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ISLAMIC LAW PERSPECTIVE ON THE APPLICATION OF AMICUS CURIAE IN CRIMINAL COURTS IN INDONESIA AS A DIALECTIC OF JUSTICE

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Abstract

The application of *Amicus Curiae* in criminal courts in Indonesia increasingly demonstrates its role as a form of public participation in the law enforcement process, even though it is not explicitly regulated in criminal procedure law. This condition encourages the need for a study from an Islamic law perspective that places justice as the main principle in case resolution. This study aims to analyze Islamic law's view of the application of *Amicus Curiae* in criminal trials in Indonesia and to examine its existence in the examination of criminal cases in court. The research method used is a qualitative approach with a normative juridical research type through a literature study of relevant legal materials, which are analyzed descriptively and analytically. The results of the study show that from an Islamic law perspective, *Amicus Curiae* is urgent because it can assist judges in realizing substantive justice through more objective and welfare-oriented considerations. The novelty of this study lies in linking the concept of *Amicus Curiae* with the principle of justice in Islamic law. This study is expected to contribute theoretically and practically to the development of the criminal justice system in Indonesia.

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INTRODUCTION

Evidence in criminal proceedings is an essential element in determining the fate of the accused as stipulated by criminal procedure law. Indonesian law continues to evolve, and criminal evidence has now become the core of court proceedings. Criminal procedure law in Indonesia is based on Article 183 of the Criminal Procedure Code (KUHAP), which explains that the defendant cannot be sentenced by the judge if there is no certainty that the accused actually committed the act and with evidence using at least two valid pieces of evidence. Therefore, it is necessary to take action in implementing rational thinking within legal boundaries through an activity (Muhammad, 2007).When adjudicating a case, judges are not permitted to reject criminal cases without a legal basis. This can be seen in Article 10 paragraph (1) of Law Number 48 of 2009 concerning Judicial Authority and Article 5 paragraph (1), which states that "*Hakim dan hakim konstitusi wajib menggali, mengikuti dan memahami nilai-nilai hukum dan rasa keadilan yang hidup dalam masyarakat*." (Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman, 2009) If a judge is examining a criminal case in a case where the legal basis is not clearly known, then taking action to create new, fair laws becomes the judge's mandatory duty.

Considerations in the decisions to be issued by judges should be made as fairly as possible, so that legal opinions will certainly be very helpful to judges in finding strong reasons. The *Amicus Curiae* mechanism can be an option to assist judges in their deliberations in criminal cases in Indonesian courts, which currently attract a lot of public attention (Tisya, 2024). The democratic system adopted by Indonesia has led to an urgent need for the implementation of *Amicus Curiae* with the support of citizen participation in upholding *Amicus Curiae*.

Amicus Curiae, also known as friends of the court, are individuals or organizations that are concerned about and have an interest in a case, but are not parties to the case (Widyaningsih, 2020). The examination of cases involving *Amicus Curiae* practices emerged in the 9th century, originating from Roman law (Yeremia, 2024). *Amicus Curiae* is a practice that is commonly applied by countries that

adhere to the common law system (Farber, 2024). However, it is possible for countries that use the civil law system to apply this practice. In fact, *Amicus Curiae* has been regulated by countries that adhere to the civil law system, including Indonesia. It is not unusual for Indonesia to apply a common law system, because since long ago, Indonesia has adopted several principles from the common law system, such as the presumption of innocence.

The *Amicus Curiae* mechanism in criminal court practice in Indonesia remains problematic to this day, because although it has been used several times in certain cases, its existence has not been explicitly regulated in criminal procedure law or other legislation (Ghamami, 2022). This lack of clear regulation raises various issues, ranging from legal uncertainty regarding the position and limitations of the role of *Amicus Curiae*, the potential for inconsistency in its application between cases and between judges, to doubts about the legitimacy of the views presented in the trial process (Syarifuddin, 2025). Under these circumstances, the acceptance or rejection of *Amicus Curiae* often depends solely on the discretion of the judge, without any normative standards that can be used as a common guideline, thus potentially leading to unequal treatment and weakening the principle of equality before the law. In fact, in the context of a judicial system that demands transparency, accountability, and the pursuit of substantive justice, the existence of *Amicus Curiae* can actually be an important instrument for enriching judges' considerations and broadening perspectives in deciding cases. Therefore, there is a strong need for the *Amicus Curiae* mechanism to be clearly and systematically regulated within the framework of criminal procedure law in Indonesia, either through the formulation of legislation or judicial guidelines, in order to ensure legal certainty, prevent abuse, and optimize its role in realizing a fair and just criminal justice system.

As Islam teaches the fundamental principle of justice, the Islamic legal view of the application of *Amicus Curiae* can be important and relevant in ensuring greater justice in the judicial process. *Amicus Curiae* can make a valuable contribution by providing views, knowledge, or perspectives that can help the court reach better and fairer decisions (Prasetyo, 2025). The application of *Amicus Curiae* from an Islamic legal perspective can provide important benefits in achieving greater justice and ensuring that judges' decisions in court are based on broad and objective considerations. Thus, the existence of *Amicus Curiae* in examining cases provides opportunities for individuals or groups of people who feel they have an interest in sharing facts, legal data, or their views with the court in cases under investigation.

Previous studies show that explanations regarding *Amicus Curiae* in criminal case examinations have various perspectives. What distinguishes this study from other studies is that, in Islamic law, *Amicus Curiae* has a positive role because it helps to provide a sense of justice and attention to a case. Therefore, *Amicus Curiae* must have its own law so that its application is clearer and more focused, thereby realizing a sense of justice for the community in the process of examining a case. Meanwhile, previous research conducted by Linda explains that "*Amicus Curiae* is not widely known but has been applied in criminal cases in Indonesia. The existence of Amicus Curiae cannot be confirmed as witness testimony or expert witness testimony because this concept emphasizes the formation of justice through community participation so that it can be taken into consideration by judges."(Pralampita, 2020). Another study presented by Sukinta explains that "*Amicus Curiae* can be described as a legal concept that provides an opportunity for parties who feel they have an interest in a case to express their opinions before the judge." (Sukinta, 2021). The research conducted by Dwi explains that "currently, *Amicus Curiae* is not specifically regulated in any positive legislation in Indonesia. However, there are several provisions in legislation that provide room for this." Furthermore, research conducted by previous researchers explains that "it is difficult for judges to consider *Amicus Curiae* opinions submitted to the court and also difficult to link the evidence contained in Article 184 of the Criminal Procedure Code because *Amicus Curiae* does not yet have a clear form in the Indonesian judiciary." (Darma, 2022). And research presented by Agus explains that "*Amicus Curiae* has become a good practice in the judicial system in Indonesia, especially in public cases, and the Supreme Court has the authority to regulate through PERMA as a basis and guideline for procedures for all judicial officials and the community in Indonesia"(Suntoro, 2022).

The application of *Amicus Curiae* in criminal case proceedings in Indonesian courts will experience many stagnations if it is not specifically regulated in Indonesia's current positive law. If this continues to be delayed, the power of judges to gather information related to cases will eliminate the value of justice that exists in society. It is important to recognize that the participation and attention focused by the community on cases must be conveyed, and in this case, the application of *Amicus Curiae* is considered urgent. Therefore, the purpose of this study is to determine the views of Islamic law regarding the application of Amicus Curiae in criminal trials in Indonesia and to determine the existence of *Amicus Curiae* in the actions of judges examining criminal cases in Indonesian courts.

The novelty of this research lies in the normative-Islamic approach used to analyze the concept of *Amicus Curiae*, which has been studied more from the perspective of positive law or comparative law. This study not only positions *Amicus Curiae* as a procedural mechanism in the criminal justice system, but also links it to the principles of justice in Islamic law, such *as al-'adl*, *al-qisṭ*, and *maṣlaḥah*, which require judges to uphold justice objectively and with a focus on public interest. Thus, this study presents a new perspective in understanding the legitimacy of *Amicus Curiae* as part of the search for substantive justice, particularly in the context of pluralistic and democratic criminal justice in Indonesia. Meanwhile, this research is expected to contribute theoretically to the development of contemporary Islamic law studies, particularly in responding to the dynamics of modern criminal procedure law, as well as practically to the reform of the criminal justice system through the strengthening of normative arguments regarding the importance of clear and systematic regulation of *Amicus Curiae* in Indonesian positive law.

METHOD

This study employs a qualitative research design using a normative juridical (doctrinal) method. The selection of this method is justified by the objective of the research, which focuses on examining legal norms, principles, and doctrines rather than empirical behavior. Since the study aims to analyze the position and urgency of *Amicus Curiae* within the framework of Islamic legal principles and Indonesian criminal procedural law, a normative approach is the most appropriate method to assess legal consistency, doctrinal foundations, and interpretative coherence. The research applies both a conceptual approach and a statute approach. The conceptual approach is used to analyze the theoretical foundations of *Amicus Curiae*, justice (*al-'adl*), balance (*al-qisṭ*), and public interest (*maṣlaḥah*) in Islamic jurisprudence, while the statute approach examines relevant legislation, including the Criminal Code, Criminal Procedure Code, and other related regulations, as well as selected court decisions in which *Amicus Curiae* submissions were considered. Legal materials were selected based on specific criteria: (1) relevance to the issue of *Amicus Curiae* in criminal proceedings, (2) authority and legal validity, (3) doctrinal significance in Islamic legal scholarship, and (4) recency and contextual relevance to Indonesian judicial practice.

The type of data used in this research consists exclusively of secondary data, categorized into primary, secondary, and tertiary legal materials. Primary legal materials include statutory regulations and court decisions directly related to criminal procedure and judicial authority. Secondary legal materials consist of scholarly books, peer-reviewed journal articles, and authoritative commentaries discussing *Amicus Curiae*, Islamic legal theory, and criminal justice. Tertiary materials include legal dictionaries and encyclopedias to clarify conceptual terminology. Data collection was conducted through systematic library research using document analysis as the primary research instrument. The analytical procedure followed several sequential steps to ensure transparency and replicability: (1) identification and classification of relevant legal materials; (2) conceptual mapping of justice principles in Islamic law; (3) normative interpretation of statutory provisions and judicial reasoning; (4) comparative alignment between Islamic legal principles and Indonesian criminal procedural practice; and (5) synthesis of findings to formulate conclusions regarding the normative position and urgency of *Amicus Curiae*. By clearly defining the research design, material selection criteria, analytical stages, and documentation process, this study enhances methodological transparency and allows other researchers to replicate or further develop the analysis within similar normative legal frameworks.

RESULTS AND DISCUSSION

The Islamic Law Perspective on the Application of *Amicus Curiae* in Criminal Courts in Indonesia

The concept of *Amicus Curiae* is promoted as a form of public oversight, participation, and concern regarding an ongoing investigation. This is in line with the principle of Indonesia as a democratic state based on the rule of law, which requires that every state decision must guarantee the role of the community in fulfilling the values of justice that exist within society, as explained in the Quran, where Allah SWT says in Surah Al-Maidah verse 8:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ ۖ وَلَا يَجْرِمَنَّكُمْ شَنَآنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا ۚ اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ ۖ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

"*O believers! Stand firm for Allah and bear true testimony. Do not let the hatred of a people lead you to injustice. Be just! That is closer to righteousness. And be mindful of Allah. Surely Allah is All-Aware of what you do*." (QS al-Maidah [5]: 8)

QS. Al-Mā'idah verse 8 contains a firm command to believers to always uphold justice and be objective witnesses for Allah, without being influenced by hatred, interests, or other subjective factors. This verse emphasizes that justice is a moral and spiritual obligation that must be upheld consistently, even in conditions that have the potential to trigger bias or injustice. The emphasis on the command to "be just" (*iʿdilū*) indicates that justice in Islam is not relative, but rather a universal value that is the main benchmark in every legal decision. In the context of the judiciary, this verse provides a normative basis for judges to explore and consider all relevant aspects objectively before passing judgment, in order to ensure that the decision taken truly reflects the values of justice and piety. In relation to *Amicus Curiae*, the content of Surah Al-Mā'idah verse 8 can be understood as normative legitimacy for the importance of judges' openness to additional views and information that can help uphold justice objectively (Aditya, 2024). *Amicus Curiae* allows judges to obtain a broader and more independent perspective, thereby minimizing the potential for bias due to limited information or certain pressures. Thus, the *Amicus Curiae* mechanism is in line with the message of the verse, which is to encourage judges not to get caught up in subjective or emotional attitudes, but to weigh cases fairly and proportionally. The presence of *Amicus Curiae* can help judges maintain integrity and objectivity in deciding cases, so that the resulting decisions are not only legally valid, but also in line with the values of justice and piety as taught in Surah Al-Mā'idah verse 8 (Hamner, 2024).

Examining this verse from the Qur'an shows the importance of justice in decision-making. Judges are required to decide cases based on the value of justice, and *Amicus Curiae* can certainly be an option for judges to help achieve greater justice, enrich the court's understanding, and ensure that the decisions made reflect broad and objective considerations. The Prophet Shalallaahu Alaihi Wassalaam said: Abdullah bin 'Amr bin Al-'Āṣ *raḍiyallāhu'anhumā* narrated that the Messenger of Allah *ṣallallāhu 'alaihi wa sallam said*,

إِنَّ الْمُقْسِطِينَ عِنْدَ اللَّهِ عَلَىٰ مَنَابِرَ مِنْ نُورٍ عَنْ يَمِينِ الرَّحْمٰنِ عَزَّ وَجَلَّ، وَكِلْتَا يَدَيْهِ يَمِينٌ، الَّذِينَ يَعْدِلُونَ فِي حُكْمِهِمْ وَأَهْلِيهِمْ وَمَا وَلُوا

"*Indeed, those who act justly will be on pulpits of light before Allah: (namely) those who act justly in law, and their families, and those they lead*" (HR. Muslim)

This hadith implies that there is good news for those who hold positions as judges or who judge with truth and justice among people under their authority and law, because they will be given a special position or reward before Allah SWT on the Day of Judgment.

The existence of law in society is to serve human needs, and the main purpose of law is justice, which is at the core of progressive legal teachings (Rismawati, 2015). In progressive law, a judge in making a decision to be handed down does not simply carry out procedures and then apply the appropriate articles of law to the incident or event to be punished, but sociologically (factually) many social variables contribute (Syamsudin, 2017). The decision is the final result of the judicial process. Judges create verdicts by researching and investigating the facts revealed during the trial to identify the relevant laws and reach conclusions that can provide solutions to the problems or cases submitted to them (Rosadi, 2016). In the judicial system, a legal system, legal instruments, and legal culture that work together positively are needed so that the image of court verdicts as a reflection of justice can be realized in a country governed by law (Rumadan, 2017).

The legal values that exist in society include the public's perception of justice, certainty, law, and benefit. This requires judges to continuously improve their quality so that they can decide cases based on existing laws and be accountable for their decisions (Zulaikha, 2017). As explained in the Quran, Allah SWT says in Surah An-Nisa verse 58:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ۚ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

"*Indeed, Allah commands you to return trusts to their rightful owners; and when you judge between people, judge with fairness. What a noble commandment from Allah to you! Surely Allah is All-Hearing, All-Seeing*." (QS. An-Nisa' [4]: 58)

An examination of this verse from the Qur'an shows that it is necessary for judges to administer justice fairly. They are required to consider fairness and truth in deciding cases. Judges, in the process of examining and deciding cases, must be able to understand and analyze the facts that arise through legal statements or opinions that may be helpful in considering a decision.(Hamang, 2016) Judges must adhere to morality and justice by respecting the legal opinions that arise, because if these are not responded to properly, it will lead to issues of judicial insensitivity to the public's sense of justice and create legal uncertainty (Baharuddin, 2014).

The Existence of *Amicus Curiae* in Criminal Case Proceedings in Indonesian Courts

Indonesia does not yet have specific regulations regarding the position of *Amicus Curiae* in its national legal system. The concept of *Amicus Curiae* can be accepted under the provisions of Law No. 48 of 2009 on Judicial Authority, which states, "*Hakim dan hakim konstitusi wajib menggali, mengikuti, dan memahami nilai-nilai hukum, dan rasa keadilan yang hidup dalam masyarakat*.". Thus, judges are obliged to provide a sense of justice in society by taking rights into consideration. Furthermore, Constitutional Court Regulation No. 06/PMk/2005 states that parties who are not directly involved, namely: 1) Parties who, due to their position, main duties, and functions, need to be heard; 2) Parties whose statements need to be heard as ad informadum, namely parties who are affected due to their high concern for a petition.

The practice of *Amicus Curiae* began to be discovered and applied in criminal courts in Indonesia. Although *Amicus Curiae* has not been clearly regulated, the existence of the *Amicus Curiae* concept refers to the existing legal basis in Indonesia. As stated in Law Number 4 of 2009, Article 5 paragraph (1) concerning Judicial Power, which interprets that judges have an obligation to understand the strength of evidence. In resolving cases in court, judges have the freedom and are required to be objective in order to create a sense of justice for the community (Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman, 2009). Judges can apply the concept of *Amicus Curiae* in the examination and evidence of cases in court with the theory of conviction raisonee, which is based on the judge's belief in the evidence and followed by rational or clear reasons (Rahmadi, 2021).

The Supreme Court in the Indonesian judicial system also has no specific rules regarding Amicus Curiae, but this concept is referred to in Article 180 paragraph 1 of the Criminal Code, which states, "*Dalam hal-hal diperlukan untuk menjernihkan duduknya persoalan yang timbul di sidang persidangan, hakim ketua sidang dapat minta keterangan ahli dan dapat pula minta agar diajukan bahan baru oleh yang berkepentingan*." (Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana, 2023). Indirectly, this article refers to the concept of Amicus Curiae. Therefore, it can be concluded that the concept of *Amicus Curiae* is not specifically regulated, even though it has been used in the criminal case examination system in Indonesian courts.

Criminal procedure law in Indonesia is based on the system of evidence in the Criminal Procedure Code (KUHAP). At a minimum, the defendant's guilt must be proven by at least two pieces of valid evidence and the judge's conviction that the defendant actually committed the crime. Proving whether the defendant's actions were true or not is the most important part of criminal proceedings because it concerns human rights. Article 184 of the Criminal Procedure Code covers: 1) Witness testimony; 2) Expert testimony; 3) Documents; 4) Evidence; 5) Defendant testimony (Undang-Undang Nomor 1 Tahun 1981 Tentang Kitab Undang-Undang Hukum Acara Pidana, 1981). Based on the types of evidence listed above, *Amicus Curiae* is not included as a type of evidence regulated in criminal procedure law in Indonesia, but in practice it has been used in criminal case examinations. The concept of *Amicus Curiae* can be justified when viewed from the theory of sentencing by judges. This theory explains that judges are obliged to consider all matters regulated in the applicable laws for the benefit of all parties in the case because, in essence, this concept is proposed for the benefit of the wider community.

The settlement of criminal cases by presenting *Amicus Curiae* as a third party to provide legal opinions due to interests related to a case. The presence of *Amicus Curiae* in a case is only to convey their opinion, not to oppose the judge (Sukinta, 2021). Therefore, judges need the existence of *Amicus Curiae* in providing opinions to consider in deciding a case. Criminal cases that usually involve *Amicus Curiae* are cases such as appeals, issues that attract public attention and are of public interest, resulting in the judge's decision having a major impact on the rights of the community. There are at least three categories of Amicus Curiae, including submitting a request to become a party with a direct interest in a court case,

presenting legal opinions at the request and order of the judge, or providing opinions or information related to the case itself (Sembiring, 2024).

The existence of *Amicus Curiae* in examining cases provides opportunities for individuals or groups of people who feel they have an interest in sharing data or legal facts in cases being investigated by the court. The presence of *Amicus Curiae* is not to oppose the judge or even intervene in the case, but only to convey their opinion regarding the case being examined in relation to the facts and legal issues related to the case. Article 184 of the Criminal Procedure Code (KUHAP) outlines the classification of evidence used in the examination and prosecution of criminal cases in Indonesia, namely witness testimony, expert testimony, documents, evidence, and defendant testimony. In other words, a judge is obliged to reveal the facts as deeply as possible while considering social justice. Therefore, the application of *Amicus Curiae* is urgent to be included in the examination of criminal cases in Indonesian courts.

Amicus Curiae exists in criminal proceedings in Indonesian courts, as evidenced by various cases that have applied this mechanism, one of which is the case of Prita Mulyasari, in which five NGOs submitted *Amicus Curiae* briefs to defend her rights, which indirectly influenced the judge's decision in the case of Prita Mulyasari (Legowo, 2022). Therefore, based on this case, the role of *Amicus Curiae* is to fulfill the information needs of the judge, as new material for the judge in finding clues to complete the evidence to form his conviction in deciding the case. Basically, judges create justice in the context of law enforcement, which is not merely a choice or combination between prioritizing formal or material truth, but a harmony between the two.

Amicus Curiae as a From of Dialectics of Justice

Amicus Curiae is a mechanism that reflects the dialectic of justice in the judicial process, particularly in criminal justice, which demands a balance between legal certainty, protection of human rights, and substantive justice (Adzanah Mariska Salsabila, Zaky Anggara, 2026). The dialectic of justice can be understood as a dialogical process between positive law, the facts of the case, and the values of justice that have developed in society, so that justice is not narrowly defined as the mere application of written norms (Salsabila, 2025). In this context, *Amicus Curiae* acts as a medium that opens up a space for dialogue between the court and perspectives outside the parties to the case, whether from academics, practitioners, civil society organizations, or individuals who have an interest in the public interest (Nanang Naisabur, 2025). The presence of *Amicus Curiae* allows judges to obtain additional perspectives that are objective and independent, so that legal considerations are not only based on the prosecution and defense, but also on a more comprehensive analysis of the social, moral, and justice implications of a decision. Thus, *Amicus Curiae* serves as a dialectical instrument that enriches the judges' legal reasoning process and encourages the realization of judgments that are more just and oriented towards the interests of the wider community (Wahlbeck, 1997).

The dialectic of justice presented through *Amicus Curiae* also has significant importance in correcting formalistic tendencies in the criminal justice system. Criminal procedural law is essentially designed to ensure procedural order and legal certainty, but in practice it is often unable to fully capture the complexity of substantive justice values inherent in a criminal case (Durham, 2022). In such circumstances, *Amicus Curiae* can serve as a means for judges to bridge the gap between written law and the social realities faced by those seeking justice. The views expressed through *Amicus Curiae* can help judges assess cases more proportionally, especially in cases involving dimensions of public interest, power imbalances, or potential human rights violations. This process creates a dialectic between legal certainty and substantive justice, in which the law is not positioned as a rigid rule, but as an instrument to achieve living and contextual justice. Thus, *Amicus Curiae* not only contributes to the quality of judges' decisions, but also strengthens the moral and social legitimacy of the criminal justice system itself.

From an Islamic legal perspective, *Amicus Curiae* as a form of dialectic justice is in line with the principles of *al-ʻadl* (justice), *al-qisṭ* (balance), and *maṣlaḥah* (benefit), which require that every legal decision reflect true justice and not merely focus on procedural formalities. Islamic law emphasizes that judges have a moral responsibility to thoroughly explore the truth and decide cases fairly without being influenced by personal interests or external pressures. In this framework, *Amicus Curiae* can be seen as a form of legal advice and moral participation that aims to help judges reach more objective and just decisions. The dialectic built through this mechanism reflects the values of deliberation and mutual assistance in virtue, where the pursuit of justice becomes a collective responsibility, not merely the

institutional authority of the court. Therefore, strengthening and regulating *Amicus Curiae* in the criminal justice system in Indonesia is very important so that the dialectic of justice idealized by Islamic law and the principle of the rule of law can be realized in a tangible and sustainable manner.

CONCLUSION

The results of this study indicate that from an Islamic law perspective, the application of *Amicus Curiae* has a strong urgency to be included in the examination of criminal cases in Indonesian courts. This is in line with the basic principles of Islamic law, which places justice (*al-'adl*) as the main objective of law enforcement, whereby judges are not only required to apply the law textually, but also to decide cases objectively, proportionally, and with a focus on public interest. Within this framework, *Amicus Curiae* can be seen as a supporting instrument that assists judges in exploring substantive justice through additional perspectives that are independent, rational, and impartial. The presence of *Amicus Curiae* allows judges to gain a broader perspective on the complexity of criminal cases, especially those related to public interest, human rights, and the social impact of a verdict, thereby minimizing the potential for verdicts that are based solely on legal formalities and ignore the public's sense of justice.

Overall, the existence of *Amicus Curiae* in criminal proceedings can be understood as an extension of the moral responsibility of judges in upholding justice as required by Islamic law. This mechanism provides space for judges to obtain additional relevant information, views, and arguments to enrich their legal considerations in deciding cases fairly and proportionally. With *Amicus Curiae*, the judicial process does not only rely on the formal construction of the indictment and defense, but also opens up the possibility for judges to consider aspects of substantive justice, public interest, and the social impact of the verdict to be handed down. From an Islamic law perspective, this is in line with the principle of *al-qisṭ* and the obligation to uphold justice without being influenced by narrow interests, pressure, or hatred towards certain parties. Therefore, the application of *Amicus Curiae* has the potential to strengthen the quality of judges' decisions by ensuring that every decision is born out of broad, objective considerations oriented towards true justice, thereby contributing significantly to the realization of a more just, humane, and Islamic-based criminal justice system in Indonesia.

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