

# Judicial Commission Role to Handle Contempt of Court in Indonesia from the Perspective of Islamic Legal Thought

Hammis Syafaq, Nur Lailatul Musyafaah, and Sri Warjiyati

## ABSTRACT

Contempt of Court still occurs in many courts in Indonesia. Therefore, the government established the Judicial Commission of the Republic of Indonesia to maintain the dignity and dignity of the courts in Indonesia. This study discusses how the Judicial Commission of the Republic of Indonesia plays a role in handling the Contempt of Court in Indonesia from the perspective of Islamic Legal Thought. This research is literature with a qualitative approach. Data was collected through literature studies in the form of laws, books, and journals. The collected data is analyzed descriptively with a deductive model. This research shows that the Judicial Commission has been essential in preventing the Contempt of Court in Indonesia. The Judicial Commission of the Republic of Indonesia carries preventive and repressive actions. Preventive actions are carried out to avoid the Contempt of Court, while repressive actions are carried out to deal with the Contempt of Court in Indonesia. In Islamic legal thought, the role of the Judicial Commission is according to the role of *Diwan al-Hisbah* and the rule of Islamic Law "*dar' al-mafasid muqaddam ala jalb al-mashalih*" (rejecting harm is prioritized over bringing benefit) and "*al-dharar yuzal*" (damage must be eliminated). The role of the Judicial Commission in resolving Contempt of Court cases can make courts a safe place to enforce the law in Indonesia.

**Keywords:** Contempt of Court, *Diwan al-Hisbah*, Islamic Legal Thought, Judge, Judicial Commission.

**Published Online:** May 24, 2023

**ISSN:** 2796-1176

**DOI:** 10.24018/ejpolitics.2023.2.3.90

**H. Syafaq**

Department of Islamic Studies, Post Graduate, Sunan Ampel State Islamic University Surabaya, Indonesia

(e-mail: hammissyafaq@uinsby.ac.id)

**N.L. Musyafaah\***

Faculty of Shariah and Law, Sunan Ampel State Islamic University Surabaya, Indonesia

(e-mail: nurlailatul@uinsby.ac.id)

**S. Warjiyati**

Faculty of Shariah and Law, Sunan Ampel State Islamic University Surabaya, Indonesia

(e-mail: warjiyatistri@gmail.com)

\*Corresponding Author

## I. INTRODUCTION

The Judicial Commission of the Republic of Indonesia is an independent judicial institution (Prasedyomukti & Suharto, 2018, p. 896). Judicial Commission is authorized to propose appointing supreme court justices and maintain and uphold judges' honor, dignity, and conduct (Blake, 2018). Maintaining the authority of the judiciary means maintaining a free and independent judiciary. Independence is essential in the judiciary to give an independent verdict (Torres Pérez, 2020). Judicial independence will protect judges, so the judges are free to make decisions without fear and pressure, both internally and externally (Blake, 2018; Castillo Ortiz, 2017; Mariniello, 2019; Sillen, 2019).

To maintain the dignity of judges, the Judicial Commission has the right to conduct judicial supervision (Fauzan *et al.*, 2017, p. 31). Supervision of the court is essential to prevent Contempt of Court so as not to hinder and interfere with the trial process (Rowden & Wallace, 2018). Contempt of court crimes is universal, which essentially wants to obstruct the judicial process (Connolly, 2018). There are several forms of Contempt of Court, such as being disrespectful, not being present at the trial, refusing to make judicial decisions, giving perjury, or preventing others from going to court (Button *et al.*, 2018; Connolly, 2018; Freer, 2020; Goodrich, 2018; Wamsley, 2019). In Contempt of Court, the Judicial Commission can advocate for the Judge and report the perpetrator of Contempt of the Court to the authorities. Contempt of Court offenders can be subject to criminal charges and punished with a fine or imprisonment (Button *et al.*, 2018; Connolly, 2018).

In Indonesia, no special law governs the Contempt of Court (Djula *et al.*, 2019, p. 223). In contrast, laws on Contempt of Court must be created to maintain fair trials and increase public confidence in the judiciary (Lee & Lee, 2019). The absence of a specific law governing Contempt of Court in Indonesia causes many cases related to Contempt of Court. Judicial Commission, as a judicial watchdog, plays an important role in resolving Contempt of Court cases. Judicial Commission carries out several agendas to prevent Contempt of Court. Among them are socializing about Contempt of Court either through seminars, articles, or media and collaborating with several universities by holding ethics and advocacy clinics. This paper examines the role of the Indonesian Judicial Commission in handling the Contempt of Court in Indonesia, which is then analyzed with the theory of Islam Legal Thought.

## II. METHOD

This research is a library with qualitative research. Data was collected through a literature review of laws, books, journals, and documents, then analyzed descriptively with Islamic Legal Thought.

## III. CONTEMPT OF COURT IN INDONESIA

Law Number 14 of 1985 concerning the Supreme Court, point 4 of the 4th Paragraph states the need to make a law regulating the enforcement of actions, behaviors, attitudes and/or speech that can degrade and undermine the authority, dignity, and honor of the judicial body known as Contempt of Court. However, until now, there is no specific law regulating the Contempt of Court in Indonesia (Rozikin, 2019, p. 1).

Contempt of Court is demeaning or insulting the institution of court. Contempt of Court can be interpreted as a form or an act of derogating the institution of court (Subaryah, 2020, p. 312). Contempt of Court can hinder the proceedings. A person who interferes with the trial can cause chaos and cause the trial to be ineffective (Rozikin, 2019, p. 2). Among the forms of Contempt of Court is behaving immodestly in court (Misbehaving), such as making noise, noisy, and others (Musmuliadin *et al.*, 2022, p. 148). Another form of Contempt of Court is committing acts, statements, or attacks on the court's impartiality. Such actions can be directed at Judges, Prosecutors, or witnesses, both in court and outside the trial, to disrupt and interfere with the trial process (Ahmad, 2020; Disemadi & Roisah, 2019, p. 230).

Some examples of Contempt of Court cases in Indonesia are cases of defendants who walk out of the courtroom during the trial (Tarigan, 2021, p. 1), advocate or defendant beating judges, burning the Larantuka District Court building and Maumere District Court, stabbing judges at the Sidoarjo Religious Court, rioting inside the Constitutional Court building and others (Azizah, 2019, p. 1). The Contempt of court action that occurred in Indonesia shows that Contempt of court cases in Indonesia is still high, especially in several regions in Eastern Indonesia (Afriana *et al.*, 2018). It is due to several factors, including the attitude of the security department that is less active, the lack of CCTV, and the lack of supervision, especially from the Judicial Commission. The Judicial Commission is more passive, waiting for public reports and/or information about alleged violations of the code of ethics and/or code of conduct of judges or actions that cause Contempt of Court.

Of these cases, many are not resolved legally because, in Indonesia, the rules on Contempt of Court are still unclear and complete, although there are equivalents in the Criminal Code (Ady Putra Slamati Vivi Sitorus, 2014, p. 6). In the Criminal Code (KUHP), misbehaving is covered by Article 217 of the Criminal Code, which punishes the perpetrator by removing him from the courtroom (Musmuliadin *et al.*, 2022, p. 154). Contempt of Court laws must exist in Indonesia so that judges can get protection, maintain their dignity, and enforce the law fairly (Hasibuan, 2015, p. 267).

## IV. THE ROLE OF THE JUDICIAL COMMISSION OF THE REPUBLIC OF INDONESIA IN HANDLING CONTEMPT OF COURT

The Judge in court is free and impartial and tries to decide the case according to his legal ability (Kosař & Spáč, 2018, p. 38). In some instances, Judge can examine and decide cases by conducting legal findings, if necessary, using unwritten legal rules. In carrying out the task of legal discovery, judges must be free from the influence of litigants and other parties such as superiors, executive, legislative, and so on (Agustian & Salim, 2021, p. 78; Garoupa & Magalhães, 2021, p. 2). For this reason, an institution is needed that can supervise and guarantee the freedom of judges from various kinds of interventions. One such institution is the Judicial Commission, whose main task is to maintain and defend the independence of judges so that they are always objective in examining and deciding cases (Musyafa'ah, 2017, p. 279).

The Judicial Commission officially became a constitutional institution in 2004 based on Law Number 22 of 2004 concerning the Judicial Commission, which was later amended by Law Nomor 18 of 2011 (Law of the Republic of Indonesia Number 22 of 2004 Concerning the Judicial Commission, 2004; Law of the Republic of Indonesia Number 18 of 2011 Concerning Amendments to Law Number 22 of 2004 Concerning the Judicial Commission, 2011). Article 24B of the 1945 Constitution states that the Judicial Commission of the Republic of Indonesia must maintain and uphold judges' honor, dignity, and behavior (Constitution of 1945 Third Amendment, 1945, p. 8). The Judicial Commission plays a vital role in maintaining the honor of the rights and maintaining the independence of judicial power from various interests, especially political interests (Musyafa'ah, 2017, p. 280).

The Judicial Commission oversees the judiciary in Indonesia, including the corrupt criminal court judges (Sundari & Retnowati, 2021, p. 98). To perform such duties, the Judicial Commission receives public reports on the conduct of judges; requests periodic reports to the judiciary relating to the conduct of judges; conducts an examination of alleged violations of the Judge's conduct; summons and requests information from judges who allegedly violate the Judge's code of conduct; and make a report on the results of the examination in the form of recommendations and submitted to the Supreme Court and/or the Constitutional Court, and the action is submitted to the President and the House of Representatives (Saputra,

2013). In addition, the Judicial Commission of the Republic of Indonesia also has a role in preventing Contempt of Court and taking legal action. Porigin 20 paragraph 1 point (e) of Law No. 18 of 2011 concerning the Judicial Commission explains: "take legal and/or other steps against individuals, groups of people, or legal entities that degrade the honor and dignity of Judges".

The Judicial Commission takes preventive measures to prevent Contempt of Court and repressive activities in dealing with Contempt of Court. The Judicial Commission conducts Judicial Education as a preventative measure. Judicial Education is in the form of 1) initialization and dissemination of the Code of Ethics and Code of Conduct for Judges (KEPPH) to judges. 2) Socialization of clean justice through mass media, interactive discussions, talk shows, brochures, pocketbooks, bulletins, journals, etc. 3) Clean justice campaign. There are three main issues in this campaign, namely: the introduction of the Judicial Commission institution, inviting the public to be aware of the dangers of judicial irruption and judicial mafia, and explaining the handling of public reports about alleged violations of KEPPH (Saleh, 2014, p. 222); 4) Organizing ethics and advocacy clinics for Law Faculty students in various universities (Musyafa'ah *et al.*, 2022; Ruhijat *et al.*, 2019, pp. 100–109).

In addition to the preventive step, the Judicial Commission performs the Repressive action: 1. Mediation. The pattern of resolving events or criminal acts of Contempt of Court by Judicial Commission in Article 20, Paragraph 1 point (e) of Law No. 18 of 2011 concerning the Judicial Commission explains: "take legal and/or other steps against individuals, groups of people, or legal entities that degrade the honor and dignity of Judges." The clause "other steps" at the level of implementation of the Judicial Commission uses non-litigation legal remedies in the form of mediation to resolve cases of Contempt of Court whose sanctions are classified as light or moderate; 2. Complaints to Law Enforcement. The complaint has been legitimized in Article 20, Paragraph 1 point (e) of Law No. 18 of 2011 concerning the Judicial Commission explains: "take legal and/or other steps against individuals, groups of people, or legal entities that degrade the honor and dignity of Judges." The clause "legal action" can be applied through legal remedies for criminal complaints to the authorities or law enforcement, the Police, National Human Rights Commission, and other State institutions.

The scope of Contempt of Court can be in the form of behaviour, actions, attitudes and/or speech, so not only insults but physical attacks on-court officials, especially judges, are also the scope that must be protected from Contempt of Court. In the years 2017-2019, the Judicial Commission has carried out repressive efforts as per the following table:

TABLE I: THE AMOUNT OF REPRESSIVE ADVOCACY CARRIED OUT BY THE JUDICIAL COMMISSION

Number	Year	Total
1	2017	15
2	2018	11
3	2019	12

From the table above, it is known that advocacy cases have decreased. In 2017 there were 15 cases, then in 2018, it dropped to 11 cases, and in 2019 it increased by one more case, namely 12 cases. However, the Judicial Commission has received and handled several reports and/or information related to allegations of acts degrading the honor and dignity of judges. In conducting advocacy, the Judicial Commission coordinates with the court. It accompanies him to report to the Police so that it can be followed up according to the case. The reported person will be threatened with a criminal offense under the applicable Criminal Code if it is related to a crime. If it is associated with the court's security, then the Police will deploy its members to secure the course of the trial. However, some cases are not continued or closed (Ruhijat *et al.*, 2019, pp. 107–108).

#### V. THE ROLE OF THE INDONESIAN JUDICIAL COMMISSION IN HANDLING CONTEMPT OF COURT ACCORDING TO ISLAMIC LEGAL THOUGHT

The Judicial Commission carries out two forms of action to prevent and deal with Contempt of Court: Preventive efforts to avoid the Contempt of Court through Judicial Education are by 1) initializing and disseminating the Code of Ethics and Code of Conduct for Judges (KEPPH) to judges. 2) Socialization of clean justice through mass media, interactive discussions, talk shows, brochures, pocketbooks, bulletins, journals, etc. 3) Clean justice campaign. There are three main issues in this campaign, namely: the introduction of the Judicial Commission institution, inviting the public to be aware of the dangers of judicial irruption and judicial mafia, and explaining the handling of public reports about alleged violations of KEPPH (Saleh, 2014, p. 222) 4) Organizing ethics and advocacy clinics for Law Faculty students in various universities (Ruhijat *et al.*, 2019, pp. 100–109).

In addition, Judicial Commission also takes the repressive step, namely by mediation and complaints to Law Enforcement. Repressive action is carried out as a form of advocacy or legal action to protect the independence of judicial power. In general, the objectives of the Judicial Commission's actions in conducting legal steps are to: 1) Maintain the honor and nobility of the dignity of judges; 2) Protect the authority of the judiciary in law enforcement and justice; 3) Provide a deterrent effect to perpetrators who

degrade the honor and dignity of judges; 4) Encourage the realization of a fair and violence-free trial; 5) Protect judges in their duties to examine, adjudicate, and decide cases in court and outside the court. According to Article 20, Paragraph 1 point (e) of Law No. 18 of 2011 concerning the Judicial Commission, such legal action is "take legal and/or other steps against individuals, groups of people, or legal entities that degrade the honor and dignity of Judges."

In carrying out legal action, Judicial Commission coordinates with the court and accompanies him to report to the Police to follow up on the case. The reported person will be threatened with a criminal offense with the relevant Criminal Code article if it is related to a crime. If it is related to the court's security, then the Police will deploy its members to secure the course of the trial. However, some cases are not continued or closed (Ruhijat *et al.*, 2019, pp. 107–108). In this case, the supervision of the Judicial Commission is still not optimal because it is only waiting for public reports and/or information about alleged violations of the code of ethics and/or code of conduct of judges or actions that cause Contempt of Court.

In Islamic Legal Thought, the Judicial Commission is similar to the concept of *Diwan al-Hisbah*. *Diwan al-Hisbah* is an institution authorized to remind members of the public to follow and obey existing regulations (Fanani & Takayasa, 2022), including supervising the judiciary. Etymologically, the word *hisbah* comes from the Arabic root *hasaba-yahsubu* which means "to count" and "to count" (Ghofur *et al.*, 2022, p. 2869). In terminology, *hisbah* is commanding goodness and forbidding evil (Shabana & Ph, 2022, p. 536). *Hisbah* is administrative supervision carried out by the government by assigning special officials to oversee moral, religious, economic, and social matters to realize justice and importance according to the principles contained in Islamic law and traditions recognized by all places and ages." (Halim, 2011, p. 67)

During the time of the Prophet Muhammad, the Holy Prophet once appointed special officers to be the supervisors of the Makkah market to prevent fraud in the market, including Said al-'As ibn 'Umayyah, 'Uthman ibn al-'Ash 'Umar bin Khattab and 'Ali bin Abi Talib. In addition, the Holy Prophet also appointed a woman named Samra' bint Nahik al-Asadiyah as *muhtasib* (Hasbullah, n.d.). During the Caliphate of 'Umar, one of the *diwans* formed by 'Umar was *Diwan al-Hisbah*. To carry out this task, 'Umar appointed Sa'ib Ibn Yazid and 'Abdullah Ibn 'Utbah as *muhtasib* in Medina. Because of his great concern for the issue of *hisbah*, 'Umar (ra) was more famous in this regard than other caliphs, so some people think he was the first to discuss this *hisbah* (Ghofur *et al.*, 2022).

*Diwan al-Hisbah* had an important role in the history of Islamic rule. In general he was in charge of inviting goodness (*al-da'wah ila al-khair*), to maintain the welfare of the people (Jaafar *et al.*, 2021, p. 28). The basic purpose of *hisbah* is to supervise the community to keep the good so as not to violate the sharia (Azhar *et al.*, 2020; Salim *et al.*, 2015, p. 202). The *Diwan al-Hisbah* region has the authority to 1) Receive reports or complaints related to fraud, or debt arrears; 2) Oblige the complained or accused person of fulfilling or performing due obligations. 3) Receiving reports or accusations is only limited to allegations still within the scope of the contract and *muamalat* issues. *Muhtasib* was not allowed to impose a punishment (Fitri, 2009, p. 59). This authority has similarities with the authority of the Judicial Commission in Indonesia. The role of the Judicial Commission in conducting judicial supervision is according to the Alquran QS. An-Nisa verse 135:

"O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both. So follow not [personal] inclination, lest you not be just. And if you distort [your testimony] or refuse [to give it], then indeed Allah is ever, with what you do, Acquainted." (Sahih International, n.d.-b)

This verse explains that every believer/*mu'min* is obliged to uphold justice. The Judicial Commission, as *Diwan al-Hisbah*, in charge of enforcing the rule of law in the judiciary, is also tasked with reminding people to follow the existing rules so that there are no violations, including Contempt of Court (Setiawan, 2016). With the existence of the Judicial Commission institution that plays the role of the *Diwan al-Hisbah*, it is hoped that it will always be able to maintain the Indonesian judiciary as a dignified and authoritative judiciary.

Contempt of court prevention measures carried out by the Judicial Commission of the Republic of Indonesia consisting of preventive and repressive actions are part of *amr ma'ruf nahy munkar* (enjoining what is right and forbidding what is wrong) (Azrin Ibrahim, 2019, p. 1). *Amr ma'ruf* told the community to respect the court, and *nahy munkar* by telling the community not to Contempt of Court. The action is according to the Alquran QS. Ali Imran/3:104:

"And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful." (Sahih International, n.d.-a)

Islam forbids Contempt of Court, because it can cause damage. Avoiding harm and eliminating harm must be done by the Judicial Commission as the rules of Islamic Legal Thought "*dar' al-mafasid muqaddam ala jalb al-mashalih*" (rejecting harm is prioritized over bringing benefit) and "*al-dharar yuzal*" (damage must be eliminated) (Musyafa'ah & Wijaya, 2020, p. 269; Musyafaah *et al.*, 2021, p. 299).

Based on this, the actions of the Judicial Commission of the Republic of Indonesia, whether preventive or repressive, are according to Islamic Legal Thought.

## VI. CONCLUSION

This study concludes that the Judicial Commission of the Republic of Indonesia plays an essential role in handling Contempt of court. They carry out preventive and repressive measures. The Judicial Commission conducts preventive efforts to prevent Contempt of court by performing Judicial Education, which includes 1) Socialization and dissemination of the Code of Ethics and Code of Conduct for Judges (KEPPH) to judges; 2) Socialization of clean justice through mass media, interactive discussions, talk show, brochures, pocketbooks, bulletins, journals, etc.; 3) Clean justice campaigns; and 4) Organizing ethics and law clinics for Law Faculty students in various universities. Repressive action is carried out as a form of advocacy or legal action to protect the independence of judicial power.

From the perspective of Islamic Legal Thought, the efforts of the Judicial Commission in preventing and dealing with Contempt of Court are according to the authority of the *Diwan al-Hisbah*. These efforts are part of *amr ma'ruf nahi munkar* (enjoining what is right and forbidding what is wrong), "*dar' al-mafasid muqaddam ala jalb al-mashalih*" (rejecting harm is prioritized over bringing benefit), and "*al-dharar yuzal*" (damage must be eliminated). Thus, the Judicial Commission of the Republic of Indonesia is essential in preventing and dealing with Contempt of Court. For this reason, the Judicial Commission should be more active in socializing the Contempt of Court to the public and more involved in conducting judicial supervision.

## ACKNOWLEDGMENT

Thanks to the Research and Community Service Institute (LPPM) of Sunan Ampel State Islamic University Surabaya Indonesia for funding this research. Thanks to the reviewer and editor of the journal.

## FUNDING

This research received funding from the Research and Community Service Institute (LPPM) of Sunan Ampel State Islamic University Surabaya, Indonesia.

## CONFLICT OF INTEREST

Authors declare that they do not have any conflict of interest.

## REFERENCES

- Ady Putra Slamet Vivi Sitorus. (2014). *Upaya Penegakan Hukum terhadap Contempt of Court dalam Peradilan di Indonesia (Law Enforcement Efforts Against Contempt of Court in Indonesian Courts)*. <https://hsgm.saglik.gov.tr/depo/birimler/saglikli-beslenme-hareketli-hayat-db/Yayinlar/kitaplar/diger-kitaplar/TBSA-Beslenme-Yayini.pdf>.
- Afriana, A., Artaji, Rusmiati, E., Fakhriah, E. L., & Putri, S. (2018). Contempt of Court: Penegakan Hukum dan Model Pengaturan di Indonesia (Contempt of Court: Law Enforcement and Regulatory Models in Indonesia). *Jurnal Hukum Dan Peradilan*, 7(3), 441–458. <https://doi.org/10.25216/jhp.7.3.2018.441-458>.
- Agustian, T., & Salim, C. (2021). The Problems of the Independence of Judicial Power in Indonesia in a Review of Islamic Law. *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam*, 6(2), 163–180. <https://doi.org/10.25217/jm.v6i2.1896>.
- Ahmad, S. D. (2020). Legal Sanctions Against Contempt of Court Actors: Analysis Based on Criminal Law and Criminal Procedure Code. *Ayer Journal*, 27(4), 27–40.
- Azhar, A., Badarulzaman, M. H., Muhammad, F., & Zaib, S. Z. M. (2020). Shari'ah Criminal Law Enforcement in Hisbah Framework: Practice in Malaysia. *Light & Engineering*, 28(01), 149–170. <https://doi.org/10.33383/2020-01>.
- Azizah. (2019, August 1). Badan Diklat MA dan IKAHI Adakan Seminar Nasional tentang Contempt Of Court (MA Education and Training Agency and IKAHI Hold National Seminar on Contempt of Court). *Www.Mahkamahagung.Go.Id*. [https://www.mahkamahagung.go.id/id/be\\_rita/3690/badan-diklat-ma-dan-ikahi-adakan-seminar-nasional-tentang-contempt-of-court](https://www.mahkamahagung.go.id/id/be_rita/3690/badan-diklat-ma-dan-ikahi-adakan-seminar-nasional-tentang-contempt-of-court).
- Azrin, I. (2019). The Fundamentals of Hisbah Strategic in Developing of Human Civilization. *Academy of Entrepreneurship Journal*, 25(1), 1–5. <https://www.proquest.com/openview/78f6da6c97572793d1eb67742a106bde/1?pq-origsite=gscholar&cbl=29726>.
- Blake, W. D. (2018). Judicial Independence on Unelected State Supreme Courts. *Justice System Journal*, 39(1), 21–38. <https://doi.org/10.1080/0098261X.2017.1385431>.
- Button, M., Shepherd, D., & Blackburn, D. (2018). 'The Iceberg Beneath The Sea' Fraudsters And Their Punishment Through Non-Criminal Justice In The 'Fraud Justice Network' in England and Wales. *International Journal of Law, Crime and Justice*, 53(October 2017), 56–66. <https://doi.org/10.1016/j.ijlcrj.2018.03.001>.
- Castillo Ortiz, P. J. (2017). Councils of the Judiciary and Judges' Perceptions of Respect to Their Independence in Europe. *Hague Journal on the Rule of Law*, 9(2), 315–336. <https://doi.org/10.1007/s40803-017-0061-2>.
- Connolly, M. (2018). Statutory Interpretation, Victimization under Equality Law, and its "on-off" Relationship with Contempt of Court. *Statute Law Review*, 39(1), 72–90. <https://doi.org/10.1093/slr/hmw044>.

- Disemadi, H. S., & Roisah, K. (2019). Urgency of the Contempt of Court Criminalization Policy to Overcome Harassment Against the Status and Dignity of Courts. *Brawijaya Law Journal*, 6(2), 224–233. <https://doi.org/10.21776/ub.blj.2019.006.02.07>.
- Djula, S. R., Badu, L. W., & Sarson, M. T. Z. (2019). *The Formation of the Contempt of Court Law to Maintain the Dignity of Peradi and Indonesia*. 1(1), 223–241.
- Fanani, A., & Takayasa, T. I. (2022). Hisbah in Public Moral and Marketplace Control: From Historical to Indonesian contexts. *HIKMATUNA: Journal for Integrative Islamic Studies*, 8(1), 40–54. <https://doi.org/10.28918/hikmatuna.v8i1.4666>.
- Fauzan, M., Ardhaniarswari, R., & Komari, A. (2017). Model of Judges Supervision for Indonesia Independent Judicial Power Implementation. *Jurnal Dinamika Hukum*, 17(1), 31–39. <https://doi.org/10.20884/1.jdh.2017.17.1.831>.
- Fitri, A. (2009). *Studi Analisis Peran Lembaga Hisbah pada Masa Pemerintahan Khalifah Umar Ibn Khattab (Study Analysis of the Role of Hisbah Institutions during the Reign of Caliph Umar Ibn Khattab)*. IAIN Walisongo Semarang.
- Freer, E. (2020). Experts and Pretenders: Examining Possible Responses to Misconduct by Experts in Criminal Trials in England and Wales. *International Journal of Evidence and Proof*, 24(2), 180–207. <https://doi.org/10.1177/1365712720913336>.
- Garoupa, N., & Magalhães, P. C. (2021). Public Trust in the European Legal Systems: Independence, Accountability and Awareness. *West European Politics*, 44(3), 690–713. <https://doi.org/10.1080/01402382.2020.1715605>.
- Ghofur, A., Shabir, M., & Asiyah, N. (2022). Wilayah al-hisbah and its Urgency to the Modern Economy in Indonesia. *Webology*, 19(1), 5867–5878. <https://www.webology.org/data-cms/articles/20220206011440pm19393.pdf>.
- Goodrich, P. (2018). The Example of Undressing: Obnubilations on the Empty Space of the Rule. *Law and Literature*, 30(3), 409–422. <https://doi.org/10.1080/1535685X.2017.1379178>.
- Constitution of 1945 Third Amendment, 3 Jaringan Dokumentasi dan Informasi Hukum 1 (1945). [http://jdih.bpk.go.id/wp-content/uploads/2011/03/UUD45\\_perubahan3.pdf](http://jdih.bpk.go.id/wp-content/uploads/2011/03/UUD45_perubahan3.pdf).
- Law of the Republic of Indonesia Number 22 of 2004 concerning the Judicial Commission, 1 (2004).
- Law of the Republic of Indonesia Number 18 of 2011 concerning Amendments to Law Number 22 of 2004 concerning the Judicial Commission, www.bphn.go.id 1 (2011). <http://www.ncbi.nlm.nih.gov/pubmed/22174227%0Ahttp://www.transnational-dispute-management.com/article.asp?key=454%0Ahttps://litigation-essentials.lexisnexis.com/webcd/app?action=DocumentDisplay&crawlid=1&doctype=cite&docid=43+Tex.+Tech+L.+Rev.+757&srctype>.
- Halim, M. (2011). Eksistensi Wilayahul Hisbah dalam Sistem Pemerintahan Islam (The Existence of Wilayahul Hisbah in the Islamic Government System). *Jurnal Ilmiah Islam Futura*, 10(2), 65–81. [https://books.google.com.my/books?id=\\_DbFt86MNqAC&printsec=frontcover&hl=id#v=onepage&q&f=false](https://books.google.com.my/books?id=_DbFt86MNqAC&printsec=frontcover&hl=id#v=onepage&q&f=false).
- Hasbullah. (n.d.). *Wilayahul Hisbah sebagai Lembaga Pelaksana Amar Ma'ruf Nahi Munkar; Studi Historik Wilayahul Hisbah dalam Islam (Wilayahul Hisbah as the implementing agency of Amar Ma'ruf Nahi Munkar; Historical Studies of Wilayahul Hisbah in Islam)*. 1–30. <https://adoc.pub/wilayahul-hisbah-sebagai-lembaga-pelaksana-amar-ma-ruf-nahi-.html>.
- Hasibuan, O. (2015). Contempt of Court di Indonesia, Perlukah? (Contempt of Court In Indonesia, is It Necessary?). *Jurnal Hukum Dan Peradilan*, 4(2), 267–274.
- Jaafar, A. J., Ibrahim, M. T., Ismail, H., & Mohmud, M. S. (2021). Hisbah Institution and Its Role in Environmental Conservation in Islamic Civilization. *Jurnal Islam Dan Masyarakat Kontemporer*, 22(1), 27–35. <https://doi.org/https://doi.org/10.37231/jimk.2021.22.1.526>.
- Kosař, D., & Spáč, S. (2018). Conceptualizations of Judicial Independence and Judicial Accountability by the European Network of Councils for the Judiciary Two Steps forward One Step Back. *International Journal for Court Administration*, 9(3), 37–46. <https://doi.org/10.18352/ijca.284>.
- Lee, H., & Lee, T. (2019). From Contempt of Court to Fake News: Public Legitimation and Governance in Mediated Singapore. *Media International Australia*, 173(1), 81–92. <https://doi.org/10.1177/1329878X19853074>.
- Mariniello, T. (2019). Prolonged Emergency and Derogation of Human Rights: Why the European Court should Raise its Immunity System. *German Law Journal*, 20(1), 46–71. <https://doi.org/10.1017/glj.2019.3>.
- Musmuliadin, Indarti, E., & Rochaeti, N. (2022). Contempt of Court in Renewal of Indonesian Criminal Law Based on Pancasila. *International Conference Restructuring and Transforming Law 2022*, 1(1), 148–158. <https://doi.org/10.15797/concom.2019..23.009>.
- Musyafa'ah, N. L. (2017). Tugas dan Wewenang Komisi Yudisial Jawa Timur terhadap Pengawasan Hakim Tindak Pidana Korupsi (Duties and Authorities of the East Java Judicial Commission on Supervision of Corruption Judges). *Jurnal Hukum Pidana Islam*, 3(2), 277–306. <https://doi.org/https://doi.org/10.15642/aj.2017.3.2.277-306>.
- Musyafa'ah, N. L., Rohman, H., Rohman, M. F., Solikin, A., Ilmiyah, Z., Ul, & Nooriansyah, S. (2022). Pendampingan Mahasiswa Klinik Etik dan Advokasi untuk Menjaga Marwah Pengadilan di Indonesia (Assisting Ethics and Advocacy Clinic Students to Maintain the Spirit of the Court in Indonesia). *3rd Annual Conference an Community Engagement*, 419–434. <https://doi.org/10.15642/acce.v3i1>.
- Musyafa'ah, N. L., & Wijaya, A. (2020). Pelayanan Publik pada Dinas Kependudukan Dan Pencatatan Sipil Di Kabupaten Lamongan Dalam Perspektif Fiqh Siyasa (Public Service at the Population and Civil Registration Office in Lamongan Regency from the Perspective of Fiqh Siyasa). *Al-Daulah: Jurnal Hukum Dan Perundangan Islam*, 10(02), 251–274. <https://doi.org/DOL:https://doi.org/10.15642/ad.2020.10.2.251-274>.
- Musyafaah, N. L., Warjiyati, S., & Syafaq, H. (2021). Tindak Pidana Contempt of Court perspektif Hukum Islam (Criminal Contempt of Court from the Perspectives of Islamic Law). *Al-Jinayah: Jurnal Hukum Pidana Islam*, 7(2), 283–303. <https://doi.org/10.15642/aj.2021.7.2.283-302>.
- Prasedyomukti, A. F., & Suharto, R. B. (2018). The Role of Judicial Commission on Supervision of Judge's Crime in Indonesia. *Jurnal Daulat Hukum*, 1(4), 895–902. <https://doi.org/10.30659/jdh.v1i4.3931>.
- Rowden, E., & Wallace, A. (2018). Remote judging: The impact of video links on the image and the role of the judge. *International Journal of Law in Context*, 14(4), 504–524. <https://doi.org/10.1017/S1744552318000216>.
- Rozikin, 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>.
- Ruhijat, T. R., Roejito, Kapopang, H., Imran, Rahma, F., Dewi, R. D. C. H. N. H. S. P. W. N. D. E., & Putra, D. G. dan S. A. W. W. E. (2019). *Menuju Komisi Yudisial Kredibel dan Unggul (Towards a Credible and Superior Judicial Commission)*. Komisi Yudisial Republik Indonesia.
- Sahih International. (n.d.-a). *Surah Al-Imran Ayat 104 (3:104 Quran) With Tafsir*. MyIslam.Org. <https://myislam.org/surah-imran/ayat-104/>.
- Sahih International. (n.d.-b). *Surah An-Nisa Ayat 135 (4:135 Quran) With Tafsir*. <https://myislam.org/surah-an-nisa/ayat-135/>.
- Saleh, I. A. (2014). *Konsep Pengawasan Kehakiman (Concept of Judicial Supervision)*. Setara Press.
- Salim, S., Abdullah, S. F. B., & Bin Ahmad, K. (2015). Wilayah Al-Hisba; A Means to Achieve Justice and Maintain High Ethical Standards in Societies. *Mediterranean Journal of Social Sciences*, 6(4S2), 201–206. <https://doi.org/10.5901/mjss.2015.v6n4s2p201>.
- Saputra, F. (2013). Kedudukan Komisi Yudisial sebagai Lembaga Negara (Position of the Judicial Commission as a State Institution). *Jurnal Ilmu Hukum Legal Opinion*, 1(1), 1–5. <file:///C:/Users/User/Downloads/fvm939e.pdf>.
- Setiawan, A. (2016). Peran Komisi Yudisial Dalam Pengawasan Kode Etik Hakim Perspektif Fiqh Siyasa (The Role of the Judicial

- Commission in Supervising the Judge's Code of Ethics from the Perspective of Fiqh Siyasa). *Al-Daulah: Jurnal Hukum Dan Perundangan Islam*, 6(1), 53–79. <https://doi.org/https://doi.org/10.15642/ad.2016.6.1.53-79>.
- Shabana, R., & Ph, D. (2022). *Hisbah and Islamic Human Rights*. 4(4), 534–546. <https://doi.org/10.52279/jlss.04.04.534546>.
- Sillen, J. (2019). The concept of “internal judicial independence” in the case law of the European Court of Human Rights. *European Constitutional Law Review*, 15(1), 104–133. <https://doi.org/10.1017/S1574019619000014>.
- Subarsyah, T. (2020). Contempt of Court in Indonesian Criminal Justice System. *International Journal of Science and Society*, 2(3), 312–321.
- Sundari, E., & Retnowati, A. (2021). The Weakness of the Control System for Fighting Corruption in the Judicial Process: The Case of Indonesia. *International Journal Of Social Policy And Law*, 2(1), 93–102. <https://doi.org/https://doi.org/10.8888/ijospl.v2i1.35>.
- Tarigan, M. I. (2021, April 21). Explainer: Bagaimana Penghinaan Terhadap Peradilan diatur di Indonesia (Explainer: How Contempt of Justice is Regulated in Indonesia). *IJRS*. <http://ijrs.or.id/explainer-bagaimana-penghinaan-terhadap-peradilan-diatur-di-indonesia/>.
- Torres Pérez, A. (2020). From Portugal to Poland: The Court of Justice of the European Union as Watchdog of Judicial Independence. *Maastricht Journal of European and Comparative Law*, 27(1), 105–119. <https://doi.org/10.1177/1023263X19892185>.
- Wamsley, D. (2019). Neoliberalism, Mass Incarceration, and the US Debt–Criminal Justice Complex. *Critical Social Policy*, 39(2), 248–267. <https://doi.org/10.1177/0261018318779477>.