

Policy Law Criminal Contempt Of Court, Cases Studies In Indonesia And Its Facts

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Abstract

The purpose of this research is to determine the scope of contempt of court in Indonesia, to find models of criminal law policies that can be used to prevent and overcome acts of contempt of court in Indonesia, and to analyze the implementation of contempt of court in court decisions in Indonesia. The research is a normative juridical study that places Law as a system of norms. Library material becomes secondary data from primary, secondary, and tertiary legal materials. At the same time, the approach uses a comparative and case method. The results showed that the coverage of contempt of court is all actions in the form of threats, obstacles, disturbances, and challenges to the ongoing judicial process, resulting in a fair trial process being difficult to obtain, which occurs inside or outside the trial. These acts can occur in all sub-judicial systems, with various subjects of offense starting from court visitors, witnesses, defendants, advocates, the press, and even the apparatus itself. Generally, contempt of court in Indonesia occurs both at trial and outside of court. The form is criminal and civil contempt, which consists of scandalizing, misbehaving, obstruction, and obeying the court and sub-judice rule. The criminal law policies that are carried out against contempt of court with formulation policies (making their own rules and classifications of actions and formulations of sanctions that

are adjusted to the quality of the act) regulatory model by placing it in a separate chapter in the Criminal Code.

Keywords: Contempt of court; Criminal Law; Policy of Indonesia Law

Introduction

The current state of the courts in Indonesia, as described by Harry Bredemer in his article "Law as an integrative mechanism," should be avoided as much as possible (Prasetio et al., 2021). The court, in its decision, has tried to present policy considerations that can provide justice. However, it is still difficult to convince the disputing parties or the public in general that the decision has been carried out fairly and accommodates their interests as justice seekers. The judiciary is currently experiencing the problem of declining public trust as justice seekers in the performance of law enforcement officials, especially in the judicial sector. It is suspected to be due to the actions of the court apparatus, which sometimes takes advantage of the public's ignorance of the legal cases they face. This sense of distrust is often shown in trials in the form of verbal violence to actions that tend to be anarchic, which result in obstruction or disruption of the ongoing legal process (Delattre, 2002).

Public attention to the current legal issues is increasing. In legal cases that attract attention, people's curiosity is satisfied by the abundance of news and reviews from various media, whether print, electronic or social media. Some media focus on communication and legal considerations as their market segment (Reese & Shoemaker, 2016). This community enthusiasm can be seen in the many news from various media about the world of Law in general and the world of justice in particular. The publication does not always explore in depth the substance of the Law. Still, at least it can satisfy the public's curiosity about how the Law works in court through its apparatus and how the implementation of the criminal justice system as a whole is. We can see this in cases that have attracted the public's attention, for example, in the case of the defendant Jesica.

There are no restrictions on reporting and reviewing a legal case that has occurred by the media in Indonesia. The principle of presumption of innocence in Law is often defeated by the direction of the right to know as a community right. As a result, these legal reports usually place a defendant still undergoing

legal proceedings, considered guilty by the public, before a court decision is handed down against him. Comments and judgments on the ongoing trial process are standard in our country, so the formation of public opinion by the press is inevitable. In contrast to the UK, regulating media coverage of ongoing legal cases is stringent (Habermas, 2006). The media may not report before the judge decides the case. The judge made this restriction intending to protect the victim's privacy and ensure that the defendant received a fair and impartial trial (Turow, 2011).

Cynicism towards the legal profession occurs when the considerations expressed are contrary to the daily behavior of those in the legal profession. There are also many legal cases involving judges. The legal profession's ethics are often questioned. Moreover, suppose the ethical or legal violation does not get a solution. Whatever the perceived conditions of legal work in Indonesia, especially judges, this profession is intrinsically still an *officium nobile* (noble/noble profession) needed by society and the state (Edytya & Prawira, 2019). The noble profession is essentially a service to humans and humanity.

Law enforcement's weakness in Indonesia has been a problem for a long time. According to Candra & Sinaga (2021) the weakness of law enforcement cannot be denied even by the court. Rahmawaty (2020) Also, acts that degrade the court must be read due to law enforcers' actions (judges). The judiciary has not been able to function optimally in carrying out the task of attempting to realize its independence. The reasons are, among others, the government's intervention and other parties' influence on court decisions (Andrianto, 2020). In addition, law enforcement officers' quality, professionalism, morals, and morals are low, causing public confidence in the judiciary as the last bastion of justice to decline.

Criminal Law Policy

The term legal policy is often associated with deciding a case, which is not only based on the provisions of the legislation or applicable Law but is always associated with wisdom based on considerations of justice. The term criminal law policy or criminal law politics is a translation of Penal policy, Criminal Law policy, or *Strafrechts politiek* (Kravchenko, 2021).

Legal politics means the state's policy through the agency authorized to establish the desired regulations, which are expected to express what is contained in society to achieve

what is aspired (Harefa, 2020). Implementing the politics of criminal Law means realizing criminal laws and regulations that follow the circumstances or situations at a certain time (*ius constitutum*) and for the future (*ius constituendum*).

Criminal law policy (criminal policy) is a branch of criminal Law related to protecting against crime. The phrase "related to crime" emphasizes protecting the community against crime through law enforcement.

Criminal law policy by A. Mulder is stated as a policy line to determine:

- How far do the applicable criminal provisions need to be changed or updated?
- What can be done to prevent crime from occurring?
- How should investigations, prosecutions, trials, and criminal acts be carried out?

Points 1 and 2 relate to material Criminal Law, while the third point is formal criminal Law.

According to Ali Zaidan, the scope of criminal law reform only covers criminal law regulations and sanctions. While a criminal law procedure covers the area of law enforcement, as well as a better (criminal) implementation mechanism will be discussed in the field of criminal policy (penal policy). Criminal law policy places more emphasis on political aspects or criminal law reform (Zaidan, 2016).

Criminal law policy is a reasonable effort from society to tackle crime. Crime prevention must be carried out integrally and comprehensively, namely through the formulation stage (legislative policy), the application stage (judicial/judicial policy), and the execution stage (execution/administrative policy) (Lubis et al., 2020).

The formulation stage is the law enforcement stage in abstracto by the legislature. This stage is also known as the legislative policy stage. The application stage is the stage of applying the Law in concreto by law enforcement officers from the police to the court, and this stage is called the judicial policy stage. The execution stage, namely the stage of implementing criminal Law in concreto by criminal enforcing officers, is called the execution or administration policy stage (Harefa, 2020).

Contempt of court Phenomena

The term contempt of court or *contemptus curiae* comes from English. Contempt means violating, insulting, or looking down

on (Suhariyanto, 2016). Contempt of court can be interpreted as a violation, insult, or contempt. IPM Ranuhandoko said contempt means not wanting to comply with regulations and not submitting to authorized officials. In addition, it also means insulting and looking down on others (Suhariyanto, 2019). Some mean contempt of court as hindering the course of the judicial process, or actions that intentionally hinder the court, undermine its authority, and demean its dignity.

Bagir Manan uses the term contempt of court with the consideration that it is challenging to find an equivalent in Indonesian that all parties can accept. Somewhat commonly used the terms court harassment or derogatory, or contempt of court. O. Hood Phillips et al. stated that the term contempt of court is inappropriate because the essence of contempt of court is not harassment of the court (court) but of the overall power of the judiciary (administration of justice) (Phillips et al., 2001).

In short, the term contempt of court is defined as, anything which tends to create a disregard of the authority of the court of justice. Black's Law Dictionary mentions contempt of court as an act that is calculated to embarrass, hinder, or obstruct the court in the administration of justice, or committed by a person who does any act in willful infringement of 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 proceeding therein willfully disobeys its lawful orders or fails to comply with an undertaking which he has given.

Priya & Kumar (2021) translate the above definition into contempt of court as an act that is seen to embarrass, hinder or hinder the court in the administration of justice or is seen as reducing its authority or dignity. Done by people who do an act that willfully violates sovereignty or dignity or tends to hinder or neglect the administration of justice or by someone who is in the power of the court as a party to the case in that court, deliberately disobeys a valid court order or does not fulfill what he has admitted.

Harnby's Oxford Dictionary mentions contempt of court as disobedience to an order made by a court, disrespect shown to a judge (not obeying a court order, showing disrespect for the judge). This definition indicates that contempt of court action includes disobeying a court order and disrespecting the judge. This can be understood because judges are the executor of judicial duties. Insulting judges also means insulting the

judiciary's responsibilities. Some even consider that the main element classified as harassment against judicial institutions is disrespect for judges, namely insulting judges, done by word or action. The act of not wanting to hear, carry out, or obey the judge's orders with his decisions can also be said to have been contempt of court.

This contempt of court rule wants to protect judges as law enforcers, even though judges and courts are not the main goals, so implementing a fair and impartial trial as a human right can be carried out well. It is hoped that with this rule, the actions of some people, whether involved or not in a case, can interfere with the basic principles of the independence of the judiciary (Kravchenko, 2021). Courts can decide cases impartially, following the facts and the Law, without undue influence or pressure.

Lord Salmon stated the object of contempt of court is not to protect the court's dignity but to protect the administration of justice (its object is not to preserve the court's dignity but to protect the administration of justice) (Schneebaum & Lavi, 2015). Lord Diplock, added, "It is justice itself that is disregarded by contempt of court, not the individual court or judge attempting to administer it. (What is seen as scornful or insulting in the contempt of court is justice itself, not just the court or individual judges) (Wibowo, 2018).

According to Muladi and Barda Nawawi, contempt of the court is a term to describe any act or omission that essentially intends to interfere with the system or process of proper judicial administration (Muladi & Arief, 1992). Stefen H. Givis Law Dictionary states that contempt of court is an act or commission tending to obstruct or interfere with the orderly administration of justice, impairing the dignity of the court or respect for its authority. (Contempt of court is an act or omission intended to hinder or interfere with the administration of justice or to damage the court's dignity and not respect its power).

Ballentine's Law Dictionary mentions contempt of court as conduct tending to bring the authority and administration of the Law into disrespect or disregard, interfering with or prejudicing parties or their witnesses during the litigation, or otherwise tending to impede, embarrass or obstruct the court in this charge of its duties. (Contempt of court is an act that tends to bring the authority and administration of justice (Law) to be disrespected or ignored, interfere with prejudice to the

parties or witnesses during the trial, besides that, it is also an act that tends to hinder, humiliating, humiliating the court in carrying out its duties).

Miller stated contempt of the court is a generic term descriptive of conduct concerning particular proceedings in a court of Law that tends to undermine the system or inhibit citizens from availing themselves of it to settle their disputes. Contempt of court may thus take many forms. (Contempt of court is a general term to describe actions related to the part of the process in court that is intended to undermine the justice system or prevent citizens from resolving their disputes. Contempt of court This court can take many forms).

Loebby Loqman said that the legal interest that the contempt of court rules must protect is the implementation of a good judiciary. Still, this judiciary's administration must be limited so that it will not become widespread, including from the time of a report or complaint until the implementation of a court decision. Regarding this, Andi Hamzah stated that offenses against the administration of justice have a broader scope than contempt of court (ansich), because it not only insults committed when the trial begins but includes all violations in the judicial process (offense against the court). Administration of justice). Humiliation can occur from the stage of an investigation, and prosecution to examination in court, even during the execution of a court decision (execution).

The two criminal experts, Lobby Loqman and Andi Hamzah defined contempt of court as a crime against the administration of justice. Lobby Loqman believes that the administration of justice must be given limits. Otherwise, actions that interfere with the administration of justice can occur at all levels of case examination. From the complaint to the execution, Andi Hamzah assessed that because court contempt is only part of more significant criminal activity in the form of actions that interfere with the course of the judiciary, this crime can occur at all levels of the sub-judicial system.

The British legal system provides that judicial agencies and officials have the inherent power to take action against perpetrators who interfere with the judicial process. This power is called the contempt of power. Black's Law means contempt of power as every court has inherent power to punish one for contempt of its judgment or decrees and for conduct within or proximate to the court which is contemptuous. (Contempt of power is the inherent authority

of every court that is insulted to punish the perpetrator directly in the judge's decision). Thomas E. Baker, under the Judiciary Act of 1789 on Conferral of Power on the Federal of America, mentions contempt of court as disobedience to court orders or harassing court powers, whether carried out inside or outside the court.

The term contempt of court in the 2019 Draft Criminal Code is translated as a crime against the judicial process. Meanwhile, Point 4, paragraph 4 of the General Elucidation of Law Number 14 of 1985 concerning the Supreme Court mentions contempt of court as a crime against the administration of justice. The 2002 contempt of court Research Academic Paper from the Center for Legal and Judicial Research and Development, Education and Training of the Supreme Court of the Republic of Indonesia (Balitbangkumdil MA) translates the term contempt of court as a criminal act of insult to the judiciary. The 2015 Bill and Academic Manuscript from the Supreme Court of the Republic of Indonesia mentions the contempt of court with criminal acts of administering justice and humiliation outside the court and crimes of embarrassment in a trial. The 2015 National Legislation Program (Prolegnas) mentions the Law on the Prohibition of Degrading Court Dignity.

Research by Balitbangkumdil MA-RI in 2015 at 19 High Courts throughout Indonesia involved 756 respondents. The respondents consisted of the judiciary and those outside the court. The judiciary includes judges of first instance and high court judges from every type of court, including ad hoc judges. Outside the bench are advocates, academics, the public, and prosecutors. This study's results indicate that the respondents interpret contempt of court differently. 9% of the respondents chose the term criminal act against the judicial process, then 11% chose the term criminal act against humiliation in court. 32% of respondents chose criminal acts against the administration of justice. The term most chosen by respondents (48%) to match the term contempt of court is a crime against a judicial institution.

This study examines managing contempt of court cases in Indonesia and the associated facts and procedures. The purpose of this study is to document many contempt of court cases in Indonesia relating to the criminal contempt of court policy law. This investigation examines some Contempt of court instances that took place in Indonesia in 2006 (two cases), 2011 (one case), and 2019 (one case).

Materials and Methods

Research Specification

Legal research is all a person's activities to answer legal problems that are academic and practical, both those that are legal principles, legal norms that live and develop in society, as well as standards relating to the legal community in society. Peter Machmud stated that legal research is a process to find the Rule of Law and legal doctrine to answer the legal issues faced (Marzuki, 2022). Legal research is carried out to produce new arguments, theories, or concepts as prescriptions for solving problems at hand.

Material Collection

Based on the description above, using a normative-legal research approach, it is clear that the primary data source needed in this research is library data (secondary data), commonly called legal material. Legal material can be used or required to analyze the applicable Law. The legal materials studied and analyzed in normative legal research consist of primary, secondary, and tertiary legal materials.

Material Collection Techniques

Document study, Efforts to obtain primary, secondary, and tertiary legal materials are carried out by conducting literature searches both through electronic and conventional technology. I searched with electronic technology by downloading websites related to the research object or visiting libraries or institutions. Interview, Legal materials are acquired by interviewing in-depth sources determined to answer the problem. These resource persons include judges at the first level. In addition, interviews were also conducted with other sources who could assess the situation. These people mastered the issues that became the theme of this research, for example, legal experts, especially criminal Law.

Analysis of Legal Material

The study can be formulated as a systematic and consistent decomposition of specific symptoms. The investigation is closely related to the problem approach, namely normative juridical. Therefore, the data collected in the form of library and field data will be analyzed using a normative qualitative approach and then presented descriptively.

Results and Discussion

The term Contempt of court first appeared in Indonesia in 1985 with the promulgation of Law Number 14 of 1985 regarding the Supreme Court, superseded by Law Number 5 of 2004 ("UU 5/2004"). The general explanation of Article 12, paragraph 1, letter b explains that "disgraceful behavior" refers to an act or attitude, both inside and outside of court, that can dishonor the dignity of the judge. From this, it is clear that the primary meaning relates to the judiciary's authority, dignity, and prestige.

Policy Law Criminal Contempt of court refers to actions that obstruct or defy the authority, dignity, and effectiveness of a court or judicial proceeding. This may include disrupting court proceedings, disobeying court orders, or insulting or threatening judges, attorneys, or other court personnel. In Indonesia, the Criminal Code (KUHP) and the Law on the Judiciary (UU No. 48 Tahun 2009) both contain provisions related to criminal contempt of court. Article 212 of the Criminal Code stipulates that anyone who publicly expresses hostility or disrespect towards a court or its decision can be charged with criminal contempt of court and may face imprisonment for up to 4 years. Article 245 of the Law on the Judiciary also allows a judge to impose sanctions for contemptuous behavior in the court, such as fines, imprisonment, or suspension of the offender's rights. Contempt of court is considered a serious offense as it undermines the authority and independence of the judiciary, which is essential to ensuring the rule of Law and protecting individual rights. Therefore, it is necessary to respect court proceedings and decisions and address grievances through appropriate legal channels.

Freedom of Judge on the Decision Court

One of the characteristics or characteristics of a state of the Law is the existence of an independent and impartial judicial or judicial power and is not influenced by any authority or force. Judges must be guaranteed their freedom as executors of independent judicial power, especially in making decisions. An independent judicial power will foster the freedom of judges, and to guarantee the independence of judges, several conditions must be met, including the following:

- There is a prohibition for judges in political activities;

- There is a guarantee of immunity for judges in the legal process;
- Protection against abuse of judicial power (contempt of court);
- Guaranteed sense of security in carrying out tasks

The freedom to exercise judicial authority is not absolute because the task of the judge is to uphold Law and justice based on Pancasila by interpreting the Law and looking for basics and principles whose foundation is through cases that are expected of him so that his decisions reflect the feelings of justice of the nation and the people. Indonesia. The feeling of justice for the nation and the people by balancing the principles of justice and the rule of Law, judges can ensure that their decisions are fair, impartial, and follow the values of the Indonesian people. Therefore, judicial discretion must be exercised with care and responsibility to ensure justice is served and the rule of Law is upheld.

Case Contempt of Court Settled Outside the Judge

The contempt of court case was carried out by advocate Adnan Buyung Nasution and the Settlement was taken. The following describes the problems from the contempt of. case court Adnan Buyung Nasution. The incident itself occurred on January 8, 1986. Adnan Buyung Nasution is one of the legal counsel team for the defendant HR Dharsono, the defendant in the criminal case of subversion in the form of inciting and instigating the Tanjung Priok riots. The trial occurred at the Central Jakarta District Court, with the agenda reading the judge's decision that day.

In its decision, the Panel of Judges considered that the advocates who defended the defendant HR Dharsono were unethical in stating that the government had finalized the situation so that the Tanjung Priok incident occurred in its memorandum of defense. Furthermore, in their decision, the Panel of Judges considered that the statement by the legal advisory team constituted an inappropriate and unethical accusation. It is an act that is not basic and should not be said in this forum or court hearing.

On August 7, 1988, the IKADIN Jaya Honorary Council gave Adnan Buyung Nasution's attorney a letter regarding submitting the memorandum of appeal from the DPC IKADIN No.37/I.DKI/DPC/VIII/86 dated August 2, 1986, on the decision of the IKADIN Jaya Honorary Council No.01/ DKC/R/IV/86

dated July 21, 1986. Concerning the memorandum of appeal from the DPC IKADIN, according to Article 9 paragraph (5) of the Procedural Law of the IKADIN Honorary Council, the appellant (formerly the defendant) filed a counter memorandum of appeal within 21 days since receipt of the memorandum of appeal.

On August 9, 1986, Adnan Buyung Nasution's attorney sent a letter to the Central IKADIN Honorary Council chairman regarding Adnan Buyung Nasution's statement of appeal. On the decision of the IKADIN Jakarta Honorary Council No. 01/DKC/R/IV/86 dated July 21, 1986. During the trial of HRDharsono's case, the authorities showed feelings of dislike for the press, which gave unequal coverage of the charges. In this case, the Public Prosecutor and the accused/legal advisory team so that the public considered HR Dharsono innocent. At least there would be different opinions about the case and the judge's decision. HR Dharsono has received the public's sympathy, as seen from the many visitors who came to cheer him on at the last trial. Next, the contempt of court issue came out in various print media in the country.

Sinar Harapan started it on January 17, 1986, and reported on the contempt of court with the title "There is an attempt to make court proceedings a political forum, not a juridical one." Furthermore, the more intense reporting was followed by responses from various parties, including Ali Budiarto (Central Jakarta District Court Judge), a member of the Panel of Judges HR Dharsono, Azhar Achmad, Oemar Seno Adjie, Gautama, and others. Other. This is very unfair because it contradicts the press code of ethics, which does not respect the principle of "covering both sides" Adnan Buyung Nasution, as the object of the issue of contempt of court, has never been asked or allowed to give a response. When Adnan Buyung Nasution protested and was asked to write an answer, it turned out that Adnan Buyung Nasution's reply, dated February 14, 1986, was not published.

This clearly shows that the Adnan Buyung Nasution case is a fabricated case with a political motive to bring down and damage the good name and honor of Adnan Buyung Nasution as an advocate and cannot be separated from Adnan's political context, which includes the atmosphere or controversy of the trial process: HR Dharsono and its sequels.

In the second part, Adnan Buyung Nasution stated that the complaint by the DPC IKADIN Jakarta was procedurally,

organizationally, or morally (ethically) incorrect and had to be rejected or declared null and void because the DPC IKADIN Jakarta had appointed itself as the Complainant. The decision of the DPP IKADIN when taking over the case from the court was intended to protect Adnan Buyung Nasution from the administrative decision of the Central Jakarta District Court. It was never decided that the DPP IKADIN or the DPC IKADIN Jakarta would sue or become a complainant. According to Adnan Buyung Nasution, those who can become complainants should be interested parties, and those who have harmed in this case, the panel of judges who heard the case of HRDharsono or the police officer who Adnan Buyung Nasution expelled.

Facts Contempt of Court in Indonesia

ELSAM (Institute for Community Studies and Advocacy) noted that actions tended to demean the court at the ad-hock Human Rights Court trial in the East Timor case on June 1, 2002. For example, some visitors smoked, used cell phones, and made noise in the courtroom. Furthermore, a judge (M. Taufiq) was killed at the Sidoarjo Religious Court and was killed in the courtroom. A judge (Ronald Masang) from the Ende District Court, East Nusa Tenggara, was beaten by a visitor because he thought the judge was protecting the suspect. The masses or visitors also chased the prosecutors and witnesses at the Cibinong District Court. At the Pare-Pare District Court, members of the panel of judges fled the courtroom because the victim's family was chasing them. The defendant sent a threatening letter to the Wonosari Religious Court's judge and staff to cancel his wife's divorce decision. Furthermore, there was a riot in the South Jakarta District Court when handling the blowfish case and the uproar of visitors at the trial of the Ariel "Peterpan" case in the Bandung District Court. Riots also occurred at the Temanggung District Court because the masses were dissatisfied with the prosecutor's demands for a 5-year sentence for the accused of blasphemy.

The Supreme Court has conducted research on 398 judges from 15 provinces in Indonesia related to this contempt of court. The conclusion is that 52.3% of judges as respondents stated they had experienced contempt of court actions, while 5.3% stated that they often did. Many incidents occur in trials at the courts at the first or district levels, such as the State Courts or the Religious Courts. It is understandable because the courts of first instance, as *judex factie* are the parties with the most direct contact with the community. Interestingly, the acts

that are categorized as acts that demean the courts do not only occur in trials that attract public attention or serious crimes but also in cases of ordinary crimes, even in private cases, as happened in the divorce case trial at the Sidoarjo Religious Court.

According to Binsar M. Gultom (former Supreme Court Justice), this case of contempt for the court took various forms, such as making noise, demonstrating in the courtroom, throwing sandals, throwing eggs, throwing money at judges, burning court building facilities, verbal abuse/kicking. Table with dirty words between lawyers, prosecutors or judges in court, hurling ridicule or harassment, cursing judges, and even physical violence such as beatings, stabbings, and murders (for example, the case of the murder of a Supreme Judge, on the orders of the defendant).

The forms of his actions range from psychologically intimidating to physical attacks. According to Binsar, the court has become a supermarket with no authority (Moho, 2019). The independence of judges when carrying out their duties is not maintained and can cause fear for judges. In contrast, judges do not have weapons or particular security in carrying out their main duties, including in their homes.

The incident of destroying the Constitutional Court (MK) courtroom on November 13, 2013. It has caused justice seekers to be dissatisfied with the judge's decision. Anarchist-inclined action makes it sad how valuable the court is as the last bastion of justice. The act of humiliating the court happened in the Constitutional Court after the then Chief Justice of the Constitutional Court (Aqil Mokhtar) was caught red-handed accepting bribes related to the election dispute case he was handling. Previously, there was never such a lawless act in the Constitutional Court. Committing acts of violence was not justified, especially in the courtroom.

In Aceh, another act outside the trial that can also demean the court is non-compliance with the execution (the court's decision cannot be implemented). For example, the implementation of caning cannot be carried out because the defendant is unwilling to be present to be lashed voluntarily. At the same time, the public prosecutor is also powerless to present defendants sentenced to flogging by the court because the defendant fled or did not want to attend. One example is the case of the violation of the Maisir Qanun involving a member of the Sabang Police. The deputy head of the Sabang

Police Station instead stopped the caning, which was carried out on May 23, 2013. The reason is that the caning sentence stipulated in the Qanun does not apply to members of the police who have their own legal rules. This case shows that it turns out that contempt of court actions can not only be carried out by the defendant but also by law enforcers themselves.

In some cases, the execution of a court decision cannot be executed, and there should be a firm legal basis to take action against those who hinder the implementation of court decisions. Many other events in society have undermined the courts without further action. Call it the act of obstructing the execution of disputed land in civil cases. Not many cases are classified as contempt of court whose resolution is carried out through a judicial process.

Former Chief Justice of the Supreme Court, Purwoto S. Gandasubrata, concluded that direct public reactions to the course of a trial were already contempt of court, while M. Yahya Harahap argued that it was a dynamic process of openness and refinement in the judiciary.

Academically there is still a debate about the limits of this contempt of court, whether the definition of the court is limited to courts or, more broadly, the administration of justice. Likewise, with the notion of insulting itself (Andrianto, 2020). It is still necessary to explain what kind of activity can be called insulting the court. Insulting, according to Muladi, is offensive, demeaning, destructive, and not necessarily true. The goal is to destroy dignity.

The September 2019 edition of the Draft Criminal Code places the contempt of court issue in a separate chapter titled Criminal Acts against the Judicial Process. This shows that there has been a political will from the government for this contempt of court arrangement, considering that the issue of contempt of court is not explicitly regulated in our Criminal Code. England, as a country that adheres to the Anglo-Saxon legal system, contempt of court matters is held in the Contempt of Court Act 1981, while India, in writing, regulates it in the Contempt of Court Act 1971.

Strictly not regulated about contempt of court in the Criminal Code, this does not mean that our criminal Law (KUHP) has no material articles that can be classified as contempt of court acts. It's just that it is scattered in various chapters and chapters. Some articles that can be mentioned as examples are

Article 168 of the Criminal Code contained in Chapter V regarding crimes against public order, Article 210, Article 211, Article 217 contained in Chapter VI concerning crimes against public power, Article 242 and Article 269 contained in Chapter IX regarding the Crime of False Oath and Chapter XII regarding letter falsification and many other articles in the Criminal Code.

There have been developments in Law in Indonesia, especially concerning the judiciary, namely what is known in the Anglo-Saxon system as *Amicus Curiae* or Friends of the Court (friends of the court). *Amicus Curiae* is often abbreviated as *Amicus*, which comes from Latin and means friend of the court, a person who is not a party to a lawsuit but who petitions the court or is requested by the court to file a brief in the action because that person has a strong interest in the subject matter. (A court friend, ie someone who is not a party to a case but petitions the court or is asked by the court to provide a summary of the case because these people have an interest in the case) (Candra & Sinaga, 2021).

The term contempt of court was first mentioned in Law Number 14 of 1985 concerning the Supreme Court. The General Elucidation point 4 of the 4th paragraph of the Law on the Supreme Court states: "Furthermore, to better ensure the best possible atmosphere for the administration of justice, to uphold Law and judge based on Pancasila, it is necessary to make a law that regulates action, behavior, attitudes and/or words that can demean and undermine authority, the dignity and honor of the judiciary known as the contempt of court".

The 1985 Supreme Court Law simultaneously mentions the introduction of the term contempt of court and its definition. The explanation of this Law requires that further a special law be made regarding contempt of court. However, until now, the Law in question does not exist. Subsequent Supreme Court Laws (Law Number 5 of 2004 and Law Number 3 of 2009) do not even mention the need for contempt of court law, either in the body or in its explanation

The Draft Criminal Code (September 2019 edition) includes contempt of court acts in the second Book on Criminal Acts in Chapter VI, entitled Criminal Acts Against the judicial process. There are 23 articles regulated in Chapter VI, including new offenses. Furthermore, what needs to be observed is whether the formulation of the provisions contained in the RKUHP has accommodated all acts of degrading the judiciary that has occurred or is likely to happen in the community.

The court as an institution contains an understanding of who acts behind the institution, its results, and the processes that occur within it. Concerning the Contempt of court crime, which means demeaning or insulting the court, the formulation of the criminal provisions must protect the interests of the court institution's three components: people, processes, and results (Putri, 2022).

Law enforcement by judges, courts, and judiciary, according to Mochtar Kusumaatmaja's assessment, are: "Efforts to improve the state of our judiciary and courts, which are far from satisfactory, must be made immediately because the courts are our country's last bastion of law enforcement efforts. If this is allowed to reduce our image as a state of Law, it is not impossible to hurt other fields, including the business and investment climate. Many improvements have been made to the position of judges as executors of judicial power, such as their financial situation, advancement and improvement of work facilities, and court procedures. However, the amount of workload is still difficult to overcome. In addition to the behavior of judges and the judiciary, according to Mochtar, the behavior of the community, especially justice seekers, has a stake in creating judicial turmoil in our country, for example, being a case broker".

The contempt of court actions has been included in the RKUHP, but there are still those who want the matter of contempt of court. This court is regulated by a different law (Jeumpa, 2014). The pressure to form special laws regarding contempt of court came mainly from the judges. According to the judges, it is time for contempt of court law to be drafted to guarantee the authority or dignity of the judiciary or judiciary. The contempt of court law is a means of supporting the authority/dignity of the judiciary and cannot be separated from the Supreme Court's efforts to improve the quality of performance of judges and administrative officials in the judicial environment (Subarsyah, 2020).

Legislation is essentially a legal (political) policy of a country. Legal politics is the state's policy through the authorized bodies to establish the desired regulations expected to express what is contained in society and achieve what is aspired (Kusumo & Jaelani, 2020). Andi Hamzah, stated that criminal politics (criminele politiek, criminal policy) is the government's policy in preventing and overcoming crime.

Barda Nawawi Arief distinguishes three stages in criminal law policy: legislative policy, which is the formulation stage. The

judicial policy is the application stage, and the executive policy is the administrative stage. Preparing the Draft Criminal Code at the legislative policy stage certainly greatly influences the next policy stage, namely judicial and applicable policies.

Using criminal Law in crime prevention is one of the efforts in criminal policy, and the criminal policy itself is a subsystem of social policy (Disemadi & Roisah, 2019). Criminal policy (criminal politics) is society's reasonable effort to overcome crime. The use of criminal law policies is carried out through the Criminal Justice System. The effectiveness of a criminal justice system is determined mainly by the existence of several factors, as stated by Wolf Middendorf in Barda Nawawi Arief, namely: (1) Good legislation, (2) quick and certain enforcement; and (3) moderate and uniform sentencing.

The formulation of a good law is expected to be responsive to community development and can be appropriately applied in its implementation. Satjipto Rahardjo said that every Law has a spirit of life. They are not a dead field. Instead, they talk to people, listen and protect people. The Law is flexible and soft in dealing with humans.

RKUHP was made with the enthusiasm to get a new criminal law product that follows our nation's personality, which believes in God and pays attention to living Law. It's a shame the nation's children rejected it. The right criminal law policy to deal with contempt of court actions that occur in society must be known. It is not only determined by the formulation of the act (the offense) but also by the formulation of the sanctions so as not to cause turmoil in the community (Miarsa et al., 2021).

Compared to the many actions that can be called contempt of court in the community and press coverage of these cases, it turns out that there are very few court decisions in Indonesia on contempt of court cases. Settlement of contempt of court cases through the criminal justice system does not consider that the act is a contempt of court act that can aggravate the crime. These acts are considered general offenses or administrative acts only.

The Classified Contempt of Court in Indonesia

It is possible to identify acts that can be classified as contempt of court in Indonesia based on cases in the country. There are instances of contempt of court documented in the literature and news. The potential outcomes are as follows:

Table 1: Classified as contempt of court in Indonesia

No	Acts	Violators	Place
1	Waving money altogether before judges	Visitors	Contempt of court inside the court
2	Attacking witnesses and the accused families	Visitors	Outside the court
3	Throwing shoes to judges	The accused	Inside the court
4	Fighting among judges	Judges	Outside the court
5	Leaving the courtroom as judges did not providing an equal opportunity for parties to present pieces of evidence	Lawyers	Inside the court
6	Smoking, Using Handphone, and making noise	Visitors	Inside the court
7	Judge murdered during trial	The accused	Inside the court
8	Judge attacked as being considered to protect the suspect	Visitors	Inside the court
9	Prosecutors and witnesses are attacked	Visitors	Outside the court
10	Judges attacked	Victims' family	Inside the court
11	Threatening judges and court staff by mail	The accused	Outside the court
12	Making noise	Visitors	Outside the court
13	Protesting the accusation read by the Prosecutors	Visitors	Outside the court
14	Demonstrating the prosecution office using written banners	Visitors	Inside or Outside the court
15	Taking a coffin into the court to protest the trial process	Visitors	Inside the court
16	Yelling and Clapping	Visitors	Inside the court
17	Urging mass to the court	Visitors	Inside or Outside the court
18	Committing Trial by the Press	Press	Outside the court
19	Obstructing execution process	Parties	Outside the court
20	Killing judge, as requested by the Accused	The accused	Outside the court
21	Destroying and burning court building	Defeated party supporter	Inside and outside court
22	Smashing table by prosecutors and judges	prosecutors and judges	Inside the court
23	Insulting each other amongst judges and prosecutors	prosecutors and judges	Inside the court
24	Damaging court stuffs	Supporters of parties	Inside the court
25	Rejecting/protesting the decision followed by a mass strike by doctors	doctors	Outside the court
26	Ignoring to come for whipping execution	The accused	Outside the court
27	Stopping whipping execution	The accused ordinary	Outside the court

28	Stopping land execution	Defeated parties	Outside the court
29	Ignoring to come for whipping execution	The accused	Outside the court
30.	Publishing cases of Reynhard Sinaga	Press	Outside the court
31.	Publishing Jesica's case	Press	Outside the court
32.	Destroying and burning the court	Community	Outside the court
33	Hiding the accused for execution	Police	Outside the court
34	Killing the supreme court judge	The Accused	Outside the court
35	Ignoring civil court decision regarding living cost fulfillment for wife and child	Defeated party	Outside the court
36	Attacking judges during the trial	Lawyers	In the trial
37	Not obeying the court's decision	Government	Outside the court

Table 1 shows that contempt of court in Indonesia occurs both inside the trial or contempt of court in facie and outside the practice or court ex facie. The actions' forms can be classified as verbal insults, intimidation and physical violence, and even murder of a judge on duty. An act of contempt of court outside court increasingly occurring in the country is the mobilization of the masses to court to support one of the parties in the case. It might be possible to cause chaos when the verdicts handed down by the judge do not satisfy the parties. It happened in the case of the destruction of the Constitutional Court building by supporters of one of the parties who were not satisfied with the judge's decision (Pranajaya, 2018).

Besides, it is related to press coverage of ongoing cases which are also very concerning. The press in Indonesia often reports on legal cases without respecting legal principles, especially the principles of presumption of innocence, and covers both sides. This has led to a trial by the press, which is a form of contempt of court, for example, in the case of Jesica Wongso Kumolo, who was charged with the murder of his friend (Myrna) (Qorib, 2016). The press has published this case since the level of investigation, and even at court, some television stations broadcast live like a football match. The coverage is not only related to the legal case but also to his personal and family life, which has nothing to do with the case. In contrast to common law countries that regulate press coverage of ongoing legal cases, Indonesia does not have rules on how the press must report on cases under investigation. Trials by the press rules leading to contempt of court are not acknowledged in Indonesia recently.

In addition, the most common form of contempt of court is disobeying the courts' decisions, legally binding by parties that must carry them out, including the state itself. Many cases where court decisions cannot be implemented occur in private law matters, such as in cases of divorce and childcare. The facts mentioned above show that anyone might be the perpetrator of contempt of court in Indonesia. It can be committed by court visitors who have no direct relationship with the litigant, the justiciable (especially the defendants), and the law enforcers themselves. Lawyers often commit contempt of court in Indonesia in the courtroom as well. In addition, law enforcers who are often to be the targets of contempt of court in Indonesia are judges and followed by prosecutors. Having frequently considered many judges to be the victim of contempt of court has caused most to think that contempt of court in Indonesia is aimed at judges' humiliation. Contempt of court regarding insulting judges is only one of the various forms of contempt of court in the state.

Case Contempt of Court in Indonesia

The setting of contempt of court in Indonesian Criminal Law is not explicitly stated, and its formulation is not in a separate chapter. This causes many acts that tend to demean or disrespect the courts that often occur in society and are not brought into the realm of Law. Law enforcers, especially the police, do not dare to solve them through the criminal justice system, considering the principle of legality. From the small number of cases of contempt of court What happens, several court decisions that have punished criminal sanctions for contempt of court perpetrators can be recorded. This is a breakthrough against the contempt of court actions that have been ignored. The existence of court decisions like this further encourages the setting of contempt of this court to be formulated firmly. Court Decisions relating to contempt of court in Indonesia are :

- Cases 1: Decision Court South Jakarta State Number 06/PID.TPR/2011/PN-JKT.SEL regarding A lawyer who causes to complain in the room hearing.

This case began when in a trial, Made Rahman (MR), an advocate from the Muslim Lawyers Team or the Abu Bakar Ba'syir Advocate Team, protested against the panel of judges who presided over the trial at the South Jakarta District Court in a criminal case with the defendant Abu Bakar Ba'syir. The agenda for the trial that day, Monday, March 14, 2011, was to

hear witness statements. Based on the determination of the panel of judges at the previous trial, there are 6 (six) witnesses whose statements will be heard. Four witnesses will testify via video teleconference, while the remaining two will testify in person at the trial. MR rejected the decision of the Panel of Judges and filed a protest, but in his presentation, MR used a high tone and left his seat in the chair for legal counsel. Responding to the protest from the advocate, Chief Justice of the trial Herry Swantoro said, "We will record your objection later." Hearing the judge's words, MR replied by saying, "It has become the habit of this panel of judges to say "We will record it later, we will record it." The Public Prosecutor responded to the protest from MR's advocate, but was cut off by MR with the words "silence because I am talking to the panel of judges." MR again put forward his opinion standing and accused the Public Prosecutor while raising his handbook KUHAP. With emotion, MR stated that the determination of the Panel of Judges was not following the provisions of the Criminal Procedure Code, so MR slammed the Criminal Procedure Code as a form of protest against the panel of judges who did not consider the Criminal Procedure Code as the commander in proceedings in court. This caused a commotion in the courtroom so it was not conducive.

In his deed, the investigator indicted Mr. MR for the sake of Law and represented Prosecutor General in the act of criminal light with the accusation to do contempt of court as listed _ in Article 217 of the Criminal Code, namely To make an act criminal cause noise in a room hearing court. Based on facts at trial in the form of testimony of witnesses and testimony of Defendant, Sole Judge Singgit Elier (SE), who tried the case, thinks that deed defendant has to Fulfill stipulation Article 217 of the Criminal Code as charged. On base, the judge stated the defendant was proven by legitimate and convincing to act criminally cause noise in a room hearing court where an office currently operates legitimate duty _ as there is in Article 217 of the Criminal Code and punish the defendant with criminal prison for 7 (seven) days.

- Cases 2: Decision Court Surabaya Military Number 85 K/ML/2006 about Murder committed _ by a member military, Colonel (Sea) M. Irfan to ex- his wife and a judge of the Religious Court (M. Taufik) in the room hearing Sidoarjo Religious Court on September 21, 2005.

The act was carried out by the defendant in the courtroom when the divorce verdict was read, and the distribution of the

assets of Gono Gini in the defendant's name was poured out at a trial at the Sidoarjo Religious Court, Java East. Moment reading the verdict, the defendant came out for a while from the room. The problem was that he took the bayonet from his car and returned to the courtroom to continue hearing the verdict. It seems that the defendant is not satisfied with the judge's decision regarding the property of the defendant and his ex-wife in the form of a house. Bayonet the saved defendant During the trial. After the verdict was read, the defendant expressed frustration by stabbing the bayonet into his ex-wife. Seeing this, a panel of judges (M. Taufik) who tried to prevent deed defendant with method break up even became a victim of stabbing by the defendant. As a result of the defendant's actions, both of the victims died. For this action, the defendant was charged with two criminal acts, namely, the crime of premeditated murder of his ex-wife and the corruption of ordinary murder of a judge of the Sidoarjo Religious Court. A military prosecutor at the Surabaya Military Court sues the defendant with the death penalty and dishonorable discharge as a member of the TNI from Force Sea.

- Cases 3: Decision Court Country Purwakarta Number 241/PID.B/2006/PN-PWK concerning Insult against Judge

The defendant, in this case, has forced the judge to convene with an unpleasant act and insulted the judge in court for his actions. The defendant was charged with alternative charges, namely violating Article 335 paragraph (1) of the Criminal Code or violating Article 310 paragraph (1) Criminal Code in conjunction with Article 316 of the Criminal Code. The Public Prosecutor demand that the court decides that the defendant is proven to have committed criminal acts as the first indictment and sentenced to imprisonment for three months. Furthermore, in their decision, the panel of judges at the Purwakarta District Court stated that the defendant was found guilty of committing a crime against the judiciary's power: by fighting the right to force the judge to convene and sentence the defendant to one year in prison.

The considerations of the panel of judges at the Purwakarta District Court are as follows: First, the term contempt of court has not yet had an official equivalent in Indonesian positive Law, so to facilitate understanding and provide an Indonesian image of that term, the panel of judges needs to provide an official match. Second, considering that because the official term in the constitution is judicial power, contempt of court in the opinion of the panel of judges is more accurately

interpreted as an act of opposing judicial power. Third, considering that with the above understanding, according to the discussion of judges, the defendant is currently in the front of opposing the judicial power (Contempt of court) in the true sense.

- Cases 4: Decision Court Central Jakarta State Number: 1050/PID.B/2019/PN Jkt- Pst about judge attack by advocate

The case began when Desrizal Chaniago, an advocate for businessman Tommy Winata (TW) who represented the plaintiff, attacked the judge at the Central Jakarta District Court on Thursday, July 18, 2019. At that time, Civil Case Number 223/Pdt/G/2018/PN-Jkt trial was in progress. Pst with the agenda for reading the verdict. In this case, the defendant is a legal advisor representing the Plaintiff (Tommy Winata). The trial that day took place in the Central Jakarta District Court Subekti II Session Room and was chaired by the panel's presiding judge H. Soenarso with panel judges Duta Baskara and Mochammad Djoenaidie.

The attack began when the chairman of the panel of judges was reading his verdict, the defendant who was in line with the plaintiff's attorney heard and listened to the verdict being read out, but it was not in line with the defendant's expectations because the panel of judges rejected the default lawsuit filed by the TW entrepreneur against PT Griya Wijaya Prestige (GWP). The defendant quickly removed the buckle (his belt), folded it in half, got up from his chair, and walked quickly before the judge reading decision consideration.

The defendant quickly approached the table of the panel of judges and approached the sitting position of the chair of the board. Then, with his right hand, the defendant grabbed the chair of the committee of judges with a belt that hit the head and forehead of the presiding judge. Then he attacked the member judge by using the defendant's belt twice, but the member judge Duta Baskara managed to get rid of it. The attack injured H. Soenarso, the panel chairman, and DB, the member judge who handled the case. Seeing this incident by visitors to the trial, the defendant was taken out of the courtroom.

Conclusions

Efforts to resolve criminal contempt of court can be made in several ways, including Settlement through mediation or

peace. Sometimes, the parties may try to resolve criminal contempt of court disputes through conciliation or peace (Baroto et al., 2015). Mediation or reconciliation procedures can be carried out both outside the court and in court to reach a mutual agreement that avoids trial or punishment. Settlement through apology An apology or a request for a pardon can be made by a party caught in a contempt of court criminal case to reduce the sentence or sanction imposed. However, an apology must be based on the offender's admission of guilt and an act of atonement. The legal process, If the criminal contempt of court has entered the legal process and has been decided by the court, efforts to resolve it can be made by appealing or cassation. In this case, the offender may request a higher level court to review the first instance court's decision. However, it is essential to remember that efforts to resolve criminal contempt of court must be carried out by considering the principles of justice, legal certainty, and upholding the dignity of the Law and the judiciary.

In Indonesia, Disruption and Misdirection of the Judicial Process (contempt of court) are regulated in Article 21 of Law Number 48 of 2009 concerning Judicial Power (Judicial Power Law). The article states that anyone who intentionally obstructs or interferes with the court's work, abuses or belittles the court can be punished for conducting a contempt of court. In Indonesia, sanctions for contempt of court violators can be imprisoned for four months or a maximum fine of 10 million (IDR). In addition, violators can also be subject to administrative sanctions, such as freezing the right to attend trials or limiting other rights (Posner, 2014). Actions that can be considered as contempt of court in Indonesia include: 1. Refusing to comply with a court order, such as not attending a hearing without a valid reason or refusing to provide information or documents requested by the court. 2. Interrupting or disturbing a court hearing, such as impolite behavior or making a fuss. 3. Attacking the integrity or authority of the courts, such as by disparaging remarks or criticizing the courts, judges, or the judicial system. 4. Leaking information that should not be made public, such as confidential documents or statements from witnesses.

It is important to remember that contempt of court in Indonesia can undermine the public's trust in the justice system and hinder the judicial process that should be conducted fairly and effectively. Therefore, everyone must respect and comply with court decisions and authorities. Based

on the description in the previous chapters, the following conclusions can be drawn, namely:

- The scope of contempt of court acts in Indonesia is all actions that insult or demean the court in the form of threats, obstacles, disturbances, and challenges to the administration of justice as a whole, which results in a fair, honest, and impartial judicial process as the right of everyone to be disturbed. Subject from act criminal this is everyone (litigants, justices, visitors) _ court/community, officers court, witness, press, advocate, prosecutor general, and Judge). Object from offense contempt of court is court as institutions that include the person who drives it, the process of working institution as well as results from the institution the in the form of decision or determination. By general target of deed contempt of court is disruption of a fair and honest judicial process and not taking sides (fair trial), which became right for every seeker of justice. Contempt of court in Indonesia is based on where it occurs, differentiated between what happened in the trial (direct contempt/contempt in facie) and outside the practice (indirect contempt/contempt face). Contempt of court actions occurred in all subsystems _ judiciary (police, prosecutors, courts), institution correctional and appeared in all types of the bench. Form contempt of court consist of civil contempt and criminal contempt with various type deed starting from obstruction of justice the way judiciary, (misbehaving in court no deserves in court), disobeying the court order (not obeying the order court), scandalizing (the court scandal court) and usual deed _ conducted pers namely the sub judice rule, in the form of trial by the press.
- Criminal law policies carried out against contempt of court actions include Formulation policies in the formulations of contempt of court as act Criminal and the formulation of the sanctions. Sanctions for this rime are distinguished based on the form of the act and the consequences. For criminal contempt, the sanction is in the form of imprisonment, confinement, or a fine, while for civil contempt can be sanctioned confinement, fulfillment of ordered obligations, or alternative actions. Some contempt of court actions are classified as crimes (serious crime /criminal contempt), and some as less serious crimes. In certain forms of contempt of court, the principle of absolute liability (strict liability) can be used / liability

without fault), which does not require the perpetrator's purpose as an element of error. The formulation of contempt of court criminal acts in Indonesia should be maintained in the Criminal Code by placing it in a separate chapter. With notice of the current situation of community development, also do classification offense so that the solution could be customized with the quality perpetrator and his deeds. Considering that the RKUHP is still being discussed and has not yet been ratified, while contempt of court acts continue to occur in the community) and are often not punished for the absence of regulations. It is better to more separate rules to be made technical with regulatory considerations. This could use to resolve what is still happening. Contempt of court in society and give protection for maintenance judiciary. The regulatory model in the Criminal Code can be done by taking various articles that have been inventoried as contempt of court in the Criminal Code, then adding to the formulation of the contempt of court in the Criminal Procedure Code, the existing Special Criminal Law, then equipped with several new offenses that are deemed necessary following the provisions of the Criminal Procedure Code. The current development of Indonesian society by comparing the contempt of court rules in other countries.

- Research results related to implementing contempt of court in court decisions in Indonesia show just a few cases of contempt of court resolved through the criminal justice system. The absence of firm rules, either in the Criminal Code or other laws and regulations, is the cause. In addition, if you only use the articles in the Criminal Code, the penalty is very low. As the object or target of this crime, the court should be the basis for the severity of the perpetrator's punishment. Several cases have been settled in court, and there have been legally binding decisions. However, contempt of court actions is categorized as an ordinary offense. In practice, there is much contempt of court actions experienced by judges when hearing a case in court, but the incident that was only given a note by the judge the in the verdict was contempt of court, but no action continued. The reason is that until now, there has been no firm rule regarding contempt of court in Indonesia. Besides that, many judges are reluctant tort an incident to the investigator and must go through a lengthy judicial process that disturbs the performance.

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References

1. Prasetyo, D., Ilyas, A., & Bakker, F. (2021). Membangun Moralitas dan Hukum Sebagai Integrative Mechanism di Masyarakat dalam Perspektif Hukum Progresif, *Mimbar Keadilan*, 14(2), 128-138. 10.30996/mk.v14i2.4694
2. Delattre, E. J. (2002) *Character and cops: Ethics in policing*. 4th ed. USA: American Enterprise Institute.
3. Reese, S. D. & Shoemaker, P. J. (2016). A media sociology for the networked public sphere: The hierarchy of influences model, *Mass Communication and Society*, 19(4), 389-410. 10.1080/15205436.2016.1174268
4. Habermas, J. (2006). Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research, *Communication Theory*, 16(4), 411-426. 10.1111/j.1468-2885.2006.00280.x
5. Turow, J. (2011) *Media Today: An introduction to mass communication*. 4th ed. New York: Routledge. 10.4324/9780203836514
6. Edytya, N. P. & Prawira, R. S. (2019). Kenyataan Penegakan Hukum di Indonesia dalam Perspektif Hukum dan Pembangunan: Hukum Harus Ditaati atau Ditakuti?, *Lex Scientia Law Review*, 3(2), 177-190. 10.15294/lesrev.v3i2.35399
7. Candra, F. A. & Sinaga, F. J. (2021). Peran Penegak Hukum Dalam Penegakan Hukum Di Indonesia, *Edu Society: Jurnal Pendidikan, Ilmu Sosial Dan Pengabdian Kepada Masyarakat*, 1(1), 41-50.
8. Rahmawaty, C. (2020). Philosophy Law Hukum Indonesia Dewasa Ini Ditinjau Aliran Aliran Filsafat Hukum, *Jurnal Esensi Hukum*, 2(1), 113 - 122. 10.35586/esensihukum.v2i1.3
9. Andrianto, F. (2020). Kepastian Hukum dalam Politik Hukum di Indonesia, *Administrative Law & Governance Journal*, 3(1), 114-123. 10.14710/alj.v3i1.114-123

10. Kravchenko, I. O. (2021). Liberalization and Humanization of Criminal Law Policy, *Russian Journal of Criminology*, 15(5), 565-577. 10.17150/2500-4255.2021.15(5).565-577
11. Harefa, A. (2020). Criminal law policy through the application of capital punishment on corruption in Indonesia, *International Journal of Multi Science*, 1(5), 47-57.
12. Zaidan, M. A. (2016) *Criminal Policy*. 1st ed. 195). Jakarta: Sinar Grafika.
13. Lubis, F., Nasution, B., & Ediwarman. (2020). The analysis of criminal law policy on advocate reporting in preventing and assisting money laundering crime in Indonesia, *The Lawyer Quarterly*, 10(4), 361–380.
14. Suhariyanto, B. (2016). "Contempt of Court" Dalam Perspektif Hukum Progresif, *Jurnal Yudisial*, 9(2), 151-171. 10.29123/jy.v9i2.22
15. Suhariyanto, B. (2019). Urgensi Kriminalisasi Contempt of Court untuk Efektivitas Pelaksanaan Putusan Peradilan Tata Usaha Negara, *Jurnal Konstitusi*, 16(1), 192-211. 10.31078/jk16110
16. Phillips, O. H., Jackson, P., & Leopold, P. (2001) *O. Hood Phillips & Jackson: constitutional and administrative law*. London: Sweet & Maxwell.
17. Priya, R. & Kumar, T. A. (2021). Laws Relating to Contempt of Court, *Research Journal of Humanities and Social Sciences*, 12(2), 128-130. 10.52711/2321-5828.2021.00020
18. Schneebaum, G. & Lavi, S. J. (2015). The Riddle of Sub-judice and the Modern Law of Contempt, *Critical Analysis of Law*, 2(1), 173-198.
19. Wibowo, M. H. (2018). Corporate Responsibility in Money Laundering Crime (Perspective Criminal Law Policy in Crime of Corruption in Indonesia), *Journal of Indonesian Legal Studies*, 3(2), 213-236. 10.15294/jils.v3i02.22740
20. Muladi & Arief, B. N. (1992) *Teori- Teori dan Kebijakan Pidana*. 2nd ed. Bandung: Alumni.
21. Marzuki, P. M. (2022). The Essence of Legal Research is to Resolve Legal Problems, *Yuridika*, 37(1), 37-58. 10.20473/ydk.v37i1.34597
22. Moho, H. (2019). Penegakan Hukum di Indonesia Menurut Aspek Kepastian Hukum, Keadilan dan Kemanfaatan, *Warta Dharmawangsa*, 13(1). 10.46576/wdw.v0i59.349
23. Putri, B. L. (2022). Ketidakadilan Penegak Hukum di Indonesia. *Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Muhammadiyah: Yogyakarta*.
24. Jeumpa, I. K. (2014). Contempt of Court: Suatu Perbandingan Antara Berbagai Sistem Hukum, *Kanun Jurnal Ilmu Hukum*, 16(1), 147-176. 10.24815/kanun.v16i1.6024

25. Subarsyah, T. (2020). Contempt of Court in Indonesian Criminal Justice System, *International Journal of Science and Society*, 2(3), 312-321. 10.54783/ijsoc.v2i3.177
26. Kusumo, B. A. & Jaelani, A. K. (2020). Model for the Contempt of Court Criminal Policy in Realising Indonesian Judicial Independence, *International Journal of Innovation, Creativity and Change*, 12(12), 798-808.
27. Disemadi, H. S. & Roisah, K. (2019). Urgency of the Contempt of Court Criminalization Policy to Overcome Harassment Against the Status and Dignity of Courts, *Brawijaya Law Journal*, 6(2), 224-233. 10.21776/ub.blj.2019.006.02.07
28. Miarsa, F. R. D., Zamroni, M., Romadhon, A. H., & Adhaningrum, C. H. (2021). Contempt of Court dalam Pelaksanaan Putusan PTUN: Suatu Perbandingan Indonesia dan Prancis, *Journal of Judicial Review*, 23(1), 97-114. 10.37253/jjr.v23i1.4351
29. Pranajaya, A. (2018). Contempt of Court, *Krisis Hukum Kah?* [cited 2023 24 July 2023]; Available from: <https://www.hukumonline.com/berita/a/contempt-of-court-krisis-hukum-kah-lt5bfbbe26e4b89/>.
30. Qorib, F. (2016). Duplik Jessica, dari Ribuan Email Dukungan dan Keraguannya Bisa Bebas. 23 July 2023]; Available from: <https://www.hukumonline.com/berita/a/duplik-jessica--dari-ribuan-email-dukungan-dan-keraguannya-bisa-bebas-lt5808a1e54651a/>.
31. Baroto, W., Muhadar, S. K., & Bola, M. (2015). Law Enforcement Efforts Against Contempt Of Court As The Judge's Shield In Indonesian Justice System, *International Journal Of Scientific and Technology Research*, 4(8), 228-230.
32. Posner, E. A. (2014) *The twilight of human rights law*. New York: Oxford University Press.