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RESEARCH ARTICLE

CONTEMPT OF COURT IN THE PERSPECTIVE TO DO NOT IMPLEMENT DECISION OF ADMINISTRATIVE

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Abstract

The purpose of research is to knowing how the construction of contempt of court on the action that is not implementing the court ruling of administrative court. The method of research is yuriction normative which is using the approach of legal norm and conceptual approach . This Research done with analyzing the primarily and secondary of legal material. Result of research is showing that contempt of court consists of the aspect of criminal insult and civil insult . Civil insult cover all activities that is not implementing the court ruling , so it's not implementing court decision of administrative which has been have the power of permanent law is also categorized as action of contempt of court.

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Introduction:-

Countries in the paradigm of welfare , put all citizens as subjects and do not put all citizens as objects . Country has responsible to involve in the life of all citizen in order to running the function, serve and drive all people welfare (bestuurszorg) ¹.

One of the responsibilities of the country is to give the same treatment based on the law and government for all people. Chapter 28D verse (1) State Law 1945 state that all citizens entitled to confession, guaranty, protection and permanent legal force which is justice and also same treatment in front of law

Chapter 1 verse (3) of State Law of 1945 states that Indonesia is a State of law. That provision shows that Indonesia as a country is ordered base on law and put law as the basic means to create regularly in livelihood of nation and country ².

Base on that so according to Chapter 24 of state law 1945 that :

1. Judicial power is power of independent to implementing justice in order to enforce the law and justice
2. The power of judicial is doing by a Supreme court and all bodies of justice below in the area of general court , area of religion court , area of military court and area of administrative court and by a Constitution Court .
3. The other bodies which has function has relation with judicial power is arranged in Laws

¹Utama, Yos Johan. "Membangun Peradilan Tata Usaha Negara Yang Berwibawa." (2010) <http://eprints.undip.ac.id/7827/1/PIDATO_GB_YOS.pdf>

²Bakarbesy, Address. "PERATURAN YANG DITETAPKAN OLEH KEPALA DESA (Kajian Terhadap Pasal 8 ayat (1) UU No 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan)." *Perspektif Hukum* 17.2 (2017): 228-244. DOI: <http://dx.doi.org/10.30649/phj.v17i2.174>

That constitution provision show that the power of judicial is one of instruments to enforcing the justice and law which free and independent, which is mean that judicial power cannot influenced and intervened by anybody and other power

Administrative court is one of the powers of the judicial system based on the thinking that the country is a subject of law which is not impunity or can be free from law . As the subject of law, a country is a privat of law that has right and obligation as same as other subjects of law. Which in doing all relations of law , a country can do bad things for other subjects of law, so can ask for accountability for what has already been done in front of court³. It shows that as a country of law (rechtsstaat), all the actions should be based on law provision.

The best implementation of administrative court will make an impact for the enforcement of justice, rightness, order and legal certainty in order to implement all the administrative court ruling. However, in practically the decision of administrative court in Ambon could not executed as the decision of administrative court number 23/G/2014/PTUN.ABN on 25 August 2014 decide and state that its canceled of the decision of the administrative court which is published by head government (governor) of Maluku number ;125.a Year 2014 on 20 May 2014 about the Replacement of Civil Servant of the Government of the district of southwest of Maluku to the government of The Province of Maluku in Ambon city. The decision of the administrative court which has the certain power of law but cannot be implemented also consists in the decision Number : 13/G/2015/PTUN.ABN related to the election of the King of The Village Sameth which has permanent legal force.

The condition of not implementing the decision of the administrative court gives an impact for the slump of the constitutional right of citizens which already protects the right and guarantee and confession on permanent legal force which is fair. Beside that the condition of not implemented of decision of administrative court give the bad image of institution and judicial power because as the institution of country which is independent it will make the existence of administrative court will degraded by the weakness of the execution of the decision of administrative court have been intervene the decision of administrative court.

Base on this, so unimplemented of the decision of administrative court is disobedient and it shows that an arrogance of power for law, so foe next sanctioned about “fangs” coercive power of the implementation of the decision of administrative court which like “toothless tiger”⁴.

According to JazimHamidi and friends; if this condition left alone so for real the law enforcement of administrative court already lost its authority. Even though court in the context of state of law has role and position which is very important. Even it can be says that it has vital role and in certain context it become “spirit “of the legal state. The existence of administrative court as a receptacles to protect individual rights and to protect citizens from abuse of authority or all abuse actions⁵.

Base on it's, the problem will analyzed by the author is How to construct the deed contempt of court if it's unimplemented the decision of administrative court.

Metode Penelitian Research methodology

Analyzes method used is normative jurisdiction with used approach the regulation of laws and conceptual approach. This analyzes used the primarily law material and secondary material of law.

The result of research and Discussion:-

Unimplemented of the decision of administrative court and the legal consequences

According to JimlyAssiddiqie as quoted by S.S. Alfons⁶. that in the system of modern country, the branch of judicial power is a branch that individually and independently organized, both in the state of civil law or common law, either

³HotmaSibuea, 2010, *Asas Negara Hukum, PeraturankebijakandanAsas-asasUmumPemerintahan Yang Baik*, Erlangga, Jakarta, hl. 32

⁴Suhariyanto, Budi. "UrgensiKriminalisasi Contempt of Court untukEfektivitasPelaksanaanPutusanPeradilan Tata Usaha Negara." *JurnalKonstitusi* 16.1 (2019): 192-211.<DOI: <https://doi.org/10.31078/jk16110>>

⁵Suhariyanto, Budi. "UrgensiKriminalisasi Contempt of Court.....Ibid

⁶Alfons, S.S. (2019). KonsekuensiYuridisTerhadapDibaikannyaPelaksanaanPutusanPengadilan Tata Usaha Negara Yang TelahMemilikiKekuatanHukumTetap. *SASI*, 24(2), 179-191. DOI: <https://doi.org/10.47268/sasi.v24i2.132>.

adhere to presidential system nor parliamentary, judiciary is always has sense of individually, and independently from the influences of other of the power of branches

Chapter 24 of State law 1945 state that the power of judiciary is the power which is independent to organized court in order to law and justice enforcement. The administrative court is organized in order to facing the possibility the occurrences of clash of interest, conflict or dispute among institution or officer of administrative court with community. Base on it, according to W. RidwanTjandra⁷; the administrative court is the court who has the authority to assess validity of the decision of state administration of the implementation of government affairs by government

Therefore, the dispute state administration as in chapter 1 number 10 of Law Number 51 year 2009 is the dispute that emerge in field of state administration between people or civil law entity with the institution or officer of state administration both in central and local government as a result of the decision of state administration, include the dispute of public officer base on regulation.

Last level of the solution of the dispute in state administration in administrative court which is has power of legal certainty. The execution consist of the meaning of the implementation of the decision by or with other side or outside the people who are in the dispute. Essentially the process of execution none other is the realization of the obligation of part who has relation to fulfill achievement that listed in that verdict. In context of state of law, the decision of the court that already have legal certainty should implemented as embodiment of justice in the country based on the law⁸.

The existence of the administrative court has not bringing justice to community in the government administration yet. The principle of the existence of administrative court is to put judicial control in the maintenance of the good government become bias in the system of state constitution in Indonesia. If one decision of administrative constitution do not have the power of executorial, so how it possible for law and citizen can control the implementation of government which done by institution and the officer of state administration⁹.

The decision of the administrative court already has permanent legal force but in the context it do not realize by defendant as the officer of state administrative so there are seekers who did not have legal certainty and its makes and it gives impact for the protection of right and interests of the citizen as justice seeker be neglected¹⁰. It also can be seen in lawsuit face with the decision letter of The Governor of Maluku Number: 125.a year 2014 on 20 May 2014 about the replacement of the public servant from the district' government of Southwest Maluku in Tiakur to The Government of Maluku in Ambon. Base on the decision of administrative court in Ambon number: 23/G/2014/PTUN.ABN on 25 August year 2014 decide to set that canceled of the decision of state administration which publish by the defendant that is the latter of decision of the governor of Maluku number: 125.a year 2014 on 20 May 2014 about the replacement of the public servant from the district' government of Southwest Maluku in Tiakur to The Government of Maluku in Ambon, and give the obliged for the defendant to revoke decision of administrative court that has been published.

That dispute is then appealed to the administrative court in Makassar by the defendant (The governor of Maluku), and the decision of the administrative court in Makassar number: 189/B/2014/PT.TUN.MKS on 19 January 2015 strengthening the decision of the administrative court in Ambon number: 23/G/2014/PTUN.ABN .

The decision of the administrative court which already has permanent legal force but have not implemented is also contained in the decision number 13/G/2015/PTUN.ABN. on 10 November 2015 which decide that :

⁷W. RidwanTjandra, *Hukum Acara Peradilan Tata Usaha Negara*, Universitas Atma Jaya Yogyakarta, Yogyakarta, 2005, hl. 4

⁸Alfons, S.S. (2019), Op.cit

⁹Soleh, Mohammad Afifudin. "Eksekusi Terhadap Putusan Pengadilan Tata Usaha Negara Yang Berkekuatan Hukum Tetap." *Mimbar Keadilan* (2018). <DOI: <https://doi.org/10.30996/mk.v0i0.1604>>

¹⁰Hasibuan, Ahmad Dahlan, and Ferry Aries Suranta. "Faktor Penyebab Tidak Dilaksanakannya Putusan Pengadilan Tata Usaha Negara dan Upaya Penanggulangannya (Analisis Kasus Putusan PTUN Medan No: 17/G/2000/PTUN-MDN)." *Jurnal Mercatoria* 6.2 (2013): 133-144. <DOI: <https://doi.org/10.31289/mercatoria.v6i2.637>>

1. Declare cancel of the letter of decision of Saniri (adat institution) of Sameth Village number : 01/KPTS/SNS/2015 on 26 February 2015 about determination of the Head Village of Sameth in Sub district in Haruku Island ; District of The Middle of Maluku
2. Declare cancel of the letter of decision of the Head of District Government in The Middle of Maluku number 141-393 year 2015 on 10 March 2015 about the endorsement the Head of Village government in Sameth Sub district Haruku Island
3. Give the instruction to First defendant to revoke the decision letter of Saniri (Adat institution) of The Village of Sameth number : 01/KPTS/SNS/2015 on 26 February 2015 about determination of the Head Government of Sameth Village in sub district Haruku Island in Middle Maluku.
4. Give the instruction the second defendant to revoke the decision letter of The regent of the District of Middle Maluku number : 141-393 year 2015 on 10 March 2015 about the endorsement The head Government of Sameth Village in Sub District Haruku Island

The decision of the administrative court in Ambon then strengthened by appealed decision of Administrative High Court in Makassar number: 12/B/2016/PT.TUN.MKS on 17 May 2016, strengthening the decision of the administrative court in Ambon number : 13/B/2015/PTUN.Abn, on 10 November 2015 which is appealed . Practically, all of the decision of the administrative court had been not ever implemented by the defendant

Related to that , Chapter 16 of Law number 50 year 2009 about second change of Law number 5 year 1986 about The administrative court (The Law of Administrative court) was arranged about the implementation of the decision of the administrative court in the state administration which not arranged before in Law number 5 year 1986 which determination that :

1. Copy of decision of the court which already have the permanent legal force, sent to all parties with the letter noted by clerk of court at that place base on the instruction of the head of the court who judge them in first level lates in 14 days in days' work.
2. If after 60 day in days' work the decision of court which is has the permanent legal force as mentioned in verse (1) accepted by the defendant and the defendant did not implementing his obligation as mention in chapter 97 verses (9) letter a, the decision of state administration which is disputed then have not legal force anymore.
3. In term of the defendant as set has to doing the obligation as mention in Chapter 97 verses (9) letter b and c and then if after 90 day in days' work its turn out that the obligation unimplemented, so the defendant apply to the head of court as mention in verses (1), so that the court can give instruction to the defendant to implementing that court's decision.
4. In term of the defendant do not want to do the decision of court that already have permanent legal force , to that officer will be on charged and forced to pay amount of forced money and/ or administrative penalty
5. The Officer who did not implement the decision of court as mention in verses (4) will be announced in mass media (newspaper) at that place by the clerk of court since unfulfilled the provision as mention in verses (3)
6. Beside, announced in mass media (newspaper) at that place as mention in verses (5). The head of court have to submit this matter to President as the person who has authority of the high government to give instruction to that officer to do the court's decision, and to house of representative of people to do the function of supervise
7. The provision regarding to the payment of forced monet, kind of administrative penalty, and it's the procedures to payment and/or administrative penalty arranged with laws

Base on that provision, if in grace period 4 months after the court's decision which has the permanent legal force keep sending, and if the defendant do not implementing the obligation to revoke the decision of state administration , so the decision of the state administration which disputed not have legal force anymore

Furthermore, if the court's decision that already have permanent legal force unimplemented, so base on the chapter 116 verses (4) and (5) law of the administrative court that arranged about imposition of sanction to the officer of the state administration who did not want to implementing the decision which have the permanent legal force which on charged to payment the forced money (dwangsom) and /or administrative penalty and also publication in mass media (newspaper). Then, if there is not obedience of the defendant who is the public officer, so it will have the report about the disobedience of the officer of state administration to implementing the decision of the administrative court to president as the person who has the authority and power of high government and to house of representative of people to do the function of supervise

Various efforts which done was the method to implementing court's decision that already has permanent legal force in the administrative court in order to realize the principle of legal certainty. In practice, the decision of the administrative court about the cancelation of the decision of state administration handed back to the state officials who issued the decision of state administration. As result, legal certainty by the implementation of court's decision which already has permanent legal force has influenced by the goodwill of the defendant to implement that court's decision.

Besides that, the reason that create the weakness of the implementation of the decision of the administrative court is because there is no the executorial body or institution, and also there is not the coercive power in the implementation of the decision of the administrative court. This thing which gives impact for the effort of execute of decision of the administrative court that influenced by the subjectivity of the state officials of state administration in the term of awareness and initiative of the state officials of state administration itself¹¹.

Contempt of Court in perspective of unimplemented of the decision of state administrative.

Principle and Scope of Contempt of Court

The existence of contempt of court as punishable offense is as old with the existence of the court itself, as mention by Eberhard P. Deutsch¹² that Contempt of court, as a punishable offense, is as old as are courts themselves.

It shown that the development of contempt of court will develop as long as develop of the court, so put the contempt of court as important as the court institution themselves. As mention by Lawrence N. Gray that "A court without contempt power is not a court". Meanwhile, according to Carlo Vittorio Giabardo¹³ quoted of Ronald Goldfarb that "Contempt power is something regarded as intrinsic to the notion of court; even obvious, I would say. In the common lawyer's eye, the power of contempt "is inherent in courts, and automatically exists by its very nature". Where, the existence of insulting seen as part of intrinsic of the appearance of the court, in other word, the power of court to implementing its function well will protected by the ability and effectivity of contempt of court themselves.

Contempt of court meant to enforcement and guarantee the process of court without any distraction from other parties, between other parties who are involved in the court, mass media, and also the officials. An arrangement of contempt of court is law effort to defend of public interest and the supremacy of law so the process of court could be implemented fairly and justice, without any districioned, influenced by other, both during the judicial process in court or out of court¹⁴.

All of the action, behavior, attitude and saying which could undermine the authority, dignity and honor of the court, all attitudes can be categorized and qualificated as insult toward judiciary or contempt of court¹⁵.

Anita Afriana, and at al says that "the terminology and understanding of the Contempt of Court in Indonesia is first to contain in the Supreme Court Law, which is the main implication, whether it is a person who imposes a person or more in a court case or not outside the court whose actions are actively or passively disturbing and polluting the criminal justice system that runs as it should, deterring and disturbing court officials who are authorized to carry out their duties, demeaning the dignity of the judiciary in public because it is like a court hearing is a sacred matter"¹⁶.

That matter shows that the law arrangement about contempt of court in Indonesia state that for anybody who take action in legal case in judicial process inside or outside the court which are active or passive disturbing and polluting

¹¹Hasibuan, Ahmad Dahlan, and Ferry Aries Suranta...Ibid

¹²Deutsch, Eberhard P., "Liberty of Expression and Contempt of Court" (1943). *Minnesota Law Review*. 1182. <<https://scholarship.law.umn.edu/mlr/1182>>

¹³ Carlo Vittorio Giabardo, Ibid

¹⁴Rozikin, O. (2019). CONTEMPT OF COURT IN INDONESIAN REGULATION. *JCIC :Jurnal CIC Lembaga Riset Dan Konsultan Sosial*, 1(1), 1-14. <<https://doi.org/10.51486/jbo.v1i1.1>>

¹⁵Naskah Akademis Penelitian *Contempt of Court* 2002, Puslitbang Hukum dan Peradilan Mahkamah Agung RI, Jakarta, hl. 8

¹⁶Disemadi, Hari Sutra, and Kholis Roisah. "Urgency of the Contempt of Court Criminalization Policy to Overcome Harassment Against the Status and Dignity of Courts." *Brawijaya Law Journal* 6.2 (2019): 224-233. <DOI: <http://dx.doi.org/10.21776/ub.blj.2019.006.02.07>>

the system of criminal justice which work as it should, obstruct and disturb the judicial officials who has the authority, undermine the dignity of justice in public.

According to Arthur L. Goodhart quoted by Hugo Fischer¹⁷ that “Contempt has always been divided into two separate classes: civil and criminal. Civil contempt, which consists in disobedience to the orders of a Court, is a wrong of a private nature as between the parties to a suit, while criminal contempt consists of any act which hinders the administration of justice, and is, therefore, a wrong against the State”.

Base on the point of view of Arthur L. Goodhart quoted by Hugo Fischer shows that insult the court are divide in two separated classes, those are: civil insulting and criminal insulting. The criminal insulting consist of every action that hinder the judicial administration, therefore it become blasphemy against the country, whereas the civil insult is disobedience to the instruction of court, that matter of personal mistake to not implementing all decision of court.

In the approaches of Contempt of Court from the aspect of insult the court there are few qualifications of action that included of the meaning of insult toward court, such as¹⁸:

1. Misbehaving in Court
2. Disobeying Court Orders
3. Scandalising the Court
4. Obstructing Justice
5. Sub-Judice Rule

Meanwhile, contempt of court from the aspect of civil insulting consist of unimplementing of the decision of court, include the decision of state administration that already have permanent legal force, and also categorized as the action of contempt of court.

Besides the dividing of Contempt of Court into criminal contempt dan civil contempt, Contempt of Court in practice is also differentiated into¹⁹:

1. Direct Contempt of Court: this kind of Contempt of Court was done by all parties that exist direct or indirect in a court. Whether in the court or in the judicial process with mean to disturb the judicial process.
2. Constructive (indirect): Contempt Constructive (indirect) contempt is Contempt of Court outside the court. The action usually addressed to against the court administration by doing or not to anything or nothing which is instructed by the court.

Unimplementing the decision of the administrative court as the act of Contempt of Court and its effect of law

Judicial is an important and honor institution in the process of law enforcement and justice in Indonesia, because the existence of court in order to law enforcement which is hoped that it will be in line with the values of justices. In progress of the authority of the court, it's degenerated and became fade away, along with the behaviors of officials of court who violate the law and social's sense of justice. Beside that, unimplemented of the decision of the state administration is also become an impact for the authority which fade away because it could not enforce law and justice. This matter often found in the implementation of the decision of the administrative court.

Disobedience of the officials of state administration is part against the judicial's power that it is an institution of the finalisation of dispute with justice according to the conception of the state of law²⁰. This is of course contradictory with the provision Chapter 1 verses (3) of State Laws 1945 which said that: Indonesia is the state of law, also

¹⁷Fischer, H. (1956). Civil and Criminal Aspects of Contempt of Court. *Can. B. Rev.*, 34, 121. <<https://heinonline.org/HOL/LandingPage?handle=hein.journals/canbarev34&div=11&id=&page=>>>

¹⁸Naskah Akademis Penelitian *Contempt of Court* 2002, Puslitbang Hukum dan Peradilan Mahkamah Agung RI, Jakarta, hl. 9

¹⁹Sri Wahyuningsih, Analisis Perbuatan Ketidapatuhan Terhadap Pelaksanaan Putusan Perdata Yang Telah Berkekuatan Hukum Tetap Sebagai Contempt Of Court <<https://www.pn-sumedang.go.id/gambar/files/Paper%203%20Analisis%20Ketidapatuhan%20Melaksanakan%20Putusan%20Pengadilan%20sebagai%20CoC%20Cimi.pdf>>

²⁰Neisa Ang rum Adisti, Rizka Nurliyantika, Taslim, Buku Ajar *Contempt of Court*, UPT. Penerbit dan Percetakan Universitas Sriwijaya, Palembang, 2020, hl. 5

Chapter 27 verses (1) of State Laws 1945 state that: all the citizen with his/her position in law and government and has obligation to respect law and government without exception

Contempt of Court as unimplementation action of the decision of court that already have permanent legal force is form of civil contempt because it is civil matter, its also as constructive (indirect) contempt because it done outside of the court process and also qualificated as disobeying a court order that happen if the action that should be done or note done by person who instructed asked by the court in order to doing his/her function that unfulfilled by the person that are instructed²¹.

Based on it, so disobedience of the state officials who are defendant in the dispute of state administration are the action which are distortion the authority of the state of law. Especially the state officials who should be exemplary of obidieny and awerness of law for the community, but otherwise practicing disobidieny toward law by unimplementing the decision of the administrative court which already has permanent legal force so ignoring constitutional right of citizen.²²

Jimly Asshiddiqie confirms that generally an action that demaining the judiciary known in term of "contempt of court". Contempt in English has menaing as an action that demaining or insulting, whereas court related to the judicial²³.

Based on that, so the action, behaviors, attitudes and saying which are undermine the authority, dignity and honor of the court, all that behaviors could categorized and qualivicated as insult toward the administrative court namely Contempt of Court²⁴.

Meanwhile, Bagir Manan says that the meaning of contempt of court inaccurate and misleading, if that designation is only limited on action and behavior which is impressif if it will. Furthermore, Bagir Manan stated that in fact, in the contempt of court what was mocked was justice itself, not the court as a body, and not the position of judges.²⁵.

Bagir Manan's view emphasizes that the realization of the values of justice must be the main goal of the existence of the judiciary. For this reason, contempt of court exists to realize the values of justice in the trial process, judge decisions and efforts to implement court decisions. In this regard, the act of not carrying out the administrative Court's decision which already has a permanent law can be categorized as an act that insults the court, especially insulting justice, moreover there is no threat of punishment for the defendant who does not carry out the administrative court decision. Efforts to execute the decision of the administrative court which has permanent legal force administratively, either through announcements in the mass media, payment of forced money, and requests to the President to reprimand officials do not yet have executorial powers capable of guaranteeing the implementation of the administrative court decisions. For this reason, it is necessary to think about alternative criminal remedies by placing the act of not carrying out the administrative court decision as a criminal act as regulated in the applicable laws and regulations.

Thus, criminal law as the ultimum remedium can be used as a means to streamline the implementation of administrative court decisions as long as it is regulated in the provisions of the applicable laws and regulations²⁶. Where, criminal sanctions are the last resort so that everyone can comply with the provisions of State Administrative Law²⁷.

²¹ Sri Wahyuningsih, Analisis Perbuatan Ketidakpatuhan....Op.cit

²² Suhariyanto, Budi. "Urgensi Kriminalisasi Contempt of Court untuk Efektivitas Pelaksanaan Putusan Peradilan Tata Usaha Negara." *Jurnal Konstitusi* 16.1 (2019): 192-211. DOI: <https://doi.org/10.31078/jk16110>

²³ Suhariyanto, Budi. "Urgensi Kriminalisasi Contempt of Court.....Ibid

²⁴ *Naskah Akademis Penelitian Contempt of Court*, 2002, Puslitbang Hukum dan Peradilan Mahkamah Agung RI, Jakarta, hl. 8

²⁵ Suhariyanto, Budi. "Urgensi Kriminalisasi Contempt of Court.....Op.cit

²⁶ Suhariyanto, Budi. "Urgensi Kriminalisasi Contempt of Court...Ibid

²⁷ Rizkianto, Kus. "CONTEMPT OF COURT BAGI PEJABAT NEGARA YANG TIDAK MELAKSANAKAN PUTUSAN PTUN." *SALAM: Jurnal Sosial dan Budaya Syar-i* 8.3 (2021). DOI: <https://doi.org/10.15408/sjsbs.v8i3.20717>

Based on this, through the principle of contempt of court in the form of contempt criminal acts with criminal sanctions, it can be used as an alternative means to force the defendant to carry out the administrative court decision which has permanent legal force.

Conclusion:-

Based on the description of the results of the research and discussion, the conclusion that can be conveyed is that the contempt of court consists of aspects of criminal and civil insults. Contempt of court from the aspect of civil contempt includes acts of not carrying out court decisions, including administrative court decisions which already have permanent legal force so that through the principle of contempt of court it is necessary to have criminal sanctions that can be used as an alternative means to force the defendant to implement the administrative court decisions that have permanent legal force.

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