

Law Enforcement for Lawyers Committing Contempt of Court in The Criminal Justice System in Indonesia with Thailand

Salman Daffa Haykal^{1*}, Cahya Wulandari²

^{1,2} Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia.

 : salmandaffa07@gmail.com

Corresponding Author*



Abstract

Introduction: Law enforcement against lawyers as perpetrators of contempt of court in the criminal justice system in Indonesia still faces significant challenges. The contempt of court case between lawyer Razman and Hotman Paris shows that the law enforcement process is still convoluted.

Purposes of the Research: To examine the law enforcement against Advocates who commit contempt of court and to compare law enforcement with Thailand.

Methods of the Research: This research uses a quantitative juridical-normative method through a statute approach by comparing the legal foundations in the enforcement of contempt of court.

Results Main Findings of the Research: The findings indicate that in Indonesia, law enforcement is still convoluted as it goes through the reporting process via the police, then the prosecutor's office, and the court. This is different from Thailand, where Article 33 of the Civil Procedure Code states that a judge can impose a penalty on the suspect without going through the reporting process to the police and so on. Therefore, there is a need for an article that accommodates the law enforcement process for lawyers committing contempt of court during the trial.

Keywords: Criminal Justice System; Lawyers; Contempt of Court.

Submitted: 2025-06-20

Revised: 2025-11-30

Accepted: 2025-11-28

Published: 2025-12-10

How To Cite: Salman Daffa Haykal, Cahya Wulandari. "Law Enforcement for Lawyers Committing Contempt of Court in The Criminal Justice System in Indonesia with Thailand." PAMALI: Pattimura Magister Law Review 5 no. 3 (2025): 466-474. <https://doi.org/10.47268/pamali.v5i3.3232>

Copyright © 2025 Author(s)  Creative Commons Attribution-NonCommercial 4.0 International License

INTRODUCTION

The Criminal Justice System in Indonesia is a system created by the Dutch, who occupied Indonesia for 3.5 centuries. The Criminal Justice System regulates how the legal system operates in Indonesia. Through various existing laws and regulations, the criminal justice system has become very complex because it encompasses various legal institutions in Indonesia. The criminal justice system itself serves as a reference for various legal institutions such as the prosecutor's office, police, courts, and correctional facilities.¹ The law enforcement process in Indonesia begins with the police as the gateway to law enforcement in Indonesia, by receiving complaints or reports from the public, being discovered by investigators themselves, or being caught in the act.² The draft law created by the Indonesian House of Representatives (DPR RI) in 2024 as the third amendment to Law Number 2 of 2002 concerning the Indonesian National Police in Article 14 contains the main duties of the Police. The investigation that has been completed is then submitted to the prosecutor's office. Based on Article 14 of the Criminal Procedure Code (KUHAP), the prosecutor has the authority to receive and examine the investigation files from the investigator, prepare a pre-prosecution if the files are

¹ Marrismawati, Asriyani, Rusdi, Hendrawan, Reformasi Sistem Peradilan Pidana Indonesia: Tantangan dan Solusi Menuju Keadilan Efektif. (Padang, Jurnal Litigasi Amsir, 2024)

² Cahya Wulandari, Penyelesaian Perkara Pidana Melalui Mediasi Penal: Access to Justice di tingkat kepolisian, (Semarang, Humani, 2018) <https://doi.org/10.26623/humani.v8i1.1389>

deemed incomplete, grant an extension of detention, draft an indictment, and then submit the files to the court.

The case file that has been submitted to the court is then processed through the court registry before the file is given to the judge for the upcoming trial, as defined in Article 1 of Law Number 48 of 2009 concerning the judiciary, which states that judicial power is an independent state power to administer justice in order to uphold justice. Also regulated in Law Number 48 of 2009, which states, "The court has the duty to receive, examine, and decide cases that have been submitted to it. The court has the obligation to uphold justice and the law, protect the rights of the accused, witnesses, and victims in the criminal justice process."³ The final stage of the criminal justice process is the correctional institution. A correctional institution is a series of units in the law enforcement system. Correctional institutions, or LAPAS, are places where prisoners receive the outcome of court decisions, usually in the form of imprisonment, and rehabilitate prisoners before they reintegrate into society.⁴ Besides government institutions, there are also individuals who serve as law enforcers, namely Advocates. Law Number 18 of 2003 concerning Advocates states that they are law enforcers who are free, independent, and guaranteed by law and regulations.

The profession of Advocate plays an important role in the functioning of the criminal justice system. Advocates have the role of providing defence or legal advice to their clients. Advocates are considered a noble profession or *officium nobile* because their duties or profession are protected by law. To become an advocate, one must undergo the Special Education for Advocate Profession or PKPA, which concludes with an advocate oath to be able to practice court proceedings as a legally recognised advocate.⁵ Lawyers also have rules in the conduct of court proceedings; the code of ethics for lawyers is a set of rules that must be adhered to by lawyers to ensure smooth proceedings and compliance with existing laws. With the existence of the lawyer's code of ethics, it is hoped that lawyers will comply with it, but in practice, it does not always go as outlined in the code of ethics.⁶ The unethical actions occurred on February 6, 2025, a Thursday. These actions took place at the North Jakarta District Court and were carried out by advocates named Rizman Arief Nasution and Firdaus Oiwo. During the trial, Razman was a defendant in a defamation case against Hotman Paris Hutapea. Razman objected to the judge's decision to hold the trial behind closed doors due to its moral implications. As a result of this objection, the panel of judges decided to adjourn the session until the situation was conducive again. However, after the judges left the courtroom, Razman approached and held Hotman Paris Hutapea's shoulder, who was sitting in the middle of the courtroom as a witness. Following this incident, Razman's legal advisor, Firdaus Oiwo, suddenly climbed onto the lawyer's table.⁷

The behaviour exhibited by Firdaus Oiwo has received condemnation from various parties. The Indonesian Advocates Congress (KAI), which is the organisation of Firdaus Oiwo, has dismissed him. In addition to the Indonesian Advocates Congress, the Supreme Court has also taken strict action against Firdaus Oiwo's conduct. Through the Supreme Court's spokesperson, Yanto, it was stated that the Supreme Court strongly condemns the disturbance that occurred in the courtroom, as it is an inappropriate act that can be categorised as contempt of court.⁸ Contempt of court is an act or behaviour that includes attitudes or statements that demean the dignity or authority

³ Wiradana, Analisis Keberadaan Sistem Peradilan Pidana: Bentuk Keterpaduan Antar Subsistem Serta Keadilan Bagi Masyarakat, (Bali, Ojs Unud, 2024)

⁴ Wiradana, Analisis Keberadaan Sistem Peradilan Pidana: Bentuk Keterpaduan Antar Subsistem Serta Keadilan Bagi Masyarakat, (Bali, Ojs Unud, 2024)

⁵ Hidayat, Handrawan, Herman, Haris, La sensu, Arwan, "Hak Imunitas Advokat yang Ditetapkan sebagai Tersangka dalam Menjalankan Kuasa", (Kendari, Halu Oleo Legal Research, 2024)

⁶ Arlina, Nasution, Khoir, Nurhayani, Jannah, "Tinjauan Hukum Pelanggaran kode etik: studi kasus roy ening", (Medan, Jurnal Cattlejadjf, 2025)

⁷ Galuh Wahyu, Marinews, "Berita Acara Sumpah Advokat Firdaus Oiwo dan Razman dibekukan!", Marinews, 2025, <https://marinews.mahkamahagung.go.id/berita/sumpah-advokat-firdaus-oibowo-dan-razman-dibekukan-0br>

⁸ Galuh Wahyu, Marinews, "Berita Acara Sumpah Advokat Firdaus Oiwo dan Razman dibekukan!", Marinews, 2025, <https://marinews.mahkamahagung.go.id/berita/sumpah-advokat-firdaus-oibowo-dan-razman-dibekukan-0br>

of the court. Contempt of court is often interpreted as an insult or behaviour or statements that demean the authority or dignity of the judiciary.⁹ According to Oemar Seno Adji, contempt of court can be categorised into five forms of actions: first, misbehaving in court; second, disobeying court orders; third, scandalising the court; fourth, obstructing justice; and fifth, sub-judice rule.¹⁰ This categorisation shows that contempt of court is not only limited to actions within the courtroom but also includes acts outside the trial that can affect the judicial process. Contempt of court can be distinguished into direct contempt (actions taken in the presence of the court) and indirect contempt (actions outside the court that demean the dignity of the judiciary), as well as criminal contempt (which can be punished) and civil contempt (related to disobedience of court orders).¹¹ Criminal contempt is defined as any act that tends to obstruct the administration of justice, which can be interpreted as court administration in terms of management related to the organisation, administration, and financial regulation of the judiciary, or in terms of the administration of justice that includes case flow management and litigation procedures as well as practices within the framework of judicial power. While civil contempt is used to describe contempt caused by disobedience to orders given by a civil court.¹² This distinction is important for understanding the scope and appropriate handling mechanisms for various forms of contempt of court.

Contempt of court is an inappropriate act that occurs in court, then disobeys court orders, then attacks the integrity and impartiality of the court which obstructs the administration of justice, and insults the court through publication.¹³ Contempt of court is regulated in Articles 279 to 281 of Law Number 1 of 2023, where Article 279 of Law Number 1 of 2023 defines it as the article that regulates subjects committing contempt of court, namely anyone who causes a disturbance near the courtroom. Article 280 contains criminal acts that can be categorised as contempt of court, such as individuals who do not comply with court orders, those who show disrespect to law enforcement officers, attack the integrity of law enforcement officers, and publish court proceedings.¹⁴ Contempt of court has occurred several times, in 1986, Adnan Buyung Nasution protested vehemently and caused a commotion in the courtroom. Then, KAHAI or the Indonesian Judges Association recorded that on November 15, 2003, there was an arson by irresponsible parties at the Larantuka District Court. Next, there was an attack on a judge by a rogue prosecutor at the Poso District Court on December 23, 2008. On July 18, 2019, a rogue lawyer assaulted a judge with a belt while the judge was reading the verdict at the North Jakarta District Court in 2019.¹⁵ Law Number 1 of 2023 regulates contempt of court, but law enforcement against lawyers who commit contempt of court is still considered weak. Marfuatul Latifah (2025) states that contempt of court in Indonesia is still partially regulated by various laws. This condition results in low public awareness of court procedures, which can hinder the functioning of the criminal justice system.¹⁶ The absence of this regulation also creates legal uncertainty for the parties involved in the judicial system. This condition not only undermines the judge's ability to maintain the dignity of the trial but also creates legal uncertainty for other parties in the courtroom. As for the reasons why cases related to contempt of court cannot be resolved through trial processes, despite clearly diminishing the prestige of judges: first, the resolution of disputes essentially has the same nature as other ordinary cases, ultimately the judge as the victim must file their own report and go through time-consuming examination steps while still having to perform their duties as a judge; second, most judges feel inferior or uncomfortable if

⁹ Marfuatul Latifah, "Urgensi Pembentukan Undang-Undang tentang Contempt of Court," Info Singkat XVII-4-II-P3DI-Februari-2025-222, p. 1

¹⁰ Nelson, 2025, dalam Marfuatul Latifah, *Op. Cit.*, p. 2

¹¹ Elis Rusmiati, et al., *Op. Cit.*, p. 4332

¹² *Ibid.*, p. 4333-4334

¹³ Titik Nurmalasari, "Mengenal Contempt of Court: Bentuk-bentuk dan sanksi bagi pelakunya", Tempo.com, 2025, <https://www.tempo.co/hukum/mengenal-contempt-of-court-bentuk-bentuk-dan-sanksi-bagi-pelakunya-1207135>

¹⁴ Ainal mardiah, Mengenal Contempt of Court, (Nangroe Aceh Darussalam, Pengadilan Tinggi Nangroe Aceh Darussalam, 2025) <https://www.pt-nad.go.id/new/content/artikel/20250210124012212663403167a9913c201e6.html>

¹⁵ Haris Setiawan, Tentang Istilah Contempt of court Di pengadilan dan Contoh Kasusnya, 2022, <https://www.tempo.co/gaya-hidup/tentang-istilah-contempt-of-court-di-pengadilan-dan-contoh-kasusnya--239498>

¹⁶ Marfuatul Latifah, Urgensi Pembentukan Undang-Undang Tentang Contempt of Court, (Jakarta, Pusat abalisis keparlemen badan keahlian DPR RI, 2025) https://berkas.dpr.go.id/pusaka/files/info_singkat/Info%20Singkat-XVII-4-II-P3DI-Februari-2025-222.pdf

they have to go through a trial process, especially facing the perpetrator directly; third, there is no security guarantee for judges in performing their duties, which creates fear for judges to report the perpetrator, both for their own safety and that of their families.¹⁷

Based on the statement from Marfuatul Latifah and supported by the case involving Advocate Razman Arief Nasution and Firdaus Oiwoobo against Hotman Paris Hutapea, two problem formulations are composed; first, what factors influence advocates who commit contempt of court, second, the legal provisions in the enforcement against advocates committing contempt of court. This research is not only for law enforcers but also for the public who are still less familiar with contempt of court, with the hope that it can serve as a consideration for legislators to create laws to enforce contempt of court in the future.

METHODS OF THE RESEARCH

The research method uses a normative juridical approach because the focus of the study stems from the ambiguity of norms originating from advocates who commit acts of contempt of court. The normative juridical method focusses on legislation such as Law Number 18 of 2003. The approach includes the Statute approach or legislative approach, accompanied by the conceptual approach by examining Law Number 1 of 2023, Law Number 18 of 2003, as well as the Civil Procedure Code or the Thai Civil Procedure Code, along with scientific journals and electronic newspapers. The juridical-normative approach is chosen to connect the violated legal norms with the legal norms that should be adhered to, thereby providing a new perspective on law enforcement for advocates who commit acts of contempt of court.

RESULTS AND DISCUSSION

A. What Factors Influence Lawyers Who Commit Contempt of Court

There are several factors that influence a lawyer to commit contempt of court, both internal and external factors. Internal factors are those that originate from within the lawyer themselves or the lawyer's professional environment. Some internal factors that violate the code of ethics include; the lawyer's character and personality, which greatly determine their professional behaviour. Greedy, avaricious, and gluttonous traits can drive lawyers to take shortcuts that violate the law for personal gain. A consumptive lifestyle and a permissive work environment also contribute to the tendency of lawyers to engage in actions that violate professional ethics or procedural law. Then, the pressure of economic needs becomes one of the main triggers for lawyers to commit contempt of court. Not only advocates from economically disadvantaged backgrounds, but advocates from the upper economic class can also fall into this trap if they never feel satisfied with what they have. The urge to meet life's needs or enrich oneself can lead lawyers to justify any means, including actions that violate the law and professional ethics. Lawyers hold a strategic position as law enforcers. However, this position is often abused to gain personal benefits. The sense of possessing power, position, and authority often makes lawyers feel they can act beyond their jurisdiction, including committing contempt of court by exploiting legal loopholes or influencing other law enforcement officers. Additionally, an unhealthy work culture, such as the habit of giving bribes to others for the ease or reduction of sentences for clients, becomes one of the internal factors that reinforce the practice of contempt of court. This habit is often passed down through generations and considered a common practice in the

¹⁷ Elis Rusmiati, et al., *Op. Cit.*, p. 4335

legal field, even though it clearly contradicts the code of ethics for the legal profession and legal regulations.¹⁸

External factors are factors that originate from outside the Advocate, whether from the social environment, the judicial institution, or society, such as; Advocates often face pressure from clients who demand specific outcomes in the cases they handle. Clients can even force advocates to take actions beyond their authority, including committing contempt of court, in order to win the case or obtain a lighter sentence. This pressure can take the form of requests, persuasion, or even threats against the lawyer.¹⁹ The permissive, selfish, and self-indulgent attitudes of society also influence the behaviour of advocates. The lack of respect for the judiciary and the low level of legal awareness in society have led to an increase in contempt of court actions. The public's lack of respect for the judicial process indirectly encourages lawyers to engage in similar actions. Another significant external factor is the decline in the authority of the courts, the quality of their rulings, and the integrity of the judges. When the judiciary is perceived as not being firm or fair, public trust declines. This has implications for the increase in acts of contempt of court, both by lawyers and other parties involved in the judicial process.²⁰ The lack of firmness from law enforcement and the government in dealing with contempt of court offenders also worsens the situation. Then, the low public trust in the judiciary becomes a highly influential external factor. This lack of trust encourages lawyers to take shortcuts for the benefit of their clients or themselves, including committing contempt of court. As a result, respect for the judicial process is declining, and contempt of court actions are becoming increasingly difficult to control.²¹ In the case of Razman Arief Nasution against Hotman Paris Hutapea, Firdaus Oiwoobo, as the lawyer for Razman Arief Nasution, has internal issues such as emotions that are difficult to control, leading to excessive reactions when a commotion occurs in the courtroom. The external factor that influences is the pressure from the client, where Firdaus Oiwoobo's client committed contempt of court first by approaching Hotman Paris Hutapea, which violated court rules.²²

B. Legal Provisions for The Prosecution of Lawyers Committing Contempt of Court

Legal provisions are the foundation of every law enforcement process, starting from the complaint process, investigation, inquiry, to the trial process. The trial process itself is regulated in the Criminal Procedure Code with the aim of ensuring the smooth conduct of trials. The affirmation that justice is administered according to the procedures outlined in this law is found in Article 3, Chapter 3, concerning the basis of justice in the Criminal Procedure Code. The trial conducted in the Court is attended by many parties, ranging from the Panel of Judges, Prosecutors, Witnesses, Victims, Defendants, to Advocates. Advocates play an important role in realising justice for the parties involved in the trial proceedings. Advocates have the role of assisting suspects, defendants, and convicts to ensure their rights are not violated.²³ The role of a lawyer in the criminal justice system begins at the

¹⁸ Eka Imroatun, Anggitamarta, Baidhowi, "Faktor-Faktor Penyebab Advokat Melakukan Pelanggaran Kode Etik Profesi Advokat", *Jurnal Hukum Saraswati* 05, no. 02 (2023), p. 495-497

¹⁹ Eka Imroatun, Anggitamarta, Baidhowi, "Faktor-Faktor Penyebab Advokat Melakukan Pelanggaran Kode Etik Profesi Advokat", *Jurnal Hukum Saraswati* 05, no. 02 (2023), p. 495-497

²⁰ Nur, Sri Warjiyati, Hammis, "Tindak Pidana Contempt of Court Perspektif Hukum", *al-Jinayah* 7, no.2 (2021), p. 289-291

²¹ *Ibid.*

²² Yudono Yanuar, Kronologi Razman Arief Nasution Vs Hotman Paris, Sampai Pengacara Naik Meja di Pengadilan Jakarta Utara, Jakarta, Tempo.com, 2025, <https://www.tempo.co/hukum/kronologi-razman-arif-nasution-vs-hotman-paris-sampai-pengacara-naik-meja-di-pengadilan-jakarta-utara-1206126>

²³ Ramot Hasudungan Batubara, Peran Advokat Dalam Mewujudkan Keadilan Di Sistem Peradilan Adversarial Indonesia, Surabaya, *Jurnal Hukum Lex Generalis*, 2023

investigation stage by the police. The lawyer's duty during an investigation is to oversee the process to ensure the defendant's rights and the presented evidence are in accordance.²⁴ Lawyer is an independent profession that is not subject to the hierarchical structure and orders from higher positions. In addition to being independent and free, lawyers, as a noble profession (*Officium Nobile*), possess freedom based on honesty, confidentiality, and openness.²⁵ Advocates are guaranteed by Law Number 18 of 2003 concerning advocates, along with Constitutional Court Decision Number: 26/PUU-XI/2013 concerning advocates. Article 16 of Law Number 18 of 2003 states that "Advocates cannot be prosecuted either civilly or criminally in carrying out their professional duties in".²⁶ The code of ethics aims to support the role of lawyers in the legal system. With the existence of the code of ethics, it is hoped that lawyers can use it as a guideline for professional behaviour in accordance with the lawyer profession. Additionally, it is intended to protect the rights and interests of clients and to maintain the honour and dignity of the lawyer profession.²⁷

Recent violation of the code of ethics occurred at the North Jakarta District Court, during the trial between Hotman Paris Hutapea and Razman Arief Nasution, accompanied by the lawyer Firdaus Oiwo. On Thursday, February 6, 2025, the trial to hear testimonies ended in chaos because lawyer Firdaus Oiwo committed an act that disrespected the court's dignity, or contempt of court. This action was triggered by his client, Razman Arief Nasution, who wanted the trial to be open to the public, not closed to the public. In his dissatisfaction, Razman approached Hotman and held his shoulder. Firdaus Oiwo, annoyed, then climbed onto the table in the courtroom.²⁸ Advocates are required to adhere to the code of ethics as regulated in Law Number 18 of 2003, Section 4, Article 7, paragraph (1) of Law Number 18 of 2003, which states the actions that will be imposed on advocates who do not comply with the code of ethics, ranging from verbal warnings, written warnings, temporary suspension from the profession for 3 (three) to 12 (twelve) months, with the heaviest sanction being permanent dismissal from their profession.

Razman Arief Nasution received a sanction in the form of the suspension of his Advocate Oath, preventing him from practicing as an advocate until a specified time. Meanwhile, Firdaus Oiwo was officially dismissed by the Indonesian Advocates Congress. In the Advocates' Code of Ethics in DKI Jakarta on May 23, 2002, Chapter 2 regarding the Personality of Advocates, Article 3 paragraph (h) states that "Advocates in carrying out their profession must behave politely towards all parties but are obliged to uphold the rights and dignity of Advocates." This statement became the basis for the violation committed by Firdaus Oiwo.²⁹ Razman Arief Nasution is entangled in Article 6 of Law Number 18 of 2003. It states, "Behaving, acting, speaking, or making statements that show disrespect towards the law, regulations, or the court," while Firdaus Oiwo is entangled in Article 6 paragraph (f) which states, "Violating the Advocate's oath/promise/Advocate's Professional Code of Ethics." Article 10 paragraph (1) of Law Number 18 of 2003 junto

²⁴ Acep Saepudin, Kajian Terhadap Kedudukan Advokat Dalam Sistem Peradilan pidana di Indonesia, *Millthree Law Journal*, 2024

²⁵ Devi Mardiana, Puti Priyana, Penerapan Kode Etik Terhadap Advokat Yang melakukan Pelanggaran Profesi di Indonesia, Karawang, *Humani: jurnal Hukum dan Masyarakat Madani*, 2022.

²⁶ Randa Afrian, Penegakan Kode Etik Advokat Berdasarkan Undang-undang Nomor 18 Tahun 2003 Di Dewan Kehormatan Daerah Perhimpunan Advokat Indonesia Kota Pekanbaru, Riau, UIN SUSKA, 2023.

²⁷ Lubis, Dinda, Lutfiah, Dwi Sima, Erniawati, Doni, Implementasi Dan Tantangan Kode Etik Profesi Advokat Dalam Mewujudkan Etika Profesi Yang Bertintegritas, *Journal Cattleya Jurnal hukum*, 2025, doi.org/10.54209/judge.v6i01.1048

²⁸ Yudono Yanuar, Kronologi Razman Arief Nasution Vs Hotman Paris, Sampai Pengacara Naik Meja Di Pengadilan Jakarta Utara, Jakarta, *Tempo.com*, 2025, <https://www.tempo.co/hukum/kronologi-razman-arif-nasution-vs-hotman-paris-sampai-pengacara-naik-meja-di-pengadilan-jakarta-utara-1206126>

²⁹ Kode Etik Advokat Indonesia, Bab 3, 2002

Constitutional Court Decision Number 26/PUU-XI/2013 states that an Advocate can be permanently dismissed from their profession for the following reasons: a) Self-Application; b) Sentenced to a definitive legal penalty for committing a crime punishable by 4 (four) years or more; or c) Based on the decision of the Bar Association.

The basis for the enforcement of legal provisions for advocates who violate the code of ethics is based on Law Number/or 18 of 2003 concerning advocates juncto Decision of the Constitutional Court Number 26/PUU-XI/2013 and the Indonesian Advocate Code of Ethics effective since May 23, 2002, in addition to Law Number 18 of 2003 and the Code of Ethics. Law enforcement according to the judicial system in Indonesia is also in effect. According to Article 279 paragraphs (1) and (2), Article 279 paragraph (1) of Law Number 1 of 2023 concerning the Criminal Code states, "Anyone who causes a disturbance near the courtroom during the trial and does not leave after being ordered to do so up to 3 (three) times by or on behalf of an authorised officer, shall be punished with a fine of up to category I.". Article 279 paragraph (2) states that "anyone who causes a disturbance in a court session 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 imprisonment for a maximum of 6 (six) months or a fine of up to category II." and Article 280 paragraph (1) which states, "Punished with a maximum category II fine, anyone who at the time of the court session: a) Not complying with court orders issued for the benefit of the judicial process; b) Showing disrespect towards law enforcement officers, court officials, or the court proceedings despite being warned by the judge; c) Attacking the integrity of law enforcement officers, court officials, or the trial in court; or d) Without the court's permission, the trial process is broadcast live. Based on Articles 279 to 280 of Law Number 1 of 2023 concerning the Criminal Code, which addresses disturbing and obstructing judicial processes, it can be concluded that although it is regulated in the Criminal Code, its enforcement cannot be applied immediately. Therefore, the Supreme Court must follow the procedural steps of the existing criminal justice system, which requires a complaint to the police. This is different from Thailand, which has regulations on contempt of court integrated into both criminal and civil procedural laws.

The case of Razman Arief Nasution, who used the services of lawyer Firdaus Oiwo, according to Article 198 of the Thai Criminal Code, states, "Whoever insults the Court or a judge during the examination or sentencing, or obstructs the examination or sentencing by the court, shall be punished with imprisonment for a term not exceeding one year and not less than seven years, or a fine not exceeding 2,000.00 baht or not less than 14,000.00 baht." To examine and decide cases related to Contempt of Court in Thailand, the District Court has the right to enforce the law that punishes contempt of its judiciary.³⁰ The legal basis governing the enforcement of law according to Article 33 of the Civil Procedure Code, which states, "If a party or an individual commits a criminal act of contempt against the court, the court is authorised to impose a penalty in one or both of the following ways: a) Expulsion from the court environment; or b) Imprisonment or fine or; Eviction from the court area can be carried out during the court session or within a period determined by the court. In the case of imposing imprisonment and fines, the imprisonment can last up to 6 months and the fine can be a maximum of 500 baht." This article states that judges, in their role of upholding the dignity of the court based on the Thai legal system, can impose sanctions directly without going through an examination process, thus making law enforcement faster.

³⁰ Elis, Anita, Fakhriah, Sherlyayuna, Artaji, Dimension of Regulation and Law Enforcement In Contempt Of Court: Futuristic Study and Comprehensive Between Indonesia And Thailand, Bandung, Nat. Volatiles, 2021

CONCLUSION

Contempt of court actions by lawyers in Indonesia are influenced by internal factors, like individual character, economic pressure, abuse of power, and culture profession. Meanwhile, external factors include client pressure, societal attitudes, the decline of court authority, and the low public trust in institutions judiciary. Preventive measures must be carried out comprehensively through enforcement, strict laws, judicial system improvements, and increased awareness and integrity of lawyers. To prevent contempt of court, regulations are needed. Specifically regulating strict sanctions and mechanisms for handling contempt of court in the judicial environment. In addition, the enhancement of integrity, professionalism, and legal awareness among lawyers and the public is also a key factor in reducing the number of contempt of court violations. The legal provisions for prosecuting lawyers who commit contempt of court involve a process starting from reporting, investigation, and so on, which makes law enforcement somewhat convoluted. IKAHI, or the Indonesian Judges Association, noted that on November 15, 2003, there was an arson incident by irresponsible parties at the Larantuka District Court, followed by an attack on a judge by a rogue prosecutor at the Poso District Court on December 23, 2008. On July 18, 2019, a rogue lawyer assaulted a judge who was reading a verdict at the North Jakarta District Court in 2019. This assault was prosecuted under Article 212 concerning the assault of an official performing their duties. The law enforcement process followed the criminal justice system procedure, starting with a police report. In contrast, Thailand grants the court the authority to enforce jurisdiction. Article 33 of the Civil Procedure Code states that a judge can impose a sentence on the suspect without going through the police reporting process and so on. Therefore, law enforcement against lawyers committing contempt of court can be faster if judges are given the power to decide on sentencing swiftly.

REFERENCES

- Acep Saepudin, *Kajian Terhadap Kedudukan Advokat Dalam Sistem Peradilan pidana di Indonesia*, *Milthree Law journal*, 2024.
- Ainal mardhiah, *Mengenal Contempt of Court*, (Nangroe Aceh Darussalam, Pengadilan Tinggi Nangroe Aceh Darussalam, 2025) <https://www.pt-nad.go.id/new/content/artikel/20250210124012212663403167a9913c201e6.html>
- Arlina, Nasution, Khoir, Nurhayani, Jannah, "Tinjauan Hukum Pelanggaran kode etik: studi kasus roy ening", (Medan, *Jurnal Cattleyadf*, 2025).
- Cahya Wulandari, *Penyelesaian Perkara Pidana Melalui Mediasi Penal: Access To Justice di tingkat kepolisian*, (Semarang, Humani, 2018) <https://doi.org/10.26623/Humani8-i1.1389>.
- Devi Mardiana, Puti Priyana, *Penerapan Kode Etik Terhadap Advokat Yang melakukan Pelanggaran Profesi di Indonesia*, Karawang, *Humani: jurnal Hukum dan Masyarakat Madani*, 2022.
- Elis, Anita, Fakhriah, Sherlyayuna, Artaji, *Dimension of Regulation and Law Enforcement In Contempt Of Court: Futuristic Study and Comprehensive Between Indonesia And Thailand*, Bandung, *Nat. Volatiles*, 2021
- Eka Imroatun, Anggitamarta, Baidhowi, "Faktor-Faktor Penyebab Advokat Melakukan Pelanggaran Kode Etik Profesi Advokat", *Jurnal Hukum Saraswati* 5, no 2 (2023).

- Galuh Wahyu, marinews, "Berita Acara Sumpah Advokat Firdaus Oiwo dan Razman dibekukan!", Marinews, 2025, <https://marinews.mahkamahagung.go.id/berita/sumpah-advokat-firdaus-oibowo-dan-razman-dibekukan-0br>.
- Giovani, Adean, Damianus, Kathrine, Yuliana, Penegakan Hukum Terhadap Pelanggaran Kode Etik Advokat, *Perkara: Jurnal Ilmu Hukum Dan Politik*, 2024, <https://doi.org/10.51903/perkara.v2i1.1679>.
- Hidayat, Handrawan, Herman, Haris, La sensu, Arwan, "Hak Imunitas Advokat yang Ditetapkan sebagai Tersangka dalam Menjalankan Kuasa", (Kendari, *Halu Oleo Legal Research*, 2024).
- Lubis, Dinda, Lutfiah, Dwi Sima, Erniawati, Doni, Implementasi Dan Tantangan Kode Etik Profesi Advokat Dalam Mewujudkan Etika Profesi Yang Bertintegritas, *Journal Cattleya Jurnal Hukum*, 2025, doi.org/10.54209/judge.v6i01.1048
- Marfuatul Latifah, "Urgensi Pembentukan Undang-Undang tentang Contempt of Court," Info Singkat XVII-4-II-P3DI-Februari-2025-222.
- Marrismawati, Asriyani, Rusdi, Hendrawan, Reformasi Sistem Peradilan Pidana Indonesia: Tantangan dan Solusi Menuju Keadilan Efektif. (Padang, *Jurnal Litigasi Amsir*, 2024).
- Marfuatul Latifah, Urgensi Pembentukan Undang-Undang Tentang Contempt Of Court, (Jakarta, Pusat abalisis keparlemenan badan keahlian DPR RI, 2025) https://berkas.dpr.go.id/pusaka/files/info_singkat/Info%20Singkat-XVII-4-II-P3DI-Februari-2025-222.pdf.
- Nur, Sri Warjiyati, Hammis, "Tindak Pidana Contempt of Court Perspektif Hukum", al-Jinayah 7, no 2, (2021): 289-291.
- Ramot Hasudungan Batubara, Peran Advokat Dalam Mewujudkan Keadilan Di Sistem Peradilan Adversarial Indonesia, Surabaya, *Jurnal Hukum Lex Generalis*, 2023.
- Randa Afrian, Penegakan Kode Etik Advokat Berdasarkan Undang-undang Nomor 18 Tahun 2003 Di Dewan Kehormatan Daerah Perhimpunan Advokat Indonesia Kota Pekanbaru, Riau, UIN SUSKA, 2023.
- Titik Nurmalasari, "Mengenal Contempt of Court: Bentuk-bentuk dan sanksi bagi pelakunya", Tempo.com, 2025, <https://www.tempo.co/hukum/mengenal-contempt-of-court-bentuk-bentuk-dan-sanksi-bagi-pelakunya-1207135>.
- Wiradana, Analisis Keberadaan Sistem Peradilan Pidana: Bentuk Keterpaduan Antar Subsistem Serta Keadilan Bagi Masyarakat, (Bali, Ojs Unud, 2024).
- Yudono Yanuar, Kronologi Razman Arief Nasution Vs Hotman Paris, Sampai Pengacara Naik Meja di Pengadilan Jakarta Utara, Jakarta, Tempo.com, 2025, <https://www.tempo.co/hukum/kronologi-razman-arif-nasution-vs-hotman-paris-sampai-pengacara-naik-meja-di-pengadilan-jakarta-utara-1206126>.

Conflict of Interest Statement: The author(s) declares that research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

Copyright: © AUTHOR. This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License. (CC-BY NC), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

PAMALI: *Pattimura Magister Law Review* is an open acces and peer-reviewed journal published by Postgraduate Program Magister of Law, Universitas *Pattimura*, Ambon, Indonesia.

