

CONTEMPT OF COURT CRIMINAL IN JUSTICE IMPLEMENTATION IN INDONESIA

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Abstract *The administration of Justice has a broader scope and scope than the context of the court itself because the scope of the court is a violation or insult aimed at the court, which is generally carried out in the courtroom. Court or during the trial, while the administration of Justice is carried out in court or the courtroom but can also occur outside the court. The method in this research is normative, where the study focuses on secondary data. The study results show that the provisions related to contempt of court punishment have basically been regulated in the qualification provisions of laws and regulations but are still regulated separately and partially in criminal laws and regulations. In addition, it is understood that the rules related to contempt of court punishment it does not yet regulate the form of punishment if law enforcers in the judicial environment, such as judges, investigators, and investigators, commit acts that humiliate the dignity, authority, and/or honor of the judiciary. So that special regulations needed to be related to the context of the court, where this is necessary as part of giving a warning that if you violate the rules of contention of court, criminal sanctions will be imposed on those who do it, as well as imparting knowledge, especially to law enforcement officials and the public that Justice has dignity. Which must be respected and preserved.*

Keywords: *contempt of court, sentencing, Justice*

INTRODUCTION

The term *Contempt of Court* comes from the *standard law* legal system several centuries ago, which comes from English; *Contempt* means to violate, insult, and despise. *Court*, which means court. So *Contempt of Court* can be interpreted as a violation, ridicule, or despise of the court.¹

Writers or legal experts in Indonesia often use the term offenses or crimes against the administration of Justice, or contempt of court, as a free translation of the term *Contempt of Court*.

The term crime/delict against the administration of Justice has a broader scope and scope than the term *contempt of court* itself because the scope of *contempt of court* is an offense or insult aimed at the court which is generally carried out in the courtroom or at during the trial, while the administration of Justice is not only carried out in court or the courtroom but can also occur outside the court.

Moreover, in the criminal justice system in Indonesia, which adheres to an integrated criminal justice system, criminal Justice consists of 4 (four) sub-systems: the Police sub-system, the Prosecutor's Office sub-system, the Court sub-system, and the Criminal Justice sub-system. System of Correctional Institutions so that violations or contempt can not only occur in court or during court proceedings but also include all violations or contempt in the criminal justice process, so they can also occur at the stage of investigation and prosecution or during the implementation of court decisions, even criminal acts or contempt can also occur in the four courts, namely in the general courts, religious courts, state administrative courts, and military courts, even more broadly they can also happen in the Supreme Court and the Constitutional Court.

The court is the last bastion and the place where law and Justice are determined. Therefore the prosecution of the *Contempt of Court* must be focused on the judicial process that occurs in the courtroom because it has become a *universal principle* that must be followed that everyone must

¹Andi Hamzah and Bambang Waluyo, 1988, *Offenses Against the Administration of Court (Contempt of Court)*, Sinar Graphic, Jakarta, page 9.



respect the trial court because in it is there that the rule of law is processed. All parties will uphold Justice. There are legal remedies that can be taken if there are parties who are dissatisfied with the court's decision, and there are still legal routes that can be taken if the judge is deemed not to have carried out his duties properly; what is clear is that this cannot be done in court proceedings by insulting, harassing or attacking court. Therefore, in a large number of countries, the *Contempt of Court institutions has been implemented*, the regulation of which is contained in the criminal code (KUHP) or Constitution unique, nor based on jurisprudence developed by judges, as an effort to defend the public interest and the rule of law so that the judicial process can be carried out properly without being disturbed or undermined by other parties.

Contempt of Court perpetrators, in essence, is not only a guarantee of the rights of the parties at trial or the authority of the court itself. More fundamentally, it is the enforcement of the principles of the rule of law.

Contempt of trial in many countries is considered a very serious act and constitutes a direct threat to the conduct of a problem, so the authority to punish such acts has long been known.

In 1735 Judge Wilmot, in the *RvAlmon* case, convicted the perpetrator of *the Contempt of Court*, which was carried out in a court trial at Westminster Hall.²

The principle of respect for the court has been adopted by the Criminal Procedure Code (Law Number 8 of 1981), in particular Article 217 paragraph (2) of the Criminal Procedure Code, which states that everything ordered by the head judge at trial to maintain order in court must be carried out promptly and accurately. , and Article 218 of the Criminal Procedure Code, which stipulates that in the courtroom, anyone is obliged to show respect to the court, and anyone who is at a court session behaves inconsistently with the dignity of the court and does not obey the rules of the procedure after receiving a warning from the head judge at the trial, on his orders the person concerned is expelled from the courtroom. If the violation of the rules is a criminal act, it does not reduce the possibility of prosecution of the perpetrators.

Even though it has become a *universal* principle and the law also stipulates explicitly the obligation to respect court proceedings, it is not uncommon for cases of humiliation, harassment, or humiliation of the court to occur, and there are even frequent attacks on court officials/officials in the courtroom, which even exists to the point of death. Especially in the current reform era, many parties interpret democracy and freedom of expression disproportionately so that many parties or the public do not hesitate to commit acts that can qualify as *a contest of court*. In contrast, according to those concerned, this is still their democratic right.

Aside from that, *contempt of court* sometimes occurs because it is triggered by the attitude and behavior of judges that are not by the Indonesian Code of Ethics for Judges, for example, because judges are unprofessional or judges who are too *over-acting* or arrogant or commit acts that give the impression of being in favor of a party. The case so that the other parties become unhappy and take actions, attitudes, or remarks that offend the judge/court.

We can examine the *Contempt of Court cases*, which are very well-known and attract the public's attention, for example, the incident on January 8, 1986, at the Central Jakarta District Court in the case trial against defendant HR. Dharsono, which was carried out by the defendant's legal counsel, namely *advocate* Adnan Buyung Nasution, because when the judge read out the court decision, Adnan Buyung Nasution suddenly stood up and protested/interrupted loudly against sentences in the court decision that were deemed inappropriate and unethical. The interruption was apparently approved and supported by most of the audience in their way, such as applauding and others, causing the atmosphere of the trial to become boisterous.³

Apart from that, another description of the case that has been busy in the community is the Reporting of Judge Sarpin by the Chairman of the Judicial Commission (KY) Suparman and Taufiqurrahman, for his decision to name Police Commissioner Budi Gunawan as a suspect deemed

²Eddy Djunaedi, May 2000, "*Contempt of Court A Comparative Study*," *Varia Judicial Magazine Law Year XV No.176*, page 102.

³Luhut M. P Pengaribuan, 2002, *Advocate and Contempt of Court One Process at the Professional Honorary Council*, Publisher Djbatan, Jakarta, safe pages 61-63.



illegitimate, and they (Suparman and Taufiqurrahman) criticized the media mass openly. Due to the criticism in the mass media, Judge Sarpin then reported them as if they had insulted and slandered him in making decisions so that his credibility as the public was doubted a judge.⁴

A *contempt of Court* case that recently occurred and is still fresh in our memories is the assault case committed by The defendant Yunus Wahyudi against the panel of judges at the Banyuwangi District Court led by Khamozaru Waruwu, on Thursday, August 19, 2021, while the head judge of the panel finished reading the decision which sentenced the defendant Yunus Wahyudi to 3 (three) years in prison who was charged with the crime of pick-up forcing the corpse to be confirmed positive for Covid-19. As a result of this anarchist action, the Banyuwangi District Court suffered damage to the pots and *banners* because the masses of the defendant's supporters jostled after the defendant went berserk in the courtroom. Luckily there were no casualties or injuries because security officers who were on duty swiftly arrested and secured the defendant.

The Contempt of Court continues and affects the Chief Judge of the Lumajang Religious Court, who experienced physical violence due to being beaten and thrown by the chair where the witnesses sat by the Defendant on Thursday, October 20, 2022, at around 10.00 WIB at the Lumajang Religious Court courtroom for a moment after reading the verdict, the Chief Judge (Drs. Zulkifli) suffered a laceration on the left cheek under the eye.⁵

Observing the cases of *Contempt of Court* that continue to occur, even in its development, it has reached a very worrying stage because *Contempt of Court* is no longer merely a verbal action in the form of words of insult or harassment, but has led to anarchic actions inside and outside the court, the target not only the property of the court, but many of which lead to the body and soul of judges and judicial officers, so that the regulation regarding *Contempt of Court* specifically in law in Indonesia is very urgent to be realized immediately.

RESULTS AND DISCUSSION

The term *contempt of court* etymologically consists of 2 (two) words: *contempt* and *court*. *Contempt* is defined as violating, insulting, and looking down on. At the same time, the word *court* is defined as a court. Based on this understanding, *contempt of court* can be interpreted as an attempt to violate, insult, and despise the court.⁶

The definition in *the Black's Law Dictionary* states that what is meant by *contempt of court* is:⁷

"Contempt of Court is any act which is calculated to embarrass, hinder or obstruct the court in the administration of justice or which is calculated to lessen its authority or dignity or tending to impede or frustrate the administration of justice or by one who is under the court's authority as a party to a proceeding therein, willfully disobeys its lawful order or fails to comply with an undertaking which he has given."

The meaning meant here is that *contempt of court* is carried out by a person who commits an act that intentionally violates the authority or dignity or tends to hinder or neglect the administration of Justice or by someone who is under the authority of the court as a party to the case in that court knowingly disobeying a valid court order or failing to comply with what he or she has confessed to.

Contempt of Court itself is a British legal tradition and countries that are members of the family law (*Common Law System*). As in medieval history and the legal tradition of *contempt of court* in England, which is closely related to the history and form of the British empire, which is very strong, all people must submit to the king as the highest authority, and the king is the source of law and

⁴ Dzulfikri Reza Fahlevi and Kuswanto, 2020, *Juridical Analysis of Actions that Hamper the Judicial Process (Contempt Of Court) in the Justice System in Indonesia*, Yusticia Journal, Vo. 9, No. 1, p. 68.

⁵pp. IKAHI, October 7, 2022, *PP IKAHI's Statement of Position on Physical Violence against Judges PA Lumajang*, accessed from <https://www.ikahi.or.id>, at 20.45 WITA.

⁶ Lilik Mulyadi and Budi Suharyanto, 2016, *Contempt Of Court in Indonesia*, Alumni, Bandung, p. 77.

⁷ Henry Campbell Black, 1968, *Black's Law Dictionary: Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern*, St. Paul, Minn. West Publishing co, p. 390.



Justice. Such power is delegated to the judges so that *the contempt of the court* is synonymous with *the contempt of the king*.⁸

Due to the wide scope and variety of *contempt of court*, it is not easy to explain the form of *contempt of court*. The thing is caused by the development of *contempt of court* from time to time and from case to case.⁹

The term *contempt of court* in Indonesia itself was first found in the General Elucidation of Point 4 Paragraph 4 of Law Number 14 of 1985 concerning the Supreme Court, which states that:

"... Furthermore, to be able to better guarantee the creation of the best possible atmosphere for the administration of Justice to uphold law and Justice based on Pancasila, it is also necessary to enact a law that regulates the prosecution of actions, behavior, attitudes and/or remarks that can humiliating and undermining the authority, dignity and honor of the judicial body known as *the Contempt of Court*.

Based on the General Elucidation of the Law, in essence, it states that it is necessary to enact a law that regulates legal threats and criminal prosecution of actions, behavior, attitudes, or remarks that can humiliate the court's honor.¹⁰ With this formulation, the issue of *contempt of court* becomes an *ius constituent* in Indonesia because this is desired and stated in the law.¹¹

Regulations related to *contempt of court* are primarily aimed at creating guarantees for the judiciary's authority, dignity, and honor. In a more concrete form, the guarantee is addressed to the people who drive and process the activities and decisions of the institution.¹²

Regarding acts included in the definition of contempt of court, these include misbehaving in court, disobeying court orders, attacking the integrity and impartiality of the court (*Scandalising the Court*), and obstructing the course of court proceedings. Justice (*Obstructing Justice*) acts of contempt against the court are carried out through notification/publication (*Sub-Judice Rule*).¹³

Furthermore, in Law Number 25 of 2000 concerning the National Development Planning System for 2000-2004, in the Law Development Program Policy Matrix, point 16, it is also stated that there is a need to stipulate a law concerning *Contempt of Court*, 2002.

The urgency regarding the regulation of *Contempt of Court* specifically in a separate law, even though it has been mandated by Law Number 14 of 1985 and by Law Number 25 of 2000, and has also been included in the discussion agenda for the *Contempt of Court Draft Law (RUU)* in Prolegnas 2015-2019, but until now the mandate of the two laws has not been implemented. Moreover, it turns out that in Law Number 5 of 2004 concerning the Supreme Court, instead of Law Number 14 of 1985, there is no further mention of the issue of *Contempt of Court*.

The non-implementation of the mandate of the law as mentioned earlier, cannot be separated from the pros and cons of legal experts in Indonesia, both academics and practitioners, regarding the need to make a special law governing the *Contempt of Court*. Opinions in favor of the immediate promulgation of statutory provisions regarding *the Contempt of Court*, among others by arguing that the daily reality recently shows that events have occurred which have led to actions that can be qualified as degrading the dignity of the court and undermining the authority of the court because it is a form of action that is included in the meaning of *the Contempt of Court*. It is feared that this situation will lead to excesses that threaten the freedom of judicial power and obstruct the course of Justice. When viewed from a comparative perspective among ASEAN countries, only Indonesia has not regulated it specifically in legislation systematically, thus also other Asian

⁸ Muliadi and Barda Nawawi Arief, 1992, *Anthology of Criminal Law*, Alumni, Bandung, p. 206

⁹ Robertus Lolonium, Flora Pricilla Kalalo and Adi Tirto Koesoemo, 2020, *Yurudus's Review of Contempt Of Court Conducted By Law Enforcers*, Lex Administratum, Vol. VIII, No. 4, p. 88.

¹⁰ Padmo Wahjono, *Contempt of Court in the Judicial Process in Indonesia*, in Law and Development Magazine No. 4th XVI, August 1986, p. 38.

¹¹ Rahmat Hidayat, 2021, *Juridical Analysis of Contempt of Court in the Criminal Process*, Tadulako Master Law Journal, Vol. 5, Issue 3, p. 308.

¹² Muhammad Fadli, 2020, *Acts of Contempt That Obstruct the Judicial Process (Contempt Of Court) In Law Enforcement in Indonesia*, Journal of Legal Analysis, Vol. 3, No. 1, p. 26.

¹³ Oemar Seno Adji and Indrayanto Seno Adji, 2007, *Free Justice & Contempt Of Court*, Diadit Media, Jakarta, p. 235.



countries such as India and Pakistan, as well as the countries of England, the United States, and Canada. Likewise, *France, based on civil law/Continental Europe, regulates it separately in the Penal Code.*¹⁴

Regarding *the contempt of court at common law*, it is stated that it is a term to describe any act or inaction which, in principle, intends to interfere with or disrupt the system or process in the proper administration of Justice (*due process of law*). *Contempt of Court* is a general term because it can be distinguished between *civil* and *criminal contempt*, *direct* and *indirect contempt*.

Concerning *civil contempt* is used to describe *contempt* caused by disobedience to an order given by a civil court. This violation of *civil contempt* was caused by the failure of one party to carry out or carry out a court order to benefit or benefit the other party. In this case, that his actions are not against the dignity of the court but are detrimental to the other party, at the request of the injured party, the court issues an order or stipulation so that the party that refuses to carry out the court's order can carry out its obligations.

The sanctions given to *civil contempt actors* are coercive, in which the sanctions will stop if the perpetrators carry out court orders. The sanction was imposed to protect the rights of the party who won the lawsuit and the effectiveness of court administration by demonstrating that the court's order would be implemented. Thus, it can be interpreted that *civil contempt* is an unwillingness of one party to carry out its obligations to the other party and has no tendency to insult the court.

Regarding *criminal contempt*, it is an act that is disrespectful to the court and its judicial process to obstruct, obstruct, disrupt the course of Justice, or tending to cause the court to be dishonored. *Criminal contempt* is a violation directed against the court and its judicial process. In this regard, it is stated that *criminal contempt* is any act that tends to hinder the administration of Justice, and the act is considered to be against the judiciary, which is very important in fighting for the public interest.

The sanctions imposed on perpetrators of *criminal contempt are punitive* and can be subject to fines and/or imprisonment. Punishment itself aims to deter perpetrators from doing the same thing.¹⁵ The importance of sentencing against perpetrators of *criminal contempt* is to protect the judiciary's power and the court's dignity, in which case the state, government, judiciary, and society themselves are interested in the proper administration of Justice (*the due administration of Justice*).

Regarding the literature in *common law*, *criminal contempt* is often referred to as "*offenses against the administration of justice.*"¹⁶ *Criminal contempt* can be classified in the following forms and scopes:¹⁷

1. Disturbance in front of or in a courtroom.

contempt occurs directly in the courtroom when the judicial process is in progress. In this case, acts that occur before or in the courtroom can occur in any trial, whether the parties carry it out, visitors to the trial, the press, or even the law enforcers themselves. Whereas in this type of *criminal contempt*, what is protected is the judicial process because the smooth administration of Justice is very necessary to protect the rights of the general public by guaranteeing that the administration of Justice will not be disturbed.

Actions that can be classified as disturbance before or in the courtroom, namely:

- a. humiliate or say insulting words during the judicial process to the judge.
 - b. Any person who directly attacks the witness while giving testimony.
 - c. witnesses who refused to answer questions.
2. Acts to influence an impartial judicial process.

¹⁴Andi Hamzah and Bambang Waluyo, *O p. C it .*, safe thing 110-111.

¹⁵ Andi Hamzah, 2008, *Principles of Criminal Law in Indonesia*, Rineka Cipta, Jakarta, p. 4.

¹⁶ Syarif Nurhidayat, 2021, *Arrangement and Scope of Contempt Of Court in Indonesia*, Journal of Ius Constituendum, Volume. 6, Number 2, p. 80.

¹⁷ Barda Nawawi Arief, 1994, *Comparison of Criminal Law*, Sinar Graphic, Jakarta, p. 73.



Contest occurs for actions that include threats, intimidation, bribery, or trying to influence judges and witnesses in other ways, namely in the form of:

- a. communicate privately with judges to influence their decisions.
 - b. Commenting in newspapers, magazines, and television regarding an ongoing case.
 - c. publish anything that is partisan or to influence ongoing or future judicial proceedings.
3. Acts that are embarrassing or cause a scandal to the court.

Scandalizing the court includes *contempt out of court*, but more specifically aimed at reducing the authority of judges or courts. In *scandalizing the court*, there are principles regarding the issue of court defamation to maintain an atmosphere of respect for the court and protect the public from attempts to turn the court into a disgrace in the eyes of society. *Contempt by scandalizing* is stated as news that reduces power and affects the objectives of the judiciary.

Reporting is seen as reducing public trust in court decisions because published material aims to undermine the power of the court as a whole or judges by raising feelings of concern for the integrity of judges and the decency, honor, and impartiality exercised by courts. Examples of acts include *scandalizing the court*, for example, accusing the judge of having abused his position, taking sides, or being pressured by other parties. In Indonesian positive criminal law, there are no provisions governing *scandalizing the court* unless it leads to insults or slander.

4. Disturbing court officials

order can be achieved with a free and independent judiciary, including court officials. People who have an interest in balance in their social order expect the court as a means to maintain balance and legal order in society. Therefore, court officials must receive protection from things that could interfere with their duties. The disturbance can come from the parties involved in the court or from parties who are not directly involved.

5. Retaliation for actions committed during the judicial process.

Contempt is usually directed against witnesses. This revenge is carried out by parties who were sentenced by the court or dissatisfied with the court's decision. This happened because these parties thought they were being sentenced because of the incriminating reports the witnesses gave in court. His actions could be in the form of attacking witnesses, threatening or intimidating witnesses.

6. Breach of duty by court officials.

The power of law relates to the activity of administering Justice, which in this case is carried out by the court. In every rule of law, everyone has the right to Justice in case of a prosecution against him. Therefore, every judicial official must behave by the applicable regulations. Breach of duty by "king officer" is "the oldest form of contempt." For example, actions that can be categorized as this type of violation are correctional officers who withhold documents or letters sent from convicts to their lawyers. Theoretically, a judge can commit this violation, but never before has a judge been blamed for *contempt of court*.

7. Violation by Lawyers.

Lawyers are bound by professional regulations and ethics in carrying out their duties. Therefore, a lawyer as a professional must always be responsible for respecting and behaving correctly and well towards court officials, clients, and the judiciary itself.

Some examples of *contempt of court* conducted by a lawyer are as follows:

- a. agree with the opposing party from the party assisted, while it should be known that such actions may harm the party assisted.
- b. trying to win over the party he is helping, asking for compensation to influence witnesses, experts, investigators, public prosecutors, or judges in the case concerned.

Regarding the implementation and regulation of *contempt of court* in Indonesia, it is basically intended to uphold and ensure that the judicial process runs without interference from various parties, including those involved in the judicial process, the mass media, and the court officials themselves. The regulation regarding contempt of court is a legal effort to defend the public interest and the rule of law so that the judicial process can be carried out appropriately and fairly



without being disturbed, influenced, or undermined by other parties, both during the judicial process in court and in court. outside the courthouse n.

contempt of court arrangements in Indonesia basically can be seen or qualified in articles that can be called *contempt of court offenses* regulated in the old Criminal Code, which still applies until the transitional period of the new Criminal Code is effective, including:

1. Article 170

Based on the qualifications of the offense in the said article, if a criminal act of violence is committed to disrupt public order in a court that interferes with the implementation of said court, it is in the category of action or action from the *context of the court*.

2. Article 200

Based on this article, it can be stated that it is included in *contempt of court* if a person commits the actions or actions described in the article above, which are carried out intentionally and cause danger to goods, people, and the lives of others. They will be subject to sanctions in accordance with the article.

3. Article 207

this Article, it can be concluded that the offense of insulting the authorities or public bodies threatens the dignity and status, including the offenses of bribery, forcing officials or public authorities to do something or not to do something contrary to their position, against or obstructing officials who are carrying out assignments can be criminalized if officials who themselves feel humiliated complain directly to law enforcement, if there are no complaints then the act cannot be prosecuted.

4. Article 209

Based on this Article, it can be stated that giving or promising something to an official to encourage him to do or not do something in his position is contrary to his obligations. Actions or actions like that are included in *contempt of court* because they can embarrass the court's authority and dignity or obstruct the court's course in administering Justice.

5. Article 210

Based on this article, it is categorized as an act of *contempt of court* because it can obstruct the trial and undermine the authority, dignity, and worth of a judge or legal adviser as a law enforcement official.

6. Article 211

Based on this Article, it can be stated that if a person commits violence to force an official to do or not to commit an act, that should be subject to a criminal penalty in the form of a maximum imprisonment of 4 years.

7. Article 212

this article, it can be stated that A person who commits violence or threatens violence against an official who is carrying out his duties properly may be subject to a maximum penalty of 1 year and four months or a maximum fine of four thousand five hundred rupiahs.

8. Article 216

Based on this article, it can be stated that if someone deliberately prevents, obstructs, or thwarts an action by an official who is carrying out the provisions of the law, he can be subject to criminal penalties in the form of a maximum imprisonment of four months and two weeks or a maximum fine of nine hundred rupiahs.

9. Article 217

Under this Article, it can be stated that if a person causes a commotion during a trial at a court or where an official performs his lawful duties in public, he is subject to a maximum imprisonment of three weeks or a fine of one thousand eight hundred rupiahs.

10. Article 218

Based on this article, it can be stated that when people come in crowds and deliberately do not leave after receiving orders three times from the competent authority, they can be considered as participating in groupings, and they are subject to a maximum imprisonment of four months and two weeks or a maximum fine of nine thousand rupiahs.



11. Article 219

Based on this Article, it can be stated that if someone violates the law by tearing, crossing out, or tampering with an announcement announced by the competent authority is punishable by a maximum imprisonment of one month and two weeks or a maximum fine of four thousand five hundred rupiahs.

12. Article 220

Based on this Article, it can be stated that if a person informs that a criminal act has occurred even though that person knows it has not been committed, the penalty is imprisonment for a maximum of one year and four months.

13. Article 221

Based on this Article, it can be stated that the scope of Article 221 paragraph (1) is an act of hiding, helping to avoid investigation or detention, and obstructing or complicating the investigation or prosecution of a person who has committed a crime. Article 221 paragraph (2) is the reason for erasing special crimes against criminal acts formulated in Article 221 paragraph (1). Included in the act of *contempt of court* because it is an act against law enforcement officials, such as the police and the judiciary, who are carrying out their duties legally.

14. Article 222

Based on this Article, it can be stated that if a person deliberately prevents, obstructs, or thwarts a forensic post-mortem examination, he is liable to a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiahs.

15. Article 223

Based on this Article, it can be stated that If a person deliberately assists by escaping to a person being detained by order of the general authority at the decision of a judge, he or she may be punished by a maximum imprisonment of two years and eight months.

16. Article 224

Based on this article, it can be stated that the origin contains a maximum penalty of 9 months for anyone who refuses to be summoned as a witness, expert, or interpreter.

17. Article 225

Based on this article, it can be stated that whoever deliberately does not comply with statutory orders to submit documents that are considered fake or forged or which must be used to be compared with other letters that are considered fake or forged or whose integrity is denied or not recognized, shall be punished: (1) in a criminal case, with a maximum imprisonment of nine months; (2) in other cases, with a maximum imprisonment six months.

18. Article 231

Based on this Article, it can be stated that the acts mentioned in the article are qualified as *dolus offenses*, which means offenses that contain an element of intent. This intention is also called "intentional with the awareness of the possibility" that someone does an action to produce a certain result. However, the perpetrator realizes that other consequences may arise, which are also prohibited and threatened by the law.

19. Article 232

Based on this Article, it can be stated that any person who intentionally breaks, discards, or damages the seal affixed to the goods by or on behalf of the general power of attorney entitled, sentenced to a maximum of two years and eight months. What is meant by a seal in this article is an object or a seal, so if a sheet of paper with the inscription n.

20. Article 233

Based on this article, it can be stated that the crime in the article consists of 3 (three) types, namely deliberately destroying and so on goods that are used to convince or become evidence for the rightful attorney (evidence for civil judges and criminal judges); Deliberately destroying documents and so on information or lists that are always or temporarily kept according to orders of the general authority (deeds and lists that are ordered by a judge to be kept by an employee or notary for evidence); and information or lists submitted to an employee or another person for the purposes of public office (for example deeds and registers submitted to the police, prosecutor,



judge or another person for evidence) . And deeds shall be punished by a maximum imprisonment of four years.

21. Article 242

Based on this article, it can be stated that giving false information has been seen as a very bad crime. However, it can be punished, the maker must know that he has given a statement that is contrary to reality and he gave the false statement under oath. If the perpetrator does not know for sure whether the information is true or false, and it turns out later that the information is not true, then he can be punished.

22. Article 310

Based on this Article, it can be stated that in order to be punished according to this article, the humiliation must be carried out by "accusing someone of having committed certain actions" with the intention that the accusation is publicized (publicly aware). The alleged act does not need an act that can be punished, such as stealing, embezzlement, adultery, and so on; it is enough with ordinary actions, of course, an act that is disgraceful. And paragraph (2) explains that if the accusation is made in writing (letter) or picture, then the crime is called "blasphemy by the letter." So a person can be prosecuted under this article if the accusation or insult is made by letter or picture.

23. Article 311

Based on this article, it can be stated that the elucidation of the article contains 3 (three) elements, namely: (1) a person; (2) insulting other people both orally and in writing; (3) the accuser cannot prove his accusation and if he knows that the accusation is not true.

24. Article 312

Based on this Article, it can be stated that the evidence referred to in Article 312 is not permissible if the alleged matter can only be prosecuted on a complaint and the complaint is not brought forward.

25. Article 314

Based on this Article, it can be stated that relating to the criminal act of slander, if the person who is thought to have been blamed by the judge for the act he is accused of, in this case, cannot be imposed for slander.

26. Article 315

Based on this article, it can be stated that every intentional insult that is not in the nature of defamation or written defamation is committed against a person, either in public, orally or in writing, or in front of the person himself by word of mouth or deed, or by a written letter. Sent or received to him shall be punished for light insult by a maximum imprisonment of four months and two weeks or a maximum fine of four thousand five hundred rupiahs.

27. Article 317

Based on this Article, it can be stated that if a person commits an act with intent to attack a person's honor or reputation, he or she may be punished with a maximum imprisonment of four years.

28. Article 420

Based on this Article, it can be stated that if a judge accepts a gift or a promise even though the person knows that the gift is given to influence the decision of a case which is his duty, and if a person, according to law is appointed as an adviser to attend a trial accepts a gift or a promise even though the person knows that the gift is given to influence advice on what to do decided by a court is punishable by a maximum imprisonment of nine years. However, if the gift is received knowingly given in order to be convicted in a criminal case, the offender may be punished with a maximum imprisonment of twelve years.

29. Article 522

Based on this Article, it can be stated that he deliberately does not want to fulfill (refuse) an obligation which, according to law, he must fulfill, for example, the obligation to appear at court and provide testimony, expert testimony, or translation, can be subject to a penalty of a maximum fine of nine hundred rupiahs.



In addition, article arrangements in the Criminal Procedure Code that can qualify as acts of *contempt of court* include:

1. Article 217 (1) The head judge at trial shall lead the examination and maintain order at trial. (2) Everything that is ordered by the judge/Chairman of the session to maintain order at trial must be carried out promptly and accurately.

2. Article 218 (1) Anyone in the courtroom is obliged to show respect to the court. (2) Anyone who at a court session behaves not in accordance with the dignity of the court and does not obey the order of conduct after receiving a warning from the head judge at the session on his order, the person concerned is removed from the courtroom. (3) In the event that the violation of the rules, as referred to in paragraph (2), is in the nature of a criminal act, this does not reduce the possibility of prosecution of the perpetrators.

In his explanation that the duties of a court are noble in nature because they are not only responsible to the law, fellow human beings, and themselves but also to God Almighty. Therefore, everyone is obliged to respect the dignity of this institution, especially those who are in the courtroom while the trial is in progress, be respectful and polite and behavior that does not cause a commotion or hinder the trial.

Arrangements for *contempt of court* can also be seen and qualified in the provisions regulated in the new Criminal Code, namely Law Number 1 of 2023 concerning the Criminal Code. The qualifications referred to in relation to *contempt of court* are specifically regulated in CHAPTER VI Criminal Acts Against the Judicial Process, which consists of several articles, namely:

1. Misleading the Judicial Process (Article 278);
2. Disturbing and Obstructing the Judicial Process (Articles 279, 280, Article 281, Article 282, Article 283, Article 284, Article 285, Article 286, Article 287, Article 289, Article 290, Article 291, and Article 292);
3. Destruction of Buildings, Courtrooms, and Equipment for Court Sessions (Article 293)
4. Protection of Witnesses and Victims (Article 294, Article 295, Article 296, Article 297, Article 298, and Article 299).

Even though basically the provisions of the new Criminal Code as described above specifically regarding the qualification as a *contempt of court* offense, the application of which is adjusted to a transitional period of 3 (three) years to the enforcement of the Criminal Code as stipulated in Law Number 1 of 2023.

As it is understood that the Criminal Code described above does not yet regulate the form of punishment if law enforcers in the judicial environment, such as judges, investigators, and investigators, commit acts that humiliate the dignity, authority, and /or honor of the judiciary. The provisions governing legal protection for law enforcement officials in carrying out their duties are adequate, but it is undeniable that law enforcers also have the potential to take actions that can undermine the honor and authority of the judiciary, so it is appropriate that the provisions of contempt of court also apply to enforcement *officers* . Law.

contempt of court punishment in the justice system in Indonesia, even though it has been regulated in the qualification provisions of the laws and regulations as described above, is still regulated separately and partially spread out in the criminal laws and regulations.¹⁸In addition, they have not given maximum effort in creating the integrity and authority of the judiciary. The crisis of public trust greatly affects the integrity and authority of the judiciary as the last line of defense to obtain Justice.

Some efforts that can be made to prevent *contempt of court* are by creating special regulations as mandated in the General Explanation of Point 4 Paragraph 4 of Law Number 14 of 1985 concerning the Supreme Court. This is necessary as part of giving a warning that if you violate the rules which are included in carrying out *contempt of court actions*, criminal sanctions will be imposed on those who do so, as well as imparting knowledge to the public that the judiciary has a dignity that must

¹⁸ I Made Wirya Darma, 2020, *Legal Reform Delict Contempt Of Court In The 2019 Criminal Code Bill*, Journal of Legal Studies, Vol. 16, No. 2, p. 193.

be respected and its existence maintained. Firm and strong law enforcement regarding the application of regulations in court will make all elements, including law enforcers and the public, comply with the law with the existence of special laws and regulations related to the *context of the court* itself

CONCLUSION

Contempt of court in Indonesia was first found in the General Elucidation of Point 4 Paragraph 4 of Law Number 14 of 1985, which essentially states that it is necessary to make a law that regulates legal threats and criminal prosecution of actions, behavior, attitudes, or remarks that could undermine the honor of the court. that drives and processes the activities and decisions of the institution. Arrangements related to *contempt of court punishment* have basically been regulated in the qualification provisions of laws and regulations but are still regulated separately and partially spread out in criminal laws and regulations. In addition, it is understood that the regulations related to *contempt of court* punishment it does not yet regulate the form of punishment if law enforcers in the judicial environment, such as judges, investigators, and investigators, commit acts that humiliate the dignity, authority, and/or honor of the judiciary. So that special regulations are needed where this is needed as part of giving a warning that if you violate the rules which are included in carrying out *contempt of court actions*, criminal sanctions will be imposed on those who do it, as well as imparting knowledge, especially to law enforcement officials and the public that the judiciary has a high dignity. must be respected and maintained

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