

Criminal Acts Against the Judicial Process (Contempt of Court) According to the New Criminal Code about the Right to Immunity of Advocates in Court

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ABSTRACT

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The birth of the new Criminal Code brought nuances of renewal in the world of justice in Indonesia. However, it also caused upheaval and differences of opinion regarding regulating several aspects of criminal law, including regulating Criminal Acts Against the Judicial Process (Contempt of Court). The regulation of Contempt of Court actions in the new Criminal Code raises pros and cons in society, including advocates who often intersect with the judicial world. The existence of several articles regulating multi-interpretive contempt of court actions is considered to threaten the existence of the Advocate's Right to Immunity in Court. This study aims to analyze the regulation of the Contempt of Court criminal acts regarding the right to immunity of advocates in Court. The research method used is normative legal research using an analytical descriptive approach. This study found that the articles of Contempt of Court in the new Criminal Code, which are multi-interpretive, can limit the space for advocates to express opinions and defend themselves before the court. If these articles are not interpreted properly and correctly, they can become a medium for criminalization by specific individuals against advocates in court.



Introduction

Indeed, law enforcement is closely related to the existence of the judicial world. Judiciary is a derivation of the word fair, interpreted as impartial, impartial, or balanced. The judiciary, in this case, points to a process that is the process to create or realize justice (Monica & Amrullah, 2022).

There is a fundamental principle of judiciary independence in the concept of judicial power (Darma & Made, 2020). This principle means that the course of the judicial process must be guaranteed to avoid all forms of influence, pressure, and threats from any party that can potentially reduce the nobility of the principle (Asshiddiqie, 2015). Therefore, according to the context of this principle, the judicial process must be carried out openly,

objectively, and impartially by the provisions of the law and a sense of justice (Chairani, 2018).

The justice system is one of the essential pillars in maintaining a sense of justice and order in a country, including our country, Indonesia. As a state of law, Indonesia guarantees its citizens the right to get justice by applicable law through judicial power as a judicial intermediary (Johny, 2009). This is stated in Article 24, paragraph (1) of the 1945 Constitution, which affirms that the judicial power is independent to administer justice to uphold law and justice.

Good legal instruments are needed to uphold law and justice in the administration of justice. The Criminal Code (KUHP) is one such instrument. It enforces the law and fulfills a sense of justice (Malau, 2023).

In Indonesia today, the provisions regarding criminal law in the Criminal Code have been updated. The President, together with the House of Representatives of the Republic of Indonesia, has passed a new Criminal Code through Law No. 1 of 2023, replacing *Wetboek van Strafrecht* or the Criminal Code, which was previously regulated in Law Number 1 of 1946 concerning Criminal Law Regulations which has undergone several changes (Rozi, 2017). The new criminal code marks an essential step in modernizing Indonesia's criminal justice system, improving the effectiveness of law enforcement, and ensuring fairness in handling criminal cases (Wijaya, Calvin, & Pratiwi, 2019).

One of the criminal aspects that are also strictly regulated in the new Criminal Code is Criminal Acts Against the Judicial Process or Contempt of Court. Contempt of Court is a general term for those who want to interfere with or disrupt the judicial process. It refers to behavior that violates, insults, or obstructs judicial activities. These actions may be statements, behaviors, or acts that undermine the dignity or authority of the court, obstruct the judicial process, or interfere with delivering justice to litigants.

The regulation of Contempt Of Court in the new Criminal Code raises pros and cons in the community, including among advocates. This rule on Contempt of Court is considered to threaten the Right to Immunity of Advocates in Court. This is because the profession of an advocate or lawyer has one privilege in the form of immunity (legal immunity), and that cannot be prosecuted civilly or criminally in carrying out their duties inside and outside the court in good faith. So that opinions and assumptions arise, it is possible that the Contempt Of Court rules in the new Criminal Code can target advocates, thus limiting the space for advocates to express opinions and defend themselves in Court.

In this context, the author feels it is important to discuss more deeply the regulation of criminal acts against the judicial process (contempt of court) in the new Criminal Code and its relation to the right to immunity of advocates. Reviewing existing regulations and real cases can provide an overview of the complex relationship between criminal acts and the judicial process, the new Criminal Code, and the right to advocate immunity. With a deep understanding of this, more effective efforts can be made to maintain integrity, credibility, and fairness in the judicial process in Indonesia.

Method

The author of this paper uses a normative legal research method, using an analytical descriptive approach. The data sources used are primary materials and secondary materials. The primary materials used are laws and regulations, especially Law Number 1 of 2023 of the Criminal Code, Law Number 18 of 2003, and other relevant regulations. Meanwhile, the secondary material the author uses is in the form of books and research results, as well as materials in the form of writings in several previous legal research journals. These materials are studied, analyzed, and written using descriptive-analytical methods; a conclusion is drawn to answer the research problem. It is well known that a descriptive study is intended to provide the most accurate possible picture of humans, conditions, or other symptoms.

Results and Discussion

Regulation of criminal acts against the judicial process (contempt of court) according to the new Criminal Code

Before the issuance of Law Number 1 of 2023 concerning the New Criminal Code, known as the New Criminal Code, the provisions regarding regulating criminal acts against the judicial process (Contempt Of Court) had not been explicitly regulated in the old Criminal Code, however, in some provisions, the following articles in the old Criminal Code can be classified as contempt of court norms. Provisions in the old Criminal Code that can be related to the definition of Contempt of Court acts are contained in 18 articles, namely:

1. Article 207, oral or written statements insulting a ruler or public body in Indonesia; and
2. Article 208, broadcasting, displaying, or posting a writing or sentence containing insults to a ruler or public body.
3. Article 209, the act of giving or promising something to an official to move him to do or not do something in his position contrary to his obligations;
4. Article 210, the act of giving or promising something to a judge, adviser, or advisers;
5. Article 211, the act of forcing an official to do an act of office or not to do an act of lawful office;
6. Article 212 acts against an official who is performing his lawful duties;
7. Article 216, the act of disobeying an order or request made according to the law by an official whose duty is to supervise something;
8. Article 217, the act of causing an uproar in a court hearing;
9. Article 220, false complaints;
10. Article 221, harboring a person who commits a criminal offense;
11. Article 222, prevent, obstruct or thwart examination corpses for the benefit of the court
12. Article 223, release or give relief when escaping to persons detained by order of the general authority, upon judgment or decree judge;

13. Article 224, acts as witnesses, experts, or interpreters according to the Law willfully failing to fulfill obligations;
14. Article 233, acts of tampering/omitting evidence;
15. Article 242, false information;
16. Article 420, a judge who accepts gifts or promises
17. Article 422, an official who, in a criminal case, uses means of coercion both to extort confessions and to obtain information;
18. Article 522, witnesses, experts, or interpreters do not come unlawfully.

In the old Criminal Code, the acts stipulated in the abovementioned articles were only perceived as acts of Contempt of Court. Before the birth of the new Criminal Code in Indonesia, there was no definite definition of Contempt of Court.

Criminal Acts Interfere and Obstruct the Judicial Process

In the New Criminal Code, which includes the crime of disturbing and obstructing the judicial process, among others;

- a) Making noise near the courtroom and inside the court hearing.

According to Article 279 paragraph (1) of the New Criminal Code, it is stated that any person who makes noise near the court Courtroom during the hearing and does not leave even though it has been ordered up to 3 (three) times by the authorized officer can be punished with a maximum fine of category I.

Furthermore, Article 279 paragraph (2) of the New Criminal Code states that any person who makes noise in a court session during the trial and does not leave even though it has been ordered up to 3 (three) times by the judge shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of category II.

- b) Disobeying court orders, being disrespectful, attacking the integrity of law enforcement officials, and publicizing proceedings without court permission.

In Article 280, paragraph (1) of the new Criminal Code, it is stated that it can be fined at most category II, any person who, at the time of the court hearing, commits the following acts;

1. Failure to comply with court orders issued in the interests of judicial proceedings.

According to the new Criminal Code's explanation, "disobeying a court order issued for judicial proceedings" means acting contrary to the order in a way unjustly justified by law.

2. Be disrespectful to law enforcement officials, court officials, or courts despite being warned by a judge.

By "disrespect," we mean behaving, speaking, or making statements that degrade the dignity of law enforcement officials, judicial officers, or courts or disobeying court orders.

3. attack the integrity of law enforcement officials, judicial officers, or courtiers;

Yang dimaksud dengan "menyerang integritas" termasuk menuduh hakim bersikap memihak atau tidak jujur.

1. Without permission, the court publishes the proceedings directly.

What is meant by "publishing the proceedings live" is live streaming. It does not reduce the freedom of journalists or journalists to write news and publish it after a court hearing.

Prevent and Obstruct the examination in court hearings.

Article 281 of the new Criminal Code stipulates imprisonment for a maximum of 7 (seven) years, 6 (six) months, or a maximum fine of category VI for any person who obstructs, intimidates, or influences officials who carry out the duties of investigation, prosecution, examination in court hearings, or court decisions to force or induce them to perform their duties.

She was hiding the person who committed the crime or providing help to the criminal to escape.

Based on Article 282 paragraph (1) letter a and b of the new Criminal Code, criminal sanctions can be imposed for a maximum of 1 (one) year or a maximum fine of category III for any person who hides the perpetrator of a criminal act or provides assistance to the perpetrator of a criminal act to escape the process of investigation, prosecution, or implementation of a criminal verdict.

Then, in Article 282 paragraph (2), it is stated that if the crime referred to in Article 282 paragraph (1) is a crime whose penalty is imprisonment of 5 (five) years or more. As mentioned above, the act of hiding the perpetrator of the crime can be punished with a maximum imprisonment of 3 (three) years or a category IV fine.

Prevent and obstruct or thwart the examination of the body for judicial purposes.

According to Article 283 of the new Criminal Code, it can be punished with a maximum imprisonment of 1 (one) year or a maximum fine of category III for any person who prevents, obstructs, or fails the examination of the body for judicial purposes.

Release or assist when a person escapes from detention or imprisonment.

Article 284 of the new Criminal Code states that a maximum of 3 (three) years imprisonment or a maximum category IV fine can be imposed on any person who releases or provides assistance when a person escapes from detention carried out by order of an authorized official or escapes from imprisonment or closure.

It is unlawful not to appear when summoned as a witness, expert, or interpreter in the trial or not to comply with the summons or orders of authorized officials.

Based on article 285 letter of the new Criminal Code, it is stated that a maximum of 9 (nine) months imprisonment or a maximum fine of category II can be given for criminal cases against any person who unlawfully does not appear when called as a witness, expert, or interpreter, or does not fulfill an obligation that the provisions of laws and regulations must fulfill. Meanwhile, for cases other than criminal cases, unlawful crimes, as mentioned above, can be sentenced to imprisonment for a maximum of 6 (six) months or a maximum fine of category II.

Then, article 286 of the Criminal Code, it is stated that imprisonment for a maximum of 1 (one) year 3 (three) months, or a maximum fine of category III can be imposed for any person who has been declared bankrupt / declared unable to pay debts or becomes the husband or wife of a bankrupt person, or as a manager or commissioner of

a civil partnership, association or foundation that has been declared bankrupt who is not present at the court after being legally summoned.

In addition, according to Article 288 of the new Criminal Code, sanctions are also regulated for any person who, without a valid reason, does not come before or does not ask his representative to appear before the court to be heard as a blood family or temporary family, husband or wife, guardian or guardian of the supervisor, custodian or supervisor in the case of the person to be placed or has been placed under custody or in the case of the person to be put or has been put in the house mentally ill, punishable with a maximum fine of category II.

Submitting false letters at trial

Article 287 of the new Criminal Code stipulates sanctions for any person who submits a letter that is considered false or forged or must be used to be compared with another letter that is suspected to be false or forged or whose truth is denied or not recognized. For this act, the person concerned may be imprisoned for 9 (nine) months or a maximum fine of category II for criminal cases or imprisonment for 6 (6) months or a maximum fine for other cases.

Committing unlawful acts against evidence and confiscating objects

According to Article 289 paragraph (1) of the new Criminal Code, it is stated that a maximum of 4 (four) years imprisonment or a maximum fine of category V may be imposed for any person who withdraws confiscated or deposited goods by court order or hides goods, even though it is known that the goods are in confiscation or entrustment. It can also be criminally charged with damaging, destroying, or making unusable an item confiscated under the provisions of laws and regulations.

Furthermore, Article 289 paragraph (2) of the new Criminal Code states that criminal sanctions can also be imposed for storing goods that do, allow to be done, or assist in carrying out acts as referred to in Article 289 paragraph (1). They can be punished with a maximum imprisonment of (five) years or a maximum fine of category V. However, suppose the act of storing confiscated goods occurs due to the negligence of the storage. In that case, the person is sentenced to a maximum imprisonment of 1 (one) year or a maximum fine of category III.

Anyone who unlawfully sells, rents, possesses, mortgages, or uses confiscated objects not for judicial proceedings can also be criminalized. Article 290 of the new Criminal Code mentions that the act can be punished with a maximum imprisonment of 5 (five) years or a maximum fine of category V.

Giving false statements at trial

Based on Article 291 paragraph (1) of the new Criminal Code, it is stated that criminal sanctions with a maximum imprisonment of 7 (seven) years may be imposed for any person who gives false information on oath, whether oral or written, done alone or by his attorney specially appointed for it given in the examination of cases in judicial proceedings.

Then, according to Article 291 paragraph (2), it is also stated that giving false information in court, as referred to in Article 291 paragraph (1), harms the suspect, defendant, or opposing party. The criminal sanction can be increased by 1/3 (one-third).

Mention the identity of the complainant, witness, or victim, which is expressly confidential in the law.

According to article 292 of the new Criminal Code, any person who mentions the identity of the complainant, witness, or other things that provide the possibility of knowing the identity can be imprisoned for a maximum of 3 (three) years or fined in category IV.

The criminal provisions referred to in Article 292 of the new Criminal Code only apply if the law expressly mentions the necessity of keeping the identity of the complainant, witness, or victim confidential.

Destruction of Buildings, Courtrooms, and Court Equipment

Article 293 of the new Criminal Code explicitly regulates criminal sanctions for perpetrators of destroying buildings, courtrooms, and court equipment. Article 293 paragraph (1) states that anyone who damages a courthouse, courtroom, or court equipment that prevents a judge from holding a court hearing can be punished with a maximum imprisonment of 4 (four) years.

The new Criminal Code also states in Article 293 paragraph (2) that if the crime referred to in Article 293 paragraph (1) is committed while the court hearing is in progress, which prevents the hearing from continuing, the perpetrator can be sentenced to imprisonment for a maximum of 5 (five) years.

Furthermore, according to the provisions of Article 293 paragraph (3) of the new Criminal Code, sanctions for destruction, as referred to in Article 293 paragraph (1), are also regulated if it results in law enforcement officers on duty or witnesses when giving their statements being seriously injured, the perpetrator can be sentenced to a maximum of 12 (twelve) years imprisonment. Meanwhile, suppose the act causes the death of a law enforcement officer on duty or a witness when giving his statement. In that case, as stipulated in Article 293 paragraph (4), the perpetrator can be sentenced to 15 years imprisonment.

Criminal Acts of Violence Against Witnesses and Victims

The regulation of sanctions for violent crimes against witnesses and victims in the new Criminal Code is regulated in Article 294 letter a and b, article 295 paragraph (1), paragraph (2) and paragraph (3), article 296, article 297, article 298 and article 299 of the new Criminal Code. The author summarizes it in the following table:

New Criminal Code articles that were violated	Criminal Acts of Violence	
	Against Witnesses and Victims	Threat of Punishment
Psl. 294	a. Directly violent to witnesses when giving their	- Imprisonment for a maximum of 7 (seven)

	statements	years
	b. Committing direct violence against law enforcement officials or court officers on duty that results in witnesses being unable to give their statements.	
Psl. 295 paragraph (1)	a. Using force, threats of violence, or other means against witnesses and victims. b. Influencing authorities, resulting in witnesses and victims not being protected The crime referred to in paragraph (1) point results in serious injury to witnesses and victims.	- Imprisonment for a maximum of 5 (five) years, a fine of at least Category II, and a maximum of Category V.
----- paragraph (2)	The crime referred to in paragraph (1) point results in the death of witnesses and victims.	- Imprisonment for a minimum of 2 (two) years, a maximum of 7 (seven) years, and a fine of at least Category III and at most Category V. - Imprisonment for a minimum of 3 (three) years, a maximum of 12 (twelve) years, and a fine of at least Category V and at most Category VII.
----- paragraph (3)		
Psl. 296	The crime of obstructing witnesses and victims resulting in not obtaining protection or rights	- Imprisonment for a minimum of 2 (two) years, a maximum of 7 (seven) years, and a fine

		of at least category III and at most category V.
Psl 297	This caused witnesses, victims, and their families to lose their jobs because witnesses and victims gave true testimony in the judicial process.	- Imprisonment for a minimum of 2 (two) years, a maximum of 7 (seven) years, and a fine of at least Category III and at most Category V.
Psl. 298	Officials who do not provide witness and victim rights even though witnesses and victims have given true testimony in the judicial process	- Imprisonment for 3 (three) years and a maximum fine of category IV.
Psl. 299	It is unlawful to notify the whereabouts of witnesses and victims who have been protected in a temporary residence or new residence.	- Imprisonment for a minimum of 2 (two) years, a maximum of 7 (seven) years, and a fine of at least category III and at most category V.

The Right to Advocate Immunity in Court

Advocate is relatively long-term, coming first compared to a legal advisor or legal entity. No doubt, the term legal aid or legal entity is more relevant than the term defense because it only accompanies the accused and suspects at the examination. In some circles of society, the terms legal aid, legal counsel, and lawyer are prevalent, and the word's meaning is easier to understand because the terms used are familiar (Lukman, Kho, & Victori, 2020).

The advocate profession is very noble. Its role is so broad because it is not limited only to litigation or court proceedings but plays a role in all sectors of life in society, nation, and state. The legal system does not only work in the environment of formal law enforcement elements but enters all sectors of public and state life because we know that the law is everywhere and regulates all aspects of our lives.

The profession of an advocate or lawyer has one privilege in the form of immunity. It cannot be prosecuted civilly or criminally in carrying out its duties inside and outside the court in good faith. This phrase clarifies the advocate's immunity and reinforces balanced moral obligations and responsibilities. Luhut MP Pangaribu explained that the definition of an advocate is a person who does a job based on expertise (knowledge) to serve the community independently but with the limitations of the code of ethics determined by the professional community.

Advocates are law enforcers and are a free, independent, and responsible profession that enforces the law guaranteed by law. That means advocates have rights, obligations, and responsibilities per the rules of advocate legislation. Article 17 of Law Number 18 of 2003 concerning Advocates gives the right to advocates to defend their clients, namely the right to obtain information, data, and other documents both from government agencies and other parties related to these interests that are needed for the defense of their client's interests by laws and regulations (Pratiwi & Lubis, 2019).

Advocacy professionals have the right to immunity or legal immunity by adhering to the code of professional ethics. However, the highlight here is what the excellent faith benchmark referred to in the article looks like because the excellent faith benchmark has a very broad or general meaning, where the right to immunity of advocates depends on the good faith of the advocate.

The regulation on the right to advocate immunity can be listened to and understood more deeply in Articles 14 to 19 of Law Number 18 of 2003, precisely in Chapter IV concerning rights and obligations. However, in Law Number 18 of 2003 in Article 16, there are no limitations on good faith; when the trial has finished or has not yet begun, it is good faith to defend the client's interests. Article 16 can still be confused and has many perspectives; anyone interpreting it can also interpret anything.

The right to immunity (legal immunity) for advocates is not only regulated in Law Number 18 of 2003 but also regulated in the Criminal Code also regulates it, contained in Article 50 of the Criminal Code, where the Article contains legal exceptions. This article specifies, in principle, the person who commits an act even though it is committing a criminal act. However, because it is done based on the order of the law, the perpetrator must not be punished, provided that the deeds are not for personal interests but for public interests. If the character of the advocate is indeed an advocate who always performs his duties well, then the reason for criminal removal can apply to him. Based on this article, it can be seen in the relationship in the Advocates Law that advocates have legal immunity because they carry out their professional duties as stipulated in the law.

According to Article 54 of the Code of Criminal Procedure, which reads for defense, suspects or defendants are entitled to legal assistance from a person or legal counsel during the examination period, based on those prescribed by this law. The right to legal immunity is not to be prosecuted civilly or criminally in carrying out their professional duties in good faith in court hearings; this right of immunity is related to the recognition that advocates are not identified with their clients by the authorities or the public.

Restrictions on the practice of the profession for advocates have been stated in the Indonesian Advocates Code of Ethics, agreed by at least seven advocate organizations, and ratified on May 23, 2002. The code of ethics of advocates is the obligation that advocates impose on themselves. This joint code of ethics is implemented under the umbrella of the Indonesian Advocates Working Committee (KKAI). Before the Indonesian Advocates Code of Ethics, the seven advocate organizations already had their codes of ethics. When viewed from its substance, it can be said that the Indonesian Advocates Code of Ethics is an adoption of the existing advocate professional code of ethics. There are some differences, but they are not too significant. General matters contained in this code of ethics are about the personality of advocates, relationships with colleagues, foreign colleagues, relationships with clients, how to handle cases, implementation of the code of ethics, position and role of the Honor Board, and other provisions.

Reprehensible behavior in the advocate profession is closely related to the right to immunity or impunity inherent in this profession. The right to immunity is the freedom of an advocate to do or not perform any action and issue or not issue opinions, statements, or documents to anyone in carrying out their professional duties so that, therefore, he cannot be punished as a consequence of carrying out his duties. Freedom means not being under pressure, threats, obstacles, fear, or treatment that degrades the dignity and dignity of the advocate profession. Furthermore, in the Indonesian Advocates Code of Ethics, it is said that the freedom of advocates to issue statements in court hearings is expressed proportionately and not excessively.

Reprehensible behavior in the trial is included as a violation of the Advocate Code of Ethics so that complaints can be submitted to the Honor Council. The Honor Board is an institution or body established by an Advocate professional organization that functions and has the authority to oversee the proper implementation of the Indonesian Advocates Code of Ethics by Advocates and has the right to receive and examine complaints against an Advocate who is considered to violate the Advocate Code of Ethics. The Honor Board has the authority to examine and adjudicate cases of violations of the Code of Ethics committed by Advocates.

The nature of the immunity rights possessed by advocates can be immune to the law forever, and not always advocate immunity can be given absolutely to advocates. Advocates can have the right to immunity when issuing their opinions in court in good faith. The advocate must not utter words that harass the opposing party; moreover, he is an expert in the trial beyond what is necessary to fulfill his duties. The expert testimony presented at the court hearing conveyed his testimony based on the science he possessed, and there was no legal effect.

So, the right to immunity should not be interpreted narrowly and should not exceed the limit, especially if there has been a violation of criminal law norms such as bribery while carrying out their professional duties. Then, the Advocate certainly cannot use the immunity proposition as a basis for justifying his actions. Advocates are part of law enforcement that parallels other law enforcement agencies. Law Number 18 of 2003

concerning Advocates affirmed that an Advocate is a law enforcer, free and independent, guaranteed by laws and regulations. The authority of an Advocate as a Law Enforcement Officer is to provide legal assistance to his clients concerned with legal problems faced by law enforcement agencies outside the government. The role of an advocate in achieving an integrated criminal justice system is vital to protect human rights and provide legal assistance to clients concerned with legal problems faced by law enforcement agencies outside the government.

Analysis of the Legal Effects of the Application of the Contempt of Court Article in the New Criminal Code for Advocates in Court.

The enactment of a new Criminal Code containing provisions regarding criminal acts against the judicial process cannot be separated from conditions where the court's authority is declining. This can be seen from the course of the trial. In some cases that attract public attention, the courthouse is almost certainly full of visitors who often cause noise in the courtroom by cheering or clapping, which will undoubtedly disrupt the proceedings, or at some point, a mob appears demonstrating, demanding the dismissal of the trial process.

The birth of the new Criminal Code brought nuances of renewal in the world of justice in Indonesia. However, it also caused much turmoil in some circles of society. About the enactment of the Contempt of Court Article in the new Criminal Code, there are many pros and cons in the community, no exception for advocates who often intersect with the judicial world.

If we review the articles on criminal acts against the judicial process (Contempt Of Court) in the new Criminal Code, several articles still have multiple interpretations. This multi-interpretation article will undoubtedly impact the existence of advocates in court. An advocate who represents or defends his client's interests in court undeniably often argues with other law enforcement. For example, advocates argue with the public prosecutor while examining witnesses in criminal trials, causing an uproar in the courtroom. In this case, if we refer to the new Criminal Code rules regarding Contempt Of Court crimes, the advocate may be sanctioned with Article 279 paragraph (2) regarding making noise in the courtroom or Article 280 regarding disrespectful acts against law enforcement officials. The article does not set out limitations on the actions of the Contempt of Court. For example, what kind of noise can be classified as contempt of court? Can an advocate who speaks loudly when presenting a defense against his client be categorized as a Contempt of Court action? Because the judge becomes the sole interpreter of someone's guilt, it is biased according to the Advocate that the act referred to as Contempt of Court by the judge is not Contempt of Court.

In other cases, advocates often abandon or strongly interfere with the judge's decision, and defendants attack the judge because they are dissatisfied with it. Massively covering a case or criticisms conveyed openly through the mass media often occurs outside the court. It is not uncommon for the press to issue news or statements that cause situations or conditions that influence the verdict to be imposed. The effect of the news is that there is an impression that someone brought before the court is guilty even though

the trial process itself has not been completed. It is not uncommon to see the scene of a legal counsel's "quarrel" with the chief judge, which ends with the legal counsel's expulsion from the courtroom.

The problem of Contempt of Court in Indonesia is also closely related to criminalization, a process of turning actions that were not originally criminal acts into criminal acts. Regarding the role of the advocate at trial, the application of the contempt of court clause in some cases can be a double-edged sword. On the one hand, this article can protect the trial's perpetrators and uphold the judiciary's authority. However, it can limit the space for advocates to express their opinions and defenses before the court.

Conclusion

The strict regulation of criminal acts against the judicial process (Contempt Of Court) in the new Criminal Code reforms the criminal code in Indonesia. This regulation aims to provide legal protection for judges and trial actors so that they can undergo the trial process smoothly without obstacles and interference from parties who want to hinder or interfere with the course of the trial. However, it is undeniable that the articles on the criminal act of Contempt Of Court regulated by the new Criminal Code still mean multiple interpretations that cause many pros and cons in their application. Regarding the right to immunity of advocates in court, articles on Contempt Of Court in the new Criminal Code can limit the space for advocates to express their opinions and defenses before the court if they are not interpreted properly and correctly. So, in the future, it is hoped that there will be clear regulations that regulate what can be classified as Contempt Of Court actions carried out by Advocates in the Court. This is very important so that the Contempt Of Court rule does not become a medium for criminalization by specific individuals.

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