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Abstract	<i>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</i>



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

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The Competency and Social Implications of PERADI as a Friend of the Court (Amicus Curiae) in Criminal Trials

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This research aims to analyze the social impact of Amicus Curiae within the societal framework in criminal trial processes. The study focuses on the social implications of the presence of Amicus Curiae in criminal proceedings. The Indonesian Advocates Association (PERADI), serving as Amicus Curiae in Indonesian trials, has experienced significant development in line with the adoption of legal practices from the Common Law system. Judicial power, as regulated in Law No. 48 of 2009 and Article 5 of the Criminal Procedure Code (KUHP), enables judges to derive legal and justice values from various sources, including inputs from Amicus Curiae. This study employs a legislative approach to explore the competency of PERADI and its implications as Amicus Curiae in court proceedings. The analysis reveals that the presence of PERADI as Amicus Curiae functions to enrich the legal perspectives considered by the court and enhance the quality of judicial decisions by providing a more comprehensive view on legal issues under deliberation.

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1. INTRODUCTION

In the common law legal system, the practice of *Amicus Curiae* is a common occurrence. In Indonesia, *Amicus Curiae* has also become a regular practice in criminal trials, where it is frequently utilized. The principle of the presumption of innocence becomes particularly relevant when *Amicus Curiae* is introduced into criminal proceedings, a feature often found in common law systems.

Judges possess independent authority in resolving issues related to the enforcement of the law. This means that judicial decisions are free from influence or interference by any institution. In realizing the rule of law in the Republic of Indonesia, the state, based on Pancasila and the 1945 Constitution, holds the power to administer justice in upholding fairness and the law (Ayu Pralampita, 2020). Law is a system created within a complex environment to achieve specific objectives. Norms emerge as the result of the transformation of social phenomena within the legal system. Laws and implementing regulations are adjusted to the legal norms that are applied in judicial decisions.

The role of advocates is both a humanitarian activity and a demonstration of professionalism in the legal field. Advocates are granted the exclusive right to represent others in court, compel the attendance of witnesses, and protect confidentiality, which ordinary individuals must disclose when summoned as witnesses (Lubis et al., 2020). The truth of events is established based on reasonable and rational thinking through a systematic process. In criminal procedure law, the process of establishing the truth is expected to arrive at the actual truth within legal boundaries. The mechanism involves obtaining evidence and testimony to ascertain the validity of the criminal acts charged (Lasaka, 2023).

Even when judges face cases with no clear legal foundation, they are not allowed to refuse to hear the cases brought before them. Article 5, paragraph 1 of Law No. 48 of 2009 stipulates that judges must follow, explore, and understand legal values in society when adjudicating cases. When clear legal provisions are absent, judges are obliged to create just laws. In this regard, *Amicus Curiae* serves as a support for judges in comprehending complex matters (Sucipta & Darma, 2022).

Third parties who feel they have a vested interest may submit an *Amicus Curiae*, which contains legal opinions and views to the court. However, these opinions do not indicate opposition to the court. Instead, they provide an opportunity to present facts, data, and issues from various perspectives for consideration by the panel of judges. The goal is to clarify the legal issues under review by the court and illuminate the factual and legal matters involved, thus helping the court reach a clearer understanding of the case. The parties eligible to submit an *Amicus Curiae* are typically lawyers or individuals with relevant knowledge, who provide written or oral statements during a trial they observe. The written submission is referred to as an "amicus brief." For example, the Surabaya branch of PERADI submitted an *Amicus Curiae* in the case of Gregorius Ronald Tannur, related to the murder of Dini Sera Afrianti (Case No. 454/Pid.B/2024/PN.Sby).

Therefore, the role of advocates becomes both central and unique. It extends beyond merely defending the legal interests of their clients and serves as an effort to realize the constitutional principle of the rule of law (Siti Zulaiha et al., 2023). This role also contributes to the implementation of the principle of a fair trial and equality before the law. The significance of advocates' roles has been acknowledged by lawmakers in the Republic of Indonesia. On October 24, 2000, during a hearing at the DPR (House of Representatives), the government, represented by the Minister of Justice and Human Rights, expressed the vision of law enforcement in Indonesia. The goal is to uphold truth, justice, the supremacy of law, and legal certainty in order to create a peaceful, prosperous, orderly, and harmonious society. From the background presented, the author has formulated a research question: What are the social impacts or implications of the presence of *Amicus Curiae* in criminal trials within society?

2. METODE

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 (Siti Zulaiha et al., 2023). 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 (Aulia & Muksin, 2020). 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 (Juono et al., 2024).

3. RESULT AND DISCUSSION

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 (Rizkyta & Dhani, 2023). 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 (Erwanto & Suparno, 2024).

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 (Pacelle & L, 2022). 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 (Hanych et al., 2023). Thus, PERADI can offer oral or written statements regarding ongoing cases, whether requested by the court or not.

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 (Rondo & Firmansyah, 2023). 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.

3.1 Social Implications of Amicus Curiae

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.

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 organization in advocating for public rights and providing legal insights. 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 (Krisnalita et al., 2022). Below are some key social implications:

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. By incorporating diverse viewpoints, the court's rulings are enriched with insights beyond the immediate legal arguments, fostering a more comprehensive judicial process.

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. This is particularly important in cases where the outcomes may affect marginalized communities or have far-reaching social consequences. Through this, Amicus Curiae helps maintain a balance between individual justice and the collective welfare of society.

Third, Enhancing Legal Transparency. 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. 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.

Fourth, Legal Education and Public Awareness. The arguments and information brought forward by Amicus Curiae often raise complex legal issues that capture public attention. As a result, their involvement serves as a tool for legal education, making the general public more aware of important legal matters. 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.

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. This leads to decisions that are more just, as the court can consider all aspects of the case, including the wider societal implications.

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 (Suadi et al., 2024). 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 (Sugiarto et al., 2023). 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 (Sugiarto et al., 2023). 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 (Saputra, 2023). 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.

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 (Tambunan & Supriyanto, 2023). 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 (Roikhana Zahro, 2023). 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 (Supiana et al., 2023). 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 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 (Nuna et al., 2020).

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 (Sukinta, 2021). 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.

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 (Krisnalita et al., 2022). 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 process of evidence in criminal trials. Its presence provides valuable information by presenting both legal facts and legal concepts (Soares & I Made Agus Mahendra Iswara, 2019). This is crucial for uncovering the truth in criminal law and finding congruence between the charges brought by the prosecutor and the criminal acts committed by the defendant. The principle of negative proof in

Indonesian criminal courts, as stipulated in Article 183 of the Criminal Procedure Code (KUHAP), dictates that a judge can only impose a criminal sentence when at least two pieces of evidence are obtained, along with the judge's conviction in accordance with legal provisions. The purpose of *Amicus Curiae* is to provide insights based on various interests, including the following:

Personal Interest

The role of *Amicus Curiae* allows for the representation of personal interests to influence the court's decision, providing perspectives and arguments from external parties who are not directly involved in the case.

Interest of One Party

Amicus Curiae can strengthen the arguments in support of a specific party involved in the case.

Public Interest

Through *Amicus Curiae*, the court's decision can have a broader impact on society, serving the public interest by reflecting the societal implications of the ruling.

The concept of *Amicus Curiae* is not clearly regulated in Indonesia's legal system. However, Article 5, Paragraph 1 of the Law on Judicial Power allows judges to explore societal values and justice, in line with the purpose of *Amicus Curiae*. Furthermore, Article 180 of the Criminal Procedure Code (KUHAP) aligns with the urgency of *Amicus Curiae* in providing deeper insights into cases being adjudicated, where the presiding judge may request expert testimony or the submission of new information by interested parties. Therefore, the presence of *Amicus Curiae* should be regulated more specifically to ensure its positive impact by offering new perspectives in court proceedings.

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 (Juono et al., 2024). 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. 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.

Amicus Curiae is not categorized as evidence under Article 184, Paragraph (1) of the KUHAP, although its characteristics resemble that of evidence. There are two primary reasons why *Amicus Curiae* is not classified as evidence. First, *Amicus Curiae* does not need to be a person directly involved in the criminal act. However, Article 1, Clause 26 of the KUHAP defines a witness as someone who has experienced, seen, or heard the event firsthand. Second, *Amicus Curiae* cannot serve as expert witness testimony since an expert witness is required to have specific expertise in the matter at hand.

Yet, *Amicus Curiae* does not necessarily have to be an expert witness; anyone following a case may act as *Amicus Curiae*. Although *Amicus Curiae* is not formal evidence in the process, judges can still consider it. This relates to the negative proof principle in the KUHAP, where, in addition to physical evidence, a judge's decision is also based on personal conviction. This conviction must be grounded in logical reasoning. In this regard, *Amicus Curiae* assists judges in making decisions in criminal cases (Sucipta & Darma, 2022).

Overall, the rights of defendants or suspects in the KUHAP emphasize respect, suggesting that law enforcement officers cannot freely engage with them during a fair trial process. Law enforcement involves a series of actions carried out by interconnected subsystems within the criminal justice system, each fulfilling its own function. The intended material truth is the balance between punishment and guilt, where the severity of the punishment corresponds to the wrongful act committed, considering all circumstances that led to the crime.

When sentencing a defendant, a judge must have at least two valid pieces of evidence, as required by Article 183 of the KUHAP. The judge's ruling represents the final stage of a court case, preceded by both legal and non-legal considerations (Tănase, 2006).

Thus, the implications for the court of having PERADI as *Amicus Curiae* include an enhancement of the quality of judicial decisions. The court can gain a more enriched and well-informed perspective, strengthening the legal foundation for its rulings. For the parties involved in the trial, the presence of *Amicus Curiae* instills a stronger sense of justice, as the trial process becomes more transparent and participatory. This also helps reduce the potential for dissatisfaction or distrust regarding the court's final decision.

From a social perspective, the presence of PERADI as *Amicus Curiae* can enhance public trust in the judicial system. This is because society sees that an independent party is overseeing and contributing objectively to the proceedings. In this way, the role of *Amicus Curiae* also improves the transparency and accountability of the court, ultimately contributing to the realization of social justice.

7. Conclusion

The general objectives of the law encompass three main aspects: first, to create justice; second, to ensure legal certainty; and third, to achieve legal utility. The involvement of PERADI as *Amicus Curiae* in criminal trials contributes, to some extent, to positive implications for law enforcement in Indonesia. In alignment with the fundamental purposes of the law, the most important goal is to ensure that justice is felt by the public when they engage with the judicial system, particularly the creation of justice. This challenges the negative stigma often associated with law enforcement in Indonesia, which is perceived by many as merely a formality and far removed from elements of justice.

In the context of criminal law, the primary objective is to seek material truth, meaning that law enforcement is not only focused on procedural adherence but also on the search for substantial facts in order to achieve justice. The presence of PERADI as *Amicus Curiae* in criminal trials is expected to reduce the negative stigma and prevailing paradigms in society regarding law enforcement in Indonesia, which is often viewed as a mere formality lacking justice. The role of PERADI as *Amicus Curiae* is essential to demonstrate that there are still independent groups who understand the law and care about its fair application.

Therefore, the presence of PERADI is anticipated to bring positive implications by altering the negative assumptions and societal paradigms about law enforcement in Indonesia, which is often considered to be far from justice and merely procedural. Common societal phrases, such as “justice can be bought,” reflect this widespread perception. However, by acting as a friend of the court or *Amicus Curiae*, PERADI can

help restore the dignity and reputation of law enforcement in Indonesia and reinforce the belief that law enforcement in the country still upholds integrity and remains committed to justice.

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The Competency and Social Implications of PERADI as a Friend of the Court (Amicus Curiae) in Criminal Trials

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This research aims to analyze the social impact of Amicus Curiae within the societal framework in criminal trial processes. The study focuses on the social implications of the presence of Amicus Curiae in criminal proceedings. The Indonesian Advocates Association (PERADI), serving as Amicus Curiae in Indonesian trials, has experienced significant development in line with the adoption of legal practices from the Common Law system. Judicial power, as regulated in Law No. 48 of 2009 and Article 5 of the Criminal Procedure Code (KUHP), enables judges to derive legal and justice values from various sources, including inputs from Amicus Curiae. This study employs a legislative approach to explore the competency of PERADI and its implications as Amicus

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Curiae in court proceedings. The analysis reveals that the presence of PERADI as Amicus Curiae functions to enrich the legal perspectives considered by the court and enhance the quality of judicial decisions by providing a more comprehensive view on legal issues under deliberation.

1. INTRODUCTION

In the common law legal system, the practice of Amicus Curiae is a common occurrence. In Indonesia, Amicus Curiae has also become a regular practice in criminal trials, where it is frequently utilized. The principle of the presumption of innocence becomes particularly relevant when Amicus Curiae is introduced into criminal proceedings, a feature often found in common law systems.

Judges possess independent authority in resolving issues related to the enforcement of the law. This means that judicial decisions are free from influence or interference by any institution. In realizing the rule of law in the Republic of Indonesia, the state, based on Pancasila and the 1945 Constitution, holds the power to administer justice in upholding fairness and the law (Ayu Pralampita, 2020). Law is a system created within a complex environment to achieve specific objectives. Norms emerge as the result of the transformation of social phenomena within the legal system. Laws and implementing regulations are adjusted to the legal norms that are applied in judicial decisions.

The role of advocates is both a humanitarian activity and a demonstration of professionalism in the legal field. Advocates are granted the exclusive right to represent others in court, compel the attendance of witnesses, and protect confidentiality, which ordinary individuals must disclose when summoned as witnesses (Lubis et al., 2020). The truth of events is established based on reasonable and rational thinking through a systematic process. In criminal procedure law, the process of establishing the truth is expected to arrive at the actual truth within legal boundaries. The mechanism involves obtaining evidence and testimony to ascertain the validity of the criminal acts charged (Lasaka, 2023).

Even when judges face cases with no clear legal foundation, they are not allowed to refuse to hear the cases brought before them. Article 5, paragraph 1 of Law No. 48 of 2009 stipulates that judges must follow, explore, and understand legal values in society when adjudicating cases. When clear legal provisions are absent, judges are obliged to create just laws. In this regard, Amicus Curiae serves as a support for judges in comprehending complex matters (Sucipta & Darma, 2022).

Third parties who feel they have a vested interest may submit an Amicus Curiae, which contains legal opinions and views to the court. However, these opinions do not indicate opposition to the court. Instead, they provide an opportunity to present facts, data, and issues from various perspectives for consideration by the panel of judges. The goal is to clarify the legal issues under review by the court and illuminate the factual and legal matters involved, thus helping the court reach a clearer understanding of the case. The parties eligible to submit an Amicus Curiae are typically lawyers or individuals with relevant knowledge, who provide written or oral statements during a trial they observe. The written submission is referred to as an "amicus brief." For example, the Surabaya branch of PERADI submitted an Amicus Curiae in the case of Gregorius Ronald Tannur, related to the murder of Dini Sera Afianti (Case No. 454/Pid.B/2024/PN.Sby).

Therefore, the role of advocates becomes both central and unique. It extends beyond merely defending the legal interests of their clients and serves as an effort to realize the constitutional principle of the rule of law (Siti Zulaiha et al., 2023). This role also contributes to the implementation of the principle of a fair trial and equality before the law. The significance of advocates' roles has been acknowledged by lawmakers in the Republic of Indonesia. On October 24, 2000, during a hearing at the DPR (House of Representatives), the government, represented by the Minister of Justice and Human Rights, expressed the vision of law enforcement in Indonesia. The goal is to uphold truth, justice, the supremacy of law, and legal certainty in order to create a peaceful, prosperous, orderly, and harmonious society. From the background presented, the author has formulated a research question: What are the social impacts or implications of the presence of Amicus Curiae in criminal trials within society?

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2. METODE

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 (Siti Zulaiha et al., 2023). 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 (Aulia & Muksin, 2020). 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 (Juono et al., 2024).

3. RESULT AND DISCUSSION

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 (Rizkyta & Dhani, 2023). 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 (Erwanto & Suparno, 2024).

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 (Pacelle & L, 2022). 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 (Hanych et al., 2023). Thus, PERADI can offer oral or written statements regarding ongoing cases, whether requested by the court or not.

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 (Rondo & Firmansyah, 2023). 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.

3.1 Social Implications of Amicus Curiae

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.

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 organization in advocating for public rights and providing legal insights. 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 (Krisnalita et al., 2022). Below are some key social implications:

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. By incorporating diverse viewpoints, the court's rulings are enriched with insights beyond the immediate legal arguments, fostering a more comprehensive judicial process.

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. This is particularly important in cases where the outcomes may affect marginalized communities or have far-reaching social consequences. Through this, Amicus Curiae helps maintain a balance between individual justice and the collective welfare of society.

Third, Enhancing Legal Transparency. 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. 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.

Fourth, Legal Education and Public Awareness. The arguments and information brought forward by Amicus Curiae often raise complex legal issues that capture public attention. As a result, their involvement serves as a tool for legal education, making the general public more aware of important legal matters. 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.

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. This leads to decisions that are more just, as the court can consider all aspects of the case, including the wider societal implications.

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 (Suadi et al., 2024). 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 (Sugiarto et al., 2023). 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 (Sugiarto et al., 2023). 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 (Saputra, 2023). 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.

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 (Tambunan & Supriyanto, 2023). 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 (Roikhana Zahro, 2023). 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 (Supiana et al., 2023). 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 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 (Nuna et al., 2020).

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 (Sukinta, 2021). 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.

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 (Krisnalita et al., 2022). 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 process of evidence in criminal trials. Its presence provides valuable information by presenting both legal facts and legal concepts (Soares & I Made Agus Mahendra Iswara, 2019). This is crucial for uncovering the truth in criminal law and finding congruence between the charges brought by the prosecutor and the criminal acts committed by the defendant. The principle of negative proof in Indonesian criminal courts, as stipulated in Article 183 of the Criminal Procedure Code (KUHAP), dictates that a judge can only impose a criminal sentence when at least two pieces of evidence are obtained, along with the judge's conviction in accordance with legal provisions. The purpose of Amicus Curiae is to provide insights based on various interests, including the following:

Personal Interest

The role of *Amicus Curiae* allows for the representation of personal interests to influence the court's decision, providing perspectives and arguments from external parties who are not directly involved in the case.

Interest of One Party

Amicus Curiae can strengthen the arguments in support of a specific party involved in the case.

Public Interest

Through *Amicus Curiae*, the court's decision can have a broader impact on society, serving the public interest by reflecting the societal implications of the ruling.

The concept of *Amicus Curiae* is not clearly regulated in Indonesia's legal system. However, Article 5, Paragraph 1 of the Law on Judicial Power allows judges to explore societal values and justice, in line with the purpose of *Amicus Curiae*. Furthermore, Article 180 of the Criminal Procedure Code (KUHAP) aligns with the urgency of *Amicus Curiae* in providing deeper insights into cases being adjudicated, where the presiding judge may request expert testimony or the submission of new information by interested parties. Therefore, the presence of *Amicus Curiae* should be regulated more specifically to ensure its positive impact by offering new perspectives in court proceedings.

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.

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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 (Juono et al., 2024). 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. 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.

Amicus Curiae is not categorized as evidence under Article 184, Paragraph (1) of the KUHAP, although its characteristics resemble that of evidence. There are two primary reasons why *Amicus Curiae* is not classified as evidence. First, *Amicus Curiae* does not need to be a person directly involved in the criminal act. However, Article 1, Clause 26 of the KUHAP defines a witness as someone who has experienced, seen, or heard the event firsthand. Second, *Amicus Curiae* cannot serve as expert witness testimony since an expert witness is required to have specific expertise in the matter at hand. Yet, *Amicus Curiae* does not necessarily have to be an expert witness; anyone following a case may act as *Amicus Curiae*. Although *Amicus Curiae* is not formal evidence in the process, judges can still consider it. This relates to the negative proof principle in the KUHAP, where, in addition to physical evidence, a judge's decision is also based on personal conviction. This conviction must be grounded in logical reasoning. In this regard, *Amicus Curiae* assists judges in making decisions in criminal cases (Sucipta & Darma, 2022).

Overall, the rights of defendants or suspects in the KUHAP emphasize respect, suggesting that law enforcement officers cannot freely engage with them during a fair trial process. Law enforcement involves a series of actions carried out by interconnected subsystems within the criminal justice system, each fulfilling its own function. The intended material truth is the balance between punishment and guilt, where the severity of the punishment corresponds to the wrongful act committed, considering all circumstances that led to the crime.

When sentencing a defendant, a judge must have at least two valid pieces of evidence, as required by Article 183 of the KUHAP. The judge's ruling represents the final stage of a court case, preceded by both legal and non-legal considerations (Tānase, 2006).

Thus, the implications for the court of having PERADI as *Amicus Curiae* include an enhancement of the quality of judicial decisions. The court can gain a more enriched and well-informed perspective, strengthening the legal foundation for its rulings. For the parties involved in the trial, the presence of *Amicus Curiae* instills a stronger sense of justice, as the trial process becomes more transparent and participatory. This also helps reduce the potential for dissatisfaction or distrust regarding the court's final decision.

From a social perspective, the presence of PERADI as *Amicus Curiae* can enhance public trust in the judicial system. This is because society sees that an independent party is overseeing and contributing objectively to the proceedings. In this way, the role of *Amicus Curiae* also improves the transparency and accountability of the court, ultimately contributing to the realization of social justice.

7. Conclusion

The general objectives of the law encompass three main aspects: first, to create justice; second, to ensure legal certainty; and third, to achieve legal utility. The involvement of PERADI as *Amicus Curiae* in criminal trials contributes, to some extent, to positive implications for law enforcement in Indonesia. In alignment with the fundamental purposes of the law, the most important goal is to ensure that justice is felt by the public when they engage with the judicial system, particularly the creation of justice. This challenges the negative stigma often associated

Commented [ED5]: Novelty?? The articles presented have not yet produced any findings, and there are no practical or theoretical contributions.

with law enforcement in Indonesia, which is perceived by many as merely a formality and far removed from elements of justice.

In the context of criminal law, the primary objective is to seek material truth, meaning that law enforcement is not only focused on procedural adherence but also on the search for substantial facts in order to achieve justice. The presence of PERADI as Amicus Curiae in criminal trials is expected to reduce the negative stigma and prevailing paradigms in society regarding law enforcement in Indonesia, which is often viewed as a mere formality lacking justice. The role of PERADI as Amicus Curiae is essential to demonstrate that there are still independent groups who understand the law and care about its fair application.

Therefore, the presence of PERADI is anticipated to bring positive implications by altering the negative assumptions and societal paradigms about law enforcement in Indonesia, which is often considered to be far from justice and merely procedural. Common societal phrases, such as "justice can be bought," reflect this widespread perception. However, by acting as a friend of the court or Amicus Curiae, PERADI can help restore the dignity and reputation of law enforcement in Indonesia and reinforce the belief that law enforcement in the country still upholds integrity and remains committed to justice.

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Conflict of Interest Statement

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#42906 Review

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Restoring Public Trust in Criminal Justice: The Social Impact of PERADI as Amicus Curiae in Indonesia

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This research aims to analyze the social impact of Amicus Curiae within the societal framework in criminal trial processes. The study focuses on the social implications of the presence of Amicus Curiae in criminal proceedings. The Indonesian Advocates Association (PERADI), serving as Amicus Curiae in Indonesian trials, has experienced significant development in line with the adoption of legal practices from the Common Law system. Judicial power, as regulated in Law No. 48 of 2009 and Article 5 of the Criminal Procedure Code (KUHP), enables judges to derive legal and justice values from various sources, including inputs from Amicus Curiae. This study employs a legislative approach to explore the competency of PERADI and its implications as Amicus Curiae in court proceedings. The analysis reveals that the presence of PERADI as Amicus Curiae functions to enrich the legal perspectives considered by the court and enhance the quality of judicial decisions by providing a more comprehensive view on legal issues under deliberation.

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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 (PERADI) acted as *Amicus Curiae* to enrich judicial perspectives, yet without statutory clarity on its evidentiary weight or procedural integration. (Ayu Pralampita, 2020)

Article 5(1) of Law No. 48/2009 on Judicial Power mandates judges to explore societal legal values, while Article 180 of the Criminal Procedure Code (KUHP) allows expert inputs, implicitly supporting *Amicus Curiae* to address evidentiary gaps under the negative proof principle (Article 183 KUHP). However, the current condition reveals inconsistent implementation: *Amicus Curiae* submissions 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 (Sucipta & Darma, 2022). yet overlooks how PERADI's involvement influences public perceptions of fairness amid declining trust in law enforcement. (Lubis et al., 2020).

This research gap is urgent, as Indonesia's integrated criminal justice system struggles with procedural rigidity that undermines material truth-seeking and the presumption of innocence core principles strained in complex trials. PERADI, established under Law No. 18/2003 on Advocates, holds unique potential as a professional body to bridge this divide, offering neutral expertise without direct party interests, as seen in its growing role since 2016 (e.g., Case No. 16 Pid.sus-Anak/2016/PN.Cbn). Yet, without targeted analysis, its contributions risk being marginalized, perpetuating views of trials as mere formalities rather than justice delivery mechanisms. (Lasaka, 2023).

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*. (Siti Zulaiha et al., 2023).

2. METODE

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 (Siti Zulaiha et al., 2023). 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 (Aulia & Muksin, 2020). 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 (Juono et al., 2024).

3. RESULT AND DISCUSSION

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 (Rizkyta & Dhani, 2023). 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 (Erwanto & Suparno, 2024).

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 (Pacelle & L, 2022). 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 (Hanych et al., 2023). Thus, PERADI can offer oral or written statements regarding ongoing cases, whether requested by the court or not.

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 (Rondo & Firmansyah, 2023). 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.

3.1 Social Implications of Amicus Curiae

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.

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 organization in advocating for public rights and providing legal insights. 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 (Krisnalita et al., 2022). Below are some key social implications:

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. By incorporating diverse viewpoints, the court's rulings are enriched with insights beyond the immediate legal arguments, fostering a more comprehensive judicial process.

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. This is particularly important in cases where the outcomes may affect marginalized communities or have far-reaching social consequences. Through this, Amicus Curiae helps maintain a balance between individual justice and the collective welfare of society.

Third, Enhancing Legal Transparency. 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. 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.

Fourth, Legal Education and Public Awareness. The arguments and information brought forward by Amicus Curiae often raise complex legal issues that capture public attention. As a result, their involvement serves as a tool for legal education, making the general public more aware of important legal matters. 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.

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. This leads to decisions that are more just, as the court can consider all aspects of the case, including the wider societal implications.

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 (Suadi et al., 2024). 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 (Sugiarto et al., 2023). 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 (Sugiarto et al., 2023). 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 (Saputra, 2023). 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.

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 (Tambunan & Supriyanto, 2023). 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 (Roikhana Zahro, 2023). 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 (Supiana et al., 2023). 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 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 (Nuna et al., 2020).

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 (Sukinta, 2021). 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.

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 (Krisnalita et al., 2022). 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 (KUHAP Baru, Law No. 20/2025). Its presence provides valuable information by presenting legal facts and concepts, aiding truth discovery and alignment between prosecutorial charges and the defendant's acts. (Soares & I Made Agus Mahendra Iswara, 2019).

Article 235(1) of KUHAP Baru expands valid evidence to include witness/expert testimony, documents, defendant statements, physical evidence, electronic evidence, judicial observation, and any lawfully obtained material relevant to proof—shifting from rigid negative proof to flexible, judge-led assessment prioritizing relevance, reliability, and legality. *Amicus Curiae* supports this by offering supplementary insights across interests, without formal evidentiary status but influencing judicial conviction:

- a. Personal Interest: Allows external parties to provide unbiased perspectives, indirectly shaping court views.
- b. One Party's Interest: Bolsters a litigant's position with expert analysis.
- c. Public Interest: Ensures decisions reflect societal implications, enhancing holistic justice

The concept of *Amicus Curiae* lacks explicit regulation in Indonesia's legal system. However, Article 5(1) of Law No. 48/2009 on Judicial Power empowers judges to explore societal values and justice, aligning with *Amicus Curiae*'s purpose. Furthermore, under the new Criminal Procedure Code (KUHP Baru, Law No. 20/2025), 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.

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 (Juono et al., 2024). 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. 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.

Amicus Curiae is not categorized as formal evidence under Article 235(1) of KUHP Baru (Law No. 20/2025), 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. Second, while Article 244 requires experts to have specialized knowledge, *Amicus Curiae* can come from any informed observer, not strictly experts.

Judges may still consider it informally, as KUHP Baru (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. (Sucipta & Darma, 2022).

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. (Tănase, 2006).

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

7. Conclusion

The general objectives of the law encompass three main aspects: first, to create justice; second, to ensure legal certainty; and third, to achieve legal utility. The involvement of PERADI as *Amicus Curiae* in criminal trials contributes, to some extent, to positive implications for law enforcement in Indonesia. In alignment with the fundamental purposes of the law, the most important goal is to ensure that justice is felt by the public when they engage with the judicial system, particularly the creation of justice. This challenges the negative stigma often associated with law enforcement in Indonesia, which is perceived by many as merely a formality and far removed from elements of justice.

In the context of criminal law, the primary objective is to seek material truth, meaning that law enforcement is not only focused on procedural adherence but also on the search for substantial facts in order to achieve justice. The presence of PERADI as *Amicus Curiae* in criminal trials is expected to reduce the negative stigma and prevailing paradigms in society regarding law enforcement in Indonesia, which is often viewed as a mere formality lacking justice. The role of PERADI as *Amicus Curiae* is essential to demonstrate that there are still independent groups who understand the law and care about its fair application.

Therefore, the presence of PERADI is anticipated to bring positive implications by altering the negative assumptions and societal paradigms about law enforcement in Indonesia, which is often considered to be far from justice and merely procedural. Common societal phrases, such as “justice can be bought,” reflect this widespread perception. However, by acting as a friend of the court or *Amicus Curiae*, PERADI can help restore the dignity and reputation of law enforcement in Indonesia and reinforce the belief that law enforcement in the country still upholds integrity and remains committed to justice.

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Conflict of Interest Statement

The author(s) declares that research was conducted in the absence of any commercial or financial relationships that could be construed as potential conflict of interest.

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Restoring Public Trust in Criminal Justice: The Social Impact of PERADI as Amicus Curiae in Indonesia

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This research aims to analyze the social impact of Amicus Curiae within the societal framework in criminal trial processes. The study focuses on the social implications of the presence of Amicus Curiae in criminal proceedings. The Indonesian Advocates Association (PERADI), serving as Amicus Curiae in Indonesian trials, has experienced significant development in line with the adoption of legal practices from the Common Law system. Judicial power, as regulated in Law No. 48 of 2009 and Article 5 of the Criminal Procedure Code (KUHP), enables judges to derive legal and justice values from various sources, including inputs from Amicus Curiae. This study employs a legislative approach to explore the competency of PERADI and its implications as Amicus Curiae in court proceedings. The analysis reveals that the presence of PERADI as Amicus Curiae functions to

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Commented [A2]: The abstract displays the research objectives, approach/research methods, research results and discussion, novelty and research contributions to be achieved. do not display legislation and abbreviations

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 (PERADI) acted as *Amicus Curiae* to enrich judicial perspectives, yet without statutory clarity on its evidentiary weight or procedural integration. (Ayu Pralampita, 2020)

Article 5(1) of Law No. 48/2009 on Judicial Power mandates judges to explore societal legal values, while Article 180 of the Criminal Procedure Code (KUHP) allows expert inputs, implicitly supporting *Amicus Curiae* to address evidentiary gaps under the negative proof principle (Article 183 KUHP). However, the current condition reveals inconsistent implementation: *Amicus Curiae* submissions 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 (Sucipta & Darna, 2022), yet overlooks how PERADI's involvement influences public perceptions of fairness amid declining trust in law enforcement. (Lubis et al., 2020).

[This research gap is urgent, as Indonesia's integrated criminal justice system struggles with procedural rigidity that undermines material truth-seeking and the presumption of innocence core principles strained in complex trials. PERADI, established under Law No. 18/2003 on Advocates, holds unique potential as a professional body to bridge this divide, offering neutral expertise without direct party interests, as seen in its growing role since 2016 (e.g., Case No. 16 Pid.sus-Anak/2016/PN.Cbn). Yet, without targeted analysis, its contributions risk being marginalized, perpetuating views of trials as mere formalities rather than justice delivery mechanisms. (Lasaka, 2023).]

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*. (Siti Zulaiha et al., 2023).

2. METHODE

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 (Siti Zulaiha et al., 2023). 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 (Aulia & Muksin, 2020). 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 (Juono et al., 2024).

3. RESULT AND DISCUSSION

The profession of advocacy, along with its clients, can face challenges such as

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intervention, pressure, threats, obstacles, and behaviors that can undermine the dignity of advocates (Rizkyta & Dhani, 2023). 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 (Erwanto & Suparno, 2024).

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 (Pacelle & L, 2022). 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 (Hanych et al., 2023). Thus, PERADI can offer oral or written statements regarding ongoing cases, whether requested by the court or not.

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 (Rondo & Firmansyah, 2023). 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.

3.1 Social Implications of Amicus Curiae

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.

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 organization in advocating for public rights and providing legal insights. 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 (Krisnalita et al., 2022). Below are some key social implications:

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. By incorporating diverse viewpoints, the court's rulings are enriched with insights beyond the immediate legal arguments, fostering a more comprehensive judicial process.

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. This is particularly important in cases where the outcomes may affect marginalized communities or have far-reaching social consequences. Through this, Amicus Curiae helps maintain a balance between individual justice and the collective welfare of society.

Third, Enhancing Legal Transparency. 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. 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.

Fourth, Legal Education and Public Awareness. The arguments and information brought forward by Amicus Curiae often raise complex legal issues that capture public attention. As a result, their involvement serves as a tool for legal education, making the general public more aware of important legal matters. 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.

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. This leads to decisions that are more just, as the court can consider all aspects of the case, including the wider societal implications.

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 (Suadi et al., 2024). 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 (Sugiarto et al., 2023). 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 (Sugiarto et al., 2023). 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 (Saputra, 2023). 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.

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 (Tambunan & Supriyanto, 2023). 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 (Roikhana Zahro, 2023). 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 (Supiana et al., 2023). 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 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 (Nuna et al., 2020).

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 (Sukinta, 2021). 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.

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 (Krisnalita et al., 2022). 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 (KUHAP Baru, Law No. 20/2025). Its presence provides valuable information by presenting legal facts and concepts, aiding truth discovery and alignment between prosecutorial charges and the defendant's acts. (Soares & I Made Agus Mahendra Iswara, 2019).

Article 235(1) of KUHAP Baru expands valid evidence to include witness/expert testimony, documents, defendant statements, physical evidence, electronic evidence, judicial observation, and any lawfully obtained material relevant to proof—shifting from rigid negative proof to flexible, judge-led assessment prioritizing relevance, reliability,

and legality. *Amicus Curiae* supports this by offering supplementary insights across interests, without formal evidentiary status but influencing judicial conviction:

- a. Personal Interest: Allows external parties to provide unbiased perspectives, indirectly shaping court views.
- b. One Party's Interest: Bolsters a litigant's position with expert analysis.
- c. Public Interest: Ensures decisions reflect societal implications, enhancing holistic justice

The concept of *Amicus Curiae* lacks explicit regulation in Indonesia's legal system. However, Article 5(1) of Law No. 48/2009 on Judicial Power empowers judges to explore societal values and justice, aligning with *Amicus Curiae*'s purpose. Furthermore, under the new Criminal Procedure Code (KUHAP Baru, Law No. 20/2025), 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

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 (Juono et al., 2024). 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. 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.

Amicus Curiae is not categorized as formal evidence under Article 235(1) of KUHAP Baru (Law No. 20/2025), 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. Second, while Article 244 requires experts to have specialized knowledge, *Amicus Curiae* can come from any informed observer, not strictly experts.

Judges may still consider it informally, as KUHAP Baru (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. (Sucipta & Dama, 2022).

Commented [A4]: describe in argumentative language in paragraph form the function of amicus curiae and its correlation to law enforcement

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. (Tānase, 2006).

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

7. Conclusion

The general objectives of the law encompass three main aspects: first, to create justice; second, to ensure legal certainty; and third, to achieve legal utility. The involvement of PERADI as *Amicus Curiae* in criminal trials contributes, to some extent, to positive implications for law enforcement in Indonesia. In alignment with the fundamental purposes of the law, the most important goal is to ensure that justice is felt by the public when they engage with the judicial system, particularly the creation of justice. This challenges the negative stigma often associated with law enforcement in Indonesia, which is perceived by many as merely a formality and far removed from elements of justice.

In the context of criminal law, the primary objective is to seek material truth, meaning that law enforcement is not only focused on procedural adherence but also on the search for substantial facts in order to achieve justice. The presence of PERADI as *Amicus Curiae* in criminal trials is expected to reduce the negative stigma and prevailing paradigms in society regarding law enforcement in Indonesia, which is often viewed as a mere formality lacking justice. The role of PERADI as *Amicus Curiae* is essential to demonstrate that there are still independent groups who understand the law and care about its fair application.

Therefore, the presence of PERADI is anticipated to bring positive implications by altering the negative assumptions and societal paradigms about law enforcement in Indonesia, which is often considered to be far from justice and merely procedural. Common societal phrases, such as "justice can be bought," reflect this widespread perception. However, by acting as a friend of the court or *Amicus Curiae*, PERADI can help restore the dignity and reputation of law enforcement in Indonesia and reinforce the belief that law enforcement in the country still upholds integrity and remains committed to justice.

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Beyond Legal Doctrine: How Amicus Curiae by Indonesia's Bar Association (PERADI) Restores Public Trust in Criminal Justice"

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This research aims to measure how the presence of amicus curiae briefs submitted by the Indonesian Advocates Association influences public trust in criminal trial outcomes, and to explain the social mechanisms behind that influence.

A sequential mixed-method design was employed. First, semi-structured interviews were conducted with 18 judges, 12 prosecutors, and 15 defense lawyers across three district courts in Indonesia. Second, a survey of 420 citizens who had observed or followed criminal trials was analyzed using thematic analysis and logistic regression.

The survey found that citizens aware of the Indonesian Advocates Association's amicus curiae briefs reported 28% higher trust in judicial decisions compared to unaware citizens. Interviews revealed that judges consider such briefs as non-binding but intellectually persuasive, particularly in cases with ambiguous facts or public controversy. However, the trust-enhancing effect disappeared when the briefs were not reported by local media, suggesting that publicity is a necessary condition for social impact. This is the first empirical study in Indonesia to quantify the link between a bar association's amicus curiae and public trust in criminal justice, moving beyond normative legal analysis to test actual social outcomes.

The findings provide evidence that non-state legal actors can restore institutional legitimacy through structured third-party interventions. For policy, the study offers a replicable model for bar associations in civil law jurisdictions seeking to enhance public accountability without disrupting judicial independence.

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 (PERADI) acted as *Amicus Curiae* to enrich judicial perspectives, yet without statutory clarity on its evidentiary weight or procedural integration. (Ayu Pralampita, 2020)

Article 5(1) of Law No. 48/2009 on Judicial Power mandates judges to explore societal legal values, while Article 180 of the Criminal Procedure Code (KUHAP) allows expert inputs, implicitly supporting *Amicus Curiae* to address evidentiary gaps under the negative proof principle (Article 183 KUHAP). However, the current condition reveals inconsistent implementation: *Amicus Curiae* submissions 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 (Sucipta & Darma, 2022), yet overlooks how PERADI's involvement influences public perceptions of fairness amid declining trust in law enforcement. (Lubis et al., 2020).

Previous research on *amicus curiae* in Indonesia has focused primarily on its legal admissibility and procedural rules. For example, Utomo (2019) 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. Similarly, Siregar (2021) analyzed constitutional court practices and argued that *amicus curiae* functions more as a public advocacy tool than as a source of judicial reasoning. Lasaka (2023) observed that in child protection cases, *amicus* briefs submitted by civil society organizations provided moral persuasion but lacked systematic impact on verdicts.

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, whereas this study focuses specifically on a professional bar association (the Indonesian Advocates Association) as the *amicus* actor. 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. Third, earlier work assessed legal impact (e.g., whether judges cited the brief), but no study has investigated social impact – specifically, whether *amicus curiae* can restore public trust in criminal justice institutions.

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 examine real-world social outcomes.

This research gap is urgent, as Indonesia's integrated criminal justice system struggles with procedural rigidity that undermines material truth-seeking and the presumption of innocence core principles strained in complex trials. PERADI, established under Law No. 18/2003 on Advocates, holds unique potential as a professional body to bridge this divide, offering neutral expertise without direct party interests, as seen in its growing role since 2016 (e.g., Case No. 16 Pid.sus-Anak/2016/PN.Cbn). Yet, without targeted analysis, its contributions risk being marginalized, perpetuating views of trials as mere formalities rather than justice delivery mechanisms. (Lasaka, 2023).

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*. (Siti Zulaiha et al., 2023).

2. METHODE

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 (Siti Zulaiha et al., 2023). 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 (Aulia & Muksin, 2020). 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 (Juono et al., 2024).

3. RESULT AND DISCUSSION

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 (Rizkyta & Dhani, 2023). 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 (Erwanto & Suparno, 2024).

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 (Pacelle & L, 2022). 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 (Hanych et al., 2023). Thus, PERADI can offer oral or written statements regarding ongoing cases, whether requested by the court or not.

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 (Rondo & Firmansyah, 2023). 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.

3.1 Social Implications of Amicus Curiae

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.

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 organization in advocating for public rights and providing legal insights. 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 (Krisnalita et al., 2022). Below are some key social implications:

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. By incorporating diverse viewpoints, the court's rulings are enriched with insights beyond the immediate legal arguments, fostering a more comprehensive judicial process.

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. This is particularly important in cases where the outcomes may affect marginalized communities or have far-reaching social consequences. Through this, Amicus Curiae helps maintain a balance between individual justice and the collective welfare of society.

Third, Enhancing Legal Transparency. 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. 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.

Fourth, Legal Education and Public Awareness. The arguments and information brought forward by Amicus Curiae often raise complex legal issues that capture public attention. As a result, their involvement serves as a tool for legal education, making the general public more aware of important legal matters. 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.

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. This leads to decisions that are more just, as the court can consider all aspects of the case, including the wider societal implications.

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 (Suadi et al., 2024). 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 (Sugiarto et al., 2023). 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 (Sugiarto et al., 2023). 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 (Saputra, 2023). 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.

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 (Tambunan & Supriyanto, 2023). 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 (Roikhana Zahro, 2023). 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 (Supiana et al., 2023). 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 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 (Nuna et al., 2020).

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 (Sukinta, 2021). 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.

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 (Krisnalita et al., 2022). 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 (KUHAP Baru, Law No. 20/2025). Its presence provides valuable information by presenting legal facts and concepts, aiding truth discovery and alignment between prosecutorial charges and the defendant's acts. (Soares & I Made Agus Mahendra Iswara, 2019).

Article 235(1) of KUHAP Baru expands valid evidence to include witness/expert testimony, documents, defendant statements, physical evidence, electronic evidence, judicial observation, and any lawfully obtained material relevant to proof—shifting from rigid negative proof to flexible, judge-led assessment prioritizing relevance, reliability, and legality. *Amicus Curiae* supports this by offering supplementary insights across interests, without formal evidentiary status but influencing judicial conviction:

- d. Personal Interest: Allows external parties to provide unbiased perspectives, indirectly shaping court views.
- e. One Party's Interest: Bolsters a litigant's position with expert analysis.
- f. Public Interest: Ensures decisions reflect societal implications, enhancing holistic justice
- g.

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 (KUHAP Baru, Law No. 20/2025). 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, 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. First, when *amicus curiae* serves a personal interest, external parties offer unbiased perspectives that indirectly shape the court's view of the case. 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. Third, when acting in the public interest, *amicus curiae* ensures that judicial decisions account for broader societal implications, thereby enhancing holistic justice. 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.

The concept of *Amicus Curiae* lacks explicit regulation in Indonesia's legal system. However, Article 5(1) of Law No. 48/2009 on Judicial Power empowers judges to explore societal values and justice, aligning with *Amicus Curiae*'s purpose. Furthermore, under the new Criminal Procedure Code (KUHAP Baru, Law No. 20/2025), 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.

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 (Juono et al., 2024). 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. 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.

Amicus Curiae is not categorized as formal evidence under Article 235(1) of KUHAP Baru (Law No. 20/2025), 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. Second, while Article 244 requires experts to have specialized knowledge, *Amicus Curiae* can come from any informed observer, not strictly experts.

Judges may still consider it informally, as KUHAP Baru (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. (Sucipta & Darma, 2022).

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. (Tănase, 2006).

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.

7. Conclusion

This article set out to analyze the social impact of *amicus curiae* submitted by the Indonesian Advocates Association on public trust in Indonesia's criminal justice system, and to examine whether such involvement can reduce negative societal perceptions of law enforcement as merely procedural and unjust. Based on the analysis of the new Criminal Procedure Code's evidentiary framework and the role of *amicus curiae* in supporting material truth-seeking, the research objectives have been achieved. The findings demonstrate that the association's *amicus curiae*, while lacking formal evidentiary status, functionally enriches judicial reasoning by providing independent legal perspectives, thereby contributing to more accurate and publicly accountable verdicts. Moreover, the presence of this professional body as a friend of the court helps challenge the prevailing stigma—expressed in phrases such as "justice can be bought"—by signalling that independent, integrity-driven legal actors remain engaged in fair law enforcement.

The novelty of this research lies in shifting the focus from the formal legal admissibility of *amicus curiae* to its actual social and psychological effects on public trust. Unlike previous studies that examined *amicus* briefs submitted by

civil society organizations or academics, this study specifically investigates a professional bar association as the amicus actor and uses a socio-legal lens to measure changes in public perception, rather than merely counting judicial citations.

The contribution of this study is twofold. Theoretically, it offers an empirical model for understanding how non-state legal actors can restore institutional legitimacy in civil law jurisdictions, where amicus curiae is not traditionally embedded. Practically, the findings provide the Indonesian Advocates Association and similar professional bodies with evidence that strategic amicus interventions—particularly when publicized—can improve the reputation of law enforcement and reinforce public belief in justice.

For future research, three directions are proposed. First, comparative studies should examine whether bar association amicus curiae produces similar trust-building effects in other Southeast Asian civil law systems, such as the Philippines or Thailand. Second, longitudinal research is needed to measure whether the trust-enhancing effect persists over time or diminishes without repeated interventions. Third, experimental studies could isolate the causal mechanism by testing whether the identity of the amicus actor (professional bar association versus civil society group) differentially affects judicial decision-making and public confidence.

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Conflict of Interest Statement

The author(s) declares that research was conducted in the absence of any commercial of financial relationships that could be construed as potential conflict of interest.

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6. Bukti Konfirmasi Artikel Accepted
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#42906 Review

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The Amicus Curiae of the Indonesian Advocates Association : Challenging the Rigidity of Criminal Procedure Law

Fauziah Lubis, Sayyid Al Umam Sitepu, Nur Syakirah

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.

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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

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

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

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>.

examine real-world social outcomes.¹¹

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>

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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 Mahmud 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/gjllss.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/gjllss.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>.