

# THE RENEWAL OF THE EVIDENTIARY PROCESS FOR THE CRIMINAL ACT OF SUPERNATURAL PRACTICES

(Analysis Article 252 of Law Number 1 of 2023 Concerning  
The Criminal Code)

## Authors:

**Meitria Cahyani**

Universitas Darussalam  
Gontor

[meitria.cahyani@unida.gontor.ac.id](mailto:meitria.cahyani@unida.gontor.ac.id)

**Febrian Arif Wicaksana**

Universitas Darussalam  
Gontor

[febrian.arif@unida.gontor.ac.id](mailto:febrian.arif@unida.gontor.ac.id)

**Andini Rachmawati**

Universitas Darussalam  
Gontor

[andini@unida.gontor.ac.id](mailto:andini@unida.gontor.ac.id)

**Fazari Zul Hasmi Kanggas**

Universitas Darussalam  
Gontor

[fazarizulhasmikanggas@unida.gontor.ac.id](mailto:fazarizulhasmikanggas@unida.gontor.ac.id)

**Aisyah Habibah Rahman**

Universitas Darussalam  
Gontor

[aisyahhabibah@gontor.ac.id](mailto:aisyahhabibah@gontor.ac.id)

## Article Info

### History :

Submitted: 26-04-2025

Revised : 14-10-2025

Accepted : 16-11-2025

### Keyword :

*Evidence, supernatural, Criminal Code*

### Kata Kunci

*Bukti, supranatural, KUHP*

**Page:** 719 - 732

### Doi:

10.21111/jicl.v8i3.14534

## Abstract

*The practice of supernatural rituals in Indonesia continues despite advancements in science and technology, with various cases of fraud and abuse harming society, such as the cases involving shamans in Sukabumi and Yono. To address this issue, the government has regulated it under Article 252 of the 2023 Criminal Code (KUHP), which will take effect in 2026, aiming to curb harmful practices and prevent vigilante actions, although challenges in proving such offenses remain a major obstacle. This study employs a normative juridical approach, utilizing legal analysis and literature review methods related to evidentiary law in criminal offenses. Additionally, it examines the legal framework surrounding supernatural practices as a criminal act and how evidence is established under Article 252 of Law Number 1 of 2023 concerning the Criminal Code. The findings reveal that shamanic offenses were previously regulated under Articles 545 to 547 of the existing Criminal Code, but these provisions have been found inadequate in addressing harmful supernatural practices and fail to provide a deterrent effect due to lenient penalties.*

## Abstrak

Praktik ritual supranatural di Indonesia terus berlanjut meskipun ada kemajuan dalam ilmu pengetahuan dan teknologi, dengan berbagai kasus penipuan dan penyalahgunaan yang merugikan masyarakat, seperti kasus yang melibatkan dukun di Sukabumi dan Yono. Untuk mengatasi masalah ini, pemerintah telah mengaturnya melalui Pasal 252 Kitab Undang-Undang Hukum Pidana (KUHP) Tahun 2023, yang akan berlaku pada tahun 2026, dengan tujuan untuk menekan praktik-praktik merugikan dan mencegah tindakan main hakim sendiri, meskipun tantangan dalam membuktikan tindak pidana semacam itu tetap menjadi hambatan utama. Studi ini menggunakan pendekatan yuridis normatif, dengan memanfaatkan metode analisis hukum dan tinjauan literatur terkait hukum bukti dalam tindak pidana. Selain itu, penelitian ini mengkaji kerangka hukum seputar praktik supranatural sebagai tindak pidana dan bagaimana bukti ditetapkan berdasarkan Pasal 252 Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana. Temuan menunjukkan bahwa tindak pidana dukun sebelumnya diatur dalam Pasal 545 hingga 547 Kitab Undang-Undang Hukum Pidana yang berlaku, namun ketentuan-ketentuan tersebut dianggap tidak memadai dalam menangani praktik supranatural yang merugikan dan gagal memberikan efek jera akibat hukuman yang ringan.

## INTRODUCTION

In Indonesia, practices related to the supernatural have long been deeply rooted in society and are widespread across various regions. Despite the rapid advancement of science and technology, belief in spiritual-religious values and ancestral traditions remains strong among the Indonesian people. Various cases involving the practice of supernatural arts, such as scams involving money duplication in Sukabumi and the case of the shaman Yono, illustrate how these practices can be exploited to deceive and harm victims. These cases show that fraudulent practices of sorcery are still rampant, often targeting economically disadvantaged communities and those with limited understanding of the reality behind such practices.<sup>1</sup> In addition, other cases such as shamans committing sexual assault through social media platforms have also emerged,<sup>2</sup> and the mutilation case in Malang, which is suspected to be linked to the use of love spells, highlights how supernatural practices can be exploited for more serious criminal purposes.<sup>3</sup>

This phenomenon is further exacerbated by the strong belief in black magic in various regions of Indonesia. For example, the feared practice of "Suanggi" in Papua,<sup>4</sup> and the "city of black magic" stigma attached to Banyuwangi reflects how belief in supernatural forces can trigger social unrest and even violence, as seen in the 1998 witchcraft shaman massacre in Banyuwangi.<sup>5</sup> The incident serves as a tragic reminder of the destructive impact that uncontrolled belief in the supernatural can have.

In the context of a rule of law state like Indonesia, which is based on the 1945 Constitution and Pancasila, the law plays a crucial role in regulating social, national, and state life.<sup>6</sup> The law functions to protect human interests and must continuously evolve to address the changing needs of society.<sup>7</sup> Therefore, the law needs to be studied and

---

<sup>1</sup> "Tipu Muslihat Dukun Pengganda Uang di Sukabumi, Ini Fakta-faktanya," diakses 3 Maret 2025, <https://www.detik.com/jabar/hukum-dan-kriminal/d-7544961/tipu-muslihat-dukun-pengganda-uang-di-sukabumi-ini-fakta-faktanya>.

<sup>2</sup> "Berkedok Dukun Bisa Sembuhkan Penyakit, Pria Ini Cabuli Pasien Berkali-kali, Kini Diringkus Polisi," 1736483769, <https://www.msn.com/id-id/kejahatan/umum/berkedok-dukun-bisa-sembuhkan-penyakit-pria-ini-cabuli-pasien-berkali-kali-kini-diringkus-polisi/ar-BB1rcAEC>.

<sup>3</sup> TIMES Surabaya, "Pelaku Mutilasi di Malang Ngaku Belajar Ilmu Pelet Sejak 2003, Puluhan Kali Berhasil," TIMES Surabaya, diakses 3 Maret 2025, <https://surabaya.times.co.id/news/berita/2dqsfnknhp/Pelaku-Mutilasi-di-Malang-Ngaku-Belajar-Ilmu-Pelet-Sejak-2003-Puluhan-Kali-Berhasil>.

<sup>4</sup> Liputan6.com, "Suanggi, Ilmu Hitam Paling Ditakuti di Tanah Papua," liputan6.com, 7 Januari 2019, <https://www.liputan6.com/regional/read/3863170/suanggi-ilmu-hitam-paling-ditakuti-di-tanah-papua>.

<sup>5</sup> Kompas Cyber Media, "Sejarah Banyuwangi Sering Dijuluki Kota Santet Halaman all," KOMPAS.com, 11 Desember 2021, <https://www.kompas.com/stori/read/2021/12/11/120000679/sejarah-banyuwangi-sering-dijuluki-kota-santet>.

<sup>6</sup> Tb Ronny Rachman Nitibaskara, "Membangun Supremasi Dan Kesadaran Hukum Dalam Rangka Ketahanan Nasional" 1, no. 2 (2023).

<sup>7</sup> Bambang Sutyoso, *Metode Penemuan Hukum Upaya Menemukan Hukum Yang Pasti dan Berkeadilan* (Yogyakarta: UII Pers, 2006).

examined in depth, especially in the context of Indonesian society, which is rich in culture and where spiritual and mystical beliefs remain very strong.<sup>8</sup>

In response to this phenomenon, the government has regulated supernatural practices in Article 252 of the 2023 Criminal Code, which was enacted as part of Law No. 1 of 2023 on the New Criminal Code (KUHP Baru). This article aims to address public unrest, prevent fraud, protect victims, and prevent acts of vigilante justice.<sup>9</sup> However, proving criminal acts related to the supernatural in criminal law is not an easy matter. There are various aspects that must be fulfilled before someone can be declared to have committed a criminal act, and the main difficulty lies in proving uncertain matters.<sup>10</sup>

Several previous studies have discussed the legal aspects related to supernatural practices. Djangok (2024) examined the system of proof in witchcraft criminal acts, emphasizing the importance of valid evidence in accordance with the Criminal Procedure Code (KUHAP). Ishwara (2023) studied the reform of criminal law related to the proof of witchcraft crimes, highlighting the need for logical and rational proof. Asriani (2024) analyzed the proof of witchcraft crimes based on Law No. 1 of 2023, reviewing case studies of court decisions. Sulistyo and Firmansyah (2022) made a comparison of the regulation of proof in witchcraft crimes in Indonesia, Papua New Guinea, and South Africa. Anam (2024) analyzed the proof of witchcraft crimes in Article 252 of the Criminal Code (KUHP).

Although these studies have made valuable contributions, there remains a gap in the existing literature. The current research aims to fill this gap by providing a comprehensive juridical approach to the proof of supernatural practices, particularly within the context of Article 252 of the 2023 Criminal Code (KUHP). This study will focus on an in-depth analysis of how the proof of supernatural practices should be conducted, with the goal of contributing to the development of a more effective and just legal framework. It is expected that this research will offer new insights and practical recommendations for law enforcement officers, policymakers, and legal practitioners in handling cases related to supernatural practices.

Thus, this research is expected to make a significant contribution to efforts in addressing the legal challenges related to supernatural practices in Indonesia. The study aims to provide a strong foundation for the development of more effective legal policies, better protection for society, and fairer law enforcement in the context of supernatural practices.

---

<sup>8</sup> Ulfa Asriani Si, "Pembuktian Pada Tindak Pidana Santet Berdasarkan Undang-Undang Nomor 1 Tahun 2023 (Studi Kasus Putusan Nomor : 25/Pid.B/2021/PN Tgl)," 2023, 202.

<sup>9</sup> "Menyatakan Diri Dapat Melakukan Tindak Pidana Karena Memiliki Kekuatan Gaib (Dukun)," 2 Mei 2023, <https://partisipasiku.bphn.go.id/diskusi/menyatakan-diri-dapat-melakukan-tindak-pidana-karena-memiliki-kekuatan-gaib-dukun>.

<sup>10</sup> Richard Leonard Jinata, "Analisa Pembuktian Pada Tindak Pidana Pasal 252 Rancangan Undang-Undang Kitab Undang-Undang Huum Pidana" 8 (mei 2020).

## **RESEARCH METHOD**

This study uses a normative legal research method with a conceptual approach. This approach is employed to analyze the concept of evidence in criminal law, specifically related to the crime of supernatural practices. The primary legal materials used are Law Number 1 of 2023 concerning the Criminal Code (KUHP). Secondary legal materials include textbooks on criminal law, academic journals, and legal articles relevant to the research topic. The analysis is conducted by interpreting and synthesizing various legal sources to formulate a more comprehensive and applicable evidentiary model.

This study aims to analyze and offer a renewal of the evidentiary process for the criminal act of supernatural practices under Article 252 of Law Number 1 of 2023 concerning the Criminal Code. The results of this research are expected to contribute to the evaluation and improvement of the process of forming and managing regulations in Indonesia, particularly in the area of proving criminal acts related to supernatural practices. Furthermore, this study is expected to provide legal clarity for the parties involved in cases of supernatural crime, as well as prevent acts of vigilantism in society.

## **DISCUSSION AND RESULT**

### **1. Law of Evidence**

The law of evidence in the criminal context has two meanings: in a broad sense, it refers to the entire set of rules that govern the process of proving a case based on legal evidence and physical evidence found, and in a narrow sense, it refers to the legal provisions that regulate the process of proving in court based on the evidence and physical evidence available, as outlined in the definition of a court decision in Article 1, paragraph 11 of the Criminal Procedure Code (KUHP). Sources of evidence law include statutes (especially the Criminal Procedure Code), legal doctrine or the opinions of legal scholars, and jurisprudence.<sup>11</sup> Given that the law of evidence is part of criminal procedural law, statutes serve as the primary source; however, doctrine and jurisprudence may be used when there are difficulties or gaps in its application.

In the evidentiary process, the seizure of evidence plays an important role, which is defined in Article 1, paragraph 16 of the Criminal Procedure Code (KUHP) as an investigative action to take and store objects related to the case. The items that can be seized are regulated in Article 39 of the KUHP and are used in court during the examination of evidence for the validation and exploration of facts related to the defendant's guilt or innocence. To prove a criminal act, the judge's conviction is required, based on valid evidence, as stipulated in Article 184 of the KUHP, which includes witness testimony (according to Article 1, paragraph 27 and Article 185, paragraph 1 of the KUHP), expert testimony (Article 1, paragraph 28 of the KUHP), documents, clues (Article 188 of the KUHP), and the defendant's statement (Article 189 of the KUHP). Additionally, electronic evidence that meets the requirements of the

---

<sup>11</sup> Mustakim La Dee, *Hukum Pembuktian Dalam Perkara Pidana* (Royal Suite No. 6C, Jalan Sedap Malam IX, Sempakata Kecamatan Medan Selayang, Kota Medan 20131: PT. Media Penerbit Indonesia, 2024).

Electronic Information and Transactions Law (UU ITE) is also recognized as valid evidence.<sup>12</sup>

There are several theories that underpin the law of evidence, including the Pure Objective Evidence Theory, which focuses solely on formal evidence; the Pure Subjective Evidence Theory, which emphasizes the judge's conviction; the Free Evaluation of Evidence Theory, which relies on the judge's logical reasoning; and the Negative Evidence Theory According to the Law, which is a combination of formal evidence and the judge's conviction.<sup>13</sup> The evidentiary system adopted in the Criminal Procedure Code (KUHAP) is the *negatief wettelijke* system, as outlined in Article 183 of the KUHAP, which requires the judge to have at least two valid pieces of evidence and a conviction regarding the commission of the crime and the defendant's guilt before issuing a verdict. In the criminal justice process, the burden of proof generally lies with the public prosecutor to prove the defendant's guilt beyond a reasonable doubt, although the defendant, through their legal counsel, may also present evidence under the principle of an equally balanced reversal of the burden of proof.<sup>14</sup> The overall system and theories of evidence aim to achieve material truth and provide legal certainty in every criminal case.

## 2. Criminal Act

A criminal act, derived from the Dutch terms "Strafbaar feit" or "delict" from Latin, has various equivalents in Indonesian such as "perbuatan pidana" (criminal act), "peristiwa pidana" (criminal event), or "perbuatan yang dapat dihukum" (punishable act), although the government has not established an official term. The author tends to use the term "tindak pidana" (criminal act) due to its popularity and usage in legislation, including in the Criminal Procedure Code (KUHAP), which applies throughout Indonesia in the general judicial system.

Essentially, a criminal act is an act or action that contradicts or violates the law, carried out either intentionally or unintentionally by an individual who can be held accountable for their actions, and has been declared by law as an act that is punishable. Based on the element of intention, criminal acts are divided into *delictus dolus* (intentional acts) and *delictus culpa* (negligent acts). Meanwhile, based on their type, criminal acts are categorized into *delictus aduan* (offenses that require a complaint for prosecution), *delictus commissive* (violating prohibitions through actions), *delictus ommissive* (violating orders by failing to act), and *delictus commissive per omissionis* (generally committed through actions, but may also be committed by failing to act).<sup>15</sup> Based on its formulation, a criminal act is distinguished into formal criminal acts (which emphasize the prohibited act and are considered complete once the act is carried out,

---

<sup>12</sup> Leski Rizkinaswara, "Perubahan Kedua Atas UU ITE Wujudkan Kepastian Hukum Ruang Digital," *Ditjen Aptika* (blog), 5 Desember 2023, <https://aptika.kominfo.go.id/2023/12/perubahan-kedua-atas-uu-ite-wujudkan-kepastian-hukum-ruang-digital/>.

<sup>13</sup> M. Yahya Harahap, S.H., *Pembahasan Permasalahan Dan Penerapan KUHAP (pemeriksaan sidang pengadilan, banding, kasasi dan peninjauan kembali)*, kedua (Jakarta: Sinar Grafika, 2016).

<sup>14</sup> Lilik Mulyadi, *Pembalikan Beban Pembuktian Tindak Pidana Korupsi*, 2007 ed. (Bandung, t.t.).

<sup>15</sup> Tofik Yanuar Chandra, Yasmon Putra, *Hukum Pidana* (Jakarta: PT. Sangir Multi Usaha, 2022).

regardless of the consequences) and material criminal acts (which emphasize the prohibited consequence and are considered to have occurred only after the consequence arises).

The elements of a criminal act are divided into two: subjective elements and objective elements. The subjective element is inherent in the perpetrator and relates to their internal state, including intention or lack of intention, purpose in an attempt, specific intent (such as in theft or fraud), the existence of planning, and fear. The objective element originates from outside the perpetrator and relates to the specific conditions under which the act is committed, including the nature of the legal violation, the quality of the perpetrator (such as civil servant status in official crimes), and the causal relationship between the act and the resulting consequences.<sup>16</sup>

#### Supernatural

According to the Oxford English Dictionary, supernatural is defined as a phenomenon that lies beyond the scope of natural law or scientific explanation, believed to stem from supernatural forces or entities, and literally means "above nature" or "beyond nature." This phenomenon is often regarded as extraordinary abilities that surpass human understanding, such as the ability to see the unseen or read minds, believed to be a gift inherent in certain individuals with great responsibility. The supernatural is also associated with irrational events or activities related to spirits and energies, and is often misconceived as spirituality, although the two have different focuses. In Indonesia, the supernatural is often manifested in shamanistic practices, believed to be a way to resolve problems.<sup>17</sup>

In the context of Indonesian law, the concept of the supernatural does not have a clear legal definition and is generally associated with occult practices and shamanism. Although part of the beliefs and culture of society, supernatural practices can lead to legal issues if used to harm others. Article 252 of the Criminal Code (KUHP) specifically regulates criminal acts related to the use of supernatural practices for fraud. Criminal law studies highlight the use of supernatural practices for unlawful purposes, such as fraud disguised as supernatural powers. The law exists to prevent harmful practices and protect society from the abuse of belief systems.<sup>18</sup> This regulation aims to provide legal certainty in handling cases related to supernatural practices that violate the law. This study limits the definition of the supernatural to practices that exploit public belief for personal gain and have the potential to cause harm, thus becoming a concern in Indonesian criminal law.

---

<sup>16</sup> P. A. F. Lamintang dan Franciscus Theojunior Lamintang, *Dasar-Dasar Hukum Pidana di Indonesia* (Sinar Grafika, 2022).

<sup>17</sup> Muhammad Eko Purwanto, "PERAN SPIRITUALITAS, SUPRANATURAL, PSIKOSPIRITUAL, DALAM PRAKTEK PERDUKUNAN DI INDONESIA," *Makalah Kelas*, diakses 3 Maret 2025, [https://www.academia.edu/40106555/PERAN\\_SPIRITUALITAS\\_SUPRANATURAL\\_PSIKOSPIRITUAL\\_DALAM\\_PRAKTEK\\_PERDUKUNAN\\_DI\\_INDONESIA](https://www.academia.edu/40106555/PERAN_SPIRITUALITAS_SUPRANATURAL_PSIKOSPIRITUAL_DALAM_PRAKTEK_PERDUKUNAN_DI_INDONESIA).

<sup>18</sup> Ni Luh Gede Yogi Arthani, "Praktek Paranormal Dalam Kajian Hukum Pidana Di Indonesia," *Jurnal Advokasi* 5 (2015).

### **3. Regulation of Criminal Acts Related to Supernatural Practices**

Supernatural practices are considered actions that contradict the law and require criminal law policies. The current Criminal Code (KUHP) only penalizes actions such as fortune-telling or dream interpretation and the use of charms during trials, making it more appropriate for **santet** (black magic) to be classified as a criminal act. The principle of legality states that an act can be punished if it is regulated by law, yet supernatural practices are not explicitly regulated in the current KUHP, even though these acts are contrary to the law and require specific legal policies. Therefore, criminal law policies regarding supernatural practices are deemed urgent.<sup>19</sup>

Criminal law is tasked with protecting society and creating a balanced order. Supernatural practices have long existed in Indonesian society, and although they are difficult to prove scientifically, many cases show their negative impacts, such as physical suffering, death, fraud, material losses, and psychological disturbances. In criminology, these practices are considered deviant behavior and often provoke strong reactions from the community. The current Criminal Code (KUHP) regulates fortune-telling, selling charms, and using charms in court under Articles 545, 546, and 547, but does not clearly regulate supernatural practices in general. The decriminalization of Article 546 on charms and supernatural powers is considered necessary because it has become commonplace in society and is no longer always viewed as a dangerous mystical practice. However, due to the lack of clear regulation, supernatural practices cannot be penalized under criminal law based on the principle of legality.<sup>20</sup>

The new Criminal Code (KUHP) seeks to address this legal gap through Article 252, which regulates criminal acts related to supernatural practices. Although it does not explicitly mention "supernatural practices," it categorizes them under "supernatural powers" used for negative purposes such as causing illness, death, or suffering. This article aims to protect society from fraudsters who exploit beliefs in the supernatural. The urgency of this regulation lies in preventing the offering of supernatural services without legal consequences, preventing vigilante justice against suspected perpetrators, protecting victims from material and psychological harm, and encouraging society to think rationally.<sup>21</sup> Although proving supernatural practices is difficult, the state needs to take steps to minimize and protect society from its impact.

---

<sup>19</sup> I Putu Surya Wicaksana Putra, Ni Putu Rai Yulianti, Dewa Gede Sudika Mangku, "Kebijakan Hukum Tentang Pengaturan Santet Dalam Hukum Pidana Indonesia," *e-Journal Komunitas Yustisia Universitas Pendidikan Ganesha* 3 (2020).

<sup>20</sup> Nor Eka Miftakhul Jannah Ifahda Pratama Hapsari, "Kriminalisasi Pelaku Santet Menurut Hukum Positif Di Indonesia," *UNES Law Review* 6 (26 September 2023), <https://doi.org/10.31933/unesrev.v6i1>.

<sup>21</sup> Tiara Mile, "Pemaknaan Kebijakan Perbuatan Santet Dalam Undang-Undang Republik Indonesia Nomor 1 Tahun 2023," *Medium* (blog), 22 Mei 2023, <https://medium.com/@tiaramile9/pemaknaan-kebijakan-perbuatan-santet-dalam-undang-undang-republik-indonesia-nomor-1-tahun-2023-177f476279e2>.

Article 252 of the Criminal Code (KUHP) Number 1 of 2023 regarding supernatural practices is aligned with the offense of offering assistance to commit a criminal act. This article is a formal offense, which emphasizes the actions of the perpetrator, such as claiming to have supernatural powers, offering hope, or providing services that may cause illness or death, without the need to prove that the consequence actually occurred. This differs from fraud, which requires a lie with the intent for the victim to surrender something to the perpetrator. In supernatural practices, the victim often still believes in the truth of the perpetrator's words, and this article does not require the victim to surrender material goods.

The criminalization of supernatural practices in Article 252 of the Criminal Code (KUHP) is a legal reform effort to protect society from irresponsible actions, especially considering the belief of some people in the mystical, which can lead to harm.<sup>22</sup> Several cases of harassment and fraud disguised as supernatural healing practices serve as concrete examples of the urgency for this regulation. The criminalization is considered important to protect society from disgraceful actions that are dangerous. However, the main challenge lies in the proof, as the connection between the supernatural act and its consequences is not direct and requires other forms of evidence that are often subjective and difficult to find, especially in proving the element of "because of the act." The broad and open-ended definitions of "supernatural powers" and "its consequences" can also lead to injustice. Nevertheless, not criminalizing this offense could result in fear, anxiety, conflict, and vigilante justice in society, prompting the government to include this article with the hope of minimizing supernatural practices and preventing vigilante actions.

#### **4. The Proof of Criminal Acts of Supernatural Practices in Article 252 of Law No. 1 of 2023**

Indonesia adheres to the Negative Wettelijk Bewijsleer system of proof, which is emphasized in Article 183 of the Criminal Procedure Code (KUHP), stating that a judge may not impose a sentence without at least two valid pieces of evidence that convince them that the criminal act has indeed occurred and that the defendant is guilty. The valid evidence, as outlined in Article 184 of the KUHP, includes witness testimony, expert testimony, documents, clues, and the defendant's statements. The proof of criminal acts of supernatural practices requires the fulfillment of these types of evidence.

##### **4.1. Evidence:**

- 4.1.1. Witness Testimony: The victim, family members, or other witnesses who have seen, heard, or are aware of the defendant's statements regarding supernatural practices can provide testimony. The service users can also serve as witnesses if they have proof of conversations or have observed the rituals.
- 4.1.2. Expert Testimony: Proof through experts in the field of the supernatural is difficult due to the lack of scientific basis. However, medical experts (such as

---

<sup>22</sup> Rachmad alif Al Buchori Ali, I Made Sepud, I Made Minggu Widyantara, "Sanksi Pidana Terhadap Pelaku Tindak Pidana Santet," *Jurnal Preferensi Hukum* 2 (2021), <https://doi.org/10.22225/jph.2.3.3980.454-458>.



doctors or forensic specialists) may be presented if foreign objects are found in the victim's body. Experts in criminal fraud are also relevant if supernatural practices are used to obtain material benefits.

- 4.1.3. Documents: Documents such as X-ray results, forensic laboratory reports showing foreign objects in the victim's body, or financial transaction evidence between the service user and the defendant can serve as documentary evidence.
- 4.1.4. Clues: Clues can be obtained from evidence linked to the victim (photos, hair with DNA tests) or consistency between witness testimony and other evidence. The assessment of clues heavily relies on the judge's discretion.
- 4.1.5. Defendant's Testimony: The defendant's testimony in court or outside of court (if supported by other evidence) can be used by the judge to assess the defendant's involvement in supernatural practices and determine whether the act constitutes a singular crime or leads to other crimes like fraud.
- 4.1.6. Electronic Evidence: In accordance with the ITE Law and Article 189 of the KUHP, electronic evidence such as payment receipts, SMS, WhatsApp messages, phone recordings, and social media offers can also be used.

#### 4.2. Physical Evidence:

Relevant physical evidence in cases of occult practices can include tools used by the perpetrator, such as hair, photographs, burial cloths, animal body parts, dolls, needles, incense, sand, water from specific locations, incense sticks, written spells, threads, oranges, or foreign objects found inside the victim's body. These items are typically found in the victim's body, home, or yard.

#### 4.3. Subjective and Objective Elements:

The judge must consider valid evidence objectively and link it with their subjective conviction to achieve justice. The elements that indicate a legal violation in the practice of supernatural acts include:

##### 4.3.1. Subjective Element:

- 4.3.1.1. Intent (Dolus): The perpetrator consciously claims to have supernatural powers, offers services, and uses them for specific purposes (to harm or deceive). In supernatural practices, the "shaman" is believed to be aware of and intends the consequences of their actions.
- 4.3.1.2. Intent in Attempt (Poging): Even if the desired outcome does not occur, the perpetrator's intention to take initial actions (rituals) can still be considered an attempt at a criminal act.
- 4.3.1.3. Types of Intent or Motive: This includes the intention to deceive for financial gain or the intention to harm the victim, even if the consequences have not been proven.
- 4.3.1.4. Existence of Pre-planning: The perpetrator intentionally and systematically organizes supernatural practices to harm or deceive.

- 4.3.1.5. Fear: The fear experienced by the victim due to the perpetrator's claims, even without tangible evidence of supernatural power, can be a relevant element.
- 4.3.2. Objective Elements:
  - 4.3.2.1. Existence of Legal Violation (*Wederrechtelijkheid*): This occurs when the perpetrator claims to have supernatural powers, offers services based on supernatural knowledge with a specific intent, or uses supernatural practices to instill fear or suffering. The nature of the violation can be formal, meaning that the act can still be punished even if the consequences are not proven.
  - 4.3.2.2. Quality of the Perpetrator's Character: The status or position of the perpetrator (such as a religious or community leader) who abuses societal trust may serve as an aggravating factor when determining the severity of the punishment.
  - 4.3.2.3. Causal Relationship: This occurs when a claim of supernatural powers is used to influence, deceive, or intimidate the victim for personal gain, which could implicate the perpetrator under Article 252 and Article 378 of the Penal Code (fraud).

## **CLOSING**

This research aims to analyze the proof of criminal acts involving supernatural practices based on Article 252 of the Indonesian Criminal Code (KUHP) of 2023, using a normative juridical approach. The study also seeks to provide an overview of the challenges in proving supernatural practices within the context of Indonesian criminal law, as well as to offer a more comprehensive and applicable model of proof to support the law enforcement process.

Based on the results of the research conducted, these objectives have been achieved. The study successfully outlines the legal foundation for proving criminal acts involving supernatural practices, covering aspects such as the theory of evidentiary law, the subjective and objective elements of criminal acts, and the analysis of relevant evidence according to the Criminal Procedure Code (KUHAP) and related laws. This research also provides an understanding of the application of Article 252 of the KUHP as a form of criminal law reform in addressing supernatural practices that cause public concern. Through this analysis, the research is expected to make a meaningful contribution to enriching the discourse of Indonesian criminal law, while also serving as a reference for law enforcement officials, policymakers, and legal practitioners in handling cases related to supernatural practices in a fairer and more effective manner.

## **BIBLIOGRAPHY**

### **Book (Monograph)**

- Harahap, Yahya. *Pembahasan Permasalahan Dan Penerapan KUHAP (pemeriksaan sidang pengadilan, banding, kasasi dan peninjauan kembali)*. Kedua. Jakarta: Sinar Grafika, 2016.
- La Dee, Mustakim. *Hukum Pembuktian Dalam Perkara Pidana*. Royal Suite No. 6C, Jalan Sedap Malam IX, Sempakata Kecamatan Medan Selayang, Kota Medan 20131: PT. Media Penerbit Indonesia, 2024.
- Lamintang, P. A. F., dan Franciscus Theojunior Lamintang. *Dasar-Dasar Hukum Pidana di Indonesia*. Sinar Grafika, 2022.
- Mulyadi, Lilik. *Pembalikan Beban Pembuktian Tindak Pidana Korupsi*. 2007 ed. Bandung, t.t.
- Yanuar Chandra, Yasmon Putra, Tofik. *Hukum Pidana*. Jakarta: PT. Sangir Multi Usaha, 2022.

### **Scientific Journals and Articles**

- Al Buchori Ali, I Made Sepud, I Made Minggu Widyantara, Rachmad alif. "Sanksi Pidana Terhadap Pelaku Tindak Pidana Santet." *Jurnal Preferensi Hukum* 2 (2021). <https://doi.org/10.22225/jph.2.3.3980.454-458>.
- Arthani, Ni Luh Gede Yogi. "Praktek Paranormal Dalam Kajian Hukum Pidana Di Indonesia." *Jurnal Advokasi* 5 (2015).
- I Putu Surya Wicaksana Putra, Ni Putu Rai Yulianti, Dewa Gede Sudika Mangku. "Kebijakan Hukum Tentang Pengaturan Santet Dalam Hukum Pidana Indonesia." *e-Journal Komunitas Yustisia Universitas Pendidikan Ganesha* 3 (2020).
- Jannah, Nor Eka Miftakhul, Ifahda Pratama Hapsari. "Kriminalisasi Pelaku Santet Menurut Hukum Positif Di Indonesia." *UNES Law Review* 6 (26 September 2023). <https://doi.org/10.31933/unesrev.v6i1>.
- Sanathawa Ishwara, Ade Sathya. "Reformasi Hukum Pidana: Suatu Kajian Yuridis Terhadap Pembuktian Tindak pidana Santet Dalam KUHP Baru." *Iblam Law Review* 3 (19 September 2023). <https://doi.org/10.52249>.

### **Electronic Sources (Internet, Website, or E-Book)**

- Al Buchori Ali, I Made Sepud, I Made Minggu Widyantara, Rachmad alif. "Sanksi Pidana Terhadap Pelaku Tindak Pidana Santet." *Jurnal Preferensi Hukum* 2 (2021). <https://doi.org/10.22225/jph.2.3.3980.454-458>.
- Arthani, Ni Luh Gede Yogi. "Praktek Paranormal Dalam Kajian Hukum Pidana Di Indonesia." *Jurnal Advokasi* 5 (2015).
- "Berkedok Dukun Bisa Sembuhkan Penyakit, Pria Ini Cabuli Pasien Berkali-kali, Kini Diringkus Polisi," 1736483769. <https://www.msn.com/id-id/kejahatan/umum/berkedok-dukun-bisa-sembuhkan-penyakit-pria-ini-cabuli-pasien-berkali-kali-kini-diringkus-polisi/ar-BB1rcAEC>.
- Harahap, S.H., M. Yahya. *Pembahasan Permasalahan Dan Penerapan KUHAP (pemeriksaan sidang pengadilan, banding, kasasi dan peninjauan kembali)*. Kedua. Jakarta: Sinar Grafika, 2016.

- I Putu Surya Wicaksana Putra, Ni Putu Rai Yulianti, Dewa Gede Sudika Mangku. "Kebijakan Hukum Tentang Pengaturan Santet Dalam Hukum Pidana Indonesia." *e-Journal Komunitas Yustisia Universitas Pendidikan Ganesha* 3 (2020).
- Jannah, Nor Eka Miftakhul, Ifahda Pratama Hapsari. "Kriminalisasi Pelaku Santet Menurut Hukum Positif Di Indonesia." *UNES Law Review* 6 (26 September 2023). <https://doi.org/10.31933/unesrev.v6i1>.
- La Dee, Mustakim. *Hukum Pembuktian Dalam Perkara Pidana*. Royal Suite No. 6C, Jalan Sedap Malam IX, Sempakata Kecamatan Medan Selayang, Kota Medan 20131: PT. Media Penerbit Indonesia, 2024.
- Lamintang, P. A. F., dan Franciscus Theojunior Lamintang. *Dasar-Dasar Hukum Pidana di Indonesia*. Sinar Grafika, 2022.
- Leonard Jinata, Richard. "Analisa Pembuktian Pada Tindak Pidana Pasal 252 Rancangan Undang-Undang Kitab Undang-Undang Hukum Pidana" 8 (mei 2020).
- Liputan6.com. "Suanggi, Ilmu Hitam Paling Ditakuti di Tanah Papua." *liputan6.com*, 7 Januari 2019. <https://www.liputan6.com/regional/read/3863170/suanggi-ilmu-hitam-paling-ditakuti-di-tanah-papua>.
- Media, Kompas Cyber. "Sejarah Banyuwangi Sering Dijuluki Kota Santet Halaman all." *KOMPAS.com*, 11 Desember 2021. <https://www.kompas.com/stori/read/2021/12/11/120000679/sejarah-banyuwangi-sering-dijuluki-kota-santet>.
- "Menyatakan Diri Dapat Melakukan Tindak Pidana Karena Memiliki Kekuatan Gaib (Dukun)," 2 Mei 2023. <https://partisipasiku.bphn.go.id/diskusi/menyatakan-diri-dapat-melakukan-tindak-pidana-karena-memiliki-kekuatan-gaib-dukun>.
- Mile, Tiara. "Pemaknaan Kebijakan Perbuatan Santet Dalam Undang-Undang Republik Indonesia Nomor 1 Tahun 2023." *Medium* (blog), 22 Mei 2023. <https://medium.com/@tiaramile9/pemaknaan-kebijakan-perbuatan-santet-dalam-undang-undang-republik-indonesia-nomor-1-tahun-2023-177f476279e2>.
- Mulyadi, Lilik. *Pembalikan Beban Pembuktian Tindak Pidana Korupsi*. 2007 ed. Bandung, t.t.
- Nitibaskara, Tb Ronny Rachman. "Membangun Supremasi Dan Kesadaran Hukum Dalam Rangka Ketahanan Nasional" 1, no. 2 (2023).
- Purwanto, Muhammad Eko. "Peran Spiritualitas, Supranatural, Psikospiritual, Dalam Praktek Perdukunan Di Indonesia." *Makalah Kelas*. Diakses 3 Maret 2025. [https://www.academia.edu/40106555/Peran\\_Spiritualitas\\_Supranatural\\_Psikospiritual\\_Dalam\\_Praktek\\_Perdukunan\\_Di\\_Indonesia](https://www.academia.edu/40106555/Peran_Spiritualitas_Supranatural_Psikospiritual_Dalam_Praktek_Perdukunan_Di_Indonesia).
- Rizkinaswara, Leski. "Perubahan Kedua Atas UU ITE Wujudkan Kepastian Hukum Ruang Digital." *Ditjen Aptika* (blog), 5 Desember 2023. <https://aptika.kominfo.go.id/2023/12/perubahan-kedua-atas-uu-ite-wujudkan-kepastian-hukum-ruang-digital/>.
- Si, Ulfa Asriani. "Pembuktian Pada Tindak Pidana Santet Berdasarkan Undang-Undang Nomor 1 Tahun 2023 (Studi Kasus Putusan Nomor : 25/Pid.B/2021/PN Tgl)," 2023.
- Surabaya, TIMES. "Pelaku Mutilasi di Malang Ngaku Belajar Ilmu Pelet Sejak 2003, Puluhan Kali Berhasil." *TIMES Surabaya*. Diakses 3 Maret 2025.

<https://surabaya.times.co.id/news/berita/2dqsfknnhp/Pelaku-Mutilasi-di-Malang-Ngaku-Belajar-Ilmu-Pelet-Sejak-2003-Puluhan-Kali-Berhasil>.

Sutiyoso, Bambang. *Metode Penemuan Hukum Upaya Menemukan Hukum Yang Pasti dan Berkeadilan*. Yogyakarta: UII Pers, 2006.

“Tipu Muslihat Dukun Pengganda Uang di Sukabumi, Ini Fakta-faktanya.” Diakses 3 Maret 2025. <https://www.detik.com/jabar/hukum-dan-kriminal/d-7544961/tipu-muslihat-dukun-pengganda-uang-di-sukabumi-ini-fakta-faktanya>.

Yanuar Chandra, Yasmon Putra, Tofik. *Hukum Pidana*. Jakarta: PT. Sangir Multi Usaha, 2022.

