

THE POSITION OF AMICUS CURIAE IN THE EVIDENTIARY PROCESS OF CRIMINAL CASES IN INDONESIA

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Abstract

This study examines the role of Amicus Curiae in the Indonesian legal system, particularly its impact on judicial decision-making despite the absence of explicit procedural regulations in the Criminal Procedure Code (KUHP). Through qualitative analysis of landmark cases, including the Prita Mulyasari case, this research highlights how third-party legal opinions contribute to more just and transparent verdicts. The study identifies key challenges, such as inconsistent acceptance and limited awareness among legal practitioners, while also exploring potential frameworks for institutionalizing Amicus Curiae in both criminal and civil cases. By analyzing comparative legal perspectives and best practices from other jurisdictions, this research advocates for clearer guidelines to enhance its legitimacy and effectiveness in Indonesia. The findings underscore the necessity of formal recognition to strengthen judicial credibility, ensure fairness, and uphold fundamental human rights. Ultimately, institutionalizing Amicus Curiae would foster a more inclusive and participatory legal system, aligning Indonesia's judiciary with global standards of legal justice and due process.

Keywords: *Amicus Curiae, Criminal Procedure, Human Rights, Judicial Decision, Legal System*

INTRODUCTION

Indonesia, which declared its independence on August 17, 1945, has sought to establish a sovereign, just, and prosperous state based on the rule of law (Zaman, 2022). This principle is enshrined in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "Indonesia is a state based on law." As a newly independent nation, Indonesia inherited legal systems from the colonial Dutch era, which continue to be part of the country's positive law with some modifications to align with the nation's current circumstances.

Law serves as an instrument created by the state through authorized institutions to regulate actions and interactions in governance and social relations between individuals and groups within society. Various legal systems exist globally, including the Continental European legal system, the Anglo-Saxon legal system, customary law systems, and religious legal systems. Indonesia's legal system is a combination of customary law and the civil law system (Continental European law) (Wardhani, 2022). The Continental European legal system, which developed in European countries, is rooted in codified law from the Roman Empire era. Its fundamental principle is that laws derive binding authority from statutory regulations, with legal certainty as its primary objective. In contrast, the Anglo-Saxon legal system is based on jurisprudence, meaning that past judicial decisions serve as precedents for future rulings (Wieacker, 1981).

The judicial processes in these two legal systems differ. The Anglo-Saxon legal system incorporates the concept of Amicus Curiae, a Latin term meaning "friend of the court." Amicus Curiae refers to an interested party who provides a legal opinion to the court without directly contesting the case, as seen in *Derden Verzet*. This practice is common in common law systems (Collins, 2017). Due to legal developments in Indonesia, Amicus Curiae has gradually been adopted in various Indonesian courts, particularly in criminal trials. Indonesian criminal courts have historically embraced some principles from the common law system, such as the presumption of innocence. It is therefore reasonable that Amicus Curiae has begun to appear in criminal cases, such as the case of Prita Mulyasari, a housewife, was accused of defamation against Omni International Hospital and faced legal proceedings. The case was examined by the Tangerang District Court under case number No. 225/PK/Pid.Sus/2011.

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In response to this case, the Institute for Criminal Justice Reform (ICJR) submitted an Amicus Curiae brief on Thursday, March 26, 2020. Through this mechanism, the court was permitted to invite third-party contributions to provide information or legal perspectives on unfamiliar legal issues. In its Amicus Curiae brief, ICJR argued based on the case chronology and legal interpretations of treason offenses and the right to freedom of expression that Paulus Suryanta Ginting, Charles Kosay, Ambrosius Mulait, and Isay Wenda had merely exercised their constitutional rights to free speech and expression, which should not be criminalized as treason. Therefore, ICJR contended that these individuals should be declared not guilty of treason and acquitted of all charges.

Amicus Curiae also reflects the democratic principles upheld by the Indonesian government, as it allows citizen participation in legal proceedings. However, Amicus Curiae is not explicitly regulated under Indonesia's positive law, given that the country adheres to the civil law system (Sucipta, 2022). Nevertheless, the Constitutional Court Regulation implicitly acknowledges Amicus Curiae under Article 14, Paragraph (4), Point (b) of Constitutional Court Regulation No. 06/PMK/2005, which states:

"A party whose testimony is needed ad informandum is one whose rights and/or authorities are not directly affected by the main petition but who demonstrates a high level of concern."

The recognition of Amicus Curiae is further reinforced by Article 5, Paragraph (1) of Law No. 48 of 2009 on Judicial Power, which states:

"Judges and Constitutional Court Justices must explore, follow, and understand the legal values and sense of justice that live within society."

While the Constitutional Court Regulation has implicitly recognized Amicus Curiae, Indonesia's formal procedural law specifically, the Code of Criminal Procedure does not provide any provisions regarding its use. This creates a legal dilemma, as Amicus Curiae has already been applied in Indonesian courts despite the absence of a formal legal framework. Given this issue, the author finds it relevant to conduct a comprehensive study on The Position of Amicus Curiae in the Evidentiary Process of Criminal Cases in Indonesia.

LITERATURE REVIEW

1. Overview of Amicus Curiae

The practice of Amicus Curiae originates from Roman law and has been widely adopted by Common Law countries since the 9th century, particularly in appellate courts and high-profile cases (Angell, 1967). Documentation of Amicus Curiae participation can be found in the All-England Report, covering legal practices from the 17th and 18th centuries. This concept has since influenced international procedural law, especially in human rights cases.

Common Law countries generally base their Amicus Curiae practices on the English legal system due to historical ties (Krislov, 1963). However, each country faces unique challenges in adopting the concept. For example, in the United States, courts initially resisted Amicus Curiae participation, as the adversarial system grants litigating parties full control over legal proceedings, free from external intervention. This reluctance persisted until the early 19th century, particularly before the landmark *Green v. Biddle* case. Over time, as legal needs evolved, courts recognized the value of third-party interventions to prevent judicial errors (Beckwith, 1948).

In Roman law, Amicus Curiae allowed judges to receive additional information on matters beyond their direct knowledge and to correct potential errors in legal interpretation. The Common Law system greatly valued this concept, eventually formalizing the role of Amici in assisting courts to maintain judicial integrity and prevent misjudgments.

In England, Amicus Curiae emerged during the reign of King Edward III in the 1300s. Initially, it functioned as an impartial aid to the judiciary. In the United States, however, the concept faced prolonged resistance due to the try and duel theory, which emphasized party autonomy in litigation. Eventually, as legal complexities grew, courts accepted Amicus Curiae participation to ensure fair legal outcomes. Today, Amicus Curiae plays an important role in international disputes, including cases before the World Trade Organization (WTO), and is widely utilized by governmental and international organizations to provide legal insights and expertise.

2. Definition of Amicus Curiae

A key principle underlying Amicus Curiae throughout history is flexibility. For centuries, courts have avoided rigid definitions of Amicus Curiae, allowing its contours to be shaped by judicial discretion. Courts use Amicus Curiae as a tool to accommodate gaps within the adversarial legal system (Benson, 1984).

The term Amicus Curiae, meaning "friend of the court," refers to a person or entity that is not a party to a case but believes that the court's decision may affect their interest. According to Merriam-Webster Dictionary,

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Amicus Curiae is defined as "one (as a professional person or organization) that is not a party to a particular litigation but is permitted by the court to advise it in respect to some matter of law that directly affects the case in question." Similarly, Butterworths Concise Australian Legal Dictionary defines Amicus Curiae as "a friend of the court who is not a party to the proceedings but may, with the court's permission, advise on a point of law or a matter of practice (O'Connor, 1983).

In essence, Amicus Curiae involves external input from interested parties who are not directly involved in a case but wish to contribute legal opinions or relevant information. This role helps provide legal facts and arguments that may not be presented by the litigating parties. Additionally, Amicus Curiae assists judges in understanding the broader implications of legal regulations.

The concept addresses a key limitation of the adversarial system—specific cases often raise broader legal questions that the parties involved may not fully recognize or address. By allowing Amicus Curiae participation, courts gain a more comprehensive perspective on the legal and societal impacts of their rulings.

3. Purpose and Function of Amicus Curiae

Amicus Curiae refers to an individual or entity interested in influencing the outcome of a case without being a direct party to the dispute. It serves as an advisor to the court on specific legal matters, often in cases involving public interest issues such as social concerns or civil liberties. The primary function of Amicus Curiae is to clarify factual issues, explain legal arguments, and represent the interests of specific groups. Unlike traditional legal representatives, Amicus Curiae does not need to be a lawyer. Any interested party with relevant expertise or concern for the case may submit an amicus brief. The purpose of this contribution is to assist judges in making fair and well-informed decisions.

METHOD

This research employs a normative legal research approach, focusing on the study of legal principles, doctrines, and regulations relevant to the protection of individual rights within the judicial system. The study relies on a statute-based and case-law analysis, examining relevant laws, judicial decisions, and scholarly literature. The primary materials consist of statutory provisions, court rulings, and legal doctrines, while secondary materials include legal commentaries, journal articles, and expert opinions. The Prita Mulyasari case serves as a key reference in assessing the role of judicial discretion and the application of legal norms in defamation cases. Data collection is conducted through documentary research, analyzing legal texts and judicial interpretations. The research method involves systematic interpretation and conceptual analysis, evaluating the consistency and application of legal norms in court decisions. The findings are analyzed using a prescriptive and analytical approach, determining how legal norms are applied in practice and their implications for legal certainty and justice. The study aims to contribute to the discourse on legal protection, judicial independence, and the harmonization of laws in contemporary legal systems.

RESULTS AND DISCUSSION

1. Amicus Curiae in Criminal Evidence Proceedings in Indonesia for the Realization of Material Truth

The process of evidence in criminal cases differs from that in civil cases. In criminal procedure, the goal is to establish material truth, meaning the actual and substantive truth. Meanwhile, in civil cases, the objective is to determine formal truth, which limits the judge to only considering the claims presented by the disputing parties. In civil cases, judges decide based on a preponderance of evidence—sufficient evidence to support a claim. However, in criminal cases, judges must ensure that a fact is proven beyond a reasonable doubt before convicting an individual. Additionally, in criminal trials, judges play an active role in ensuring that sufficient evidence supports the charges against the accused. In contrast, civil court judges remain passive, as they do not expand or modify the dispute beyond what has been presented by the litigants.

During trial proceedings, after examining the available evidence, the panel of judges will consider the following aspects:

- a. What facts have been proven based on the trial examination?
- b. Whether the defendant is proven guilty of committing the act.
- c. What type of crime or offense has been committed?
- d. What punishment should be imposed on the defendant?

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The issue of evidence is crucial in criminal cases. According to Article 6(2) of the Indonesian Criminal Procedure Code (KUHAP), "No one shall be sentenced unless the court, based on legally valid evidence, is convinced that the accused, who is deemed legally responsible, is guilty of the act charged against them." In this context, Amicus Curiae plays a vital role in supporting the court's pursuit of material truth. By providing additional legal arguments, factual insights, or expert opinions, Amicus Curiae helps judges make more informed decisions, ensuring that justice is upheld while minimizing judicial errors. While, Amicus Curiae, a Latin term meaning "Friend of the Court," refers to an entity or individual who, despite not being a party to a case, submits a legal opinion to the court out of concern for the case's outcome. Although originally part of the Common Law system, Amicus Curiae is now also found in Civil Law jurisdictions, including Indonesia.

The primary reasons for Amicus Curiae participation in court proceedings are to clarify factual issues, explain legal principles, and represent the interests of specific groups. A judge, when delivering preliminary orders or rulings, exercises discretionary authority and is expected to do so wisely. Judges must assess the accuracy of facts, determine guilt or innocence, and apply the appropriate legal consequences. Given the increasing complexity of legal matters, judges are presumed to have knowledge of the law (*ius curia novit*). Therefore, they may consider various sources before making a decision. However, any external references, including Amicus Curiae submissions, are not legally binding on the judge.

Before rendering a verdict, judges must take into account three key aspects:

- a. Legal Justice : Ensuring that decisions are based on facts and admissible evidence.
- b. Social Justice : Considering the broader societal impact of the case and the ruling, including deterrence effects to prevent similar offenses.
- c. Moral Justice : Weighing humanitarian values. For instance, elderly offenders may not receive the same punishment as younger adults. Additionally, a judge may consider the motives behind an offense, imposing a lighter sentence on a thief driven by poverty than on one motivated by luxury.

Thus, Amicus Curiae serves as a valuable instrument in the judicial process, aiding courts in making well-informed, fair, and socially responsible decisions. Although relatively unfamiliar in Indonesian judicial practice, Amicus Curiae (literally translated as "Friend of the Court") has been applied in several legal proceedings, such as the case review (Peninjauan Kembali or PK) of Time magazine versus Soeharto, the trial of journalist Upi Asmaradana at the Makassar District Court, and the case of Prita Mulyasari, who was prosecuted under the Electronic Information and Transactions Law (UU ITE) at the Tangerang District Court. Amicus Curiae is submitted by parties who are not directly involved in a dispute but have a vested interest in the legal case being examined by the court.

The evidentiary strength of Amicus Curiae depends on the judge's assessment of its content and relevance to the case. Notably, the Legal Aid Institute for the Press (Lembaga Bantuan Hukum Pers or LBH Pers) played a pivotal role in introducing the Amicus Curiae concept in the Upi Asmaradana trial, marking a significant development in Indonesia's legal system. This concept, rooted in Roman legal traditions and later refined within the Common Law system, allows courts to invite third parties to provide legal insights or factual information on unfamiliar legal issues. Thus, Amicus Curiae is submitted by individuals or organizations aiming to influence case outcomes without being directly involved in the dispute. It serves as legal counsel to the court, particularly in cases with broad societal implications.

The examination of criminal cases in Indonesian courts adheres to the fundamental principles outlined in Law No. 8 of 1981 on the Criminal Procedure Code (KUHAP), particularly in Chapter XVI on "Trial Examination." This stage follows the preliminary investigation and operates under the Accusatorial System, where defendants are treated as subjects rather than objects of the trial. This system ensures public hearings, allowing transparency and equal opportunities for both the prosecution and defense to present their arguments. Once the prosecutor submits the case to the district court, the presiding judge reviews whether the case falls within the court's jurisdiction as per Article 84 of KUHAP. Under the accusatorial model, both parties (the defendant and the prosecutor) are given equal rights to argue and counter-argue their positions. All evidence gathered during the preliminary examination is reintroduced in court and subjected to rigorous judicial scrutiny.

The judge plays an active role not only in questioning witnesses but also in exploring legal issues beyond the formal submissions of both parties. If necessary, the judge may consider additional evidence that was not formally presented. This judicial discretion aligns with the overarching objective of criminal trials: the pursuit of material truth (*kebenaran materiil*), ensuring that verdicts are based on the actual facts rather than procedural technicalities. In this context, Amicus Curiae can serve as a supplementary legal resource, assisting judges in understanding the

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broader legal, social, and moral implications of a case. While not binding, Amicus Curiae submissions can provide critical insights that contribute to more just and well-informed judicial decisions.

One of the key legal foundations for Amicus Curiae in Indonesia is Article 5(1) of Law No. 48 of 2009 on Judicial Power, which states that judges must explore, follow, and understand the values of law and justice prevailing in society. This provision implies that judges have the discretion to consider various legal perspectives, including those presented by Amicus Curiae, in resolving cases that involve controversial or complex legal principles. Additionally, Article 89(3)(a) of Law No. 39 of 1999 on Human Rights and Article 28(1) of Law No. 4 of 2004 on Judicial Power reinforce the obligation of judges to base their decisions on justice and legal certainty. The principle outlined in Article 53(2) of Law No. 48 of 2009 requires judges to provide clear legal reasoning in their rulings, further emphasizing the importance of comprehensive legal considerations, which Amicus Curiae can contribute to.

A crucial principle in judicial decision-making is that judges cannot refuse to adjudicate a case due to a lack of clarity in legal provisions. Article 5(1) of Law No. 48 of 2009 mandates that judges clarify legal uncertainties by establishing new legal interpretations. This underscores the necessity for judges to have credibility, knowledge, and the ability to integrate societal values into their rulings. Moreover, the role of Amicus Curiae aligns with the values of Pancasila, particularly the third principle of national unity. Judicial power is exercised by incorporating societal values and legal consciousness, ensuring that judicial decisions are accepted as reflections of justice in the community. The fourth principle of *musyawarah untuk mufakat* (deliberation for consensus) is also upheld through Article 14 of Law No. 48 of 2009, which requires judicial decisions to be made through deliberation among judges, reducing subjectivity in rulings.

Although Amicus Curiae is not explicitly regulated in the Criminal Procedure Code (KUHAP), Article 180(1) of KUHAP allows judges to request expert testimony or additional evidence from relevant parties to clarify case facts. This provision indirectly supports the involvement of third parties in judicial proceedings, a role that Amicus Curiae can fulfill. Furthermore, Constitutional Court Regulation No. 06/PMK/2005, Article 14(4) introduces the concept of "Interested Third Parties," which closely resembles Amicus Curiae. This regulation defines two types of third parties: Parties whose positions and duties require their testimony Parties who, while not directly affected by a case, have significant concern for its outcome and wish to provide legal input These provisions demonstrate that the Indonesian legal system, particularly in the Constitutional Court, has adopted aspects of Amicus Curiae, albeit under different terminology. This recognition suggests that Amicus Curiae could be further institutionalized in other judicial settings, contributing to a more comprehensive and inclusive legal process.

2. The Position and Implementation of Amicus Curiae in the Evidence Examination Process of Criminal Cases in Indonesia Case of Prita No. 225/PK/Pid.Sus/2011

The case began when Prita Mulyasari sought medical treatment at RS Internasional Omni for complaints of fever, headache, nausea accompanied by vomiting, difficulty defecating, sore throat, and loss of appetite. The hospital's doctors, Dr. Hengky Gosal, SpPD, and Dr. Grace Herza Yarlen Nela, diagnosed Prita with dengue fever or typhoid. After four days of treatment, including a series of examinations and care, her initial symptoms subsided, but a type of virus was found that caused swelling in her neck. During her hospitalization, Prita complained about the lack of explanation provided by the doctors regarding the medical therapies she received. Moreover, her health condition worsened, allegedly due to an error in the initial laboratory test results, which led to a misdiagnosis by the attending doctors. Due to the hospital's failure to fulfill her written request for medical records and initial laboratory results, Prita wrote an email expressing her response and complaints about the treatment she received and sent it to a mailing list. The email spread widely, prompting the hospital to issue a rebuttal in print media and file a legal lawsuit, both civil and criminal, accusing Prita of defamation.

"Do not let my experience happen to others, especially children, the elderly, and infants. When seeking medical treatment, be cautious of the luxury of hospitals and the title 'international' because the more luxurious the hospital and the more intelligent the doctors, the more frequent patient trials, drug sales, and injections will occur."

The excerpt above is a small part of Prita Mulyasari's email, which was initially circulated among her family and colleagues. The email contained Prita's complaints about the service procedures at RS Omni Internasional. Prita Mulyasari was a former patient of RS Omni Internasional Alam Sutera, Tangerang. During her hospitalization, she did not recover; instead, her condition worsened. The hospital failed to provide a definitive explanation regarding her illness and the medical records she required. In response to Prita Mulyasari's email complaint, RS Omni Internasional filed a defamation lawsuit against her at the Tangerang District Court.

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While hospitalized, Prita Mulyasari's health deteriorated, leading to additional symptoms, including swelling in several parts of her body. She then discovered discrepancies in her medical records, particularly in her platelet count. Initially diagnosed with dengue fever, her platelet count was recorded at 27,000. However, a separate doctor later revised her platelet count to 181,000, diagnosing her with an airborne virus and mumps. The medical records, including the change in diagnosis from dengue fever to mumps and an airborne virus, required hospitalization, intravenous therapy, and high-dose medications. Consequently, Prita experienced swelling in various parts of her body, including her arms, neck, and eyes. This aligns with her complaints:

Complaint: "Revised" laboratory report with platelet count changed from 27,000 to 181,000

"That night, I was put on an IV and given injections without any explanation or patient/family consent regarding what the injections were for. The next morning, Dr. H visited me and informed me that there was a revision in my lab results from the previous night. It was not 27,000 but 181,000 (can lab results be revised?). I was shocked, but Dr. H continued instructing the nurses to administer various injections that I did not know about and without any patient or family consent..."

Complaint: Swelling in several parts of the body and shortness of breath

"...My husband and siblings demanded an explanation from Dr. H regarding my illness, the injections, the initial lab result of 27,000 that was later revised to 181,000, and the sudden onset of shortness of breath, which I had never experienced in my life. My condition worsened, with swelling in my left neck and left eye..."

Analysis

Although Amicus Curiae is not yet widely recognized in the Indonesian legal system, based on the provisions of Article 28 paragraph (1) of Law No. 4 of 2004, which was later amended by Article 5 paragraph (1) of Law No. 48 of 2009 on Judicial Power, which states: "Judges and constitutional judges are required to explore, follow, and understand legal values and the sense of justice that live in society," this provision serves as the legal basis for the submission of Amicus Curiae. This legal basis was invoked by the Institute for Community Studies and Advocacy (ELSAM), the Institute for Criminal Justice Reform (ICJR), the Indonesia Media Defense Litigation Network (IMDLN), the Indonesian Legal Aid and Human Rights Association (PBHI), and the Indonesian Legal Aid Foundation (YLBHI), which submitted an Amicus Curiae in the case of Prita Mulyasari vs. The Republic of Indonesia before the Panel of Judges at the Tangerang District Court, which was examining case No. 1269/PID.B/2009/PN.TNG. The panel consisted of Judges Arthur Hangewa, S.H., Perdana Ginting, S.H., and Viktor Pakpahan, S.H., M.H., M.Si. These five legal aid organizations submitted Amicus Curiae in the case of Prita Mulyasari, a housewife accused of defamation against Omni International Hospital.

The term Amicus Curiae is a Latin concept that may not be commonly heard in Indonesian courts. Amicus Curiae originates from Roman legal traditions, later evolving and being practiced in the Common Law tradition, which allows courts to invite third parties to provide information or legal facts related to unfamiliar issues. In English, Amicus Curiae is referred to as a "friend of the court," defined as "someone who is not a party to the litigation but believes that the court's decision may affect their interest." It is commonly translated as "Court Friend," referring to a party that has an interest in a case and provides legal opinions to the court. Thus, an Amicus Curiae is submitted by someone interested in influencing the outcome of a case but is not a litigant; rather, they act as an advisor to the court on legal matters. Typically, an Amicus Curiae is someone who wants to influence the outcome of a case involving public interest

In Indonesia, Amicus Curiae is still relatively unknown and rarely used by both academics and practitioners. To date, only two Amicus Curiae have been submitted in Indonesian courts: one by press freedom activists to the Supreme Court regarding the review of the Time Magazine vs. Soeharto case, and another in the case of Upi Asmaradana at the Makassar District Court, where Amicus Curiae was submitted as additional information for the examining panel of judges. Although Amicus Curiae is not yet widely recognized in the Indonesian legal system, referring to Article 28 paragraph (1) of Law No. 4 of 2004 on Judicial Power, which states that "Judges must explore, follow, and understand legal values and the sense of justice that live in society," it is not excessive to consider this mechanism as a strategic tool to clarify legal and constitutional principles, especially in cases involving controversial laws or articles

The Institute for Criminal Justice Reform (ICJR) is a non-governmental organization established in Jakarta in August 2007 with a mandate as an independent research organization focusing on criminal law reform, criminal justice system reform, and legal reform in general. The Indonesian Legal Aid and Human Rights Association (PBHI) is a membership-based nonprofit organization dedicated to promoting and defending human rights, regardless of ethnicity, religion, skin color, gender, social class, profession, or political ideology. ELSAM aims to create a society firmly rooted

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in human rights values and justice. The Indonesian Legal Aid Foundation (YLBHI) was established in Jakarta on October 28, 1970, to provide legal assistance. The Indonesia Media Defense Litigation Network (IMDLN) was formed in Jakarta on August 18 by a group of lawyers working to defend human rights in Indonesia

Through this Amicus Curiae, ELSAM, ICJR, IMDLN, PBHI, and YLBHI sought to participate in the judicial process in the Prita Mulyasari vs. The Republic of Indonesia case by providing the Panel of Judges with a perspective on how the defamation offense can be considered a "rubber article" that can entrap anyone without considering the context of a statement in a democratic country. They also highlighted how the article is inconsistent with human rights provisions recognized and ratified by the Republic of Indonesia.

CONCLUSION

The concept of Amicus Curiae, though originally rooted in the Common Law system, has increasingly gained recognition in Indonesia as an important legal tool for ensuring material truth in criminal proceedings. The participation of Amicus Curiae provides judges with valuable insights, expert opinions, and legal perspectives that can contribute to more well-informed judicial decisions. While not legally binding, the inclusion of Amicus Curiae in legal cases aligns with the principles of justice and judicial discretion, as outlined in Indonesian law. Given the complexity of modern legal cases, particularly those involving human rights, defamation, and digital media, Amicus Curiae can serve as a safeguard against judicial errors and enhance public trust in the legal system.

Despite the absence of explicit regulations in the Indonesian Criminal Procedure Code (KUHAP), Amicus Curiae has played a crucial role in several landmark cases, demonstrating its relevance in Indonesia's evolving legal landscape. One notable example is the case of Prita Mulyasari, where legal advocacy organizations submitted Amicus Curiae briefs to highlight the broader implications of her defamation charges. This case underscored the importance of third-party legal opinions in ensuring that judicial decisions align with principles of justice and human rights. The involvement of Amicus Curiae in legal proceedings contributes to legal, social, and moral justice by ensuring that judicial decisions consider broader societal implications. To strengthen its role in the Indonesian legal system, it is essential to establish clearer guidelines for the submission and consideration of Amicus Curiae, ensuring its wider acceptance in both criminal and civil cases.

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