



## Formulation of Contempt of Court Statute to Restore Abused Judiciary's Dignity Caused by Integrity Besmirch Through Retrial

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### ABSTRACT

*This research is based on the issue of lack of contempt of court statutes and the common practice of denigrating judiciaries in trials. Background of the study is due to common practice of integrity abuse and lack of judiciary's dignity protection that pushes the need for contempt of court statute formulation. The paper then formulates two research questions, namely how the regulation of contempt of court would revitalize court's dignity and how regulation can be formulated for legal remedy towards tainted legal process. The methodology of the research is based on normative research that applied statute approach, conceptual approach, case approach, and philosophical approach. The research has considered previous researches such as Probo, Perbawati, Santoso, Gayatri, and Rachman's research. The development of contempt of court in the last 5 to 10 years showed that contempt of court regulation has been better formulated through Act 1 of 2023, but it didn't specify types of contempt of court. The result showed that contempt of court statute should regulate specifically regarding act of denigrating court's dignity and reformulation of retrial legal remedy for tainted legal process.*

**Keyword:** contempt of court, retrial, dignity, integrity besmirch

### ABSTRAK

Penelitian ini mengaji tidak adanya pengaturan penghinaan pengadilan dan praktik umum merendahkan Marwah peradilan di persidangan. Latar belakang penelitian ini didasarkan dari praktik umum dari pelanggaran integritas dan kurangnya perlindungan hukum atas marwah peradilan. Penelitian ini didasarkan pada dua rumusan permasalahan yaitu bagaimana pengaturan penghinaan peradilan yang dapat memulihkan Marwah peradilan dan bagaimana pengaturan Upaya hukum terhadap proses hukum yang terciderei. Metode penelitian dari penelitian ini didasarkan pada penelitian hukum normative yang menggunakan pendekatan perundang-undangan, pendekatan konseptual, pendekatan kasus, dan pendekatan filosofis. Penelitian ini telah mempertimbangkan penelitian sebelumnya seperti penelitian dari Probo, Perbawati, Santoso, Gayatri, dan Rachman. Hasil penelitian menunjukkan bahwa undang-undang penghinaan peradilan sebaiknya mengatur secara khusus mengenai perbuatan yang merendahkan Marwah peradilan dan penataan ulang ketentuan Upaya hukum peradilan ulangan bagi proses hukum yang telah terciderei.

**Kata Kunci:** penghinaan peradilan, peradilan ulangan, Marwah, pelanggaran integritas

### Introduction

The hashtag #NoViralNoJustice is a clear illustration of how distrusted the Indonesian judicial background has become<sup>1</sup>. The public sees that the power of

<sup>1</sup> Melinda Dina Gussela et al., "Fenomena 'No Viral No Justice' Perspektif Teori Penegakkan Hukum," *Ranah Research: Journal of Multidisciplinary Research and Development* 7, no. 2 (January 2025).



public pressure is better in ensuring the fulfilment of public will by law enforcement<sup>2</sup>. In this case, instead of law becoming a tool of social engineering, public pressure becomes a tool of individualistic decision-making<sup>3</sup>. Law becomes degraded because the purpose of law is limited to social justice and legal expediency but not justice and legal certainty<sup>4</sup>.

The change in the paradigm is understandable considering the problem lies within law enforcement, for example, judges who are involved in gratification practices, police who are involved in extortion practices, and prosecutors who are involved in illegal case management practice<sup>5</sup>s. The integrity of law enforcers is questionable and causes public distrust of the judiciary, especially the judiciary<sup>6</sup>.

Public distrust of the judiciary is increasing because the Indonesian population is experiencing moral degradation so that most Indonesians have lost tolerance and do not care about ethics or manners<sup>7</sup>. Based on communication theory and surveys of the welfare of Indonesian society, it turns out that Indonesian people really have a low level of digital literacy and the economic gap is far adrift so that an individualistic, self-oriented, and selfish mindset is formed<sup>8</sup>.

In regards to law enforcement officials, some cases where people with low digital literacy and poor economic conditions managed to succeed in becoming law enforcement officials had suffered attitude arrogance where their position and 'uniform' become the basis for acting autocratically and arrogantly without regard for their surroundings<sup>9</sup>. This became apparent in a recent incident where an advocate shouted angrily, accused unproven things to the panel of judges in court, and stood on the court table without any courtesy, respect, or appreciation for the court<sup>10</sup>.

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<sup>2</sup> Shenglu Chen, "The Relationship Between Social Pressure," *Journal of Education, Humanities and Social Sciences* 25 (2024): 555–60.

<sup>3</sup> Marijana M. Kotlaja, "Cultural Contexts of Individualism vs. Collectivism: Exploring the Relationships between Family Bonding, Supervision and Deviance," *European Journal of Criminology* 00, no. 0 (2018).

<sup>4</sup> Rasdiana, Munira Hamzah, and Rahman Subha, "Degradasi Budaya Hukum: Tinjauan Dampak Sosio-Yuridis Atas Penangguhan Pembagian Harta Warisan," in *ICONIS: Galvanizing Islamic Civilization Through Spiritual and Cultural Acculturation* (Parepare: IAIN Parepare, 2023), 1–6.

<sup>5</sup> Hasuri, "Sistem Peradilan Pidana Berkeadilan Melalui Pendekatan Kontrol Dalam Proses Penegakan Hukum," *Ajudikasi Jurnal Ilmu Hukum* 3, no. 2 (2019): 167–75.

<sup>6</sup> Siska Trisia and Maudy Prima Azairin, "ZONA INTEGRITAS DAN IRONI PERILAKU KORUPTIF APARAT PENEGAK HUKUM," *Majalah Hukum Nasional* 54, no. 2 (2024): 216–38.

<sup>7</sup> Yulia Pratiwi, Ammar, and Chanifudin, "Dampak Teknologi Dan Fenomena Degradasi Moral Menurut Perspektif Pendidikan Islam," *Jurnal Trilogi Ilmu Teknologi, Kesehatan, Dan Humaniora* 5, no. 2 (2024): 324–32.

<sup>8</sup> Ade Vilya Ramadhani et al., "Urgensi Minat Membaca Gen Alpha Di Tengah Maraknya Penggunaan Smartphone," *Jurnal Teknologi Pendidikan* 1, no. 4 (2024).

<sup>9</sup> Erik Saut H. Hutahean, "Psikologi Kepolisian: Seragam, Pangkat, Dan Senjata Api," in *Prosiding PESAT (Psikologi, Ekonomi, Sastra, Arsitektur & Teknik Sipil)* (Depok: Universitas Gunadarma, 2015).

<sup>10</sup> Probo Pribadi S.M., "Urgensi Contempt of Court Dalam Bentuk Undang-Undang Di Indonesia," 1 (Simalungun, February 2025).

In the end, it is Indonesian society itself that degrades the ethics and morals of a profession so that advocates who should be known as *officium nobile* or noble profession do not embrace code of ethics. Mind the judges, prosecutors, other law enforcement officials that such practice would cause these fellow legal professions ignore code of ethics as a priority in work practice<sup>11</sup>.

The judiciary is increasingly disrespected to the point that the public does not want to understand the relevance or urgency of maintaining the dignity and sacredness of the judiciary which supposedly represent 'fairness'<sup>12</sup>. With the disrespect of the judiciary, it is natural that no one understands the urgency of regulating contempt of court.

This research is different from previous researches, for example research conducted by Probo Pribadi which only discusses the application of the proposed law on contempt of court without discussing legal remedies for violations of integrity due to contempt of court<sup>13</sup> and Perbawati, et al who discuss contempt of court as an effort to confirm the execution of state administrative court decisions<sup>14</sup>. This research discusses how contempt of court regulations can restore the dignity of the judiciary and how contempt of court arrangements can provide legal remedies for parties harmed by violations of the integrity of judicial law enforcement officials. Another research from Santoso has shown that there's a different type of contempt of court namely neglecting court decision in which should be regulated in a contempt of court statute<sup>15</sup>. Gayatri's research had also shown results that visible contempt of court such as physical violence towards judge in a trial still lacks proper legal protection considering there's no such regulation for judge's legal basis of filing legal complaint. Lastly, Rachman's research shown that UK has applied contempt of court as embracement of strict liability principle<sup>16</sup>. All these researches showed that contempt of court has evolved with various of types yet Indonesia has yet applied such treatment to regulate contempt of court.

The problem of the absence of contempt of court regulations is a problem regarding the legal vacuum of defamation against the judiciary and the legal

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<sup>11</sup> Widy Meitha Permata Putri and Nensilianti Saila, "Nilai Dan Prinsip Moral Dalam Film Keajaiban Di Sel Nomor 7," *Jurnal Onoma Pendidikan Bahasa Dan Sastra* 9, no. 1 (March 2023): 257–73.

<sup>12</sup> Ribut Baidi and Aji Mulyana, "Peran Hakim Memperkokoh Integritas Peradilan Sebagai Benteng Penegakan Hukum Dan Keadaban Publik," *Jurnal Hukum Mimbar Justitia (JHMJ)* 10, no. 1 (June 2024).

<sup>13</sup> S.M., "Urgensi Contempt of Court Dalam Bentuk Undang-Undang Di Indonesia."

<sup>14</sup> Candra Perbawati and Nabila Firstia Izzati, "Urgensi Kriminalisasi Contempt of Court Sebagai Penguatan Eksekusi Putusan Peradilan Tata Usaha Negara," *Demokrasi Jurnal Riset Ilmu Hukum, Sosial, Dan Politik* 2, no. 1 (2025): 202–12.

<sup>15</sup> Bagus Teguh Santoso, Ahmad Munir, and Anisa Kurniatul Azizah, "The Use of Gijzeling Against Individuals Disobeying Court Orders Qualifying as Contempt of Court," *Halu Oleo Review* 8, no. 2 (September 28, 2024).

<sup>16</sup> Reynaldi Julyan Nur Rachman and Lukman Hakim, "Comparison of Indonesian Criminal Law With the UK," *Journal Widya Gama Law Review* 1, no. 2 (August 2024).

vagueness of the impact of violations of the integrity of law enforcement officials. This research is important to urge the government and the public on the urgency of regulating contempt of court.

The problems can be formulated into two formulations, namely how can legal formulation of contempt of court can protect judiciary's dignity and how can notion of legal remedy can be conducted to fix tainted legal process due to integrity besmirch. The research would be useful to answer legal formulation of contempt of court that protects judiciary's dignity and answer notion of legal remedy to fix tainted legal process due to integrity besmirch.

## Research Methodology

This research was conducted in the form of normative legal research<sup>17</sup>. Normative legal research is research that examines legal issues based on a legal approach with legal sources to answer legal problems<sup>18</sup>. The formulation of the problem of this research can be formulated into two problem formulations, namely how the legal regulation of contempt of court can restore the dignity of the judiciary and how the legal regulation of legal remedies against legal processes that are proven to have violated their integrity. The legal sources used are laws and regulations as primary legal sources and legal theories, books, and journals as secondary legal sources. The approaches used are statutory approach, conceptual approach, casuistic approach, and philosophical approach. The legal analysis technique used is inductive legal analysis to find answers to legal problems.

## Results and Discussion

The results showed that the problems exist and required legal analysis to identify the source of the problem. Further discussion would then reveal what kind of legal resolution available for these legal issues.

### 1.1 Legal formulation of Contempt of Court in Protecting Judiciary's Dignity

Introduction of the research shows several examples of contempt of court practice. Contempt of court is taken as an act that degrades or injures the dignity and honor of the judiciary<sup>19</sup>. Examples of contempt of court actions such as disrespecting the trial by accusing the judges of negative things that have not been proven and climbing the trial table, hitting judges with belts, stabbing judges with sharp weapons, and destroying court rooms and buildings at the Depok District Court<sup>20</sup>. These cases cannot be separated from several factors, namely the low level

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<sup>17</sup> Novritsar Hasintongan Pakpahan and Binsar Pamopo Pakpahan, "The Use of Legal Psychology in Determining Sexual Misconduct Perpetrator's Bad Intention Towards Children," *Jurnal Ilmiah Hukum Dan Hak Asasi Manusia* 3, no. 2 (January 2024).

<sup>18</sup> Novritsar Hasintongan Pakpahan et al., "Trial Proving in Electronic Criminal Case Trial Based On the Dignified Justice Perspective," *Ius Poenale* 3, no. 1 (June 9, 2022).

<sup>19</sup> Neisa Angrum Adisti et al., "Telaah Kritis Terhadap Libertarian Teori: Suatu Sudut Pandang Dari Presumption Of Innocence Dan Contempt Of Court," *Simbur Cahaya XXXI*, no. 2 (December 2024).

<sup>20</sup> Mahkamah Agung Republik Indonesia et al., *Modul Pelatihan Penerapan Prinsip Dan Kerangka Hukum Hak Asasi Manusia Bagi Hakim Peradilan Umum* (Jakarta: Mahkamah Agung Republik Indonesia, 2024).

of digital literacy and the high level of economic inequality which has an impact on the formation of an individualistic and selfish mindset.

Based on legal philosophy, namely the sociology of law, the emergence of law is caused by the conditions of society where in the development of the current era of Indonesian society based on research shows digital literacy as low as 35.5%<sup>21</sup>. This causes Indonesian people to lack knowledge and low ability to think constructively so that they do not know the purpose of the complex legal procedures in Indonesia<sup>22</sup>. By reflecting on the view of legal pragmatism, Indonesian people see that everything must be fast and instantaneous without thinking about the consequences on justice or legal certainty<sup>23</sup>. Simply put, Indonesian society is only oriented towards legal expediency based on individualism<sup>24</sup>. This condition is further exacerbated by the high level of economic inequality so that the law is used as a tool of individualistic decision-making<sup>25</sup>.

The reason for the emergence of aforementioned legal problems is that the performance of law enforcements is not appreciated or even worse, disrespected<sup>26</sup>. Of course, the context of respect is a concept of social context and not a legal context. The legal context of respect is known or regulated in procedural law, both criminal and civil procedural law. Although the procedures for conducting trials have been regulated in Act 1 of 1981 regarding Criminal Procedure (Criminal Procedural Code), as well as in the Reglement of *de Rechtsvordering* (Rv), *Herzien Inlandsch Reglement* (HIR), and *Rechtreglement voor de Buitengewesten* (RBg), there is no legal impact that creates a deterrent effect when there is a violation of these procedures<sup>27</sup>. Although the violation of the procedure can have an impact on the invalidity of the claim (be it in the form of an indictment, lawsuit, volunteer claim), there is no personal responsibility of the legal subject who commits a violation of the trial procedure, especially those that aim to undermine the authority of the judiciary<sup>28</sup>.

In the theory of legislation, the regulation of contempt of court should ideally be regulated in the form of material legislation because the act of contempt of court must be strictly regulated as a rule that violates the rules, injures the rights of other

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<sup>21</sup> Elva Diana, "Rendahnya Literasi Digital Peserta Didik Pada Materi HOTS Pembelajaran Project Kreatif Kewirausahaan," *Jurnal Penelitian Pendidikan Indonesia* 1, no. 3 (April 2024): 10–12.

<sup>22</sup> Titin Yuningsih and Wika Soviana Devi, "Dinamika Pembelajaran Retorika Dan Berpikir Kritis Pada Mahasiswa Pendidikan Bahasa Dan Sastra Indonesia Universitas Muhammadiyah Jakarta," *Jurnal Penelitian Pendidikan Indonesia* 10, no. 2 (April 2024): 152–60.

<sup>23</sup> Pusat Kajian Hukum dan Keadilan Sosial (LSJ), "Amici Curiae Mengapa Pemilu 2024 Menjauh Dari Prinsip Jujur Dan Adil?" (Yogyakarta, April 1, 2024).

<sup>24</sup> Pusat Kajian Hukum dan Keadilan Sosial (LSJ).

<sup>25</sup> Pavel Chebotarev, "Evolution of Society Caused by Collective and Individual Decisions," *Cornell University* 12, no. 1 (2025).

<sup>26</sup> Katarina Sipulova, "Purging the Judiciary After a Transition: Between a Rock and a Hard Place," *Hague Journal on the Rule of Law* 17 (March 2024): 61–93.

<sup>27</sup> H. Asmu'i Syarkowi, "PELANGGARAN ACARA GUGATAN SEDERHANA MENURUT PERMA NOMOR 2 TAHUN 2015 DAN PERMA NOMOR 4 TAHUN 2019" (Jayapura, March 2024).

<sup>28</sup> Fauzan Azima Faturachman, Tomi J.E. Hutasoit, and Asmak Ul Hosnah, "Pertanggungjawaban Dan Penegakan Hukum Pidana Korporasi Dalam Tindak Pidana Korupsi Di Indonesia," *Akademik Jurnal Mahasiswa Humanis* 4, no. 2 (May 2024).

legal subjects, and existence of repressive along with preventive legal consequence to create a deterrent effect<sup>29</sup>.

The legal vacuum on contempt of court regulation can have an impact on legal chaos (*rechtsverwarring*) which will lead to chaos in the order of society<sup>30</sup>, especially the judiciary becomes a biased judiciary, namely the products issued are due to the influence of power relations from public pressure rather than enforcing the law for the sake of justice<sup>31</sup>.

Legislation both materially and formally regarding contempt of court has not been specifically regulated until now<sup>32</sup>. The Criminal Code (*wetboek van strafrecht*) regulates several acts that degrade the dignity of the judiciary such as Section 207, 209, 210, 211, 212, 216, 217, 224, 522, but these regulations do not fully illustrate the purpose of these provisions which is to maintain the dignity and image of the judiciary so that there needs to be a special regulation regarding contempt of court<sup>33</sup>. Act 1 of 2023 on the new Criminal Code (Criminal Code 2023) does regulate several sections on contempt of court, namely:

#### Section 279

- “(1) Any person who makes noise near the Courtroom during a session and does not leave after having been ordered to do so 3 times by or on behalf of the authorized officer, shall be punished by a maximum fine of the first category;
- (2) Any person who makes noise in a court session and does not leave after being ordered to leave up to 3 times by or on behalf of the judge shall be punished by a maximum imprisonment of 6 months or a maximum fine of category II.<sup>34</sup>”

#### Section 280

- “(1) Shall be punished by a maximum fine of category II, any person who at the time of a court session
- a. does not comply with a court order issued in the interest of the judicial process;
  - b. Behaves disrespectfully towards law enforcement officers, court officials or court proceedings despite having been warned by the judge;
  - c. Attacking the integrity of law enforcement officers, court officers, publicizing, trial proceedings directly.

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<sup>29</sup> Oktir Nebi, “Analisis Upaya Preventif Dan Represif Penegakan Hukum Pidana Terhadap Kekerasan Anak Di Wilayah Hukum Kepolisian Sektor Kota Jambi,” *Parlementer: Jurnal Studi Hukum Dan Administrasi Publik* 1, no. 3 (September 2024).

<sup>30</sup> Feri Rinaldi, Ayesha Shahnaz Aurelia Pakpahan, and Ahmad Ansyari Siregar, “Dinamika Konflik Antara Hukum Adat Dan Hukum Positif Di Era Globalisasi,” *JLEB: Journal of Law Education and Business* 2, no. 2 (October 2024).

<sup>31</sup> Novritsar Hasintongan Pakpahan et al., “Juridical Analysis of Online Prostitution Service Users in the Indonesian Legal Framework,” *Jurnal Hukum Lex Generalis* 5, no. 10 (2024).

<sup>32</sup> S.M., “Urgensi Contempt of Court Dalam Bentuk Undang-Undang Di Indonesia.”

<sup>33</sup> Perbawati and Izzati, “Urgensi Kriminalisasi Contempt of Court Sebagai Penguatan Eksekusi Putusan Peradilan Tata Usaha Negara.”

<sup>34</sup> Negara Republik Indonesia, “Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP),” Pub. L. No. 1, Lembaran Negara Republik Tahun 2023 Nomor 1 (2023).

- (2) The criminal offense as referred to in paragraph 1 letter b and letter c may only be prosecuted based on a complaint;
- (3) The complaint as referred to in paragraph (1) may be made in writing by the judge.<sup>35</sup> "

#### Section 281

"Any person who obstructs intimidates or influences an official who performs the duties of investigation, prosecution, examination at a court hearing, or a court decision with the intent to force or induce him to perform or not perform his duties shall be punished by a maximum imprisonment of 7 years and 6 months or a maximum fine of category VI.<sup>36</sup>"

Looking at these arrangements, it appears that the new Act places contempt of court at the level of obstructing justice or obstructing the administration of justice and misbehaving in court<sup>37</sup>.

Adapting the opinion of Judge Ainal Mardhiah, she mentioned that the Supreme Court had written that the Supreme Court had compiled an academic paper for the making of the contempt of court law which focused on 5 (five) forms of contempt of court, namely<sup>38</sup>:

1. Misbehaving in court
2. Disobeying court orders
3. Scandalizing the court
4. Obstructing justice
5. Contempt of court

Considering the awareness, anxiety, and urgency of the need to regulate contempt of court, it is necessary to draft contempt of court legislation in the form of a law. The drafting of the contempt of court law can be organized as follows:

1. Definition
2. Actions not degrading the dignity of the court
3. Actions that degrade the dignity of the judiciary
4. Rights of perpetrators of acts that degrade the dignity of the judiciary;

The formulation of this structure is intended to emphasize the definition of contempt of court and Article 2 should emphasize the purpose of the contempt of court law, which is to maintain the dignity of the judiciary. Then, to provide an overview of contempt of court, it is also necessary to mention the actions that do not degrade the dignity of the judiciary, such as accurate reporting of the trial process (there must be concrete data and no impact on the disruption of the trial), criticism of the trial process based on legalistic legal opinions, obtaining permission from the court to report and take documentation of the trial process.

After this explanation, it is then regulated regarding acts that degrade the dignity of the judiciary, namely as 5 (five) forms of contempt of court, namely: Disgraceful and inappropriate behavior in court, for example insulting or speaking

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<sup>35</sup> Negara Republik Indonesia.

<sup>36</sup> Negara Republik Indonesia.

<sup>37</sup> Devi P. Kurniawan, " TINJAUAN YURIDIS TENTANG TINDAK PIDANA PELECEHAN TERHADAP PENGADILAN (CONTEMPT OF COURT) DALAM SISTEM PIDANA DI INDONESIA." (Bachelor, Universitas Pasundan, 2023).

<sup>38</sup> Ainal Mardhiah, "Mengenal Contempt of Court" (Banda Aceh, February 6, 2025).

harshly to a party to the court, disobeying a court order, for example ignoring an order to leave during a closed session, attacking the integrity and impartiality of the court, for example accusing judicial officers of criminal acts and attacking the impartiality of judges, obstructing the administration of justice, for example giving false testimony in court, and contempt of court, for example intimidating witnesses in court.

The rights of perpetrators of acts that allegedly degrade the dignity of the court also need to be regulated in the contempt of court law, such as the right to be accompanied by legal counsel to legal remedies for contempt of court case decisions, such as appeals to cassation.

With this formulation, it is hoped that the legislative body will have a basic concept for regulating the contempt of court law, especially with the increasing number of acts that humiliate the judiciary. The formulation of the contempt of court law is also expected to be the basis for various legal professional organizations related to the judicial process to be able to integrate it into the professional code of ethics so as to support the smooth running of the judicial process and better respect the dignity of the judiciary in order to achieve justice aimed at judicial bodies in Indonesia.

## **1.2 Notion of legal remedy towards integrity besmirch in legal process**

The judicial process itself can undeniably be affected by violations of integrity where indeed the judicial process is affected due to violations of integrity through violations of the code of ethics and degrading the dignity of the judiciary, for example, an example of accepting bribes by the initials DS judge in 2023 to hand down a verdict in a corruption case<sup>39</sup>, prosecutors also received bribes to influence the process of indictment of suspects<sup>40</sup>, to police who received bribes not to legally process reports of criminal acts<sup>41</sup>.

Then the judicial process that has taken place, especially in the form of court legal products, namely legally enforceable decisions, becomes a problem where the judicial process has been affected by violations of the integrity of law enforcement officials so that the judicial process is not purely in accordance with current enacted legal procedures<sup>42</sup>.

The rampant violation of integrity by law enforcement officials cannot be separated from the philosophy of legal sociology where the existence of law is intended to realize the ideals of law (*rechtsidee*) to reflect a good value system in

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<sup>39</sup> Komisi Yudisial RI, "Terbukti Terima Suap, Hakim DS Diberhentikan Tidak Dengan Hormat," [https://komisiyudisial.go.id/frontend/pers\\_release\\_detail/293/terbukti-terima-suap-hakim-ds-diberhentikan-tidak-dengan-hormat](https://komisiyudisial.go.id/frontend/pers_release_detail/293/terbukti-terima-suap-hakim-ds-diberhentikan-tidak-dengan-hormat), August 9, 2023.

<sup>40</sup> Idon Tanjung and Teuku Muhammad Valdy Arief, "Terima Suap Untuk Kasus Narkoba, Oknum Jaksa Ditangkap Di Bandara Pekanbaru," <https://regional.kompas.com/read/2023/05/09/141905978/terima-suap-untuk-kasus-narkoba-oknum-jaksa-ditangkap-di-bandara-pekanbaru?page=all>, May 9, 2023.

<sup>41</sup> Gloria Safira Taylor, "Terima Suap Dari Petugas Damkar, Lima Polisi D Baca Artikel CNN Indonesia "Terima Suap Dari Petugas Damkar, Lima Polisi Ditangkap," <https://www.cnnindonesia.com/nasional/20171123174827-12-257663/terima-suap-dari-petugas-damkar-lima-polisi-ditangkap>, November 23, 2017.

<sup>42</sup> Rendy Laputigar, Suhadi, and Rodiyah, "Integrating Due Process Into The Enforcement Framework of Criminal Law Politics," *Indonesian Journal of Criminal Law Studies* 9, no. 1 (2024).



society<sup>43</sup>. The problem, as said by Bagir Manan, is that when society and law do not set the ideals and goals of law, then the law itself will lose meaning<sup>44</sup>.

In the current era of Indonesia, Indonesian society has experienced low levels of digital literacy and economic disparities are far adrift so that an individualistic, self-oriented, and selfish mindset is formed<sup>45</sup>. As a result, the law is placed as a tool to fulfill individualistic and selfish attitudes. Philosophically, legal history is associated with the philosophy of constitutional law, that power tends to corrupt its users<sup>46</sup> so that Indonesian people with low literacy have an impact on selfish patterns from a long time ago, for example since 1806-1811 resulting in abuse of authority by prefects (regent level) who did not pay wages from Daendels to carry out road construction to workers at that time<sup>47</sup>. Public indifference to universal welfare causes easy integrity violations, especially for people who have held power as law enforcement officials<sup>48</sup>.

Violation of integrity by law enforcement officials causes the judicial process to be undermined due to violations of integrity that are not in accordance with the objectives of the law, whether it is not for justice, legal certainty, or legal expediency. Problems arise when the unachieved legal objectives harm the community.

There was no regulation that became the last resort to realize the legal objectives that were violated by law enforcement officials who violated their integrity until this research was made<sup>49</sup>. Some legal practices show that the problem can be corrected by re-indictment of cases that have been damaged by integrity violations<sup>50</sup>. The old regulation, Act 20 of 1947 regarding Court of Retrial, is still in effect and allows the High Court to re-examine the legal facts, but it is limited to civil cases. From the discussion, it appears that there is still a legal vacuum to answer the problem of legal products that are undermined due to violations of the integrity of law enforcement officials.

The problem of legal vacuum must be resolved with a series of settlements, namely proving integrity violations through an examination of the code of ethics first, then a retrial is carried out. This idea must of course be determined in legislation as a written legal basis that can become valid legal basis to enforce the

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<sup>43</sup> H. Sirajuddin Sailallah, "Optimalisasi Pembangunan Zona Integritas Pada Lembaga Peradilan Dalam Perspektif Ketahanan Nasional" (Bogor, 2021).

<sup>44</sup> Restiayu Bachtien Sarastia, "ANALISIS HUKUM BESERTA DAMPAKNYA PADA PERUBAHAN NAMA BERDASARKAN PENETAPAN PENGADILAN NEGERI SEMARANG NOMOR 338/PDT.P/2020/PN.SMG" (Master, Universitas Darul Ulum Islamic Centre Sudirman GUPPI Ungaran, 2024).

<sup>45</sup> Chebotarev, "Evolution of Society Caused by Collective and Individual Decisions."

<sup>46</sup> Novritsar Hasintongan Pakpahan, "Peluang Dan Tantangan Penerapan Restorative Justice," in *Restorative Justice Dalam Sistem Peradilan Pidana* (Yogyakarta: Literasi Bangsa, 2024).

<sup>47</sup> Djoko Marihandono, Harto Juwono, and Benny H. Hoed, *Kebijakan Politik Dan Ekonomi Rezim Napoleon Bonaparte Di Jawa 1806-1811* (Bandung: Lubuk Agung, 2010).

<sup>48</sup> Nanda Silvia Ramadani, Berchah Pitoewas, and Abdul Halim, "Pengaruh Globalisasi Terhadap Pemahaman Nilai Sila Kedua Di Kalangan Generasi Muda," *Pancasila and Civics Education Journal* 3, no. 3 (October 2024).

<sup>49</sup> Harkristuti Harkrisnowo, "Gambaran Umum UU No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak" (Jakarta, August 3, 2024).

<sup>50</sup> Zia Akhtar, "Double Jeopardy, Autrefois Acquit and the Legal Ethics of the Rule Against Unreasonably Splitting a Case," *Criminal Justice Ethics* 43, no. 1 (April 2024).

law. The first intended legal formulation is to integrate it in criminal and civil procedural law related to the examination of the code of ethics. In the criminal procedure law, it must be written 'in the event that the criminal procedure process finds allegations of violations of criminal procedure law related to integrity, the allegations must be proven through the legal process of the code of ethics first'. After the legal examination of the code of ethics, followed by confirmation of the results of whether or not the violation of the code of ethics is proven, 'in the event that the alleged violation of the code of ethics related to the criminal procedural law process is proven, the results of the examination of the violation of the code of ethics become the basis for the Chief of District Court to issue a decision to replace the panel of judges and order a retrial'.

With the proposed existence of contempt of court statute, parties involved in trial within a courtroom will respect and honor the proceedings even more. Once again, the goal of contempt of court statute is not to put fear in trial parties, yet it becomes a legal basis for legal protection for all parties involved not only for the judiciaries but also litigating-legal parties<sup>51</sup>. Therefore, litigating parties would rethink about causing havoc or chaos in a court room, preserving court's dignity intact.

## Conclusion

This research succeeded in finding results that answered two problem formulations, namely the regulation of contempt of court in the form of laws can answer the legal vacuum in affirming the dignity of the judiciary so that the judicial process can uphold justice and legal certainty and provide legal protection for the judiciary to carry out its function of realizing justice for justice seekers, The results of the formulation of the second problem also show that there is indeed a legal vacuum on cases that are violated by violations of integrity or code of ethics so that it is proposed to make laws and regulations with procedures for examining or proving violations of the code of ethics first and violations of the code of ethics become the basis for the chairman of the court to replace the panel of judges and conduct a retrial for cases that are violated by violations of the code of ethics of law enforcement officials.

## Suggestions

Suggestions gained from the research are for the legislative and judicial institutions to pay more attention to efforts to protect the image of the judiciary to ensure the fulfillment of the objectives of the judicial body.

## Acknowledgments

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<sup>51</sup> Emile J. Katz, "The 'Judicial Power' and Contempt of Court: A Historical Analysis of the Contempt Power as Understood by the Founders," *California Law Review* 109 (April 2021).

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