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Constructing Judicial Accountability in Assessing Witness Testimony in Criminal Cases: An Evaluation of the Indonesian Code of Criminal Procedure

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Abstract*—Witness testimony is the evidence that most often determines the fate of the defendant, but the way the judge assesses it is often not read in the verdict. This study aims to evaluate the provisions of the 1981 Criminal Code and the 2025 Criminal Procedure Code regarding the assessment of witness statements, identify the problems of judicial accountability in them, and formulate an ideal construction of accountability. The research uses normative legal methods with legislative, case, comparative, theoretical, and philosophical approaches. The results of the study show that the 1981 Criminal Code provides assessment criteria in Article 185 paragraph (6) and the obligation to consider in Article 197, but these criteria are not accompanied by an obligation of explicit reasoning. The 2025 Criminal Procedure Code retains the principle of unus testis nullus testis while removing the list of witness credibility assessment standards. External accountability is also limited because the Judicial Commission cannot assess the substance of the verdict, whereas the cassation does not assess the facts. The paper proposes a three-layered framework for accountability: normative accountability via witness evaluation criteria, argumentative accountability via the necessity for written reasoning, and institutional accountability through the norm of judicial review and assessment of decisions, all while maintaining the independence of judges.*

***Keywords*—** *Criminal Procedure: Criminal Proof: Judge Independence: Judicial Accountability: Witness Statements.*

I. INTRODUCTION

In criminal cases, witness testimony occupies the first position among evidence and is most often the basis of verdicts. Article 184 paragraph (1) of the 1981 Criminal Procedure Code places it in first place, and Article 235 paragraph (1) letter a of Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP 2025) maintains this order.[1] This position reflects the fact that most criminal acts do not leave adequate scientific traces, so the reconstruction of events depends on human memory. The problem is that human memory is easily mistaken, easily influenced, and can be manipulated. The judge's error in assessing witness testimony not only harms the defendant, but also undermines public trust in the judiciary. The history of the Indonesian judiciary records the consequences of these errors. In the case of Sengkon and Karta, both were convicted by the Bekasi District Court in 1977 for murder that occurred in 1974. Their confession was obtained through torture, before the perpetrator actually admitted his actions at the Cipinang Correctional Institution. This case prompted the birth of Supreme Court Regulation Number 1 of 1980 concerning review.[2] Four decades later, the case of Vina's murder in Cirebon shows a similar problem. A witness said publicly in July 2024 that he had lied in a statement he gave to investigators in 2016. [3] However, the Supreme Court on December 16, 2024 rejected the application for review of the seven convicts on the grounds that there was no error of the judge and the evidence submitted did not meet the qualifications of the new circumstances.[4]

The urgency of this issue is also seen in the supervision data. Throughout 2025, the Judicial Commission received 2,715 public reports regarding alleged violations of the code of ethics and code of conduct for judges and proposed sanctions against 124 judges.[5] Even if the Judicial Commission is not permitted to evaluate the accuracy or error of the juridical considerations and the substance of the judgment, some reports differ from dissatisfaction with the decision. When the reasons for the decision are not read, public dissatisfaction is directed to an ethical path that is not designed to test evidentiary reasoning. Das *sollen*, Article 50 paragraph (1) and Article 53 paragraph (2) of Law Number 48 of 2009 concerning Judicial Power require the decision to contain the reasons and basis of the decision as well as legal considerations based on the correct and correct legal reasons and basis.[6] The 1981 Criminal Procedure Code complements it with the criteria for assessing the truth of witness statements in Article 185 paragraph (6) and the obligation to contain considerations regarding facts and evidence in Article 197 paragraph (1) letter d.[7] *Das sein*, the consideration of witnesses in many decisions stops at the formulation that the testimony of witnesses is "in accordance with each other", without explaining why certain witnesses are trusted and other witnesses are rejected. The 2025 Criminal Code, which takes effect from January 2, 2026, no longer contains a list of criteria such as Article 185 paragraph (6). The evidentiary section, namely Articles 235 to 244, only maintains the prohibition of criminalization based on one witness and the formulation of "legally and convincingly proven".[8]

The obstacles that arise are multi-layered. First, the judge's belief in the negative evidentiary system is not accompanied by the obligation to make reasoning explicit. Second, the sanction is null and void for a decision that does not contain formal considerations, so that it is fulfilled by existing considerations even though they are superficial. Third, external accountability is limited. Cassation in principle does not assess the facts, review has a high threshold, and the Judicial Commission does not assess the substance of the decision. Fourth, the tension

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between accountability and the independence of judges is often used to reject any form of testing on evidentiary reasoning. The *turning point* of this study is the transition period for the implementation of the 2025 Criminal Procedure Code. The transition to procedural law opens up space for the Supreme Court to develop implementation guidelines and for lawmakers to refine the evidentiary provisions. This article offers a three-layered construction of judicial accountability, namely normative, argumentative, and institutional. This construction places the judge's reasoning about witnesses as an object of accountability without making the judge subject to extrajudicial pressures.

Based on this background, the research problems are dialectically arranged as follows: What are the conditions for the regulation of witness testimony assessment and judicial accountability mechanisms in the 1981 Criminal Procedure Code, the 2025 Criminal Procedure Code, and the current Judicial Power Law?, What are the problems of judicial accountability in assessing witness testimony according to the provisions of the Criminal Procedure Code?, and What is the ideal construction of judicial accountability in assessing witness testimony in criminal acts without reducing the independence of judges?

II. Research Methods

This research is a normative legal research that examines law as a norm by relying on primary, secondary, and tertiary legal materials.[9] Primary legal materials include the 1945 Constitution, the 1981 Criminal Procedure Code, the 2025 Criminal Procedure Code, the Judicial Power Law, the Judicial Commission Law, and court decisions. The search for legal materials is updated until October 20, 2026. The research uses five approaches. *First*, the statute *approach* is used to compare the provisions for the assessment of witness statements and the obligation to consider in the 1981 and 2025 Criminal Procedure Codes, as well as to examine their suitability with the Judicial Power Law. *Second*, the *case approach* is used to examine the Sengkon and Karta cases, the Vina murder case in Cirebon, and the Constitutional Court Decision Number 65/PUU-VIII/2010 as a mirror of the failure and development of witness assessment. *Third*, a *comparative approach* is carried out on the obligation to give reasons in the jurisprudence of the European Court of Human Rights, Article 359 paragraph (2) *of the Dutch Wetboek van Strafvordering*, and § 267 of *the German* Strafprozessordnung. *Fourth*, the *theoretical approach* uses Mauro Cappelletti's theory of judicial accountability, the theory of the evidentiary system, and the theory of judicial independence. *Fifth*, the *philosophical approach* traces the meaning of the title "For Justice Based on the One God", the principle of presumption of innocence, and the principle that it is better to free the guilty than to punish the innocent. Legal materials are analyzed qualitatively with grammatical, systematic, and teleological interpretations.

III. Results and Discussion

A. Conditions for Setting Up Witness Testimony Assessment and Judicial Accountability

The 1981 Criminal Procedure Code adheres to a negative system of proof according to the law (*negatief wettelijk bewijstheorie*). Article 183 stipulates that a judge may not impose a criminal sentence unless with at least two valid evidences he obtains the belief that the criminal act really occurred and the defendant is guilty of committing it.[10] This system combines objective requirements in the form of a minimum of evidence with subjective conditions in the form of the judge's conviction. The same provision is reaffirmed in Article 6 paragraph (2) of the Judicial Power Law.[11] Article 1 number 27 of the Criminal Procedure Code 1981 defines witness testimony as testimony about a criminal event that the witness hears, sees for himself, and experiences himself by stating the reason for his knowledge. Article 185 then regulates the value of the evidence. The testimony of a witness as evidence is what is stated in the court hearing (paragraph 1). The testimony of a witness alone is not enough to prove the guilt of the defendant (paragraph 2), unless it is accompanied by other evidence (paragraph 3). Opinions or fabrications obtained from the results of thought alone are not the testimony of witnesses (paragraph 5).[12] Article 185 paragraph (6) contains the most relevant provisions for accountability. In assessing the veracity of a witness's statement, the judge must seriously pay attention to: (a) the conformity between the testimony of one witness and another; (b) the conformity between the testimony of the witness and other evidence; (c) the reasons that may be used by the witness to give certain evidence; and (d) the way of life and decency of the witness and everything that can generally affect whether the testimony can be believed or not.[13] The Constitutional Court Decision No. 65/PUU-VIII/2010 then expanded the definition of witnesses. The Court stated that witnesses do not always have to be heard, seen, and experienced themselves, as long as their testimony is relevant to the case being processed.[14] This expansion enlarges the judge's assessment space, as well as increases the need for reasoning that can be accounted for.

The 2025 Criminal Procedure Code changes a number of important aspects. Article 235 paragraph (1) expands evidence to include witness statements, expert statements, letters, defendant statements, evidence, electronic evidence, judge's observations, and everything that can be used for proof as long as it is obtained unlawfully. Clueal evidence is no longer included.[15] Article 235 paragraph (4) and paragraph (5) give judges the authority to assess the authenticity of evidence and whether it is legal or legal, and affirms that evidence that is not authentic or illegally obtained does not have evidentiary force. Article 236 requires witness testimony to be submitted directly at the hearing. The same article opens up the possibility of submission through audio-visual communication devices and emphasizes that the testimony of witnesses with disabilities has the same legal force as other witnesses.[16] Article 237 maintains the principle *of unus testis nullus testis*: the testimony of one witness is not enough to prove the defendant guilty, unless it is strengthened by other evidence. Article 244 paragraph (1) stipulates that the defendant is sentenced to a crime or action if the judge is of the opinion that the act charged is "legally and convincingly proven".[17] Other provisions also change the way in which witnesses are examined, for example

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the arrangement of the order of examination by the party presenting the witness and the position of the witness statement read out which is only "considerable". [18] Throughout the author's search of the evidentiary part, namely Articles 235 to 244, the 2025 Criminal Procedure Code does not contain a formulation equivalent to Article 185 paragraph (6) of the 1981 Criminal Procedure Code regarding matters that must be considered by the judge in assessing the veracity of witness statements.

Judicial accountability for the assessment of witnesses rests on the obligation to give reasons. Article 197 paragraph (1) letter d of the 1981 Criminal Procedure Code requires that the criminal decision letter contain considerations that are summarized regarding the facts and circumstances along with the evidence obtained from the examination at the trial which is the basis for determining the guilt of the defendant. Article 197 paragraph (2) states that the non-fulfillment of these provisions results in the decision being null and void.[19] The Law on Judicial Power strengthens it through the obligation to contain the reasons and basis of the decision (Article 50 paragraph (1)), proper and correct legal considerations (Article 53 paragraph (2)), and the right of the judge to express a different opinion that must be contained in the decision (Article 14 paragraph (3)).[20]

Beyond the judgment itself, accountability is carried out through legal remedies and supervision. Appeals re-examine the facts and law. The cassation examines whether a rule of law has not been applied or applied improperly, whether the judicial process is not in accordance with the law, and whether the court exceeds its authority.[21] Review may be filed on the basis of new circumstances, conflict of judgment, or manifest misconduct of judges.[22] The Judicial Commission is authorized to maintain and uphold the honor, dignity, and conduct of judges, and can analyze decisions with permanent legal force as the basis for recommendations for judicial mutations. [23] However, the Joint Regulations of the Supreme Court and the Judicial Commission affirm that the Judicial Commission cannot declare the right or wrong of the juridical considerations and the substance of the judge's decision.[24]

Two cases that span four decades show how the formal framework works in practice. In the case of Sengkon and Karta, the court sentenced them to twelve years and seven years in prison in 1977, despite both consistently denying and acknowledging that their confessions were obtained through torture. The correction did not come from the usual legal remedy mechanism, but from the confession of the actual perpetrator in the penitentiary. The procedural law at that time did not even have an operational criminal review procedure, so the Supreme Court had to issue Supreme Court Regulation No. 1 of 1980.[25] This case shows that errors in assessing information, both witness testimony and confession, can persist through all levels of justice if there is no obligation to test the way in which the information was obtained.

In the case of Vina's murder in Cirebon, a number of convicts have been sentenced from 2016–2017. In July 2024, the Bandung District Court declared invalid the designation of a suspect against someone designated as a fugitive in the same case.[26] In the same month, a witness stated that his statement to investigators in 2016 was incorrect. However, the request for review of the convicts was rejected because the Supreme Court considered that there was no error of the judge and that the evidence submitted was not a new circumstance. The author does not assess the correctness or wrongness of the verdict. What is relevant to this study is that the public cannot trace how the witness's testimony was first assessed, why it was believed, and what made it consistent with other evidence. When the reasons for the assessment of witnesses are illegible, public trust depends entirely on the authority of the institution, not on the quality of reasoning. The thesis of this research thus is: Indonesia's criminal procedure law provides a formal-complete accountability framework for the assessment of witness statements. The framework consists of the assessment criteria in Article 185 paragraph (6) of the 1981 Criminal Procedure Code, the obligation to consider with null and void sanctions, the obligation of reasons in the Judicial Power Law, tiered legal remedies, and ethical supervision. The 2025 Criminal Procedure Code updates the evidence and the method of examining witnesses, but leaves out explicit criteria for assessing the credibility of witnesses.

B. Problems of Judicial Accountability in the Assessment of Witness Statements

The first problem lies in the element of belief. The negative evidentiary system requires the judge's belief, but does not require the judge to explain how the belief is formed. In the evidentiary doctrine, the judge's belief must be in the form of a reasoned belief (*conviction raisonnée*), not a mere intuitive belief (*conviction intime*).[27] However, the formulation of Article 183 of the 1981 Criminal Code and Article 244 paragraph (1) of the 2025 Criminal Code does not mention the obligation to explain the basis of belief. As a result, the word "convincing" can function as a statement of conclusion, not the result of reasoning. Mirjan Damaška shows that the continental system that gives judges the freedom to assess evidence depends on the obligation to give reasons as a balancer. Without that balancer, the freedom to assess evidence becomes an unexamineable power.[28]

The second problem is a direct consequence of changes in the law. Article 185 paragraph (6) of the 1981 Criminal Procedure Code is indeed imperfect. The criteria of "way of life and decency of witnesses", for example, are prone to becoming moralistic and discriminatory judgments. However, this provision provides judges with a minimum checklist and provides the parties with a basis to test the judge's reasoning in appeals and cassations. When the 2025 Criminal Procedure Code no longer contains these criteria, the only normative handle is the prohibition of criminalization based on one witness in Article 237. This provision is quantitative: it regulates the number of evidence, not the quality of the evidence. Two witnesses who are both wrong or equally influenced still meet the formal requirements. In fact, the 2025 Criminal Procedure Code also expands evidence to "everything that can be used for evidence", so the need for assessment criteria actually increases.[29] The third problem concerns the coercion of the obligation of consideration. While Article 197 paragraph (2) of the 1981 Criminal Procedure Code makes

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allowances for null and void sanctions, the law's interpretation is purely formal: the verdict is deemed to be qualified as long as it includes a consideration of the facts and evidence, regardless of the quality of the justification. [30] Considerations that only copy the testimony of witnesses from the minutes of the trial and then conclude that the information is "mutually compatible" escapes the sanction. In fact, such considerations do not explain how the contradiction is resolved, why the mitigating witness was rejected, or whether the conformity was born from independent observation or from the minutes prepared in the same pattern.

The fourth problem lies in the institutional design. Cassation functions as *a judex juris* and in principle does not reassess the facts, so errors in assessing the credibility of witnesses are difficult to correct unless they can be packaged as errors in the application of the law. Review has a high threshold. The Vina case shows that the confession of a witness to a lie to investigators is not necessarily accepted as a new circumstance or evidence of the judge's error.[31] The Judicial Commission cannot assess the substance of the verdict. Thus, the error of the assessment of witnesses that does not appear to be an ethical violation and does not appear to be a mistake in the application of the law is beyond the reach of the entire accountability mechanism. The fifth problem is conceptual. Article 24 paragraph (1) of the 1945 Constitution guarantees an independent judiciary, and Article 3 of the Judicial Power Act prohibits interference from other parties outside the judicial powers.[32] Independence is often understood as immunity from judgment from judgments outside of legal remedies. Shimon Shetreet points out that independence and accountability are not two things that negate each other. Independence protects judges from pressure, while accountability ensures that the protected power is used correctly.[33] When this tension is not managed, any proposed guidelines for witness assessment or verdict examination are suspected of being a threat to independence.

The sixth problem stems from practice. Indonesian criminal trials still rely heavily on the minutes of the examination of witnesses prepared by investigators. When the testimony of witnesses at the trial is different from the minutes, judges often consider the information in the minutes to be more reliable without testing the way the information was obtained. The Sengkon and Karta cases and the Vina cases show that mistakes are often born at the investigation stage, and then legitimized by the trial. The 2025 Criminal Code places the information that is read only as something that can be "considered". This is a positive development, but it is not accompanied by the obligation of the judge to explain how the evidence at the trial and the information in the minutes are compared. The antithesis of this research is thus that a formal-complete accountability framework does not work substantively because of six things. First, the judge's conviction is not required to be explained. Second, the assessment criteria are missing in the 2025 Criminal Procedure Code. Third, sanctions are null and void for the sake of being interpreted formally. Fourth, external mechanisms do not reach the reasoning of facts. Fifth, independence is understood as immunity. Sixth, the minutes of the investigation dominate the trial.

C. The Ideal Construction of Judicial Accountability in Assessing the Testimony of Witnesses to Criminal Acts

Each verdict opens with the title "For Justice Based on the One Godhead".[34] These titles place the judge in multiple responsibilities, namely to God, to the parties, and to society. Accountability to humans is only possible if the reasons for the verdict can be read. The principle of presumption of innocence in Article 8 paragraph (1) of the Judicial Power Law requires that doubts be resolved for the benefit of the defendant.[35] This principle is rooted in the principle formulated by William Blackstone: it is better for ten guilty people to escape than for one innocent person to suffer.[36] Larry Laudan explains that the choice of evidentiary standards is essentially a moral decision about the distribution of the error of the verdict. The distribution can only be supervised if the judge's reasoning is open.[37]

Mauro Cappelletti distinguishes several forms of judicial accountability: political, social or public, legal (civil, criminal, and disciplinary), and state accountability for judges' mistakes. According to him, a healthy model is a responsive model, which combines independence with accountability to the public through open reasoning and functioning correction mechanisms.[38] From this framework, two types of accountability can be distinguished. Behavioral *accountability* is the domain of the Judicial Commission and supervisory bodies. Decisional *accountability* is carried out through the reasons for decisions and legal remedies. The assessment of witness testimony is of the second type, so the construction of accountability must rest on the quality of the reasons for the verdict and the effectiveness of the re-examination, not on ethical sanctions. The European Court of Human Rights interpreted the right to a fair trial in Article 6 of the European Convention as encompassing the court's obligation to provide adequate reasons for its verdict. In *Ruiz Torija v. Spain*, the court stated that the extent of the obligation depends on the nature of the verdict, but the decisive arguments must be answered.[39] In *Taxquet v. Belgium*, the Grand Chamber affirmed that the defendant and the public must be able to understand the reasons for the verdict, including in the jury's verdict, as a guarantee against arbitrariness.[40]

The Netherlands provides an example of a provision in the law. Article 359 paragraph (2) of *the Wetboek van Strafvordering* requires a judge to give specific reasons if he deviates from the position put forward expressly and reasonably by the public prosecutor or the defendant.[41] Germany, through § 267 *of the Strafprozessordnung*, requires that the reasons for the decision contain facts that are considered proven and, if the evidence is indirect, the facts on which the conclusion is based. The German Federal Court examines whether the assessment of the evidence in the grounds of the judgment is free from loopholes, contradictions, and violations of the laws of logic or experience.[42] All three show that the judge's freedom to assess evidence can be maintained, provided it is accompanied by an obligation of reasoning that can be tested by a higher court.

Based on this foundation, this article proposes the construction of three-layer judicial accountability in the assessment of witness statements. *The first layer* is normative

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accountability, which is the availability of measures that can be used to test judges' assessments. The gaps in the criteria in the 2025 Criminal Procedure need to be filled in two ways. In the short term, the Supreme Court can issue a Regulation or Circular Letter of the Supreme Court on guidelines for the assessment of witness statements that adopt the criteria of Article 185 paragraph (6) of the 1981 Criminal Code and update them. The update includes replacing the criteria of "way of life and decency" with more objective criteria, such as the opportunity to observe, the conditions of observation, the interests of witnesses, and the way information is obtained. In the long term, these criteria need to be returned to the law through amendments to the 2025 Criminal Procedure Code. *The second layer* is argumentative accountability, which is the judge's obligation to pour the witness's assessment in the reasons for the readable verdict. An accountable verdict at least explains: which witnesses are trusted and why; which witnesses are rejected, including mitigating witnesses, and why; how the difference between the testimony at the trial and the testimony in the minutes is resolved; whether the suitability of the testimony comes from independent observations; and how the defense's firm and reasoned arguments are answered. This obligation is a responsible interpretation of Article 50 paragraph (1) and Article 53 paragraph (2) of the Judicial Power Law, so it does not require changes to the law to begin to be implemented.

The third layer is institutional accountability, which is the mechanism that ensures the reasons for the verdict are actually tested. The appellate court needs to test the adequacy of the witnesses' reasoning, not simply take over the considerations of the first level. The Supreme Court at the cassation level can treat evidentiary reasoning that contains contradictions, logical loopholes, or mitigating disregard of evidence as "a means of adjudication that is not carried out according to the provisions of the law", in line with the approach of the German Federal Court. Beyond legal remedies, the examination of judgments by academics and judicial educational institutions, as well as the analysis of judgments by the Judicial Commission under Article 42 of the Judicial Power Act, can be directed to learning and capacity building, not to the imposition of sanctions.

TABLE I. Construction of Three-Layer Judicial Accountability in the Assessment of Witness Testimony (Author's Normative Model).

Layer	Purpose	Instruments	Safeguarding Independence
Normative	Provide a measure of witness credibility assessment	Perma/SEMA witness assessment guidelines; amendments to the 2025 Criminal Code	Guidelines are checklists, not specifying outcomes
Argumentative	Make witness assessments readable and tested	Obligation of reasons based on Articles 50 and 53 of Law 48/2009; format of witness consideration	The judge remains free to assess the weight of the evidence
Institutional	Ensure reasoning is tested and errors corrected	Standards for appellate and cassation examination; examination; analysis of KY decisions for coaching	Correction is only through legal remedies; KY does not assess the substance of the wrong substance

This construction can be outlined in the following formulation as a material for amendments to the 2025 Criminal Code or the guidelines of the Supreme Court. *Proposed Article 1:* "In assessing the truth and reliability of the testimony of witnesses, the judge must pay attention to: a. the opportunity and condition of the witness in seeing, hearing, or experiencing events; b. the conformity of the witness's testimony with the testimony of other witnesses and other evidence obtained independently; c. the consistency of the witness's testimony at each stage of the examination and the explanation of the differences; d. the interests, relationships, or pressures that may affect the witness's testimony; and e. the manner in which the witness's testimony was obtained at the investigation stage." *Proposed Article 2:* "The consideration of the verdict shall contain the reasons for the acceptance or rejection of the relevant witnesses' statements, including the Witness who mitigates the Defendant, as well as an answer to the position submitted expressly and reasonably by the Public Prosecutor or the Defendant and his Advocate." *Proposed Article 3:* "A judgment that does not contain the considerations referred to in Article 2 is a reason for the appellate or cassation court to set aside the judgment and try itself or order a re-examination." This formulation maintains independence because it does not determine the weight of the evidence, does not give parties outside the judiciary the authority to assess the substance, and places corrections entirely in the system of legal remedies. All that is required of the judge is the openness of reason. It is this openness that distinguishes reasonable beliefs from arbitrary beliefs.

Normative construction needs to be supported by practical steps. *First*, education and training for judges need to include testimony psychology material and techniques for preparing evidentiary considerations. *Second*, audio-visual recordings of witness examinations at the investigation stage need to be required so that judges can assess how information was obtained, in line with the acceptance of audio-visual facilities in Article 236 paragraph (2) of the 2025 Criminal Procedure Code. *Third*, the complete publication of decisions through the verdict directory needs to be maintained and expanded so that social accountability can work. *Fourth*, witness protection by the Witness and Victim Protection Institute needs to be strengthened so that witnesses dare to convey correct information and dare to correct incorrect information.[43]

The application of this construction can be illustrated through a hypothetical case of persecution that was witnessed by only two people. The first witness was the victim, while the second witness was the victim's colleague who was about twenty meters from the location at night. At the trial, the second witness stated that he did not see the perpetrator's face clearly, even though the investigation report contained a statement that he recognized the defendant. The defendant presented a witness who stated that the defendant was in another place.

In normal practice, consideration can stop at the conclusion that the testimony of the victim and the second witness is consistent so that the indictment is proven. With a three-layer construction, the judge is obliged to explain several things. First, whether the lighting and distance conditions allow facial recognition. Second, which testimony was believed when the

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second witness changed his or her testimony and why. Third, whether the victim and the second witness had time to discuss the event before being examined so that their correspondence is no longer independent. Fourth, why the testimony of the alibi witness was rejected or accepted. If the explanation is not available, the appellate court has a basis to overturn the verdict or order additional examination. The final result can be the same, namely the defendant is convicted or acquitted. The difference lies in the testing of reasons, and this test is the core of judicial accountability. With this synthesis, judicial accountability is not understood as external oversight that threatens the independence of judges. Judicial responsibility is defined as the internal duty of a judicial expert to ensure that his reasoning is understandable, testable, and correctable. A judge who justifies his faith in a witness does not relinquish his impartiality, but rather enhances the legitimacy of his ruling.

IV. Conclusion

First, thesis, Indonesia's criminal procedure law provides a formal accountability framework for the assessment of witness statements. The framework consists of a negative proof system, assessment criteria in Article 185 paragraph (6) of the 1981 Criminal Procedure Code, the obligation to consider with null and void sanctions, the obligation of reasons in the Judicial Power Law, tiered legal remedies, and ethical supervision. The 2025 Criminal Code updates the evidence and methods of examining witnesses and maintains the principle *of unus testis nullus testis*, but no longer contains explicit criteria for assessing the credibility of witnesses. Second, the framework is not substantially effective due to six reasons, including its antithetical nature. It is not necessary for the judge to justify his conclusion. The assessment criteria are missing in the 2025 Criminal Procedure Code. Null and void sanctions are formally interpreted. Cassation, review, and supervision of the Judicial Commission do not reach the reasoning of facts. Independence is understood as immunity. Finally, the minutes of the investigation dominate the trial.

Third, in summary, the ideal construction of accountability is three-layer accountability. The normative layer is in the form of guidelines and criteria for witness assessment. The argumentative layer is in the form of the obligation of written reasons for the acceptance or rejection of each relevant witness. The institutional layer is in the form of standards for appellate and cassation examinations on the adequacy of evidentiary reasoning and the examination of verdicts for guidance. This construction maintains independence because it does not determine the weight of evidence and places corrections in the legal remedy system. The Supreme Court is advised to immediately issue guidelines for the assessment of witness statements, and lawmakers are advised to return the witness assessment criteria to the 2025 Criminal Procedure Code.

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