

LAMPIRAN

Lampiran 1. Putusan Pengadilan Negeri Jakarta Selatan Nomor 798/Pid.B/2022/PN.Jkt.Sel a.n. Richard Eliezer Pudihang Lumiu


terungkap, meskipun untuk itu menempatkan Terdakwa dalam posisi dan situasi yang sangat membahayakan jiwanya, mengingat Terdakwa praktis berjalan sendirian;

Menimbang, bahwa selanjutnya Majelis telah menerima Surat permohonan Pengajuan *Amicus Curiae* (Sahabat Pengadilan) terhadap perkara Terdakwa Richard Eliezer dari berbagai pihak antara lain : Institute For Criminal Justice Reform, Ikatan Alumni Fakultas Hukum Universitas Trisaksi , Farida Law Office, Tim Advokasi Iluni FHAJ terakhir dari Aliansi Akademi Indonesia yang pada pokoknya menyatakan kejujuran dan keberanian merupakan kunci keadilan bagi semua oleh karenanya mohon agar kejujuran Terdakwa Richard Eliezer mendapat penghargaan sebagaimana mestinya;

Menimbang, bahwa sesuai dengan pasal 5 ayat (1) Undang-Undang No. 48 tahun 2009 tentang Kekuasaan Kehakiman, Majelis tidak akan menutup mata dan merasa mendapat tekanan berkaitan dengan permohonan *Amicus Curiae* (Sahabat Pengadilan) terhadap perkara Terdakwa Richard Eliezer, sebaliknya memandang sebagai bentuk kecintaan pada bangsa dan negara khususnya dalam penegakan hukum sehingga para pihak baik lembaga maupun aliansi yang merepresentasikan harapan masyarakat luas terpanggil menyampaikan keadilan yang dirasakan dan didambakan ditegakkan, khususnya terhadap Terdakwa Richard Eliezer;

Menimbang, bahwa untuk itu berdasarkan apa yang telah dipertimbangkan serta adanya kebenaran fakta penyebab meninggalnya korban Yosua telah dikepung berbagai pihak yang mengakibatkan gelapnya perkara sehingga kebenaran dan keadilan nyaris muncul terbalik, maka kejujuran, keberanian dan keteguhan Terdakwa dengan berbagai resiko telah menyampaikan kejadian sesungguhnya, sehingga layak Terdakwa ditetapkan sebagai saksi pelaku yang bekerja sama (*justice collaborator*) serta berhak mendapatkan penghargaan sebagaimana ditentukan dalam pasal 10 A Undang-Undang No. 31 tahun 2014 tentang perubahan. Undang Undang Nomor 13 tahun 2006;

Menimbang, bahwa berdasarkan seluruh pertimbangan di atas dan ketika



Lampiran 2. Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara

Pidana

Pasal 180

- (1) Dalam hal diperlukan untuk menjernihkan duduknya persoalan yang timbul di sidang pengadilan, hakim ketua sidang dapat minta keterangan

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ahli dan dapat pula minta agar diajukan bahan baru oleh yang berkepentingan.

Lampiran 3. Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan

Kehakiman

Pasal 5

- (1) Hakim dan hakim konstitusi wajib menggali, mengikuti, dan memahami nilai-nilai hukum dan rasa keadilan yang hidup dalam masyarakat.



Lampiran 4. Peraturan Mahkamah Konstitusi Nomor : 06/PMK/2005
Tentang Pedoman Beracara Dalam Perkara Pengujian Undang-Undang

Pasal 14

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- (1) Pihak Terkait yang dimaksud Pasal 13 ayat (1) huruf g adalah pihak yang berkepentingan langsung atau tidak langsung dengan pokok permohonan.
- (2) Pihak Terkait yang berkepentingan langsung adalah pihak yang hak dan/atau kewenangannya terpengaruh oleh pokok permohonan.
- (3) Pihak Terkait sebagaimana dimaksud ayat (2) dapat diberikan hak-hak yang sama dengan Pemohon dalam persidangan dalam hal keterangan dan alat bukti yang diajukannya belum cukup terwakili dalam keterangan dan alat bukti yang diajukan oleh Presiden/Pemerintah, DPR, dan/atau DPD.
- (4) Pihak Terkait yang berkepentingan tidak langsung adalah:
 - a. pihak yang karena kedudukan, tugas pokok, dan fungsinya perlu didengar keterangannya; atau
 - b. pihak yang perlu didengar keterangannya sebagai *ad informandum*, yaitu pihak yang hak dan/atau kewenangannya tidak secara langsung terpengaruh oleh pokok permohonan tetapi karena kepeduliannya yang tinggi terhadap permohonan dimaksud.

**Lampiran 5. *Rule 29 of the Federal Rules of Appellate Procedure Governs,
Amicus Curiae in Federal Court***



United States Court of Appeals for the Fourth Circuit
 Federal and Local Rules of Appellate Procedure
 December 1, 2023

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Rule 29. Brief of an Amicus Curiae

Rule 29. Brief of an Amicus Curiae

(a) During Initial Consideration of a Case on the Merits.

- (1) **Applicability.** This Rule 29(a) governs amicus filings during a court's initial consideration of a case on the merits.
- (2) **When Permitted.** The United States or its officer or agency or a state may file an amicus brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court or if the brief states that all parties have consented to its filing, but a court of appeals may prohibit the filing of or strike an amicus brief that would result in a judge's disqualification.
- (3) **Motion for Leave to File.** The motion must be accompanied by the proposed brief and state:
 - (A) the movant's interest; and
 - (B) the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.
- (4) **Contents and Form.** An amicus brief must comply with Rule 32. In addition to the requirements of Rule 32, the cover must identify the party or parties supported and indicate whether the brief supports affirmance or reversal. An amicus brief need not comply with Rule 28, but must include the following:
 - (A) if the amicus curiae is a corporation, a disclosure statement like that required of parties by Rule 26.1;
 - (B) a table of contents, with page references;
 - (C) a table of authorities — cases (alphabetically arranged), statutes, and other authorities — with references to the pages of the brief where they are cited;
 - (D) a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file;
 - (E) unless the amicus curiae is one listed in the first sentence of Rule 29(a)(2), a statement that indicates whether:

- (i) a party's counsel authored the brief in whole or in part;
- (ii) a party or a party's counsel contributed money that was intended to fund preparing or submitting the brief; and
- (iii) a person — other than the amicus curiae, its members, or its counsel — contributed money that was intended to fund preparing or submitting the brief and, if so, identifies each such person;
- (F) an argument, which may be preceded by a summary and which need not include a statement of the applicable standard of review; and
- (G) a certificate of compliance under Rule 32(g)(1), if length is computed using a word or line limit.
- (5) **Length.** Except by the court's permission, an amicus brief may be no more than one-half the maximum length authorized by these rules for a party's principal brief. If the court grants a party permission to file a longer brief, that extension does not affect the length of an amicus brief.
- (6) **Time for Filing.** An amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the principal brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's or petitioner's principal brief is filed. A court may grant leave for later filing, specifying the time within which an opposing party may answer.
- (7) **Reply Brief.** Except by the court's permission, an amicus curiae may not file a reply brief.
- (8) **Oral Argument.** An amicus curiae may participate in oral argument only with the court's permission.
- (b) During Consideration of Whether to Grant Rehearing.**
- (1) **Applicability.** This Rule 29(b) governs amicus filings during a court's consideration of whether to grant panel rehearing or rehearing en banc, unless a local rule or order in a case provides otherwise.
- (2) **When Permitted.** The United States or its officer or agency or a state may file an amicus brief without the consent of the parties or leave of the court. Any other amicus curiae may file a brief only by leave of court.
- (3) **Motion for Leave to File.** Rule 29(a)(3) applies to a motion for leave.
- (4) **Contents, Form, and Length.** Rule 29(a)(4) applies to the amicus brief. The brief must not exceed 2,600 words.
- (5) **Time for Filing.** An amicus curiae supporting the petition for rehearing or supporting neither party must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the petition is filed. An amicus curiae opposing the petition must file its brief, accompanied by a motion for filing when necessary, no later than the date set by the court for the response.
- Local Rule 29(a). Leave to File Amicus Briefs.**
The Court will prohibit the filing of or strike an amicus brief that would result in the recusal of a member of the panel that has been assigned to the case or in the recusal of a member of the en banc court from a vote on whether to hear or rehear a case en banc.
- Local Rule 29(b). Copies of Amicus Briefs.**
- (1) **During Consideration of Case on the Merits.** If filed during consideration of the case on the merits, one paper copy and one electronic copy of the amicus brief must be filed. The Court will order the filing of additional paper copies for oral argument or if otherwise needed. Service of paper copies of the amicus brief is not required if the brief was served electronically on counsel and on any party not represented by counsel.
- (2) **During Consideration of Petition for Rehearing or Rehearing en Banc.** If filed during consideration of whether to grant rehearing or rehearing en banc, one electronic copy of the amicus brief must be filed. No paper copies are required unless ordered by the Court. Service of paper copies of the amicus brief is not required if the brief was served electronically on counsel and on any party not represented by counsel.

Lampiran 6. Rule 37 of the Rules of the Supreme Court of the United States

Rule 37. Brief for an Amicus Curiae

- 1. An *amicus curiae* brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court. An *amicus curiae* brief that does not serve this purpose burdens the Court, and its filing is not favored. An amicus curiae brief may be filed only by an attorney admitted to practice before this Court as provided in [Rule 5](#).
- 2. (a) An *amicus curiae* brief submitted before the Court's consideration of a petition for a writ of certiorari, motion for leave to file a bill of complaint, jurisdictional statement, or petition for an extraordinary writ, may be filed if it reflects that the written consent of all parties as been provided, or if the Court grants leave to file under subparagraph 2(b) of this Rule. An *amicus curiae* brief in support of a petitioner or appellant shall be filed within 30 days after the case is placed on the docket or a response is called for by the Court, whichever is later, and that time will not be extended. An *amicus curiae* brief in support of a motion of a plaintiff for leave to file a bill of complaint in an original action shall be filed within 60 days after the case is placed on the docket, and that time will not be extended. An *amicus curiae* brief in support of a respondent, an appellee, or a defendant shall be submitted within the time allowed for filing a brief in opposition or a motion to dismiss or affirm. An *amicus curiae* filing a brief under this subparagraph shall ensure that the counsel of record for all parties receive notice of its intention to file an *amicus curiae* brief at least 10 days prior to the due date for the *amicus curiae* brief, unless the *amicus curiae* brief is filed earlier than 10 days before the due date. Only one signatory to any *amicus curiae* brief filed jointly by more than one *amicus curiae* must timely notify the parties of its intent to file that brief. The *amicus curiae* brief shall indicate that counsel of record received timely notice of the intent to file the brief under this Rule and shall specify whether consent was granted, and its cover shall identify the party supported. Only one signatory to an *amicus curiae* brief filed jointly by more than one *amicus curiae* must obtain consent of the parties to file that brief. A petitioner or respondent may submit to the Clerk a letter granting blanket consent to *amicus curiae* briefs, stating that the party consents to the filing of amicus curiae briefs in support of either or of neither party. The Clerk will note all notices of blanket consent on the docket.
 - (b) When a party to the case has withheld consent, a motion for leave to file an *amicus curiae* brief before the Court's consideration of a petition for a writ of certiorari, motion for leave to file a bill of complaint, jurisdictional statement, or petition for an extraordinary writ may be presented to the Court. The motion, prepared as required by [Rule 33.1](#) and as one document with the brief sought to

be filed, shall be submitted within the time allowed for filing an *amicus curiae* brief, and shall indicate the party or parties who have withheld consent and state the nature of the movant's interest. Such a motion is not favored.

- 3. (a) An *amicus curiae* brief in a case before the Court for oral argument may be filed if it reflects that written consent of all parties has been provided, or if the Court grants leave to file under subparagraph 3(b) of this Rule. The brief shall be submitted within 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the time allowed for filing the petitioner's or appellant's brief. Motions to extend the time for filing an *amicus curiae* brief will not be entertained. The 10-day notice requirement of subparagraph 2(a) of this Rule does not apply to an *amicus curiae* brief in a case before the Court for oral argument. The *amicus curiae* brief shall specify whether consent was granted, and its cover shall identify the party supported or indicate whether it suggests affirmance or reversal. The Clerk will not file a reply brief for an *amicus curiae*, or a brief for an *amicus curiae* in support of, or in opposition to, a petition for rehearing. Only one signatory to an *amicus curiae* brief filed jointly by more than one *amicus curiae* must obtain consent of the parties to file that brief. A petitioner or respondent may submit to the Clerk a letter granting blanket consent to *amicus curiae* briefs, stating that the party consents to the filing of *amicus curiae* briefs in support of either or of neither party. The Clerk will note all notices of blanket consent on the docket.
 - (b) When a party to a case before the Court for oral argument has withheld consent, a motion for leave to file an *amicus curiae* brief may be presented to the Court. The motion, prepared as required by [Rule 33.1](#) and as one document with the brief sought to be filed, shall be submitted within the time allowed for filing an *amicus curiae* brief, and shall indicate the party or parties who have withheld consent and state the nature of the movant's interest.
 - 4. No motion for leave to file an *amicus curiae* brief is necessary if the brief is presented on behalf of the United States by the Solicitor General; on behalf of any agency of the United States allowed by law to appear before this Court when submitted by the agency's authorized legal representative; on behalf of a State, Commonwealth, Territory, or Possession when submitted by its Attorney General; or on behalf of a city, county, town, or similar entity when submitted by its authorized law officer.
 - 5. A brief or motion filed under this Rule shall be accompanied by proof of service as required by [Rule 29](#), and shall comply with the applicable provisions of [Rules 21](#), [24](#), and [33.1](#) (except that it suffices to set out in the brief the interest of the *amicus curiae*, the summary of the argument, the argument, and the conclusion). A motion for leave to file may not exceed 1500 words. A party served with the motion may file an objection thereto, stating concisely the reasons for withholding consent; the objection shall be prepared as required by [Rule 33.2](#).
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- 6. Except for briefs presented on behalf of *amicus curiae* listed in [Rule 37.4](#), a brief filed under this Rule shall indicate whether counsel for a party authored the brief in whole or in part and whether such counsel or a party made a monetary contribution intended to fund the preparation or submission of the brief, and shall identify every person or entity, other than the *amicus curiae*, its members, or its counsel, who made such a monetary contribution to the preparation or submission of the brief. The disclosure shall be made in the first footnote on the first page of text.



RIWAYAT HIDUP



Sang Made Merta Widnyana, Lahir di Bangli, pada tanggal 12 April 2003. Penulis lahir dari pasangan suami istri yaitu Bapak Sang Nyoman Putra, dan Ibu Ni Nengah Kusmini. Penulis berkebangsaan Indonesia dan beragama Hindu. Saat ini penulis bertempat tinggal di Jalan Kusumayudha Nomor 43X, Lingkungan Banjar Kawan, Kabupaten Bangli, Bali. Penulis menyelesaikan Taman Kanak-Kanak di TK Pertiwi dan lulus tahun 2009. Kemudian melanjutkan ke SD Negeri 4 Kawan Bangli dan lulus tahun 2015. Kemudian melanjutkan ke SMP Negeri 1 Bangli dan lulus tahun 2018. Penulis lulus dari SMA Negeri 1 Bangli dan melanjutkan ke Strata 1 Ilmu Hukum Universitas Pendidikan Ganesha. Pada awal tahun 2024 penulis telah menyelesaikan Tugas Akhir yang berjudul “Tinjauan Yuridis *Amicus Curiae* dalam Peradilan Pidana Berkaitan Dengan Pertimbangan Putusan Hakim Nomor 798/Pid.B/2022/PN.Jkt.Sel”. Selanjutnya, mulai tahun 2021 sampai dengan penulisan skripsi ini, penulis masih terdaftar sebagai mahasiswa aktif Program Strata 1 Ilmu Hukum di Universitas Pendidikan Ganesha.