

Relevansi asas unus testis nullus testis dalam perkara kekerasan seksual dalam rumah tangga (Studi kasus: Putusan No. 330/Pid.B/2013/Pn.Jbi Dan Putusan No. 139/Pid.B/2009/Pn.Sda) = Relevance of unus testis nullus testis principal evidence in sexual violence in domestic sphere cases (Cases study: Decision Number 330/Pid.B/2013/Pn.Jbi and Number 139/Pid.B/2009/Pn.Sda) / Gesa Patria Ari Cindy

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Abstrak

[Kekerasan Seksual Dalam Rumah Tangga bukanlah hal yang baru, dengan diaturnya tindak pidana kekerasan seksual sebagai salah satu bentuk Kekerasan Dalam Rumah Tangga dalam Undang Undang Pemberantasan Kekerasan Dalam Rumah Tangga, membawa harapan bagi masyarakat Indonesia untuk dapat mengatasi kekerasan seksual dalam rumah tangga. Banyak yang menyatakan dalam Undang Undang Pemberantasan Kekerasan Dalam Rumah Tangga menyimpangi asas unus testis nullus testis yang dianut Kitab Undang Undang Hukum Acara Pidana. Sebenarnya, ketentuan dalam Pasal 55 Undang Undang Pemberantasan Kekerasan Dalam Rumah Tangga sejalan dengan Kitab Undang Undang Hukum Acara Pidana, batas minimum pembuktianpun sejalan dengan Kitab Undang Undang Hukum Acara Pidana.

;As sexual violence be regulated as a form of domestic violence, it is bring the hope for people to overcome sexual violence. Many people said that the provision of Article 55 of Eradication Domestic Violence Act deviates the unus testis nullus testis that is adopted by the code of criminal procedure. Actually, the provision of Article 55 of Eradication Domestic Violence Act is similar with the provision in the code of criminal procedure, the minimum evidence is also similar with the provision in the code of criminal procedure.

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