
CONTEMPT OF COURT IN RENEWAL OF INDONESIAN CRIMINAL LAW BASED ON PANCASILA

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ABSTRACT

The act of harassment against the administration of justice is not new. However, these acts have been happening more frequently since the freer reform era. Actions and situations that occur in court such as obstructing and making noise during the trial process can be said to be Contempt of Court ("CoC") acts. CoC does not only apply to those who are not court officials but also applies to court officials in carrying out their duties and obligations. To see and analyze the Contempt of Court issue, it is necessary to know how the criminal law policy is in tackling offenses against the administration of this judiciary and how the concept of the Draft Criminal Code regulates it. To answer this question, in Point 4 Elucidation of Law No. 14 of 1985 the Supreme Court of the Republic of Indonesia has stated the need for regulation regarding the Contempt of Court through legislation. court officials themselves. In the Indonesian criminal law, the Contempt of Court has not been specifically regulated and the arrangements are scattered in several provisions of the Criminal Code article. However, in the context of reforming criminal law, especially in the Draft Criminal Code, the Contempt of Court is regulated in a separate chapter and formulated as a Crime Against Judicial Process which is a legal effort to defend the public interest and the rule of law so that the judicial process can be carried out fairly and fairly, without being disturbed. , influenced or undermined by other parties, both during the judicial process in court and outside the court building.

Keywords: Offense, Contempt Of Court, Criminal Law Reform

INTRODUCTION

Problems related to the notion of Contempt of Court ("CoC") are closely related and inherent to the principle of freedom of judicial power. In addition to dealing with the issue of freedom of judicial power, the CoC is also related to the principle of press freedom where the press has influence and can create a public opinion in society through reporting on a case. Through public opinion that is built-in society, the press performs a control function over the judicial process over a legal case, without exception in criminal cases. As stated by G. Peter Hofnagels that the role of the press in influencing public views on crime and punishment through mass media (influencing views of society on crime and punishment/mass media) is a non-penal approach.

In positive law in Indonesia, there is still no legislation specifically regulating the CoC, although it is undeniable that the material for the acts included in the CoC has been regulated in a scattered and scattered manner in the Criminal Code, all of which have not been compiled into one particular chapter. in the Criminal Code, namely as a violation of the law and the administration of justice

The reality shows that many actions lead to Acts that can be qualified as degrading the dignity of the court and undermining the authority of the court, which are forms of action that are included in the Contempt of Court definition. It is feared that this situation will lead to excesses that pose a threat to the freedom of judicial power and hinder the judiciary. For example, the atmosphere in the courtroom is like a market without rules. The audience was seen shouting, clapping, wearing masks, and throwing chairs at the panel of judges. Not infrequently we also see the sight of a legal adviser's "fight" with the chairman of the panel of judges, which ends with the expulsion of the legal advisor from the courtroom.³² At another time at the Court in Banda Aceh, during a follow-up hearing in the case of the Head of the Aceh Referendum Information Center (SIRA), Muhammad Nazar, there was a war of words that led to personal abuses between the prosecutor and the defendant's legal counsel.³³ The judge who at that time acted as chairman of the trial could not do much. In the case of Judge Minardi, namely the Medan District Court judge was beaten and attacked by the plaintiff's mob and was held hostage for several hours.³⁴ In addition, in 1986, Senior Advocate Adnan Buyung Nasution was also caught in an accusation of harassment against the judiciary in the case of allegations of subversion against Major General. Dharsono.³⁵

Some of the cases above often occur in court proceedings in Indonesia, which are acts of CoC. CoC does not only apply to those who are not court officials but also applies to court officials in carrying out their duties and obligations.

PROBLEM

Contempt of Court is a form of a criminal act that has been formulated in various laws and regulations and has long been regulated, so it is necessary to discuss how the criminal law policy in tackling offenses against the administration of justice in positive law is currently? and how does the draft Draft Criminal Code regulate it?

ANALYSIS AND DISCUSSION

Criminal law policies in tackling offenses against the administration of justice in the current positive law as well as arrangements in the draft Draft Criminal Code.

a. Definition, Scope, and Arrangement of Contempt of Court In the Criminal Code

The CoC was originally a regulation that regulates procedures to protect the powers of public or special institutions, the administration of justice, and the courts.³⁶ Generally, Contempt of Court is defined as 'an act or omission substantially disrupting or obstructing the judicial process in a

³² *Mematikan Pengadilan yang Berwibawa*, www.hukumonline.com

³³ *Menangkal Pelecehan Di Meja Hijau*, www.hukumonline.com

³⁴ *Warga Sandera Hakim*, Koran Tempo, Kamis 15 Maret 2007, page. A9

³⁵ *Statement tentang Contempt of Court yang Menyangkut Adnan Buyung Nasution*, dalam Majalah Era Hukum, No. 1 Tahun 1 Nopember 1987, page .208-211.

³⁶ **Patrick Keyzer dan William Shaw, *Contempt of Court***, Media Commentaries Law, Australia 1994, page 1. dikutip oleh **Wahyu Wagiman, *Contempt of Court Dalam Rancangan KUHP***, Cet.I, Jakarta: Elsam, 2005, page.5

particular case'.³⁷ The definition of Contempt of Court ("CoC") means degrading (dignity) of the court.³⁸ In the Black Laws dictionary, it is explained that:

"Contempt of Court is an 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, willful *disobeyed its lawful order or fail to comply with an undertaking which he has to give.*³⁹"

Based on the above definition, briefly, CoC can be interpreted as an act, both active and passive, which is carried out both inside and outside the court and is considered harassing or undermining the authority of the court.⁴⁰

CoC is a term used in Anglo-Saxon countries (the UK and the United States) as an effort to protect the judiciary from any actions that are considered to be degrading to the judiciary itself. In its history, CoC as a legal institution was first recognized in England in the 13th century.⁴¹

According to history, Contempt or humiliation is an act in defiance of any direct orders of the king or any direct opposition to the king or his orders. Since 1742, England has implemented the CoC with the doctrine of pure streams of justice which is considered the basis for enacting the CoC⁴² which was subsequently renewed in 1981 with the implementation of the Contempt of Court Act 1981. The United States first enacted the Contempt of Court Act in 1789.

Historical Examples of the existence of Contempt of Court institutions in England, as stated by Andi Hamzah, are:

In⁴³ 1560 when John Davis punched a witness with his right hand in court, he was eventually sentenced to life imprisonment and the cutting off of his right hand as evidence of a violation of the "Contempt of Court". Likewise, Nico Keijzer asserted that James Williamson, who is 1634 in England was convicted of committing "Contempt of Court" by cutting off his hands in an open trial and hanging his hands for years as a warning to challengers of court decisions.

In contrast to Indonesia, the term Contempt of Court was first found in the General Elucidation of Law no. 14 of 1985 concerning the Supreme Court⁴⁴ point 4 of the 4th paragraph, which is as follows:

"Furthermore, to better ensure the creation of the best possible atmosphere for judicial administrators to enforce law and justice based on Pancasila, it is

³⁷ Indriyanto Seno Adji dan Juan Felix Tampubolon, *Perkara H.M. Soeharto: Politisasi Hukum?*, Cet. II, Jakarta: Multi Media Metrie, 2001, page. 30

³⁸ Luhut MP. Pangaribuan, *Contempt Of Court Atau Contemp Of Power Satu Catatan Kritis Dari Perspektif Konsep Peradilan*, www.pemantauperadilan.com

³⁹ *Blacks Law Dictionary*. Fifth Edition. St. Paul Sons West Publishing Co. 1979,. P. 288.

⁴⁰ Andi Hamzah dan Bambang Waluyo. *Delik-delik Terhadap Pelanggaran Contempt Of Court*, Sinar Grafika, 1988, page. 12.

⁴¹ Luhut M.P Pangaribuan, *Advokat Dan Contempt Of Court: Satu Proses Di Dewan Kehormatan Hakim*, penerbit jabatan, Jakarta: 2002, page.32

⁴² Andi Hamzah dan Bambang Waluyo, *Delik-delik Terhadap ...*, page. 10.

⁴³ *ibid*,

⁴⁴ Peraturan undang-undang ini kemudian dirubah dengan Undang-Undang No. 5 Tahun 2004 tentang Perubahan Atas Undang-Undang Nomor 14 Tahun 1985 Tentang Mahkamah Agung (Lembaran Negara Republik Indonesia Tahun 2004 Nomor 9).

necessary to make a law that regulates actions, behavior, attitudes, and/or words that can demean and undermine the authority of the judiciary. , the dignity and honor of the judicial body known as the Contempt of Court". The regulation on the CoC is intended to enforce and ensure the judicial process runs without interference from various parties, including parties involved in the judicial process, the mass media, and court officials themselves. The regulation of CoC is a legal effort to defend the public interest and the rule of law so that the judicial process can be carried out fairly and fairly, without being disturbed, influenced, or undermined by other parties, both during the judicial process in court and outside the court building.

b. Scope of Contempt of Court

When connected with the meaning of Contempt of Court as stated in Law no. 14 of 1985 concerning the Supreme Court, the meaning of CoC is primarily focused on the authority, dignity, and honor of the judiciary. However, because the judicial body or institution is something abstract (considered as something concrete because it has a physical body even though it is an inanimate object), then the three things mentioned above are aimed at⁴⁵:

- a. The people who drive the institution;
- b. Results made by the institution;
- c. The process of activities of the institution.

The latter two things can not be said to have authority, dignity, and honor. It is more accurate to say that these two things cannot run smoothly if there is a CoC against them.

Furthermore, this Contempt of Court definition can be applied to anyone, individually or collectively. This understanding is not only limited to justice seekers, defendants, legal counsel, witnesses, the press, or people present at the trial, but also law enforcement officers such as prosecutors, police, and judges.

Given the wide scope and variety of CoC, it is not easy to explain the form of CoC. This is due to the constant development of CoC from time to time and from case to case. However, to describe the form of CoC, there are several forms put forward by several experts such as Oemar Seno Adji who divides 5 (five) constitutive forms of Contempt of Court, namely:

1. sub judice rule
2. Disobeying a court order
3. obstructing justice
4. scandalizing the court
5. misbehaving in court.⁴⁶

According to Muladi, CoC is divided into criminal contempt (criminal contempt) and civil contempt (civil contempt), and CoC can be direct (direct contempt) and indirect CoC (indirect contempt).⁴⁷

⁴⁵ Padmo Wahjono, *Contempt of Court dalam Proses Peradilan di Indonesia*, Hukum dan Pembangunan, No. 4 Agustus 1986, page. 366.

⁴⁶ **Oemar Seno Adji**, *Contempt of Court suatu pemikiran*, prasaran dalam Seminar tentang Contempt of Court tanggal 24 Maret 1986 di Jakarta, page. 28. lihat juga dalam Oemar Seno Adji dan Indriyanto Seno Adji, *Peradilan Bebas dan Contempt of Court*, cet.I, Jakarta: Diadit Media, 2007,page. 257-287

From several different forms of CoC, for more details, can be explained the scope of the different forms of Contempt of Court, are as follows:⁴⁸

1. Does the harassment include criminal or civil harassment (The Contempt is criminal in nature or civil in nature).

a. Criminal contempt is an act that does not respect the court or its proceedings or hinders the administration of justice or tends to cause the court to be dishonored. Contempt criminals can be subject to fines or imprisonment as punishment.

The scope or forms of Criminal Contempt can be classified in various ways, including the following:⁴⁹

- a. disturbance in front of or in the courtroom (Contempt in the face of the court; Direct contempt; contempt in facie);
 - b. acts to influence an impartial judicial process (Acts calculated to prejudice the fair trial);
 - c. an act that is embarrassing or creates a scandal for the court (Scandalizing the court);
 - d. disturbing court officials (Obstructing court Officer);
 - e. breach of duty by an officer of the court;
 - f. violation by lawyers (Contempt of Court by advocates);
- b. Civil contempt is not an offense against the dignity of the court but is an act that does not respect the party who has the power of the court and the perpetrator can be subject to a fine as compensation.

Contempt can be categorized as civil if the act is in the form of disobeying a court order, namely, such as not following the judge's order to do or not do something, violating an agreement given by the court, not carrying out a decision or order to surrender land ownership or delivery of goods within a certain time. , did not present the evidence requested by the court or did not answer questions. The main purpose of civil contempt is to order the perpetrator to carry out court orders. The applicant for the implementation of the Contempt of Court is generally the party concerned. Here the judge's decision is in the form of restoration of the winning rights.

2. Was the harassment carried out before the court or outside the court (The Contempt in direct or indirect).

a. Before the Court (Direct Contempt/contempt in facie), Contempt or harassment in the form of interfering with the course of the judicial process (contempt by interference) which includes acts committed in court (contempt in the face of the court). Although the term is contempt in facie, the issue is not whether the dignity of the court has been attacked or violated, but whether the judicial process has been disrupted or not. The aim is not to support or protect the dignity of judges, but to protect the rights of the general public by providing guarantees that the administration of justice will not be disturbed.⁵⁰ Included in harassment before the

⁴⁷ Muladi, **Pembaharuan Hukum Pidana Yang Berkualitas Indonesia, Masalah-Masalah Hukum**, No.2 tahun 1988, page.30

⁴⁸ Honorable Kenneth L. Popejoy, Contempt of Court in USA. Yang dikutip oleh MaPPI, **Suatu Tinjauan Tentang Contemp Of Court**, www.pemantauperadilan.com.

⁴⁹ Muladi dan Barda Nawawi Arief, **Bunga Rampai Kebijakan Hukum Pidana**, cet. I, Bandung: Alumni, 1992, page.209

⁵⁰ Barda Nawawi Arief, **Perbandingan Hukum Pidana**, Sinar Grafika, Jakarta: 1994, page. 73.

court are acts such as; attacking or threatening the judge or other people at trial, insulting the judge personally, ridiculing the testimony of witnesses examined in the trial, throwing eggs or any other object in the courtroom, threatening the defendant, disrupting the trial, failing to answer the judge's questions and so on.

- b. Out of court (indirect contempt/contempt ex facie), publications deemed to interfere with a judicial process in a particular case (publications interfering with the due course of justice in particular legal proceedings).

If it is related to the five constitutive forms of Contempt of Court, then what is included in contempt in facie is misbehaving in court, disobeying court orders, and scandalizing the court. Meanwhile, what is included in ex facie is disobeying court orders, scandalizing the court, and sub judice rule.⁵¹ So, the act that is convicted (actus reus) in the Contempt of Court revolves around two things, namely: (a) which has a tendency and (b) which is intended to hinder or harm the course of the judiciary.⁵² Taking into account the forms and scope of the CoC stated above, it can be concluded that the CoC does not only include actions, behavior, attitudes, and/or speech that can belittle and undermine the authority, dignity, and honor of the judiciary as stated in the General Elucidation of the Law on the Supreme Court. (Law No. 14 of 1985), but includes various acts that can degrade, undermine, hinder, disrupt or damage the proper judicial administration system.⁵³

c. Contempt of Court Arrangements in the Criminal Code

As mentioned above, the term Contempt of Court in Indonesia was first found in the general explanation of Law no. 14 of 1985 concerning the Supreme Court item 4, 4th paragraph. The general explanation of Law no. 14 of 1985 is indicated that it is necessary to make a law that regulates the threat of punishment and prosecution for actions, behavior, attitudes, or words that can demean and undermine authority, dignity, and honor of judicial officials.

Based on Law no. 14 of 1985, issued a Joint Decree (SKB) No: M. 03-PR'08.05 of 1987 concerning Procedures for Supervision, Enforcement, and Self-Defense of Legal Counsel. With the issuance of this decree, the purpose of the makers of Law no. 14 of 1985 has been implemented but not as expected, which is stated in the form of a law. This SKB only regulates the Contempt of Court which is carried out by legal advisors only.

Until now, in Indonesia, there is no generally accepted definition of what is the benchmark so that an offense can be included in the CoC. Therefore, until now it would be more appropriate to pay attention to the provisions contained in the Criminal Code and the Criminal Procedure Code, including the following:

- Article 420: accepts a gift or agreement, while it is known that the gift or agreement was given to him to influence the decision of a case that is left to his consideration.
- Article 210: give or promise something to a judge, advisor, or adviser
- Article 212: against an official who is carrying out a legitimate task
- Article 217: causing a commotion in a court hearing

⁵¹ Oemar Seno Adji, *Contempt of Court...* op.cit, page. 31-32.

⁵² Muladi, *Pembaharuan Hukum Pidana*, op.cit, page.31

⁵³ Muladi dan Barda Nawawi Arief, *Bunga Rampai Hukum ...*, op.cit. page. 216

- Article 224: as a witness, expert, or interpreter according to the law, he intentionally does not fulfill his obligations
- Article 233: Damage/eliminate evidence

Articles in the Criminal Code that can be qualified as CoC acts, which can be imposed on members of the press (journalists), are Article 207, namely acts either verbally or in writing insulting an authority or public body in Indonesia, and Article 208, namely acts that broadcast, display or paste in public writing or painting that contains insults to a ruler or public body.

However, in other chapters, it is still possible to find regulations regarding CoC in scattered articles, which are offenses in the Criminal Code regarding criminal acts related to the judiciary. Several articles that can be classified as criminal acts related to the administration of justice, which are scattered in the Criminal Code are Article 222; Obstructing the Examination of Corpses, Article 223; Release/Assist in escaping Persons detained by the Ruler of Law/Judges, Article 224; Failure to comply with the summons of the judge as a witness, Article 225; Not Submitting Letters That Are Considered False, Article 227; Performing Rights Revoked by Court Decision, Article 217; Causing Confusion in Court Sessions, Article 231; Withdrawing Goods from Confiscation, Article 233; Destroying/Damaging Evidence, Article 522; Called as Expert Witness or Interpreter Does Not Come Unlawfully.

In addition to the formulation of the CoC offense in the Criminal Code in other laws and regulations, especially the Criminal Procedure Code, several provisions become limitations in the process of holding the trial so that the process runs smoothly, in an orderly and orderly manner. As stated in:

Article 217

- 1) The presiding judge at the trial shall lead the examination and maintain order at the trial.
- 2) Everything that is ordered by the presiding judge at trial to maintain order in the trial must be carried out immediately and carefully.

Article 218

- 1) In the courtroom, anyone is obliged to show respect to the court.
- 2) Anyone who is in a court session behaves in a manner inconsistent with the dignity of the court and does not obey the order after receiving a warning from the judge at the head of the session, shall be expelled from the courtroom on his orders.
- 3) If the violation of the code of conduct as referred to in paragraph (2) is a criminal act, it does not reduce the possibility of prosecution of the perpetrator.

The provisions in Article 218 of the Criminal Procedure Code, it is possible for perpetrators of violations of court procedures to be criminal to be prosecuted. If there is someone (in this case anyone including the Public Prosecutor, PH, or the member judge himself) who shows disrespect to the court, then the presiding judge at trial may order the person concerned to be removed from the courtroom. This act is an act that interferes with the examination of the court trial so that "the fair administration of justice" becomes pressed for it.

According to the Common Law System (England and America), acts that are included in direct contempt (insulting before a court) can be directly tried and convicted by a judge without the need for an investigation or prosecution first. In other words, judges have an inherent power to punish.⁵⁴

⁵⁴ MaPPI, *Suatu Tinjauan Tentang Contemp Of Court*, www.pemantauperadilan.com.

So if there is a commotion in the trial (such as Articles 217 and 218 of the Criminal Procedure Code), the judge can directly process and impose a sentence. Meanwhile, for acts that are included in the indirect contempt, a preliminary investigation and prosecution must be carried out.

However, overall in the Criminal Procedure Code and the Criminal Procedure Code, there are no clear arrangements or distinctions as to which constitutes contempt before the court or outside the court. Actions that can be classified as CoC. This distinction is important to make (included in the laws and regulations regarding the CoC) because it relates to the judicial process.

d. Setting the Contempt of Court in the Draft Draft of the Draft Criminal Code

In the process of drafting the Criminal Code Bill, whether or not the Contempt of Court should be regulated is a debate. On the one hand, there is a suggestion that the discourse is included in the Draft Criminal Code under the category "Criminal Actions Against Judicial Administration". But on the other hand, some disagree because insulting the judge, disrupting the trial, and throwing shoes at the judge cannot be enforced solely by criminal law.⁵⁵

Regardless of the pros and cons of whether or not the CoC is regulated in Indonesian criminal law. Barda Nawawi Arief thinks that what should be considered is how to realize the proper implementation of the justice administration system (the due administration of justice). As a legal interest as well as a public interest for every community that should be protected.⁵⁶

To provide legal protection for the existence of legal interests for each of these citizens, the provisions of CoC are regulated in Book II Chapter VI of the Draft Criminal Code. The team that formulated the term Contempt of Court in the Draft Criminal Code used a broader term, namely Crime Against the Judicial Process. The term includes various actions that can degrade, undermine, hinder, disrupt or damage the proper judicial administration system.

Therefore, criminal acts related to the administration of justice have been regulated in a separate chapter, namely in Book II Chapter VI concerning Crimes Against the Judicial Process, namely in Articles 326 to 340 which are detailed in regulating the following matters:

1. Article 326: Performing an act that results in the disruption of the judicial process;
2. Article 327: Participants or assistants of criminal acts, disobeying court orders, insulting judges, publishing anything that causes consequences that can affect the impartiality of judges in court proceedings.
3. Article 328: an advocate who in carrying out his work is against the law;
4. Article 329: committing violence that disrupts the judicial process; false evidence or influencing witnesses, interfering with the process of investigation, prosecution, and examination in court;
5. Article 330: hiding the accused or evidence;
6. Article 331: Obstructing the examination of corpses;
7. Article 332: assisting someone in escaping from detention;
8. Article 333: not willing to be a witness, expert, or interpreter;
9. Article 334: release or damaged goods from confiscation;
10. Article 335: false statement;

⁵⁵ Andi Hamzah dan Bambang Waluyo, *Delik-delik Terhadap ...*, op.cit, page. 109-111.

⁵⁶ Muladi dan Barda Nawawi Aref, *Bunga Rampai Hukum ...*, op.cit, page. 216-217.

11. Article 336: causes the identity of the reporter to be known;
12. Article 337: destroying the building, courtroom, or court hearing equipment;
13. Article 338: attacking a witness; law enforcement officers and judicial officers;

In the above formulation, it can be seen that the concept has broadened the notion of criminal acts against the administration of justice compared to those contained in the Criminal Code. In addition to the provisions mentioned in Chapter VI of the Draft Criminal Code regarding criminal acts against the Administration of Justice mentioned above. The Contempt of Court offense setting also relates or relates to several other articles. This can be seen in Article 339 of the Draft Criminal Code which reads as follows:

"Everyone who commits a crime as referred to in Article 413, Article 415, Article 416, Article 417, Article 425, Article 434 paragraph (2), Article 659, Article 664, Article 666, Article 667, Article 668, Article 669, Article 680, Article 712, or Article 713 as long as the act involves a judicial body, shall be punished for committing a crime against the judicial process with a criminal offense following the provisions of those articles".

With the provisions of the article above, it is clear that the CoC offense is related/related to several articles in the Criminal Code Bill, while the articles related to the Contempt of Court are:

1. Article 413: Causing a commotion in a court session;
2. Article 415: Do not submit documents that are considered fake;
3. Article 416: Do not want to provide information about bankruptcy;
4. Article 417: Exercise rights that have been revoked by a court decision;
5. Article 425: Breaking the seal placed on the goods, damaging the sealed goods
6. Article 434 paragraph (2): false statement under oath;
7. Article 659: Judges who receive gratuities;
8. Article 664: Civil servants who use coercion to confess or provide information;
9. Article 666: a civil servant who ignores or neglects a detained person so that he escapes;
10. Article 667: Investigators and Public Prosecutors who detain a person against the law;
11. Article 668: Head of Rutan, Head of Lapas, Head of RSJ, who refuses to show data on people entered in the said place;
12. Article 669: Head of Detention Center, Head of Lapas, Head of RSJ, who puts people in the place without any court decision/decision;
13. Article 680: Intending to give gratuities to judges to influence their decisions in cases;
14. Article 712: The captain who refuses to accept the suspect, defendant, or convict on his ship;
15. Article 713: The skipper who neglects and neglects so that the suspect, defendant, or convict escapes;

Thus, it becomes clear in the Draft Criminal Code. It turns out that the formulations in the concept of another new special chapter are Chapter VI of the Bill which regulates 'Criminal Actions Against the Administration of Justice. The crime here does not only regulate the 'Contempt of Court', but also the 'Obstruction of Justice'.⁵⁷ Which does not only concern a professional in the legal

⁵⁷ Muladi, *Beberapa Catatan Berkaitan Dengan RUU KUHP Baru*, makalah disampaikan pada Seminar Nasional RUU KUHP Nasional Diselenggarakan oleh Universitas Internasional Batam, Batam – 17 Januari 2004, page. 8

profession who is always responsible for always respecting and being correct and polite towards legal officials or it can be said that someone who runs the legal profession must work professionally and behave professionally and have a good personality?⁵⁸ But it also regulates the obligation for everyone to respect the judicial process as a reflection of the implementation of an independent judiciary in the Indonesian legal state.

Some of the provisions governing the CoC are essentially so that everyone is aware that the duties of the court are noble, because they are not only responsible to the law, to 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, behave respectfully and politely and behave in a manner that does not cause noise or hinder the trial.

CONCLUSION

Contempt of Court was originally an offense known in countries that adhere to the common law system. Contempt of Court is intended to enforce and ensure the judicial process runs without interference from various parties, including parties involved in the judicial process, mass media, and court officials themselves. In the Indonesian criminal law, the Contempt of Court has not been specifically regulated and the arrangements are scattered in several provisions of the Criminal Code article. However, in the context of reforming criminal law, especially in the Draft Criminal Code, the Contempt of Court is regulated in a separate chapter and formulated as a criminal act against the judicial process, which is a legal effort to defend the public interest and the rule of law so that the judicial process can be carried out properly and fairly, without being disturbed, influenced or being harassed by other parties, both during the judicial process in court and outside the court building.

It takes power and political will from the executive, judicial and legislative bodies to participate in enforcing the authority of the court, by avoiding Contempt of court acts both in light and heavy quality and the need as soon as possible to realize and ratify the RKUHP that has been formed and designed for years.

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⁵⁸ Ignatius Ridwan Widyadharma, *Etika Profesi Hukum*, Cet.I, Semarang: BP Undip, 1996, page.82

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