

## Democracy and the Peoples' Tribunal in Joko Widodo's Era: A Study Based on Responsive Law Theory

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### Abstract

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This research addresses the decline of democracy and rule of law in Indonesia under President Joko Widodo, characterized by political dynasties, judicial weakening, and laws favoring political power. These conditions led to the emergence of the Peoples' Tribunal or Extraordinary Peoples' Court as a public effort to demand substantive justice. The purpose of this study is to analyze the legitimacy of the Peoples' Tribunal within Indonesia's rule of law framework through Responsive Law Theory. This study employs normative legal research using statutory, conceptual, and case study approaches. Data were collected from relevant regulations, court decisions, and scholarly literature, then analyzed using content analysis. The findings reveal that although the Peoples' Tribunal has no binding legal force, it holds moral and social legitimacy as a corrective mechanism against the failures of formal legal institutions. From the perspective of responsive law, the phenomenon reflects society's demand for a more adaptive, participatory, and reflective legal system, while also serving as a critique of Indonesia's increasingly formalistic and elitist legal order.

### 1. Introduction

Indonesia's democratic consolidation began with the 1998 Reformasi, which restructured the state and reaffirmed popular sovereignty.<sup>1</sup> Through the third amendment of the 1945 Constitution of the Republic of Indonesia (UUD 1945), Article 1 paragraph (2) explains that "Sovereignty is in the hands of the people and shall be exercised according to the Constitution." Previously, popular sovereignty was vested in the MPR; after the amendment, it resides directly in the people and is exercised according to the Constitution.<sup>2</sup> As Hamdan Zoelva noted, the amendment aimed to dismantle the elitist and moralistic conception of sovereignty that had characterized the integralistic state.<sup>3</sup> Furthermore, changes to the 1945 Constitution were also made to the ideals of the state through the reaffirmation of the rule of law that used to only exist in the explanation of the 1945 Constitution into a section in the chapter on the form and sovereignty in Article 1 paragraph (3) of the 1945 Constitution that "Indonesia is a state of law."<sup>4</sup>

<sup>1</sup> Waisol Qoroni and Indien Winarwati, 'Popular Sovereignty in the Context of Democracy in Indonesia', *Inicio Legis: Journal of Law* 2, no. 1 (June 2021): 52, <https://doi.org/10.21107/il.v2i1.11079>.

<sup>2</sup> Ni Wayan Merda Surya Dewi, 'The Authority of the MPR as the Executor of Popular Sovereignty After the 4th Amendment to the 1945 Constitution of the Republic of Indonesia', *Soshum*: 7, no. 1 (2017): 3, <https://ojs.pnb.ac.id/index.php/SOSHUM/article/view/158>.

<sup>3</sup> Constitutional Court, *Comprehensive Manuscript of Amendments to the Constitution of the Republic of Indonesia Year 1945, Background, Process, and Results of the 1999-2002 Discussion: Book II State Fundamental Principles* (Jakarta: Secretariat General and Registrar of the Constitutional Court, 2010), 386.

<sup>4</sup> Janpatar Simamora, 'Interpretation of the Meaning of the State of Law in the Perspective of the 1945 Constitution of the Republic of Indonesia', *Journal of Legal Dynamics* 14, no. 3 (September 2014): 549, <https://doi.org/10.20884/1.jdh.2014.14.3.318>.

Popular sovereignty requires that the people's will be guaranteed by law, and that legislation be enacted democratically. Thus, Indonesia's rule of law is inseparable from democracy. Thus, the meaning of the rule of law adopted in the post-reform Indonesian system is reflected in democracy which is regulated and limited by the rule of law. Meanwhile, the substance of the law must be determined democratically based on the constitution.<sup>5</sup> However, in the era of Joko Widodo's administration there have been many violations of law and democracy. During his 10 years in office, the Indonesian Legal Aid and Human Rights Association (PBHI)<sup>6</sup> noted that the decline of the rule of law and democracy occurred through the practice of *state capture corruption*, securitization, and autocratic legalism.<sup>7</sup> Moreover, the weakening of the Corruption Eradication Commission (KPK), the establishment of the Job Creation Law (UU Cipta Kerja), and the perpetuation of political dynasty power through the Constitutional Court Decision Number 90/PUU-XXII/2023 have decreased public confidence in law enforcement in Indonesia.<sup>8</sup> For this reason, it has encouraged the emergence of community initiatives to form a *peoples' tribunal* or *extraordinary peoples' court* as a form of resistance to injustice and violations of the law.

The concept of *peoples' tribunal* emerged as a grassroots response to perceived injustice and lawlessness, reflecting a broader struggle for democratic accountability and the rule of law in a context where traditional judicial mechanisms may be deemed inadequate or compromised. Janosch Prinz and Manon Westphal say that *peoples' tribunal* become additional assemblies chosen by lot from the governing population, with the function of giving the voice of ordinary people, those most likely to face disadvantage and oppression, greater weight in the formation of public opinion and decision-making.<sup>9</sup>

Indonesia has conducted *peoples' tribunal* twice. The first was held in the Netherlands in 2015 on the 1965 gross human rights violations. Second, it was held in Jakarta on June 25, 2024 on the trial of violations by the Joko Widodo administration.<sup>10</sup> This *peoples' tribunal* practice actually undermines the conception of the rule of law when referring to the theory introduced by F.J. Stahl. At least this must fulfill 4 elements, including: protection of human rights; division or separation of powers to guarantee human rights; government based on law; and state administrative courts.<sup>11</sup> This indicates that a state administrative tribunal that is intended

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<sup>5</sup> Constitutional Court, *Education Module of the Center for Pancasila and Constitutional Education* (Jakarta: Center for Pancasila and Constitutional Education of the Constitutional Court, 2016), 17.

<sup>6</sup> PBHI National Executive Board, *No Stranger, For the Second Time, New Order Again* (Indonesian Legal Aid and Human Rights Association, 2023).

<sup>7</sup> Suhamdani, '10 Years in Power, Jokowi Has Made Serious Setbacks in Human Rights, Law and Democracy', *JOGLOSEMAR NEWS*, October 20, 2024, <https://joglosemarnews.com/2024/10/10-tahun-berkuasa-jokowi-sukses-membuat-kemunduran-serius-di-aspek-ham-hukum-dan-demokrasi/>.

<sup>8</sup> Akbar Raga Nata and Muhammad Rifki Ramadhani Baskoro, 'Analysis of the Impact of the Constitutional Court Judges' Decision on Constitutional Court Decision Number 90/PUU-XXI/2023', *Sanskara Hukum dan HAM* 2, no. 02 (December 2023): 113, <https://doi.org/10.58812/shh.v2i02.288>.

<sup>9</sup> Janosch Prinz and Manon Westphal, 'The Tribunate as a Realist Democratic Innovation', *Political Theory* 52, no. 1 (February 2024): 61, <https://doi.org/10.1177/00905917231191089>.

<sup>10</sup> Manunggal Kusuma Wardaya, 'The International People's Tribunal 1965 and State Responsibility in the Resolution of Gross Human Rights Violations 1965-1966', paper presented at the 6th Conference of the Indonesian Legal Philosophy Association, Bandung, 2018, 1.

<sup>11</sup> Friedrich Julius Stahl, *Die Philosophie des Rechts* (Mohr, 1847).

to guarantee equal opportunities for citizens to sue state officials who are in power is not working properly.<sup>12</sup>

Looking at this *peoples' tribunal*, researchers are interested in looking at it from the perspective of *responsive law theory* introduced by Philippe Nonet, Philip Selznick, and Robert A. Kagan in their work *Law and Society in Transition: Toward Responsive Law*, which sees this event as a public response to distrust of the courts and thus seeking their own way to find justice.<sup>13</sup> The question that arises from this research is related to the legitimacy of the implementation of the *peoples' tribunal* in the concept of the rule of law and the impact of the implementation of the *peoples' tribunal* on democracy in Indonesia.

This article is thematically consistent with several previous studies on *peoples' tribunal*, but with a different focus. Ceva and Giunta Martino<sup>14</sup> position the *Permanent Peoples' Tribunal* as an expression of citizen protest against the failure of procedural democracy, Webber<sup>15</sup> discusses the *Rojava Tribunal* as an attempt by civil society to break through the impasse of international law, while Cheah<sup>16</sup> examines the *Tokyo Women's Tribunal* as a non-state legal actor seeking to strengthen its legitimacy by referring to international law. Unlike the three articles mentioned above, this article departs from the context of Indonesia during the Joko Widodo era and uses *Responsive Law Theory* to interpret the *Extraordinary People's Court* as a domestic *peoples' tribunal*.

This reveals a gap in research, as *peoples' tribunal* have not been widely studied as corrective practices in countries experiencing democratic decline and *state capture*, particularly within the framework of *responsive law*. The novelty of this article lies in: (1) positioning the *Extraordinary People's Court* as a form of legal-democratic resistance to legal formalism and elitism in Indonesia; and (2) using input, process, and output-based legitimacy analysis to show how *peoples' tribunal* can function as a more adaptive, participatory, and reflective mechanism than formal judicial institutions. Thus, the identification of these gaps and novelties is important for formulating key legal issues regarding the position and legitimacy of *peoples' tribunal* in the Indonesian legal system, while also confirming the purpose of this study to explain the role of the *Extraordinary People's Court* as a corrective legal and democratic practice in the Joko Widodo era.

## 2. Methods

This research is a normative legal research that places the law as a normative system.<sup>17</sup> Another term for normative legal research is doctrinal or theoretical legal research, which

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<sup>12</sup> Jimly Asshiddiqie, *Indonesian Constitution and Constitutionalism* (Sinar Grafika, 2021), 162.

<sup>13</sup> Philippe Nonet and Philip Selznick, *Law & Society in Transition: Toward Responsive Law* (New Brunswick, N.J: Transaction Publishers, 2001), 75.

<sup>14</sup> Emanuela Ceva and Marta Giunta Martino, "Democratic failures and the heuristic function of localized principled protest," *Critical Review of International Social and Political Philosophy* 28, no. 6 (2025): 1–24, <https://doi.org/10.1080/13698230.2025.2560197>.

<sup>15</sup> Frances Webber, "Rojava Tribunal and the 'crime of silence,'" *Socialist Lawyer*, no. 98 (2025): 47–49.

<sup>16</sup> W. L. Cheah, "The Limits and Potential of Peoples' Tribunals as Legal Actors: Revisiting the Tokyo Women's Tribunal," SSRN Scholarly Paper 3965944 (Social Science Research Network, November 17, 2021), <https://papers.ssrn.com/abstract=3965944>.

<sup>17</sup> Mukti Fajar and Yulianto Ahmad, *Dualism of Normative Legal Research and Empirical Law* (Yogyakarta: Student Library, 2010), 34.

focuses on the question “What is the applicable law?” In normative legal research, researchers collect and analyze relevant regulations or collections of court decisions. The main purpose of normative legal research is to explain and describe the content of the law and how the law is applied.<sup>18</sup> The approach used in this research is a *statutory* approach, namely by examining legislation related to the legal issues being discussed (researched),<sup>19</sup> *conceptual* approach, which departs from the views and doctrines developed in legal science, as well as a *case study* approach, used in this research. These approaches were chosen to find answers to the legal issues studied in this legal research.<sup>20</sup> The views used in this research are *responsive law*, rule of law, and several other legal doctrines. In this normative legal research, the legal materials that are the focus of the study consist of primary legal materials, namely 24A paragraph (1) of the 1945 Constitution, Constitutional Court Decision Number 90/PUU-XXII/2023, and other regulations, as well as secondary legal materials in the form of scientific articles and books relevant to the discussion. Researchers conducted a content analysis approach. This method emphasizes an integrative and conceptual framework, with the main objective of identifying, recognizing, processing, and evaluating legal sources in order to gain a deeper understanding of their meaning, significance, and relevance.<sup>21</sup>

### 3. Results and Discussion

#### 3.1. Judicial Institutions in Indonesia and Peoples' Tribunal Practices in the World

The concept of a state of law (*rechtsstaat*) is only included in the explanation of the 1945 Constitution. However, after the third amendment, the concept of the rule of law was emphasized by being placed in Chapter I of the form and sovereignty of the state Article 1 paragraph (3) of the 1945 Constitution, namely “Indonesia is a state of law.”<sup>22</sup> There are two known concepts of the state of law, namely; First, the state of law (*rechtsstaat*) introduced by F.J. Stahl with four elements, namely recognition of human rights; separation or division of powers, government based on legislation; and the existence of administrative justice in resolving disputes.<sup>23</sup> Second, the state of law that developed in the Anglo Saxon region introduced by A.V. Dicey as the *rule of law*, there are 3 elements according to him, namely the *supremacy of the law*; *equality before the law*; and *the constitution based on individual rights*.<sup>24</sup> Indonesia's legal system predominantly follows the *rechtsstaat* model, though it incorporates elements of the rule of law tradition. The most basic thing is administrative justice as an institution that guarantees justice to the community. Indonesia only recognizes two existing judicial institutions, namely the Supreme Court (MA) and the Constitutional Court (MK).

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<sup>18</sup> Ian Dobinson and Francis Johns, 'Qualitative Legal Research', in *Research Methods for Law* (Edinburgh: Edinburgh University Press, 2007), 19.

<sup>19</sup> Muhaimin, *Legal Research Methods* (Mataram: Mataram University Press, 2020), 56.

<sup>20</sup> Muhaimin, 57.

<sup>21</sup> Burhan Bungin, *Qualitative Research Methodology: Methodological Actualization Towards Contemporary Variants* (Jakarta: Rajawali Press, 2017), 203.

<sup>22</sup> Constitutional Court, *Comprehensive Text of Amendments to the Constitution of the Republic of Indonesia Year 1945, Background, Process, and Results of the 1999-2002 Discussion: Book II Fundamental Joints of the State*, 476.

<sup>23</sup> Stahl, *Die Philosophie des Rechts*.

<sup>24</sup> Albert Venn Dicey, *Introduction to the Study of the Law of the Constitution* (London: Macmillan, 1915).

These two judicial institutions are distinguished from their duties and authorities. The Supreme Court is a judicial institution that oversees the general courts, religious courts, military courts, and state administrative courts. Based on Article 24A paragraph (1) of the 1945 Constitution, namely:

“1) The Supreme Court has the authority to hear cases at the cassation level, to examine laws and regulations under the law against the law, and has other powers granted by law.”

Furthermore, the authority of the Constitutional Court is regulated in Article 24C paragraph (1) of the 1945 Constitution, namely:

“1) The Constitutional Court has the authority to hear cases at the first and last instance and its decision is final to test laws against the Constitution, decide disputes over the authority of state institutions whose authority is granted by the Constitution, decide on the dissolution of political parties, and decide disputes over the results of general elections.” In addition, it is further explained that the Constitutional Court is authorized to give a decision on violations committed by the president and/or vice president according to the 1945 Constitution.

Along with the development of Indonesia’s political conditions, public trust in the judiciary is very lacking, culminating in the issuance of Constitutional Court Decision Number 90/PUU-XXII/2023 which in its decision was considered to injure law and democracy in Indonesia because it benefited President Joko Widodo’s son, Gibran Rakabuming Raka, to be able to advance in the 2024 Election contestation. In response to the *people’s* distrust of the judiciary and disappointment over the 10 years of Joko Widodo’s administration, a *peoples’ tribunal* to try the Jokowi administration was held on June 25, 2024 with 9 demands or known as *nawadosanya*.<sup>25</sup>

This *peoples’ court*, known as the *peoples’ tribunal*, is an informal court organized by civil society to investigate, document, and prosecute human rights violations, international crimes, or major injustices, especially when the formal judicial system is considered to have failed or is unable to represent justice for the people. The *peoples’ tribunal* was born as a form of resistance to the official justice system that turns a deaf ear to victims, while also providing an alternative space for oppressed people to speak out and demand recognition of human rights violations that have been ignored by official institutions.<sup>26</sup>

However, the term “*peoples’ tribunal*” is not only referred to as a *peoples’ tribunal*, but also a *civil society tribunal*, or *global civil society tribunal*, because each has a different history, scope, and level of ambition in demanding justice.<sup>27,28</sup> *Peoples’ tribunal* first emerged in 1967, when Bertrand Russell and Jean-Paul Sartre investigated and evaluated the foreign policy and military intervention of the United States in Vietnam. They believed that justice only existed

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<sup>25</sup> Savina Rizky Hamida, 'Challenging Jokowi's Nawadosa Regime Through Extraordinary People's Court, Here's the History', Tempo, June 26, 2024, <https://www.tempo.co/politik/gugat-nawadosa-rezim-jokowi-lewat-mahkamah-rakyat-luar-biasa-ini-sejarahnyaa--45626>.

<sup>26</sup> Rafaela Bogado Melchior et al., “The Role of the Permanent People’s Tribunal in the Face of Ecogenocide in Cerrado: Subverting Definitions of Rights, Victims and Justice,” *Criminal Critique and Power*, advance online publication, November 27, 2024, 6, <https://doi.org/10.1344/cpyp.2024.27.46867>.

<sup>27</sup> Leah Bassel, “A Promise of Listening: Migrant Justice and the London Permanent Peoples’ Tribunal,” *Race & Class* 63, no. 4 (2022): 36, <https://doi.org/10.1177/03063968221081417>.

<sup>28</sup> Tor Krever, “Remembering the Russell Tribunal,” *London Review of International Law* 5, no. 3 (2017): 483, <https://doi.org/10.1093/lril/lry006>.

for the victors because war crimes were only attributed to the defeated countries,<sup>29</sup> thus necessitating a civil society tribunal as a counterbalance in the pursuit of justice.<sup>30</sup> Tor Krever defines a *peoples' tribunal* as a structural antinomy created by citizens, political activists, and civil society organizations, meaning that a *peoples' tribunal* has no official legal authority.<sup>31</sup> This people's court is known as the *people's tribunal* which is a non-formal court organized by civil society to investigate, document, and prosecute human rights violations, international crimes, or major injustices, especially when the formal justice system is considered to have failed or is unable to represent justice to the community. The first *peoples' tribunal* was born in 1967, when Bertrand Russell and Jean-Paul Sartre investigated and evaluated the United States' foreign policy and military intervention in Vietnam. They considered that justice was only available to the victors because war crimes were only committed against the defeated countries, so there was a need for civil society tribunals to balance the search for justice.<sup>32</sup>

Russel's *peoples' tribunal* eventually inspired *peoples' tribunal* such as the *Permanent Peoples' Tribunal* (PPT) and the *International Peoples' Tribunal* (IPT) to deal with various serious crimes around the world, including war, genocide, crimes against humanity in various countries, including government offenses against the state. Although there is no specific format for organizing a *peoples' tribunal*, there are three main models, namely: First, the *International War Crimes Tribunal* (1966). This *peoples' tribunal* occurred when North Vietnamese mass organizations worked with the *Bertrand Russell Peace Foundation* (BRPF) to organize the *International War Crimes Tribunal* (IWCT) in 1966 in Europe and Japan. The *peoples' tribunal* investigated US war crimes in Vietnam, particularly the use of chemical weapons and excessive military force prohibited by international conventions. The *peoples' tribunal* involved academics and philosophers such as Jean-Paul Sartre and Simone de Beauvoir.<sup>33</sup> Second, the *Permanent Peoples' Tribunal* (1973-1976). A *peoples' tribunal* structure similar to Russell's was organized on the initiative of Italian Senator Lelio Basso, who had previously been a jury member of the first *peoples' tribunal*. This *peoples' tribunal* held three sessions in Rome and Brussels between 1973 and 1976, focused on exposing and denouncing crimes committed by various military regimes in Latin America, primarily in Brazil and Chile. However, it also

<sup>29</sup> Azadeh Shahshahani, "People's Tribunals: Holding Power to Account," *Proceedings of the ASIL Annual Meeting* 116 (January 2022): 202, <https://doi.org/10.1017/amp.2023.12>.

<sup>30</sup> Emma Feltes and Sharon H. Venne, "Decolonization, Not Patriation: The Constitution Express at the Russell Tribunal," *BC Studies: The British Columbian Quarterly*, no. 212 (February 2022): 75, <https://doi.org/10.14288/bcs.no212.195315>.

<sup>31</sup> Tor Krever, "From Vietnam to Palestine: Peoples' Tribunals and the Juridification of Resistance," in *Making Endless War*, ed. by Brian Cuddy and Victor Kattan, The Vietnam and Arab-Israeli Conflicts in the History of International Law (University of Michigan Press, 2023), 235, <https://www.jstor.org/stable/10.3998/mpub.12584508.12>.

<sup>32</sup> Tor Krever, 'Remembering the Russell Tribunal', *London Review of International Law* 5, no. 3 (November 2017): 483, <https://doi.org/10.1093/lril/lry006>.

<sup>33</sup> Harish C. Mehta, 'North Vietnam's Informal Diplomacy with Bertrand Russell: Peace Activism and the International War Crimes Tribunal', *Peace & Change* 37, no. 1 (2012): 65, <https://doi.org/10.1111/j.1468-0130.2011.00732.x>.

covered Bolivia, Uruguay, Argentina and other Central American countries.<sup>34</sup> The same case that was held in Brussels, this *peoples' tribunal* was also held on February 5-6, 2025, which preliminarily concluded that Turkey's actions in Afrin, Rojava since 2018 constituted ethnic cleansing, war crimes, crimes against humanity, and environmental destruction.<sup>35</sup> Third, the *Independent Peoples' Tribunal*. Established entirely by civil society initiatives that organize the entire tribunal process independently.<sup>36</sup>

In Indonesia, a *peoples' tribunal* was also held prior to this discussion, specifically related to compensation for the violence of 1965–1966 that was ignored by the Indonesian government.<sup>37</sup> Although *peoples' tribunal* mostly demand justice for war crimes and conflicts, in 1976 a *peoples' tribunal* emerged that specifically highlighted issues of gender and sexuality, one of which was *the Brussels Tribunal*, which was formed as a feminist response to the UN Conference and was used as a space to expose various “gender crimes” with particular attention to the practice of compulsory heterosexuality as a form of oppression against women.<sup>38</sup>

*Peoples' tribunals remain relevant as a means for communities to seek justice when formal courts fail to provide it.* As said by Bertrand Russell that “*May this tribunal prevent the crime of silence.*”<sup>39</sup> However, the *peoples' tribunal* became a forum for demanding recognition and justice when official institutions were difficult to reach or did not respond to events that required accountability.<sup>40,41</sup>

### 3.2. Legitimacy of Extraordinary Peoples' Court as an Effort to Seek People's Justice in the Rule of Law System

Regarding Bawaslu supervision, it will be in the form of supervision that is carried out directly (direct control) by going into the field to supervise all stages of the election as well as indirect supervision or (indirect control) obtained from the form of reports.<sup>42</sup> The method of supervision that is carried out directly is with the presence of direct personnel from Bawaslu

<sup>34</sup> Luís Moita, 'Opinion Tribunals and the Permanent People's Tribunal', *JANUS.NET, e-Journal of International Relations* 6, no. 1 (2015): 36, <https://observare.autonoma.pt/janusnet/en/janusnet/opinion-tribunals-and-the-permanent-peoples-tribunal/>.

<sup>35</sup> Pinar Dinc and Necmettin Türk, “Roots of Destruction: Exploring the Genocide-Ecocide Nexus through the Destruction of Olive Trees in Occupied Palestine and Rojava,” *The International Journal of Human Rights*, August 6, 2025, 18, <https://doi.org/10.1080/13642987.2025.2541756>.

<sup>36</sup> 'History of the People's Tribunal', accessed October 6, 2025, <https://mahkamahkrakyat.id/>.

<sup>37</sup> Aldo Zammit Borda and Stefan Mandelbaum, “‘If I Would Stay Alive, I Would Be Their Voice’: On the Legitimacy of International People’s Tribunals,” *The Modern Law Review* 86, no. 1 (2023): 71, <https://doi.org/10.1111/1468-2230.12747>.

<sup>38</sup> Claerwen O’Hara, “In Search of a Queerer Law: Two People’s Tribunals in 1976,” *Australian Feminist Law Journal* 49, no. 1 (2023): 21, <https://doi.org/10.1080/13200968.2023.2184449>.

<sup>39</sup> Russell Tribunal on Palestine (RToP), 'The Russell Tribunal On Palestine Cape Town Session: Summary of Findings, November 7, 2011', Al-Haq | Defending Human Rights in Palestine since 1979, November 7, 2011, 1, <https://www.alhaq.org/advocacy/6968.html>.

<sup>40</sup> Angana P. Chatterji, “Grieving Kashmir: Counter-Memory, Accountability, and a People’s Tribunal,” in *The Palgrave Handbook of New Directions in Kashmir Studies*, ed. by Haley Duschinski et al. (Springer International Publishing, 2023), 212, [https://doi.org/10.1007/978-3-031-28520-2\\_13](https://doi.org/10.1007/978-3-031-28520-2_13).

<sup>41</sup> Marcos Barros and Janna Rose, “Decolonial social movements as translators: Converting prefigurative initiatives into political and legal change tools,” *Organization* 32 (November 2023): 7, <https://doi.org/10.1177/13505084231213201>.

<sup>42</sup> Mada.

who carry out monitoring both in the field and on a modern basis by utilizing technology with the initial rarity of compiling a monitoring letter after 3 (three) working days after the Bawaslu decision is issued. It is known that the KPU is following up on the Bawaslu decision by issuing a KPU Decision which is submitted through a letter. However, with decisions that have been postponed or not followed up, Bawaslu does not have a standard related to the Standard Operation Service (SOP) regarding the supervision of its decisions, which makes the existence of legal loopholes that can be used as a reason for law enforcement in the purpose of seeking justice.

Unlike typical birthday celebrations, President Joko Widodo's 63rd birthday was marked by a symbolic trial conducted by the Extraordinary Peoples' Court, which sought to hold him accountable for his decade in power. was actually tried by the people for his 10 years of rule through the Extraordinary People's Court.

The Extraordinary People's Court is a *peoples' tribunal* formed by civil society due to distrust of the government. This arose from the government's actions that displayed injustice in a *state-capture* situation. *State-capture* is explained by Elizabeth Dávid-Barrett<sup>43</sup> as a form of systematic corruption in which narrow interest groups take control of the institutions and processes that shape public policy, directing public policy away from the public interest, and instead shaping it to serve their own interests.

Joko Widodo is considered to have violated the constitutional rights of citizens, creating increasingly clear inequality against the weak and vulnerable. In addition, the policies taken are often carried out haphazardly without involving public participation in the process so that justice is not created, and the law is damaged by the marriage of power between the judiciary, executive and legislature. For this reason, the Extraordinary Peoples' Court was held with 9 demands, namely:<sup>44</sup>

1. Deprivation of Living Space and Displacement of Communities
2. Violence, Persecution, Criminalization, and Discrimination
3. Politics of Impunity and Humanitarian Crimes
4. Commercialization and Subjugation of the National Education System
5. Corruption, Collusion, and Nepotism and Protective Measures for Corruptors
6. Exploitation of Natural Resources and False Solution Programs for the Climate Crisis
7. Impoverishing and Oppressive Labor Politics
8. Legislation Hijacking
9. Militarism and Militarization

The existence of the Extraordinary Peoples' Court signifies the failure of the rule of law in Indonesia which has violated Article 1 paragraph (3) of the 1945 Constitution. Public trust in the judiciary has been lost because some of its decisions are sometimes contrary to justice. The Supreme Court, for example, in criminal and civil cases, practices buying and selling cases

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<sup>43</sup> Elizabeth Dávid-Barrett, 'State Capture and Development: A Conceptual Framework', *Journal of International Relations and Development*, 23 March 2023, 1, <https://doi.org/10.1057/s41268-023-00290-6>.

<sup>44</sup> Constitutional Complaint Text of the Extraordinary People's Court (MRLB).

that injure the face of the court itself because its decisions benefit those who pay. Based on *databox* data,<sup>45</sup> from 2011-2024, there have been 29 judges arrested for corruption.

Furthermore, the Supreme Court through Supreme Court Decision No. 23 P/HUM/2024 on the judicial review of General Election Commission Regulation No. 9 of 2020 concerning the Fourth Amendment to PKPU No. 3 of 2017 concerning Candidacy for the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors, which in its ruling stated that:

Article 4 paragraph (1) letter d of the Regulation of the General Election Commission of the Republic of Indonesia Number 9 of 2020 concerning the Fourth Amendment to the Regulation of the General Election Commission Number 3 of 2017 concerning the Nomination for the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors, is contrary to higher laws and regulations, namely Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regent, and Mayor into Law, and does not have binding legal force to the extent that it is not interpreted as *“at least 30 (thirty) years old for Candidates for Governor and Deputy Governor and 25 (twenty-five) years old for Candidates for Regent and Deputy Regent or Candidates for Mayor and Deputy Mayor as of the inauguration of the elected Candidate pair,”* so that the Article a quo reads in full:

Article 4 paragraph (1) letter d:

*“at least 30 (thirty) years old for Candidates for Governor and Deputy Governor and 25 (twenty-five) years old for Candidates for Regent and Deputy Regent or Candidates for Mayor and Deputy Mayor as of the inauguration of the elected candidate pair.”*

This decision received a negative response because it was considered by many parties to be favorable to Joko Widodo, who paved the way for his son to advance in the 2024 election contestation. The failure of judicial institutions to show justice in their decisions is not only in the Supreme Court, but also in the Constitutional Court. In 2023, the decision issued by the Constitutional Court was also in the public spotlight because in the process of making its decision it had violated the law. Through Constitutional Court Decision Number 90/PUU-XXII/2023:

*“Stating that Article 169 letter q of Law Number 7 of 2017 concerning General Elections (State Gazette of the Republic of Indonesia of 2017 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 6109) which states, “at least 40 (forty) years old” is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force, as long as it is not interpreted as “at least 40 (forty) years old or has / is currently holding an office elected through general elections including regional head elections.” Therefore, Article 169 letter q of Law Number 7/2017 on General Elections reads “at least 40 (forty) years old or has / is currently occupying an office elected through general elections including regional head elections.”*

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<sup>45</sup> Nabilah Muhamad, '29 Judges Suspected of Corruption in Last 13 Years', *databox*, April 17, 2025, <https://databoks.katadata.co.id/demografi/statistik/6800b61a8e1bf/29-hakim-jadi-tersangka-korupsi-dalam-13-tahun-terakhir>.

This decision also gives an advantage to the president's son who served at that time as Mayor of Solo so that he can run in the 2024 Elections even though he is not yet 40 years old. In addition, the relationship of power is shown on the non-neutral behavior of the Chief Justice of the Constitutional Court, Anwar Usman, because having a family relationship with Joko Widodo is considered a violation of the constitution as evidenced by the Decision of the Honorary Council of the Constitutional Court Decision Number: 2/MMK/L/11/2023 which states that Anwar Usman is guilty of violating ethics and his position as Chief Justice of the Constitutional Court is dismissed.

Based on the facts above, the public's distrust of the judiciary in Indonesia triggered the Extra-Biased Peoples' Court to be born as an effort to realize justice for the weak. As stated by Russell in the people's trial on November 13, 1966 in London that "*May this tribunal prevent the crime of silence.*"<sup>46</sup>

The practice of *peoples' tribunal* such as the Extraordinary Peoples' Court, which is a non-formal court, is considered not to have binding legal force, so it often has an impact on the defendant. In fact, in every decision the authority of a decision issued by a judicial institution lies in its binding force.<sup>47</sup> This weakness in the legitimacy of the practice is what sometimes makes *peoples' tribunal* have no impact on those who commit violations. Aldo Zammit Borda and Steffan Mandelbaum once wrote that *peoples' tribunal* can have legitimacy in the context of international law because they are subject to 3 things, namely Input, Process and Output Legitimacy.<sup>48</sup> So, if juxtaposed with the Extraordinary Court to try Joko Widodo, it can be analyzed in 3 terms of legitimacy:

#### 1. Input Legitimacy of the Extraordinary Peoples' Court

Legitimacy Input is the background conditions for the existence of the Extraordinary Peoples' Court, including the process by which the mandate was granted as well as the method by which the *peoples' tribunal* process was established. The Extraordinary Peoples' Tribunal resulted from the people's dissatisfaction with the ruling government because the state failed to investigate or prosecute human rights violations, exhibited *state-capture corruption*, as well as 7 other claims included in the lawsuit. In addition, legitimacy was also gained from the moral mandate of the victims who filed the Extraordinary Peoples' Court lawsuit over the need for victim-witnesses to be heard. The plaintiffs who are involved and have legal standing as plaintiffs include:<sup>49</sup>

**Table 1.** List of Plaintiffs in the Extraordinary Peoples' Court.

| No. | Name    | Reason for Plaintiff's Position                                                                                                                               |
|-----|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Bambang | The plaintiff is one of the many victims of deprivation of living space, violence, and criminalization that have occurred in Indonesia during the Joko Widodo |

<sup>46</sup> Russell Tribunal on Palestine (RToP), 'The Russell Tribunal on Palestine Cape Town Session'.

<sup>47</sup> Fista Sambuari, 'Existence of Judicial Review Decision by the Constitutional Court', *LEX ADMINISTRATUM* 1, no. 2 (November 2013): 20, <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/3012>.

<sup>48</sup> Aldo Zammit Borda and Stefan Mandelbaum, "'If I Would Stay Alive, I Would Be Their Voice": On the Legitimacy of International People's Tribunals', *The Modern Law Review* 86, no. 1 (2023): 71, <https://doi.org/10.1111/1468-2230.12747>.

<sup>49</sup> Manuscript of the Extraordinary Peoples' Court Lawsuit

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2. Khanza Vina  
administration. The plaintiff also represents thousands of citizens who are still suffering the same fate. The plaintiff is one of the many victims of violence, persecution, and discrimination of vulnerable groups and other minorities who have been dwarfed by the Joko Widodo administration. The plaintiff also represents victims of violence, persecution, and discrimination who are still suffering the same fate in Indonesia.
  3. Dago Elos resident  
The plaintiff is one of the residents of Dago Elos who is threatened with eviction in the urban area. In addition to that, the plaintiff also experienced violence committed by the police by attacking the Dago Elos village on August 14, 2023. The plaintiff also represents all victims of evictions and planned evictions in urban areas, including in Bara-Baraya Makassar, Pancoran Jakarta, and all victims who we cannot mention one by one.
  4. Benydictus Siumlala  
The plaintiff is one of many employees of the Corruption Eradication Commission who were fired by the Joko Widodo administration through an unconstitutional and maladministrative National Insight Test procedure at the height of the wave of weakening corruption eradication in 2019.
  5. Lampung Farmers Union  
Representing peasant unions from Lampung who have legally controlled land for decades as a source of livelihood and a place for our families to grow. However, everything was seized by the land mafia. The plaintiffs also represent all farmers/fishermen/poor people who are victims of land grabbing in plantation, forestry, infrastructure, and other areas by the land mafia.
  6. . Khariq Anhar  
The plaintiff is one of the many students who have spoken out against the oppressive and discriminatory education system during the Joko Widodo administration. The plaintiff also represents millions of Indonesian citizens who buried their dreams due to the lack of infrastructure/weakness of education costs accumulated in policies during the Joko Widodo administration.
  7. Neneng  
The Plaintiff is one of the many victims of the violence of militarism and militarization that occurred during the Joko Widodo administration. The plaintiff also represents Indonesian citizens who experienced expulsion, pain and loss of life due to militarization during the Joko Widodo administration.
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|                     |                                                                                                                                                                                                                                                                                |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8. Suciwati         | The plaintiff is one of the many victims of gross human rights violations who were harmed by the policies of the Joko Widodo administration.                                                                                                                                   |
| 9. Sunarno          | Occupation. The plaintiff is one of the many victims of an oppressive and impoverished labor system. Plaintiffs also represent millions of workers who over time have experienced exploitation, slavery, and discrimination during the period of Joko Widodo's administration. |
| 10. Bivitri Susanti | The plaintiff is one of many academics in the field of law. The plaintiff also represents academics as a result of the hijacking of legislation by the Joko Widodo administration that has damaged the rule of law and democracy.                                              |

These ten amplifiers represent a basic effort to fulfill victims' rights to recognition and justice. The Extraordinary Peoples' Court is also legitimized as a remediative mechanism that fills the void of the state's responsibility to deliver justice to society.

## 2. Legitimacy of the Extraordinary Peoples' Court Process

Process Legitimacy is a procedural that emphasizes the method of implementing the Extraordinary Peoples' Court. The legitimacy of the process must also follow the same things as formal justice in general, namely procedural law processes and independent and independent judicial institutions.

The Extraordinary Peoples' Court followed procedures analogous to formal courts: it had nine judges, ten plaintiffs with legal counsel, and a defendant. The trial included the reading of the lawsuit, examination of witnesses and experts, and a final verdict by attorneys, and the defendant.

The trial process starts from listening to the reading of the lawsuit, proof by listening to witness and expert testimony, and the reading of the decision. The tribunal's independence is further evidenced by the selection of judges who have no conflict of interest. The 9 people who became judges at the Extraordinary Peoples' Court are as follows:<sup>50</sup>

**Table 2.** List of Judges in the Extraordinary Peoples' Court.

| No. | Name        | Judge Background                                                                                                                                                                                                                                                                                                   |
|-----|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Anita Wahid | Anita is the daughter of the 4th President, Abdurrahman Wahid or Gus Dur. She is active in the Wahid Institute, especially for three focuses, namely anti-corruption, religious tolerance, and the digital information ecosystem, as well as being an activist working in the field of human rights and democracy. |

<sup>50</sup> Sultan Abdurrahman, 'Profiles of the 9 People's Court Judges Who Tried Jokowi's Nawadosa, from Gus Dur's Daughter to LBH's Ex-Director', *Tempo*, June 25, 2024, <https://www.tempo.co/politik/profil-9-hakim-mahkamah-rakyat-yang-adili-nawadosa-jokowi-dari-putri-gus-dur-hingga-eks-direktur-lbh-46003>.

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2. Asfinawati  
An advocate and human rights activist. She served as Director of the Indonesian Legal Aid Foundation or YLBHI for the 2017-2021 period and was also Director of the Jakarta Legal Aid Institute in 2006-2009.
  3. Sasmito  
A journalist who has served as Chair of the Alliance of Independent Journalists or AJI for the 2021-2024 period. He is currently a member of AJI's Ethics and Organizational Judicial Council. Sasmito has a special interest in human rights, democracy, freedom of expression, press freedom, and the welfare of journalists.
  4. Ambrosius S. Klagilit  
Activist of Yayasan Pusaka Bentala Rakyat. Ambrosius has been involved in advocating for the rights of indigenous peoples. Among the cases he advocates, Ambrosius has been active in assisting indigenous Papuans who have to deal with companies and investments on their land.
  5. Nining Elitos  
A woman who is concerned with labor issues. Nining was once the Chairperson of the Indonesian Labor Union Alliance Congress (KASBI) 2008-2023. Currently, Nining remains active in KASBI as the Coordinator of the National Labor Council. For the past five years, Nining has been actively involved in actions against the *Omnibus Law on Job Creation Law*.
  6. Nur Khasanah  
Women activist who is also a domestic worker. She has been actively advocating for issues of welfare and protection of domestic workers. Nur Khasanah is the Coordinator of the Independent Semarang DW Union and is a member of the DW Advocacy Network Organization or JALA PRT. As an activist, she has been pushing for the passage of the DW Protection Bill for decades.
  7. Lini Zurlia  
A human rights activist who focuses on issues of gender identity and sexual orientation diversity. Currently, Lini is the Advocacy Manager at ASEAN Sexual Orientation, Gender Identity and Expression (SOGIE) Causus.
  8. John Kristoforus  
A Catholic religious leader. He has been active in assisting communities in advocating environmental issues, especially when facing mining companies. In 2018, Romo Kristo received the Kalpataru Award for Environmental Service from the Government of Belu Regency, East Nusa Tenggara.
  9. Nurhayati  
Daughter of one of the victims of the 1984 Tanjung Priok incident. Since 2004, Nurhayati together with the Tanjung Priok Victims Family Association or IKAPRI has been active in advocating for the resolution of the Tanjung Priok mass human rights violations.
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Transparency was ensured through open sessions accessible to the public, fulfilling universal principles of justice.

### 3. Output Legitimacy of the Extraordinary Peoples' Court

Output legitimacy derives from the tribunal's ability to document violations and influence public discourse, even though its decisions lack binding force. Its impact lies in its potential to shift public perception and generate social pressure.

In order to open up the evidence as clearly as possible, the opportunity was given to conduct evidence both from listening to witness testimony totaling 5 people and expert testimony totaling 4 people.

The Extraordinary Peoples' Court, after listening to and examining the evidence presented, gave a verdict in which it found the defendants guilty and unlawful for what they had done during their 10 years as president. Although the tribunal lacks legitimacy in positive law, as it is not regulated by legislation. However, indirectly the efforts made through the Extraordinary Peoples' Court can increase public awareness and participation in the results decided at the Extraordinary Peoples' Court session and initiate social movements to be able to fight for legal and political reform in the legal state system in Indonesia.

### 3.3. Impact of the Extraordinary Peoples' Court on Democracy in Indonesia

#### 3.3.1 The Extraordinary Peoples' Court Decision as a Reflection on the Reality of Indonesian Law Enforcement

The Extraordinary Peoples' Court decision reflects the reality of law enforcement in Indonesia by demonstrating the failure of the state to address gross human rights violations. It serves as a reminder that justice cannot always be achieved through the formal legal system, especially when that system is influenced by political power or vested interests. Although not binding, the Extraordinary Peoples' Court put moral pressure on the state, championed victims' rights, and created space for narratives that had been ignored. This demonstrates the importance of legal reform in Indonesia to ensure that the legal system can truly be an instrument of justice for all.<sup>51</sup>

Judicial institutions are crucial to the rule of law. In contrast to a *machtstaat* (state of power) which is based on the absolute authority of the ruler, a state of law places the law as the main guideline in regulating state life and protecting the rights of citizens.<sup>52</sup> However, in the era of Joko Widodo's administration, the law can become a legitimizing tool to justify any government behavior. This reflects a formalist conception of the rule of law, prioritizing legal certainty over substantive justice and democracy..

Brian Z. Tamanaha divides the rule of law into two, namely the formal rule of law and the substantive rule of law. In simple terms, Tamanaha said that the formal rule of law is a state that only ensures that the rule of law can run well in a country while the

<sup>51</sup> Jemmy Dedi Rengku, 'Alternative Resolution of 6, no. 5 (March 2025): 1308, <https://doi.org/10.36312/10.36312/vol6iss5pp1305-1342>.

<sup>52</sup> Wicipto Setiadi, 'Legal Development in the Framework of Increasing the Supremacy of Law', *Journal of Rechts Vinding: Media for National Law Development* 1, no. 1 (May 2012): 5, <https://doi.org/10.33331/rechtsvinding.v1i1.103>.

substantive rule of law is a state that includes broader things, namely human rights, democracy, and criteria regarding justice.<sup>53</sup> In simple terms, Tamanaha divides them into the following picture:<sup>54</sup>

**Picture 1.** Alternative Rule of Law Formulations.

| ALTERNATIVE RULE OF LAW FORMULATIONS |                                                                        |                                                                     |                                                                                        |
|--------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Thinner -----> to -----> Thicker     |                                                                        |                                                                     |                                                                                        |
| FORMAL VERSIONS:                     | 1. <b>Rule-by-Law</b><br>– law as instrument of government action      | 2. <b>Formal Legality</b><br>– general, prospective, clear, certain | 3. <b>Democracy+ Legality</b><br>– consent determines content of law                   |
| SUBSTANTIVE VERSIONS:                | 4. <b>Individual Rights</b><br>– property, contract, privacy, autonomy | 5. <b>Right of Dignity and /or Justice</b>                          | 6. <b>Social Welfare</b><br>– substantive equality, welfare, preservation of community |

During Joko Widodo’s administration, poorly planned law-making and minimal public participation are reflected in a number of controversial laws, such as the Corruption Eradication Commission Law (KPK Law), the Law on the People’s Consultative Assembly, the House of Representatives, the Regional Representatives Council, and the Regional Representatives Council (MD3 Law), and the Job Creation Law. In addition, the increasingly dominant structure of power relations can also be seen from court decisions that tend to favor the interests of the authorities, often ignoring the principles of justice that should apply to all parties. The Constitutional Court Decision Number 90/PUU-XXII/2023 is evidence that power relations are strengthening with the issuance of a decision that gave birth to a decision favoring the president’s son to run in the 2024 elections accompanying Prabowo Subianto. The increasingly dominant power relations tend to produce corrupt and primitive legal products. This is in line with Mahfud MD’s view in his legal politics, which states that legal politics is a basic policy determined by the ruler to choose which laws to use to regulate society.<sup>55</sup>

Mahfud MD said that democratic and authoritarian concepts can be identified based on three indicators, namely the party system and the role of the representative body, the role of the executive, and freedom of the press. Based on these three things, Mahfud MD said that if the configuration of democratic law will give birth to responsive law, while if the configuration of authoritarian law will give birth to conservative law.<sup>56</sup>

The conditions that occur in Indonesia will be dangerous if left unchecked because the face of Indonesian law will become bad in the future and fair law enforcement will not be in favor of the community. Therefore, the current legal condition that tends to repressive

<sup>53</sup> Brian Z. Tamanaha, 'A Concise Guide to the Rule of Law', *The Learning Legislator*, International Association of Legislation (IAL) / Deutsche Gesellschaft für Gesetzgebung (DGG), vol. 14 (2009): 2, <https://doi.org/10.5771/9783845219264>.

<sup>54</sup> Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory* (Cambridge University Press, 2004), 91.

<sup>55</sup> Moh. Mahfud MD, *Building Legal Politics, Upholding the Constitution* (Jakarta: LP3ES Library, 2006), 5.

<sup>56</sup> Solikhul Hadi, 'The Effect of Government Political Configuration on Legal Products', *Addin* 9, no. 2 (November 2015): 386, 2, <https://doi.org/10.21043/addin.v9i2.620>.

law is an effort to present responsive law with the existence of the *peoples' tribunal* of the Extraordinary Peoples' Court.

### 3.3.2 Responsive Law Answers People's Disappointment with Joko Widodo's Government

Indonesian democracy ideally places the people as the supreme power holder, as expressed by Abraham Lincoln in his short, but famous Gettysburg Address, on November 19, 1863, has become a well-known expression, "Government of the people, by the people, for the people."<sup>57</sup>

In contemporary practice, however, this ideal is eroding. The declining democracy index, both from the *Economist Intelligence Unit* (score of 6.53) and *Freedom House* (from 62 to 57), signifies the deterioration of the quality of democracy in various aspects, ranging from weakening legal institutions, reduced civil liberties, to decreased public participation.<sup>58</sup> One of the main triggers was the Constitutional Court's decision in October 2023 that allowed the nomination of Gibran Rakabuming Raka as vice president despite not meeting the 40-year age limit. This decision was seen by many as a form of dynastic politics and a misuse of the principle of substantive justice, thus reducing public legitimacy of the highest legal institution in a democratic country.<sup>59</sup>

In this context, the idea of an *Extraordinary Peoples' Court* emerged as a form of symbolic resistance to the formal legal system which was considered no longer representative of the aspirations of the community. Historically, the *peoples' tribunal* has long roots as a moral instrument of society in upholding justice when formal institutions fail, as in Roman times where the *peoples' tribunal* protected the plebeian class from oligarchic domination. In Indonesia, this phenomenon can be read as a social expression of the weak *check and balance* mechanism, the erosion of the integrity of the judiciary, and the low political literacy of citizens. Although the *peoples' tribunal* decision is not legally binding, it serves as a means of political education, a medium for social control, and an alternative channel for correcting abuses of power.<sup>60</sup>

According to *responsive law*, the phenomenon of the *Extraordinary Peoples' Court* shows a community effort to restore the function of law as an instrument of social change. Philippe Nonet, Philip Selznick, and Robert A. Kagan<sup>61</sup> reject a legal paradigm that is rigid, autonomous, and merely procedurally oriented. Instead, law must be sensitive to social reality and able to adapt to change without losing its moral principles and integrity. In a situation where formal institutions tend to close themselves and become tools to justify

<sup>57</sup> Wolfgang Mieder, *Proverbs Are The Best Policy: Folk Wisdom And American Politics* (University Press of Colorado, 2005), 15, <https://doi.org/10.2307/j.ctt4cgr04>.

<sup>58</sup> Tri Subarkah, 'Index Numbers Continue to Fall, Indonesian Democracy Still Flawed', accessed October 8, 2025, <https://mediaindonesia.com/politik-dan-hukum/651955/angka-indeks-terus-turun-demokrasi-indonesia-masih-cacat>.

<sup>59</sup> Abul Muamar, 'Declining Indonesia Democracy Index Green Network Asia - Indonesia', GNA Knowledge Hub, *Green Network Asia -*, August 23, 2024, <https://greennetwork.id/gna-knowledge-hub/menurunnya-indeks-demokrasi-indonesia/>.

<sup>60</sup> Prinz and Westphal, 'The Tribunate as a Realist Democratic Innovation'.

<sup>61</sup> Philippe Nonet, Philip Selznick, and Robert A. Kagan, *Law and Society in Transition: Toward Responsive Law* (New York: Routledge, 2017), 73-80, <https://doi.org/10.4324/9780203787540>.

power, society creates its own channels of correction as a reflection of the desire to bring substantive justice. This is the real form of responsive law where social pressure is not seen as a threat, but rather a source of learning for the legal system to introspect and reform. The application of responsive law cannot be separated from the dilemma between openness and integrity. A law that is too open without direction will lose certainty and legitimacy; conversely, a law that is too closed will lose its relevance in the eyes of society. Therefore, the existence of the *Extraordinary Peoples' Court* should be viewed not as a form of legal anarchy, but as a mirror of the state's responsiveness deficit. If official legal institutions are able to accommodate people's aspirations transparently, open up space for public participation, and maintain a mechanism of *checks and balances*, then the public's need for such alternative courts will diminish.

In the framework of equitable legal development, measures such as improving political education, strengthening citizens' legal literacy, and reforming judicial institutions are important to strengthen the foundation of *responsive law* in Indonesia. Political education encourages public awareness to participate critically, while public participation ensures that policies and laws that are born truly reflect social needs. On the other hand, strengthening the system of *checks and balances* ensures that state power is not centralized and remains within the corridors of the law.

Thus, the *Extraordinary Peoples' Court* is a concrete expression of a society that seeks to fill the void of legal responses to injustice. This is a sign that our legal system is experiencing a crisis of responsiveness, too formalist and less reflective of social reality. Referring to the *responsive law theory*, the solution is not to reject the existence of *peoples' tribunal*, but to make this phenomenon an alarm for the rule of law to improve: revive the spirit of substantive justice, open up to social criticism, and return the law to its function as a protector of the people, not a servant of power.

#### 4. Conclusions

The emergence of the *Extraordinary Peoples' Court* is a form of social reaction to the weakening of the rule of law and the deteriorating quality of democracy in Indonesia during the Joko Widodo administration. Formal judicial institutions such as the Supreme Court and the Constitutional Court are considered to have failed to maintain their independence and integrity, especially after a number of decisions emerged that were considered full of political interests and contrary to the public's sense of justice. In the context of *responsive law theory*, the phenomenon of the *Extraordinary Peoples' Court* reflects the community's efforts to restore the function of law as a means of social correction and substantive justice, not just procedural. Although it does not have binding legal force, its existence has moral legitimacy because it fills the void of the state's responsibility towards its people. Thus, the *Peoples' Court* is a reflection of the crisis of legal responsiveness in Indonesia, a situation when the law loses empathy for social reality and is trapped in formalism that actually strengthens power.

As for building a responsive legal system and democracy, the state needs to strengthen the principles of substantive justice through institutional reform, increased judicial transparency, and real enforcement of *checks and balances* mechanisms. Legal institutions need to open spaces for dialogue and public participation so that people's

aspirations no longer need to be channeled through alternative courts. In addition, political education and public legal literacy must be expanded so that people understand their rights and are able to oversee the running of the government critically and constructively. By building a healthy relationship between law, society and power, the ideals of *responsive law*, namely law that lives with the people and favors social justice, can be realized in Indonesia.

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