

Contempt of Court- turnitin.docx

by Riset Press

Submission date: 20-Apr-2025 02:14PM (UTC+0900)

Submission ID: 2559210460

File name: Contempt_of_Court-turnitin.docx (88.67K)

Word count: 6824

Character count: 36456

Contempt of Court: An Analysis through Criminal Code and Islamic Law Perspective in Indonesia

I. INTRODUCTION

The judiciary is one of the main pillars of the legal system, and it has an independent and efficient nature that can guarantee fair and equal law enforcement for all citizens (Kholis, 2019). Therefore, this institution's authority, integrity, and independence must be maintained from various forms of interference (MARQUES-BANQUE, 2021). One form of violation of the honor of the judiciary is an act categorized as *Contempt of Court*. *Contempt of Court* is any action or deed, whether active or passive, behavior, attitude, and/or speech, both inside and outside the court, which is intended to degrade and undermine the authority, dignity, and honor of the court institution (Dewi et al., 2023b). Such acts can be carried out by an individual or a group of people, thus disrupting and obstructing the system or process of administering justice as it should be. (Disemadi & Roisah, 2019)

Contempt of Court has strong roots in Anglo-Saxon law and is closely related to the principles of the supremacy of law (Suhariyanto, 2016). *Contempt of Court* is institutional, so it protects the court's authority as a whole (Rozikin, 2019). In Indonesia, the term *Contempt of Court* began to be formally known since it was included in the Explanation of Law Number 14 of 1985 concerning the Supreme Court (Rozikin, 2019). However, in Indonesia, there is no specific regulation explicitly and comprehensively regulating the act of Contempt of Court (Gumbira et al., 2019). Thus, this will cause problems regarding legal certainty and law enforcement because handling Contempt of Court cases depends on law enforcement officer's interpretation of the articles in laws such as the Criminal Code, the Narcotics Law, the Corruption Crime Law, and others. (Disemadi & Roisah, 2019)

In addition, *Contempt of Court* can be seen from the perspective of Islamic law. Although the term *Contempt of Court* is not found explicitly in Islamic literature, it is related to the principles of respect for the judiciary, justice, and integrity of judges (Butt, 2018), which are widely described in the Qur'an and Hadith. As described in the word of Allah SWT on QS. An-Nisa verse 135 prohibits making a commotion or giving false testimony, QS. An-Nisa verse 59 describes the act of obeying the judiciary and obeying *ulil amri*. In contrast, in law enforcement, judges are part of *ulil amri* because they are given the authority to decide cases based on applicable laws to uphold justice (Supardin & Syatar, 2021). In addition, in QS. Al-Hujurat verse 11, which is the basis for the prohibition of insulting judges. Such actions not only violate the law but also contradict Islamic values and are classified as oppressive acts. (Syafaq et al., 2023)

In reality, many *cases of court contempt* have occurred in Indonesia, reflecting the weak public awareness of the importance of maintaining the authority of the judicial institution (Suryadi & Zainal, 2024). These cases involve the public and even lawyers who should understand the ethics of court proceedings. Some of them are the cases of Adnan Buyung Nasution, Mimi Lidyawati Lawyers Tomy Winata, Desrizal Chaniago, Razman Nasution, and Firdaus Oiwobo to the burning of the court building in Larantuka show that Contempt of court is a real threat that must be responded to seriously by the state.

Based on the above description, it is important to study how *Contempt of Court* is understood and applied in positive law in Indonesia and how Islamic teachings respond to

actions that undermine the judiciary. This study is expected to provide an understanding of the need for the protection of the judiciary to realize a just and dignified legal system. (Mulyadi, 2015)

II. METHOD

The research is a normative legal method using a statutory and conceptual approach (Hardani, 2020). The data consists of secondary data in primary legal materials such as the Criminal Code, Law Number 1 of 2023 concerning the Criminal Code, and other related laws and regulations. Secondary legal materials such as literature, journals, books, internet news, the Qur'an, and Hadith are related to the act of *Contempt of Court*.

III. RESULT AND DISCUSSION

1. *Contempt of Court* in Indonesian Criminal Law

The term *Contempt of Court* has been known since the 13th century in countries that adhere to a strict *Anglo-Saxon system* with *adversaries*, especially *England*, which is used as an effort to protect the judiciary and any act that is considered to be able to degrade the dignity of the judiciary itself (Subarsyah, 2020). Protection of the judiciary means that when the judge carries out his judicial duties alone, it turns out that it is considered insufficient (Abimanyu et al., 2017). Not only that, protection must also be given to the institution. The judiciary needs to be upheld from any act that can result in an assessment that degrades the dignity and position of the court (H. Yusep Mulyana, 2023).

The term "*contempt*" means to insult, look down on or violate, while "*court*" means court, so there is an understanding of *Contempt of court* as an insult to the court or an act that lowers the court's dignity. (Afriana et al., 2018)

The word *Contempt* in English has 5 (five) meanings, namely:

- a. *Lack of respect accompanied by a feeling of intense dislike (Noun, feeling);*
- b. *manner that is generally disrespectful and contemptuous (noun, attribute);*
- c. *A willful disobedience to or disrespect for the authority of a court or legislative body (noun-act);*
- d. *Connecting or despising is the feeling one regards as esteemed, mean, vile, worthless, disdainful, or scornful (noun).*

Meanwhile, the following meaning to *Contempt of Court*: (Bryan et al., 2014)

"any act which is calculated to embarrass, hinder, or obstruct the court in the administration of justice, or which is calculated to lessen its authority or dignity. Committed by a person who does any act in willful contravention of its authority or dignity, or tending to impede or frustrate the administration of justice, or by one who, being under the court's authority as a party to a proceeding therein, willfully disobeys its lawful orders or fails to comply with an undertaking which he has given". *Henry Black Campbell, Black's Law Dictionary, Abridged Fifth Edition, ST. Paul, MINN. West Publishing Co., 1983, 168.*

In Indonesia, the term *Contempt of Court* was first found in point 4 of the fourth paragraph of the General Explanation of Law Number 14 of 1985 concerning the Supreme Court, which reads, "Furthermore, to ensure further the creation of the best possible atmosphere for the administration of justice to uphold law and justice based on Pancasila,

it is necessary to create a law that regulates action against actions, behavior, attitudes and/or statements known as *Contempt of Court*." (H. Yusep Mulyana, 2023)

Furthermore, in the provisions of the Criminal Code, there are also provisions governing Contempt of court, which are stated in Article 207, Article 217, and Article 224 of the Criminal Code:

- Article 207 of the Criminal Code

"Anyone who causes a disturbance in a court hearing or in a place where a civil servant is carrying out his legitimate duties in public and refuses to leave after being ordered by or on behalf of the authorized authority shall be punished by imprisonment for a maximum of three weeks or a maximum fine of four thousand five hundred rupiahs."

- Article 217 of the Criminal Code

"Anyone who causes a disturbance in a court session or in a place where an official is carrying out his legitimate duties in public and does not leave after being ordered by or on behalf of the competent authority is threatened with a maximum imprisonment of three weeks or a maximum fine of one thousand eight hundred rupiahs."

- Article 224 of the Criminal Code

"Anyone who is called as a witness, expert or interpreter according to the law and intentionally does not fulfill the obligations under the law that he must fulfill is threatened with:

- 1) In criminal cases with a maximum prison sentence of nine months,
- 2) In other cases, with a maximum imprisonment of six months;

The latest articles of the Criminal Code concerning *Contempt of Court* are:

- Article 279 of Law Number 1 of 2023 concerning the Criminal Code

- 1) "Any person who causes a disturbance in the courtroom during a trial and does not leave after being ordered to do so up to 3 (three) times by or on behalf of an authorized officer shall be punished with a maximum fine of category I.
- 2) "Any person who causes a disturbance in a court hearing and does not leave after being ordered to do so up to 3 (three) times by or on behalf of the judge shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of category II."

- Article 280 of Law Number 1 of 2023 concerning the Criminal Code:

1. "Sentenced to a maximum fine of category II, every person who during the court hearing:
 - a. Failure to comply with a court order issued in the interests of the judicial process;
 - b. Being disrespectful towards law enforcement officers, court officials, or court proceedings even though the judge has warned them;
 - c. Attacking the integrity of law enforcement officials, court officials, or the court proceedings; or
 - d. Without court permission, publish the trial process live."
2. Criminal acts, as referred to in paragraph (1) letter b or letter c, may only be prosecuted based on a complaint;
3. "Complaints as referred to in paragraph (1) may be made in writing by the judge."

Article 281 of Law Number 1 of 2023 concerning the Criminal Code:

"Any person who obstructs, intimidates, or influences an Official carrying out investigative duties, prosecution, examination in court hearings, or court decisions to

force or persuade him to carry out or not carry out his duties shall be punished with a maximum imprisonment of 7 (seven) years and 6 (six) months or a maximum fine of category VI."

Furthermore, in the criminal law system in Indonesia, several regulations outside the Criminal Code can be categorized as forms of *Contempt of Court*, namely:

Article 138 of Law Number 35 of 2009 concerning Narcotics

"Any person who obstructs or complicates the investigation, prosecution, and examination of narcotics and/or narcotics precursor criminal cases in court shall be punished with a maximum imprisonment of 7 (seven) years and a maximum fine of Rp. 500,000,000 (five hundred million rupiah)."

Article 143 of Law Number 35 of 2009 concerning Narcotics

"The penalty for giving false information during the examination of a criminal case of Narcotics and Narcotics Precursors in court is a prison sentence of at least 1 (one) year and a maximum of 10 (ten) years and a fine of at least Rp. 60,000,000 (sixty million rupiah) and a maximum of Rp. 600,000,000 (six hundred million rupiah)."

Article 87 paragraph (2) of Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering

"Witnesses who provide false testimony under oath shall be punished following the provisions of the Criminal Code."

Article 21 of Law Number 31 of 1999, in conjunction with Law Number 20 of 2001, concerning the Eradication of Criminal Acts of Corruption

"Any person who intentionally prevents, obstructs or thwarts directly or indirectly the investigation, prosecution, and examination in a court of suspects and defendants or witnesses in corruption cases shall be punished with imprisonment of at least 3 (three) years and a maximum of 12 (twelve) years and/or a fine of at least Rp. 150,000,000 (one hundred and fifty million rupiah) and a maximum of Rp. 600,000,000 (six hundred million rupiah)."

Article 22 of Law Number 31 of 1999, in conjunction with Law Number 20 of 2001, concerning the Eradication of Criminal Acts of Corruption:

"Any person as referred to in Article 28, Article 29, Article 35, and Article 36 who intentionally does not provide information or provides incorrect information shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 12 (twelve) years and/or a fine of at least Rp. 150,000,000 (one hundred and fifty million rupiah) and a maximum of Rp. 600,000,000 (six hundred million rupiah)."

Article 20 of Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking:

"Any person who gives false testimony, submits false evidence or false evidence or unlawfully influences witnesses in a court hearing for the crime of human trafficking shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 7 (seven) years and a fine of at least Rp. 40,000,000 (forty million rupiah) and a maximum of Rp. 280,000,000 (two hundred and eighty million rupiah)."

Article 22 of Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking:

"Any person who intentionally prevents, obstructs or thwarts directly or indirectly the investigation, prosecution, and examination in a court of a suspect, defendant or witness in a human trafficking case shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp. 40,000,000 (forty million rupiah) and a maximum of Rp. 200,000,000 (two hundred million rupiah)."

Based on the description above, it can be concluded that *Contempt of Court* is a legal concept that includes various forms of actions that can degrade authority and dignity and disrupt the ongoing judicial process (Afriana et al., 2018). Its regulation in Indonesia is not only found in the Criminal Code but is also spread across various other laws that protect the integrity of the judicial process. It shows that *Contempt of Court* has a broad scope (Firdaus, 2023). However, when discussing legal certainty, the regulation regarding *Contempt of Court* in Indonesia has not been specifically regulated in law, so it is important to classify *Contempt of Court*. So, no generally accepted benchmark definition for an offense can be included or classified as *Contempt of Court* (Ahmad, 2020). However, This classification is needed to provide a more comprehensive understanding of the various actions that can be categorized as *Contempt of Court*. The following is the classification of *Contempt of Court*, namely:

a. According to Barda Nawawi Arief

The following are the specific terms of *Contempt of Court*, (Irmawanti & Arief, 2021)

1) *Civil Contempt Disobedience to the judgments and orders of Courts*

Namely, they are unable to comply with court regulations or orders. For example, sanctions for not attending court without a valid reason, such as the defendant not answering when asked by the judge. *Contempt* can be categorized as *civil* if the action is in the form of not complying with court orders, not implementing a decision or order to hand over land ownership or hand over goods within a certain time, and not submitting evidence requested by the court to answer questions.

2) *Civil Contempt tends to Hinder or to Obstruct the Due Administration of Justice*

An act that aims to disrupt or obstruct the proper administration of justice. The sanction is criminal punishment. *Criminal Contempt* is an act that does not respect the court or tends to cause the court to be disrespected. *Criminal contempt perpetrators* can be subject to criminal sanctions in prison as punishment.

A *contempt* is *criminal* if an act disturbs or interferes with the ongoing judicial process. For example, publications or actions that hinder a good judicial process, obstruct or interrupt witnesses, make a commotion, mock the determination or decision of the trial judge and all actions that tend to affect public trust and undermine the court's authority in administering justice.

Criminal Contempt can be classified into several forms, including:

a) *Contempt in the Face of The Court, Direct Contempt, Contempt in the Face of Threatening Language, Physical attack* to judges, jurors, legal counsel, witnesses, etc. *Contempt* or harassment in the form of interfering with the trial process (*Contempt by interference*), which includes acts committed in court (*Contempt in the face of the court*). Although the term *Contempt in the face*, the problem is not whether the court's dignity has been attacked or violated but whether the trial process has been disturbed. The goal is not to support or protect the court's dignity

but to protect the general public's rights by assuring that the administration of justice is not disturbed.

- b) *Violation of the subjudice rule*: Acts calculated to prejudice the fair trial and Contempt *ex facie* private communication with the judge to influence the decision. Commenting in the media on a case that is awaiting a decision. Providing information or biased publications that are considered to interfere with the due process of justice, in particular legal proceedings.
- c) *Scandalizing the court* (embarrassing or causing a scandal for the court); contempt *ex facie* is intended to reduce the authority of the judge/court. It is not a criticism if the criticism is reasonable criticism/reasonable argument.
- d) *Obstructing court officer* (disturbing/attacking/hitting or threatening the judge outside the court session. Note that after leaving the courtroom.
- e) *Revenge for done acts in the course of litigation*, namely, the action is directed at witnesses who have given testimony before the court.
- f) *Breach of duty by an officer of the court* (breach of duty by a court official).

b. According to Oemar Seno Adji (Pratama et al., 2022)

The following are 5 (five) constitutive forms of *Contempt of Court*, namely:

- 1) Acts of Contempt of court committed through notification or publication (*sub judice rule*). The subjudice rule is an effort in the form of an act or attitude shown or a statement verbally or even in writing, which will later become a legal issue to be able to influence a decision to be handed down by a judge.
- 2) Disobeying a court order is an act that does not comply with a court order or undermines the court's authority, dignity or justice.
- 3) Obstructing justice is an act that is directed against or has the effect of distorting disrupting the normal function and smooth running of a judicial process.
- 4) Scandalizing the court is a statement outside the court and is often a publication that contains a broad field regarding the situation.
- 5) Misbehaviour in court is any act, gesture or word that constitutes an obstacle or causes an obstruction to the normal and harmonious flow of the court proceedings.

The classification of Contempt of Court proposed by experts such as Barda Nawawi Arief and Oemar Seno Adji shows that acts of Contempt of court can occur in various forms, both directly in court and through publications that can affect the course of the judicial process ("Criminalization of Contempt of Court Arrangement in the Draft Criminal Code," 2021); therefore, to ensure legal certainty and protection of the integrity of the judicial institution, a clearer and more comprehensive regulation is needed regarding Contempt of Court in Indonesia. (Zulaichah, 2023)

2. Contempt of Court in Islamic Law

Although the term *Contempt of Court* is not explicitly mentioned in Islamic law (Abd, 2020), the principles underlying the prohibition of Contempt of court can be found in the verses of the Qur'an and Hadith, which will be explained as follows (Syafaq et al., 2023):

- a. Prohibition of making noise or giving false testimony

The word of Allah SWT in QS. An-Nisa verse 135

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوَّامِينَ بِٱلْقِسْطِ شُهَدَآءَ لِلّٰهِ وَلَوْ عَلَىٰٓ أَنفُسِكُمْ ءَوَ ٱلْأَقْرَبِينَ إِن يَكُنْ غَنِيًا أَوْ فَقِيرًا فَٱللَّهُ أَوَّلَىٰ بِهِمَا فَلَا تَتَّبِعُوا ٱلْهَوَىٰٓ أَن تَعْدِلُوا وَإِن تَلَوْاْ أَوْ نَعَضُواْ ٱللَّهُ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

Meaning:

"O you who believe, be true upholders of justice, be witnesses for Allah, even if it is against yourselves or your parents and relatives. If you are rich or poor, Allah knows best what is good for you. So, do not follow your desires because you want to deviate from the truth. And if you distort (the words) or are reluctant to be witnesses, Allah is indeed All-Knowing of everything you do." (QS. An-Nisa: 135)

The description of Surah An-Nisa verse 135 above shows that the verse is one of the foundations of Islam, emphasizing the importance of justice and honesty in the legal process. In addition, it is also explained that a witness must be honest, must not lie and must not be biased. Witnesses who refuse to testify or do not tell the truth in court are included in *Contempt of Court*.

- b. Acts that are not oblivious to judicial regulations

The Word of Allah SWT in QS. An-Nisa verse 59

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

Meaning:

"Hai people who believe, obey Allah and obey His Messenger and the best command among you." (QS. An-Nisa: 59)

In this verse, Allah SWT commands Muslims to obey Allah, His Messenger and *ulil amri* (those who hold power). In law enforcement, judges are part of *ulil amri* because they are given the authority to decide cases based on applicable laws to uphold justice. Therefore, all forms of *Contempt of Court*, such as insulting judges, belittling court decisions or disrupting the trial process, are forms of disobedience to Sharia's command to obey *ulil amri*. Through obedience to judges as *ulil amri*, justice and order can be realized in society.

- c. Contempt of court

The Word of Allah SWT in QS. Al-Hujurat verse 11

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرُ قَوْمٌ مِنْ قَوْمٍ عَسَىٰ أَنْ يَكُونُوا خَيْرًا مِنْهُمْ وَلَا نِسَاءٌ مِنْ نِسَاءٍ عَسَىٰ أَنْ يَكُنَّ خَيْرًا مِنْهُنَّ وَلَا تَلْمِزُوا أَنْفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْفَبِ بَيْنَ الْأَسْمَاءِ الْفُسُوقِ بَعْدَ الْإِيمَانِ وَمَنْ لَمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

Meaning:

"O you who believe, let not a group of men slander another group. Perhaps the one slandered is better than them. And let not a group of women slander another group; perhaps the one slandered is better. And do not slander yourselves and do not call yourselves by names that contain mockery. The worst of nicknames is the bad nickname after faith, and whoever does not repent is the wrongdoer." (QS. Al-Hujurat: 11)

In this verse, it is forbidden to criticize, mock, and humiliate others because the one insulted may be better in the sight of Allah. This verse is the basis for prohibiting insulting judges when associated with *Contempt of Court*. This action is not only against the law but also contrary to the values of Islam and is classified as an unjust act.

Contempt of Court merupakan perbuatan yang bertentangan dengan prinsip hukum Islam yang menjunjung sistem peradilan yang bebas. There is a lot of information that has the same meaning as the membership and the prinsip bahwa semua orang sama di pan hukum. (Musyafaah et al., 2021). Sebagaimana dalam QS. Al-Maidah verse 8:

يَا أَيُّهَا الَّذِينَ آمَنُوا قُونُوا قَوْمِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاَنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا أَعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

Meaning:

"O you who believe, be upright in the cause of Allah, witnesses with justice. And let not hatred of a people cause you to be unjust. Be fair that is nearer to piety. And fear Allah. Indeed, Allah is All-Aware of what you do." (Surah Al-Maidah: 8)

In that verse, a judge must decide matters fairly without taking sides or being influenced by other parties because justice is the highest form of piety. The same goes for witnesses, who must give honest and unbiased testimony.

In addition, there is a hadith of the Prophet SAW that rejects the influence of third parties in upholding court decisions, namely²⁰:

"From Urwah bin Zubair, a woman stole during the time of the Prophet Muhammad SAW, precisely when the conquest of Mecca occurred. Her people felt uneasy about this case, so they negotiated with Usamah bin Zaid in the hope that they could ask for a lighter sentence from him. Urwah said that when Usamah reported his case to the Prophet Muhammad SAW, his emotions seemed to change (a sign that his emotions were rising). Then the Prophet Muhammad SAW said: "Will you invite me to make a "compromise" with Allah's law?" Usamah immediately repented by saying, "Ask forgiveness for me, O Messenger of Allah". That evening, the Prophet Muhammad SAW gave a speech, praising Allah with the praise that was due to Him and then said: "Respected audience, the people before you were doomed because if the upper class (officials, nobles, political elites) stole, they let it be, on the other hand, if the ordinary people (low class, bourgeoisie, no rank) stole, they enforced the punishment. By the One in Whose hand I am, if Fatima bint Muhammad steals, I will cut off her hand. Then Rasulullah SAW ordered the woman to have her hands cut off, and later she followed up on her repentance well and got married."

The Hadith emphasizes that the Messenger of Allah SAW rejected all forms of intervention in law enforcement, even against those closest to him or the nobility. He emphasized that the law of Allah SWT must be enforced fairly without discrimination, even if the perpetrator is his daughter. Thus, this is an important basis on which justice must not be compromised, and any attempt to obstruct the legal process is a violation (Motaibi, 2021).

Based on the explanation of the verses of the Qur'an and the Hadith above, it can be concluded that Islam highly upholds the principles of justice, honesty and obedience in law enforcement (Silfiah, 2020). Therefore, any form of behaviour that degrades the dignity of the judiciary disrupts the course of the legal process, gives false testimony, insults the judge or tries to influence the court's decision is included in the category of Contempt of Court which does not only violate the provisions of positive law but also contradicts the teachings of Islamic law. Islam teaches us to uphold justice in society²⁰ to create a just, orderly, and dignified social order. (Wahyono, 2017)

3. Contempt of Court Acts That Have Occurred in Indonesia⁴⁷

Contempt of Court is not just a rule in the law; in reality, Contempt of Court also often occurs. In Indonesia (Nurhidayat, 2021), there are several cases where someone commits an act that is considered demeaning or disruptive to the trial (Boedhiarti, 2021). For example, someone makes a commotion in the courtroom, intimidates witnesses, and

even commits physical violence against judges and anarchic acts that damage court facilities (Afriana et al., 2018). Cases like this show that the court must be protected to work fairly without pressure from any party. Here are some instances of *Contempt of Court* that have occurred in Indonesia (Fadli, 2020).

a. The Case of Adnan Buyung Nasution

Buyung Nasution was one of the first lawyers in Indonesia to stumble upon a *Contempt of Court* case in January 1986. It started with the HR Dharsono case when the Central Jakarta District Court Panel of Judges read HR Dharsono's verdict. Buyung suddenly felt offended by the judge's explanation, which said he was unethical. He immediately grabbed the loudspeaker and shouted, "I protest the Panel's words - who is unethical?"

The protest caused Judge Soedijono to stop reading the verdict. The atmosphere, which had been warm from the crowd's shouts, became increasingly rowdy. At that moment, the police entered the courtroom. But Buyung immediately shouted and emphasized that the courtroom was the judge's jurisdiction, not the police. Soedijono then reported Buyung's attitude to the Supreme Court, and he was summoned by the Chief Justice of the Central Jakarta District Court for insulting or degrading the dignity of the judicial institution. Finally, Minister of Justice Ismail Saleh was banned from practicing as a lawyer for 1 (one) year.

b. The Case of Mimi Lidyawati

Mimi Lidyawati was the first person to be convicted of insulting the court's dignity. In April 1989, the woman was sentenced to 5 (five) months in prison by a panel of judges at the Central Jakarta District Court chaired by Wahono Baud. According to the judge, Mimi was proven to have defamed the court because she dared to throw her shoes at the judge in session.

Mimi's actions shocked the justice world on August 8, 1987. At that time, Judge Abdul Razak had just finished reading his verdict against Mrs. Nani in an embezzlement case. Mimi, a witness in the case sitting in the visitor's chair, suddenly threw her high-heeled shoe at the judge. It happened because Mimi was dissatisfied with the judge's verdict, which only sentenced Nani to 10 (ten) months in prison. Mimi, who admitted that Nani had cheated her out of Rp. 76,000,000, had given a bribe of Rp. 2,500,000 to the judge that Nani would be given a heavy sentence.

c. The Case of the Burning of the Larantuka District Court Building, East Nusa Tenggara

The Larantuka District Court and the Larantuka District Attorney's Office, East Nusa Tenggara (NTT), were burned down by a mob in November 2004 after a judge ruled on a dispute between a state official and a community leader there. A Catholic priest was given a suspended sentence because his criticism was accused of defaming the Regent of East Flores.

The verdict of the Larantuka District Court judge was considered biased as if there was a conspiracy among state officials. A crowd of a thousand people was filled with anger when Father Frans Amanue Pr. was found guilty and sentenced to 2 (two) months with a probationary period of 5 (five) months because he was proven to have intentionally attacked someone's honour or good name.

Meanwhile, Father Frans criticized the Regent's policy of requesting the assistance of Rp 199,000,000,000 to handle the Larantuka mud flood disaster in April 2003. Many irregularities occurred in the implementation in the field. Father Frans stated that such

a large request for assistance was unethical and embarrassing. The Regent of Flores Timor is often in the spotlight because of waste or alleged corruption.

d. The Case of Lawyer Tomy Winata, Desrizal Chaniago

Tomy Winata's lawyer at that time, Desrizal Chaniago, attacked 2 (two) judges during a trial at the Central Jakarta District Court on Thursday, July 18, 2019. The attack was carried out using a belt in the middle of the trial. The attack occurred in the middle of the panel of judges reading out the verdict on the breach of contract lawsuit filed by Tomy Winata. It resulted in Chief Justice Sunarso being injured on the forehead and a member of the panel of judges also being slashed. After the incident, Desrizal was immediately secured by security officers at the Central Jakarta District Court. Furthermore, Desrizal Chaniago was charged with assault against 2 (two) Panels of Judges at the Central Jakarta District Court and sentenced to 6 (six) months in prison by the panel of judges. The verdict was lighter than the public prosecutor's demand, which was 8 (eight) months in prison.

e. The case of Razman Nasution and Firdaus Oiwbobo

Razman Nasution and Firdaus Oiwbobo caused a commotion at the North Jakarta District Court on Thursday, February 6, 2025, in a defamation case trial where Razman sat as a defendant. The commotion went viral after the video was uploaded by Hotman Paris Hutapea, the party who reported Razman Nasution.

In a video uploaded by the Instagram account @hotmanparisofficial, Razman is seen approaching and holding Hotman Paris's shoulder while sitting in the witness chair. In another viral video, one of Razman's lawyers, Firdaus Oiwbobo, climbs onto the court table. As a result, the Supreme Court declared that both the minutes of the advocate's oath were frozen.

The freezing of Razman's advocate's oath minutes was stated in a letter of determination issued by the Ambon High Court Chief Justice, Aroziduhu Waruwu, on Tuesday, February 11, 2025. On the same day, the Banten High Court Chief Justice, Suharjono, also issued a letter of determination freezing Firdaus Oiwbobo's advocate's oath minutes.

In addition to his oath being suspended, Razman Nasution was also reported to the National Police Criminal Investigation Unit by the North Jakarta District Court. Razman was reported for allegedly violating Article 335 of the Criminal Code on unpleasant acts, Article 207 of the Criminal Code on insulting a legal entity, and Article 217 of the Criminal Code on causing a commotion in the courtroom.

The cases described above show that *Contempt of Court* is not just a legal rule but a reality that often occurs in judicial practice in Indonesia. Various forms of violations, such as loud protests in the courtroom (Adnan Buyung Nasution Case), acts of violence against judges (Desrizal Chaniago Case), inappropriate actions such as throwing shoes at judges (Mimi Lidyawati Case), and anarchic actions such as burning down court buildings (Larantuka District Court Case) prove that respect for judicial institutions is often ignored. In addition, the actions taken by Razman Nasution and Firdaus Oiwbobo in the trial also reflect an attempt to disrupt the course of justice, which resulted in the suspension of their advocates' oaths. All of these cases can be categorized as *Contempt of Court* in the form of direct insults in the courtroom and actions that affect the court's independence from outside the trial. Therefore, the court needs stronger protection to carry out its duties independently and without pressure from any party. (Gunawan et al., 2023)

From a positive legal perspective, such actions violate the laws and regulations governing Contempt of court (Dewi et al., 2023a). Meanwhile, in Islamic law, as previously discussed, the courts are viewed as a tool to uphold justice (*al-'adl*), which is one of the principles of Islam. The Qur'an and Hadith strictly prohibit Muslims from being oppressive, dishonest, and disrupting the process of upholding justice (Prima & Pratimaratri, 2021). Therefore, both in positive law and Islamic law, *Contempt of Court* must be dealt with firmly to maintain the dignity of the judicial institution and guarantee justice for the community.

IV. CONCLUSION

Contempt of Court is an act that degrades the court's dignity and authority and can disrupt the judicial process. In the posited legal system in Indonesia, although it has not been explicitly and comprehensively regulated in a separate law, the regulation of *Contempt of Court* is spread across various legal provisions such as the Criminal Code, the Narcotics Law, the Corruption Law, and others. Meanwhile, from an Islamic legal perspective, the principles of justice, obedience to judges, and the prohibition of disrupting the judicial process are emphasized in the Qur'an and Hadith. Various cases in Indonesia show that *Contempt of Court* is a violation that needs to be taken seriously. Therefore, special regulations are needed that explicitly regulate the limitations and sanctions for *Contempt of Court acts* in Indonesia.

V. ACKNOWLEDGEMENTS

The authors would like to thank the editors and anonymous reviewers for their assistance in improving the quality of the research documents. We would like to express our gratitude to the Department of Research and Community Service (LPPM) of Sekolah Tinggi Agama Islam Surabaya and Universitas Islam Negeri Sunan Ampel Surabaya, which has helped with all the administrative processes, and we also express our infinite gratitude to the hard work of the entire research team who joined this research collaboration.

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