

Legal Problems in Proving the Crime of Claiming Supernatural Powers under Article 252 of the Indonesian Criminal Code

Tumbur^{*1}, Rahmat Ramadhani²

^{1,2} Magister Ilmu Hukum Sekolah Pascasarjana, Universitas Muhammadiyah Sumatera Utara, Indonesia

*Corresponding Author: tumburmunthe878@gmail.com

Abstract: The enactment of Article 252 of Law Number 1 of 2023 concerning the Indonesian Criminal Code introduces a unique criminal offence relating to claims of supernatural powers, raising significant legal issues concerning its enforcement within Indonesia's criminal justice system. This study examines the legal construction of Article 252 and analyzes the evidentiary framework required to establish criminal liability for offences involving supernatural claims. The research employs a normative juridical method using statutory, conceptual, and doctrinal approaches. Primary legal materials include the 1945 Constitution, Law Number 1 of 2023 concerning the Criminal Code, Law Number 8 of 1981 concerning the Criminal Procedure Code, and related legislation, while secondary legal materials comprise legal doctrines, scholarly books, and peer-reviewed journal articles. The collected materials were analyzed through grammatical, systematic, and teleological interpretation using deductive legal reasoning. The findings indicate that Article 252 constitutes a formal offence, whereby criminal liability is established by proving the prohibited conduct rather than the actual existence or effectiveness of supernatural powers. Accordingly, the object of proof should focus on the defendant's conduct, intent, and legally admissible evidence instead of metaphysical claims. This study also identifies a normative gap resulting from the absence of explicit evidentiary standards under Article 252. Its novelty lies in proposing a doctrinal evidentiary model that emphasizes objectively verifiable conduct, thereby strengthening the compatibility of Article 252 with the principles of legality, legal certainty, due process of law, and modern criminal evidence.

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Keywords: Criminal Evidence, Article 252 Criminal Code, Supernatural Crime, Criminal Law Reform, Indonesian Criminal Law.

Abstract: Pemberlakuan Pasal 252 Undang-Undang Nomor 1 Tahun 2023 tentang KUHP Indonesia memperkenalkan tindak pidana unik yang berkaitan dengan klaim kekuatan supranatural, sehingga menimbulkan isu hukum yang signifikan terkait penegakannya dalam sistem peradilan pidana Indonesia. Studi ini meneliti konstruksi hukum Pasal 252 dan menganalisis kerangka pembuktian yang diperlukan untuk menetapkan tanggung jawab pidana atas tindak pidana yang melibatkan klaim kekuatan supranatural. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan hukum, konseptual, dan doktrinal. Materi hukum primer meliputi Konstitusi 1945, Undang-Undang Nomor 1 Tahun 2023 tentang KUHP, Undang-Undang Nomor 8 Tahun 1981 tentang KUHP, dan peraturan perundang-undangan terkait, sedangkan materi hukum sekunder terdiri dari doktrin hukum, buku-buku ilmiah, dan artikel jurnal ilmiah. Materi yang dikumpulkan dianalisis melalui interpretasi gramatikal, sistematis, dan teleologis menggunakan penalaran hukum deduktif. Hasil penelitian menunjukkan bahwa Pasal 252 merupakan tindak pidana formal, di mana tanggung jawab pidana ditetapkan dengan membuktikan perbuatan yang dilarang, bukan keberadaan atau keefektifan kekuatan supranatural yang sebenarnya. Oleh karena itu, objek pembuktian harus berfokus pada perilaku, niat, dan bukti yang sah secara hukum dari terdakwa, bukan pada klaim metafisik. Studi ini juga mengidentifikasi kesenjangan normatif yang timbul dari tidak adanya standar pembuktian eksplisit berdasarkan Pasal 252. Kebaruannya terletak pada pengusulan model pembuktian doktrinal yang menekankan perilaku yang dapat diverifikasi secara objektif, sehingga memperkuat kesesuaian Pasal 252 dengan prinsip-prinsip legalitas, kepastian hukum, proses hukum yang adil, dan bukti pidana modern.

Kata kunci: Bukti Pidana, Pasal 252 KUHP, Kejahatan Gaib, Reformasi Hukum Pidana, Hukum Pidana Indonesia.

Introduction

Along with the very dynamic development of society, the Criminal Code (KUHP) is no longer appropriate to the needs of society, so the Indonesian government created a new Criminal Code, namely Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code.¹ The enactment of the new Criminal Code has also sparked public debate regarding several

¹ Reza Pramasta Gegana Nur Aripkah, Kalen Sanata, Khairunnisa Noor Asufie, "Pembaharuan Konsep Hukum Pidana Dalam Undang-Undang No. 1 Tahun 2023 Tentang KUHP," *Fundamental: Jurnal Ilmiah Hukum* 6, no. 2 (2025), 209-226.

provisions within it. One of these articles deals with the supernatural. Discussing the supernatural is inherently contrary to the theories of justice, legal certainty, and the theory of legal expediency.²

Since ancient times, many people have believed in supernatural or mystical powers. This belief, despite its uncertain existence or truth, has left a significant mark on the minds of Indonesians. Numerous beliefs in Indonesia support the existence of these supernatural powers. Many phenomena are also discussed, concerning individuals who possess supernatural powers, whether proven or not. To address public belief, the government incorporated it into an article in the latest Criminal Code. However, discussing supernatural powers within the legal framework, particularly criminal law, is not easy. Several aspects must be met before someone can be deemed to have committed a crime. The main difficulty begins with proving the supernatural, as proving something uncertain is extremely complex.³

This regulation regarding supernatural matters has logical consequences for its implementation, making it extremely difficult. A more detailed explanation of Article 252 of the Criminal Code, which regulates supernatural powers, is needed to avoid obstacles in its implementation.⁴ The issue that will be discussed is related to the evidence of a person suspected of committing a crime as stipulated in Article 252 of Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code. This is the focus of this scientific paper, so the author feels the need for a policy to criminalize supernatural crimes in criminal law reform regarding evidence that can be easily used from the investigation level to the examination process in court.⁵

² Muhammad Arafat, "Paradigma Pidana Baru Dalam KUHP 2023: Alternatif Sanksi Dan Transformasi Sistem Peradilan Pidana Indonesia," *Jurnal Ilmu Hukum* 2, no. 1 (2025), 33-46.

³ Amos Saito Hamonangan Simorangkir Salwani, Denies, Muhammad Dede Al Farabi Suardi, Ariel Lian Pratama Reksa, Muhammad Fajar Lutfi Raihan, "Problematisasi Pembuktian Materiil Dan Logika Hukum Tindak Pidana Santet Di Persidangan," *Jurnal Kajian Hukum Dan Kebijakan Publik* 3, no. 2 (2026), 715-721.

⁴ Nila Arzaqi Deny Puspitasari, "Analisis Pasal 252 KUHP Baru Perspektif Hukum Islam Dalam Pengembangan Teori Hukum," *Tasyri': Journal of Islamic Law* 4, no. 1 (2025), 179-200.

⁵ Aisyah Zafira, "Tindak Pidana Perdukunan Tinjauan Pasal 545, 546, 547 KUHP Dengan Pasal 252 KUHP 2023," *Taruna Law: Journal of Law and Syariah* 2, no. 1 (2024), 1-11.

This research is important because Article 252 of Law Number 1 of 2023 concerning the Criminal Code introduces a unique form of criminalization that has rarely been regulated in modern criminal law. Unlike conventional criminal offenses, the offense concerning supernatural practices presents fundamental challenges related to legal proof, evidentiary standards, and judicial assessment. Criminal law requires that every conviction be based on objective, rational, and legally recognized evidence. However, supernatural claims are inherently metaphysical and cannot be scientifically verified through ordinary evidentiary mechanisms. This situation creates legal uncertainty for law enforcement officers, prosecutors, judges, and society. Consequently, a comprehensive legal analysis is necessary to examine whether the evidentiary system under Indonesian criminal procedure law is capable of accommodating the enforcement of Article 252 while simultaneously upholding the principles of legality, legal certainty, justice, and due process of law. The findings of this research are expected to contribute to the development of criminal law reform and provide recommendations for the implementation of Article 252 in a manner consistent with the fundamental principles of criminal justice.⁶

Previous studies concerning supernatural practices in Indonesia have predominantly focused on socio-cultural beliefs, anthropological perspectives, religious interpretations, or the criminalization policy of black magic within the new Criminal Code. Several scholars have discussed the rationale behind the inclusion of Article 252 and the relationship between customary beliefs and criminal law reform. Nevertheless, very limited research has specifically examined the evidentiary dimension of supernatural offenses within the Indonesian criminal justice system. Existing studies generally discuss the normative justification for criminalization without comprehensively analyzing how investigators, prosecutors, and judges can establish criminal liability when the alleged conduct involves supernatural claims that are difficult or impossible to verify empirically. Consequently, there remains a significant gap regarding the compatibility between Article 252 and the evidentiary principles embodied in the Indonesian Criminal Procedure Code (KUHAP), particularly concerning

⁶ Arsyah Geuvarra Erny Herlin Setyorini, Yovita Arie Mangesti, Frans Simangunsong, "Model of Paranormal Testimony as Evidence in the Crime of Witchcraft from the Perspective of Legal Certainty," *Rechtsidee* 13, no. 1 (2025), 10-21.

the minimum evidentiary requirement, admissibility of evidence, and judicial conviction.

The novelty of this research lies in its development of a legal evidentiary framework specifically designed for the implementation of Article 252 of Law Number 1 of 2023 concerning the Criminal Code. Unlike previous studies that primarily discuss the criminalization policy or philosophical justification for regulating supernatural practices, this study focuses on the practical evidentiary issues encountered throughout the criminal justice process, from investigation to judicial examination. Furthermore, this research proposes that the object of proof should not be the existence of supernatural powers themselves, but rather the defendant's objectively verifiable conduct, fraudulent representations, intent, and the resulting legal consequences. This approach reconciles Article 252 with the principles of legality, legal certainty, and evidentiary standards recognized under Indonesian criminal procedure law.

This research positions itself within the discourse of criminal law reform by extending previous normative discussions toward the practical implementation of criminal justice. Earlier studies primarily analyzed the philosophical basis for criminalizing supernatural practices or examined Article 252 from cultural, religious, and legal policy perspectives. In contrast, this study specifically addresses the unresolved issue of evidentiary mechanisms required to establish criminal responsibility under Article 252. It therefore complements existing literature by providing a doctrinal analysis of the relationship between Article 252, the evidentiary provisions of the Indonesian Criminal Procedure Code, and the principles of justice, legal certainty, and legal expediency. Accordingly, this research offers a more implementation-oriented perspective that may serve as a doctrinal reference for legislators, law enforcement agencies, prosecutors, judges, and future legal scholars in interpreting and applying the provision consistently.

Method

This research employed a normative juridical method, which focuses on examining legal norms, principles, and doctrines governing the regulation of criminal offenses related to claims of supernatural powers under Article 252 of Law Number 1 of 2023 concerning the Indonesian Criminal Code. The research adopted both a statutory approach and a conceptual approach. The statutory approach involved analyzing

relevant legislation, particularly Law Number 1 of 2023 concerning the Criminal Code and Law Number 8 of 1981 concerning the Indonesian Criminal Procedure Code (KUHP), together with other regulations governing criminal liability and evidentiary rules. Meanwhile, the conceptual approach examined legal doctrines, scholarly opinions, and theories concerning criminal law, evidentiary law, legal certainty, justice, and criminal law reform to provide a comprehensive understanding of the legal issues under investigation.⁷ The primary legal materials consisted of binding legal sources, including the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2023 concerning the Criminal Code, Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP), and other statutory regulations relevant to criminal evidence and criminal liability. These materials formed the principal legal basis for analyzing the implementation of Article 252. The secondary legal materials comprised legal literature, including textbooks, peer-reviewed journal articles, commentaries, legal doctrines, conference proceedings, and previous research discussing criminal law reform, evidentiary law, supernatural offenses, and the principles of legality, legal certainty, justice, and legal expediency. These materials were used to strengthen the theoretical framework and provide comparative legal perspectives.

Result and Discussion

Legal Regulations on Criminal Acts of Supernatural Powers

Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code (KUHP) does not provide an explanation of the definition of supernatural, but according to the Big Indonesian Dictionary, supernatural means invisible, hidden, unreal.⁸ Meanwhile, supernatural powers refer to supernatural powers that are invisible, intangible, or intangible to the human senses. Supernatural powers are the power to inflict persistent harm, and are used in three ways:⁹

⁷ Masidin, *Penelitian hukum normatif: Analisis putusan hakim*. (Jakarta: Prenada Media, 2023).

⁸ Gregorius. Setyawan, Vincentius Patria, Widiartana, "Criminalization of Santet in the Reform of the Criminal Law," *Res Judicata Journal* 6, no. 1 (2023), 43-50.

⁹ Ade Sathya Sanathana Ishwara, "Reformasi Hukum Pidana: Kajian Yuridis Terhadap Pembuktian Tindak Pidana Santet Dalam KUHP Baru," *Indonesia Law Reform Journal* 3, no. 3 (2023), 100-111.

1. Through the power of the mind, known as analogy; this involves emanating magical energy and imagining the target within their grasp, such as a doll being stabbed.
2. Through the ability to transform solid objects into energy and direct it at the target.
3. With the assistance of evil spirits.

Regulating claims of supernatural powers within criminal law raises fundamental doctrinal and evidentiary challenges because criminal liability is traditionally grounded in objectively verifiable facts rather than metaphysical beliefs. Unlike conventional offenses, alleged supernatural practices cannot be scientifically observed, tested, or forensically examined, thereby creating tension between the criminalization of such conduct and the principles of legality, legal certainty, and due process of law. This evidentiary dilemma risks arbitrary law enforcement if criminal responsibility is based solely on subjective beliefs, fear, or community perceptions rather than legally admissible evidence. Consequently, the enforcement of Article 252 should not be directed toward proving the existence of supernatural powers, as this lies beyond the competence of legal science and judicial institutions. Instead, the focus of criminal liability should be shifted to objectively demonstrable conduct, such as intentionally claiming to possess supernatural powers for the purpose of obtaining an unlawful benefit, deceiving others, creating fear, or causing measurable harm. From this perspective, the protected legal interest is not the metaphysical claim itself, but the fraudulent, coercive, or harmful conduct that can be established through legally recognized evidence. Such an interpretation preserves the constitutional principles of legal certainty and fairness while ensuring that Article 252 remains compatible with the evidentiary framework of Indonesian criminal procedure.

Supernatural powers are regulated under Article 252 of Law Number 1 of 2023 concerning the Indonesian Criminal Code. Rather than criminalizing the existence of supernatural powers, the provision focuses on the act of claiming such powers and offering services intended to harm others. The main legal elements of Article 252 are summarized in Table 1.

Table 1. Summary of Article 252 of Law Number 1 of 2023 concerning the Indonesian Criminal Code

Legal Aspect	Provision
Legal Basis	Article 252 of Law Number 1 of 2023 concerning the Criminal Code
Prohibited Conduct	Publicly claiming supernatural powers and offering, promising, or providing services intended to cause illness, death, or physical or mental suffering
Object of Criminalization	The act of claiming and offering harmful supernatural services, not the existence of supernatural powers
Criminal Sanction	Maximum imprisonment of 1 year and 6 months or a Category IV fine
Aggravating Circumstance	Punishment may be increased by one-third if the offence is committed for profit, as a livelihood, or as a habitual practice
Nature of Offence	Formal offence, where liability arises from the prohibited act itself
Evidentiary Focus	Objective evidence of the defendant's conduct rather than proof of supernatural powers

Source: Compiled by the authors based on Article 252 of Law Number 1 of 2023 concerning the Criminal Code.

Table 1 summarizes the essential legal construction of Article 252 of the Indonesian Criminal Code. The provision establishes that criminal liability is directed at the act of publicly claiming supernatural powers and offering services intended to cause harm, rather than at the existence or effectiveness of supernatural abilities themselves. The table also demonstrates that Article 252 classifies the offence as a formal offence, meaning that criminal responsibility arises once the prohibited conduct has been committed, without requiring proof that the intended harm actually occurred. Furthermore, the provision imposes more severe penalties when the conduct is carried out for commercial purposes or as a habitual occupation, reflecting the legislature's intention to prevent the economic exploitation of public belief in supernatural practices. Finally, the evidentiary focus remains on objectively verifiable conduct, ensuring consistency with the principles of legality, legal certainty, and due process in Indonesian criminal law.

The provisions of Article 252 emphasize the element of offering or providing services as a black magic practitioner, which is actually intended to expand the scope of Article 250. However, in this formulation, the type of assistance provided or offered is specific so that it is made into a separate crime. Then, in the provisions of Article 252 paragraph (2), it has been regulated the addition of criminal penalties that emphasize the legal intention against perpetrators who carry out occult practices not only as a belief, but as a means

of economic exploitation that has the potential to be dangerous. This addresses the gap in norms in the old Criminal Code (WvS) which can be interpreted in reverse, namely tending to be permissive towards the dimension of commercialization of mysticism.¹⁰

By focusing on the act of offering services or claiming to have supernatural powers, without having to wait for the possible consequences. This article allows for more efficient law enforcement even in the absence of direct evidence of the impact. The provisions of Article 252 of Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code comprise formal and material offenses. The difference lies in their focus: formal offenses focus on the act, while material offenses focus on the consequences. The article on supernatural powers in the Criminal Code falls under this formal offense category, as it emphasizes a declaration of an act intended to cause illness, death, or suffering to another person.¹¹

This approach is also consistent with the fundamental function of criminal evidence, which is to establish the occurrence of a criminal act through objective, rational, and legally admissible proof rather than through assumptions based on cultural or spiritual beliefs. If the prosecution is required to prove the actual existence or effectiveness of supernatural powers, the burden of proof would become impossible to satisfy because such phenomena cannot be verified using scientific methods or conventional forensic techniques. Conversely, if courts were to accept supernatural claims without objective verification, judicial decisions would risk being influenced by speculation, prejudice, or local beliefs, thereby undermining the rule of law and public confidence in the criminal justice system.

Proof of Supernatural Powers in Criminal Law

Criminal law fundamentally seeks material truth in order to provide legal justice for society. In seeking material truth, the main discussion focuses on proof in criminal law. This proof will be the deciding factor for judges in deciding a criminal case.

¹⁰ Republik Indonesia, "Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana" (2023).

¹¹ Mark Dsouza, "Criminalisation Theory as a Theory of pro Tanto Criminal Proscription," *Jurisprudence An International Journal of Legal and Political Thought* 16, no. 3 (2025), 397-419.

Proof is the intent and effort to establish the truth of an event, thereby establishing its validity. Proof is a component of criminal procedural law, governing the types of legally valid evidence, the system adopted in proving the evidence, the requirements and procedures for presenting such evidence, and the judge's authority to accept, reject, and evaluate evidence. The legal sources of proof are as follows:¹²

1. Law;
2. Doctrine or teaching;
3. Jurisprudence.

In Indonesian criminal procedure, the imposition of a criminal sentence is subject to two cumulative requirements. First, the prosecution must present at least two legally admissible pieces of evidence. Second, based on that evidence, the judge must be convinced that a criminal offence has been committed and that the defendant is responsible for committing it. This principle is embodied in Article 183 of the Indonesian Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana* or KUHAP), which adopts the system of proof based on both statutory evidence and judicial conviction. A similar provision is contained in Article 6 (2) of Law Number 48 of 2009 on Judicial Power, which stipulates that no person may be convicted unless the court, on the basis of legally admissible evidence, is convinced that the accused is guilty of the offence charged. Accordingly, a conviction under Indonesian criminal law requires not only compliance with the statutory rules of evidence but also the judge's reasoned belief in the defendant's guilt.¹³

The two provisions of the above article indicate the existence of one most important thing in deciding a criminal case, which is called "legally and convincingly", in this case the word "legal" means that the decision given by the judge has been based on valid evidence as regulated in Article 184 of the Criminal Procedure Code and other laws and regulations. In the provisions of Article 184 of the Criminal Procedure Code, what is meant by evidence consists of:

¹² M. Yahya Harahap, *Pembahasan Permasalahan Dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, Dan Peninjauan Kembali* (Jakarta: Sinar Grafika, 2016).

¹³ Aristo M. Pangaribuan, "Truth, Bias, and Abuse of Power: How Indonesia's Evidentiary Threshold Shapes Criminal Justice," *International Journal of Evidence and Proof* 30, no. 3 (2025), 118,

1. Witness testimony;
2. Expert testimony;
3. Letters;
4. Instructions;
5. Defendant's testimony.

An examination of Article 252 of the Indonesian Criminal Code indicates that the offence is classified as a formal offence (*formeel delict*) rather than a material offence (*materieel delict*). According to Moeljatno, a formal offence is an offence in which the prohibited act itself constitutes the completion of the crime, regardless of whether the intended consequence has actually occurred. In contrast, a material offence is completed only when the prohibited act results in the harmful consequence specified by law. Thus, the essential distinction between the two categories lies in whether the completion of the offence depends upon the occurrence of a particular result or merely upon the commission of the prohibited conduct.¹⁴

Viewed from this doctrinal perspective, the wording of Article 252 clearly emphasizes the prohibited conduct namely, claiming to possess supernatural powers and offering or providing services intended to cause illness, death, or physical or mental suffering to another person rather than requiring proof that those consequences actually materialize. Accordingly, criminal liability arises upon the commission of the prohibited act itself, without requiring proof that the alleged supernatural powers produced the intended harm.¹⁵ This reflects the concept of formal unlawfulness, under which an offence is established once all statutory elements prescribed by the provision have been satisfied. Article 252 provides as follows:

"Anyone who claims to have supernatural powers, informs, raises hopes, offers or provides assistance to other people that due to their actions can cause suffering, mental retardation, or even death."

In the division of crimes according to their formulation, there are differences, namely regarding the proof of the parts of the formulation of the norms of the article. The elements that must be fulfilled or proven in a formal

¹⁴ Moeljatno, *Asas-Asas Hukum Pidana* (Jakarta: Rineka Cipta, 2008).

¹⁵ J. P. Fassnidge, "Criminalisation as a Speech-Act: Saying Through Criminalising," *Criminal Law and Philosophy* 18, no. 2 (2024), 471-490.

crime are whether the person has actually committed the act as referred to in Article 252 of the Criminal Code. The focus is on the criminal act itself, not the consequences of the crime, such as death. If a person is suspected or alleged to have committed a crime, the perpetrator can be subject to criminal sanctions as stipulated in the law.

Article 252, according to criminal law doctrine, is considered a formal crime because the emphasis is on the person's actions (conduct), not the consequences of those actions. If a person has acted as mentioned, they are categorized as having committed a crime and fulfilling the elements of the crime, even if no consequences result from the act. Proof in a formal crime is sufficient to prove that a person committed the act in question, namely the relationship between the black magic practitioner and the person who hired them, which is considered a criminal conspiracy. If proven, the person can be subject to criminal sanctions. If the act fulfills all the elements contained in the definition of a criminal act, the act is considered a crime.

Proof in criminal procedure law clearly requires assistance in a case where someone is accused of committing a crime under Article 252 of the Criminal Code. The evidence used when using witnesses cannot be definitively determined whether the witness's testimony is real. This is because what they hear, see, or experience cannot necessarily be proven. If it is argued that they heard, saw, or felt something done by an evil spirit, there is also no mechanism to prove it. Another form of evidence used in criminal cases according to the Criminal Procedure Code is expert testimony. When there is a supernatural case, it is clearly difficult to find someone who will act as an expert. Anyone who understands supernatural powers and can explain them will not be enough to prove the accusation, because again, a mechanism is needed to prove the statement in question.¹⁶

In prosecutions involving claims of supernatural powers, documentary evidence is unlikely to play a significant role because such conduct rarely generates documentary records capable of establishing the alleged offence. Nevertheless, the absence of documentary evidence does not, in itself, preclude criminal liability, as Indonesian criminal procedure recognizes several forms of

¹⁶ Choirul Anam, "Studi Analisis Terhadap Pembuktian Tindak Pidana Santet Dalam Pasal 252 KUHP." *CLEAR: Criminal Law Review* 2, no. 1 (2024): 52-78.

legally admissible evidence. Instead, the prosecution must rely on other evidentiary sources, particularly witness testimony, expert testimony, or circumstantial evidence, to establish the elements of the offence. Any evidentiary indication must be assessed in conjunction with other legally admissible evidence to satisfy the statutory standard of proof. Likewise, although a defendant's statement may contribute to the evidentiary assessment, it cannot serve as the sole basis for a conviction and must be corroborated by other evidence presented during the trial. This approach reflects the fundamental objective of Indonesian criminal procedure to establish the material truth through a comprehensive evaluation of all available evidence rather than relying on any single item of proof.¹⁷

The formulation of Article 252 of the Criminal Code, when implemented in society, will clearly face obstacles due to the difficulty of proving its truth. Discussing something supernatural is essentially the same as discussing something uncertain. The purpose of law should be to provide justice, certainty, and legal benefits to society. Article 252 of the Criminal Code does not meet these criteria because its proof cannot yet be scientifically explained. Criminal law is a science that seeks material truth (the ultimate truth). To find the ultimate truth, something tangible and definite is needed to support it. However, with Article 252 of the Criminal Code, someone could be framed for committing a supernatural act and causing the death of another person due to unclear evidence. Ultimately, there are only two options: either the provisions of the *a quo* article are inapplicable and futile, or the provisions of Article 252 of the Criminal Code are vulnerable to being used as a catch-all article to trap innocent individuals. Given these various factors, it can be said that Article 252 of the Criminal Code fails to fulfill the intended goals of law: justice, certainty, and legal benefit. The formulation of Article 252 of the Criminal Code only states that he has supernatural powers, informs, gives hope, offers, or provides assistance to other people whose actions can cause illness, death, or mental or physical suffering of a person, so that what is proven is only the element of criminal acts in the article in the form of declaring himself not the result of his actions so that it does not prove the supernatural

¹⁷ Simon Butt and Andreas Nathaniel, "Evidence from Criminal Law Experts in Indonesian Criminal Trials: Usurping the Judicial Function?," *International Journal of Evidence and Proof* 28, no. 2 (2024), 129-153.

element because the Criminal Procedure Code has not been able to reach it, this is related to the proof regulated in Article 184 of the Criminal Procedure Code regarding supernatural matters.

Conclusion

The provisions regarding crimes involving supernatural powers in Article 252 of the Criminal Code reflect the efforts of lawmakers to provide legal protection to the public from manipulative practices that exploit belief in supernatural powers for the purpose of gaining certain benefits. However, the characteristics of this offense present conceptual challenges in terms of proof, because the object constructed as the basis for the criminal act does not exist in an empirical realm that can be scientifically verified. Therefore, the proof of the elements of the crime in this article is not directed at the existence of supernatural powers themselves, but rather at the actions of the perpetrator who consciously claims to have supernatural abilities and uses them as a means to gain benefits or cause harm to others. From the perspective of modern criminal evidence law, the relevant approach is to place the focus of proof on the elements of the statement, the causal relationship, and the consequences arising from the claim, so that the standard of proof remains within the framework of the rationality of criminal procedural law. Thus, the construction of proof in Article 252 of the Criminal Code must be understood as proof of misleading acts based on false representation (fraudulent representation), not proof of the existence of supernatural powers as an objective reality.

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Author Contributions Statement

TM, contributed to the conceptualization of the study, literature review, data collection, data analysis, interpretation of findings, and manuscript drafting. RR, contributed to the research methodology, supervision, validation of the results, critical revision of the manuscript, and final approval of the version to be published. All authors have read and approved the final version of the manuscript.

AI Usage Statement

The authors declare that the use of Artificial Intelligence (AI) in this research was limited to supportive functions, such as language editing, grammar checking, and improving clarity and readability. AI was not used to generate the main ideas, conduct substantive analysis, interpret data, or draw scientific conclusions. The authors take full responsibility for the originality, accuracy, and academic integrity of the entire content of this article.

Conflict of Interest

The authors declare that there is no conflict of interest regarding the research and publication of this article.

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