

The Urgency of Law Enforcement Against Contempt of Court in the Modern Criminal Justice System

Putu Lanang Widhi

Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-Mail:
PutuLanangWidhi.std@unissula.ac.id

Abstract. *This study aims to determine and analyze the implementation of law enforcement against Contempt of court in the current criminal justice system, to determine and analyze the weaknesses of law enforcement against Contempt of court in the criminal justice system. This writing is a normative juridical type using the UU approach method, cases, research specifications are descriptive analysis, secondary data sources are taken from primary legal materials, secondary legal materials, tertiary legal materials, data collection methods through literature studies and analysis techniques using qualitative. The study shows that law enforcement against Contempt of court in the current criminal justice system is regulated in the Criminal Code and the National Criminal Procedure Code, however, the form of the regulation is not detailed which results in the lack of legal certainty in protecting the judicial process from all forms of intervention, intimidation or harassment of judicial institutions. There are weaknesses in the legal structure including weaknesses in the Integrity and human resources of law enforcement, challenges of trial by social media, weak security in the courtroom. Weaknesses in legal substance include contempt of court not being regulated in a special law, articles on contempt of court are not explained comprehensively, overlapping and indicated multiple interpretations, the Criminal Act of Contempt of court is not binding on all parties. Weaknesses in legal culture include weak public legal awareness and a lack of reflective culture and institutional awareness.*

Keywords: Contempt; Enforcement; Law; Urgency.

1. Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) emphasizes that Indonesia is a republic based on law (Rechstaat) and not a state based solely on power (Machstaat), so that national and state life is closely tied to legal norms with the consequence that every action that is contrary

to the law will be subject to sanctions.¹ This concept places a heavy burden on the judicial institution as the main spearhead of law enforcement and the provider of constitutional guarantees for justice seekers, the judicial institution is the last resort for every citizen to demand their constitutional rights in the form of a guarantee of "equal treatment before the law" based on the provisions of applicable laws.

As a country that adheres to an active democratic system, the judicial institution is also required to carry out trials in an open and accountable manner as stated in Article 202 paragraph (2) of Law Number 20 of 2025 concerning the Criminal Procedure Code. *jo.* Article 13 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, judicial institutions are bound by the principle of open trials and are open to the public except for trials concerning morality, children and private matters (marriage). This principle provides an opportunity for everyone to attend, see and follow the course of the trial.

The application of this principle then creates an opportunity for certain parties who intend to commit "evil acts" against judges, court officials, or court facilities. These acts can be considered contempt of court. (*Contempt of court*). One form *Contempt of court* is an act against a judge's honor (PMKH) as an act and/or deed that can degrade the honor and dignity of a judge. ²PMKH is the most common form of "contempt of court", some actions include attacks on judges or court officials, direct or indirect insults, damage to judicial facilities, threats and various other actions aimed at demeaning or disrupting the function of the judiciary. ³

One of the cases *Contempt of court* the first recorded case in the Indonesian judicial process occurred in 1986 as reported by Tempo Magazine. The Chief Justice of the Central Jakarta District Court stated that ABN, who was then an Advocate for HR D, was considered to have insulted the court with his protest action when defending his client who was a defendant in the Crime of Subversion, then ABN was given a sanction in the form of suspension of his professional activities for one year through a Decree of the Minister of Justice on the basis that ABN had violated the advocate's code of ethics based on the results of the IKADIN Honorary Council deliberation. In another case, the minutes of the advocate's oath belonging to lawyers RAN and FO were frozen because they had committed an act

¹ Opik Rozikin, "Contempt of Court in Indonesian Regulation," Journal of CIC Social Research and Consulting Institute 1, no. 1 (2019), p. 421

² Dizar al Farizi, Understanding the Concept of Acts that Demean the Honor of Judges (Surabaya: Publisher, 2021). P. 31

³ Nur Lailatul Musyafa'ah et al., "Mentoring Ethics and Advocacy Clinic Students to Maintain the Dignity of the Courts in Indonesia," in 3rd Annual Conference on Community Engagement, 2022. P. 52

Contempt of court against the North Jakarta District Court in a trial held on Thursday, February 6, 2025. ⁴

This case undermines the authority of the judiciary by eliminating the sense of security for judges in carrying out their duties based on the principle of judicial independence as a system of absolute judicial power in a state based on the rule of law. In Indonesia, it seems commonplace for judges to be criticized, criticized, and threatened. This is due to the potential for. . . *Contempt of court* in Indonesia is quite large. However, in certain regions, the tendency is quite high due to the influence of local customs and traditions. The possibility of this occurring *Contempt of court* the situation is much larger in eastern Indonesia. This situation seems likely to occur at any time due to the apathy of security forces in safeguarding trials. Security forces only act upon requests from prosecutors, the court, or if anarchic actions have occurred. ⁵

The legal basis for Contempt of Court in Indonesia can be found in various criminal provisions spread across Law Number 1 of 2023 concerning the Criminal Code, in Chapter VI, from Articles 278 to 293, which specifically regulate various forms of conduct deemed to disrupt the judicial process and demean the dignity of the judiciary. This demonstrates an effort to reform national criminal law to clarify the position and application of Contempt of Court norms in the Indonesian legal system.

In fact, this condition cannot be used as the main support in efforts to prevent and overcome these actions. *Contempt of court* so that in the future there will be a need to create special regulations that take into account the values of justice, certainty, benefit and have a vision of legal reform. (*Ius Constituendum*). Mardjono Reksodiputro explained that increasing public legal awareness, if not matched by inadequate legal enforcement, will lead to less public compliance. Individuals who violate a norm tend to become defensive and feel they don't need to comply with that norm. ⁶

If prevention and mitigation efforts are not carried out, there is a possibility that the action will be *Contempt of court* will continue to be repeated, imitated, and followed by other actors and the wider community. The consequence of this is a decline in the authority and dignity of the courts, including judges, making the judicial institution increasingly vulnerable to insults or harassment. If judges and court officials no longer receive respect in carrying out their judicial duties, then from a sociological and cultural perspective, the existence of judicial power within

⁴<https://www.tempo.co/hukum/sederet-kasus-contempt-of-court-pengacara-tomy-winata-hingga-razman-arif-nasution-dan-firdaus-oiwobo--1207812> accessed on January 29, 2026

⁵ Anita Afriana et al., "Contempt of Court: Law Enforcement and Regulatory Models in Indonesia," *Journal of Law and Justice* 7, no. 3 (2018). P. 85

⁶ Mardjono Reksodiputro, *Criminology and the Criminal Justice System* (Jakarta: Institute of Criminology, University of Indonesia, 1994)., p. 25

the Indonesian rule of law system may be questioned. Considering this, further clarification and clarification regarding related regulations are needed. *Contempt of court* to ensure protection of judicial authority.⁷

Based on the description above, the author will explain the problem formulation, namely, first, the implementation of law enforcement against Contempt of Court in the current criminal justice system, and second, the weaknesses in law enforcement against Contempt of Court in the criminal justice system.

2. Research Methods

This research is a normative juridical type using the statutory approach method and case studies, the research specifications are descriptive analysis, data sources are obtained from secondary data taken through primary legal materials, secondary legal materials, tertiary legal materials, data collection methods through literature studies and analysis techniques using qualitative.

3. Results and Discussion

3.1 Implementation of Law Enforcement Against Contempt of Court in the Criminal Justice System

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that Indonesia is a state of law. One characteristic of a state of law is the existence of a judicial institution. In general, the division of the judiciary into general courts and special courts is known. General courts are courts for the people in general, both regarding civil and criminal cases, while special courts try certain cases or groups.⁸

Article 2 paragraph (3) of Law No. 48 of 2009 concerning Judicial Power (hereinafter referred to as UUKK) expressly states that all courts throughout the territory of the Republic of Indonesia are state courts regulated by law. The task of the judicial body is to administer justice to uphold law and justice. However, many cases occur where the courts receive contempt and harassment (Contempt of Court) in the process of enforcing the law.⁹

Criminal provisions on Contempt of Court can be found in Law Number 1 of 2023 concerning the Criminal Code, Chapter VI, from Articles 278 to 293, which specifically regulate various forms of conduct deemed to disrupt the judicial process and undermine the dignity of the judiciary. This demonstrates an effort to

⁷ Afiful Huda and Mila Novia Sprinda, "Malpractice and Contempt of Court," Jurnal Jas Merah: Jurnal Hukum dan Ahwal al-Syakhsyiah 3, no. 2 (2024), p. 75

⁸Anita Afriana, Artaji, Elis Rusmiati, Efa Laela Fakhriyah, Sherly Putri, Contempt of Court: Law Enforcement and Regulatory Models in Indonesia, Journal of Law and Justice, Volume 7 Number 3, November 2018, p. 445

⁹Ibid, p. 446

reform national criminal law to clarify the position and application of Contempt of Court norms in the Indonesian legal system.

One of the cases *Contempt of court* the first recorded case in the Indonesian judicial process occurred in 1986 as reported by Tempo Magazine. The Chief Justice of the Central Jakarta District Court stated that an advocate with the initials ABN, who at that time was Advocate HR D, was considered to have insulted the court with his protest action when defending his client who was a defendant in the Crime of Subversion, then Advocate ABN was given a sanction in the form of suspension of his professional activities for one year through a Decree of the Minister of Justice on the basis that Advocate ABN had violated the advocate code of ethics based on the results of the IKADIN Honorary Council deliberation. In another case, the minutes of the advocate's oath belonging to lawyers with the initials RAN and FO were frozen because they had committed an act *Contempt of court* against the North Jakarta District Court in a trial held on Thursday, February 6, 2025.¹⁰

The implications of the above case demonstrate that advocates are not immune from the law. Violations of the code of ethics accompanied by criminal acts can subject advocates to two sanctions simultaneously: a criminal penalty in the form of imprisonment and an ethical sanction from the Honorary Council of the Advocates Organization. This emphasizes that any action that violates the code of ethics will carry binding double consequences and serves as a lesson for other advocates to be more careful in maintaining their professional demeanor both inside and outside the courtroom.

Violence in the courtroom undermines the authority of the judiciary and diminishes its legitimacy in the eyes of the public. A public that loses trust can become skeptical of legal fairness, even believing the judiciary is no longer independent. This has the potential to lead to a crisis of confidence in the legal system as a whole.

According to Prof. Jimly Asshiddiqie, law enforcement is the process of ensuring the upholding or functioning of legal norms in social and national life. Meanwhile, according to Soerjono Soekanto, law enforcement is the activity of harmonizing the relationships between values outlined in embodied rules, as well as the attitudes and actions of a series of values embodied in order to create, maintain, and sustain social interaction.¹¹

¹⁰<https://www.tempo.co/hukum/sederet-kasus-contempt-of-court-pengacara-tomy-winata-hingga-razman-arif-nasution-dan-firdaus-oiwobo--1207812> accessed on January 29, 2026

¹¹<https://www.hukumonline.com/klinik/a/pengertian-perlindungan-hukumdan-penegakan-hukum-lt65267b7a44d49/> accessed on April 3, 2026

According to Satjipto Rahardjo, law enforcement is an effort to realize abstract ideas into reality (from abstract law to concret to law).¹² According to him, in essence, law enforcement is not only due to the complexity of the legal system itself, but also the complexity of the interweaving of the legal system with the social, political, economic and cultural systems of society to realize the law as an idea that requires a fairly complex organization, such as the police, prosecutors and courts, which are called law enforcers.¹³

That based on the cases that can be categorized as Contempt of court above, no perpetrator has ever been charged with the articles that regulate Contempt of court, however, the majority of perpetrators of destruction in general, and the punishment for the perpetrator is very light so that it does not provide a deterrent effect for the perpetrator and does not make the community respect the judicial institution because it is not specifically regulated regarding Contempt of court and the sanctions for perpetrators of criminal acts of Contempt of court must be heavier than the sanctions regulated in the Criminal Code regarding destruction because the place where the destruction occurred is a judicial institution which should be the last bastion for the community to seek justice, therefore the formation of legislation regarding Contempt of court should be very important because the judicial institution is the last bastion for the community to seek justice.

3.2 Weaknesses in Law Enforcement Against Contempt of Court in the Criminal Justice System.

Lawrence M. Friedman explains that the effectiveness of law enforcement is influenced by legal structure, legal substance, and legal culture. The weaknesses of terminating prosecution in resolving traffic accidents based on restorative justice are as follows:

1) Weaknesses of Legal Structure

The weaknesses of the legal structure of law enforcement against Contempt of Court in the criminal justice system are as follows:

1. Weaknesses in Integrity and Human Resources of Law Enforcement

The poor quality of law enforcement human resources and lack of integrity lead to a lack of professionalism. This results in the inability of officers to consistently enforce the law, ultimately undermining the authority of the judicial institution.

The quality of law enforcement education and training is crucial for effective law enforcement. Law enforcement officers, including police, prosecutors, and judges,

¹²Satjipto Rahardjo, *Legal Studies*, Bandung: PT Citra Aditya Bakti, 2006, p. 53

¹³Satjipto Rahardjo, *Law Enforcement, Sociological Review*, Yogyakarta: Genta Publishing, 2009, p. 8

must have a thorough understanding of the law, judicial procedures, and human rights. A strong formal education, complemented by ongoing practical training, is essential to ensure law enforcement officers have the skills necessary to carry out their duties professionally and fairly.

2. Trial by Social Media Challenge

In the digital era has become a new arena for the battle of legal narratives. Court decisions, once merely recorded in files, can now be widely disseminated, commented on, and even distorted by public opinion. This phenomenon has given rise to the term "trial by social media," a situation where the digital space seemingly takes over the court's authority to adjudicate. Another danger arises when judicial legitimacy shifts from legal texts to the boisterous, emotional online commentary. In such situations, the dignity of judges, founded on the principle of independence, is seriously tested.

3. Weakness Court room Security

Threats against judges are no longer a latent issue, but a recurring reality. The stabbing of a Batam Religious Court judge in March 2025, the terror attack on a female judge in Grobogan, and the assault in the courtroom demonstrate that justice is being administered under the shadow of threats. In situations like this, the establishment of the Special Court Police (Polsus Mahkamah) is not merely an institutional discourse, but rather a moral imperative for the state to protect the guardians of justice.¹⁴

2) Weaknesses of Legal Substance

The weaknesses of the legal substance of law enforcement against Contempt of Court in the criminal justice system are as follows:

a. *Contempt of court* not regulated in special laws

Contempt of court this constitutes a threat to the judicial function in administering justice, not just to the general personal interests of individuals. Therefore, it is necessary to clarify how the scope of Contempt of Court is regulated by law. This must begin with a clear definition and precise scope, as well as the elements of Contempt of Court as an act that undermines the authority of the judiciary.

It must be clarified to what extent the Contempt of Court applies, and it must not be allowed to limit the public's right to monitor the judiciary, thereby deeming it a form of legal immunity. The provisions in the National Criminal Code regarding Contempt of Court have not yet been explained in detail regarding the primary

¹⁴<https://dandapala.com/opini/detail/jika-hakim-menjaga-hukum-siapa-yang-menjaga-hakim-tanpa-polsus-pengadilan> accessed on May 16, 2026

basis of Contempt of Court itself. This law also needs to explain the procedures for enforcing the law, both criminally and administratively.

b. The articles on Contempt of Court are not explained comprehensively, overlap and are indicated to be open to multiple interpretations.

Researchers from the Institute for Criminal Justice Reform (ICJR) stated that several articles on contempt of court in the National Criminal Code lack detailed explanations. for example, Article 280 paragraph 1 letter a of Law Number 1 of 2023 concerning the Criminal Code

"failing to comply with a court order issued in the interests of the judicial process."

The phrase "failing to comply with a judicial order" refers to execution, confiscation, and detention. This potentially conflicts with Article 281 of Law Number 1 of 2023 concerning the Criminal Code.

"Any person who obstructs, intimidates or influences an official carrying out the duties of investigation, prosecution, examination in court or court decisions. "

While these two offenses carry different penalties, obstructing, intimidating, or influencing is interpreted as an act that has the potential to criminalize certain professions, such as advocates, when defending their clients. Many cases have seen advocates intimidated into obstructing investigations by refusing to advise or advise their clients to remain silent.

Article 278 paragraph (1) letter b of Law Number 1 of 2023 concerning the Criminal Code, "directing witnesses to provide false information" with Article 291 paragraph (1) of Law Number 1 of 2023 concerning the Criminal Code "providing false information under oath, either verbally or in writing, which is done by oneself or by a proxy specifically appointed for that purpose". If examined in more depth, there are the same elements between directing to provide false information and providing false information under oath by oneself or a person authorized for that purpose. Of course, this creates legal uncertainty where there are 2 similar elements regulated in two different articles with different sanctions.

c. The Criminal Act of Contempt of Court is not yet binding on all parties.

Contempt of court It is a form of protection for legal functions, not merely individual interests. The old Criminal Code contained a specific article outlining sanctions for bribing judges and judges who accept bribes. However, this National Criminal Code has removed this article, although several articles implicitly address this issue but are nonspecific and use the term "official. "

3) Weaknesses of Legal Culture

The weaknesses of the legal culture of law enforcement regarding Contempt of Court in the criminal justice system are as follows:

a. Weak public legal awareness

Citizens' constitutional awareness is essential for implementing laws and policies. Furthermore, it also monitors the implementation of the 1945 Constitution of the Republic of Indonesia, both in the form of laws and regulations. This oversight is implemented over the policies and actions of state administrators. This oversight function goes hand in hand with the application of the principle of mutual oversight and balance within the state system.¹⁵ According to Soerjono Soekanto's book, the implementation of the law can be measured by observing the daily practices of law enforcement officials, such as those dealing with public order and law enforcement. In practice, these practices do not always comply with applicable law, even when written legal provisions exist.¹⁶

In fact, within Indonesian society, constitutional awareness remains weak. This is due to the relatively unresponsive nature of the legal substance (statutory regulations), overlapping legal issues, legal ambiguity, and a lack of legal infrastructure, all stemming from the very nature of law enforcement. Law enforcement officials exhibit low integrity and professionalism. This is also true of legal awareness, service quality, and legal certainty and justice. Furthermore, the legal products themselves do not always guarantee legal certainty, support public rights, and guarantee justice. Many regulations remain blunt, unable to curb arbitrariness, uphold justice, and serve as guidelines to be followed.¹⁷

b. Lack of reflective culture and institutional awareness

Legal awareness is not only personal but also institutional. When the judiciary begins to reflect on its role in society, it enters a stage of socio-legal maturity.

Transparency in rulings, off-site trials, legal aid posts (posbakum), and empathy-based mediation are evidence that the judiciary is beginning to recognize its social dimension. However, a reflective culture is not easy to cultivate. It requires the courage to examine oneself, admit mistakes, and correct them. Within a socio-legal framework, self-evaluation is not merely a management exercise but part of institutional morality. A reflective judiciary rejects bureaucratic arrogance, choosing to listen to the voice of the public before enforcing the rule of law.

¹⁵Atang Hermawan Usman, Public and Government Legal Awareness as Factors in Upholding the Rule of Law in Indonesia. *Journal of Legal Insights*, Vol. 30 No. 1 February 2014. p. 27.

¹⁶Soerjono Soekanto, *Principles of Legal Sociology* (PT. Raja Grafindo Persada: Jakarta, 2005), p. 167.

¹⁷Moh. Mahfud MD, *Legal Politics in Indonesia* (Pustaka LP3ES Indonesia: Jakarta, 1998), p. 1

4. Conclusion

Law enforcement against *Contempt of court* in the current criminal justice system this is regulated in the Criminal Code and the National Criminal Procedure Code, however the form of the regulation is not detailed, resulting in the lack of legal certainty in protecting the judicial process from all forms of intervention, intimidation or weakening of judicial institutions. Weaknesses in law enforcement against *Contempt of court* in the criminal justice system consists of weaknesses in the legal structure including Weaknesses in the integrity and human resources of law enforcement, challenges of trials by social media, Weak courtroom security. Weaknesses in legal substance include contempt of court not being regulated in a specific law, articles on contempt of court not being comprehensively explained, overlapping and open to multiple interpretations, and the Criminal Act of Contempt of Court not yet binding on all parties. Weaknesses in legal culture include weak public legal awareness and a lack of reflective culture and institutional awareness.

5. References

Journals:

- Afiful Huda dan Mila Novia Sprinda, "Malpraktik dan *Contempt of court*," *Jurnal Jas Merah: Jurnal Hukum dan Ahwal al-Syakhsyiah* 3, no. 2 (2024)
- Anita Afriana dkk. , "*Contempt of court*: Penegakan Hukum dan Model Pengaturan di Indonesia," *Jurnal Hukum dan Peradilan* 7, no. 3 (2018)
- Atang Hermawan Usman, Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum di Indonesia. *Jurnal Wawasan Hukum*, Vol. 30 No. 1 Februari (2014)
- Nur Lailatul Musyafa'ah dkk. , "Pendampingan Mahasiswa Klinik Etik dan Advokasi untuk Menjaga Marwah Pengadilan di Indonesia, " in *3rd Annual Conference on Community Engagement*, (2022)
- Opik Rozikin, "*Contempt of court* in Indonesian Regulation," *Jurnal CIC Lembaga Riset dan Konsultan Sosial* 1, no. 1 (2019)

Books:

- Dizar al Farizi, *Mengenal Konsep Perbuatan Merendahkan Kehormatan Hakim* (Surabaya: Penerbit, 2021)
- Mardjono Reksodiputro, *Kriminologi dan Sistem Peradilan Pidana* (Jakarta: Lembaga Kriminologi Universitas Indonesia, 1994)
- Moh. Mahfud MD, *Politik Hukum di Indonesia* (Pustaka LP3ES Indonesia: Jakarta, 1998)
- Satjipto Rahardjo, *Ilmu Hukum*, (Bandung: PT Citra Aditya Bakti, 2006)
- Satjipto Rahardjo, *Penegakan Hukum, Tinjauan Sosiologis*, Yogyakarta:Genta Publishing, 2009

Soerjono Soekanto, *Pokok-pokok Sosiologi Hukum* (PT. Raja Grafindo Persada: Jakarta, 2005)

Regulation:

The 1945 Constitution of the Republic of Indonesia;
Law Number 1 of 2023 concerning the Criminal Code;
Law Number 20 of 2025 concerning the Criminal Procedure Code;
Law Number 48 of 2009 concerning Judicial Power.

Internet:

<https://dandapala.com/opini/detail/jika-hakim-menjaga-hukum-siapa-yang-menjaga-hakim-tanpa-polsus-pengadilan> accessed on May 16, 2026
<https://www.hukumonline.com/klinik/a/pengertian-perindungan-hukumdan-penegakan-hukum-lt65267b7a44d49/> accessed on April 3, 2026
<https://www.tempo.co/hukum/sederet-kasus-contempt-of-court-pengacara-tomy-winata-hingga-razman-arif-nasution-dan-firdaus-oiwobo--1207812> accessed on January 29, 2026