

Tinjauan hukum mengenai amicus curiae di Indonesia (analisis kasus putusan No.13/PK/PID/2011 dan No.225/PK/PID.SUS/2011 =
Overview of the law concerning amicus curiae in Indonesia (case No.13/PK/PID/2011 and No.225/PK/PID.SUS/2011) / Aisyah Kahar

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Abstrak

[Penelitian ini bertujuan untuk mengetahui kedudukan Amicus Curiae dalam pembuktian tindak pidana dan untuk mengetahui apakah pendapat Amicus Curiae dijadikan pertimbangan oleh hakim dalam menjatuhkan putusan. Adapun masalah yang dibahas adalah bagaimanakah kedudukan Amicus Curiae dalam pembuktian tindak pidana dan apakah pendapat Amicus Curiae dijadikan pertimbangan oleh hakim dalam menjatuhkan putusan. Penelitian ini dilakukan dengan menggunakan teknik pengumpulan data melalui studi lapangan, yakni melakukan wawancara langsung dengan sejumlah hakim, dan studi kepustakaan dengan membaca dokumen yang berkaitan dengan masalah yang diteliti untuk mencari konsep-konsep, teori-teori, pendapat ataupun penemuan-penemuan yang berhubungan dengan pokok permasalahan. Kesimpulannya terdapat pengaturan yang jelas tentang amicus curiae dalam sistem Common Law sedangkan di negara Civil Law seperti Indonesia, tidak terdapat pengaturan yang jelas mengenai amicus curiae. Namun pada kenyataannya beberapa kasus di Indonesia, amicus curiae cukup diperhatikan oleh hakim seperti pada kasus pidana atas nama Prita Mulyasari.;This study aims to determine the position of Amicus Curiae in the proof of criminal acts and to determine whether Amicus Curiae opinion taken into consideration by the judge in the verdict. The problem discussed is how the position of Amicus Curiae in proving criminal acts and whether Amicus Curiae opinion taken into consideration by the judge in the verdict.This study was done using data collection through field studies by direct interviews with a number of judges, and the study of literature by reading documents related to the problems examined to find the concepts, theories, opinions or findings related to the subject problems. The conclusion is that in common law the regulation about amicus curiae is clear. But in civil law country like Indonesia the regulation is not clear. However, we can find some cases related with amicus curiae in Indonesia. The judge also paid attention to the amicus curiae, such as in Prita case.;This study aims to determine the position of Amicus Curiae in the proof of criminal acts and to determine whether Amicus Curiae opinion taken into consideration by the judge in the verdict. The problem discussed is how the position of Amicus Curiae in proving criminal acts and whether Amicus Curiae opinion taken into consideration by the judge in the verdict.This study was done using data collection through field studies by direct interviews with a number of judges, and the study of literature by reading documents related to the problems examined to find the concepts, theories, opinions or findings related to the subject problems. The conclusion is that in common law the regulation about amicus curiae is clear. But in civil law country like Indonesia the regulation is not clear. However, we can find some cases related with amicus curiae in Indonesia. The judge also paid attention to the amicus curiae, such as in Prita case., This study aims to determine the position of Amicus Curiae in the proof of criminal acts and to determine whether Amicus Curiae opinion taken into consideration by the judge in the verdict. The problem discussed is how the position of Amicus Curiae in proving criminal acts and whether Amicus Curiae opinion taken into consideration by the judge in the verdict.This study was done using data collection through field studies by

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