

The Paradox of Limited Evidence and the Legitimacy of the Decision in the Ferdy Sambo Case

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Abstract

The Paradox of Limited Evidence and the Legitimacy of Verdicts in the Ferdy Sambo Case reveals the gap between legal norms and the reality of criminal justice practice in Indonesia. This study originates from the background of evidentiary failure, which should serve as the core of judicial proceedings but was distorted by manipulation and obstruction of justice. The aim of the research is to analyze how the evidentiary system in the Indonesian Criminal Procedure Code, which adopts the negatief wettelijk bewijs system, failed to function properly in the Sambo case due to tampered evidence, pressured witnesses, and bureaucratic subordination. The research method employs a normative juridical approach with a case study, examining relevant legislation, doctrines, and court decisions. The findings show that although Indonesian law provides a comprehensive normative framework to guarantee justice through the 1945 Constitution, TAP MPR XVII/1998, the Criminal Procedure Code, the Penal Code, the Anti-Corruption Law, and the Judiciary Law, in practice the legal system remains vulnerable to abuse of power. The study concludes that the Sambo case is not only about premeditated murder but also reflects the fragility of evidentiary integrity and the legitimacy of judicial verdicts in the eyes of the public.

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1. INTRODUCTION

In the Indonesian legal system, the evidentiary process is the heart of criminal justice. Its constitutional foundation lies in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which affirms that everyone has the right to recognition, guarantees, protection, and certainty under just law (1945 Constitution, Article 28D paragraph (1)). This principle emphasizes that without legal certainty, justice is merely an empty promise. Article 24 paragraph (1) of the 1945 Constitution affirms that the judiciary is an independent power, free from interference by other powers (1945 Constitution, Article 24 paragraph (1)). This means that judges are obligated to assess and decide cases based on the law and their conscience, not pressure. These articles arose from the spirit of the 1998 reforms, when Indonesia emerged from authoritarianism and sought to build a legal order based on the rule of law. The context of the reforms was important because at that time the state was committed to making the law the commander, and transparent evidence was the main spirit of this effort (Brahmana, 2015).

MPR Decree also reinforces this constitutional spirit No. XVII/MPR/1998 concerning Human Rights, an instrument that served as a crucial transition before human rights were finally incorporated into the Constitution. This Decree binds the state to guarantee the principles of fair trial and non-discrimination, so that everyone has the right to receive an honest, just, and open trial (MPR Decree

XVII/1998). This means that a failure in the evidentiary system not only violates procedural law but also violates the state's obligation to guarantee human rights. This principle emphasizes that when the evidentiary path is manipulated, the first victim is not only the accused party, but also the credibility of the state itself.

Technically, in criminal procedural law, Indonesia emphasizes the evidentiary system through the Criminal Procedure Code (Law No. 8 of 1981). Article 183 states that a judge may not impose a sentence unless there are at least two valid pieces of evidence and a belief that the crime actually occurred (KUHP, Article 183). This system is called negative wettelijk bewijs, which is a combination of legal certainty and the judge's belief (Hiariej, 2012). Legal certainty is realized by the formal requirement of two valid pieces of evidence, while a sense of justice is accommodated by the judge's belief requirement. This model was chosen to prevent criminalization based on a single piece of evidence, while also preventing decisions based solely on intuition without an objective basis. In several previous cases, this system has served as a bulwark against criminalization, for example, when the court rejected charges because there was only one witness without supporting evidence (Fuady, 2014). However, in the Sambo case, this system was tested when evidence was removed, distorted, and the witness was pressured.

In the realm of substantive law, Article 340 of the Criminal Code provides the basis for the crime of premeditated murder, where the elements of intent and planning must be proven through valid evidence (KUHP, Article 340). This norm is clearly relevant to the Sambo case, where the murder of Brigadier J did not occur spontaneously but was preceded by motive, planning, and the involvement of many parties. However, the element of planning that should have been clearly proven was instead obscured by the engineering carried out by the authorities themselves.

Furthermore, although Article 21 of the Corruption Eradication Law does not specifically address murder cases, the provisions on obstruction of justice within it serve as an important reference (Corruption Law, Article 21). This article prohibits any action that intentionally hinders or thwarts investigations, prosecutions, or court hearings. This doctrine is often used analogously to explain actions that obstruct the process of evidence in other criminal cases (Adji & Adji, 1996). The Sambo case clearly demonstrates similar actions: CCTV footage was deleted, the crime scene was fabricated, and subordinates were scapegoated. These practices emphasize that obstruction is not merely an issue in corruption, but a serious phenomenon that can destroy the integrity of evidence in any criminal case.

The strengthening of the normative framework was concluded with Law No. 48 of 2009 concerning Judicial Power. Article 3 of this law emphasizes that judges are obliged to maintain their independence and make decisions based on the law and their beliefs, without intervention (Judicial Power Law, 2009). In the context of the Sambo case, this norm tests the court's ability to remain independent when faced with public pressure, media scrutiny, and the internal police hierarchy. In other words, this law reminds us that the outcome of every case remains in the hands of the judge, who must be the ultimate guardian of legal integrity.

The normative framework above demonstrates that, in terms of *das sollen*, Indonesian law fully protects the integrity of evidence. However, *das sein* reveals a very different reality. The Sambo case demonstrates how the evidentiary path was distorted from the outset: the crime scene was staged to appear as a shootout, CCTV cameras were tampered with to obscure the truth, witnesses were pressured to follow the script, and Richard Eliezer was made a scapegoat (Hukum Online, 2024). The public only saw the truth after social media pressure rocked the police institution. The phenomenon of "No Viral, No Justice" seems to confirm that internal legal mechanisms fail to operate without public scrutiny (Adji & Adji, 1996). In the context of evidentiary law, this is a fundamental failure: evidence was lost not due to natural circumstances, but because it was removed by those who were supposed to uphold the law.

Furthermore, the Sambo case can be explained using the theory of bureaucratic pathology. The police hierarchy is exploited to incite subordinates to manipulate. Absolute subordination prevents subordinates from refusing, even when orders are clearly unlawful. This is the face of pathological bureaucracy: authority is no longer exercised for the public good, but to protect private interests. This pathology makes obstruction of justice systematic, not simply an individual act (Mozin et al., 2025). Thus, the failure to prove the case in the Sambo case is not merely a technical problem of procedural law, but rather a structural problem of bureaucracy.

Within the framework of evidentiary theory, this failure becomes increasingly apparent. The negative legal system, which requires two pieces of valid evidence plus a judge's conviction, is paralyzed when electronic evidence is deleted and witnesses are pressured (Hiariej, 2012). Evidence is weakened by manipulation, the burden of proof becomes unequal because prosecutors work with manipulated evidence, and the strength of the evidence is rendered meaningless because its foundation is lost (Fuady, 2014). At this point, evidentiary theory, designed to balance legal certainty and substantive justice, loses its effectiveness. The legal process becomes a mere battle of fabricated narratives.

This paradox raises a major question: how can the legitimacy of a verdict be upheld if the evidence is flawed from the outset? The resulting verdict may be formally valid, but its moral legitimacy is questioned by the public. The Sambo case demonstrates the wide gap between *das sollen* and *das sein*. On paper, Indonesian law protects justice through the constitution, the People's Consultative Assembly Decree (TAP MPR), the Criminal Procedure Code (KUHAP), the Criminal Code (KUHP), the Corruption Law (UU Tipikor), and the Judicial Power Law. However, in practice, the evidence, which should be the heart of the judiciary, is instead paralyzed by obstruction of justice and bureaucratic pathology (Mozin et al., 2025). Thus, this case is not simply about premeditated murder, but about how legal integrity is tested, and how the legitimacy of a verdict is at stake before a public demanding justice. This paper is compiled in an attempt to answer the author's questions: How should the evidentiary system in Indonesian criminal procedure law maintain the integrity of the judicial process and ensure fair legal certainty? And how can the legitimacy of a court decision be established when obstruction of justice occurs, hindering the evidentiary process?

2. LIBRARY REVIEW

2.1. The Theory of Negative *Wettelijk Bewijs* Proof System in Criminal Procedure Law in Indonesia

In Indonesian criminal procedure law, the officially used evidentiary system is the negative *Wettelijk bewijs* system, as stipulated in Article 183 of the Criminal Procedure Code (KUHAP). The essence of this article is actually quite simple, but it is important to understand. This is because a judge may only impose a sentence if there are at least two valid pieces of evidence, and from that evidence, the judge is convinced that the defendant committed the crime. Therefore, the judge must not simply follow his feelings or intuition, but also must not simply count the evidence without seriously assessing its contents. These two things must work together.

In doctrine, discussions of the negative legal system are usually associated with three key terms: evidence, evidence, and evidence. Evidence refers to the types of evidence recognized by the Criminal Procedure Code (KUHAP) in a limited manner under Article 184 of the KUHAP, such as witness testimony, expert testimony, letters, clues, and the defendant's testimony. Evidence relates to who will bear the burden of proof, which generally falls on the public prosecutor. Evidence refers to the strength of each piece of evidence in convincing the judge. Therefore, through this arrangement, the negative legal system attempts to balance legal certainty with more substantive justice.

In the context of this research, the theory of the negative evidentiary system is used as the primary lens to examine how the manipulation of evidence, the removal of electronic evidence, or pressure on witnesses can render this otherwise adequate system seemingly "empty" of its effectiveness. When the evidence is damaged or intentionally manipulated from the outset, the evidence that is theoretically in the hands of the public prosecutor no longer honestly reflects the facts, and the evidence that emerges in court is based on a distorted reality. In other words, if the integrity of the evidence is not maintained even from the investigation stage, the evidentiary system in the Criminal Procedure Code becomes fragile and only its formal form remains, while the spirit of seeking material truth fades.

2.2. The Concept of Obstruction of Justice in the Criminal Justice System

Draft *obstruction of justice*. Essentially, it describes various acts deliberately committed to obstruct or undermine the course of justice. These can take various forms, including removing or destroying evidence, fabricating a crime scene, pressuring witnesses to provide specific information, and interfering with investigators or prosecutors to ensure the case follows the dictates of the authorities. Therefore, this is not merely a violation of ordinary procedures, but a violation at the heart of the judicial process: the effort to discover material truth.

In Indonesian positive law, the term *obstruction of justice* While this may not always be explicitly stated in all regulations, its substance is already regulated in various articles. For example, Article 21 of Law Number 31 of 1999, in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, prohibits anyone from directly or indirectly preventing, obstructing, or thwarting the investigation, prosecution, and court hearings of corruption cases. Furthermore, the Criminal Code recognizes provisions regarding concealing perpetrators of crimes or destroying evidence. Although the contexts vary, the general principle remains the same: the state considers obstructing the law enforcement process a separate criminal act.

In this study, *obstruction of justice* is positioned as a key concept explaining why a system of evidence that is clear on paper can collapse in practice. Crime scene manipulation, the deletion of CCTV footage, and pressure on witnesses are not merely "technical errors," but concrete forms of *obstruction of justice* that attack the integrity of the evidence from the outset. When this occurs, judges are ultimately forced to form convictions based on facts that have actually been "polished." Within this framework, the analysis will continue to explore the extent to which the evidentiary process itself can still be trusted as honest and fair.

2.3. The Theory of Legitimacy of Decisions, the Principle of Open Justice, and Transparency of the Judiciary

The legitimacy of a court decision is not only a matter of whether the decision is formally valid under the law, but also whether the decision is accepted and trusted by the public. Simply put, a distinction can be made between normative legitimacy and sociological legitimacy. Normative legitimacy relates to the legal aspect, where the decision is rendered by an authorized institution, following proper procedures, and based on applicable legal norms. Meanwhile, sociological legitimacy directly relates to public trust. The public will respond to the process and outcome of the decision as fair, or whether it will foster suspicion and distrust.

In the modern judicial tradition, one of the important conditions in maintaining legitimacy is the principle of *open justice* or the principle of open justice. This principle requires that trials be accessible to the public and the media, except in certain cases that must be closed. This is because in a closed space, it is more difficult to monitor justice. However, in an open space, justice that is seen being carried out is more easily trusted. In an era of globalization filled with digital

conveniences, this principle of open *justice* is no longer just about the open courtroom doors, but also the use of technology throughout the court. The actual form of the decision can also be seen from the online publication of the decision, even live broadcasts of the trial through collaboration with the PRESS agency or through the formal decision directory page/formal page belonging to the court's domicile.

The phenomenon “*No Viral No Justice*” is frequently mentioned in recent legal discourse. The legitimacy of decisions is increasingly linked to public scrutiny on social media. Many cases are only taken seriously and handled a fraction of the time due to this viral phenomenon. On the one hand, this phenomenon does indicate a crisis of trust in law enforcement, prompting the public to feel the need to publicize it. However, it also demonstrates that transparency and public participation are factors that determine whether a court decision is considered morally legitimate in the eyes of the public. In this study, the theory of the legitimacy of decisions is applied. *Open justice*, and also judicial transparency, is used to explain how decisions are made in criminal cases that are full of obstruction of *justice* will always face a legitimacy crisis, especially if the process is closed or is considered to be deliberately covered up.

2.4. Theory of the Rule of Law and the Right to a Fair Trial

Indonesia expressly declares itself as a state of law (*rechtsstaat*) in Article 1, paragraph (3) of the 1945 Constitution. The concept of the rule of *law* doesn't simply mean that the state has numerous laws, but rather that power must be limited by law, human rights must be protected, and the judiciary must be independent and impartial. In other words, the law must not be merely a tool of those in power, but must also serve as a guideline that binds all parties, including law enforcement officials themselves.

One of the important forms of *rule of law* in the realm of criminal justice is a guarantee of the right to obtain *fair trial*. Article 28D paragraph (1) of the 1945 Constitution emphasizes the right to fair legal certainty, which includes elements such as an open trial process, the right to legal counsel, the right to present and examine evidence, and examination by an independent judge. Also, in its meaning, a *fair trial* includes the prohibition of torture, the prohibition of treatment that degrades human dignity, and the prohibition of all forms of manipulation of the process that can harm the rights of the parties involved.

In the context of this research, the theory of the rule of law and *fair trial* is used as a normative foundation to assess whether the judicial process in the case being studied is truly in line with the principles of *law*, or even deviates far. At the obstruction of *justice*, for example, the removal of evidence, structural intervention, or intimidation of witnesses and investigators, the state is no longer fulfilling its obligation to guarantee a fair and just trial, even if the trial continues and the verdict is rendered. However, the resulting verdict will always be clouded by doubts about the integrity of the legal process and constitutes a form of legality that masks the exercise of power.

By placing the rule of *law* and *fair trial* as a theoretical basis, this study not only critiques the technical aspects of evidence but also questions the state's consistency with its own constitutional commitments. Here, it is clear that the paradox between the limitations of evidence and the legitimacy of the decision in the Ferdy Sambo case is not merely a matter of articles and procedures. However, it concerns how the state will truly uphold the law as a defender of justice, and not just a platform for defending the practice of power.

3. RESEARCH METHODS

This research is a normative-empirical legal study with a qualitative approach. As a normative study, the main focus of the study is directed at positive legal norms that regulate the evidentiary system in criminal procedural law, while its empirical character is evident through the examination

of the practice of applying these norms in a series of court decisions in the premeditated murder case involving Ferdy Sambo. This study seeks to interpret and evaluate how regulations, doctrines, and judges' decisions interact in the evidentiary process in this case.

The research sources consist of primary, secondary, and tertiary legal materials. Primary legal materials include the decisions of the South Jakarta District Court, the Jakarta High Court, and the Supreme Court of the Republic of Indonesia regarding the Sambo case. Secondary legal materials include scientific journals, academic articles, and criminal procedural law literature discussing evidentiary theory. Tertiary legal materials were obtained through news and online media reports, which helped strengthen the understanding of the case's chronology and public perception of the court's decision.

The research was conducted in October through a literature review without fieldwork. All data was collected from university libraries, Supreme Court decision archives, online journal databases, and digital news documentation. The research instruments, including literature studies and legal documentation, were used to explore, identify, and organize legal materials relevant to the evidentiary issues in this case.

The research procedure was carried out in four stages. First, the data collection stage, which involved gathering all primary, secondary, and tertiary legal materials. Second, the data classification stage, which involved grouping materials based on their relevance, such as witness statements, electronic evidence, and written evidence in the Sambo case. Third, the normative analysis stage, which employed various legal interpretation techniques, included grammatical interpretation to understand the norm as stated in the article; systematic interpretation to examine the interrelationships between provisions in criminal procedural law; and teleological interpretation, which examined the purpose and principles of justice behind a norm. Fourth, the conclusion-drawing stage involved compiling a qualitative descriptive analytical description to answer the research problem formulation.

The data collection and analysis were conducted qualitatively and descriptively. All legal materials were explained, interpreted, and linked to evidentiary theory and its application in the Sambo case. This analysis was thoroughly processed to produce a comprehensive picture of how the evidentiary system operates in this criminal case and the extent to which the court's decision reflects the intended legal objectives.

4. RESEARCH RESULTS AND DISCUSSION

4.1. Judicial Integrity and Legal Certainty Through the Evidence System

The evidentiary system regulated in Article 183 of the Criminal Procedure Code (KUHP) adheres to the negative *wettelijk bewijs* model, namely a combination of the requirement of at least two valid pieces of evidence and the judge's conviction to issue a criminal verdict. This system is intended to ensure that judges are not only bound by the formality of the existence of evidence, but also build conviction based on the facts revealed in court (Rommeling, 2003). This model is expected to be a balance between legal certainty derived from the law and substantive justice demanded by the public conscience. However, the case of Ferdy Sambo demonstrates that this normatively established system can collapse when the integrity of the evidentiary process is compromised by manipulation and intervention by those in power.

The integrity of the evidence in this case was compromised during the investigation. Facts revealed at trial indicated the deletion or destruction of CCTV footage strategically located near the crime scene. This footage should have been crucial electronic evidence to establish the chronology of events and the whereabouts of the perpetrators. Furthermore, the reconstruction of the crime scene was initially designed to appear as though a shootout had occurred between Brigadier Nofriansyah Yosua Hutabarat and Bharada Richard Eliezer, rather than a premeditated murder (South Jakarta District Court Decision No. 796/Pid.B/2022/PN Jkt. Selatan (Kompas,

September 12, 2022). This fabrication effort was exacerbated by pressure exerted on witnesses and investigators to provide statements consistent with the scenario prepared by their superiors. These actions directly undermine the first pillar of the evidentiary system, namely the validity and completeness of the evidence.

This damage to valid evidence also impacts the second pillar of the evidentiary system, namely the judge's conviction. Ideally, a judge's conviction stems from an objective assessment of valid and relevant evidence. Article 184 of the Criminal Procedure Code stipulates that valid evidence includes witness testimony, expert testimony, letters, clues, and the defendant's testimony. However, in the Sambo case, some facts were manipulated, and crucial evidence was omitted or destroyed, limiting the judge's conviction to the distorted facts (Harahap, 2016). This demonstrates that in this case, the quality of the verdict depends heavily on the judge's ability to assess and distinguish the truth from the flawed evidence resulting from the fabrication.

This phenomenon confirms that the existence of legal provisions on evidence in the Criminal Procedure Code is insufficient to guarantee justice if it is not accompanied by a mechanism to protect the integrity of evidence from the beginning of the legal process. In this case, acts of obstruction of justice play a central role in undermining the evidentiary system. Article 21 of Law Number 31 of 1999, in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, although intended for corruption cases, is substantively relevant to be applied in the Sambo case because it prohibits anyone who intentionally obstructs or thwarts the investigation, prosecution, and examination processes in court. In this case, the removal of CCTV, the fabrication of the crime scene, and attempts to influence witness testimony are concrete forms of actions that obstruct the evidentiary process.

Furthermore, this case reveals the weak independence of law enforcement officers, hampered by the hierarchical structure of the police bureaucracy. Bureaucracy, which should be a means of enforcing the law, has instead become a tool to protect the interests of certain individuals or groups (Sujatmiko, 2021:389-402). Internal subordination and loyalty to superiors rather than to the law have distorted the investigative and evidentiary processes and distorted their focus on material truth. This situation reflects a bureaucratic pathology that undermines the effectiveness of Indonesia's criminal justice system, where the hierarchical structure is used to conceal the truth.

The next paradox is the tension between legal legitimacy and public legitimacy. From a formal legal perspective, the court convicted Ferdy Sambo based on Article 340 of the Criminal Code concerning premeditated murder, which was deemed proven at trial. However, from a public perspective, the process leading to the verdict is considered to have not fully reflected substantive justice due to manipulation, the omission of evidence, and the intervention of powerful parties. This discrepancy underscores that the success of the criminal justice system is measured not only by the achievement of legally valid decisions, but also by the extent to which the public trusts the justice resulting from the process.

These findings collectively demonstrate that the Ferdy Sambo case poses a serious test for the effectiveness of Indonesia's evidentiary system. Reforming criminal procedural law is not sufficient simply to strengthen formal provisions regarding evidence or expand the types of evidence recognized. Comprehensive reform is needed, encompassing the protection of evidence from the investigative stage, enhancing the integrity and independence of law enforcement officials, and firmly enforcing the practice of obstruction of justice. Such reform is crucial for the evidentiary system to once again function as a means of discovering material truth and upholding justice that is not only legally valid but also morally legitimate in the eyes of the public.

4.2.Legitimacy of Court Decisions Amidst Obstruction of Justice

The legitimacy of court decisions in the criminal justice system cannot simply rely on formal legality and procedural norms; it must also be supported by public perception that the legal process is fair, transparent, and free from interference. When obstruction of justice occurs, actions that obstruct, destroy, or eliminate evidence, pressure witnesses, or fabricate facts, the evidentiary process becomes flawed, putting the moral and social legitimacy of the decision in crisis (Wahyudi, 2021). In such circumstances, judges are required to uphold their independence by rendering decisions based not only on the formality of the evidence but also on rational considerations and valid facts (Saragih, 2020).

One mechanism for maintaining the integrity of decisions is the application of the exclusionary rule doctrine, which refers to the rejection of evidence obtained unlawfully. By rejecting the use of illegal evidence, the court demonstrates its commitment to maintaining the integrity of the judicial process and emphasizes that procedural violations will not be tolerated (Simanjuntak, 2019). Those who commit obstruction must also be subject to legal sanctions so that the public sees that the judiciary continues to uphold the principle of justice without compromise.

Transparency in trials, or the principle of open justice, is also a crucial requirement for the legitimacy of decisions. By allowing public and media access to the courtroom, the public can monitor the course of evidence and the judge's deliberations. Research by Irvita & Asriani (2025) confirms that transparency in the judicial process contributes significantly to increasing the accountability of judicial institutions and strengthening public trust in the law (Irvita & Asriani, 2025). This needs to be reinforced with communicative legal argumentation so the public understands the rationale behind decisions.

Protection for witnesses and whistleblowers is a key factor in addressing potential obstruction of justice. Witness protection, as stipulated in Law No. 13 of 2006 concerning the Witness and Victim Protection Agency (LPSK), is a formal instrument that guarantees the safety and freedom of witnesses to testify without pressure. However, Rispalman's (2019) research in Banda Aceh indicates that the implementation of witness protection has not been optimal due to budget constraints and institutional barriers (Rispalman, 2019). Therefore, support from judicial institutions and law enforcement officials is crucial to ensure witnesses can testify honestly and free from intimidation.

In this way, the legitimacy of decisions can be strengthened through the implementation of modern technology, such as the current e-Court, which allows the public to monitor case status and access decisions directly. Recent research shows that the e-Court system has been proven to increase transparency and public trust in the judiciary (Salsabila, 2024). Thus, the combination of judicial independence, the imposition of sanctions on perpetrators of obstruction, trial transparency, witness protection, and public accountability can make decisions not only legally valid but also recognized as a reflection of true justice.

In addition to the technical aspects of evidence, the legitimacy of a decision must also be viewed from the perspective of the rule of law and human rights. MPR Decree No. XVII/MPR/1998 concerning Human Rights and Article 28D paragraph (1) of the 1945 Constitution affirms the right of every person to fair legal certainty. This means that if the judicial process is undermined by obstruction of justice, for example, through intervention, manipulation of evidence, or pressure on witnesses, the state has failed to fulfill its obligation to guarantee a fair trial. Experts such as Jimly Asshiddiqie state that the constitution, as the highest instrument of the state, must guarantee the independence of legal institutions so that human rights are protected (Asshiddiqie, Constitution and Indonesian Constitutionalism).

Considering the context of obstruction of justice, the role of external oversight commissions such as the National Human Rights Commission (Komnas HAM), the Witness and Victim Protection Agency (LPSK), and even the Judges' Ethics Council (CEO) is crucial in maintaining

judicial independence. These institutions can monitor, provide recommendations, and warn if the trial process has the potential to deviate from the principle of transparency. Collaboration between judicial institutions and external oversight bodies can increase the legitimacy of decisions by minimizing the possibility of interference by powerful parties.

In the case of Ferdy Sambo, in Supreme Court decision number 813 K/Pid/2023, the public clearly witnessed obstruction of justice, including the destruction of CCTV evidence, the manipulation of initial testimony, and the intimidation of witnesses. However, through media scrutiny and massive public pressure, the trial process ultimately proceeded more transparently with widespread public oversight. The "No Viral, No Justice" phenomenon in the Sambo case demonstrates that the legitimacy of a verdict depends not only on legal norms but also on social control exercised by the public through the media. The involvement of social media in monitoring the judicial process marks a new era of public participation in maintaining legal integrity (Adiwibowo & Larasati, 2025). Thus, the Sambo case serves as concrete evidence that the legitimacy of court decisions in modern criminal cases cannot be separated from transparency, public oversight, and firm enforcement against perpetrators of obstruction of justice. In this context, the public demands not only that the law be enforced formally, but that the process be transparent and trustworthy. Media oversight and independent institutions are crucial so that trials not only "appear legitimate" on paper but also gain moral legitimacy from the public as a tangible manifestation of justice.

5. CONCLUSION

The paradox of limited evidence and the legitimacy of the verdict in the Ferdy Sambo case reveals a wide gap between legal norms (*das sollen*) and the reality of criminal justice practice (*das sein*) in Indonesia. This research addresses the primary objective of examining how the evidentiary system in Indonesian criminal procedure law should maintain judicial integrity and how the legitimacy of verdicts can be established when the legal process is hampered by obstruction of justice.

The analysis shows that the negative evidence model stipulated in Article 183 of the Criminal Procedure Code loses its effectiveness when evidence is erased, witnesses are pressured, and crime scenes are fabricated. This manipulation not only weakens the evidence and the burden of proof but also undermines the strength of the evidence, so that judges' convictions are built on distorted facts. This condition is exacerbated by bureaucratic pathology within the police institution, where subordination and structural loyalty override legal principles, making fabrication systematic.

In terms of legitimacy, the verdict is formally valid, as it meets the elements of Article 340 of the Criminal Code concerning premeditated murder. However, public trust is undermined by the flawed judicial process from the outset. The "No Viral, No Justice" phenomenon that emerged in this case demonstrates that the legitimacy of a verdict is now determined not only by legal norms but also by transparency, openness of the trial, and public oversight through the media.

Thus, the Ferdy Sambo case is not merely an individual criminal case, but rather a reflection of the fragility of evidentiary integrity and the legitimacy of decisions in Indonesia. Necessary improvements include protecting evidence from the beginning of the investigation, applying the exclusionary rule doctrine to evidence obtained illegally, strengthening judicial independence, protecting witnesses and informants through the Witness and Victim Protection Agency (LPSK), imposing strict sanctions on perpetrators of obstruction of justice, and utilizing electronic court technology (e-Court) to increase transparency. These reforms are key to ensuring the criminal justice system not only produces legally valid decisions but also gains moral legitimacy in the eyes of the public as a concrete manifestation of the rule of law and the protection of human rights.

6. BIBLIOGRAPHY

- A. Adiwibowo and R. Larasati, "Peran media sosial dalam pembentukan opini publik dan pola partisipasi politik generasi milenial," *Jurnal Komunikasi dan Politik*, vol. 12, no. 1, pp. 45–60, 2025.
- A. D. A. Suprayoga, "Analisis dampak obstruction of justice terhadap proses peradilan," *Recidive: Jurnal Hukum Pidana dan Penanggulangan Kejahatan*, vol. 13, no. 2, 2024.
- A. Irvita and D. Asriani, "Keterbukaan peradilan dan pengaruhnya terhadap akuntabilitas lembaga peradilan di Indonesia," *Jurnal Hukum dan Pembangunan*, vol. 55, no. 2, pp. 233–250, 2025.
- A. S. Pudjoharsoyo, "Keadilan yang bergema: paradigma transparansi, akuntabilitas, dan strategi komunikasi publik peradilan di era digital," *Mahkamah Agung Republik Indonesia*, 2025. [Online].<https://www.mahkamahagung.go.id>
- B. Saragih, *Independensi hakim dalam sistem peradilan pidana*, Medan: Pustaka Bangsa Press, 2020.
- E. O. S. Hiariej, *Teori & Hukum Pembuktian Pidana*, Jakarta: Erlangga, 2012.
- H. Simanjuntak, "Exclusionary rule dalam hukum acara pidana Indonesia," *Jurnal Hukum Pidana dan Kriminologi*, vol. 8, no. 1, pp. 55–70, 2019.
- Hukum Online, "Mengenal lebih dalam delik obstruction of justice," 2024. [Online].<https://www.hukumonline.com>
- J. Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Jakarta: Konstitusi Press, 2005.
- L. Sudirman and Antony, "Peran media sosial sebagai alat pencapaian suara keadilan dalam penegakan hukum di Indonesia: 'No viral no justice'," *Paulus Law Journal*, vol. 5, no. 1, pp. 16–40, 2023.
- M. Brahmana, *Hukum Pembuktian dalam Perkara Pidana*, Jakarta: Kencana, 2015.
- M. Fuady, *Teori Hukum Pembuktian Pidana*, Bandung: Citra Aditya Bakti, 2014.
- M. Latifah, "Perlukah mengatur prinsip exclusionary rules of evidence dalam RUU Hukum Acara Pidana?," *Negara Hukum: Jurnal Penelitian Badan Keahlian DPR RI*, vol. 12, no. 1, 2021.
- Mahkamah Agung Republik Indonesia, *Putusan Nomor 813 K/Pid/2023*, Jakarta: Direktori Putusan MA RI, 2023.
- Nurjihad and Ariyanto, "Electronic trial at the Supreme Court: needs, challenges and opportunities," *Jurnal Jurisprudence*, vol. 11, no. 2, pp. 170–186, 2021.
- O. S. Adji and I. S. Adji, *Hukum Acara Pidana Indonesia*, Jakarta: Erlangga, 1996.
- R. Salsabila, "E-Court dan transparansi peradilan di Indonesia," *Jurnal Reformasi Hukum*, vol. 9, no. 1, pp. 77–92, 2024.
- Risपालman, "Implementasi perlindungan saksi dan korban di Banda Aceh," *Jurnal Ilmu Hukum*, vol. 7, no. 2, pp. 120–135, 2019.
- S. Y. Mozin, et al., "Patologi birokrasi dalam penegakan hukum pidana," *Aktivisme: Jurnal Hukum dan Sosial*, vol. 2, no. 3, pp. 39–51, 2025.
- T. Wahyudi, *Obstruction of Justice dalam Sistem Peradilan Pidana Indonesia*, Yogyakarta: Genta Publishing, 2021.
- W. Hawasara, R. L. Sinaulan, and T. Y. Candra, "Penerapan dan kecenderungan sistem pembuktian yang dianut dalam KUHP," *Aksara: Jurnal Ilmu Pendidikan Nonformal*, vol. 8, no. 1, pp. 587–594, 2022.
- Z. Abidin, et al., *Menyelisik Keadilan yang Rentan: Hukuman Mati dan Penerapan Fair Trial di Indonesia*, Jakarta: Institute for Criminal Justice Reform (ICJR), 2019.