

Article Title

Juridical Implications of Differences in Witness Testimony between Trial and Investigation Report

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ABSTRACT

Differences in witness testimony between the Investigation Report (Berita Acara Pemeriksaan/BAP) at the investigation stage and statements delivered during trial are a phenomenon that frequently occurs in criminal justice practice in Indonesia. This study aims to analyze the juridical implications as well as the factors influencing such differences from the perspective of criminal procedural law. The research method employed is empirical juridical with a qualitative approach through normative study and field data. The findings indicate that discrepancies in witness testimony do not always reflect inconsistencies that weaken evidentiary value; rather, they may be influenced by internal witness factors, external situational factors, and procedural factors within the examination process. The Criminal Procedure Code (KUHAP) places testimony delivered in court as evidence with primary probative value, while the BAP functions as a supporting instrument to assess consistency. Therefore, judges must evaluate differences contextually by considering the substance of facts, their correlation with other evidence, and the principle of seeking material truth. Strengthening the professionalism of law enforcement officers and enhancing witness protection are essential to minimize substantive discrepancies and maintain the quality of the evidentiary process.

Keywords: *Witness Testimony, Investigation Report (BAP), Criminal Evidence, Material Truth.*

INTRODUCTION

Indonesia is a state based on the rule of law as explicitly affirmed in the 1945 Constitution of the Republic of Indonesia, which positions law as the primary foundation of state governance. The principle of the rule of law requires that every action of law enforcement officials must be grounded in legitimate rules and proper procedures. Law does not merely function as an instrument of social order but also as a means of protecting human rights (Usman, 2014). The consequence of this principle is that the entire criminal justice process must uphold the principle of due process of law. In this context, evidentiary mechanisms become a crucial element in achieving substantive justice (Sutrisno, 2025).

The Indonesian criminal justice system places proof as the central stage in determining a person's guilt. One of the most dominant forms of evidence used is witness testimony. The presence of witnesses is intended to provide a factual account of a criminal event that has occurred (Cristina & Manalu, 2025). Article 1 point 26 of the Criminal Procedure Code (KUHAP) defines a witness as a person who can provide information based on what they personally heard, saw, and experienced. This definition demonstrates that testimony carries a direct experiential dimension that determines its evidentiary value (Nugroho, 2017).

The position of witness testimony as evidence is explicitly regulated in Article 184 of KUHAP. This provision places witness testimony as a primary form of evidence alongside expert testimony, documents, indications, and the defendant's statement (Zulfiqri, Bahreisy, & Asmara, 2025). In criminal trials, testimony often becomes the main basis for judges in forming their conviction. Nevertheless, the evidentiary strength of testimony is not absolute. Therefore, criminal procedural law requires the presence of more than one valid piece of evidence (Amir, 2020).

Article 185 paragraph (2) of KUHAP affirms that a single witness testimony is insufficient to prove the defendant's guilt. This provision reflects the principle of prudence within the negative-wettelijk evidentiary system. In other words, judges must combine at least two legal forms of evidence with their inner conviction in rendering a decision. In practice, this often raises issues when there are changes or discrepancies in witness statements. Such discrepancies may influence the overall construction of proof.

The phenomenon of differing witness statements between the investigation stage and court hearings frequently occurs in Indonesian criminal practice. Article 163 of KUHAP provides room for witnesses to deliver statements that differ from those given during investigation (Saleh, *et al*, 205). These differences may arise from various factors, including pressure during investigation or corrections of prior mistakes. However, discrepancies may also create doubts regarding the consistency of proof. This situation raises juridical questions concerning the evidentiary strength of each statement (Rasiwan, 2024).

Statements delivered in court possess stronger evidentiary value because they are spoken directly under oath before a judge. Judges have the authority to assess the credibility of witnesses through direct observation of their demeanor and consistency. In contrast, the Investigation Report (Berita Acara Pemeriksaan/BAP) is a written document prepared by investigators. The BAP serves as an administrative record of the investigative process. Differences between the two often become a source of debate in litigation practice (Fikriyah, 2019).

Conceptually, the distinction between witness testimony and the BAP lies in their nature. Witness testimony is a direct statement carrying testimonial value, whereas the BAP is procedural documentation. The BAP does not stand as primary evidence if it is not supported by testimony in court. In many cases, judges prioritize statements delivered in open court. This demonstrates the importance of the immediacy principle in criminal proceedings (Edward & Wiraguna, 2025).

Beyond juridical aspects, the issue of testimony also contains moral and spiritual dimensions from an Islamic perspective. Islam regards testimony as a trust that must be upheld with responsibility. Honesty and integrity form the primary foundation in giving testimony. Changes in testimony without legitimate reasons may be viewed as ethical violations. Therefore, testimony carries not only legal consequences but also moral implications.

Surah Al-Baqarah verse 283 of the Qur'an emphasizes the prohibition against concealing testimony. The verse conveys that manipulation of testimony affects both the integrity of the heart and individual morality. In the context of criminal procedure, this value may be interpreted as an obligation to maintain consistency in statements. Testimony that changes without clear grounds may undermine trust in the judicial process. Thus, ethical perspectives become essential in analyzing discrepancies in witness statements.

In criminal trials, it is common to encounter cases where witnesses provide statements that differ from those recorded in the BAP. Such differences may influence the direction of proof and prosecutorial strategy. Judges must assess the reasons for these changes rationally

and objectively. This assessment is based not only on the content of the statement but also on the integrity of the witness. This reflects the complexity of evidentiary processes within the criminal justice system (Rosandi, 2025).

The role of witnesses in court is crucial for uncovering material truth. Without witness testimony, a case may lack clarity in evidentiary direction. The Indonesian legal system heavily relies on testimony as a basis for establishing factual proof. Therefore, the quality and consistency of testimony become determining factors. Inconsistencies between the BAP and courtroom testimony may affect the legitimacy of judicial decisions (Agusta & Umara, 2022).

In some cases, defendants frequently deny the accuracy of the BAP prepared by investigators. This situation has led to the practice of presenting verbalisan witnesses in court. A verbalisan witness is typically the investigator who drafted the BAP. Their purpose is to explain the examination process and ensure that no coercion occurred. However, this practice also raises debates regarding the objectivity of evidence (Yonea, *et al*, 2021).

The phenomenon of verbalisan witnesses illustrates the dynamic nature of Indonesian criminal procedure law. KUHAP does not explicitly regulate the position of verbalisan witnesses as a form of evidence (Wahid & Junaedi, 2022).. Nevertheless, judicial practice shows that their testimony is often used to test the consistency of the BAP. This creates discourse regarding the limits of investigative authority within evidentiary processes. Therefore, juridical analysis of this phenomenon becomes relevant.

Factors influencing differences in witness testimony vary widely, ranging from psychological pressure to administrative errors in drafting the BAP. The mental and physical condition of witnesses may also affect the quality of their statements. Additionally, the use of legal language that differs from the witness's original words may create misunderstandings. Judges must consider all these factors comprehensively. Objective assessment is necessary to maintain the integrity of judicial proceedings (Saud, Lustyantje & Murtadho, 2025).

The fundamental difference between witness testimony in court and the BAP lies in the timing and manner of their formation. Courtroom testimony is delivered directly before the judge in accordance with Article 160 of KUHAP. Meanwhile, the BAP is a documentation produced during the investigative stage before the case is examined in court. Both forms of statements serve different functions within the evidentiary system. Therefore, analyzing the juridical implications of differing witness testimony becomes essential within the framework of criminal procedural law.

METHOD

This study employs an empirical juridical research design, which examines legal norms while simultaneously analyzing their implementation in real societal practice. This approach is carried out by observing how criminal procedural law operates *in action*, particularly concerning differences in witness testimony between the investigation stage and court proceedings. The research was conducted at the Bulukumba District Court, considering that the region presents judicial dynamics

relevant to the object of study. The data used consist of primary data obtained through direct interviews with respondents and informants, as well as secondary data derived from legal literature, scientific journals, and statutory documents related to evidentiary processes in criminal procedural law. The research population includes witnesses and law enforcement officials, with a sample determined through purposive sampling consisting of five respondents: three judges, one investigator, and one public prosecutor.

Data collection techniques were carried out through in-depth interviews as a source of primary data to obtain factual information regarding evidentiary practices in court, as well as documentation as a source of secondary data covering legal materials and relevant scholarly works. The interviews were aimed at exploring the perspectives of law enforcement officers on the juridical implications of differences between statements contained in the Investigation Report (BAP) and testimony delivered during trial. Meanwhile, documentation was used to strengthen the normative analysis of the Criminal Procedure Code (KUHAP) and criminal justice practices. The collected data were then identified, classified, and analyzed using a descriptive qualitative method. The analysis was conducted by elaborating and explaining the relationship between empirical facts and legal norms to produce a comprehensive understanding of the role of witnesses and their juridical implications within the criminal evidentiary system.

RESULT AND DISCUSSION

A. Differences in Witness Testimony Between Court Proceedings and the Investigation Report (BAP).

In the Indonesian criminal justice system, proof constitutes a central stage that determines whether a person may lawfully be declared guilty. The evidentiary system adopted in the Indonesian Criminal Procedure Code (KUHAP) is the negative statutory proof system (*negatief wettelijk bewijsstelsel*), which requires the fulfillment of at least two valid pieces of evidence accompanied by the judge's conviction. Consequently, each piece of evidence is not assessed formalistically but must be examined in terms of its quality and relevance to the criminal event. Within this framework, witness testimony holds a highly significant position because it is recognized as lawful evidence as stipulated in Article 184 paragraph (1) of KUHAP. This position places testimony as one of the main elements in building judicial conviction regarding the facts of the case.

Witness testimony functions to reveal facts, clarify the sequence of events, and assist judges in rendering fair decisions. In practice, witness testimony is obtained at two main stages, namely during the investigation phase and during trial proceedings. At the investigation stage, witness statements are recorded in the Investigation Report (*Berita Acara Pemeriksaan* or BAP) prepared by investigators as part of case administration. Meanwhile, at trial, witnesses deliver testimony orally under oath and are examined through questioning by judges, prosecutors, and defense counsel. These

differing contexts of examination often become factors that give rise to variations or discrepancies in witness statements.

Normatively, KUHAP affirms that testimony possessing evidentiary value is testimony delivered in court. Article 185 paragraph (1) of KUHAP states that witness testimony as evidence consists of what the witness declares before the court. This provision reflects the application of the principles of direct and oral examination, whereby judges must personally hear the witness's testimony and the parties are given the opportunity to test its truth through cross-examination. Therefore, testimony delivered in court holds stronger evidentiary status compared to statements recorded in the BAP. This principle also confirms that criminal proof prioritizes testimony presented directly before the judge.

The Investigation Report is essentially an official document prepared by investigators during the investigative stage. The BAP serves as an administrative record describing the initial examination of witnesses before the case is brought to court. Juridically, the BAP is not an independent form of witness evidence but rather part of the case file that assists judges in understanding the construction of the criminal event. Consequently, when differences arise between courtroom testimony and the contents of the BAP, judges do not automatically regard them as inconsistencies that undermine proof. Judges must assess such differences critically by considering both the context of examination and the substance of the testimony.

Differences in witness testimony are often redactional or technical in nature and do not affect the core of the case. Redactional differences may appear in variations of wording, delivery style, or sentence structure between the BAP and courtroom testimony. In practice, witnesses frequently use more spontaneous and simple language during trial compared to the formal language recorded in the BAP. Such variations do not necessarily reflect substantive changes but merely different ways of expressing facts. Therefore, judges tend to consider redactional differences as natural, provided that the essence of the testimony remains consistent.

Beyond redactional differences, technical discrepancies may occur in minor details that are not essential to the elements of the criminal offense. Differences concerning the sequence of time, minor event details, or the way witnesses recall certain incidents are often influenced by memory and psychological conditions. In practice, judges emphasize substantial consistency, namely the alignment of the core testimony with the elements of the charged offense. As long as these differences do not alter the main facts regarding the criminal event or the defendant's role, the evidentiary value of testimony can be maintained. This approach demonstrates that criminal proof does not rely on identical wording but on consistency of meaning.

However, differences in testimony may also be substantive if they concern the core of the criminal event. Substantive differences include changes regarding the identity of the perpetrator, how the event occurred, or the elements of the alleged act. Such differences carry more serious juridical implications because they may affect the fulfillment of the elements of the offense. In these circumstances, judges are obliged to explore the reasons for the change in testimony in depth, including assessing whether pressure or errors occurred during the investigation. Thus, not all differences in testimony carry equal evidentiary weight.

KUHAP has actually provided a mechanism to anticipate differences in witness testimony through Article 163. This provision requires the presiding judge to remind witnesses if discrepancies arise between courtroom testimony and the BAP. The witness is then asked to explain the reasons for the difference, and the explanation is recorded in the trial minutes. This mechanism shows that criminal procedural law does not treat discrepancies as automatic errors but as part of a process of clarification and evaluation. Through this method, judges obtain an objective basis for assessing witness credibility.

In judicial practice, differences in testimony are often accompanied by the presence of a *verbalisan* witness, namely the investigator who prepared the BAP. The purpose of presenting a *verbalisan* witness is to explain the examination process and ensure that the BAP was prepared according to proper procedures without coercion. Although KUHAP does not explicitly regulate the status of *verbalisan* witnesses, this practice has developed as a mechanism for testing the validity of the BAP. Through the investigator's testimony, judges may evaluate whether the withdrawal or alteration of statements has a rational basis. Thus, the *verbalisan* witness serves as an auxiliary tool in evaluating the consistency of testimony.

The judicial approach to assessing differences in testimony can be seen in the Bulukumba District Court Decision Number 172/Pid.Sus/2024. In this decision, the panel of judges did not merely identify discrepancies but also examined the quality and relevance of those differences in relation to the elements of the offense. The judges compared the contents of the BAP with the witness's testimony in court and linked them with other evidence presented. The findings indicated that the differences did not fundamentally alter the construction of the criminal event. Therefore, the panel continued to regard courtroom testimony as the primary form of evidence.

These judicial considerations demonstrate that differences in witness testimony are viewed as part of the natural dynamics of evidentiary evaluation. Judges do not assess discrepancies merely from a quantitative perspective or based on minor details but emphasize substantial consistency concerning the core facts. As long as the main narrative remains consistent and supported by other evidence, discrepancies do not undermine proof. This approach reflects an orientation toward discovering material truth as the main objective of criminal procedural law. Accordingly, judges exercise their evaluative function in a contextual and rational manner.

From the perspective of evidentiary theory, this approach aligns with the negative statutory proof system adopted in KUHAP. Judges possess the freedom to assess the quality of evidence and form conviction based on logical reasoning. Differences in testimony do not automatically invalidate proof as long as the judge still attains conviction based on at least two valid pieces of evidence. This demonstrates that the Indonesian evidentiary system is not mechanical but places judicial rationality as a central element. Thus, discrepancies in testimony become part of a legitimate evaluative process within proof.

Furthermore, differences in testimony are also related to the theory of legal protection, which emphasizes the importance of safeguarding the rights of all parties in criminal proceedings. The defendant's right to cross-examine witnesses constitutes an essential element of the fair trial principle. If judges relied solely on the BAP

without re-examining testimony in court, the defendant's right to challenge witnesses could be compromised. Therefore, the clarification mechanism for discrepancies represents a form of procedural legal protection. Through this approach, the justice system maintains a balance between legal certainty and the protection of human rights.

From the perspective of substantive justice, differences in witness testimony do not necessarily indicate a weakness in the judicial system. Such differences may instead function as a corrective space for witnesses to present facts more honestly and freely during trial. Judges must consider psychological, situational, and memory-related factors when assessing discrepancies. This approach aligns with modern theories of justice that emphasize fairness in the process. Consequently, evaluating differences in testimony becomes part of the effort to achieve justice that is not only formal but also substantive.

Based on the overall discussion, it can be concluded that differences in witness testimony between the investigation stage and trial proceedings constitute a phenomenon anticipated within Indonesian criminal procedural law. KUHAP provides mechanisms for judges to clarify such differences through Article 163 and to assess evidentiary strength under Article 185. The focus of judicial assessment lies not in redactional similarity between the BAP and courtroom testimony but in substantial consistency with the elements of the offense. As long as discrepancies do not obscure the core event and remain supported by other lawful evidence, they do not diminish judicial conviction. Through this approach, the evidentiary system maintains a balance between legal certainty, protection of rights, and the pursuit of material truth.

B. Factors Influencing Differences in Witness Testimony Between Court Proceedings and the Investigation Report (BAP)

In the criminal justice system, witness testimony is a form of evidence that occupies a central position in the process of proof because it serves to explain the sequence of facts forming the basis for a judge's considerations. However, practical dynamics show that testimony given during the investigation stage is often not entirely identical to testimony delivered in court. Such differences cannot be understood as a single, standalone phenomenon, but rather as the result of interactions among various psychological, procedural, sociological, and juridical factors surrounding the witness and the examination process. Therefore, an analysis of differences in witness testimony cannot be conducted merely textually by comparing the wording of the BAP with courtroom statements, but must be placed within a contextual framework regarding how the testimony is produced and tested. This approach is important so that differences are not hastily interpreted as inconsistencies that undermine evidentiary value.

In general, the factors influencing differences in witness testimony can be mapped into three major groups: internal factors within the witness, external situational factors surrounding the process of giving testimony, and procedural factors related to examination techniques and the recording of statements in the BAP. These three groups are interwoven, so discrepancies often represent an accumulation of several causes at once. In certain cases, differences arise solely from variations in narrative style, but in other cases they may touch substance due to pressure or because

investigative documentation is not optimal. Accordingly, systematic mapping of these factors helps assess discrepancies proportionally—whether they are merely minor differences or differences that directly affect proof of the elements of the offense. This mapping also provides a basis for judges to assess witness credibility more objectively.

Internal factors primarily relate to psychological aspects, memory capacity, perception, emotional condition, and communication ability. Human memory is dynamic and reconstructive; thus, details of events may weaken or change over time, especially when there is a long interval between examination during the investigation stage and re-examination in court. In this context, differences may appear in chronology, time, location, or sequence of actions without necessarily altering the core of the criminal event. Moreover, education level, language proficiency, and the capacity to understand questions influence how witnesses formulate answers, making courtroom testimony appear “more different” because witnesses use a more personal narrative style. It is also not uncommon for witnesses to recall additional details when judges or defense counsel ask questions that are deeper and more exploratory than those posed during the investigation stage.

A witness’s psychological condition may also shift between the investigation stage and trial. During the investigation, a witness may be under stress, shock, anxiety, or fear because the criminal incident has just occurred or because the examination environment feels pressuring. Such mental conditions may result in testimony that is brief, rushed, or poorly structured, so that when the witness is examined again in court, the testimony is delivered with different details or changed emphasis. In other contexts, a witness who was reactive at the investigation stage may become calmer in court and be able to explain more systematically. Conversely, a witness may show reduced firmness in court because of the open forum and greater social pressure. Thus, natural fluctuations in psychological condition contribute to variations in testimony.

External situational factors mainly concern differences in context between examination at the investigation stage and examination in court. Investigation examinations generally take place in a closed, formal, and administrative setting, with the witness facing the investigator directly and the statement being recorded by another party in the BAP format. By contrast, the trial is an open forum under oath, where the witness faces judges, prosecutors, defense counsel, the defendant, and even the public, and the testimony is tested directly. These differences in atmosphere can influence a witness’s courage, caution, or hesitation in explaining facts. For some witnesses, the courtroom makes them more cautious and reduces details out of fear of making mistakes, while for others the open forum provides reassurance to explain more freely because the process is controlled and supervised. Therefore, changes in context can produce differences in both style and substance of testimony.

Social relations between the witness and the defendant are also external factors that often influence consistency. Family ties, friendships, work relationships, community solidarity, or economic dependence can create social pressures that are not always visible on the surface. At the investigation stage, a witness may provide firmer testimony because they have not yet confronted the defendant directly, while in court a witness may soften due to sympathy, fear, or pressure from the social environment. In some cases, witnesses may also face direct or indirect intimidation from parties with an interest in the case outcome. Such conditions can affect the emphasis of testimony,

reduce details, or alter the way the witness describes the defendant's role. This factor shows that discrepancies are not only legal issues but also social issues influencing witness behavior.

Time is an important variable that brings together internal and external factors simultaneously. A sufficiently long period between investigation examination and trial can affect the stability of a witness's memory. Memory may weaken due to forgetting, but it may also be reconstructed because the witness talks with others, reads media coverage, or discusses events within their social environment. This reconstruction process can produce new details, shifts in the sequence of events, or changes in emphasis. Differences arising due to time do not always mean the witness is lying, but may instead be a consequence of human cognitive dynamics. Therefore, time must always be considered when assessing discrepancies.

Normative factors also influence differences, particularly because trials require witnesses to testify under oath. The oath carries strong moral and legal consequences, encouraging witnesses to testify more carefully, more thoroughly, or to correct statements if they believe errors occurred in earlier accounts. In this framework, the trial functions as a corrective forum that allows witnesses to rectify facts openly. This is also consistent with criminal procedural mechanisms that provide space for clarification when differences arise between the BAP and courtroom testimony. Thus, changes in testimony at trial can be understood as part of the effort to reach material truth, not merely as a form of inconsistency. Nevertheless, changes that touch substance must still be tested strictly through correlation with other evidence.

Procedural factors in the examination process include questioning techniques, depth of factual exploration, and the way statements are recorded in the BAP. At the investigation stage, questions are often structured to meet the needs of proving the elements of the offense, so witness answers tend to be directed toward aspects considered relevant by investigators. Because the orientation of investigation is the collection of evidence and the construction of suspected criminal conduct, witness examinations are often selective and administrative. In court, examination is more dialogical and dynamic because it involves judges, prosecutors, and defense counsel through direct examination and cross-examination. This dialogical pattern opens space for additional details, corrections, or explanations that were not previously uncovered at the investigation stage. As a result, courtroom testimony appears different because the structure of examination is indeed different from the outset.

The recording of statements in the BAP is also a highly decisive procedural factor. The BAP is a document written by investigators based on witness statements, so there is always potential for differences between "what is said" and "what is written." In practice, investigators may summarize, simplify sentences, or adjust wording to suit the administrative format of investigation. Not all witnesses reread the BAP carefully before signing, especially if they are tired or wish to finish the examination quickly. When witnesses later testify in court, they tend to recount events in their own, more narrative style, which appears inconsistent with the BAP wording. At this point, the difference is often largely redactional, but it can develop into substantive differences if the initial recording was inaccurate.

Pressure and fear are factors that frequently intersect between psychological and procedural dimensions. Fear may arise from threats by the perpetrator, worries about deeper involvement, or insecurity in facing legal processes, while pressure may come from certain parties, including the social environment, family, or even an examination situation that makes the witness uncomfortable. During the investigation stage, pressure may manifest as questions perceived as leading, a tense examination atmosphere, or encouragement to quickly agree with the BAP wording. In court, pressure may take a different form because the witness confronts the defendant directly or faces social risks after testifying. This combination of fear and pressure can affect narrative consistency and encourage witnesses to change the emphasis of their statements. Therefore, judges must evaluate discrepancies while considering the possibility of pressure that compromises the witness's freedom.

Mental and physical conditions also play a significant role in explaining discrepancies. During the investigation stage, witnesses may be examined while fatigued, stressed, or traumatized, resulting in testimony that is less complete or less precise. At trial, a witness's mental condition may be more stable, but memory of details may decline due to time distance. In other situations, a witness who initially lacked courage to explain fully may become braver in court because the process feels more transparent and subject to judicial control. These variations in mental-physical condition affect narrative quality, firmness, and accuracy in explaining facts. This factor underscores that consistency is strongly influenced by the witness's human condition as the subject of proof.

The development of information throughout the judicial process also deserves consideration. After an investigation examination, witnesses may receive additional information from media, family, or other parties that shapes how they understand the event. New information is not always correct, but it can form new perceptions that then seep into the witness's memory. This may lead to added details or changes in the sequence of events when the witness testifies in court. Thus, discrepancies may occur not because of bad intent, but because cognitive processes are influenced by the informational environment. In assessing this phenomenon, caution is needed so that judges can distinguish facts directly experienced from information merely "heard later."

If linked to the theory of legal effectiveness, repeated discrepancies in witness testimony may indicate problems in the effectiveness of examination and documentation mechanisms within the criminal justice system. KUHAP has regulated courtroom testimony as the primary evidence and provides room for clarification of discrepancies, but the effectiveness of these norms depends heavily on the integrity of officials, documentation facilities, and the legal culture of society. The absence of audiovisual recording of witness examinations, for example, can make verification difficult when claims of discrepancy or pressure arise. Meanwhile, a culture of fear toward authorities or reluctance to become involved in cases can also affect consistency. Thus, discrepancies can be understood as indicators of a gap between *das sollen* and *das sein* in witness examination practice. Efforts to minimize discrepancies cannot rely solely on normative exhortations, but require procedural improvements, enhanced professionalism, and stronger witness protection.

Based on the foregoing, differences in witness testimony between the BAP and trial are a multidimensional phenomenon arising from interactions among internal, external, procedural, normative, and social factors. Such discrepancies must be assessed contextually by considering how testimony was obtained, how it was recorded, and what pressures may have surrounded it. With a comprehensive understanding of these factors, judges can avoid misinterpreting minor variations as fatal inconsistencies, while remaining alert to substantive differences that affect proof of the offense's elements. Ultimately, this analysis shows that testimonial consistency is shaped not only by legal norms, but also by the quality of examination processes and the human condition of the witness. This understanding is essential to maintain balance between legal certainty, protection of rights, and the pursuit of material truth in criminal adjudication.

CONCLUSION AND SUGGESTIONS

Differences in witness testimony between the Investigation Report (BAP) at the investigation stage and testimony given in court constitute a normal phenomenon within the dynamics of criminal proof, as they are influenced by internal witness factors (psychological condition, memory, communication ability), external situational factors (examination atmosphere, social relations, pressure or intimidation), as well as procedural factors (questioning techniques and the accuracy of BAP documentation). Therefore, their assessment should be oriented toward substantive consistency and correlation with other evidence in order to achieve material truth. As a recommendation, law enforcement officers should strengthen professional standards in witness examination through neutral interview techniques, ensure that witnesses read and understand the BAP before signing, minimize pressure by reinforcing witness protection, and promote more accountable documentation (such as recording examinations where possible). Meanwhile, judges should apply contextual evaluation and caution when assessing discrepancies so as not to be confined to redactional formalities, while maintaining a balance between legal certainty, protection of the parties' rights, and substantive justice.

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