

# Evaluation of Judicial Institutions in Handling Contempt of Court Cases Based on Lawrence M. Friedman's Theory

## *Evaluasi Lembaga Peradilan dalam Menangani Kasus Contempt of Court Berdasarkan Teori Lawrence M. Friedman*

Mohammad Reza Fachruddin <sup>a✉</sup>, Abdul Muftar Rifki Maulana <sup>b</sup>,  
Dewi Sulistianingsih <sup>c</sup>, Martitah <sup>d</sup>

<sup>a</sup> Faculty of Law, Universitas Negeri Semarang, Indonesia,  
[ini\\_rezafachruddin@students.unnes.ac.id](mailto:ini_rezafachruddin@students.unnes.ac.id)

<sup>b</sup> Faculty of Law, Universitas Negeri Semarang, Indonesia,  
[abdulmuftar67@students.unnes.ac.id](mailto:abdulmuftar67@students.unnes.ac.id)

<sup>c</sup> Faculty of Law, Universitas Negeri Semarang, Indonesia,  
[dewisulistianingsih21@mail.unnes.ac.id](mailto:dewisulistianingsih21@mail.unnes.ac.id)

<sup>d</sup> Faculty of Law, Universitas Negeri Semarang, Indonesia,  
[martitahlatif@mail.unnes.ac.id](mailto:martitahlatif@mail.unnes.ac.id)

✉ Corresponding Email:

[ini\\_rezafachruddin@students.unnes.ac.id](mailto:ini_rezafachruddin@students.unnes.ac.id)

## Abstract

This article examines the dynamics of the development of contempt of court using legal theory in the context of modern Indonesia by emphasizing the importance of conceptual,



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reflective, and transdisciplinary approaches. This type of research is a sociological empirical research with a qualitative approach, this article uses the theory of M. Lawrence Friedman, who views law as a system consisting of structure, substance, and legal culture with a case study of contempt of court. Legal understanding can not be separated from social and political influences, the rigid theory of legal positivism is no longer adequate to answer the complexity of legal problems in Indonesian society. A transdisciplinary approach is offered as a conceptual solution to enrich legal theory through integration with social sciences, ethics, and legal philosophy. The results of the study, indicates that contempt of court requires the formation of a separate law in order to strengthen legal legitimacy and strengthen public trust in judicial institutions.

**KEYWORDS:** *Legal Theory, Conceptual Approach, Lawrence Friedman, Contempt of Court*

## Abstrak

This article examines the dynamics of the development of *contempt of court* using legal theory in the context of modern Indonesia by emphasizing the importance of a deep, open way of thinking, and involving various fields of knowledge. The author uses a qualitative method with a sociological approach, and refers to M. Lawrence Friedman's theory that sees law as part of social life with a case study of *contempt of court*. Legal understanding cannot be separated from social and political influences, the rigid theory of legal positivism is no longer adequate to answer the complexity of legal problems in Indonesian society. A transdisciplinary approach is offered as a conceptual solution to enrich legal theory through integration with social science, ethics, and legal philosophy. The results show that *contempt of court* requires the establishment of a separate law to strengthen legal legitimacy and public trust in the judiciary.

**KEYWORDS:** *Legal Theory, Conceptual Approach, Lawrence*

## *Friedman, Contempt of Court*

### Introduction

The framework report states that 64% of judges have experienced contempt of court. Contempt of court is any act that obstructs or hinders court in administering justice or that can be considered to diminish its authority or dignity committed by a person or group and acts willfully and contrary to its authority, dignity and tends to obstruct or frustrate the administration of justice as a litigant therein, willfully disobeying its lawful orders or failing to obey and carry out what is ordered of it<sup>1</sup>. Another definition of contempt of court is an act categorized as a criminal offense, which can be committed either by a party involved in a case or by an outsider. These actions can occur inside or outside the courtroom, and can take the form of active or passive actions that aim to disrupt, hinder, or interfere with the course of the judicial process that should take place fairly and properly (the due administration of justice). It also includes behavior that undermines the dignity and authority of the court, or that prevents court officials from carrying out their duties<sup>2</sup>.

All matters relating to the implementation of the power of the Indonesian State must be regulated, adjusted and implemented based on the law. The 1945 Constitution of the Republic of Indonesia provides attribution in the form of judicial authority that exists in the form of judicial power. In this regard, the normative judicial mechanism must be free from intervention, be it in the form of pressing or intimidation, carried out by certain parties (individuals) with the motive of demeaning the dignity of the judicial body<sup>3</sup>. The court is an institution that should receive attention, but is increasingly

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<sup>1</sup> Prim Haryadi, "PENEGAKAN HUKUM TERHADAP CONTEMPT OF COURT DALAM MEWUJUDKAN PERADILAN BERKUALITAS" (Jakarta, 2025).

<sup>2</sup> Habiburokhman, "PENEGAKAN HUKUM TERHADAP CONTEMPT OF COURT DALAM MEWUJUDKAN PERADILAN BERKUALITAS," 2025.

<sup>3</sup> Aditya Wisnu, "Urgensi Dan Pengaturan Undang-Undang Tentang Contempt of Court Untuk Menjamin Harkat, Martabat Dan Wibawa Peradilan," *Jurnal Magister Hukum Udayana* 4, no. 2 (2015): 331.

losing its authority. As we often see in a court decision, the draft law includes the *irah-irah* "For the Sake of Justice Based on God Almighty". This statement emphasizes that every judge's decision must be accountable before God Almighty. This reflects the moral and spiritual responsibility attached to a judge in carrying out his/her judicial duties. However, this mandate is often ignored due to the emergence of the judicial mafia and is even considered a mere formality so that the image of a judge deteriorates in society. As a result, the judiciary has lost its authority. It is unfortunate that the tendency to criticize judicial practice in Indonesia is not responded to wisely, thus it can be concluded that Contempt of Court reflects a social condition that develops in people's lives, so it needs special attention from the government.

Courts as they are now developed in countries around the world are institutions with modern structures and architecture. Courts in Indonesia are modern courts. As an institution needed by society, the age of courts can be considered to date back thousands of years, long before the existence of modern courts. The court became a modern institution that was comprehensively programmed to coincide with the emergence of the modern state around the twelfth century. This can be gleaned from the development and change of courts, the judicial process, over time. Such a rational scheme makes it necessary for courts and the work of adjudicating to be organized in a clear and transparent process. The court is an institution authorized to resolve cases by upholding justice based on legal provisions and procedures that have been determined.

For example, we want to study the institution of the courts. The court is called the last remedy of justice (*ultimum remedium*). In the perspective of legal sociology, the court is seen as a social institution that has certain functions and roles in upholding legal norms, not just studying what the institution does. The judicial process involves many parties, including law enforcers such as judges, prosecutors and lawyers to justice seekers, defendants and the public. In the world of courts, there are regulations that govern the operation of these institutions. Contempt of Court is regulated by General Elucidation number 4

in Law No. 14 of 1985. Meanwhile, the protection of judges' independence is contained in Article 24 of the 1945 Constitution of the Republic of Indonesia, the Criminal Code, the Criminal Procedure Code, Law No. 48 of 2009 on Judicial Power, Laws No. 49, 50 and 51 of 2009 on General Courts, Religious Courts and State Administrative Courts, and Supreme Court Regulation No. 6 of 2020 on Trial Protocol and Security in the Court Environment and Law No. 14 of 1985 on the Supreme Court jo Law No. 3 of 2009 on the Supreme Court as a formal-rational design of the duties of institutions and law enforcement officials. These laws apply in Indonesia.

In the perspective of legal sociology, no law enforcement officers are completely identical to each other, even though the formal rules are designed as if they are uniform. Therefore, an understanding of the law must include the entire social context, not just focusing on formal institutional structures such as courts. If we already know the law with behavioral factors, then the entrance to other variables will be wide open<sup>4</sup>. Judges are the main figures in the judicial process, where through their decisions, efforts to realize justice for justice seekers and society in general are carried out.... The sociology of law will examine the role of the judge, how the role of the judge is carried out, who the judge is, how it originated and so on. All of these elements are considered, to find out how the decision-making process takes place from a legal sociology perspective. The judge's principles become a parameter of observation, because they can affect the substance of a decision. Research conducted by Dahrendorf on why German judges tend to be conservative in their decisions. This tendency is related to the origins of the judges. First, there is a lack of geographical mobility; many people become judges in the place where they were born. Second, there is no upward social mobility; 66% of judges come from the elite social stratification. Third, 25% of judges come from jurist families and 50% from civil servant families. Judges are educated to fulfil the principles of order and certainty.<sup>5</sup>

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<sup>4</sup> Sajipto Rahardjo, *Ilmu Hukum* (Yogyakarta: Genta Publishing, 1991).

<sup>5</sup> C.J.M. Schuyt, *Rechtssociologie, Een Terreinver* (Dam Universitaire Pers, 1971).

The sociology of law extends the design of the court as a social institution. This development aims to observe the non-legal component. Legal sociology minimizes the image of the court as only a place where cases are received and then processed to completion through trial and decided by the judge. Galanter suggests that the socio-logical characterization of courts is that they are part of a separate society. Here the court must prove to be an independent and non-discriminatory institution<sup>6</sup>. One principle that has been upheld is that of impartiality. The mixture of non-discriminatory regulation and court utilization is considered to have built a court system that is able to provide a sense of justice for the community. However, normatively created courts and justice are liberal courts and justice. The quality of such courts will be tested in their operation in society, whether they can produce good justice. Justice is divided into substantial justice and formal justice ( formal justice or legal justice).

## Method

In this study, researchers applied empirical-sociological methods with a qualitative approach. Carried out by dissecting written law through literature studies (library research) to reach the core of the problem and supported by the results of observations made in the environment of the Semarang Religious Court and Semarang District Court. The legal materials used in this research consist of primary legal materials, such as Laws, Supreme Court Regulations, and Joint Decrees (SKB), as well as secondary legal materials which include books, scientific journals, theses, and theses as the main support in discussing research issues. Primary data used are interviews and observations, while secondary data are document studies.

## Result & Discussion

Contempt of court is a terminology introduced by the common law legal system which is identical to and rooted in

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<sup>6</sup> Marc Galanter, *"Why the 'Haves' Come Out Ahead : Speculations on the Limits of Legal Change"* *Law and Society* (Fall, 1974).



the United Kingdom. Linguistically, the word “contempt” is transliterated as insult; violate; degrade / belittle. Meanwhile, the word “court” in this context means “court”. Contempt of Court in terminology is any act or behavior (behavior) attitude and / or speech that is carried out actively or passively inside or outside the court with the aim or intention to undermine and undermine the dignity, dignity and dignity of the judicial body made by one or several individuals so that it has implications for disruption and obstruction of normative judicial case settlement mechanisms or procedures. The paradigm or concept of Contempt of Court historically originated in the United Kingdom which was termed “contempt”, which was then supported by legislation by the United States for the first time in 1789<sup>7</sup>.

Contempt of Court is one example of a problem that has plagued the courts, as a response to dissatisfaction and a decline in public confidence in the performance of the courts in Indonesia. Although there are regulations governing Contempt of Court, it does not mean that it is free from problems, in fact it is still a homework for the judiciary in our country. Indonesia adopted Contempt of Court which is regulated in Law No. 14 of 1985 and with the establishment of a Joint Decree (SKB) as an implementation between the Supreme Court and the Minister of Justice in 1987 on Procedures for Supervision, Enforcement and Defense of Legal Counsel. Criticism of law enforcement officials today is necessary. However, the implementation of law enforcement is not enough. One factor that is no less important in law enforcement is the role of judges who have a hand in determining the direction of the law, so that the abuse and vulnerability of the court is one of the social problems that needs to be highlighted to be studied as a result of the defect of the law from birth which eventually arises 'indiscriminately' in the implementation of the law in Indonesia, therefore these conditions trigger Contempt of Court. If law enforcement is done indiscriminately, then Contempt of Court will not occur. The law acts as an instrument to guarantee justice and limits

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<sup>7</sup> Hasbullah F. Sjawie, “Sekelumit Catatan Mengenai Tindak Pidana Contempt of Court,” *Hukum Dan Pembangunan* 24, no. 4 (1994): 324.

for people to behave.

Let us talk about the Sociological contest of the courts further. The sociological influence of the court configuration emerges when people litigate. Sociologically, the aspiration to have a court that can truly deliver justice does not stop at strengthening its institutions, but also its human resources. How courts work in society. In reality, courts cannot operate in such a sociological environment, but within a structure of social and economic stratification. The more modern the civilization and development of a society, the more diverse the stratification within that society.

## A. Lawrence M. Friedman's Legal System Theory

The sociology of law views that law does not operate in a separate or abstract space, but always interacts with social structures, institutions and dynamics in society. Law is an integral part of a broader social process, where there is a reciprocal relationship between law and society that mutually influences and shapes each other. According to Lawrence M. Friedman in the Theory of Legal System, there are three main indicators in a law which include Structure, Substance, and Culture. The structure of law according to Lawrence Friedman is "The structure of a system"<sup>8</sup>.

In other words, the main underlying structure of the system, which consists of the permanent form and the institutions that run it. The structural element is the apparatus with integrity. The emergence of an apparatus with integrity cannot be separated from the availability of an internal code of ethics that covers both legal aspects and a good work culture. The substance of the law is "The substance of the law consists of substantive rules as well as how institutions should behave."<sup>9</sup> This means

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<sup>8</sup> Firdaus Arifin and Ihsanul Maarif, "Pengawasan Preventif Melalui Harmonisasi Pembentukan Peraturan Daerah Terhadap Eksistensi Regulasi Muatan Lokal Dalam Otonomi Daerah" 18, no. 2 (2024): 171–92, <https://doi.org/10.15575/adliya.v18i2.38459>.

<sup>9</sup> Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russel Sage Foundation, 1975).



that the substance of the law contains both substantive regulations and guidelines on how institutions should behave. Legal quantities are always dynamic in space and time; changing over the span of centuries, decades and years, months and days, even hours. Legal quantities are always dynamic in space and time; changing over the span of centuries, decades and years, months and days, even hours. Law is always dynamic and changing in all spheres of society, regions, communities, Neighbours, families, and the relationships within each of its formers. The law grows with who complains about it, who makes it, and who the parties involved are<sup>10</sup>.

The juridical structure of law is formed through a long historical process, until it reaches its current form. This established form provides a good and ideal framework for law, both as a process and as an institution. The institutions and processes to be discussed include law-making, courts, advocates and the police. When we now talk about these legal institutions in traditional juridical terms, what comes to mind are institutions with established juridical structures. The court, for example, will be seen as an institution that hears and adjudicates cases, with a structure, rules of the game, division of tasks and roles that have all been designed by and in legislation. That is the juridical structure of the court.

In the view of legal sociology, the focus of attention is not the juridical structure itself, but the social structure that accompanies it. As already explained, the sociology of law studies legal institutions in a broader social dimension. Thus, the sociology of law is not required to examine the judicial process from a regulatory aspect, but from a social or sociological point of view. For example, it will observe the position of judge as stated in the law, that is, in its juridical structure, but outside of the juridical limitations and formulations. The judge will be seen as a more complete human being with all aspects, such as his age, education, religious affiliation and socio-economic status. Law is not reduced to a juridical structure as designed by statute, but

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<sup>10</sup> John Pieris, *Behavior of Law (Perilaku Hukum) Pengantar Edisi Indonesia*, ed. Brando Stevano Murtianto, Th. Bambang & Thoviano, 1st ed. (Jakarta: Pelangi Cendekia, 2020).

rather as a more fully natural phenomenon.

Legal institutions have a role to implement legal objectives. From a sociological perspective, the achievement of these goals is not abstract, but always occurs in a specific empirical or sociological context. The factors surrounding a legal institution become crucial elements for the application of law (law in action) in society. This process is known as the phenomenon of “goal substitution” and “goal displacement”. Another aspect is the workload of a legal institution, such as a court. Courts are designed to handle a certain workload, manifested in the structure of the building, the number of judges, clerks, bailiffs, and other staff, which is adjusted to the estimated load to be completed. Court employees generally expect to deal with a predictable amount of work within their working hours, without exceeding that limit. Massive and unanticipated increases in workload will create complexities and are likely to affect the performance of the courts<sup>11</sup>.

To understand law as an institution is to accept that legal institutions such as courts are subject to the laws that govern institutions in general. Another study, on the pressure or caseload on courts and how they resolve it, has been researched by Jerome H. Skolnick<sup>12</sup>. In his research, he found the utilization of the plea of quality institution, which allows the defendant to admit guilt before the case enters the criminal justice process. By utilizing the institution of plea of quality to the maximum extent, criminal cases can be resolved quickly and in large numbers. This option has created a court without a court, because cases can be resolved outside the court. Plea of quality has been used as a way to overcome the limitations of court facilities.

Legal culture, according to Friedman's theory, refers to people's attitudes, values, views, and behaviors towards the law. It reflects the extent to which the law is understood, accepted and obeyed by society. Legal culture according to Friedman is *“It is the element of social attitude and value. Behavior depends*

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<sup>11</sup> Satjipto Raharjo, *Sosiologi Hukum (Perkembangan Dan Metode Pilihan Masalah)* (Yogyakarta: Genta Publishing, 2010).

<sup>12</sup> Skolnick Jerome H, *Justice Without Trial, Law Enforcement in Democratic Society* (New York: John Wiley & Sons, 1966).

*on judgement about which options are useful or correct. Legal culture refers to those parts of general culture-customs, opinions, ways of doing and thinking-that bend social forces toward or away from the law*<sup>13</sup>. Legal culture plays an important role in the effectiveness of a legal system. A good law is not only determined by clear rules (substance) and strong institutions (structure), but also the extent to which the law is accepted and respected by society (legal culture). If the legal culture and legal structure function well, it will create a good legal and ethical culture. In practice, legal culture can be improved through legal education, exemplary behavior from legal officials, and fair and consistent law enforcement.

## B. Analysis of Judicial Institutions' Handling of Contempt of Court from the Perspective of Lawrence M. Friedman's Theory

Currently, the legal system that applies in society includes written and unwritten norms that aim to ensure the function of law as a social engineering tool and social control mechanism runs well. Therefore, in addition to the existence of quality laws, it is also necessary to guarantee the implementation of these norms in social life and effective social law enforcement. So the operation of law is not only the function of legislation, but also as social control by the government<sup>14</sup>. Law No. 14 of 1985 on the Supreme Court marked the beginning of the legitimization of Contempt of Court in Indonesia. The law provides a mandate through the General Elucidation in point 4 of the 4th paragraph which states the need for the establishment of a law that oversees and is authorized to take action against acts of contempt of court. Furthermore, Law No. 25 of 2000 on the National Development Program (Propenas) for 2000-2004, which also contains a policy matrix for the Legal Development program in 2002, stipulates the need for the enactment of a law

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<sup>13</sup> Lawrence M. Friedman, *The Legal System: A Social Science Perspective*.

<sup>14</sup> Munir Fuady, *Hukum Kontrak Dari Sudut Pandang Hukum Bisnis* (Bandung: Citra Aditya Bakti, 2007).

relating to Contempt of Court. However, until now, the mandate of the two laws mentioned above has not been implemented.

Contempt of Court incidents can arise because there is a background of things that disrupt the judicial process and are followed by attitudes that undermine the dignity of the court. This can be seen in the process of court proceedings. Sometimes and often in the organization of court proceedings, we are shown with crowds of visitors in the courtroom, which has the potential to create chaos and lead to obstruction and not conducive to the trial. The most common occurrence is an argument between the Public Prosecutor and the Legal Counsel, or vice versa. This is exacerbated by the attitude of the defendant who is reluctant to obey the decision made by the Panel of Judges on the criminal offense he committed. This attitude can also encourage conflicts that lead to violence / persecution against Judges, Public Prosecutors, Legal Counsel and / or the parties involved. Thus, the incidence of Contempt of Court greatly worsens the continuity of justice in Indonesia.

*1. Judicial Commission's Efforts to Maintain the Integrity and Authority of Judges through the Handling of Degrading Honor and Dignity of Judges (PMKH)*

1) Legal basis

- a) a) Article 24B of the 1945 Constitution of the Republic of Indonesia;
- b) Article 20 paragraph (1) letter e of KY Law;
- c) KY RI Regulation Number 8 of 2013 concerning Judge Advocacy.

2) Legal Steps

- a) Provide assistance to victim judges;
- b) PMKH that reports individuals, groups of people or legal entities to law enforcement and monitors the ongoing legal process.

3) Other Steps

- a) Coordination including coordination of trial security;
- b) Mediation;
- c) Appeal;
- d) Preventive Advocacy;
- e) Psychological Consultation; and

- f) Other measures to Prevent PMKH.
- 4) Judicial Commission's next steps
  - a) a) Encourage the Supreme Court to continue to improve the security system by enforcing the rules and equipping facilities and infrastructure as outlined in Perma 6 of 2020.
  - b) Establishment of Court Specialized Security Human Resources. Currently, the Judicial Commission is conducting a study and will continue to encourage the establishment of a special court security unit.
- 5) Court Security Budget Concept Review
  - a) Establishment of Court Specialized Security Human Resources. Currently, the Judicial Commission is conducting a study and will continue to encourage the establishment of a special court security unit.
- 6) Variety of PMKH conducted by the Judicial Commission
  - a) Accusations
  - b) Intimidation or Terror
  - c) Rioring disturbance or noise in the courtroom
  - d) Excessive Demonstration
  - e) Assault or Destruction of a Court Building
  - f) Violence and / or Maltreatment
  - g) Hacking of Court Sites
  - h) Spreading Fake News Through Social Media

In an effort to improve the quality and professionalism of law enforcement in Indonesia, the Supreme Court regularly conducts socialization. This is a breakthrough. The Supreme Court also launched a supervisory application for monitoring the performance of public services in court. Such as the MA RI Supervisory Information System (SIWAS) application. This application was developed by the Supreme Court Supervisory Agency, serves to report an act that is indicated, likely to occur violations within the Supreme Court and Judiciary in Indonesia. The complaint procedure refers to Supreme Court Decree No. 076/LMA/SK/VI/2009 dated June 4, 2009 on Guidelines for the Implementation of Complaint Handling within the Judiciary. The SIWAS account is operated by the Chief Court Officer and the Chief Court Officer can monitor and evaluate complaints

through the SIWAS application<sup>15</sup>.

As part of bureaucratic reform, the judiciary under the Supreme Court seeks to increase the use of digitalization in various aspects of service, evaluation, and monitoring of the performance of judges and court officials. One manifestation of this is the use of the Case Tracking Information System (SIPP) application which is connected to other legal agencies, such as the Police, the Attorney General's Office, and the Ministry of Law and Human Rights (Whole of Government function). This aims to create synergy between law enforcers while providing easy and open access to information for the public anytime and anywhere. However, in its implementation there are a number of obstacles faced, especially in the Semarang District Court and the Semarang Religious Court, related to Contempt of Court, which still raises pros and cons regarding the classification of contempt. There have been many calls so far for a comprehensive and independent way to regulate the prosecution of *Contempt of Court* actions<sup>16</sup>. The regulation is based on the motive and purpose to protect the judiciary from actions that are considered to defame the judiciary<sup>17</sup>.

## 2. *Contempt of Court Cases in Indonesia*

### a) Decision Number 06/PID.TPR/2011/PN.JKT.SEL.

In this decision, the court found a lawyer guilty of legally committing the crime of causing a disturbance in a courtroom.

### b) The Ambon High Court, Stipulation No. 44/KPT.W27-U/HM.1.1.1/II/2025 and the Banten High Court, Stipulation No. 52/KPT.W29/HM.1.1.1/II/2025 in this case have frozen the Oath Report of two lawyers who have disrupted the trial at the North Jakarta District Court which affects the image, dignity and authority of the Court.

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<sup>15</sup> Adhityat Zakk Rafif Muhammad, "TINJAUAN PENERAPAN E-COURT DI PENGADILAN NEGERI," *Verstek* 11, no. 4 (2023): 685–95.

<sup>16</sup> Sularto dan Budhi Wicaksono Susanto, "Pengaturan Tindak Pidana Contempt of Court Berdasarkan Sistem Hukum Pidana Indonesia," *Diponegoro Law ...* 6, no. 2 (2017): 2.

<sup>17</sup> Bagus Satryo Ramadha, "Pembaruan Delik Contempt of Court Pada Sistem Hukum Pidana Di Indonesia," *Jurnal Kertha Semaya* 9, no. 5 (2021): 865.



### 3. *Maltreatment and Violence Against Judges in the Courtroom*

- a) On October 29, 2010, there was an incident in which the judge of the Ende District Court, RM, was beaten by a number of court visitors for accusing the judge of protecting the suspect. The victim's family requested that the accused be released so that they could be judged themselves.
- b) On September 21, 2005, Colonel (Laut) MI stabbed his wife in the courtroom during the reading of the verdict on a joint property case. Judge MT, who tried to intervene, was stabbed and died. Two other judges were also attacked but survived. The perpetrator was sentenced to life imprisonment.
- c) On July 18, 2019, advocate DC hit Judge S and Judge DB using a belt during the reading of a civil case verdict at the Central Jakarta District Court. This action was recorded on video and resulted in bruises to the judges. The perpetrator was found guilty of violating Article 212 of the Criminal Code and sentenced to 6 months imprisonment.
- d) On October 20, 2022, after the panel of judges read out the verdict of the divorce case in favor of the Plaintiff, the Defendant lifted the witness chair and struck it at the Plaintiff. After the Plaintiff ran out of the courtroom, the chair was thrown towards the panel of judges and hit the Chief Justice Z on his left cheek below the eye, causing a tear of approximately 4 cm. The perpetrator was immediately secured and reported to the police.

### 4. *Intimidation and Disruption in the Courtroom*

- a) At the trial of the Kanjuruhan tragedy case at the Surabaya District Court, dozens of court visitors acted intimidatingly by shouting and cheering on the Public Prosecutor when he entered the courtroom. This action was considered a form of contempt of court because it created a non-conducive atmosphere and intimidated other law enforcement officers who were on duty. MI, the reporting witness, threw a shoe at Judge AR in August 1987, because he was upset that he had given money to the judge, but the judge had only lightly punished the

accused. A customer of BPR PT Surya fanned ten-thousand notes during a trial at the Surabaya District Court in October 1993; Two students released chickens in the Supreme Court courtroom in a lawsuit against Golkar.

- b) The walk out by former CSO leader RS in March 2021, who refused the online trial and threatened to walk out of the trial. This action was considered to be an affront to the dignity and process of the judiciary.

### *5. Contempt of Court Law Enforcement Against Contempt of Court Offenders*

The following are examples of contempt of court cases in Indonesia where the perpetrators were sentenced to criminal, fine, and administrative sanctions:

- a) Advocate Case DC.

On July 18, 2019, advocate Desrizal Chaniago committed violence by slashing a belt at a panel of judges during a civil case trial at the Central Jakarta District Court. For his actions, DC was criminally prosecuted using Article 212 of the Criminal Code and sentenced to 6 months imprisonment.

- b) Senior Advocate Case ABN.

ABN had made noise and disrespected the trial at the Central Jakarta District Court when defending General HR Dharsono. As a sanction, the Indonesian Minister of Justice suspended his activities as an advocate for one year. This punishment is in the form of administrative sanctions from professional organizations and the government.

- c) Cases of Advocates Interrupting Court.

An advocate in Indonesia was sanctioned for shouting and attacking a judge in the courtroom. As a result of his actions considered as contempt of court, his license to practice was temporarily revoked by the Indonesian Advocates Association (Peradi).

- d) RAN and MFO Advocate Case

In February 2025, Advocate RAN and his team of legal counsel made a scene and showed disrespectful behavior at the North Jakarta District Court. The Supreme Court,

through the Chief Justice of the High Court, then froze the advocate's oath report (BAS) on behalf of RAN and MFO, so that both of them could not act as advocates in court.

e) IS and TB Advocate Case

Advocates IS and TB had their advocate licenses temporarily revoked in September 1999. They were accused of *contempt of court* by a panel of judges chaired by JMTS in the Banker trust vs PT Mayora case. The judge stated that the two advocates frequently left the courtroom without the panel's consent and had suggested that the panel of judges hearing the case be replaced.

In this case, the occurrence of *Contempt of Court* as an offense and made by the parties (persons) in the procedure of litigation, both in litigation and non-litigation, in the form of acts of defiance or attempts to negate court orders. Indonesia, which follows the Continental European system (Civil Law), is based on the principle of "freedom", where judges are not bound and not obliged to obey only the decisions of previous judges (jurisprudence), but are subject to all codified rules written as a reference for judges in sentencing. It is necessary to establish rules that bind the act of *Contempt of Court*, namely the need to legalize a legal basis (legislation). There are options for criminal offenses that degrade the dignity of the court in Indonesia that can be considered in Law Number 14 of 1985 concerning the Supreme Court. Therefore, when analogized to its concrete form, it is obligatory for anyone to demonstrate the guarantee of the implementation of the judicial process and decisions in a conducive and law-abiding manner. However, the consequences of guaranteeing judicial dignity lie not only in 'resistance' from outsiders, but also a judge needs to maintain the dignity of the judiciary<sup>18</sup>.

The impact of *Contempt of Court* on the Judicial System is that the incomplete regulation of *Contempt of Court* has a broad impact on the judicial system. One of the main consequences is the decline in the authority of the courts. A

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<sup>18</sup> Bagus Satryo Ramadha.

clear example can be seen in incidents of *Contempt of Court* in the Courts, which creates a bad precedent and has the potential to reduce the public's respect for judicial institutions. In addition, acts of *Contempt of Court* can cause obstruction of the proceedings, as well as disrupt the pursuit of justice. If a trial is disrupted by inappropriate behavior, the judicial process is not optimal.

In the long run, such incidents can undermine public trust in the law. When people see that the courts are unable to maintain their authority, trust in the legal and justice system diminishes. Therefore, stricter handling of Contempt of Court is necessary to maintain the integrity of the judiciary. This decisive step taken by the court shows the strong commitment of the judiciary in maintaining its integrity and authority. Every individual, including advocates, has an obligation to show respect for the court and avoid irresponsible behavior in judicial proceedings.

## Conclusion

The law on contempt of court is mandated by Law 14/1985, but so far there have been several provisions in the Criminal Code that regulate criminal acts that are closely related to contempt of court. The absence of a contempt of court law means that criminal offenses on contempt of court in the Criminal Code are considered as ordinary criminal offenses, and their enforcement does not leave an impression as an effort to maintain the dignity of the judiciary. There needs to be a contempt of court law, which contains in addition to regulating the material punishment and regulating the law enforcement mechanism. The nomenclature of contempt of court is not mentioned textually in the Existing Criminal Code, so it often causes cross-opinion among law enforcers. The absence of a legal definition of contempt of court makes its interpretation subjective. The General Elucidation of item 4 of the Supreme Court Law is still vague and very broad, giving rise to various perceptions in its implementation.

Contempt of Court is one of the unsolved problems, mainly due to dissatisfaction and declining trust in the judicial system.

Criticism of the legal apparatus is necessary, but strict implementation of the law is also a determining factor in maintaining judicial integrity. In addition, the role of judges is crucial in preventing legal abuse and ensuring that the law is enforced indiscriminately. Contempt of Court repeatedly occurs in trials, for example when there is chaos due to the high emotions of the litigants, including court visitors. A heated debate between the prosecutor and defense counsel or the defendant's disrespect for the judge's decision can escalate the trial. Often, these incidents lead to acts of violence against judges, prosecutors, or defense counsel, which ultimately hamper the judicial process.

The perpetrators of contempt of court have various backgrounds, including civilians, military, law enforcement officials, community leaders, mass groups, etc. As long as there is no contempt of court law, law enforcement regarding contempt of court must be enforced more optimally, because in some events related to attacks on the dignity of the court are not followed up, causing injustice. The need for awareness from law enforcement officials that contempt of court generally occurs due to the perpetrator's dissatisfaction with the trial process, especially with several cases of corruption involving judges. Therefore, the demand for a contempt of court law must be accompanied by strengthening the integrity of judges.

## References

- Arifin, Firdaus, and Ihsanul Maarif. "Pengawasan Preventif Melalui Harmonisasi Pembentukan Peraturan Daerah Terhadap Eksistensi Regulasi Muatan Lokal Dalam Otonomi Daerah" 18, no. 2 (2024): 171–92. <https://doi.org/10.15575/adliya.v18i2.38459>.
- Bagusi Satryo Ramadha. "Pembaruan Delik Contempt of Court Pada Sistem Hukum Pidana Di Indonesia." *Jurnal Kertha Semaya* 9, no. 5 (2021): 865.
- Fuady, Munir. *Hukum Kontrak Dari Sudut Pandang Hukum Bisnis*. Bandung: Citra Aditya Bakti, 2007.
- Galanter, Marc. "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change" *Law and*

- Society*. Fall, 1974.
- Habiburokhman. "PENEGAKAN HUKUM TERHADAP CONTEMPT OF COURT DALAM MEWUJUDKAN PERADILAN BERKUALITAS," 2025.
- Haryadi, Prim. "PENEGAKAN HUKUM TERHADAP CONTEMPT OF COURT DALAM MEWUJUDKAN PERADILAN BERKUALITAS." Jakarta, 2025.
- Hasbullah F. Sjawie. "Sekelumit Catatan Mengenai Tindak Pidana Contempt of Court." *Hukum Dan Pembangunan* 24, no. 4 (1994): 324.
- Jerome H, Skolnick. *Justice Without Trial, Law Enforcement in Democratic Society*. New York: John Wiley & Sons, 1966.
- John Pieris. *Behavior of Law (Perilaku Hukum) Pengantar Edisi Indonesia*. Edited by Brando Stevano Murtianto, Th. Bambang & Thoviano. 1st ed. Jakarta: Pelangi Cendekia, 2020.
- Lawrence M. Friedman. *The Legal System: A Social Science Perspective*. New York: Russel Sage Foundation, 1975.
- Rafif Muhammad, Adlhiyat Zakk. "TINJAUAN PENERAPAN E-COURT DI PENGADILAN NEGERI." *Verstek* 11, no. 4 (2023): 685–95.
- Rahardjo, Sajipto. *Ilmu Hukum*. Yogyakarta: Genta Publishing, 1991.
- Satjipto Raharjo. *Sosiologi Hukum (Perkembangan Dan Metode Pilihan Masalah)*. Yogyakarta: Genta Publishing, 2010.
- Schuyt, C.J.M. *Rechtssociologie, Een Terreinver*. Dam Universitaire Pers, 1971.
- Susanto, Sularto dan Budhi Wicaksono. "Pengaturan Tindak Pidana Contempt of Court Berdasarkan Sistem Hukum Pidana Indonesia." *Diponegoro Law ...* 6, no. 2 (2017): 2.
- Syarifah Masthura. "Kajian Yuridis Terhadap Contempt of Court Di Depan Pengadilan." *Jurnal Mercatoria* 4, no. 2 (2011): 118.
- Wisnu, Aditya. "Urgensi Dan Pengaturan Undang-Undang Tentang Contempt of Court Untuk Menjamin Harkat, Martabat Dan Wibawa Peradilan." *Jurnal Magister Hukum Udayana* 4, no. 2 (2015): 331.



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