



# Witness Trapping in False Testimony Cases: Criminal Law and Qanun Perspectives

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## Abstract

*This study examines witness trapping in false testimony cases from criminal law and Qanun Jinayat perspectives. Witness trapping, the manipulation of witnesses to provide fabricated testimony, undermines judicial integrity and risks miscarriages of justice. While Indonesia's Criminal Code (KUHP) and witness protection laws address false testimony, enforcement gaps persist. In Aceh, Qanun Jinayat incorporates Islamic legal principles, treating false testimony (syahadah al-zur) as both a crime and sin. The research compares these frameworks, analyzing their preventive mechanisms and sanctions. Findings suggest Qanun's religious-legal hybrid approach offers unique deterrence through moral accountability, complementing conventional legal sanctions. The study recommends strengthening legal protections while integrating ethical-religious education to combat witness trapping more effectively.*

**Keywords:** *witness trapping; false testimony; criminal law; Qanun Jinayat; judicial integrity*

## Introduction

The criminal justice system serves as a fundamental pillar in upholding justice within a nation. In this system, witness testimony holds a crucial role as one of the legally recognized forms of evidence (Syatar, 2023). However, the practice of witness trapping manipulating witnesses to provide false testimony has emerged as a serious challenge threatening the integrity of judicial processes. This phenomenon occurs not only within the national criminal justice system but has also become a concern in the implementation of Qanun Jinayat in Aceh.

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The issue of witness trapping in false testimony cases requires in-depth examination from both criminal law and Qanun perspectives to develop comprehensive solutions for its mitigation. Within the context of Indonesian criminal law, the problem of false testimony has been anticipated through various provisions in the Criminal Code (KUHP). Article 242 of the KUHP specifically addresses false testimony under oath, while Article 171 regulates false statements made in court. Despite these provisions, witness trapping as a form of testimony manipulation still frequently occurs in judicial processes. This indicates that existing legal regulations have not been entirely effective in preventing false testimonies obtained through various manipulative means (Laksana, 2025).

Witness trapping can be defined as a systematic effort to deceive or manipulate witnesses into providing statements that do not align with the truth. This practice can be executed through various methods, ranging from threats and intimidation to persuasion and material incentives. In many cases (Daipon, 2020), witness trapping often involves parties with specific interests in a case, including law enforcement officials themselves or external stakeholders. The complexity of this issue increases when witness trapping is conducted in highly covert ways that make it difficult to prove legally. In Aceh, which implements the Qanun Jinayat legal system, witness trapping has also become a serious concern. Qanun Jinayat Aceh No. 6 of 2014 explicitly prohibits false testimony and imposes severe sanctions (Wahyuni, 2015). From the Islamic legal perspective that forms the basis of Qanun Jinayat, false testimony (*syahadah al-zur*) is considered a major sin and is highly condemned. The Quran in Surah Al-Hajj verse 30 and Surah Al-Furqan verse 72 explicitly prohibits false testimony as it contradicts the principle of justice (*al-'adl*), which is the cornerstone of Islamic law (Sakhowi, 2022). The issue of witness trapping in false testimony cases has far-reaching impacts on the judicial system. First, this practice can lead to miscarriages of justice, where innocent individuals may be convicted or, conversely, perpetrators may escape legal consequences. Second, witness trapping can erode public trust in the judicial system, which should serve as the last bastion in the pursuit of justice. Third, this practice also results in a waste of legal resources, as judicial processes may need to be repeated if false testimonies are later uncovered.

Within the national criminal law framework, efforts to prevent witness trapping are regulated under Law No. 31 of 2014 concerning the Protection of Witnesses and Victims. This law provides legal protections for witnesses to prevent intimidation or coercion in giving testimony. However, the implementation of this law still faces various challenges, particularly regarding the suboptimal mechanisms for witness protection. Additionally, sanctions against perpetrators of witness trapping are deemed insufficient to serve as an effective deterrent.

Meanwhile, in the Qanun Jinayat system in Aceh, the approach to preventing witness trapping incorporates not only legal aspects but also strong religious values. The concept of repentance (taubah) in Islamic law serves as an important instrument in preventing false testimony. Furthermore, the evidentiary requirements in Qanun Jinayat, which mandate testimony from a specific number of witnesses meeting certain criteria, act as a control mechanism against potential witness trapping (Nurliza, 2022). A comparison between the national criminal law approach and Qanun Jinayat in addressing witness trapping reveals several fundamental differences. National criminal law emphasizes legal sanctions and witness protection, while Qanun Jinayat offers a more comprehensive approach by combining legal and religious moral aspects. Nevertheless, both legal systems share the same ultimate goal: to create a judicial system free from testimony manipulation practices (Syahr, 2023).

The primary challenge in addressing witness trapping lies in proving that a testimony is indeed the result of manipulation or entrapment. In many cases, witnesses themselves are often unaware that they have been subjected to witness trapping. On the other hand, perpetrators typically employ subtle methods that are difficult to trace. Therefore, more sophisticated approaches are needed to detect and prove instances of witness trapping (Roslaili, 2021). It is within this context that research on witness trapping in false testimony cases from criminal law and Qanun perspectives becomes highly relevant. This research is crucial for identifying weaknesses in the existing legal systems while seeking more effective solutions to prevent and address witness trapping practices. By comparing national criminal law and Qanun Jinayat approaches, an ideal model for handling witness trapping in Indonesia can potentially be developed.

This research is also significant in examining how religious values implemented in Qanun Jinayat can contribute to preventing witness trapping. In many respects, the religious approach through concepts of sin and reward has shown significant psychological impact in deterring individuals from providing false testimony. This could serve as a valuable lesson for the development of the national criminal law system, which has thus far relied predominantly on positive law approaches. From the above discussion, it is evident that witness trapping in false testimony cases is a complex issue requiring a multidisciplinary approach. This examination from criminal law and Qanun perspectives is expected to make meaningful contributions to legal theory and practice development, particularly in efforts to create a more transparent and trustworthy judicial system. Ultimately, comprehensive handling of witness trapping will contribute to realizing a truly just legal process that provides equal protection for all parties involved.

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### Methods

This research uses a normative approach, employing legislative, historical, conceptual, and futuristic methods. The primary legal materials include Law Number 1 of 2023 on the Criminal Code (KUHP), Law Number 8 of 1981 on Criminal Procedure, Law Number 31 of 2014 on Amendments to Law Number 13 of 2006 on Witness and Victim Protection, and Aceh Qanun Number 7 of 2013 on Jinayah Procedure. Secondary legal materials consist of books, journals, news, and other relevant literature. The analytical techniques used in this research are descriptive and prescriptive. The method for gathering legal materials in this study involves evaluating the collected materials. The interpretation used is systematic and grammatical. This analysis aims to understand the potential challenges in applying Articles 291 and 373 of the Criminal Code and Article 170 of the Aceh Qanun to witnesses who provide testimony in court.

### Results and Discussion

#### The Debate between Witnesses Who Give False Information and Witness Protection

Witnesses providing false statements can present significant challenges in criminal trials, potentially leading to miscarriages of justice and wrongful convictions. False testimony may arise from various factors, including memory errors, suggestibility, deception, and misinformation. In cases where witnesses know the accused, they may feel compelled to provide false alibis or identifications to shield the accused or protect themselves from potential reprisals. Protecting witnesses who testify in court is crucial, and witness protection programs, such as those offered by the International Criminal Court (ICC), can play a vital role in ensuring the safety and security of witnesses. (Irving, 2014) Children as witnesses are entitled to legal protection, as outlined in various laws and acts, to safeguard their testimonies and prevent false statements. (Erliyani, 2020) Witness protection programs extend throughout the criminal justice process to ensure that witnesses and victims feel secure in providing accurate information. (Mansyah, 2023) The Child Protection Act and the Witness and Victim Protection Act provide guidelines for protecting vulnerable witnesses, including children, from potential coercion or false testimonies. Additionally, the use of expert witnesses and judicial instructions can help mitigate the impact of invalid forensic science testimony in criminal trials, enhancing the reliability of witness testimonies. In cases where witnesses provide false alibis to protect perpetrators of crimes, the consistency of true and false alibi statements can be examined to assess the veracity of witness testimonies. Detecting false confessions through statement analysis and assessing the truthfulness of suspects' statements using various analytical methods can aid in distinguishing between true denials and false confessions. The issue of medical expert witnesses proffering false testimony in court underscores the importance of accountability and ethical standards in expert testimonies. Moreover, witness confidence levels can impact the ability to detect deception, with false testimonies often rated as more believable than true statements. (Tetterton & Warren, 2005)

The Indonesian Witness and Victim Protection Agency (LPSK) was established based on Law of Protection of Witness and Victims, which was later amended by Law No 31/2014. Guarantee of rights through legal norms gave birth to Law of Witnesses and Victims, which is a *lex specialis* for the protection of witnesses and victims in Indonesia. Victim protection in Indonesia is specifically regulated in Law Number 31 of 2014 concerning Witness and Victim Protection or Law of Witnesses and Victims. It is suggested that the parties with the authority to order witness protection be sincere and serious in protecting witnesses in accordance with the regulations (Sani, 2018). In certain circumstances, protection may be granted shortly after the application is submitted to LPSK. aim of research is to analyze witness protection in divorce cases in Indonesia (Mansyah, 2023).

Discuss the guarantee for the protection of human rights against witnesses who may provide false statements, emphasizing the legal norms established by the Law of the Protection of Witnesses and Victims. This law serves as a specialized legal framework for safeguarding witnesses and victims in Indonesia, highlighting the importance of legal protections in ensuring the rights of individuals involved in legal proceedings. Specifically addresses victim protection in Indonesia as regulated by the law of Witness and Victim Protection. This law provides a legal framework for safeguarding witnesses and victims, including those who may be vulnerable to retaliation or intimidation due to their involvement in legal proceedings, such as providing false statements.

Referring to Article 174 of the Indonesian Criminal Procedure Code (KUHP), when a witness provides testimony, the judge orders the public prosecutor to immediately detain the witness. However, since the enactment of the Witness and Victim Protection Act, witnesses cannot be immediately detained because, according to Article 10 paragraph (1), witnesses cannot be prosecuted criminally or civilly for their testimony given in good faith. The term "not in good faith" refers to providing false testimony. Furthermore, in paragraph (2), if it is found that the witness did not act in good faith in giving their testimony, the witness can be prosecuted, but it must wait until the case in which the testimony was given has obtained permanent legal force. However, this contradicts the provisions of Article 174 of the KUHP. To resolve this issue, the principle of *lex specialis derogat legi generali* is applied. This means that the specific rule overrides the general rule. Therefore, the Witness and Victim Protection Act should be applied, and the judge cannot immediately detain the witness. The process must wait until the decision in the case where the testimony was given has obtained permanent legal force.

## Conclusion

The phenomenon of witness trapping in false testimony cases presents a critical challenge to judicial systems, whether examined through conventional criminal law or Islamic legal frameworks like Qanun Jinayat. This study reveals that while both systems criminalize false testimony, their approaches differ fundamentally in philosophy and implementation. Indonesia's criminal law emphasizes procedural sanctions and witness protection mechanisms, whereas Qanun Jinayat incorporates moral-spiritual deterrence through its synthesis of legal and religious principles. The comparative analysis demonstrates that neither system alone provides a perfect

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solution. The secular legal framework often struggles with proving manipulation, while the religious-legal approach faces limitations in pluralistic contexts. However, the Qanun model's emphasis on ethical accountability offers valuable insights for strengthening conventional witness protection programs. Effective countermeasures require integrated solutions combining: enhanced evidentiary standards to detect manipulation, robust witness protection protocols, and ethical education programs emphasizing the societal costs of false testimony. For Indonesia specifically, harmonizing Qanun's moral framework with national criminal procedures could yield a more comprehensive anti-manipulation strategy. Ultimately, combating witness trapping demands more than legal reform it requires cultivating a legal culture that values truth as both a judicial necessity and moral imperative. This dual approach, drawing on the strengths of both criminal law and Qanun perspectives, offers the most promising path toward preserving judicial integrity and preventing miscarriages of justice. Future research should explore practical models for implementing such synthesis in diverse legal environments.

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