

ABSTRAK

Penghormatan terhadap kewibawaan lembaga peradilan merupakan prinsip utama dalam negara hukum. Salah satu upaya untuk menjaga hal ini adalah dengan pengaturan mengenai *Contempt of Court*, di Indonesia diatur dalam Pasal 280 Undang-Undang Nomor 1 Tahun 2023. Namun, pasal ini dinilai multitafsir dan berpotensi menjadi "pasal karet" karena tidak memberikan definisi yang jelas terhadap frasa seperti “tidak mematuhi”, “sikap tidak hormat”, “menyerang integritas” dan “tanpa izin”. Sementara itu, India telah mengatur secara sistematis melalui *Contempt of Courts Act 1971* dan *The Bharatiya Nyaya Sanhita Act 2023* yang membedakan antara *civil* dan *criminal contempt*. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan, perbandingan, dan konseptual serta dianalisis secara deskriptif-kualitatif, berlandaskan doktrin hukum dan literatur yang relevan. Landasan terori pada penelitian ini membahas teori regulasi dan manfaatnya, tujuan serta pendekatan dalam studi perbandingan hukum, serta klasifikasi bentuk-bentuk *Contempt of Court*.

Hasil penelitian menunjukkan bahwa regulasi di India lebih komprehensif dan memberikan kepastian hukum. Sebaliknya, Pasal 280 KUHP Nasional masih terbatas dalam menentukan tindakan penghinaan persidangan yang bersifat pidana, sehingga tidak cukup melindungi marwah pengadilan, bahkan cenderung mengancam kebebasan berekspresi dan pers. Oleh karena itu, disarankan agar Indonesia memberikan penjelasan pasal tersebut secara rinci atau membentuk undang-undang khusus mengenai *Contempt of Court* terutama mengenai tindakan yang bersifat *misbehaving in court*, *disobeying court order*, *scandalizing the court*, *obstructing justice* dan *sub judice rule* yang lebih tegas dengan merujuk pada regulasi *Contempt of Court* di India sebagai perbandingan hukum.

Kata Kunci: *Contempt of Court*, Indonesia, India.

ABSTRACT

Respect for the authority of the judiciary is a fundamental principle in a state governed by the rule of law. One way to uphold this principle is through the regulation of Contempt of Court, which in Indonesia is stipulated in Article 280 of Law Number 1 of 2023 concerning the Criminal Code (KUHP). However, this article is considered ambiguous and potentially becomes a "rubber article" due to the lack of clear definitions for phrases such as "non-compliance," "disrespectful behavior," "attacking integrity," and "without permission." Meanwhile, India has systematically regulated this matter through the Contempt of Courts Act 1971 and the Bharatiya Nyaya Sanhita Act 2023, which distinguish between civil and criminal contempt. This research adopts a normative legal method with statutory, comparative, and conceptual approaches, analyzed using a descriptive-qualitative method based on legal doctrines and relevant literature. The theoretical framework discusses the theory and benefits of regulation, the objectives and approaches in comparative legal studies, as well as the classification of forms of Contempt of Court.

The research findings indicate that the Indian regulations are more comprehensive and provide greater legal certainty. In contrast, Article 280 of the Indonesian Criminal Code remains limited in defining contemptuous acts in court that constitute criminal offenses, thereby insufficiently protecting the dignity of the court and potentially threatening freedom of expression and the press. Therefore, it is recommended that Indonesia provide a more detailed explanation of this article or establish a specific law on Contempt of Court, particularly regarding criminal acts such as misbehaving in court, disobeying court orders, scandalizing the court, obstructing justice, and the sub judice rule, with firmer provisions by referring to India's Contempt of Court regulations as a legal comparison.

Keywords: Contempt of Court, Indonesia, India.