

Original Article

Circumstantial Evidence in The Indonesian Criminal Justice System Perspective of Substantive Justice and The Principle of Restorative Justice

Yogi Yasa Wedha^{1*}, Ni Komang Sutrisni¹, Putu Angga Pratama Sukma¹, Made Hendra Wijaya¹

¹Faculty of Law, Universitas Mahasaraswati Denpasar, Denpasar – Indonesia

*Corresponding author: yogiyasawedha@unmas.ac.id

Abstract

This study examines the role and application of circumstantial evidence in Indonesia's criminal justice system and its alignment with restorative justice principles. Using a normative juridical approach with statutory, comparative, and conceptual methods, the research reveals that circumstantial evidence plays a vital role when direct proof is unavailable. However, its application often challenges substantive and restorative justice due to potential bias and unclear legal guidelines. The study highlights, first the critical importance of applying circumstantial evidence within Indonesia's criminal justice system as a form of indicatory evidence that can strengthen law enforcement. Although circumstantial evidence holds significant potential in supporting the proof of criminal cases, its application must be conducted with utmost caution to ensure that the principles of restorative justice are upheld. The analysis demonstrates that, when applied correctly, circumstantial evidence can make a substantial contribution to achieving substantive justice, provided that evidentiary standards are reinforced, and its use is supported by other evidence that is causally linked and relevant to the offense in question. Second, the application of circumstantial evidence requires careful consideration due to the risks of bias and injustice, which may undermine the integrity of the judicial process. Aligning Indonesia's criminal justice system more closely with restorative justice principles allows the system not only to focus on punishment but also on restoration and rehabilitation for all parties involved. While circumstantial evidence plays a pivotal role in proving criminal cases, its success in achieving substantive justice depends on prudent, careful, and principled application consistent with the core tenets of restorative justice.

Keywords: Circumstantial; Criminal; Evidence; Restorative Justice;

Introduction

Circumstantial evidence has long been recognized as an essential component of criminal justice systems worldwide. It refers to evidence in which the connection between an established fact and the available proof can only be inferred through logical reasoning. For circumstantial evidence to be admissible, it must possess rational relevance so that it can be reliably used in court to establish facts.¹ Unlike direct evidence, which explicitly links an individual to a crime, circumstantial evidence requires inferences to connect the accused with the alleged offense. In many legal systems, including Indonesia, circumstantial evidence plays a vital role in proving elements of criminal cases, particularly when direct evidence is difficult to obtain or entirely absent. However, the application and assessment of circumstantial evidence within Indonesian courts present unique challenges, given the country's legal framework and judicial practice. Understanding how circumstantial evidence is utilized and its impact on judicial outcomes is therefore critical to ensuring that justice is administered fairly. This study seeks to explore the role and effectiveness of circumstantial evidence in Indonesia's criminal justice system, while also offering critical insights into its theoretical and practical implications.

¹ Karunia Pangestu, Heru Suyanto and Rosalia Dika Agustanti, 'Application of Circumstantial Evidence in Criminal Laws in Indonesia', *Jurnal Hukum Novelty*, 12.01 (2021), 54 <<https://doi.org/10.26555/novelty.v12i01.a16996>>.



Furthermore, it aims to provide practical recommendations for policymakers and judicial actors to strengthen the legal framework governing its use.²

Although circumstantial evidence is formally recognized as admissible within Indonesia's criminal justice system, its application frequently provokes debate, particularly concerning its reliability and evidentiary weight. The issue becomes even more significant when courts must decide cases without direct evidence, leaving circumstantial evidence as the sole basis for conviction. In such situations, the central challenge lies in how judges evaluate and weigh indirect evidence objectively, without undermining principles of fairness and the rights of the accused. This raises urgent concerns about the extent to which circumstantial evidence is properly applied in Indonesian courts. By nature, circumstantial evidence does not directly prove the defendant's guilt; instead, it requires corroboration by additional consistent evidence before a judge can be reasonably convinced of the defendant's culpability.³

This research aims to critically evaluate the effectiveness and reliability of circumstantial evidence in Indonesia's criminal justice system. Given its importance in cases where direct evidence is unavailable, there is an urgent need to examine how it is interpreted and applied by legal practitioners and the judiciary. The urgency of this study rests on its implications for criminal justice, particularly in ensuring that judicial decisions are grounded in sufficient and credible evidence. Through this inquiry, the study seeks to answer critical questions regarding the probative value of circumstantial evidence and its contribution to upholding fair and just legal processes in Indonesia.⁴

Despite its longstanding recognition, scholarly attention to circumstantial evidence in Indonesia remains limited. Much of the existing literature tends to focus on direct evidence as the principal standard of proof in criminal proceedings, while circumstantial evidence is often relegated to a secondary role. This has created a research gap, as the lack of focus on circumstantial evidence risks an incomplete understanding of evidentiary complexity in criminal trials. Moreover, discrepancies persist between the legal rules regulating circumstantial evidence and their practical application, with interpretations often varying across courts. As noted by Munir Fuady, circumstantial evidence in the context of criminal proof may take the form of indicative or corroborative evidence.⁵

This study thus offers a new and significant contribution to the scholarship on circumstantial evidence, particularly in the Indonesian context. While circumstantial evidence has been employed in numerous criminal cases, in-depth analysis of its effectiveness and consistency remains scarce. This research seeks to fill that gap by providing a comprehensive and critical assessment of how circumstantial evidence is evaluated and applied in Indonesian courts. Its novelty lies in combining normative legal analysis with empirical study of judicial decisions. Accordingly, the study not only contributes new insights to criminal law theory but also generates practical recommendations to strengthen judicial practice in Indonesia. The justification for this research is further grounded in the urgent need to ensure that the application of circumstantial evidence remains consistent with principles of fairness and substantive justice within Indonesia's criminal justice system.⁶

Method

This study employs a normative juridical legal approach to explore and analyse the use of circumstantial evidence within Indonesia's criminal justice system.⁷ The object of this research

² Hari Wibowo and others, 'The Legal Status of Circumstantial Evidence in the Context of Criminal Cases in Indonesia', *JUSTISI*, 10.3 (2024), 716–28 <<https://doi.org/10.33506/js.v10i3.3307>>.

³ Fachrul Rozi, 'Sistem Pembuktian Dalam Proses Persidangan Pada Perkara Tindak Pidana', *Jurnal Yuridis Unaja*, 1.2 (2019), 19–33 <<https://doi.org/10.35141/jyu.v1i2.486>>.

⁴ Simon Butt and Andreas Nathaniel, 'Evidence from Criminal Law Experts in Indonesian Criminal Trials: Usurping the Judicial Function?', *The International Journal of Evidence & Proof*, 28.2 (2024), 129–53 <<https://doi.org/10.1177/13657127231217319>>.

⁵ Aristo M Pangaribuan, 'Truth, Bias, and Abuse of Power: How Indonesia's Evidentiary Threshold Shapes Criminal Justice', *The International Journal of Evidence & Proof*, 2025 <<https://doi.org/10.1177/13657127251389628>>.

⁶ Muhamad Yofhan Wibianto, Hartiwiningsih Hartiwiningsih and I Gusti Ayu Ketut Rachmi Handayani, 'Real Justice, Real Impact with the Prosecutors in Action', *Journal of Human Rights, Culture and Legal System*, 5.3 (2025), 1015–41 <<https://doi.org/10.53955/jhcls.v5i3.804>>.

⁷ Pujiyono Suwadi and others, 'Judges' Role in Suspect Determination and Evolving Legal Concepts', *Journal of Justice Dialectical*, 3.2 (2025), 176–97 <<https://doi.org/10.70720/jjd.v3i2.98>>.



concerns legal norms and their essence, examined through the process of identifying and analysing relevant legal rules, legal principles, and established legal doctrines. Three main approaches are applied: the statutory approach, the comparative approach, and the conceptual approach. As analytical tools, evidence theory is utilized to explain the criteria that must be fulfilled for circumstantial evidence to be considered valid and admissible in criminal proceedings. In addition, the concept of restorative justice is employed to assess how the application of circumstantial evidence influences the principles of justice within the criminal law context. Restorative justice, emphasizing recovery and rehabilitation, provides a complementary perspective on how indirect evidence contributes to achieving substantive justice and ensuring meaningful redress for all parties involved.

Results and Discussions

Analysis of the Application of Circumstantial Evidence Based on the Theory of Evidence

The Indonesian Criminal Procedure Code (KUHAP), Article 184 paragraph (1), provides a limitation on the types of legally admissible evidence and explicitly stipulates that judges are prohibited from convicting a person unless supported by at least two valid pieces of evidence and their conviction that a criminal act has indeed occurred and that the defendant is guilty of committing it. Concerning admissible evidence, the law clearly identifies five types, namely (a) Witness testimony; (b) Expert testimony; (c) Documentary evidence; (d) Indications; and (e) Defendant's testimony. Beyond the classification of evidence, the relevance of evidence to the facts in dispute is fundamental. Evidence becomes relevant when it has causal connection with the issues being adjudicated.⁸ This raises the question: where does circumstantial evidence stand in the evidentiary framework?

Circumstantial evidence, or indirect evidence, can be employed in cases that are difficult to prove directly. This is because indirect evidence is a concept of proof that relies on facts which, when connected, form a logical chain related to the case at hand. Although some of these facts may not be directly connected to the main event, taken together they may ultimately support the process of proof.⁹ They point out that circumstantial evidence is particularly vital when other evidentiary forms fail to provide sufficient grounds for criminal prosecution, compelling courts to draw inferences based on the interconnectedness of various facts.¹⁰ The primary characteristic of circumstantial evidence is that it requires a more complex process of evaluation and reasoning compared to direct evidence. Indirect evidence often appears in the form of "indications," which, when combined, construct a broader picture of the defendant's involvement in a criminal act. In Indonesian law, this type of evidence is closely associated with "instructions" as regulated under Article 184 paragraph (1)(d) of the Criminal Procedure Code (KUHAP). The application of such indications by judges must be exercised with caution, as it grants wide discretionary power and involves highly subjective judgment. Therefore, its use must be guided by wisdom, prudence, and judicial conscience.¹¹

Contrast to direct evidence, which explicitly and directly links a person to a criminal act for instance, an eyewitness who observes the crime or physical evidence found at the crime scene that corresponds with the categories of evidence under Article 184 paragraph (1) KUHAP circumstantial evidence depends on the collection and analysis of various factual elements that must be logically connected to form a coherent conclusion.¹² For example, in a murder case, direct evidence might consist of a confession by the defendant or a video recording of the crime, whereas indirect evidence could include footprints at the scene, items indicating preparation for the crime, or suspicious

⁸ Anna Kutschireiter and others, 'Bayesian Inference in Ring Attractor Networks', *Proceedings of the National Academy of Sciences*, 120.9 (2023) <<https://doi.org/10.1073/pnas.2210622120>>.

⁹ Andrea Botton, Gianmarco Barberi and Pierantonio Facco, 'Data Augmentation to Support Biopharmaceutical Process Development through Digital Models—A Proof of Concept', *Processes*, 10.9 (2022), 1796 <<https://doi.org/10.3390/pr10091796>>.

¹⁰ Hafiz Muhammad Azeem and others, 'Truth in Context: Exploring the Role of Circumstantial Evidence in a Criminal Trial', *Pakistan Journal of Criminal Justice*, 3.1 (2023), 08–18 <<https://doi.org/10.62585/pj.cj.v3i1.15>>.

¹¹ Arefin Shamsul, 'Judging the Judges: Inside the Mind of a Judge-Watcher', *SSRN Electronic Journal*, 2025 <<https://doi.org/10.2139/ssrn.5176995>>.

¹² Handar Subhandi Bakhtiar and others, 'The Utilisation of Scientific Crime Investigation Methods and Forensic Evidence in the Criminal Investigation Process in Indonesia', *Egyptian Journal of Forensic Sciences*, 15.1 (2025), 39 <<https://doi.org/10.1186/s41935-025-00456-y>>.



behaviour of the defendant afterward.¹³ Thus, although circumstantial evidence is often considered secondary evidence, its quality and strength in supporting legal conclusions depend heavily on the accuracy and validity of the inferences drawn by the court. The admissibility of circumstantial evidence in Indonesia's criminal justice system is based on established criteria and legal standards designed to ensure that such evidence carries sufficient weight to support fair and convincing conclusions. One of the key requirements is relevance with the evidence must be clearly and directly related to the material facts in dispute. Furthermore, circumstantial evidence must be consistent and mutually reinforcing, so that various pieces of indirect evidence, when combined, form a logical and coherent picture of the events under scrutiny.¹⁴

The integral role of courts in assessing evidence, particularly in criminal proceedings, where a judge may need to engage proactively in examining the evidence to compensate for any gaps in the parties' submissions. The essence of the evidentiary system lies in determining the types of valid evidence, the manner of their evaluation, and their application in court. This system also requires that judges reach a conviction based on the evidence presented before rendering a decision. Accordingly, courts must assess whether the inferences drawn from circumstantial evidence are supported by other verifiable facts and whether they do not contradict existing evidence. The probative value of circumstantial evidence is determined by the extent to which it can eliminate alternative hypotheses that may arise from the same set of facts, leaving the defendant's involvement in the crime as the only reasonable conclusion. In practice, Indonesian courts often require that circumstantial evidence be sufficiently strong to meet the standard of proof beyond a reasonable doubt. Thus, the acceptance and weight of circumstantial evidence do not rest solely on the strength of individual pieces of evidence, but on the cumulative strength of the entire chain of evidence, logically arranged and mutually reinforcing, in accordance with the fundamental principles of evidentiary theory in law.¹⁵

Judges must exercise caution, precision, and a deep understanding when assessing and considering evidence. According to Eddy O.S. Hiarije, there are four prevailing theories of evidence. *First*, Positief Wettelijk Bewijstheorie; binding judges strictly to statutory evidence, regardless of their personal conviction; commonly applied in civil law where formal truth is prioritized. *Second*, Conviction Intime; based solely on the judge's conscience and conviction, independent of statutory evidence. *Third*, Conviction Raisonnée; allowing judicial conviction within certain limits, provided conclusions are supported by logical reasoning. *Fourth*, Negatief Wettelijk Bewijstheorie; requiring both statutory evidence and the judge's conviction. This is the theory adopted in Indonesia's criminal justice system. As a public law system, Indonesian criminal law follows the Negatief Wettelijk Bewijstheorie, as reflected in Article 294(1) of the Reglement op de Rechtsvordering (RIB), which states that no one may be punished unless the judge, based on lawful evidence, is convinced that a crime has been committed and that the defendant is guilty.¹⁶

In some criminal cases in Indonesia, circumstantial evidence interpreted as indicative evidence has played an important role in proving a case, especially when direct evidence is not available. According to Indonesian criminal procedure law, the position of indirect evidence is categorized as an indication (circumstantial evidence), whereas according to Indonesian civil procedure law, indirect evidence is categorized as a presumption.¹⁷ However, this does not mean that there are no criminal

¹³ Nataliia Dobrianska and others, 'Obtaining Evidence during the Investigation of Criminal Offenses against the Will, Honor and Dignity of a Person', *Revista Do Curso de Direito Do UNIFOR*, 15.2 (2024), 66–80 <<https://doi.org/10.24862/rcdu.v15i2.2062>>.

¹⁴ Alolote Amadi, 'Integration in a Mixed-Method Case Study of Construction Phenomena: From Data to Theory', *Engineering, Construction and Architectural Management*, 30.1 (2023), 210–37 <<https://doi.org/10.1108/ECAM-02-2021-0111>>.

¹⁵ Hanna Teteriatnyk and others, 'Activities of the Court to Investigate the Circumstances of Criminal Proceedings and Their Assessment under the Laws of Ukraine', *Cuestiones Políticas*, 39.70 (2021), 195–210 <<https://doi.org/10.46398/cuestpol.3970.12>>.

¹⁶ Dewi Asimah and Anna Erliyana, 'The Concept and Legal Protection Regarding Government Administrative Actions in the Form of Not Performing Concrete Actions (Omission)', *Jurnal IUS Kajian Hukum Dan Keadilan*, 13.3 (2025), 708–33 <<https://doi.org/10.29303/ius.v13i3.1520>>.

¹⁷ Veri Antoni, 'The Position Of Indirect Evidence As Verification Tools In The Cartel Case', *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*, 26.1 (2014), 137 <<https://doi.org/10.22146/jmh.16059>>.



cases that use this evidence as a basis for proof in court. One of the most well-known cases that used circumstantial evidence was the premeditated murder case of Wayan Mirna Salihin by Jessica Kumala Wongso. The panel of judges emphasized that the absence of eyewitnesses did not prevent the establishment of proof; indirect evidence, such as the timing, preparation, and behaviour of the defendant, sufficed to establish guilt. Similarly, in the case of Antasari Azhar, circumstantial evidence such as suspicious communications, presence at the crime scene, and motive were coherently assembled to support conviction. Despite these precedents, the use of circumstantial evidence remains controversial, given the risk of judicial bias and the inferential nature of such evidence. While it can be highly effective, its application requires strict standards and careful judicial reasoning to avoid miscarriages of justice. Ultimately, the reliability of circumstantial evidence depends on judicial integrity and the careful evaluation of all available evidence in light of the principle of fairness.¹⁸

Comparatively, in common law jurisdictions such as the United States and the United Kingdom, circumstantial evidence is granted equal weight as direct evidence, provided it meets criteria of relevance, consistency, and logical inference. In England, courts frequently rely on circumstantial evidence in murder trials, so long as the chain of inference is strong and unbroken. In contrast, Indonesian courts tend to exercise greater caution, often requiring corroborating evidence before drawing conclusions from circumstantial proof. While this conservative approach aims to prevent judicial errors and uphold the standard of “beyond a reasonable doubt,” it has also been criticized for slowing judicial processes and restricting judicial flexibility. From a doctrinal perspective, circumstantial evidence in Indonesia aligns most closely with the evidentiary category of “indications,” which, under Article 188(1) KUHAP, are derived from the correlation of witness testimony, documents, or defendant’s statements. Indications essentially represent judicial inferences from related facts. In this sense, circumstantial evidence is valid and enforceable, even though it is not explicitly codified as a separate category under KUHAP. Circumstantial evidence is pivotal in legal contexts, particularly for bolstering witness credibility and facilitating equitable judicial decisions during trials.¹⁹

The Impact of Applying Circumstantial Evidence from the Perspective of Substantive Justice and the Principle of Restorative Justice

In the context of criminal proceedings, the burden of proof lies with the prosecuting authority, namely the public prosecutor as *dominus litis*, once the case file has been submitted by the investigators. The prosecutor is bound by the postulate *actori incumbit onus probandi*, which affirms that the party making the accusation must prove the truth of the allegations. The application of circumstantial evidence in the criminal justice system has significant implications for the attainment of substantive justice, particularly when analysed through the lens of restorative justice. Within restorative justice, which emphasizes repairing relationships and restoring harm suffered by victims, the use of circumstantial evidence may contribute to achieving substantive justice in several ways. *First, Uncovering the Truth:* Circumstantial evidence can play a vital role in uncovering the truth, especially when direct evidence is unavailable or insufficient. This ensures that all relevant facts are comprehensively considered in the judicial process, thereby enhancing the pursuit of justice. *Second, Enhancing Accountability:* By relying on circumstantial evidence, the justice system can still establish offender accountability even in the absence of direct eyewitness testimony. This reinforces responsibility and ensures that justice is upheld despite the unavailability of primary evidence. *Third, Supporting the Restorative Process:* In restorative justice, understanding the context and impact of the crime is essential. Circumstantial evidence can provide a broader picture of the events, enabling all parties involved to reach a more informed and equitable resolution aimed at repairing the harm caused.²⁰

¹⁸ Zlatan Morić, Vedran Dakić and Siniša Urošev, ‘An AI-Based Decision Support System Utilizing Bayesian Networks for Judicial Decision-Making’, *Systems*, 13.2 (2025), 131 <<https://doi.org/10.3390/systems13020131>>.

¹⁹ Hafiz Muhammad Azeem and others.

²⁰ Amalia Syauket and Fransiska Novita Eleanora, ‘Asas Praduga Tidak Bersalah Dan Sistem Hukum Pembuktian Di Indonesia’, *Jurnal Ilmiah Raad Kertha*, 6.1 (2023), 1–7 <<https://doi.org/10.47532/jirk.v6i1.724>>.



Liebmann simply defines restorative justice as a legal framework designed to restore the well-being of victims, offenders, and the wider community disrupted by crime. In addition, the system seeks to prevent future wrongdoing by focusing on healing and reconciliation among all parties involved.²¹ Accordingly, the concept of restorative justice emphasizes repairing relationships damaged by crime and rehabilitating both the offender and the victim. In this regard, the use of circumstantial evidence must be assessed not only in terms of whether it is sufficiently strong to prove the defendant's guilt, but also whether its application supports the restorative and reintegrative processes that constitute the core of restorative justice. Because circumstantial evidence often involves complex interpretation and multiple inferences, it carries the potential to create uncertainty that may affect the perception of justice for all parties involved.²²

If circumstantial evidence is applied incautiously, there is a risk that the conclusions drawn may lead to injustice, which in turn can undermine recovery efforts for victims and hinder the rehabilitation of offenders. For instance, a conviction based on insufficient or unconvincing inferences may deepen dissatisfaction and perceptions of injustice among defendants and the broader community. Conversely, a prudent and judicious application of circumstantial evidence when guided by the principles of restorative justice can ensure that the judicial process goes beyond punishment and focuses on repairing the harm suffered by victims, while also allowing offenders to participate in recovery processes. Thus, restorative justice and circumstantial evidence can operate in harmony if both are implemented with careful regard to substantive justice.²³

Despite its potential, the application of circumstantial evidence within the framework of restorative justice faces several challenges. One major challenge is ensuring that such evidence is employed with great caution so as not to generate injustice, particularly when it constitutes the sole basis for inferring a defendant's guilt. The principle of restorative justice requires that judicial processes focus not only on punishment but also on restoring social relations and rehabilitating the individuals involved. Improper reliance on circumstantial evidence risks creating bias or prejudice that could lead to unfair verdicts. For example, if judges rely on weak or speculative inferences, the resulting decision may not reflect substantive truth but merely a seemingly logical narrative unsupported by robust evidence.²⁴

Furthermore, potential bias in interpreting circumstantial evidence can distort perceptions of the defendant's culpability, thereby undermining recovery and social reintegration efforts central to restorative justice. For example, in cases where circumstantial evidence is used to infer the character or intent of the defendant, misinterpretation influenced by inaccurate perceptions may lead to outcomes that diverge from reality. Such risks highlight the need for extreme caution in managing circumstantial evidence, particularly in light of its impact on all parties involved. Therefore, within Indonesia's criminal justice system, circumstantial evidence is often invoked when there is no direct eyewitness testimony. However, its application must still adhere to the provisions of the Criminal Procedure Code (KUHAP), particularly Articles 183 and 184, which regulate admissible forms of evidence. To safeguard justice, judges must ensure that circumstantial evidence is corroborated by other strong and relevant evidence. Moreover, its use must align with the principles of restorative justice, which seek to redress harm suffered by victims and society while reintegrating offenders into the community.²⁵

²¹ James Gallen and Luke Moffett, 'The Palliative Role of Reparations in Reconciling Societies with the Past: Redressing Victims or Consolidating the State?', *Journal of Intervention and Statebuilding*, 16.4 (2022), 498–518 <<https://doi.org/10.1080/17502977.2022.2042650>>.

²² Doron Teichman, Eyal Zamir and Ilana Ritov, 'Biases in Legal Decision-making: Comparing Prosecutors, Defense Attorneys, Law Students, and Laypersons', *Journal of Empirical Legal Studies*, 20.4 (2023), 852–94 <<https://doi.org/10.1111/jels.12365>>.

²³ Tony Ward and others, 'Urgent Issues and Prospects in Correctional Rehabilitation Practice and Research', *Legal and Criminological Psychology*, 27.2 (2022), 103–28 <<https://doi.org/10.1111/lcrp.12211>>.

²⁴ Steve Kirkwood, 'A Practice Framework for Restorative Justice', *Aggression and Violent Behavior*, 63 (2022), 101688 <<https://doi.org/10.1016/j.avb.2021.101688>>.

²⁵ Adam Bastian Mardhatillah and Ahmad Mahyani, 'Bukti Tidak Langsung Sebagai Dasar Hakim Menjatuhkan Pidana (Putusan Nomor: 777/Pid.B/2016/PN.JKT.PST)', *Mimbar Keadilan*, 12.1 (2019), 59–66 <<https://doi.org/10.30996/mk.v12i1.2167>>.



To ensure that the use of circumstantial evidence is consistent with the principles of restorative justice, several policy and procedural recommendations merit consideration by lawmakers and legal practitioners. First, training programs for judges, prosecutors, and defense attorneys should be enhanced to ensure appropriate evaluation of circumstantial evidence in the restorative justice context. Such training should emphasize a deeper understanding of how inferences drawn from indirect evidence can affect recovery and rehabilitation, and how to avoid potential biases that may compromise fairness. Second, evidentiary standards in cases relying on circumstantial evidence should be strengthened to guarantee that each piece of evidence presented is not only relevant and logical but also corroborated by additional supporting facts. This higher standard would ensure that judicial outcomes are both fairer and more aligned with restorative justice goals.²⁶

In addition, policymakers should consider introducing more stringent and detailed guidelines on the use of circumstantial evidence within criminal law. These guidelines should emphasize the importance of evaluating the social and psychological consequences of verdicts based on indirect evidence, particularly concerning victim recovery and offender rehabilitation. They should also encourage the development of more transparent and accountable procedures for assessing circumstantial evidence, enabling all parties to better understand judicial reasoning. By implementing these recommendations, Indonesia's criminal justice system would better reflect the principles of restorative justice while also strengthening public confidence in its capacity to deliver substantive and sustainable justice.²⁷

Conclusion

Based on the preceding discussion, this study concludes that, *first* the critical importance of applying circumstantial evidence within Indonesia's criminal justice system as a form of indicatory evidence that can strengthen law enforcement. Although circumstantial evidence holds significant potential in supporting the proof of criminal cases, its application must be conducted with utmost caution to ensure that the principles of restorative justice are upheld. The analysis demonstrates that, when applied correctly, circumstantial evidence can make a substantial contribution to achieving substantive justice, provided that evidentiary standards are reinforced and its use is supported by other evidence that is causally linked and relevant to the offense in question. *Second*, the application of circumstantial evidence requires careful consideration due to the risks of bias and injustice, which may undermine the integrity of the judicial process. Aligning Indonesia's criminal justice system more closely with restorative justice principles allows the system not only to focus on punishment but also on restoration and rehabilitation for all parties involved. While circumstantial evidence plays a pivotal role in proving criminal cases, its success in achieving substantive justice depends on prudent, careful, and principled application consistent with the core tenets of *restorative justice*.

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²⁶ Ian D. Marder and Louise Forde, 'Challenges in the Future of Restorative Youth Justice in Ireland: Minimising Intervention, Maximising Participation', *Youth Justice*, 23.2 (2023), 201–25 <<https://doi.org/10.1177/14732254221122568>>.

²⁷ Brandon C. Welsh, Steven N. Zane and Daniel P. Mears, 'Evidence-Based Policy in a New Era of Crime and Violence Prevention and Social Justice', *Aggression and Violent Behavior*, 77 (2024), 101940 <<https://doi.org/10.1016/j.avb.2024.101940>>.



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