initial evidence obtained during the investigation is followed up to serve as evidence in the investigation process. Before an investigation is carried out, it must be ascertained what criminal acts have occurred and what articles have been violated.²⁰ If in the investigation process adequate evidence is not obtained, that is, if at least 2 pieces of evidence are not obtained which are valid and mutually compatible, the process of investigating the case must be stopped. The termination of the investigation process is in line with Article 183 "Law Number 8 Year 1981 concerning Criminal Procedure Law" which explains: "A judge may not impose a sentence on a person unless with at least two valid evidence he is convinced that a criminal act actually happened and that the defendant was guilty of doing it."

The process of proving crimes against domestic violence still refers to existing regulations and specifically refers to "Law Number 23 Year 2004 concerning the Elimination of Domestic Violence."²¹ This is a *lex specialis*, where Article 54 "Law Number 23 Year 2004 concerning the Elimination of Domestic Violence" explains: "Investigations, prosecutions and examinations in court proceedings are carried out according to the provisions of the applicable criminal procedural law, unless otherwise stipulated in the Law. "In Article 55 "Law Number 23 Year 2004 concerning the Elimination of Domestic Violence" it is determined: "As one of the legal means of evidence, the testimony of a victim witness is sufficient to prove that the defendant is guilty, if accompanied by a valid evidence. other. " A victim witness is a victim who is also known as a witness because the victim's status in court is a witness who has experienced, seen, and heard directly a criminal

¹⁴ Kadarudin, *Mengenal Riset dalam Bidang Ilmu Hukum, Tipologo, Metodologi, dan Kerangka*, (Ponorogo: Uwais Inspirasi Indonesia, 2020), p. 151

¹⁵ Peter Mahmud Marzuki, *Penelitian Hukum edisi revisi*, Jakarta: Kencana, 2012. hlm. 133

¹⁶ Peter Mahmud Marzuki, *Penelitian Hukum edisi revisi*, Jakarta: Kencana, 2012. hlm. 134

¹⁷ Alfitra, *Hukum Pembuktian Dalam Beracara Pidana, Perdata Dan Korupsi Di Indonesia Edisi Revisi*, Jakarta: Raih Asa Sukses, 2011, hlm. 28

¹⁸ I. Rusyadi, *Kekuatan Alat Bukti Dalam Persidangan Perkara Pidana*, Jurnal Hukum PRIORIS, Volume 5, No. 2, 2016, p. 130

¹⁹ Sugianto, *Hukum Acara Pidana Dalam Praktek Peradilan Di Indonesia*, Yogyakarta: Deepublish, 2018, p. 22

²⁰ Koesparmono Irsan dan Armansyah, *Panduan Memahami Hukum Pembuktian Dalam hukum Perdata Dan Hukum Pidana*, Bekasi: Gramata Publishing, 2016, p. 159

²¹ Darlisma and Surya Darma Siregar, *Proses Pembuktian Dalam Penyidikan Tindak Pidana Kekerasan Dalam Rumah Tangga*, Menara Ilmu, Volume XII, Nomor 4 2018, p. 25

incident.²² Witnesses are the main factor in the settlement of criminal cases, especially when it comes to getting the explanation of a criminal act. So, it is very rare for a criminal case to be separated from witness testimony or testimony.

Proof of a crime of domestic violence, if it follows the provisions set out in "Law Number 8 of 1981 concerning Criminal Procedure Law" is certainly difficult to fulfill. In general, the existence of evidence that can be used to prove the guilt of perpetrators of domestic violence is very limited and minimal and the problem of evidence is indeed a serious obstacle when dealing with domestic violence crimes.²³ The difficulty in fulfilling proof of crimes of domestic violence is due to the fact that most domestic violence crimes occur in the personal sphere, which causes these crimes to not be seen, felt or heard by people other than the perpetrators and victims. So, the existence of Article 55 "Law Number 23 Year 2004 concerning the Elimination of Domestic Violence" can certainly help victims of domestic violence crime in overcoming the difficulty of obtaining evidence to fulfill proof.

Application of Evidence in Crime Settlement of Domestic Violence

Domestic violence is an abnormal symptom that occurs in society because it is against the prevailing values and norms.²⁴ For example, domestic violence acts in Parepare, South Sulawesi that are committed by wives to their husbands, where this act of domestic violence is an example of an abnormal symptom that exists in the community. The decision of the Parepare District Court No.131/Pid.Sus/2017/PN.Pre, has tried a case of crimes of physical violence in the household committed by the defendant Riska Damayanti alias Riska binti Nurhan who is also the wife of the victim witness.

The Domestic Violence incident occurred after the defendant and the victim's witness were involved in an argument, then when the victim was about to leave the house of the defendant's parents, suddenly the defendant stabbed the victim in the back using a badik. The victim Syarifuddin, who felt pain in his back, ran away from the defendant while holding his back, which was covered in blood. As a result of the defendant's actions, the victim's back was torn as described in the Visum Et Repertum No: R-012/Pusk-CMP/VER/III/2017.

The incident of the domestic violence act took place without any other witnesses who directly saw the occurrence of the crime, so that apart from the victim's witness, other witnesses who were presented in court were witnesses who did not witness or directly experience the events of the crime. The examination in court on the case of domestic violence acts presented 3 witnesses, but the witnesses who saw, heard and felt firsthand were only victim witnesses. Apart from evidence of witness testimony, the public prosecutor in the trial provided evidence of 1 badik with a size of 15 cm as well as evidence of a Visum Et Repertum.

Article 1 number 27 "Law Number 8 Year 1981 Concerning Criminal Procedure Law" explains what is meant by witness testimony, namely: "Witness testimony is one of the evidences in a criminal case in the form of testimony from a witness regarding a criminal event which he himself hears, he saw for himself and he experienced it himself by mentioning the reason for his knowledge." So, if it is concluded that the important element of the formulation of the article, namely the testimony of the witness is what he feels himself, has witnessed and heard himself. The success of the criminal justice stage is very much determined by the evidence obtained, most importantly related to witness testimony, most cases cannot be resolved because there are no witnesses who can support the duties of the legal apparatus.²⁵ So even though there are 5 pieces of evidence listed in the criminal procedure law, most of the criminal events require witness testimony.

The domestic violence case in Parepare, South Sulawesi, where the defendant Riska Damayanti presented 3 witnesses in court, the first witness, was witness Syarifuddin alias Podding bin Ye'riu who was the husband of the defendant as well as a victim witness who saw, heard and felt a criminal incident. Meanwhile, 2 other witnesses who were presented at the court, namely Dewi Hartika, in her statement explained that the witness did not directly witness the incident because the witness was at home and sitting in halls with other neighbors, the witness only found out after hearing

²² Muhadar, *Perlindungan Saksi dan Korban Dalam Sistem Peradilan Pidana*, Surabaya: Putra Media Nusantara, 2010, p. 5

²³ Indri Novita Tarigan, *Visum Et Repertum Dalam Proses Pembuktian Tindak Pidana Kekerasan Dalam Rumah Tangga (KDRT)*, *Lex Crimen*, Volume VIII, No. 11, 2019, p. 42

²⁴ Abu Hanifah. *Permasalahan Kekerasan Dalam Rumah Tangga Dan Alternatif Pemecahannya*, *Jurnal Penelitian dan Pengembangan Kesejahteraan Sosial*, Volume 12, No. 03, 2007, p. 49

²⁵ Elias Zadrack Leasa, *Kekuatan keterangan saksi Sebagai Alat Bukti Pada Perkara Kekerasan Dalam Rumah Tangga*, *Jurnal Belo*, Volume 4, No. 2, 2019, p. 199

the victim witness Syarifuddin running past the witness. shouting for help while saying that the defendant had stabbed him which was not long before the witness saw the defendant come out of the house holding something. Then the testimony from witness Yuliani in his statement explained that the witness did not witness the incident directly because the witness was at home and sitting in the halls with his other neighbors, the witness only found out after hearing the victim witness Syarifuddin running past the witness shouting for help while saying that the defendant had stabbed him which was not long followed by the witness seeing the defendant coming out of the house holding something. From the witness testimony, the Defendant confirmed it. With regard to the testimony that the witness has made in court, if it is linked to the elaboration of Article 185 paragraph (1) "of Law No. 8 Year 1981 Concerning Criminal Procedure Law", the testimony of witness Dewi Hartika and witness Yuliani does not meet the requirements of a witness' statement as evidence that is considered valid because witness Dewi Hartika and witness Yuliani have not experienced, seen, and heard directly the crimes charged in decision.

Witnesses other than victim witnesses in the case of domestic violence can be said to be a *testimonium de auditu*/hearsay or a testimony through an individual in court to reveal an act or event but that person did not hear, see, and experience the incident himself.²⁶ In the law that applies in Indonesia itself, the witness de auditu is not written as evidence, either at a criminal or civil procedure, but in practice, in today's courts, the evidence of the witness de auditu is often used in revealing facts at trial.²⁷ The testimony of the witness de auditu has been explained in the Constitutional Court Decision No: 65/PUU-VIII/2010 and with the existence of this decision, the testimony of witnesses who do not feel, see, and hear directly can be recognized as evidence even though in practice there are also several decisions where the judge only used the testimony of the witness as an indication and even rejected the testimony of the witness de auditu.

The public prosecutor in court submits evidence in the form of a VeR, which is a written statement created by a doctor against the investigator's explicit request related to medical investigations on humans, whether dead or alive or parts of a person's body, such as discoveries and explanations, under oath and for the benefit of justice.²⁸ The VeR examination of the victim, which was submitted by the general guidance in the court, had the result that the victim was found to have a torn wound on the back measuring 1 cm x 0.3 cm, with the conclusion that the situation above was thought to be caused by contact with a sharp object. The sharp object referred to in the results of the Visum Et Repertum was also shown by the public prosecutor at the trial, namely 1 badik with a length of 15 cm, and on this evidence the Defendant confirmed.

The judge in this case, accepts all evidence presented in court such as evidence and testimony of witnesses and defendants which are valid evidence. Although the testimony of witnesses Dewi Hartika and Yuliani was included in the testimony of the witness de auditu, the judge received and considered the testimony of the two witnesses, it was stated in the judge's consideration which stated: "considering according to the testimony of the defendant and the testimony of the witnesses, as well as the evidence provided in the trial, which The Panel of Judges links and harmonizes the evidence and its truth is considered sufficient "

The panel of judges finally ruled that:

1. The defendant Riska Damayanti alias Riska binti Nurhan was proven legally guilty of committing physical violence in her household.
2. Give a sentence to a criminal defendant with a sentence of 3 months in prison.
4. Determine the time of detention as well as the arrest that the defendant has faced is reduced all through the sentence given.
5. Determine that the defendant remains in detention.
6. Showing evidence such as 1 badik with a length of 15cm is removed.
7. Give a burden to the defendant by paying a court fee of Rp. 2.000,-

Article 55 "Law Number 23 Year 2004 concerning the Elimination of Domestic Violence" has become a special provision in proving acts of domestic violence, the Article explains: "The testimony of a victim witness alone is sufficient to prove the defendant's guilt as long as it is supported by legal evidence. other. " This article makes it easy for victims to obtain evidence in order to fulfill evidence. From the court rulings listed above, the authors conclude that in the evidence, the testimony of the

²⁶ Nedi Gunawan Situmorang, *Kedudukan Hukum (Legal Standing) Keterangan Saksi Testimonium de Auditum Sebagai Alat Bukti Yang Sah Pra dan Pasca Putusan Mahkamah Konstitusi Nomor 65/PUU-VIII/2010*, Jurnal Palar (Pakuan Law Review), Volume 6, No. 2, 2020, p. 104

²⁷ Asprianto Wangke, *Kedudukan Saksi De Auditum Dalam Praktik Peradilan Menurut Hakim Acara Pidana*, Lex Crimen, Volume VI, No. 6, 2017, p. 146

²⁸ Dhevid Setiawan, Muhadar, Wiwie Heryani, *Pembuktian Tindak Pidana Psikis dalam Kasus Kekerasan dalam Rumah Tangga*, Pagaruyuang Law Journal, Volume 2, No. 2, 2018, p. 11

victim witness Syarifuddin alias Podding bin Ye'riu as the only witness who felt, saw, and heard directly a criminal case can be accepted by relating it to the proof of the Visum et Repertum letter as evidence that is relevant and very important in proving criminal acts of physical violence in household. In addition, the statement from the witness *de auditu* and the statement of the defendant was also used as a guide and consideration by the judge to be able to gain confidence in determining that the defendant Riska Damayanti alias Riska binti Nurhan was guilty of committing physical domestic violence.

CONCLUSION

Regulations related to evidence in criminal procedural law are contained in "Law Number 8 Year 1981 Concerning Criminal Procedure Law" more specifically, Article 184 paragraph (1) explains that "valid evidence is witness testimony, expert testimony, letters, instructions, and statements. defendant". Meanwhile, as a lex specialist and in order to make it easier for victims of domestic violence to fulfill proof in cases of domestic violence, they are allowed to follow the provisions contained in "Law Number 23 Year 2004 concerning the Elimination of Domestic Violence", which is contained in Article 55 which states "as a tool valid evidence, the testimony of a victim's witness alone is sufficient to prove that the defendant is guilty, if it is accompanied by other valid evidence ". From the Court Decision Number 131/Pid.Sus/2017/Pn.Pre in the evidence, the testimony of the victim witness Syarifuddin alias Podding bin Ye'riu as the only witness who felt, saw, and heard directly a criminal case can be accepted by relating it to evidence the letter of Visum et Repertum as evidence which is relevant and very important in proving criminal acts of physical domestic violence. In addition, the testimony of the witness *de auditu* and the statement of the defendant was also used as a guide and consideration by the judge to be able to gain confidence in determining the defendant Riska Damayanti alias Riska binti Nurhan guilty of committing physical domestic violence.

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