

The Criminal Offense of False Testimony under Oath in Law Number 1 of 2023 concerning the Indonesian Penal Code

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ABSTRACT – This study discusses the crime of false testimony under oath in the Indonesian criminal law system based on Law Number 1 of 2023 concerning the Criminal Code. The main focus of the research is to analyze the regulation of the crime of false testimony under oath, the elements of intent and additional criminal penalties, the interpretation of important phrases in the formulation of the offense, as well as the rules regarding the granting of special power of attorney and the equivalence of oaths with promises or statements. This normative legal research uses statutory and conceptual approaches with primary and secondary legal materials analyzed qualitatively through grammatical and systematic interpretations. The results of the study indicate that the regulation of the crime of false testimony under oath has undergone changes from the previous provisions with the removal of heavier criminal threats for false testimony that harms a defendant or suspect. The element of intent is a subjective element that must absolutely be fulfilled, and its proof becomes a challenge in judicial practice. The interpretation of important phrases in the formulation of the offense requires a careful approach to ensure legal certainty. This study recommends the dissemination of regulatory changes and the formulation of technical guidelines for law enforcement officers.

Keywords: false testimony, oath, intent, additional criminal penalties, granting of power of attorney.

A. INTRODUCTION

Statements given under oath hold a special position in the legal system, because an oath is an instrument that binds a person's conscience to tell the truth. This distinctive feature makes statements under oath one of the main pillars in judicial proceedings and in various administrative procedures that require

certainty regarding the truth of the information conveyed. The weight carried by sworn testimony is further reflected in how such statements are treated as a form of evidence whose credibility must be carefully weighed within the judicial process (Anam et al., 2026). When a person gives a statement under oath, they are bound not only by positive legal provisions but also by moral and religious ties rooted in their personal beliefs. This double binding is intended to ensure that the statement given truly corresponds to the actual circumstances, so that it can serve as a basis for fair and appropriate legal decision-making. Any deviation from the truth in a statement given under oath is regarded as a serious violation that undermines public trust in the legal system and the judicial process (Veronica et al., 2024).

The ideal condition expected in the regulation of the crime of giving false statements under oath is legal certainty ensuring that every statement given under oath truly corresponds to the truth. The elements of the crime need to be formulated clearly so that they do not give rise to differing interpretations among law enforcement officials, judges, and the public. Clear formulation of criminal provisions has likewise proven essential in other areas of the Penal Code, where ambiguous wording tends to open room for divergent application by law enforcers (Ananto et al., 2026). Firm and proportionate criminal sanctions are expected to provide a deterrent effect for anyone intending to give false statements, while also protecting the interests of parties harmed by such statements. The application of additional punishment in the form of revocation of certain rights should also serve as an effective instrument for preventing the recurrence of similar crimes in the future. Revocation of certain rights as an additional sanction requires a mechanism that is not only legally certain but also capable of being applied

consistently, much as the distinction between administrative authority and judicial decisions governs the revocation of other legal rights (Damayanti et al., 2026). An ideal legal system also provides a clear mechanism for distinguishing between intentional false statements and unintentional errors in giving statements, so that legal protection of the truth can be carried out fairly without harming innocent parties.

The regulation of the crime of giving false statements under oath still faces various challenges in its implementation, particularly regarding the interpretation of the elements of the offense and the presentation of evidence in court (Kaswandi et al., 2025). The shift from old provisions to new provisions within the national criminal law system carries consequences for the outlook and practice of law enforcement, requiring adjustment on the part of all law enforcement officials. Adjusting to new legal provisions resembles the way organizations must innovate and adapt their practices whenever the surrounding environment changes, since resistance to such adjustment tends to slow the achievement of intended goals (Abdullah et al., 2021). Interpretation of important phrases within the formulation of the offense often gives rise to differing opinions among academics and legal practitioners, creating the potential for legal uncertainty among parties involved in judicial proceedings. An appropriate strategy for managing this kind of transition is needed so that law enforcement officials can adapt smoothly rather than being caught off guard by the shift from old to new provisions (Mardikaningsih & Darmawan, 2022). The gap between normative regulation and practical implementation shows that a deep understanding of every element of the crime of giving false statements under oath remains an urgent need within Indonesia's criminal justice system.

The problem that emerges is the lack of clarity in the regulation of the crime of giving false statements under oath within the national criminal law system, particularly regarding the change in the formulation of the offense from old to new provisions. The removal of a heavier criminal threat for false statements that harm a defendant or suspect in a criminal case raises questions about the criminal law policy adopted by the legislature (Urbaniak-Mastalerz, 2020). This change results in the loss of the qualitative

distinction between false statements harming a defendant or suspect and false statements in other cases, so that the criminal threat becomes uniform regardless of the seriousness of the resulting harm. Weighing the interests of the parties involved against broader considerations of the public interest is a familiar exercise in other branches of law as well, where such interest is often used as a ground for determining the appropriate legal consequence (Hosen et al., 2026). This unclear policy has the potential to reduce the effectiveness of legal protection for the interests of a defendant or suspect who becomes a victim of a false statement in judicial proceedings. Legal protection for parties at risk of harm from a given provision needs to be clearly regulated, much as specific legal protection has been designed for practitioners affected by particular statutory provisions in other fields (Shinta et al., 2026). Analysis of the normative regulation and the changes that have occurred is essential to understanding the direction of criminal law policy in handling the crime of giving false statements under oath.

The existence of the element of intent and of additional criminal provisions in the crime of giving false statements under oath constitutes a problem in itself. The element of intent is a subjective element that must absolutely be fulfilled for a person to be criminally punished, since not knowing that a statement is false removes the element of intent and renders the act non-punishable. Proving the element of intent in judicial practice is often a challenge in itself, since it concerns the inner state of the perpetrator, which cannot be directly observed (Latupeirissa et al., 2023). Assessing a person's inner state is inherently difficult, much as individual personality traits have been found to shape behavior and performance in ways that are not always outwardly visible (Darmawan, 2017). Additional punishment in the form of revocation of rights also requires a thorough understanding of the criteria and procedures for its application, so as not to create injustice for a perpetrator who should be given the opportunity to reform. This problem calls for a comprehensive analysis of the requirements for fulfilling the element of intent and of the mechanism for applying additional punishment in the crime of giving false statements under oath.

The interpretation of important phrases in the formulation of the offense of giving false

statements under oath often gives rise to differing opinions and legal uncertainty. The phrases "every person," "based on the provisions of laws and regulations," "must," "give," "statement," "under," "oath," "or," "give rise to," "legal consequence," "false," "oral," "written," "carried out," "personally," and "by proxy" all carry specific legal meanings that require accurate interpretation to ensure legal certainty. A solid grasp of the relevant concepts has consistently been found to shape how reliably a task is carried out, underscoring why thorough knowledge of each phrase is indispensable for uniform application of the law (Eddine et al., 2023). Differences in the interpretation of these phrases can result in differing application of the law in similar cases, which ultimately harms the interests of justice and legal certainty. Consistency in applying a set of provisions generally rests on several supporting factors working together rather than on any single element alone (Darmawan, 2024). A thorough understanding of the meaning of each phrase in the formulation of the offense is a prerequisite for law enforcement officials to apply criminal provisions consistently and fairly. Accurate interpretation is also needed to avoid an expansion of meaning that does not accord with the principle of legality in criminal law.

The rules on granting special power of attorney and on equating an oath with a promise or statement carry significant legal implications for the crime of giving false statements under oath. The granting of authority to give a statement under oath must be specific and must expressly state the authority of the recipient of that power, since an oath is a personal and religious act that cannot be delegated in general terms. Questions concerning the boundaries of delegated authority and the exceptions attached to it also arise in other legal proceedings, such as the mechanism that allows a notary's duty of confidentiality to be set aside only with proper institutional approval (Roberto et al., 2026). Equating an oath with a promise or an affirming statement also broadens the scope of this crime, so that it is no longer limited to an oath in the formal religious sense. The problem that arises is how to determine the boundaries of granting special power of attorney and how to assess whether a promise or statement carries a force equivalent to an oath. Ensuring that such authority is exercised properly ultimately depends on the competence of the individuals entrusted with it, since the quality of those

carrying out a given task has been shown to directly affect the reliability of the outcome (Darmawan et al., 2020). Clarity regarding the rules on granting power of attorney and equating an oath is important to prevent the misuse of authority and to ensure that every statement given under oath is truly binding both morally and legally.

This research aims to analyze the regulation of the crime of false testimony under oath in the national criminal law system as well as the changes that occurred from the old provisions to the new provisions. This research also aims to examine the element of intent as a subjective element that must absolutely be fulfilled in this crime, as well as the additional criminal penalties that can be imposed on the perpetrator. Furthermore, this research aims to interpret important phrases in the formulation of the false testimony under oath offense to provide legal certainty for law enforcement officers and the public. The final objective of this research is to analyze the rules regarding the granting of a special power of attorney and the equivalence of an oath with a promise or statement, as well as the legal implications of these provisions in judicial practice. The tangible contribution of the results of this research is to provide a more comprehensive understanding of the elements of the crime of false testimony under oath for law enforcement officers and academics in the field of criminal law. The results of this research are also expected to serve as a consideration for policymakers in improving the regulation of the crime of false testimony under oath in the future.

B. METHOD

This research is normative legal research that examines written legal norms related to the crime of false testimony under oath in the Indonesian criminal law system. The main data source used is primary legal materials consisting of statutory regulations, particularly Law Number 1 of 2023 concerning the Criminal Code and Law Number 1 of 1946 concerning Criminal Law Regulations, as well as other statutory regulations relevant to this crime. Secondary legal materials used include legal literature, scientific journals, articles in legal journals, legal dictionaries, and other official documents discussing the crime of false testimony under oath, oaths, the granting of power of attorney, and the elements of offenses in criminal law. The collection of legal

materials is carried out through literature studies by tracing various relevant written legal sources, both from physical libraries and credible electronic sources.

The analysis of legal materials is carried out using a qualitative analysis method that emphasizes in-depth interpretation and systematization of legal norms (Rohman et al., 2024). The approach used in this research is the statutory approach, which analyzes provisions in statutory regulations governing the crime of false testimony under oath, as well as the conceptual approach, which examines legal concepts related to oaths, intent, and the granting of power of attorney. The interpretation methods used are grammatical interpretation to understand the literal meaning of each word and phrase in the formulation of the offense, as well as systematic interpretation to connect these provisions with the overall criminal law system. The results of the analysis are presented descriptively analytically to provide a clear and in-depth overview of the regulation of the crime of false testimony under oath and the issues arising in its implementation.

C. RESULTS AND DISCUSSION

Regulation of the Crime of False Testimony Under Oath in the National Criminal Code

The provisions regarding the crime of false testimony under oath are regulated in Article 373 of Law Number 1 of 2023 concerning the Criminal Code. Article 373 paragraph (1) stipulates that any person who, based on the provisions of statutory regulations, must give testimony under oath or whose testimony creates legal consequences, gives false testimony under oath, whether orally or in writing, committed by themselves or by their proxy specifically appointed for that purpose, shall be punished with imprisonment for a maximum of seven years. The elucidation article by article of Law Number 1 of 2023 affirms that the untruthfulness of the false testimony referred to in this provision must be known by the person giving such testimony. This provision asserts that the element of intent is a subjective element that must absolutely be fulfilled in the crime of false testimony under oath, so that if the perpetrator does not know the falsity of their testimony, the element of intent is not fulfilled and the act cannot be punished. Article 373 paragraph (2) stipulates that equated with an oath is a promise or affirming statement required based on the

provisions of statutory regulations or serving as a substitute for an oath. Article 373 paragraph (3) stipulates that any person may be sentenced to additional criminal penalties in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d.

Before the enactment of Law Number 1 of 2023, the crime of false testimony under oath was regulated in Law Number 1 of 1946 concerning Criminal Law Regulations. Article 242 paragraph (1) of Law Number 1 of 1946 stipulates that anyone who, in cases where statutory regulations require certain testimony under oath or if such testimony carries legal consequences, intentionally gives false testimony supported by an oath, either orally or in writing, or by themselves or by their specially appointed proxy for that purpose, shall be punished with imprisonment for a maximum of seven years. Article 242 paragraph (2) stipulates that if the false testimony supported by an oath is given in a criminal case and harms a defendant or suspect, then the guilty person shall be punished with imprisonment for a maximum of nine years. Article 242 paragraph (3) stipulates that equated with an oath is a promise or acknowledgment which, according to general law, serves as a substitute for an oath. Article 242 paragraph (4) stipulates that the revocation of rights referred to in Article 35 numbers 1 to 4 may be imposed as a punishment. The provision in Article 242 paragraph (2) of Law Number 1 of 1946 provides a heavier criminal threat if such false testimony is given in a criminal case and harms a defendant or suspect, which reflects a higher level of legal protection for the interests of the defendant or suspect in the criminal justice process.

The comparison between Article 373 of Law Number 1 of 2023 and Article 242 of Law Number 1 of 1946 shows similarities in the criminal offense norms regulated, with the difference that Article 373 consists of three paragraphs, whereas Article 242 consists of four paragraphs. The most substantial difference is that Article 242 paragraph (2), which regulates the heavier criminal threat for false testimony that harms a defendant or suspect, is not explicitly adopted in Article 373 of Law Number 1 of 2023. This simplification implies the loss of the qualitative distinction between false testimony that harms a defendant or suspect and false testimony in other cases, so that the maximum criminal

threat for the crime of false testimony under oath becomes uniform, namely a maximum of seven years of imprisonment. This change reflects a simpler and more uniform criminal law policy in determining criminal threats, yet it needs to be closely examined because it has the potential to reduce the deterrent effect for perpetrators who give false testimony in criminal cases that can harm other parties.

The application of Article 373 of Law Number 1 of 2023 requires the fulfillment of three main elements. The first element is that the testimony must be given under oath, whether an oath in the formal religious sense or a promise or affirming statement required by statutory regulations. The second element is that the testimony must be mandated by statutory regulations or have legal consequences, so not every testimony under oath falls within the scope of this crime, but only those possessing a valid legal basis. The third element is that the testimony must be false and this falsity must be known by the person giving the testimony, which is a subjective element in the form of intent. The philosophical basis for including the crime of false testimony under oath in criminal law is to protect the values of truth, honesty, and public trust in the judicial process, because an oath is an instrument that binds a person's conscience to tell the truth (Rizal et al., 2024). Giving false testimony has long been viewed as a very grave fault, considered as destroying the obligation toward general allegiance or as a falsehood against society, as well as dishonesty toward God and toward the judge administering justice in the name of God.

Elements of Intent and Additional Criminal Penalties in the Crime of False Testimony Under Oath

To be punishable under Article 373 of Law Number 1 of 2023, the perpetrator must know that they are giving testimony that consciously contradicts reality and that they are giving this false testimony under oath. If the perpetrator supposes that their testimony accords with the truth, but it turns out that this testimony is not true, in other words if it turns out that they actually did not know what was true, then they cannot be punished because the element of intent is not fulfilled. The principle of intent in criminal law requires that the perpetrator intends or at least knows the possibility of the emergence of consequences from their action, so that ignorance of the falsity of the testimony

eliminates the element of intent and renders the act unpunishable. Remaining silent or concealing the truth does not yet mean false testimony, because a false testimony states a condition other than the actual condition intentionally. This element of intent becomes a fundamental distinguishing element between the crime of false testimony and an error in giving unintentional testimony, so that law enforcement officers must prove convincingly that the perpetrator knew the falsity of their testimony.

Article 373 paragraph (3) of Law Number 1 of 2023 stipulates that a person convicted of the crime of giving false testimony under oath may be sentenced to an additional punishment in the form of revocation of rights as referred to in Article 86 letter a, letter b, letter c, and/or letter d. This additional punishment in the form of revocation of rights is a cumulative sanction that may be imposed together with the primary punishment. Imposing a sanction of this weight reflects a broader logic found in criminal law, where a firm punishment is expected to function as a deterrent against serious offenses (Ferdinanta et al., 2024). Revocation of rights as referred to in Article 86 letter a covers the right to vote and to be elected in general elections, while letter b covers the right to be appointed to any position filled through election, and letter c covers the right to be appointed as a public official. Revocation of rights as referred to in Article 86 letter d covers the right to become an advocate, notary, or land deed official. This particular consequence is worth noting given that a notary's professional duties already carry significant juridical responsibility and ethical demands, so losing the right to hold such a position is a substantial deprivation (Khusna et al., 2025). This additional punishment shows that the crime of giving false testimony under oath is regarded as an offense that undermines public trust in the legal system, so that the perpetrator may be subject to a long-term sanction affecting their legal status and capacity in the future.

A statement may be given either orally or in writing and may be given by the person concerned or by someone specifically granted power of attorney for that purpose. The granting of special power of attorney is an absolute requirement, since giving a statement under oath is a personal legal act that cannot be delegated in general terms. The personal character of this act is worth

underlining, since matters closely tied to an individual including their personal data and private affairs are generally understood to deserve heightened protection precisely because of that personal nature (Issalillah & Hardyansah, 2024). The statement given need not concern the examination of a case in a court hearing, but may also include, for example, a declaration of travel expenses, the number of family members for the purpose of receiving a family allowance, and so forth. What is required is that the statement is given under oath and is either mandated by law or carries legal consequences. An obligation to state matters truthfully in such administrative contexts is, in essence, a form of good faith that a person is expected to uphold when interacting within a legal or institutional system (Irfansyah et al., 2024). This provision broadens the scope of the crime of giving false testimony under oath so that it is not limited to judicial proceedings but also covers various administrative procedures that require statements under oath, so that legal protection of the truthfulness of statements covers a wider domain. Whether a person actually fulfills this obligation carefully can also depend on other conditions attached to them, such as their status or position within an administrative arrangement (Khayru et al., 2025). so that legal protection of the truthfulness of statements covers a wider domain (Nabilah et al., 2024).

An oath may be pronounced either before or after giving a statement. Under the applicable provisions, the oath is administered according to the religion or belief of the person taking the oath. The binding force of an oath in this sense ultimately rests on an individual's own conviction, in much the same way that a person's inner belief shapes how they process and commit to a decision (Darmawan, 2024). An agreement is also treated as equivalent to an oath as regulated in Article 373 paragraph (2). This equating of an agreement with an oath shows that what matters most in this crime is the existence of a moral and religious bond that compels the person making the statement to tell the truth, rather than merely the formality of pronouncing an oath. This kind of commitment resembles the way genuine dedication to a task is built less on formal procedure and more on an internalized sense of obligation (Eddine et al., 2023). The law that mandates a statement under oath, for example, is the provision determining that a witness in a civil or criminal

case must first be sworn in according to their religion. Further provisions cover the oath of an expert witness, the oath of a witness in a criminal case, the oath of an interpreter, and the provisions concerning persons who may withdraw from giving testimony. The making of a false official record under oath may be subject to this provision.

"Under oath" means that the act must already have been carried out under oath, ordinarily an oath of office. If a person has not yet taken the oath of office and closes their official record with words such as "willing to take an oath at a later date" or a similar statement, they cannot yet be charged with false swearing, unless they later, before a judge and after being sworn in as a witness, still maintain the untrue statement contained in that official record. This confirms that an oath must truly have been pronounced formally and procedurally, so that a promise to take an oath at a later date does not yet carry legal consequences as a valid oath. This formal requirement mirrors a broader principle found in systems that rely on clearly defined procedural steps, where an outcome is only considered valid once every required stage has actually been completed (Darmawan et al., 2025). This principle reflects the principle of formality in procedural law, which requires that an oath be administered validly in accordance with the prescribed procedure, rather than merely being a statement of intent or a promise. Sustaining this kind of procedural discipline in practice also depends on how firmly the individuals involved hold to their commitment once it has been made (Hariani & Putra, 2024). Thus, legal protection of the truthfulness of a statement applies only after the oath has been procedurally pronounced, and not at the stage before the oath is taken.

Interpretation of Important Phrases in Article 373 of Law Number 1 of 2023

The phrase "every person" in Article 373 of Law Number 1 of 2023 means anyone as a legal subject who can be the perpetrator of a criminal offense. The phrase "every person" indicates that this crime is general in nature (general delict) and can be committed by anyone without distinguishing status, position, or specific qualifications, as long as it meets the elements specified in the provision. The legal subjects who can become perpetrators are not limited to Indonesian citizens, because this crime can also be committed by foreigners who give testimony under oath in Indonesia. The

general nature of this offense reflects that the protection of truth and honesty in testimony under oath is a fundamental public interest, so that any violation of this provision can be subject to criminal sanctions without distinguishing the identity of the perpetrator. The phrase "every person" in this provision is in line with the principle of equality before the law, which is one of the fundamental principles in the Indonesian legal system.

The phrase "which based on the provisions of statutory regulations" refers to the provision that the obligation to give testimony under oath must originate from valid statutory regulations. Based on Article 1 number 2 of Law Number 12 of 2011 concerning the Formation of Statutory Regulations as amended by Law Number 15 of 2019, statutory regulations are written regulations containing legal norms that are generally binding and established or stipulated by authorized state institutions or officials through procedures established in statutory regulations. This provision provides certainty regarding the legal source that obligates the giving of testimony under oath, so that not every request for testimony under oath becomes the basis of this crime, but only those mandated by valid statutory regulations. This need for a clear and traceable legal source is comparable to how liability in other legal contexts can only be established once the underlying basis and the available proof are clearly identified (Sutanto et al., 2023). This provision also asserts the principle of legality in criminal law, where there is no crime without the prior existence of statutory regulations governing it. The reliability of any decision made on the basis of such a provision, including a judge's assessment of testimony, ultimately depends on the accuracy of the information it rests upon, much as sound decision-making in other fields depends on the quality of the information used (Gardi & Darmawan, 2022).

Based on Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Statutory Regulations as amended by Law Number 15 of 2019, the types and hierarchy of Statutory Regulations consist of the 1945 Constitution of the Republic of Indonesia, Decrees of the People's Consultative Assembly, Laws or Government Regulations in Lieu of Laws, Government Regulations, Presidential Regulations, Provincial Regional Regulations, and Regency or Municipal Regional Regulations. The legal force of Statutory Regulations

corresponds to this hierarchy. This principle of the hierarchy of statutory regulations is important to determine whether a provision obligating testimony under oath has a valid legal basis, because lower regulations must not conflict with higher ones. Uncertainty about which level of regulation actually governs a matter can, in practice, become an obstacle for parties seeking to exercise their rights, in much the same way that unclear procedural requirements have been found to discourage rights holders from pursuing legal action (Hardyansah et al., 2021). In addition, based on Article 8 of Law Number 12 of 2011 as amended by Law Number 15 of 2019, the types of Statutory Regulations other than those referred to in Article 7 paragraph (1) include regulations stipulated by the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, the Supreme Court, the Constitutional Court, the Audit Board, the Judicial Commission, Bank Indonesia, Ministers, agencies, institutions, or equivalent commissions formed under Law or Government by the order of Law, Provincial Regional House of Representatives, Governors, Regency or Municipal Regional House of Representatives, Regents or Mayors, Village Heads or equivalents. Such Statutory Regulations are recognized for their existence and possess legally binding force as long as they are mandated by higher Statutory Regulations or formed based on authority. A similar concern over the validity and evidentiary strength of a legal instrument arises whenever its issuing basis is unclear, as seen in disputes where the registration and evidentiary weight of a document become the very source of conflict (Sulani et al., 2025). This provision broadens the scope of statutory regulations that can serve as the basis for the obligation to give testimony under oath, so that it is not limited only to regulations originating from legislative and executive institutions at the central level.

The phrase "must" means proper, obligatory, or mandatory and must not be avoided. The word "must" indicates that the obligation to give testimony under oath is imperative or compulsory, so that non-compliance with this obligation can result in legal sanctions, both criminal sanctions and administrative sanctions in accordance with the provisions of the governing statutory regulations. The phrase "giving" means handing over something to someone. The phrase "testimony" means a word that plays a role in

providing information to another word. In procedural law, testimony has the meaning of a statement or explanation given by a person regarding facts or events known or experienced by them, which has evidentiary value in the judicial process. The phrase "under" is a creator of a place modifier, connecting a noun or verb with a modifier. The phrase "under oath" grammatically indicates that an oath is the foundation or basis of the testimony given, so that the testimony is bound by the tie of an oath. The phrase "oath" is a statement officially uttered by bearing witness to God or to something considered sacred to strengthen the truth and sincerity of it. Essentially, an oath is a religious act used in the judiciary. The religious nature of an oath makes the crime of false testimony under oath have a moral and spiritual dimension that transcends merely violating positive legal provisions, because a violation of an oath is also considered a violation of religious and moral values. This moral dimension is comparable to the way professional integrity is expected to sustain fairness in legal practice more broadly, where compliance with formal rules alone is not enough without an underlying commitment to honesty (Saktiawan et al., 2021).

The phrase "or" is a coordinating conjunction between sentences. The phrase "creates" means resulting in or bringing about. The phrase "legal consequences" means consequences arising from a legal relationship. Legal consequences are juridical consequences arising from a legal act or legal event, which in the crime of false testimony under oath becomes one of the elements determining whether a testimony falls within the scope of this crime. The way a single statement can trigger consequences beyond itself is not unique to legal testimony; it resembles how a piece of information, once put forward, can shape the decisions and strategies of those who rely on it (Ali & Darmawan, 2023). The phrase "false" means not genuine, invalid, counterfeit, or imitation. The word "false" in this crime refers to the discrepancy between the content of the testimony and the actual situation, so that the testimony contains falsehood or untruth realized by its maker. This gap between what is stated and what is actually true has a parallel in other settings where the credibility of a statement affects how much others come to trust it (Negara et al., 2021). The phrase "orally" means with spoken words in speech. The phrase "in writing" or "written"

means anything containing reading signs intended to pour out feelings or to convey someone's thoughts and used as evidence. False testimony under oath can be given either orally or in writing, so the form of delivering the testimony does not limit the scope of this crime. The phrase "committed" is the passive form of acting. The phrase "alone" means by oneself, not with others. The word "alone" asserts that the perpetrator of this crime can act personally without the mediation of another person. The phrase "by their proxy" refers to the granting of a power of attorney that has a legal basis.

Granting of Special Power of Attorney and Equivalence of Oath with Promise or Statement

The granting of power of attorney to give testimony under oath constitutes an agreement based on Article 1792 of the Civil Code, namely an agreement whereby a person gives power to another person who accepts it, to conduct affairs on their behalf. What is meant by conducting an affair is performing a legal act, which is an act that has or produces a legal consequence (Kaswandi et al., 2025a). The person who has been given power is called an attorney-in-fact or proxy, and can perform legal acts on behalf of the person granting the power or represent the principal. Whatever is done is at the risk of the principal, and all rights and obligations arising from the act performed become the rights and obligations of the person granting the power. If what is done takes the form of making an agreement, then the principal becomes the party in the agreement. The principle of representation in the granting of power of attorney affirms that the legal act performed by the attorney-in-fact is legally considered as the act of the principal, so that all legal consequences are attached to the principal.

A power of attorney may be granted either generally or specifically. A general power of attorney covers all interests of the principal. A power of attorney formulated in general terms covers only acts of management (Marković, 2012). Granting a general power of attorney only confers authority to carry out acts of management for example, over the principal's business, to manage that business, without the authority to sell it. This kind of management authority resembles how oversight functions are typically exercised within an organization, where the authority to run day-to-day operations does not automatically extend to

decisions over the organization's fundamental assets (Mardikaningsih & Darmawan, 2025). A power of attorney to manage a shop includes the authority to sell the merchandise contained in that shop and to purchase new stock, since that falls within the meaning of managing the shop; what may not be done is selling the shop itself. A similar boundary between day-to-day management and matters of fundamental disposition can also be seen in how local communities are given authority to manage natural resources for the sake of sustainability, without that authority extending to decisions that would permanently alter ownership of those resources (Ramle et al., 2022). A general power of attorney is limited to acts of management that are administrative and operational in nature, not legal acts involving disposition or transfer of ownership. A general power of attorney does not include the authority to give a statement under oath, because such an act is a personal and religious legal act that requires special authority.

A special power of attorney concerns only one particular interest or more. To transfer objects, to place a mortgage over them, to reach a settlement, or to carry out any other act that only an owner may perform, a power of attorney must be granted in explicit terms. A special power of attorney requires that the legal act to be carried out be stated explicitly, because such acts carry significant legal consequences and may only be carried out by the owner or a party with a direct interest. This need for explicit terms mirrors the broader principle found in the settlement of legal matters, where the conditions and scope of an agreed resolution must be clearly stated so that no party is left uncertain about what has actually been agreed upon (Wijaya et al., 2022). To carry out certain acts, a special power of attorney is required that states the act to be carried out, for example to sell a house, to find a partner for a trading business, and so forth. This provision is relevant to the crime of giving false testimony under oath, because the granting of authority to give a statement under oath must be specific and must expressly state the authority of the recipient to give that statement on behalf of the principal, given that an oath is a personal and religious act (Gemilang & Rahayu, 2024). The importance of stating such authority explicitly is comparable to how legal protection of a person's rights tends to weaken whenever the scope of that protection

is left ambiguous or open to inconsistent implementation (Suyuti et al., 2023). The phrase "special" in Article 373 paragraph (1) confirms that a power of attorney granted for giving a statement under oath must explicitly and clearly state that authority; it cannot be inferred from a general power of attorney.

The phrase "promise" means a statement expressing willingness and readiness to do or carry out something, such as intending to give, help, come, or meet. The phrase "substitute" means that which serves as a replacement. The phrase "statement" means the act of stating or declaring. The phrase "affirming" means strengthening a presumption, opinion, reason, or decision. These phrases in Article 373 paragraph (2) broaden the meaning of an oath so that it is not limited to an oath in the formal religious sense, but also covers a promise or an affirming statement required by laws and regulations, as well as a statement that serves as a substitute for an oath, so that the scope of this crime covers various forms of moral and legal bonds that serve the same function as an oath. This kind of broadened, more flexible interpretation is important so that the law does not end up treating people unequally simply because their manner of binding themselves to the truth takes a different form from the conventional one (Sajjapong et al., 2022).

This broadening of the meaning of an oath reflects the law's adaptation to social development, in which a moral bond need not always take the form of a religious oath but may also take the form of a promise or statement carrying an equivalent binding force. Such adaptability is, in a sense, necessary for the legal system to remain sustainable over time, in the same way that sustainability in other fields depends on finding a workable balance between established norms and changing social conditions (Mardikaningsih & Hariani, 2021). Thus, legal protection of the truthfulness of a statement covers various forms of moral and legal bonds that serve the same function as an oath, so that a violation of a promise or an affirming statement may also be subject to criminal sanction in accordance with the provisions of Article 373. This provision provides legal certainty that every form of moral bond required by laws and regulations carries the same legal consequence as an oath.

D. CONCLUSIONS

The regulation of the crime of false testimony under oath in Law Number 1 of 2023 has undergone changes from the previous provisions with the removal of heavier criminal threats for false testimony that harms a defendant or suspect. The element of intent is a subjective element that must absolutely be fulfilled, so that ignorance of the falsity of the testimony eliminates the element of intent and renders the act unpunishable. The interpretation of important phrases in the formulation of the offense requires grammatical and systematic approaches to ensure legal certainty in its application. The granting of power of attorney to give testimony under oath must be specific, and the equivalence of an oath with a promise or statement expands the scope of this crime to various forms of moral and legal bonds.

Policymakers need to reconsider the removal of heavier criminal threats in Article 373 of Law Number 1 of 2023 to ensure adequate legal protection for defendants or suspects in criminal cases. The improvement of the competence of judges and public prosecutors in understanding and proving the element of intent in the crime of false testimony under oath becomes very necessary to avoid errors in the application of the law. The formulation of clear technical guidelines regarding the interpretation of important phrases and the procedure for granting a special power of attorney can be a strategic step to increase legal certainty and prevent differing interpretations among law enforcement officers.

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