

ABSTRACT

Testimonium de auditu witness is a person who gives information not on his own sight, but from a third party. However, the debate to date is whether testimonium de auditu witness can be used as evidence or not. For example, the difference of two opinions of related judges allows witness testimony testimonium de auditu as evidence and does not allow as evidence. In the decision of the religious high court no. 04 / Pdt.G / 2016 / PTA.Plg witness testimonium de auditu can be accepted as evidence proof tool, but in decision no. No 0870 / Pdt.G / 2015 / PA.LLg testimonium de auditu testimony is not accepted as evidence.

The research used is the type of research normatif, where this type of research is a study that solves a problem with research on existing laws or laws and the doctrines of experts to answer the contents of the law encountered, (Statuteapproach).

The results of this study will conclude that the testimonium de auditu testimony can be claimed as evidence, but the evidence is not as a witness, because it does not meet one for materill from a witness, that is based on his knowledge, but used as a proof of proof that is not based on the Law -The court, as well as the first-rate decision on the Lubuklinggau Religious Court is inaccurate.

Keywords: **HIR, BW, Testimonium de auditu**