



Minimizing Contempt of Court in Condemnatory Civil Judgment Execution (Case Study of Pekalongan District Court)

Muhammad Fakhri Avicenna^a, Dian Latifiani^b

^{a,b}Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia.

* Corresponding Author: fakhriavicenna0@gmail.com

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ABSTRACT

The execution of condemnatory civil judgments in the Pekalongan District Court faces resistance, resulting in stagnation at the implementation level. This problem is underpinned by the actions of the execution respondents, which conceptually align with Contempt of Court. This article aims to analyze actions identified as forms of Contempt of Court during execution in the Pekalongan District Court and efforts to minimize such actions. In the Pekalongan District Court, the concept can be conceptually classified as Contempt of Court, an angle that has received little focused attention in Indonesian judicial research. By employing normative-empirical research and based on qualitative descriptive analysis, this article concludes that there is interference in the administration of justice in the form of non-compliance with warning (warning) and unlawful physical resistance cumulatively carried out by the execution respondents, which is inherently related to the doctrine of Contempt of Court from a conceptual perspective, and contrary to the *Herzien Inlandsch Reglement* (HIR). Minimizing Contempt of Court involving state security elements and proposing the drafting of legislation related to Contempt of Court that accommodates actions, behaviors, attitudes, and/or statements that can undermine the authority, dignity, and honor of the judiciary.

INTRODUCTION

Civil adjudication falls within the scope of the general judiciary, as defined by a juridical and procedural framework.¹ Civil courts facilitate the mechanism for petitioning and dispute resolution through lawsuits, which confront the litigating parties, namely the plaintiff and the defendant, with the court's judgment serving as an answer to the disputed issues.² In this regard, civil court judgments can be classified into three types based on their nature: 1) declaratory judgments, which merely explain or establish a specific condition and therefore do not require execution; 2) constitutive judgments, which create or abolish a specific condition, and likewise do not entail execution; and 3) condemnatory judgments, which substantially contain punitive elements, meaning the losing party is ordered to do or not do something, thus requiring the execution of the judgment, known in civil litigation terminology as execution.³

¹Joe McIntyre, Anna Olijnyk, and Kieran Pender, "Civil Courts and COVID-19: Challenges and Opportunities in Australia," *Alternative Law Journal* 45, no. 3 (2020): 195, <https://doi.org/10.1177/1037969X20956787>.

²McIntyre, Olijnyk, and Pender, 199.

³Yahya Harahap, *Hukum Acara Perdata* (Jakarta: Sinar Grafika, 2017), 974.

Condemnatory civil judgments serve as the "entry point" for the execution mechanism, which is explicitly grounded in both procedural and substantive terms in Articles 195 to 224 of the *Herzien Inlandsch Reglement* (H.I.R.).⁴ As stipulated in Article 196(1) HIR, the execution of the district court's first instance judgments is subject to the principle that the execution is carried out "by order" and "under the leadership" of the presiding judge of the district court (*op last en onder leiding van den voorzitter van den landraad*) who examined the case.⁵ The execution of such civil judgments is carried out by the clerk (as explained in Article 195). Article 195 HIR reinforces the "legal standing" of the winning party in a civil case, with the resources permitted by law to compel the opposing party to comply with the judge's decision, which serves as the legal basis for the execution process in civil litigation.

Consistent with the above legal basis, M. Yahya Harahap argues that, in principle, the execution of court judgments (in this context, condemnatory civil judgments) as a coercive effort to enforce final judgments only becomes a legal option when the losing party refuses to comply with the judgment voluntarily.⁶ At the implementation level, the execution of condemnatory civil judgments in Indonesia faces fundamental obstacles/challenges. The core issue is the emergence of resistance to the execution of such judgments. The losing party (defendant) not only refuses to comply with the judgment voluntarily but also engages in unlawful physical resistance during the execution of the court's judgment in the jurisdiction where the case was tried and adjudicated.⁷ It is not surprising, therefore, that the execution of final and binding condemnatory civil judgments has become an issue that delegitimizes the struggle of justice seekers.⁸

Such problems also occur in the Pekalongan District Court. The execution respondent manifests bad faith by refusing to voluntarily comply with the judgment, ignoring the orders of the Pekalongan District Court, and even intervening in the administration of justice through unlawful physical resistance against court officials. These actions have the potential to cause conflicts that disrupt public security and order. The bad faith actions in question result in the substance of the condemnatory civil judgment becoming null in realization. This issue suggests that law enforcement efforts in civil litigation, particularly in the Pekalongan District Court, are not yet fully optimized.

Based on the aforementioned legal issues, the non-compliance of the execution respondent above essentially reflects actions that tarnish the honor of the judicial institution, inherently aligning with the concept of "Contempt of Court".⁹ The concept of "Contempt of Court" was first manifested in Indonesian positive law as stated in Item 4 of the General Explanation of Law Number 14 of 1985 concerning the Supreme Court (which has since been amended twice to become Law Number 3 of

⁴Siti Amatil Ulfiah, Vena Lidya Khairunissa, and Dian Latifiani, "Urgensi Pelaksanaan E-Litigasi Dalam Persidangan Perkara Perdata Pada Masa Pandemi Covid-19," *Jurnal Surya Kencana Satu : Dinamika Masalah Hukum dan Keadilan* 12, no. 2 (2021): 150–62, <https://doi.org/10.32493/jdmhkdmhk.v12i2.15864>.

⁵Yahya Harahap, *Ruang Lingkup Permasalahan Eksekusi Bidang Perdata*, 2nd ed. (Jakarta: Sinar Grafika, 2022), 21.

⁶Harahap, 6.

⁷Retno Kus Setyowati, "The Conclusive Phase of Civil Case Resolution: Examining Execution and Post-Decision Challenges in Indonesian Civil Procedural Law," *Unnes Law Journal* 9, no. 2 (2023): 311–32, <https://doi.org/10.15294/ulj.v9i2.74836>.

⁸Dian Latifiani et al., "Reconstruction of E-Court Legal Culture in Civil Law Enforcement," *Journal of Indonesian Legal Studies* 7, no. 2 (2022): 422, <https://doi.org/10.15294/jils.v7i2.59993>.

⁹Republik Indonesia, Penjelasan umum "Undang-Undang Nomor 14 Tahun 1985 tentang Mahkamah Agung," 1985.

2009), which textually reads "to ensure the best possible atmosphere for the administration of justice to uphold law and justice based on Pancasila, it is also necessary to create a law that regulates actions, behavior, attitudes, and/or statements that can undermine the authority, dignity, and honor of the judiciary known as 'Contempt of Court'. If interpreted grammatically, it can be understood that the regulation on "Contempt of Court" is solely oriented towards ensuring the authority, dignity, and honor of the "judicial body".¹⁰ In a more concrete context, the 'guarantee' for the best possible judicial atmosphere is intended as a protection effort for the stakeholders executing the condemnatory civil judgments, in this case, the presiding judge, *clerk*, and *bailiff* (based on HIR) when faced with execution obstacles, particularly those indicated by the litigating parties.

Carefully considering the formulation of the Academic Manuscript of the Contempt of Court Research Year 2002, the terminology of Contempt of Court, translated as actions, behaviors, attitudes, and/or statements that fall into the category of undermining the authority, dignity, and honor of the judiciary, is qualified into five aspects as follows: Misbehaving in Court; Disobeying Court Orders; Scandalizing the Court; Obstructing Justice; and Sub-Judice Rule (publishing contemptuous acts).¹¹ The interpretation of these five elements aligns with the view of Oemar Seno Adji, who concludes that there are five constitutive forms of Contempt of Court as outlined above.¹²

This research is concerned with the defiance of executor civil decisions and the importance of the research and the orders that aim to determine the Patterns of actions referred to as Contempt of Court and the Defiance of Contempt of Court of the District Court of Pekalongan, and to these Defiance of these Defiance of these Defiance of the orders of the court. Previous research has addressed non-compliance with court-ordered mandates and proposed the use of coercive instruments, such as *gijzeling*, as measures to enhance compliance with enforcement mandates.¹³ They have also investigated the disruption of execution and the creation of legal uncertainty due to procedural resistances such as *partij verzet*.¹⁴ Strengthened enforcement mechanisms are necessary to maintain legal certainty within civil adjudication systems.¹⁵ Nonetheless, none of this literature addresses the classification of obstruction at the execution stage of a trial in a district court as Contempt of Court, or examines how this issue operates within local courts. This research is original in characterizing these acts in Pekalongan as a different type of Contempt of Court, which is one of the many under-researched areas in the literature on law in Indonesia.

¹⁰Jimly Asshiddiqie, "Upaya Perancangan Undang-Undang tentang Larangan Merendahkan Martabat Pengadilan (Contempt of Court)," *Jurnal Hukum Dan Peradilan* 4, no. 2 (2015): 199–222, <https://doi.org/10.25216/jhp.4.2.2015.199-222>.

¹¹ Opik Rozikin, "Contempt of Court Dalam Peraturan Perundang-Undangan di Indonesia," *Jurnal CIC: Lembaga Riset Dan Konsultan Sosial* 1, no. 1 (2019): 1–14, <https://doi.org/10.51486/jbo.v1i1.1>.

¹²Asshiddiqie, "Upaya Perancangan Undang-Undang tentang Larangan Merendahkan Martabat Pengadilan (Contempt of Court)," 215.

¹³Bagus Teguh Santoso, Ahmad Munir, and Anisa Kurniatul Azizah, "The Use of Gijzeling Against Individuals Disobeying Court Orders Qualifying as Contempt of Court," *Halu Oleo Law Review* 8, no. 2 (2024): 141, <https://doi.org/10.33561/holrev.v8i2.102>.

¹⁴ Azizah Kamilah Putri, Hazar Kusmayanti, and Artaji Artaji, "Judicial Study: Parties' Opposition (Partij Verzet) in Proceedings to Execute Land Ownership Rights Under Civil Procedure Law," *Justisi* 10, no. 3 (2024): 753, <https://doi.org/10.33506/js.v10i3.3505>.

¹⁵Dinda Rizqiyatul Himmah and Justin Gabriel Wibisono, "Recognition and Enforcement of Foreign Court Judgments in Civil and Commercial Matters: An Indonesian Private International Law Perspective," *Indonesian Journal of International Law* 20, no. 3 (2023): 537–64, <https://doi.org/10.17304/ijil.vol20.3.5>.

METHODS

This study combines normative and empirical research.¹⁶, with a particular focus on the factual aspects of actions classified as Contempt of Court within the execution mechanism of condemnatory civil judgments, specifically at the Pekalongan District Court. This is a legal research study employing a descriptive-qualitative approach, utilizing legal materials to describe and analyze the legal problems. In addition, the study also seeks to explore the need to mitigate Contempt of Court within the execution of condemnatory judgments. Research data were collected through observation, interviews, and documentation, and analyzed from the perspective of implementation in each concrete legal event to measure the effectiveness of law enforcement in society.

DISCUSSION

The Forms of Contempt of Court in Execution of Condemnatory Civil Judgments (Pekalongan District Court)

Numerous case studies handled by the Pekalongan District Court, including case 1/Pdt.Eks/2023/PN Pkl and 6/Pdt.Eks/2022/PN Pkl illustrates the forms of contempt of court in the execution of condemnatory civil judgments, where parties intentionally obstructed and defied the law in the execution of judgments that had already become final and binding. The evasive judgment debtor in case 1/Pdt.Eks/2023/PN Pkl, who had received repeated official warnings (*aanmaning*), nonetheless, refused to leave the property in dispute, tried to obstruct the court bailiffs, and, for that purpose, closed the property, as well as organized and used intimidation against the execution team. These are examples of extreme disregard for the court of law, as the debtor not only defied the executory order but also obstructed court officials from performing their duties. On the other hand, in case 6/pdt. Eks/2022/PN Pkl, the obstruction of justice took the form of a debtor adjudged a judgment who secretly alienated and distanced themselves from legally seized property, thereby obstructing the execution of executory judgments in a case of protracted judicial delay. The intentional obstruction of property in violation of a lawful court order constitutes a strategy of court non-compliance, whose purpose is to undermine the court's lawful judgment. These cases demonstrate that obstructing a court order in a civil enforcement order is multifaceted and may take the form of acting in defiance of court enforcement officials, and that defiance of court officials may also take the form of acting in subordination to officials who impede the execution of a judgment. These cases demonstrate that obstructing the enforcement of a judgment may result in a court complex in Indonesia, wherein the finality of the judgment is circumvented by parties to frustrate compliance with the judgment, thereby undermining the certainty of the law and the rule of law.

A judicial decision is defined as a statement by a judge (as a state official empowered to do so), pronounced in court to resolve or settle a dispute between the litigants, as stipulated in Article 178 of the HIR or Article 189 of the RBg.¹⁷ In theoretical terms, a court decision that has acquired legal

¹⁶Sholahuddin Al-Fatih, *Perkembangan Metode Penelitian Hukum di Indonesia*, Cetakan Pertama (Malang, Indonesia: UMM Press, 2023), 61.

¹⁷ Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia* (Yogyakarta: Liberty, 2021), 158.

force (*inkracht van gewijsde*) has juridical consequences, which the losing party must voluntarily comply with, including the orders issued by the panel of judges in the operative part of the judgment. A decision that has acquired legal force is grounded in a fundamental legal principle, *litis finiri oportet*, which interprets that every case must have an end.¹⁸

According to Yahya Harahap's perspective, judicial decisions can be classified into three different types solely by examining the essence of the operative part of the decision.¹⁹ These three types of decisions are: 1) Declaratory Judgment, defined as a judgment issued by a judge containing a declaration or affirmation regarding a legal state or position solely according to the law; 2) Constitutive Judgment, interpreted as a judgment by a judge whose operative part creates a new legal status, either by creating or nullifying a particular legal state; 3) Condemnatory Judgment, interpreted as a judgment pronounced by a judge with the characteristic that its dispositif contains a "punishment".²⁰ The parameter of this judgment lies in the dispositif of the operative part of the decision, which includes sanctions or penalties imposed on one of the litigants that must be enforced. Thus, when focusing on the discussion regarding the "enforcement of court decisions" through coercion, it unequivocally refers to these condemnatory decisions.²¹

A condemnatory civil judgment that has acquired legal force, if not voluntarily complied with, may be enforced through coercion with the assistance of the court.²² This principle of execution is terminologically rooted in the term "executie," which implies the implementation of a court judgment (*uitvoer legging van vonnissen*). In another legal literature, Yahya Harahap definitively explains execution as the enforcement of a court judgment through force (execution force) with the assistance of public authority if the losing party (the executed party) or the defendant refuses to comply voluntarily.

Civil Procedure Law is a legal institution that regulates how substantive civil law is maintained and enforced, and execution is an inseparable part of the civil procedural law regimen based on provisions in the HIR or RBg. From a juridical perspective, execution is based on provisions ranging from Article 195 to Article 208 of the HIR and Article 224 of the HIR, which remain in effect to date. Furthermore, the legal basis for execution is also delineated in Article 54, paragraph (2), and Article 55 of Law Number 48 of 2009 concerning the Judiciary Power. Article 54, paragraph (2) and Article 55 of the law above sequentially affirm that the execution of court decisions in civil cases is carried out by the Court Clerk and Court Bailiff under the leadership of the Chief Judge of the District Court, with supervision over execution being within the jurisdiction of the Chief Judge of the District Court.

The execution mechanism is also based on the principle stating that "execution is upon the order and under the leadership of the Chief Judge of the District Court, who examines and adjudicates

¹⁸Santoso, Munir, and Azizah, "The Use of Gijzeling Against Individuals Disobeying Court Orders Qualifying as Contempt of Court," 141.

¹⁹ Harahap, *Ruang Lingkup Permasalahan Eksekusi Bidang Perdata*, 7.

²⁰ Muhammad Fatahillah Akbar, "The Urgency of Law Reforms on Economic Crimes in Indonesia," *Cogent Social Sciences* 9, no. 1 (2023): 10, <https://doi.org/10.1080/23311886.2023.2175487>.

²¹ Putri, Hazar Kusmayanti, and Artaji Artaji, "Judicial Study: Parties' Opposition (Partij Verzet) in Proceedings to Execute Land Ownership Rights Under Civil Procedure Law," 753.

²² Dian Latifiani, "Permasalahan Pelaksanaan Putusan Hakim," *ADHAPER: Jurnal Hukum Acara Perdata* 1, no. 1 (2015): 26, <https://doi.org/10.36913/jhaper.v1i1.1>.

the case at the first instance," a principle grounded in the provisions stipulated in Article 195 paragraph (1) H.I.R. or Article 206 paragraph (1) RBg. In addition, the Supreme Court, through the Directorate General of General Courts, issued the "Guidelines for Execution of District Court Judgments" in 2019 as a substantial procedural foundation for the execution mechanism in district courts throughout Indonesia.

In this digital transformation era, execution can now be accessed through the PERKUSI application by loading the page <https://eksekusi.badilum.mahkamahagung.go.id/> in a web browser, which will then display the PERKUSI website.²³ This is as stipulated in Decree SK Dirjen Badilum No:1230/DJU/SK/HM.02.3/4/2021. PERKUSI is an application that displays data and statistics on the implementation of executions in district courts across Indonesia, which can also be used to measure the performance of execution implementation and monitoring, as well as evaluation, in a transparent manner. This marks a breakthrough in modernizing service systems to enhance access to justice for communities seeking services, creating fast, easy, transparent, measurable, and affordable services.

Table 1.

Timeframe Execution Handling Progress at Pekalongan District Court

Number of Cases	1/Pdt.Eks/ 2023/PM Pkl	6/Pdt.Eks/ 2022/PN Pkl	4/Pdt.Eks/ 2022/PN Pkl	7/Pdt.Eks/ 2021/PN Pkl	6/Pdt.Eks/ 2021/PN Pkl
Timeframe	142 days				
Timeframe	274 days				
Timeframe	449 days				
Timeframe	512 days				
Timeframe	632 days				

Source/s: <https://eksekusi.badilum.mahkamahagung.go.id/>

The table above displays a menu of information relating to the progress of the handling of execution cases with several case numbers requested for execution, along with the date of application, the extent of the progress of the execution stage, and the number converted into days to show the deadline for execution at the stages being carried out. Such information serves as a means of implementing the principle of transparency in every stage of judicial execution processes under the auspices of the judiciary.

Conceptual and Normative Framework of Contempt of Court in Civil Judgment Execution

From an etymological perspective, Contempt of Court is an English term derived from the word "Contempt," which signifies disrespect, disdain, and degradation.²⁴ Meanwhile, in the development

²³Direktorat Jenderal Badan Peradilan Umum Mahkamah Agung Republik Indonesia, "Aplikasi Pengawasan Elektronik Eksekusi (PERKUSI)," perkusi, 2023, <https://eksekusi.badilum.mahkamahagung.go.id/>. [accessed 27/11/2025].

²⁴ Andi Hamzah and Bambang Waluyo, *Tindak Pidana Terhadap Penyelenggaraan Peradilan (Contempt of Court)* (Jakarta: Sinar Grafika, 2017), 9.

of modern legal traditions, the word "Court" refers to the judiciary as an institution with the authority to adjudicate legal matters. Simply put, Contempt of Court is defined as a specific act considered to insult, demean, and degrade the dignity of the court.²⁵ In his book titled "Crimes Against the Administration of Justice," Prof. Andi Hamzah presents views on matters that need to be heeded in discussions regarding Contempt of Court, including the distinction between types of Contempt of Court, namely criminal contempt and civil contempt.²⁶ Specifically, contempt against the court can be direct contempt (*contempt in facie*) or indirect contempt (*contempt ex facie*). Direct contempt refers to contempt committed directly in the presence of the court session. Meanwhile, indirect contempt is interpreted as contempt occurring outside the court session, where the action is intended to oppose the judicial process by refusing to comply with a court order through specific actions or refraining from certain actions.

Due to the broad scope of Contempt of Court, Oemar Seno Adji attempts to simplify the interpretation contained in the concept of Contempt of Court. According to him, there are 5 (five) constitutive forms qualified as acts of Contempt of Court, namely: 1) Sub Judice Rule, which involves insulting the judiciary through publication or notification; 2) Disobeying a Court Order, which is failing to comply with a court order; 3) Obstructing Justice, which obstructs the course of justice; 4) Scandalizing The Court, which attacks the integrity and impartiality of the court; and 5) Misbehaving in Court, which involves improper behavior in court.²⁷

The discourse surrounding Contempt of Court is fundamentally rooted in regulations issued in 1985, specifically Law Number 14 of 1985, as amended by Law Number 5 of 2004, on the Supreme Court as the initiator of the concept of Contempt of Court in Indonesian legislation. The essence of Contempt of Court was explicitly incorporated for the first time in the General Explanation of Clause 4 of the law above, which includes the provision: "...Furthermore, to ensure the best possible environment for the administration of justice to uphold the law and justice based on Pancasila, it is necessary to enact a law that regulates the enforcement against acts, behavior, attitudes, and/or statements that may undermine the authority, dignity, and honor of the judicial body known as 'Contempt of Court'. Indonesia's legal politics has essentially ratified the idea of legislating regulations related to Contempt of Court in the Indonesian legal and judicial system in the future (*ius constituendum*). Still, the pros and cons of the Contempt of Court issue continue to swirl, creating uncertainty, and the idea of forming such a law has not materialized to date.

In monitoring the execution process at Pekalongan District Court, the author accessed the PERKUSI application (as stipulated in SK Dirjen Badilum No:1230/DJU/SK/HM.02.3/4/202). In this case, the author(s) discovered empirical evidence of discrepancies between "das sein" (law as fact/phenomenon in practice or law in action) and "das sollen" (written law as intended or law in books). These discrepancies appear in the columns for application dates, stages, and timelines (in PERKUSI), which form a cohesive unit integral to the procedural framework of executory judgments

²⁵ Hamzah and Waluyo, 10.

²⁶ Hamzah and Waluyo, 10.

²⁷ Musmuliadin, Erlin Indarti, and Nur Rochaeti, "Contempt of Court in Renewal of Indonesian Criminal Law Based on Pancasila," in *Proceedings International Conference Restructuring and Transforming Law*, vol. 1, 2022, 148–58.

in civil cases. The data presented indicates prolonged timelines from the application stage for execution, the issuance of warnings (*aanmaning*), or, in legal terminology, the process of enforcement, to the actual execution.

These anomalies were directly confirmed by the Chief Judge of the Pekalongan District Court, the Registrar, and court bailiffs, who are stakeholders in the execution of executory judgments in civil cases. They consistently stated that execution faced hindrances from the executed party: 1) Ignoring Summons and/or Orders from the Pekalongan District Court; and 2) Physically Resisting Enforcement Efforts in Executing Executory Judgments in the Pekalongan District Court. The empirical facts are further reinforced by research findings from the Institute for the Study & Advocacy of Judicial Independence (LeIP), in collaboration with the International Development Law Organization (IDLO), presented in a comprehensive report titled "Initial Assessment Problems of Court Decision Enforcement System in Indonesia". The findings reveal instances of physical resistance, including:

Forms of Resistance in the Execution Process

a. Direct Physical Obstruction

- 1) Forcefully securing the land subject to execution
- 2) Deploying thugs to occupy the land is subject to execution
- 3) Mobilizing crowds to demonstrate on the land subject to execution

b. Acts of Violence or Threats Toward Officers

- 1) Committing acts of violence and/or indecency on the land is subject to execution
- 2) Displaying the names of community organizations (*ormas*) or religious organizations on the land subject to execution with the intention to clash with enforcement officers

c. Administrative and Procedural Disruption

- 1) Reporting court officials and enforcement officers to various institutions such as the High Court, Supreme Court, and Ombudsman to disrupt their comfort in executing their duties.

Delays in execution suspected of disregarding summonses and/or orders from the Pekalongan District Court are rooted in the executed party's refusal, even when duly summoned through appropriate summons during incidental hearings (*aanmaning*). Such disregard is not solely based on legitimate legal grounds (default without legal reason), but on flimsy pretexts aimed at delaying or even canceling execution. Such behavior indicates non-compliance on the part of the executed party, implying a failure to fulfill obligations or standards of law governing society.

Simultaneously, empirical findings on physical resistance during the execution of executory civil judgments, as supported by research from LeIP in collaboration with IDLO, indicate fundamental issues stemming from the concept of Contempt of Court, which fundamentally undermines the authority, dignity, and honor of the judiciary. Rather than voluntarily implementing executory civil judgments, the executed parties intervene in the execution process with malicious intent, resisting the judiciary's efforts to disrupt the execution process in an anarchic manner.

The term "non-compliance" chosen by the author is not without fundamental legal reasons. When carefully examining the execution provisions as stipulated in Article 196 of the HIR, which substantially constitutes a statutory order executed by the court through its Chief, requiring the

executed party to enforce executory civil judgments within a maximum period of eight (8) days, and as understood, such orders are technically issued through stages of summons during incidental hearings (*aanmaning*). The executed party's actions and behaviors have indeed resulted in obstructing executory civil judgments, substantially violating Article 196 of the HIR.

In a similar issue, the non-compliance above, coupled with the executed party's intervention in judicial administration through physical resistance to court officials with the intention of delaying or even canceling execution, fundamentally contradicts one of the philosophies of judicial administration (due process of law) that explicitly demands a judiciary that is simple, swift, and cost-effective, as mandated by Article 4(2) of Law No. 48 of 2009 concerning Judicial Power. The executed party's non-compliance with summonses and warnings/*aanmaning* from Pekalongan District Court, along with physical resistance efforts against execution officers with the intent to hinder and obstruct the progress of civil case judicial processes, leads the author to believe that fundamentally, these actions are inherent to the meaning of Contempt of Court from an etymological perspective, where "Contempt" signifies actions inclined towards insulting, demeaning, and diminishing the dignity, and "Court" as the judicial entity. This argument is reinforced by the definition of Contempt of Court in Black's Law Dictionary, which broadly emphasizes that Contempt of Court refers to actions tending to obstruct or hinder the administration of justice by parties involved in litigation, intentionally disregarding legitimate court orders.

In line with this interpretation, Professors Andi Hamzah and Bambang Waluyo define Contempt of Court as acts, behaviors, attitudes, and/or statements that not only involve active conduct but can also be passive (in the sense of failing to act), yet can result in diminishing the authority, dignity, and honor of the judiciary. In casu, civil contempt is defined as non-compliance with court judgments or orders, in other words, resistance to legal enforcement (an offense against the enforcement of justice).

The subsequent argument construction is based on Oemar Seno Adji's opinion, which simplifies Contempt of Court into five constitutive forms, including disobeying a court order and obstructing justice, relevant in the legal issue context. Disobeying a court order essentially involves willful non-compliance or failure to comply with a court's order, thereby diminishing the authority, power, and dignity of the judiciary. Ignoring summonses and/or orders from the Pekalongan District Court by the executed party, even when duly summoned through an appropriate summons during incidental hearings (*aanmaning*), constitutes concrete disobedience of a court order. Furthermore, based on physical resistance actions by the executed party with the intention of rejecting the execution of executory civil judgments, these actions fundamentally constitute layered disobedience of a court order, overlapping with obstructing justice, as acts of anarchy in the judicial field. The unwillingness to execute orders voluntarily (i.e., disobeying a court order) and the placement of specific individuals imbued with a thuggish nuance to occupy the execution objects as protective measures against the execution process are actions that tend to cancel the execution process of executory civil judgments. Therefore, based on simple logic, such resistance undoubtedly affects the progress of civil case judicial processes, as a result of the executed party's behavior disrupting judicial proceedings

(obstructing justice). Hence, in the author's view, it is legally reasonable to state that such physical resistance by the executed party aimed at impeding the course of civil case judicial proceedings destructively identifies and corresponds to the Contempt of Court conceptually.

The author(s) hold that there is a strong relevance between the concept of Contempt of Court elaborated above and the general explanation clause 4 of Law No. 14 of 1985 as amended by Law No. 5 of 2004 on the Supreme Court of the Republic of Indonesia, as the nomenclature of Contempt of Court in Indonesia. The executed party's malicious intent to obstruct the execution of civil case judicial proceedings (execution) disrupts the administration of justice and fairness, which contradicts the spirit of clause 4 of the law above, requiring guarantees for the best possible judicial administration environment. Thus, actions or behaviors considered to diminish and undermine the authority, dignity, and honor of the judiciary (Contempt of Court) deserve anticipation.

Minimizing Contempt of Court in Civil Judgments Execution (Pekalongan District Court)

The misconception in the procedural mentality of civil procedure law practice, particularly in the execution of the defendant's approach, fundamentally undermines the pillars of legality and justice, and warrants consideration for a solution. The limited authority of district courts as independent and autonomous judicial institutions renders the execution implementation mechanism at the operational level less than optimal. According to the author's findings, as expressed by the Chief Justice of Pekalongan District Court, the Registrar and Court Clerk, as stakeholders in the execution of condemnatory civil judgments, minimizing Contempt of Court during the execution phase includes: 1) Involving State Security Elements; and 2) Proposing the Drafting of Contempt of Court Bill.

The involvement of state security elements necessitates coordination with the Indonesian National Police (Polri) and the local Indonesian National Armed Forces (TNI). Based on the provisions outlined in Article 15, paragraph (1), letter l of Law No. 2 of 2002 on the Indonesian National Police, it generally states that the Indonesian National Police has the authority to provide security assistance in trials and the implementation of court decisions, activities of other agencies, and community activities.²⁸

However, it should be noted that security assistance from the Indonesian National Police is generally of a non-specific nature, as there are no specific provisions defining the rules regarding the Indonesian National Police's obligation to provide security during the implementation of condemnatory civil judgments. Additionally, police security duties entail relatively high costs, and currently, there are no specific regulations detailing the financing of security in the execution of condemnatory civil judgments. Director General of Judicature Decree No. 40/DJU/SK/HM.02.3/1/2019 only accommodates the execution costs to be borne by the applicant without specifying the detailed expenses to be paid when involving state security elements.

Regarding the drafting of a Contempt of Court Bill, the author endeavors to explore this concept in greater depth. The complexity of executing condemnatory civil judgments at the

²⁸ Republik Indonesia, "Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia," 2002.

Pekalongan District Court, specifically, and in most district courts generally, is primarily driven by layered non-compliance and physical resistance from the execution defendant. Simultaneously, there is no juridical consensus on the definition of Contempt of Court codified in Indonesian legislation. However, given that state administration is based on law, it has always been a public concern from its establishment to its implementation, especially if there are gaps or deficiencies in legal provisions, prompting the initiation of changes, additions, or even revisions, or even reforms that require examination from the perspective of progressive legal discovery.

In the comparative approach, Singapore is one of the countries that has accommodated the enforcement of acts identified as Contempt of Court. Its realization is reflected in the Administration of Justice (Protection) Act 2016. This law at least encompasses various types of insults to the judiciary, categorized into two main categories: interference insults and disobedience insults. The first category (interference insults) consists of multiple things, such as: a) disturbing the court process itself; b) actions that risk damaging or disrupting specific legal processes; and c) actions that disrupt justice as a continuous process. Meanwhile, the latter category (disobedience insults) consists of disobedience to court orders and also violations of agreements granted to the court.²⁹

Relevant to this, legal reform in Indonesia regarding Contempt of Court is a *conditio sine qua non* for creating legal certainty and justice values.³⁰ Visionary and responsive legal reforms, informed by philosophical, juridical, and sociological perspectives, are necessary to bring current legal development issues into ideal proportions.³¹ The author(s) conclude that the urgency of drafting a Contempt of Court Bill is pressing. At least there is a basis for the urgency of drafting a Contempt of Court Bill that the author examines based on 3 (three) substantive foundations containing philosophical, juridical, and sociological grounds.

Philosophically, all aspects of national life within the territory of the Unitary State of the Republic of Indonesia must be based on laws or regulations in force, as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.³² As understood, Contempt of Court is intended to disrupt, hinder, and obstruct ongoing judicial processes, so how can such phenomena be allowed without legal provisions regulating them? Indeed, there will be many condemnatory civil judgments that are merely "black and white", leading to a conclusion of a seemingly futile judicial process. Hence, the philosophical discussion here concerns the urgency of formulating legislation on Contempt of Court to ensure optimal conditions for judicial administration to uphold the law and justice based on Pancasila values.³³

Regarding legal reform efforts, to date, there is no specific legislation in place to accommodate enforcement against acts, behaviors, attitudes, and/or statements that degrade and undermine the

²⁹ "The Administration of Justice (Protection) Act 2016," 2016.

³⁰ Dian Latifiani et al., "Implementation of Simple, Fast, and Low-Cost Principles in E-Summons with the E-Court System," *Diponegoro Law Review* 8, no. 1 (2023): 107–23, <https://doi.org/10.14710/dilrev.8.1.2023.107-123>.

³¹ Latifiani et al., 108.

³² Republik Indonesia, "Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," 1945.

³³ Asshiddiqie, "Upaya Perancangan Undang-Undang Tentang Larangan Merendahkan Martabat Pengadilan (Contempt of Court)," 200.

authority, dignity, and honor of the judiciary.³⁴ Based on this, the author(s) believe that social defense with law enforcement should consider the following aspects.³⁵:

1. Social Defense Considerations in Law Enforcement

a. Prevention and Mitigation

- 1) Society must be protected from actions that harm or endanger public safety, with an emphasis on preventing and mitigating such actions.

b. Rehabilitation of Individuals

- 1) Society must also be protected from the risks posed by specific individuals' actions, making punishment oriented toward improving and rehabilitating their behavior so they may return as law-abiding members of society.

c. Restoration of Balance and Harmony

- 1) Society requires protection from interventions that disrupt the balance of interests and values; therefore, law enforcement should act as a pioneer in resolving the problems arising from such actions to restore harmony and ensure social peace.

From a juridical perspective, the author starts from the provisions stipulated in Law No. 14 of 1985 as amended by Law No. 5 of 2004 on the Supreme Court of the Republic of Indonesia, which for the first time explicitly introduces the discourse of Contempt of Court in the General Explanation Clause 4 of the law above, which contains the article: "... Furthermore, to ensure the optimal conditions for judicial administration to uphold the law and justice based on Pancasila, it is necessary to create a law that regulates enforcement against acts, behaviors, attitudes, and/or statements that can degrade and undermine the authority, dignity, and honor of the judiciary known as 'Contempt of Court'." The provision suggests the necessity of drafting specific legislation that accommodates enforcement against acts that degrade and undermine the authority of the judiciary.

Upon scrutiny, the arguments underlying the aforementioned legal norms are solely aimed at ensuring optimal conditions for judicial administration to uphold the law and justice based on Pancasila, rather than creating legislation that arbitrarily criminalizes certain groups.³⁶ The legal vacuum concerning Contempt of Court actions in the execution of condemnatory civil judgments has resulted in a freeze on court officials in following up on civil procedure practices that are clearly deviated from by irresponsible parties.³⁷ This is due to the absence of official regulations that definitively outline Contempt of Court actions as a basis for imposing sanctions against acts characterized by defiance.

From a sociological perspective, legal reform is undertaken to address the legal needs of society.³⁸ Reflecting on the current situation and conditions, which reveal excessive interventions in

³⁴ Nur Kholis, "Asas Non Diskriminasi Dalam Contempt of Court," *Legality: Jurnal Ilmiah Hukum* 26, no. 2 (2018): 210–37, <https://doi.org/10.22219/jihl.v26i2.7797>.

³⁵ Republik Indonesia, "Naskah Akademik Rancangan Undang-Undang Kitab Undang-Undang Hukum Pidana," n.d.

³⁶ Mahrus Ali and M. Arif Setiawan, "Penal Proportionality in Environmental Legislation of Indonesia," *Cogent Social Sciences* 8, no. 1 (2022): 17–22, <https://doi.org/10.1080/23311886.2021.2009167>.

³⁷ Oleksandr Shevchuk et al., "Problems of Legal Regulation of Artificial Intelligence in Administrative Judicial Procedure," *Juridical Tribune* 13, no. 3 (2023): 348–62, <https://doi.org/10.24818/TBJ/2023/13/3.02>.

³⁸ Dian Latifani et al., "The Revitalizing Indonesia's Religious Courts System: The Modernization Impacts and Potentials of E-Court," *Jurnal Hukum Unissula* 40, no. 1 (2024): 3, <https://doi.org/10.26532/jh.v40i1.32279>.

judicial institutions, especially in the execution of condemnatory civil judgments, legal reform is essential to anticipate such actions and ensure the stability of judicial administration, thereby upholding the law and justice.³⁹ Rapid social developments necessitate a comprehensive formulation of legal norms that strike a balance between legal certainty and justice, moral and social values, and evolving societal norms to uphold the fundamental social values of communal living behavior. This realization is urgently required so that the law can adapt to social developments in society.

CLOSING

Based on the results and discussions outlined above, the author concludes that forms of Contempt of Court in the execution of condemnatory civil judgments at Pekalongan District Court, as found by the author, are: 1) Non-compliance by the execution defendant with legal provisions related to the execution mechanism, especially regarding summons and/or orders from Pekalongan District Court during the *aanmaning* stage; 2) The execution defendant engages in physical resistance with the intention to annul the execution of condemnatory civil judgments at Pekalongan District Court. These findings cumulatively align with the concept of Contempt of Court, specifically disobeying a court order and obstructing justice, and are relevant to the substance outlined in Clause 4 of General Explanation of Law No. 14 of 1985, as amended by Law No. 5 of 2004, on the Supreme Court of the Republic of Indonesia.

Therefore, the efforts that can be undertaken to minimize forms of Contempt of Court in the execution of condemnatory civil judgments are: 1) Involving state security elements (Indonesian National Police and Indonesian National Armed Forces) in the execution of condemnatory civil judgments at Pekalongan District Court; 2) Proposing the drafting of legislation that regulates enforcement against acts, behaviors, attitudes, and/or statements that can degrade and undermine the authority, dignity, and honor of the judiciary known as "Contempt of Court", which would be applied nationally to judicial institutions under the auspices of the Supreme Court of the Republic of Indonesia, including Pekalongan District Court. The conclusion should contain a description that answers the research objectives. It should refrain from duplicating the abstract or reiterating the research results. Instead, provide a clear explanation of potential applications and/or recommendations derived from the research findings.

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³⁹ Rodiyah Rodiyah, Siti Hafsyah Idris, and Robert Brian Smith, "Mainstreaming Justice in the Establishment of Laws and Regulations Process: Comparing Case in Indonesia, Malaysia, and Australia," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 339, <https://doi.org/10.15294/jils.v7i2.60096>.

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