

AMICUS CURIAE AS ONE OF THE TOOLS OF EVIDENCE IN CRIMINAL PROOF IN COURT

Chandra¹, Khilmatin Maulida²
chandra@gmail.com



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Abstract: Judicial power is an independent power to administer justice in order to uphold law and justice, regardless of the influence of government power, as required by Article 24 of the 1945 Constitution of the Republic of Indonesia. The research method used in this research is a normative juridical method, namely research that examines legal norms and effectiveness of the enactment of positive law in society. The results of the study show that the legal force of proof of Amicus Curiae in court is normatively based on the provisions of Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power and Article 180 paragraph (1) of Law Number 8 of 1981 concerning Criminal Procedure Law. In the Judicial Powers Act, judges are required to explore the values that grow and develop in society regarding justice. A concept called Amicus Curiae, but not specifically institutionalized in the criminal justice system in Indonesia, currently requires a legal basis. The legal certainty of Amicus Curiae in proving procedures in court and in the Indonesian legal system is that the position of Amicus Curiae cannot be categorized as evidence contained in the Criminal Procedure Code. Amicus Curiae is a new piece of evidence that does not have a standard form, because it has not been regulated clearly or formally in existing laws and regulations. For this reason, in order to provide guarantees of legal certainty, a regulation is needed that regulates the use and application of Amicus Curiae in criminal cases.

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¹Student of the Master of Law Program at the College of Law IBLAM.

²Lecturer at the IBLAM High School of Law.