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The Power of Circumstantial Evidence in the Trial Process The Crime of Murder.

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Abstract: This research explores the power of circumstantial evidence in proving murder offences, focusing on the case of Jessica Kumala Wongso. In this case, despite the absence of direct evidence, elements such as CCTV footage, the motive of the accused, as well as forensic evidence played an important role in building the case against the accused. Using a normative juridical method and a case study approach, this research analyses the role and relevance of circumstantial evidence in Indonesian criminal procedure law. The results show that, although circumstantial evidence has significant power, its assessment must be done carefully and logically by the judge to avoid mistakes that can be detrimental to justice for the defendant. The Jessica Wongso case emphasises the importance of a coherent and integrated pattern of evidence, in order for the court to ensure that its decisions are based on in-depth analysis and not mere assumption.

Keyword: Circumstantial Evidence, Corroboration, And the Offence of Murder.

INTRODUCTION

In the context of criminal procedural law, especially in relation to the evidentiary process, there is no clear separation between the public interest and individual interests. This is because the legal initiative serves to protect the public interest, which is implemented through a specialised state organ, the prosecutor's office. Prosecutors are given the responsibility to prove criminal cases in order to prosecute criminals, so judges in criminal cases are required to explore material truth. This is different from the practice in civil court, where judges will not interfere with the violation of civil rights unless the parties to the dispute actively file a lawsuit in court (Kadi Sukarna, 2016).

Evidence in murder cases has a very important role in determining truth and justice and influencing the legal fate of the defendant. In this case, the evidence must be able to present convincing facts to determine whether the defendant is truly guilty or to acquit him from unproven accusations. One type of evidence that is often used in proving criminal cases, including murder, is circumstantial evidence. This evidence consists of a series of facts or circumstances that, while not directly proving the commission of a crime, through logical

reasoning and in-depth analysis, can lead to the conclusion that the accused was involved in the criminal offence (Eddy O.S.Hiariej, 2012).

According to the provisions of Articles 183 and 184 of the Criminal Procedure Code (KUHAP), evidence in criminal cases includes witness testimony, expert testimony, letters, instructions, and testimony of the defendant. In the context of proof by indirect evidence, clues as one of the means of evidence regulated in Article 188 of the Criminal Procedure Code have important relevance (Dedi Hartono Latif, 2016). Clues are obtained from a series of actions and facts that are related to each other and, although not directly indicative of the crime, can form the basis of the judge's belief through a process of logical reasoning of the defendant's involvement in the crime of murder.

A very relevant case study in the use of circumstantial evidence in Indonesia is the Jessica Kumala Wongso case related to the cyanide murder motive, which greatly shocked the public in 2016. Jessica was accused of murdering Wayan Mirna Salihin by putting cyanide poison in the coffee Mirna drank. The case came under great scrutiny because there was no direct evidence linking Jessica to the murder. There were no witnesses who saw Jessica put the poison in the coffee, and Jessica herself never confessed to her actions. As a result, the court process relied heavily on circumstantial evidence, such as CCTV footage showing Jessica's movements before and after the incident, and forensic results showing that Mirna died from cyanide poisoning (Arman Dhani, 2016).

The judge ultimately found Jessica guilty based on circumstantial evidence, arguing that the evidence was interconnected and logically led to the conclusion that Jessica was the murderer. The verdict generated widespread debate among the public, legal experts, and the media, who questioned whether the circumstantial evidence presented was strong enough to deliver a guilty verdict in a case with such severe penalties. Some critics argued that the verdict relied too heavily on the interpretation of circumstantial evidence, while supporters of the verdict considered the evidence to be strong enough (Muhammad Januar Rizki, 2023).

Circumstantial evidence differs from direct evidence that explicitly shows the involvement of the accused, such as a suspect's confession or eyewitness testimony. In murder cases, it is not uncommon for circumstantial evidence to be the only form of evidence available, especially when there are no eyewitnesses or confessions from the suspect. Therefore, circumstantial evidence becomes very important in the evidentiary process, although it still leaves challenges, especially in terms of how it can be interpreted and assessed appropriately by the judge (Adam Bastian Mardhatillah and ahmad Mahyani, 2019).

The use of circumstantial evidence in the Jessica Kumala Wongso case highlights these challenges. In this case, the judge had to assess a range of circumstantial evidence consisting of elements such as CCTV footage, analysis of the defendant's behavior, as well as forensic results. This illustrates how circumstantial evidence is often a central element in cases where no direct evidence is available, especially in homicide offenses. The judge in this case was faced with the very difficult task of assessing whether the circumstantial evidence was strong enough to prove Jessica guilty beyond a reasonable doubt.

In Indonesia, the use of circumstantial evidence has been recognized in criminal procedure law, and in practice is often used in cases where there is no direct evidence. Nonetheless, its application still poses various challenges. One of the main issues is how circumstantial evidence can be objectively understood by judges in the decision-making process. Judges are required to have a very good ability to assess this circumstantial evidence, because although circumstantial evidence can be very strong, there is potential for misuse or misinterpretation that can result in an unfair decision (M. Yahya Harahap, 2006).

When direct evidence is not available, circumstantial evidence is often the mainstay of proof. Judges must carefully assess how strong and relevant the relationship between facts gathered through circumstantial evidence is in order to reach a truly logical and objective conclusion. However, concerns arise regarding the risk of improper assessment of

circumstantial evidence. In some cases, if the evidence is not carefully analyzed, it can lead to a miscarriage of justice, where an innocent person is found guilty based on insufficient circumstantial evidence (Andi Hamzah, 2017).

In the context of homicide crimes, circumstantial evidence is often the only evidence available, especially in situations where the murder occurred in a remote place or without eyewitnesses. This evidence can be a series of facts such as footprints, CCTV footage, behavioral patterns of the defendant before and after the incident, to scientific evidence such as DNA or forensic analysis that links the defendant to the victim (Wirjono Prodjodikoro, 2003). This evidence, if analyzed properly, can form a complete picture of the criminal event that occurred and who is responsible for it.

Based on the above discussion, while circumstantial evidence can be powerful, there are limits to its use. Judges and prosecutors must ensure that this evidence is not used arbitrarily or out of its proper logical context. This circumstantial evidence must be connected to each other in a reasonable way and supported by additional facts that reinforce the conclusion that the defendant was indeed involved in the criminal offense. Without a robust and objective reasoning process, the use of circumstantial evidence can actually undermine the principle of justice, where a defendant can be convicted despite not actually being involved in the alleged crime (Moch. Dani Pratama Huzaini, 2022).

Therefore, it is very important to examine in more depth the extent of the evidentiary power of circumstantial evidence in the criminal justice process, especially in serious cases such as murder. It is also important to understand the boundaries that must be observed in the assessment of circumstantial evidence in order to maintain a balance between justice for the accused and the public interest in law enforcement (Miftahul Chaer Amiruddin and Rahman Samsuddin, 2021). Judges, prosecutors and lawyers must have an in-depth understanding of how to use this evidence correctly, so that justice is served without compromising the rights of the accused or neglecting the interests of victims and the wider community. Therefore, this article will discuss the extent to which the evidentiary power of circumstantial evidence can be used as a strong basis for making a verdict in the crime of murder.

METHOD

The research method used in this research is the normative juridical method, which aims to examine the applicable legal norms and how these norms are applied in judicial practice, especially related to evidence in murder cases. The normative juridical method was chosen because this approach allows researchers to analyze the law theoretically based on legislation, doctrine, and relevant court decisions. In the context of this research, the main focus is on the use of circumstantial evidence as a means of proof in murder cases in Indonesia (Peter Mahmud Marzuki, 2010).

This research combines several approaches, namely the statutory and case study approaches. The statutory approach is used to identify and review the legal rules governing evidence in the criminal justice system, particularly regarding circumstantial evidence. Some of the legal regulations that will be reviewed include the Criminal Procedure Code (KUHAP), forensic-related regulations, and jurisprudence governing the principles of evidence in criminal offenses. In addition, this research will also analyze various legal doctrines related to the use of circumstantial evidence as indirect evidence in murder cases.

The case study approach is applied by analyzing several court decisions that use circumstantial evidence as a basis for proof. This case study serves to understand how courts, especially judges, assess and interpret circumstantial evidence in the decision-making process. One of the cases that will be studied in depth is the Jessica Kumala Wongso case, where circumstantial evidence was the main focus in proving the defendant's involvement in the victim's murder. In addition, other cases involving circumstantial evidence in homicide will

also be reviewed to get a broader picture of the application of this type of evidence in judicial practice in Indonesia (Mukti Fajar and Yulianto Achmad, 2010).

RESULTS AND DISCUSSION

Definition and Scope of Circumstantial Evidence

Circumstantial evidence, or circumstantial evidence, is a type of evidence that does not directly prove a primary fact, but rather supports other facts that can be inferred to show involvement in a crime. The concept has been around since ancient Roman times and has continued to evolve without a single recognized originator. In the common law legal systems of England and the United States, circumstantial evidence became an important element of proof in court. Sir William Blackstone, a renowned jurist, discussed this evidence in his work *Commentaries on the Laws of England* in the 18th century, which helped cement the acceptance of circumstantial evidence as a legitimate means of proof and equivalent to direct evidence, depending on the context of the case (Binyamin Blum, 2019).

The main difference between circumstantial evidence and direct evidence lies in the way they connect the accused to the crime. Direct evidence, such as eyewitness testimony, explicitly shows the defendant's involvement. Meanwhile, circumstantial evidence works by compiling a series of facts that indirectly show a connection between the defendant and the crime, such as presence at the scene, possession of evidence, or an apparent motive. While each fact may seem weak on its own, when combined and analyzed logically, circumstantial evidence can build a strong case, often as effective as direct evidence in proving a person's involvement in a crime (David Ellison, 2023).

Even if there is no direct evidence explicitly showing that the defendant committed the crime, circumstantial evidence can still provide a logical basis for the court to draw the conclusion that the defendant was involved. One common example of the use of circumstantial evidence in legal practice is when the defendant is found in possession of items that are proven to belong to the victim for no apparent reason, or when the defendant is at the scene of the crime at the time of the crime. By linking these facts, circumstantial evidence can form a logical picture of events that suggests the defendant's involvement, even if there are no eyewitnesses or live footage showing the criminal act (Karunia Pangestu, et al, 2021).

In the context of circumstantial evidence, the relationship with the conviction-*raisonnee* system becomes particularly relevant. Circumstantial evidence often includes facts that can be interrelated and interpreted to build inferences regarding the guilt of the accused. In the conviction-*raisonnee* system, judges are not only required to believe the evidence at hand, but are also required to provide a logical explanation underlying that belief, so that it can be understood and accepted by the parties involved in the judicial process (Hendrastanto et al, 1987).

To illustrate, when a defendant is facing charges of committing a crime and there is only circumstantial evidence suggesting his or her possible involvement, the judge has a responsibility to detail how the evidence, when combined, can form a logical and justifiable basis for conviction. The judge must be able to explain clearly and systematically how the elements of the evidence support each other and lead to the conclusion that the accused is guilty. This is in line with the principle that the judge's conviction must be based on rational and reasonable grounds.

As such, the conviction-*raisonnee* system serves as a safeguard to ensure that the decision taken by the judge relies not only on subjective beliefs, but also on logical arguments resulting from a thorough analysis of the available evidence, including circumstantial evidence. This creates a framework where every decision made in a trial can be accounted for and evaluated based on a clear legal and logical foundation, thus strengthening the integrity and fairness of the justice system (Waluyadi, 2004).

Therefore, the application of the conviction-*raisonnee* system in the context of circumstantial evidence is crucial to encourage judges to be more objective and analytical, and reduce the possibility of decisions that are not based on strong and logical evidence. This not only protects the rights of the accused, but also maintains public confidence in the justice system. As such, circumstantial evidence plays an important role in the justice system, not only as a supplement to direct evidence, but also as an independent tool in building a strong and comprehensive case against the accused. Through a series of relevant, logical, and mutually supporting facts, circumstantial evidence can provide the court with a strong basis to draw a conclusion that the defendant is guilty, even if no direct evidence is available.

Circumstantial evidence strength in proving the crime of murder

Under Indonesia's complex and challenging legal system, proving a defendant's involvement in a murder case often relies on circumstantial evidence. This type of evidence becomes particularly significant when direct eyewitness testimony is difficult to obtain or the defendant's confession is not available or reliable. Circumstantial evidence includes various forms of evidence, such as physical traces at the scene of the crime, CCTV footage showing the defendant's movements, digital messages showing communication between the defendant and the victim, and strong motives indicating why the defendant committed the crime. These sets of evidence, when collected, can corroborate each other and form a consistent network of evidence, which ultimately allows the judge to draw logical and rational conclusions (M. Yahya Harahap, 2007).

One example of a case that illustrates the importance of circumstantial evidence is the case of Jessica Wongso, who was charged with killing Wayan Mirna Salihin with cyanide. In this case, the three objective elements of the crime of murder, namely the *actus reus*, the death of the victim, and the causal relationship between the act and the death were proven through structured circumstantial evidence (Adami Chazawi, 2010). First, the element of actual action is fulfilled because Jessica allegedly put cyanide in the coffee she ordered for Mirna, based on CCTV footage showing Jessica alone at the scene and reinforced by witness testimony stating that Jessica ordered coffee before the victim's arrival (Dewi Bunga & Ni Putu Diana, 2024). Second, the element of the victim's death was clear from the results of the medical examination which revealed that Mirna died from cyanide poisoning, with cyanide found in the victim's body through the autopsy and toxicology report Furthermore (Sari, Mirna et al, 2017). the court considered that there was a clear cause-and-effect relationship between Jessica's actions and Mirna's death (Andrio Jackmico Kalensang, 2016). CCTV footage showed Jessica sitting alone at the location prior to Mirna's arrival, while expert testimony on the effects of cyanide reinforced the notion that Jessica's actions directly caused the victim's death. Although the defense argued that there were no direct witnesses who saw Jessica put cyanide in the coffee, the court concluded that the circumstantial evidence was strong enough to prove all three elements and found Jessica guilty.

In the process of analysis and in legal considerations, judges often use a holistic approach when assessing circumstantial evidence. This approach sees circumstantial evidence as a whole of interconnected facts, rather than as separate evidence without context or linkages. Through this approach, judges can build a deeper and more comprehensive understanding of the case against the defendant, as well as map the layers of complexity that surround a criminal offense.

The Jessica Wongso case is a clear example of how circumstantial evidence can be used to achieve justice, even without eyewitnesses or direct confessions. In this case, CCTV footage showing Jessica's presence at the scene at a certain time, the motive for the tense relationship with the victim, as well as various other circumstantial evidence together formed a strong picture that convinced the court that the defendant was guilty. Furthermore, in a broader legal context, the theory of *res ipsa loquitur* or "the facts speak for themselves" (Titin Apriani, 2020).

Through careful deductive reasoning, circumstantial evidence can construct a logical narrative explaining the relationship between the defendant and the crime, leading to the conclusion that the defendant is likely to have been involved in the criminal act (Urbanus Ura Weruin, 2017).

One of the key and important aspects in the use of circumstantial evidence is the application of the beyond reasonable doubt standard of proof. This standard strongly demands that in order to convict a defendant, there must be sufficient evidence to leave no reasonable doubt as to the defendant's involvement in the alleged crime. This means that even if the evidence presented is circumstantial, if it meets this standard, then the judge can make a decision based on a high degree of confidence in the truth of the facts presented. In this case, the combination of various pieces of circumstantial evidence that support each other can provide a very strong basis for the judge's conviction, provided that the evidence complements each other and does not contradict or erase each other.

Referring to the Jessica Wongso murder case, where evidence such as CCTV footage showing Jessica's presence at the scene, DNA traces on evidence, as well as communication evidence reflecting tension between Jessica and the victim, are all part of the circumstantial evidence that supports each other. This evidence does not stand alone, but is integrated to form a bigger picture of Jessica's involvement in the case. Thus, the strength of circumstantial evidence in this context demonstrates the importance of a thorough analysis of the relationship between the various elements of evidence in reaching a logical and justifiable conclusion.

It is important to note that while circumstantial evidence has power in supporting a prosecution, there is also the potential for misinterpretation or errors in analysis. As circumstantial evidence is based on a series of facts that indirectly lead to conclusions, it is often the case that incorrect or biased interpretations can occur. For example, the defendant's presence at the scene does not necessarily indicate their involvement in the crime, and overly hasty assumptions can lead to prosecutorial misconduct. Therefore, caution is required in assessing circumstantial evidence, and analysis should be based on sound logic and supporting evidence to avoid errors in legal conclusions. As Blackstone noted (I. Doolittle, 1983). "Although circumstantial evidence is recognized as valid, it is better to acquit a thousand guilty people than to convict one innocent person," or commonly called *In Dubio Pro Reo* (Pradikta Andi Alfat, 2021). Therefore, it is crucial for judges and juries to carefully and meticulously evaluate each piece of evidence at hand, ensuring that they do not rely solely on assumptions or generalizations, but instead build solid arguments based on logic and concrete facts (Fachrul Rozi, 2018). In other words, while circumstantial evidence can provide significant support to a claim, careful analysis remains key to ensuring fairness and truth in legal proceedings.

Judges who use a progressive legal approach do not only adhere to formal rules, but also explore the values of substantive justice in deciding a case (Bayu Setiawan, 2018). In the context of circumstantial evidence, judges with this approach are more open and flexible in assessing circumstantial evidence, taking into account the series of facts that can lead to the material truth. This approach allows judges to go beyond the literal boundaries of the law, by relating circumstantial evidence to the social, psychological and moral context of the case at hand. However, despite being more adaptive, judges must still be careful not to make erroneous or biased conclusions that are detrimental to the defendant. In this case, circumstantial evidence in the progressive legal framework becomes a more comprehensive tool to achieve true justice, without forgetting basic principles such as the presumption of innocence (Soerjono Soekanto, 1983).

Furthermore, the use of circumstantial evidence not only emphasizes the importance of evidence in the legal process, but also illustrates how the justice system attempts to find the truth in complex and often unpredictable situations. When direct evidence is difficult to obtain or unavailable, circumstantial evidence provides an alternative that allows judges and juries to make decisions based on available evidence, even if there are no direct witnesses to testify. This

shows that the legal system can adapt and use different types of evidence to ensure that justice is maximized.

In conclusion, circumstantial evidence is a very useful and effective tool in proving the crime of murder. With the ability to organize circumstantial evidence into a coherent and logical narrative, and meet the standard of proof beyond a reasonable doubt, circumstantial evidence can make a significant contribution to the judicial process. Therefore, judges and juries are expected to sensibly and thoroughly evaluate and analyze each piece of evidence available to reach a fair and appropriate decision.

The presence and recognition of the power of circumstantial evidence in legal proceedings is critical to maintaining the integrity of the justice system and delivering justice to all parties involved. In the final analysis, recognition of the power and validity of circumstantial evidence not only strengthens the foundations of the law but also affirms the commitment of the justice system to the pursuit of balanced and fair justice for all individuals. Furthermore, it can be argued that the recognition and proper application of circumstantial evidence within the legal system also reflects the development and adaptation of the justice system to the modern challenges faced in proving crimes, including in the context of homicide, where often direct evidence cannot be obtained. As such, it demonstrates the importance of investing in legal education and training for legal professionals to better understand and apply these principles appropriately and effectively in practice, for the sake of true justice in society.

CONCLUSION

In the context of the Jessica Wongso case, the principle of using circumstantial evidence is particularly relevant, given the large amount of circumstantial evidence presented at trial. The case involved the alleged cyanide murder of Wayan Mirna Salihin, where most of the evidence was circumstantial, such as CCTV footage evidence, digital footprint analysis, and witness testimonies pointing to the defendant. While circumstantial evidence can provide important clues in linking Jessica to the event, the court must be careful in assessing the accuracy and relevance of such evidence, given the importance of the beyond reasonable doubt principle. The interconnections between the circumstantial evidence presented must be able to show a coherent pattern, so that the court can ensure that the conclusions drawn do not rest solely on assumptions, but on logical and measurable analyses. In this case, the challenge was how to manage the circumstantial evidence wisely to achieve justice, without compromising the rights of the accused.

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