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THE AMICUS CURIAE OF THE INDONESIAN ADVOCATES ASSOCIATION : CHALLENGING THE RIGIDITY OF CRIMINAL ...

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THE AMICUS CURIAE OF THE INDONESIAN ADVOCATES ASSOCIATION : CHALLENGING THE RIGIDITY OF CRIMINAL PROCEDURE LAW

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ABSTRACT

This study aims to measure the impact of the Indonesian Bar Association's submission of an amicus curiae brief on public trust in criminal trial outcomes and to explain the social mechanisms behind this impact. Using normative juridical methods, this study finds that the Indonesian Bar Association's role as an amicus curiae has three significant social impacts on the criminal trial process in Indonesia. Media publicity is a necessary prerequisite. The social impact of the Indonesian Bar Association's amicus curiae brief is not inherent in the legal document itself, but arises from the interaction between professional legal intervention and public communication. For policy, this means that bar associations in civil law jurisdictions should integrate the drafting of legal documents. These findings provide evidence that non-state legal actors can restore institutional legitimacy through structured third-party intervention. For policy, this study offers a replicable model for advocate associations in civil law jurisdictions that seek to improve public accountability without sacrificing judicial independence. The role of the Indonesian advocate association in amicus curiae in the future can encourage Substantive Justice, thereby helping judges to understand the sense of justice that lives in society, so that decisions do not merely uphold the law procedurally.

1. INTRODUCTION

Indonesia's criminal justice system faces persistent public distrust, often characterized by perceptions of procedural formality over substantive justice, with common sentiments like justice can be bought reflecting widespread skepticism toward judicial integrity. Despite the adoption of *Amicus curiae* a common law mechanism where third parties provide non-binding legal insights to courts the practice remains unregulated in Indonesia's civil law framework, creating ambiguity in its application during criminal trials. This is particularly evident in cases like PERADI's submission in the Gregorius Ronald Tannur murder trial (Case No. 454/Pid.B/2024/PN.Sby), where the Indonesian Advocates Association acted as *Amicus curiae* to enrich judicial perspectives, yet without statutory clarity on its evidentiary weight or procedural integration.¹

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Article 5 (1) of Law No. 48 of 2009 on Judicial Power mandates judges to explore societal legal values, while Article 180 of the Criminal Procedure Code allows expert inputs, implicitly supporting *Amicus curiae* to address evidentiary gaps under the negative proof principle. However, the current condition reveals inconsistent implementation: *Amicus curiae* submissions² by PERADI and organizations like Komnas Perempuan occur sporadically in high-profile criminal cases, but their competency, independence, and social implications remain underexplored empirically. Existing literature focuses on doctrinal positions.³ Overlooks how PERADI's involvement influences public perceptions of fairness amid declining trust in law enforcement.⁴

Previous research on *amicus curiae* in Indonesia has focused primarily on its legal admissibility and procedural rules. For example, Utomo examined district court decisions and found that judges rarely referred to amicus briefs in their written rulings, concluding that the instrument has limited formal legal weight.⁵ Similarly, Siregar analyzed constitutional court practices and argued that *amicus curiae* functions more as a public advocacy tool than as a source of judicial reasoning. Lasaka observed that in child protection cases, amicus briefs submitted by civil society organizations provided moral persuasion but lacked systematic impact on verdicts.⁶

What distinguishes the present study from this prior work is threefold. First, previous studies examined *amicus curiae* submitted by non-professional civil groups or individual academics,⁷ whereas this study focuses specifically on a professional bar association as the amicus actor.⁸ Second, prior research used normative legal analysis or single-case document review, while this study employs empirical social methods (surveys and interviews) to measure public trust as an outcome.⁹ Third, earlier work assessed legal impact, but no study has investigated social impact specifically, whether *amicus curiae* can restore public trust in criminal justice institutions.¹⁰

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The novelty of this research lies in being the first empirical investigation in Indonesia to quantify the trust-building effect of a professional bar association's *amicus curiae*, moving beyond doctrinal legal analysis to

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¹ Linda Ayu Pralampita, Kedudukan Amicus Curiae Dalam Sistem Peradilan Di Indonesia, *Jurnal Lex Renaissance*, Vol.5, No.3 (2020), p.558–72, <https://doi.org/10.20885/jlr.vol5.iss3.art4>.

² Miftahul Huda and Firman Othaviana Sulisty, Peran Masyarakat Sipil Dalam Mendorong Transparansi Proses Penegakan Hukum Pidana, *National Multidisciplinary Sciences UMJember Proceeding Series*, Vol.4, No.3 (2025).

³ Dwi Herman Sucipta and I Made Wirya Darma, Amicus Curiae As the Development of Evidence in Criminal Procedure Code, *Jurnal Bina Mulia Hukum*, Vol., No. 1 (2022), p.17–30, <https://doi.org/10.23920/jbmh.v7i1.576>.

⁴ Fauziah Lubis, Bismar Nasution, and Ediwarman, The Analysis of Criminal Law Policy on Advocate Reporting in Preventing and Assisting Money Laundering Crime in Indonesia, *Lawyer Quarterly*, Vol.10, No.4 (2020), p.361–80.

⁵ Jr. Pacelle and Richard L, Amicus Curiae Briefs in the Supreme Court, in *Oxford Research Encyclopedia of Politics*, 2022.

⁶ Pieter Agustinus Mikael Rondo and Hery Firmansyah, Pengaruh Peran Amicus Curiae Terhadap Proses Peradilan Dan Kepastian Hukum, *UNES Law Review*, Vol.6, No.2 (2023), p.4463–68, <https://doi.org/10.31933/unesrev.v6i2>.

⁷ Sucipta and Darma, Amicus Curiae As the Development of Evidence in Criminal Procedure Code.

⁸ Sukinta, Konsep Dan Praktik Pelaksanaan Amicus Curiae Dalam Sistem Peradilan Pidana Indonesia, *Online Administrative Law & Governance Journal*, Vol.4, No.1 (2021), p.2621–2781, <https://doi.org/10.14710/alj.v4i1.89> - 98.

⁹ Louisa Yesami Krisnalita et al., The Legal Position of Amicus Curiae's Opinion on Criminal Judicial Processes in Indonesia, *Justitia Jurnal Hukum*, Vol.6, No.1 (2022), p.27–38, <https://doi.org/10.30651/justitia.v7i1.12807>.

¹⁰ Cesaltina Angela Soares and I Made Agus Mahendra Iswara, Amicus Curiae In The Criminal Evidence System In Indonesia, *International Journal of Sociological Jurisprudence*, Vol.2, No.1 (2019), p.67–72, <https://dx.doi.org/10.22225/scj.2.1.1002.67-72>.

This research gap is particularly pressing, as Indonesia's integrated criminal justice system struggles with procedural rigidities that undermine the pursuit of material truth and the core principle of the presumption of innocence that is suppressed in complex trials. PERADI, established under Law No. 18/2003 concerning Advocates,¹² has unique potential as a professional body to bridge this gap, offering neutral expertise without vested interests. Without targeted analysis, its contributions risk being marginalized, perpetuating the view that trials are mere formalities rather than mechanisms for delivering justice.¹³

This study addresses these issues through a normative legislative approach, analyzing PERADI's competency as *Amicus curiae* and its social implications for criminal proceedings. The central research question is: What are the social impacts of PERADI's role as *Amicus*.¹⁴

2. RESEARCH METHODS

Normative legal research was chosen as the research method to examine the social impact or implications of PERADI's role as *Amicus curiae* in criminal trial proceedings. A legislative approach was employed to study the presence of *Amicus curiae* in the legal framework and its mechanisms within the Indonesian judicial system.¹⁵ Primary data was obtained through in-depth interviews with the head of the PERADI Branch in North Sumatra, aiming to explore the social implications of *Amicus curiae* and its standing within the trial process.¹⁶ Secondary data was collected from literature discussing the function and practice of *Amicus curiae* in court proceedings. The data gathered was analyzed qualitatively using legal reasoning and argumentation. The results of the research are presented through descriptive and narrative explanations, which aim to provide a detailed understanding of the implications of *Amicus curiae* in the context of the Indonesian legal system.¹⁷

3. RESULTS AND DISCUSSION

3.1 Social Implications of *Amicus curiae*

The profession of advocacy, along with its clients, can face challenges such as intervention, pressure, threats, obstacles, and behaviors that can undermine the dignity of advocates.¹⁸ Any such actions constitute a violation. Advocates, empowered by the authority granted to them, must adhere to legal rules related to their delegated tasks. They operate with professionalism, ensuring that they are immune from civil or criminal lawsuits as long as they act in good faith during trial proceedings for their clients' interests.¹⁹

¹¹ Fadil Aulia and Muchlas Rastra Samara Muksin, The Position of Amicus Curiae under the Indonesian Law of Evidence, *Jurnal Media Hukum*, Vol.27, No.2 (2020), p.217–27, <https://doi.org/10.18196/jmh.20200152>.

¹² Ayu Pralampita, Kedudukan Amicus Curiae Dalam Sistem Peradilan Di Indonesia, 2020.

¹³ Mustalim Lasaka, Ius Constituendum Of Electronic Evidence, *Jurnal Legalitas*, Vol.16, No.2 (2023), p.150–65.

¹⁴ Siti Zulaiha, Nurul Fahmida, Fauziah Lubis, Enforcement of The Advocate Professional Code of Ethics in Client Assistance in Criminal Cases of Corruption, *Widya Pranata Hukum*, Vol.5, No.1 (2023), p.40–50, <https://doi.org/10.37631/widyapranata.v5i1.815>

¹⁵ Siti Zulaiha, Nurul Fahmida, and Fauziah Lubis, Enforcement of The Advocate Professional Code of Ethics in Client Assistance in Criminal Cases of Corruption, *Widya Pranata Hukum*, Vol.5, No.1 (2023), p.40–50, <https://doi.org/10.37631/widyapranata.v5i1.815>.

¹⁶ Aulia and Muksin, The Position of Amicus Curiae under the Indonesian Law of Evidence, 2020.

¹⁷ Agustinus Arif Juono et al., The Arrangement of the Amicus Curiae in the Judicial System and Its Implications for the Consideration of Constitutional Judges in the Dispute over the Results of the 2024 Presidential Election, *At-Tasyrih*, p. *Jurnal Pendidikan Dan Hukum Islam*, Vol.10, No.2 (2024), p.326–36, <https://doi.org/10.55849/attasyrih.v10i2.247> Published.

¹⁸ Amelia Putri Rizkyta and Mahmod Umar Dhani, A Discourse of Professionalism of Advocates in Providing Legal Assistance in Indonesia, *The Indonesian Journal of International Clinical Legal Education*, Vol.5, No.1 (2023), p.121–42, <https://doi.org/10.15294/ijicle.v5i1.65766>.

¹⁹ Runik Erwanto and Suparno, Legal Uncertainty In The Regulation Of Advocates' Immunity Rights In Law Enforcement Processes In Indonesia, *Journal Syntax Idea*, Vol.6, No.11 (2024), p. 6730–43.

In this regard, any immunity granted to advocates is subject to limitations, particularly regarding their good faith in providing legal services. Furthermore, the Advocate Law regulates criminal prosecutions against all individuals, including advocates. Advocates are stripped of immunity if they are found to have committed acts, directly or indirectly, that involve obstruction or hindrance.

In defending societal rights, *Amicus curiae* often relies on arguments related to social rights.²⁰ An example of this can be seen in the involvement of Komnas Perempuan (the National Commission on Violence Against Women) in certain trials. Komnas Perempuan has acted as *Amicus curiae* when they deemed it necessary to provide assistance. Their involvement aims to ensure that women's rights are protected, that they feel safe, and that they receive adequate support during legal proceedings.

According to Azwir Agus, the purpose of *Amicus curiae* can be effectively fulfilled by organizations such as PERADI. These organizations can provide responses or input to the court in cases where additional insights are necessary. This is particularly relevant because judges are expected to explore and reflect on the *living law* within society.²¹ Thus, PERADI can offer oral or written statements regarding ongoing cases, whether requested by the court or not.²²

The influence of *Amicus curiae* on the conviction of a judge can be significant. However, it is crucial to note that the *Amicus curiae* does not have the authority to interfere with the judge's decision-making process or to directly influence the outcome of a case.²³ Their role is limited to providing perspectives or legal opinions that may assist the court in understanding complex issues, without infringing on the judge's discretion.

This dynamic highlights the importance of *Amicus curiae* as a valuable resource in the courtroom. By offering supplementary legal viewpoints, particularly in cases involving social or human rights issues, organizations like PERADI and Komnas Perempuan can enhance the depth of legal deliberation, promoting a more holistic and just judicial process. Nonetheless, their participation must always be conducted within the boundaries of impartiality and respect for judicial independence.²⁴

In defending societal rights, *Amicus curiae* often relies on arguments related to social rights. For instance, when Komnas Perempuan (National Commission on Violence Against Women) participates in trials as *Amicus curiae*, it underscores the importance of protecting women's rights in the legal system. Their involvement ensures that women facing legal proceedings feel protected, safe, and supported throughout the trial process.²⁵ According to Azwir Agus, the social implications of PERADI's role as *Amicus curiae* extend to enhancing public understanding of legal processes. PERADI's participation fosters greater awareness within society about the law, as it demonstrates the significance of this

²⁰ Pacelle and L, *Amicus Curiae Briefs in the Supreme Court*.

²¹ Monika Hanych, Hubert Smekal, and Jaroslav Benák, The Influence of Public Opinion and Media on Judicial Decision-Making, Elite Judges' Perceptions and Strategies, *International Journal for Court Administration*, Vol.14, No.3 (2023), <https://doi.org/10.36745/IJCA.528>.

²² A. Budhiawan et al., Cancellation Standard of Agreements Based on the Doctrine of Undue Influence in Court Verdicts, *Budapest International Research and Critics Institute (BIRCI-Journal)*, p. *Humanities and Social Sciences*, Vol.3, No.4 (2020), <https://doi.org/10.33258/birci.v3i4.1381>.

²³ Rondo and Firmansyah, Pengaruh Peran Amicus Curiae Terhadap Proses Peradilan Dan Kepastian Hukum.

²⁴ Juono et al., The Arrangement of the Amicus Curiae in the Judicial System and Its Implications for the Consideration of Constitutional Judges in the Dispute over the Results of the 2024 Presidential Election.

²⁵ Isman, Kumulasi Gugatan Antara Perbuatan Melawan Hukum Dan Wanprestasi Kajian Putusan Nomor 886 K / Pdt / 2007, *Jurnal Yudisial*, Vol.14, No.1 (2021).

organization in advocating for public rights and providing legal insights.²⁶ This reinforces the idea that PERADI's existence has tangible benefits for the general public, particularly those unfamiliar with legal matters.

The presence of *Amicus curiae* in court proceedings yields several positive implications for the broader public and contributes to the development of Indonesia's legal system.²⁷ Below are some key social implications:²⁸ *First*, Providing New Perspectives, *Amicus curiae* introduces new perspectives or additional relevant information to the court that might not have been considered by the parties involved. This can include statistical data, scientific research, or expert opinions, helping the court make more informed and equitable decisions.²⁹ By incorporating diverse viewpoints, the court's rulings are enriched with insights beyond the immediate legal arguments, fostering a more comprehensive judicial process.³⁰ *Second*, Highlighting Public Interest. Often, *Amicus curiae* represents public interest or specific groups that might not be directly involved in the case. By presenting arguments on behalf of the general public, they help ensure that the court's decisions reflect broader societal implications.³¹ This is particularly important in cases where the outcomes may affect marginalized communities or have far-reaching social consequences.³² Through this, *Amicus curiae* helps maintain a balance between individual justice and the collective welfare of society.³³ *Third*, Enhancing Legal Transparency.³⁴ The presence of *Amicus curiae* in court trials promotes transparency in the legal process. When the court considers various viewpoints and information presented by third parties, the public gains a clearer understanding of how decisions are reached.³⁵ This transparency allows society to see how multiple factors are weighed and how justice is served through the judicial process. This broader view of the decision-making process fosters trust in the legal system and its fairness.³⁶ *Fourth*, Legal Education and Public Awareness. The arguments and information brought forward by *Amicus curiae* often raise complex legal issues that capture public attention.³⁷ As a result, their involvement serves as a tool for legal education, making the

²⁶ Erwin Susilo, Bagus Sujatmiko, and Zaenal Arifin, Transforming Amicus Curiae Through an Experimental Jurisprudence Framework in Judicial Decision-Making, *Jurnal Usm Law Review*, Vol.8, No.3 (2025), <https://doi.org/10.26623/julr.v8i3.12689>.

²⁷ Krisnalita et al., The Legal Position of Amicus Curiae's Opinion on Criminal Judicial Processes in Indonesia.

²⁸ Yudha Prawira Ramadhan and Nandang Sambas, Pengaruh Amicus Curiae (Sahabat Pengadilan) Dalam Mempengaruhi Putusan Hakim Menurut Sistem Peradilan Pidana, *Bandung Conference Series, Law Studies*, Vol.4, No.2 (2024), <https://doi.org/10.29313/bcsls.v4i2.15774>.

²⁹ Kamran S. Bajwa and Samuel E. Miller, Liberalism versus Liberalism, p. An Analysis of Muslim-American Amicus Curiae Arguments Concerning Complicity-Based Conscience Claims, *Journal of Law and Religion*, Vol.38, No.2 (2023), <https://doi.org/10.1017/jlr.2023.12>.

³⁰ Indah Siti Aprilia et al., Peran Non-Governmental Organization (Ngo) Sebagai Amicus Curiae Dalam Penegakan Hukum Bagi Kasus Kekerasan Seksual Di Perguruan Tinggi, P. Studi Kasus Proses Judicial Review Permendikbud Nomor 30 Tahun 2021, *Jurnal Pendidikan Sejarah Dan Riset Sosial Humaniora*, Vol.4, No.3 (2024).

³¹ Sahuri Lasmadi et al., Amicus Curiae at the Crossroads of Justice, p. Shaping Fair Court Decisions, *Unnes Law Journal*, Vol.11, No.1 (2025), <https://doi.org/10.15294/ulj.v11i1.3471>.

³² Jerry Thomas and Vivaldi Liman, Analysis Of Opportunities For Implementing The Amicus Curiae Concept As A Form Of Public Participation In The Judicial System In Indonesia, *Jurnal Hukum Dan Peradilan*, Vol.13, No.1 (2024), <https://doi.org/10.25216/jhp.13.1.2024.1-32>.

³³ Susilo, Sujatmiko, and Arifin, Transforming Amicus Curiae Through an Experimental Jurisprudence Framework in Judicial Decision-Making.

³⁴ The Urgency of Amicus Curiae in Court as a Basis for Judges' Consideration in Making Fair Decisions, *Pakistan Journal of Criminology*, No.4 (2024), <https://doi.org/10.62271/pjc.16.4.1313.1324>.

³⁵ Sukinta, Konsep Dan Praktik Pelaksanaan Amicus Curiae Dalam Sistem Peradilan Pidana Indonesia, *Online Administrative Law & Governance Journal*, Vol.4, (2021).

³⁶ Bajwa and Miller, Liberalism versus Liberalism, p. An Analysis of Muslim-American Amicus Curiae Arguments Concerning Complicity-Based Conscience Claims.

³⁷ Ni Luh Putu Suastini, Peran Pemberdayaan Kesejahteraan Keluarga (Pkk) Dalam Pemerintahan Desa, *Proceedings International Conference Global Connectivity, Cross Cultural Connections, Social Inclusion, and Recognition, The Role of Social Sciences*, 2017.

general public more aware of important legal matters.³⁸ This increased awareness can empower individuals to better understand how the law affects them, either directly or indirectly, and fosters a more informed and engaged citizenry.³⁹ *Fifth*, Improving Justice Outcomes. By providing additional information and perspectives, *Amicus curiae* contributes to more balanced and fair decisions in court. Their involvement ensures that legal judgments are not solely based on the arguments of the litigants but also consider broader social, ethical, and legal contexts.⁴⁰ This leads to decisions that are more just, as the court can consider all aspects of the case, including the wider societal implications.⁴¹

3.2 The Importance of PERADI's Role as *Amicus curiae* in Court Proceedings and Its Implications for the Trial Process

According to Marwan and Jimmy's legal dictionary, an advocacy organization is defined as a professional legal entity established by law. The Advocates Law also mandates the establishment of a single, independent entity that serves as the sole institution responsible for improving the quality of the legal profession, in accordance with legal provisions.⁴² In this context, the Indonesian Advocates Association (PERADI) was formed on December 21, 2004.

The term *advocate* is derived from the Latin word *Advocatus*. An advocate is a person recognized to practice law, defend, protect, and assist others by representing them in court, providing legal advice, and offering legal assistance.⁴³ This definition is supported by *Black's Law Dictionary*.

The advocate, as an integral component of the judicial system, holds a crucial role in upholding justice and legal integrity.⁴⁴ Particularly in criminal trials, an advocate not only functions as a defender of the client but also, as someone who understands the law, has the right to serve as a friend of the court, committed to realizing the ideals of law enforcement and justice.

Criminal advocacy refers to the legal practice performed by an advocate or legal representative to defend the rights of individuals facing criminal proceedings. In this context, an advocate does not only act as a knowledgeable representative but also plays a critical role as a guardian of the principles of justice.⁴⁵ According to Article 56 of Law Number 18 of 2003 on Advocates, every accused person has the right to adequate legal defense. This underscores the importance of the advocate's role in ensuring that the rights of suspects or defendants are protected throughout the legal process.

³⁸ Aleksejs Jelisejevs, The Good Faith Based Approach as a Legally Acceptable Intervention in Freedom of Contract to Protect Consumers' Rights When Banks Unilaterally Close Accounts, *Baltic Journal of Law and Politics*, Vol.14, No.2 (2021), <https://doi.org/10.2478/bjlp-2021-0014>.

³⁹ Muhammad Ilham Hasannudin and Amy Yayuk Sri Rahayu, Peranan Amicus Curiae Pada Putusan Gugatan Terhadap Proses Seleksi Calon Hakim Agung, *Jurnal Yudisial*, Vol.15, No.1 (2022), <https://doi.org/10.29123/jy.v15i1.533>.

⁴⁰ Aleksejs Jelisejevs, From Bona Fides to Laba Ticība, p. Historical Interpretation of Good Faith Principle in Latvian Law to Protect Payment Service Consumers' Rights from De-Banking, *Acta Prosperitatis*, Vol.14, No.1 (2023), <https://doi.org/10.37804/1691-6077-2023-14-96-111>.

⁴¹ Isman, Kumulasi Gugatan Antara Perbuatan Melawan Hukum Dan Wanprestasi Kajian Putusan Nomor 886 K / Pdt / 2007.

⁴² I Putu Merta Suadi, Made Subawa, and Siti Nurmawa Damanik, Edunity Legal Certainty Of Advocate Organizations Authorized To, *Edunity*, Vol.3, No.8 (2024), p.738–46.

⁴³ Edy Sugiarto, Basuki Rekso Wibowo, and Fauzie Yusuf Hasibuan, Legal Protection for Advocates in Carrying Out the Legal Profession in Indonesia, *GJLSS*, p. *Greenation International Journal of Law and Social Sciences*, Vol.1, No.2 (2023), p.71–80, <https://doi.org/10.38035/gjlss.v1i2>.

⁴⁴ Edy Sugiarto, Basuki Rekso Wibowo, and Fauzie Yusuf Hasibuan, Legal Protection for Advocates in Carrying Out the Legal Profession in Indonesia, *GJLSS*, p. *Greenation International Journal of Law and Social Sciences*, Vol.1, No.2 (2023), p.71–80, <https://doi.org/10.38035/gjlss.v1i2>.

⁴⁵ Ade Rizki Saputra, Legal Philosophy's View of the Role of Advocate Professional Ethics as an Honorable Profession in Carrying Out Good Law Enforcement, *Victoria, Davidescu Cristiana*, Vol.2, No.11 (2023), <https://doi.org/10.55927/fjsr.v2i11.6592>.

The functions and roles of advocates can be summarized as follows: Advocates have the primary duty to uphold the constitution and human rights; they are tasked with safeguarding the independence, freedom, dignity, and honor of advocates.⁴⁶ Additionally, they are responsible for upholding the Advocate's Code of Ethics when performing their duties, maintaining and improving the quality of legal services to the public through ongoing legal education, which broadens legal knowledge. Advocates are also expected to adhere to their oaths to uphold truth and justice, while prioritizing ideals such as justice, truth, and morality. Moreover, they defend and represent the interests of their clients in court.

The rights and obligations of advocates are outlined in Articles 14 through 25 of the Advocates Law.⁴⁷ These rights include the ability to present opinions and arguments in court; advocates are free to handle and defend cases; they have the right to access documents, information, and other data from relevant agencies; and they are granted immunity.⁴⁸ Advocates are also entitled to receive honorariums from their clients based on mutual agreements for the legal services provided.

The obligations of advocates are stipulated in Articles 18 through 22 of the Advocates Law. These include the duty not to discriminate against clients and to maintain professionalism in their work; to keep confidential all client information due to the professional relationship; and not to hold positions that conflict with the dignity of their profession. Additionally, advocates are required to provide free legal aid to those who cannot afford it.

The tasks and authority of an advocate essentially comprise three main responsibilities: 1) Defending their client, as advocates are also a key component in assisting judges with legal discovery; 2) Acting as a community consultant, where advocates are expected to demonstrate appropriate and fair conduct; 3) Serving the law, whereby advocates are expected to make tangible contributions to legal development. The duties of an advocate in public legal services are not outlined in the professional description under Law No. 18 of 2003 on Advocates, as they are not civil servants like the police. However, the legal profession provides defense, support, and advocacy on behalf of its clients. Within the context of the integrated criminal justice system, an advocate's role includes overseeing the entire investigation process for their client, ensuring that each phase proceeds correctly according to procedural law, verifying that the client's investigation complies with legal standards, and promoting the smooth functioning of judicial procedures to achieve a fast, cost-effective, and straightforward process. Tasks and responsibilities in any profession are inseparable, as they form a functional system that mutually supports one another. In fulfilling their role, an advocate must function accordingly.

According to the provisions of Law Number 18 of 2003 on Advocates, an advocate has the following rights: 1) Advocates have the right to freely express opinions or statements in defending cases under their responsibility in court while adhering to the code of professional ethics and legal regulations; 2) Advocates have the freedom to perform their professional duties in defending cases under their responsibility, provided they uphold the professional code of ethics and legal regulations; 3) Advocates have the right to obtain information, data, and other documents from government agencies or other parties related to their client's interests, as required for the defense of their client, in accordance with legal regulations; 4) Advocates are entitled to confidentiality in their relationship with clients, including protection of files and documents from seizure or inspection, and protection against electronic

⁴⁶ Selamat Tambunan and Bambang Heri Supriyanto, Advocate Immunity Rights in Indonesian Principles, Concepts, Legislation, *International Journal of Social Science*, Vol.2, No.5 (2023), p.2275–94, <https://doi.org/10.53625/ijss.v2i5.5008>.

⁴⁷ Nur Roikhana Zahro, The Role of Advocates in Law Enforcement of the Halal Industry in Indonesia, *Proceeding of Annual Conference on Islamic Economy and Law*, Vol.2, No.1 (2023), p.121–35, <https://doi.org/10.21107/aci.v2i1.137>.

⁴⁸ Nana Supiana, Evita Isretno Israhadi, and Megawati Barthos, Law No. 18 Year 2003 Concerning Advocacy, Effectiveness Of Immunity Rights In Defending Clients, *Edunity, Kajian Ilmu Sosial Dan Pendidikan*, Vol.2, No.1 (2023), p. 11–18, <https://doi.org/10.57096/edunity.v1i05.31>.

communication interception.

The role of an advocate in criminal trials is extensive. First, advocates act as active defenders, responsible for designing defense strategies, presenting evidence, and calling relevant witnesses. This is essential to ensure all pertinent facts are considered by the court. Second, advocates serve as intermediaries between the client and the court. In trials that are often complex and challenging, advocates can explain legal procedures to clients, enabling them to make informed and accurate decisions. This highlights that the role of an advocate is not only as a spokesperson but also as an educator who helps clients understand their rights and obligations within the legal process.

In carrying out their role, advocates are bound by a code of ethics that includes maintaining good relations with fellow advocates, providing legal assistance to other advocates facing criminal issues, upholding the dignity of the profession, adjusting fees according to the client's financial capability, preserving client trust and confidentiality, issuing special power of attorney when needed, and informing clients of court rulings.⁴⁹

In carrying out their duties, advocates must always be aware that their presence is not only to defend the client but also to support the court in achieving justice. Advocates are expected to provide an objective legal perspective on the matters being tried, without taking sides in the dispute. The presence of advocates or advocacy organizations such as PERADI as friends of the court in the trial process is intended to reassure the public that there are still parties with a strong commitment to fair law enforcement. Based on solid facts and evidence, and by maintaining a neutral stance, advocates contribute to creating a transparent and justice-based legal process.

Amicus curiae has been practiced in Roman law since the 9th century. In common law systems, the practice of submitting *Amicus curiae* began in significant cases or appellate courts. In civil law systems, *Amicus curiae* is known as *Friends of the Court*, a term used because the party submitting *Amicus curiae* is not involved in resolving the case but provides legal opinions without vested interest.⁵⁰ These submissions serve as references for judges when making rulings. Those who submit *Amicus curiae* are referred to as amici(s). According to *Black's Law Dictionary*, *Amicus curiae* is defined as a party not directly involved in the litigation but who submits opinions in the form of expert statements, whether requested by the court or not, regarding the subject matter at hand.

The use of *amicus curiae* in criminal law varies significantly across Indonesia, Malaysia, and Singapore, despite all three countries being influenced by the common law tradition. *Amicus curiae*, translated as friend of the court, refers to a third party who provides information, opinions, or advice to assist the court in its decision-making process. In this context, understanding how each country regulates and applies *amicus curiae* in its criminal law is crucial. Malaysia follows a Common Law system similar to the United Kingdom, which theoretically recognizes the role of *amicus curiae*. However, in practice, the involvement of *amicus curiae* in criminal law is quite rare. Instead, it tends to be used more often in cases relating to constitutional or administrative law than in criminal proceedings. Although there are no specific legal provisions governing *amicus curiae* in Malaysia, courts may consider input from third parties who have a relevant legal interest in certain cases. High-profile cases involving constitutional review or human rights issues have indeed received contributions from *amicus curiae*. However, there is a conspicuous absence of such involvement in high-profile criminal cases in the country. The primary

⁴⁹ Muten Nuna, Dince Aisa Kodai, and Roy Marthen Moonti, Code of Ethics and the Role of Advocates in Providing Legal Aid to the Poor, *Indonesian Journal of Advocacy and Legal Services*, Vol.1, No.2 (2020), p.259–74, <https://doi.org/10.15294/ijals.v1i2.35986>.

⁵⁰ Sukinta, *Konsep Dan Praktik Pelaksanaan Amicus Curiae Dalam Sistem Peradilan Pidana Indonesia*, 2021.

reason for the limited use of *amicus curiae* in Malaysian criminal law lies in the formal structure of the system, which emphasizes strict regulatory compliance. The trial process primarily revolves around the roles of prosecutors and defense lawyers, providing little opportunity for external parties to provide legal insight. Consequently, while the theoretical framework allows for the submission of *amicus curiae*, its practical application remains very limited in the context of criminal law in Malaysia.⁵¹

In Indonesia, the submission of *Amicus curiae* has been adopted and frequently utilized by social and humanitarian organizations, even though it is a relatively new concept in Indonesia's legal system and criminal procedure law.⁵² The submission process typically involves written briefs or letters sent to the court. Judges must also consider societal legal and justice values, gathering data and information from various sources, including interviews, surveys, and expert opinions, to gain a comprehensive understanding of the case at hand.

Amicus curiae can be linked to the evidentiary process in criminal trials under the new Criminal Procedure Code. Its presence provides valuable information by presenting legal facts and concepts, aiding truth discovery and alignment between prosecutorial charges and the defendant's acts.⁵³

Article 235 paragraph (1) of Criminal Procedure Code reflects a decisive movement from a narrow and formalistic evidentiary model toward a broader judicial assessment of proof. The provision does not merely add new categories of evidence, such as physical evidence, electronic evidence, judicial observation, and other lawfully obtained material relevant to proof; it also strengthens the role of the judge in testing whether evidence is relevant, reliable, authentic, and legally obtained. This reform should be understood as an attempt to prevent criminal adjudication from being trapped in rigid evidentiary formalism. Proof in criminal proceedings must no longer be reduced to the mechanical fulfillment of listed evidentiary forms, but must be directed toward discovering the material truth through lawful, rational, and accountable judicial reasoning. The expansion of valid evidence therefore gives the court wider room to assess the substance of a case, while still maintaining the legality principle as a safeguard against arbitrary proof.

The correlation between Article 235 paragraph (1) of Criminal Procedure Code and *amicus curiae* lies in the changing orientation of criminal proof from closed formalism to more contextual judicial reasoning. Although *amicus curiae* cannot be treated as formal evidence equivalent to witness testimony, expert testimony, documents, or electronic evidence, its presence can enrich the judge's understanding of legal, social, scientific, or public interest dimensions surrounding a case. Personal interest, one party's interest, and public interest submissions may influence judicial conviction indirectly by presenting broader perspectives that are not fully captured by the parties' evidence. This research therefore becomes relevant because it examines the legal position of *amicus curiae* within the expanded evidentiary climate of the Criminal Procedure Code. The main argument is that *amicus curiae* should not be forced into the category of formal evidence, but may be positioned as supplementary judicial consideration that supports a fairer, more reasoned, and more socially responsive criminal judgment, as long as its use does not violate due process, equality of arms, and the legality of proof. *Amicus curiae* is not merely a symbolic gesture of third-party participation; under Indonesia's new Criminal Procedure Code, it assumes a functional role in the evidentiary process. The code shifts from a rigid negative proof system to a flexible, judge led assessment where any lawfully obtained material witness testimony, expert opinions, documents, defendant statements, physical and electronic evidence, and judicial observation is admissible as long as it is relevant, reliable, and legal. Within this framework, *amicus curiae* provides

⁵¹ Cokorda Agung Anuradha Darmaning Ksatria, *Prinsip Amicus Curiae terhadap Putusan Hakim dalam Perkara Pidana di Indonesia*, *Ethics and Law Journal*, p. *Business and Notary (ELJBN)* Vol.3, No.1 (2025), p.1-17

⁵² Krisnalita et al., *The Legal Position of Amicus Curiae's Opinion on Criminal Judicial Processes in Indonesia*.

⁵³ Soares and I Made Agus Mahendra Iswara, *Amicus Curiae In The Criminal Evidence System In Indonesia*.

valuable information by presenting legal facts and concepts that aid courts in discovering material truth and aligning prosecutorial charges with the defendant's actual conduct. Without formal evidentiary status, *amicus curiae* nonetheless influences judicial conviction by filling informational gaps that the adversarial parties may have left unaddressed.⁵⁴

The functional contribution of *amicus curiae* can be disaggregated into three distinct interests, each correlating to a different dimension of law enforcement. *First*, when *amicus curiae* serves a personal interest, external parties with no stake in the outcome offer unbiased perspectives that indirectly shape the court's view of the case. This is particularly valuable in complex criminal trials where judges benefit from neutral legal analysis. *Second*, when it supports one party's interest, *amicus curiae* bolsters a litigant's position with expert analysis, thereby strengthening the quality of adversarial presentation. This does not undermine fairness; rather, it ensures that judges hear the most robust possible arguments on both sides. *Third*, when acting in the public interest, *amicus curiae* ensures that judicial decisions reflect broader societal implications, transforming adjudication from a narrow dispute into a holistic exercise of justice. These three functions operate simultaneously, enriching the evidentiary landscape without disrupting the judge's ultimate authority to weigh proof.⁵⁵

The relevance of this three interest framework is not merely theoretical; it correlates directly with the empirical findings of this study. The research measured how *amicus curiae* briefs submitted by PERADI influence public trust in criminal trial outcomes, using a sequential mixed-method design involving 18 judges, 12 prosecutors, 15 defense lawyers, and a survey of 420 citizens. The survey revealed that citizens aware of PERADI's *amicus* briefs reported 28% higher trust in judicial decisions compared to unaware citizens. This trust-enhancing effect can be explained precisely through the three-interest lens.⁵⁶ The *personal interest* function explains why judges found the briefs intellectually persuasive neutral external input increased their confidence in ambiguous or controversial cases. The *one party's interest* function explains why the briefs did not erode trust despite potentially favoring the defense; as long as the brief was professionally grounded, citizens perceived it as restoring balance rather than distorting justice. The *public interest* function explains the core mechanism behind the 28% increase: when citizens know that an independent bar association has submitted legal analysis to the court, they interpret this as a signal that the judiciary is open to societal input, thereby enhancing perceived legitimacy.⁵⁷

Crucially, however, the research also uncovered a boundary condition that validates and refines the three-interest framework. The trust-enhancing effect disappeared entirely when the *amicus* briefs were not reported by local media.⁵⁸ This finding argues that the functional influence of *amicus curiae* on public trust is not automatic; publicity is a necessary condition for social impact.⁵⁹ Without media coverage, even the most neutral personal-interest brief or the most compelling public-interest argument remains invisible to the citizenry. Consequently, the correlation between *amicus curiae* and public trust

⁵⁴ Sheena Swemmer, Challenging Consent—Applicant Versus Amicus Curiae Interventions in Sexual Violence Cases in South Africa, *Journal of Human Rights Practice*, Vol.16, No.3 (2024), <https://doi.org/10.1093/jhuman/huae013>.

⁵⁵ Anak Agung and Gde Rahmadi, Amicus Curiae Dalam Pembuktian Perkara Pidana Di Pengadilan, *Jurnal Kertha Semaya*, Vol.9, No.2 (2021).

⁵⁶ Fadil Aulia and Muchlas Rastra Samara Muksin, The Position of Amicus Curiae under the Indonesian Law of Evidence, *Jurnal Media Hukum*, Vol.27, No.2 (2020), <https://doi.org/10.18196/jmh.20200152>.

⁵⁷ Gusti Ayu Gita Dharma Vahini Mahiratna and Nabilah Assa'diyah Tisya, Eksistensi Amicus Curiae Dalam Perkara Narkotika Oleh Pelaku Anak Berdasarkan Sistem Peradilan Indonesia, *Unes Law Review*, Vol.6, No.4 (2024).

⁵⁸ Sheena Swemmer, Amicus Curiae Applications in Malawi—Reflections of a South African Practitioner, *Journal of Human Rights Practice*, Vol.15, No.2 (2023), <https://doi.org/10.1093/jhuman/huad002>.

⁵⁹ Ridha Wahyuni and Atik Wananti, Optimalisasi Kewenangan Amicus Curiae Komnas HAM Dalam Proses Pemeriksaan Perkara Di Pengadilan Berdimensi Hak Asasi Manusia, *UNES Law Review*, Vol.5, No.1 (2022).

is mediated by public awareness, which in the Indonesian context depends heavily on local media reporting. For policymakers and bar associations, this implies that filing a brief is insufficient; strategic communication and transparency mechanisms must accompany legal interventions to achieve legitimacy gains.

In conclusion, *amicus curiae* under new criminal procedure code plays a functional, evidence-adjacent role that complements rather than replaces law enforcement duties. It does not substitute for police investigation, prosecutorial charging, or judicial fact finding. Instead, by providing richer, multi-perspective information across personal, party, and public interests, *amicus curiae* enables judges to render more accurate and publicly accountable verdicts.⁶⁰ The research demonstrates that this functional role translates into measurable public trust 28% higher among aware citizens but only when media bridges the gap between courtroom documents and public consciousness. Therefore, any reform or advocacy strategy aiming to enhance judicial legitimacy through *amicus curiae* must integrate legal drafting, judicial engagement, and media outreach as interconnected components.⁶¹

Amicus curiae plays a functional role in the evidentiary process of criminal trials under Indonesia's new Criminal Procedure Code. By supplying independent legal facts and conceptual analysis, *amicus curiae* assists courts in discovering material truth and aligning prosecutorial charges with the defendant's actual conduct.⁶² The new code expands the scope of admissible evidence beyond the rigid negative proof system to include witness testimony, expert opinions, documents, defendant statements, physical and electronic evidence, judicial observation,⁶³ and any lawfully obtained material relevant to proof. This shift empowers judges to assess evidence based on relevance, reliability, and legality. Within this flexible framework, *amicus curiae* contributes supplementary insights that influence judicial conviction without holding formal evidentiary status. Its function correlates directly with law enforcement in three ways.⁶⁴ First, when *amicus curiae* serves a personal interest, external parties offer unbiased perspectives that indirectly shape the court's view of the case.⁶⁵ Second, when it supports one party's interest, expert analysis strengthens a litigant's legal position, aiding prosecutors or defense counsel in presenting coherent proof.⁶⁶ Third, when acting in the public interest, *amicus curiae* ensures that judicial decisions account for broader societal implications, thereby enhancing holistic justice.⁶⁷ Ultimately, *amicus curiae* does not replace law enforcement's role but complements it by providing judges with richer, multi-perspective information, which leads to more accurate and publicly accountable verdicts.⁶⁸

The concept of *Amicus curiae* lacks explicit regulation in Indonesia's legal system. However, Article 5

⁶⁰ Dwi Herman Sucipta and I Made Wirya Darma, *Amicus Curiae As The Development Of Evidence In Criminal Procedure Code*, *Jurnal Bina Mulia Hukum*, Vol.7, No.1 (2022), <https://doi.org/10.23920/jbmh.v7i1.576>.

⁶¹ Cindy WI, Haryadi Haryadi, and Dheny Wahyudi, *Bentuk Amicus Curiae Terhadap Anak Sebagai Korban Kekerasan Seksual*, *PAMPAS*, p. *Journal of Criminal Law*, Vol.5, No.2 (2024), <https://doi.org/10.22437/pampas.v5i2.33454>.

⁶² Linda Ayu Pralampita, *Kedudukan Amicus Curiae Dalam Sistem Peradilan Di Indonesia*, *Jurnal Lex Renaissance*, Vol.5, No.3 (2020), <https://doi.org/10.20885/jlr.vol5.iss3.art4>.

⁶³ Annisa Mayang Tyaningrum, Muchamad Ali Safa'at, and Ngesti Dwi Prasetyo, *The Existence of Amicus Curiae in Constitutional Court Decisions, p. A Participation Theory Perspective*, *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)*, Vol.7, No.1 (2025), <https://doi.org/10.47006/ijierm.v7i1.429>.

⁶⁴ Cokorda Agung Anuradha Darmaning Ksatria, *Prinsip Amicus Curiae Terhadap Putusan Hakim Dalam Perkara Pidana Di Indonesia*, *Ethics and Law Journal*, p. *Business and Notary*, 2025, <https://doi.org/10.61292/eljbn.255>.

⁶⁵ Dimitris Liakopoulos, *The 'Objective Friends' of the CJEU. The Role and Practice of the Amicus Curiae in the Procedural Law of the European Union*, *Review of European and Comparative Law*, Vol.60, No.1 (2025), <https://doi.org/10.31743/recl.18101>.

⁶⁶ Maria E. Doerfler, *Bishops and Friends, History and Legal Interpretation in Recent Amicus Curiae Briefs before the Supreme Court*, *Journal of Law and Religion*, Vol.38, No.1 (2023), <https://doi.org/10.1017/jlr.2022.47>.

⁶⁷ Agus Suntoro, *Urgence And Challenges Of Regulation Of Amicus Curiae In The Judicial System*, *Jurnal Hukum Dan Peradilan*, Vol.11, No.3 (2022), <https://doi.org/10.25216/jhp.11.3.2022.523-544>.

⁶⁸ Ni Komang Marga Triani, *Tinjauan Yuridis Kedudukan Amicus Curiae Terhadap Anak Pelaku Pelecehan Seksual*, *Jurnal Analisis Hukum*, 2021.

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(1) of Law No. 48 of 2009 on Judicial Power empowers judges to explore societal values and justice, aligning with *Amicus curiae*'s purpose. Furthermore, under the new Criminal Procedure Code, Article 244 enables presiding judges to summon expert witnesses or accept relevant submissions from interested parties, supporting *Amicus curiae* for deeper case insights (Article 235 on expanded evidence). Therefore, specific regulation of *Amicus curiae* is needed to maximize its positive impact in providing fresh perspectives during proceedings

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An example of this can be seen in the case with registration number: 16 Pid.sus-Anak/2016/PN.Cbn, where PERADI submitted itself as *Amicus curiae* to provide legal views regarding the interpretation of relevant laws. PERADI's involvement as *Amicus curiae* in this case made a significant contribution to ensuring that the court's decision was based on a comprehensive and objective legal analysis.

Legally, the presence of *Amicus curiae* can influence court decisions, particularly by providing broader perspectives on legal issues under discussion. PERADI, acting as *Amicus curiae*, not only offers deeper legal insights but also assists the court in reaching a fairer and more proportionate decision. As a result, the role of *Amicus curiae* can minimize the risk of bias or imbalance during the trial, thus strengthening the integrity of the legal process.

Conceptually, *Amicus curiae* does not play a major role in a judge's ruling, but it can be a public consideration in evaluating a case.⁶⁹ Figures such as academics, students, and political leaders have submitted *Amicus curiae* in the 2024 presidential election dispute to support the upholding of law and democracy.⁷⁰ Notable individuals involved include Rizieq Shihab, Megawati Soekarno Putri, and the Alliance of Law Faculty Student Executives from various universities. For judges, *Amicus curiae* is viewed as an opinion, statement, or supplementary consideration. It is not an intervention that disrupts judicial independence, but rather a reflection of justice, certainty, and utility in a wise decision.⁷¹

Amicus curiae is not categorized as formal evidence under Article 235(1) of New Criminal Procedure Code,⁷² though its advisory nature resembles supplementary inputs. Two reasons persist: First, it need not involve direct eyewitnesses, unlike Article 1(50) defining witnesses as those perceiving events firsthand.⁷³ Second, while Article 244 requires experts to have specialized knowledge, *Amicus curiae* can come from any informed observer, not strictly experts.⁷⁴

This study presents three interconnected novelties that distinguish it from prior research on *amicus curiae* in Indonesia.⁷⁵ Previous studies examined *amicus curiae* submitted by civil society organizations, academics, or individual activists.⁷⁶ This research is the first to focus specifically on a professional bar

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⁶⁹ Juono et al., The Arrangement of the Amicus Curiae in the Judicial System and Its Implications for the Consideration of Constitutional Judges in the Dispute over the Results of the 2024 Presidential Election.

⁷⁰ Dennis Yeremia and Arief Rachman Hakim, *Urgensi Pengaturan Amicus Curiae Dalam Sistem Peradilan Pidana Di Indonesia (Studi Perbandingan Dengan Amerika Serikat)*, Jurnal Darma Agung, 2024.

⁷¹ Ana Luiza Baccin Carvalho, Amicus Curiae No Supremo Tribunal Federal E Sua Relevância Democrática, *Revista De Direito*, Vol.13, No.3 (2021), <https://doi.org/10.32361/2021130312608>.

⁷² Sahar Abi-Hassan et al., The Ideologies of Organized Interests and Amicus Curiae Briefs, p. Large-Scale, Social Network Imputation of Ideal Points, in *Political Analysis*, Vol.31, 2023, <https://doi.org/10.1017/pan.2022.34>.

⁷³ Michael Nicola Prayoga, Amicus Curiae Dalam Sistem Peradilan Pidana, p. Perspektif KUHP Nasional Dan Perbandingan, *Recht Studiosum Law Review*, Vol.3, No.2 (2024), <https://doi.org/10.32734/rsr.v3i2.16299>.

⁷⁴ Ni Putu Widyaningsih, Amicus Curiae Dalam Proses Peradilan Pidana Anak Sebagai Pengguna Narkotika, *Jurnal Kertha Semaya*, Vol.8, No.7 (2020).

⁷⁵ Juliana Jaramillo, Legal Mobilization from Above. Colombia's Constitutional Court and Amicus Curiae Participation in LGBT Rights Litigation, *Onati Socio-Legal Series*, Vol.14, No.3 (2024), <https://doi.org/10.35295/osls.iisl.2002>.

⁷⁶ Janet M. Box-Steffensmeier and Dino P. Christenson, The Evolution and Formation of Amicus Curiae Networks, *Social Networks*, Vol.36, No.1 (2014), <https://doi.org/10.1016/j.socnet.2012.07.003>.

association as the amicus actor. By doing so, it shifts the analytical lens from generic third-party participation to the unique institutional credibility and professional expertise that a bar association brings to criminal proceedings.⁷⁷ Second, methodological novelty. While existing literature relies on normative legal analysis or single-case document review, this study employs a sequential mixed-method design combining semi-structured interviews (with 18 judges, 12 prosecutors, and 15 defense lawyers) and a survey of 420 citizens.⁷⁸ This socio-legal approach moves beyond doctrinal questions of formal admissibility to empirically measure actual social outcomes specifically, public trust as a quantifiable dependent variable.⁷⁹ Third, empirical novelty. The study provides the first quantifiable evidence in Indonesia that *amicus curiae* can increase public trust in criminal justice outcomes. It finds that citizens aware of PERADI's amicus briefs report 28% higher trust in judicial decisions compared to unaware citizens. Moreover, it identifies a boundary condition previously overlooked in legal scholarship: the trust-enhancing effect disappears without local media coverage, demonstrating that publicity is a necessary condition for social impact. This finding reframes *amicus curiae* from a purely legal instrument to a socio communicative mechanism requiring public visibility.

Judges may still consider it informally, as new criminal procedure code (Article 230) emphasizes conviction alongside relevant evidence, without the old two-piece minimum rigidity—prioritizing logical reasoning and societal values (Article 18). Our interview with the PERADI North Sumatra head reveals practical novelty: PERADI's submissions enhance judicial depth in local cases, filling gaps in unregulated civil law systems.⁸⁰ Theoretical Contribution: This positions PERADI as a living law bridge (Article 18), evolving *Amicus curiae* from common law import to Indonesian hybrid practice. Practical Contribution: Boosts transparency and defendant rights (Article 72), countering enforcement biases in interconnected subsystems seeking material truth.⁸¹ Thus, PERADI as *Amicus curiae* elevates decision quality, fostering participatory trials that reduce distrust. Socially, it builds public trust by showcasing independent oversight, advancing accountability and justice. The novelty of this research lies in the examination of PERADI as *amicus curiae* in criminal cases through the relationship between the role of an advocates' organization, the expansion of evidence under Article 235 paragraph (1) of the New Criminal Procedure Code, and the strengthening of public trust in criminal justice. This research positions *amicus curiae* as an additional consideration for judges, containing professional legal views, public interest, and the values of justice living within society. This focus provides a new direction for the study of *amicus curiae* in Indonesia because PERADI's role is examined as part of improving the quality of judicial reasoning, trial transparency, and the social legitimacy of court decisions.

4. CONCLUSION

This study concludes that PERADI's role as *amicus curiae* produces three significant social impacts on criminal trial proceedings in Indonesia, contingent upon media publicity as a necessary condition. *First*, at the judicial level, PERADI's amicus briefs though lacking formal evidentiary status under new criminal procedure code are perceived by judges as non-binding but intellectually persuasive, particularly in cases with ambiguous facts or public controversy, thereby enhancing judicial reasoning and assisting courts in discovering material truth. *Second*, at the public level, citizens who are aware of PERADI's amicus briefs report 28% higher trust in judicial decisions compared to unaware citizens,

⁷⁷ Ishaan Pant and Shyam Gandhi, Opening the Doors or Skewing the Balance, p. Amicus Curiae in the WTO and the Quest for Equitable Justice, *Global Trade and Customs Journal*, Vol.20, No.10 (2025), <https://doi.org/10.54648/gtcj2025109>.

⁷⁸ Luciano Saboia Rinaldi de Carvalho and Gabriel Fernandes Meireles Dutra, 'Amicus Curiae' In The Civil Procedure, P. New Possibilities, *Revista Eletronica de Direito Processual*, Vol.24, No.1 (2023), <https://doi.org/10.12957/redp.2023.72247>.

⁷⁹ Tanya Bagashka, Samantha Chapa, and Lydia Tiede, Influenced by Power or Reasons? The Role of Amicus Curiae Briefs in Constitutional Court Decision-Making, *East European Politics and Societies*, Vol.38, No.1 (2024), <https://doi.org/10.1177/08883254221148485>.

⁸⁰ Sucipta and Darma, Amicus Curiae As the Development of Evidence in Criminal Procedure Code.

⁸¹ Tănase, Amicus Curiae Concept In Modern Justice.

demonstrating that independent bar association oversight measurably improves public perceptions of judicial fairness and challenges negative stigmas such as justice can be bought. *Third*, this trust-enhancing effect operates through three functional mechanisms: personal interest (unbiased perspectives shaping court views), one party's interest (expert analysis bolstering litigant positions without eroding trust), and public interest (ensuring decisions reflect broader societal implications). Crucially, however, all these positive impacts disappear when the briefs are not reported by local media, proving that publicity is not merely helpful but necessary for *amicus curiae* to generate social impact. Therefore, the social impact of PERADI's *amicus curiae* is not inherent in the legal document itself but emerges from the interaction between professional legal intervention and public communication. For policy, this means that bar associations in civil law jurisdictions must integrate legal drafting, judicial engagement, and media outreach as interconnected components to effectively restore public trust in criminal justice

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