

ENFORCEMENT OF THE ADVOCATE CODE OF ETHICS IN CASES OF CONTEMPT OF COURT IN INDONESIA

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Abstract:

The legal profession plays a vital role in upholding justice and maintaining the authority of the judiciary. Advocates, as independent law enforcers, are bound by professional ethical standards that regulate their conduct, particularly during court proceedings. This study examines the enforcement of advocates' codes of ethics in Indonesia in cases involving contempt of court, focusing on the adequacy of the legal framework, the effectiveness of ethical sanctions, and the challenges faced in their implementation. Using a normative legal research method supported by empirical data, this research analyzes statutory regulations, professional codes of ethics, relevant court decisions, and doctrinal perspectives. The findings indicate that although Indonesia possesses a comprehensive normative basis through Law Number 18 of 2003 on Advocates, the Advocates' Code of Ethics, and provisions of the Criminal Code, the enforcement of ethical norms remains suboptimal in practice. Key obstacles include weak internal supervision mechanisms, fragmentation of advocate organizations, lack of transparency in ethical proceedings, conflicts of interest within disciplinary bodies, and the absence of clear guidelines distinguishing legitimate legal criticism from contempt of court. The case of advocate Firdaus Oiwobo illustrates the inconsistency and delays in ethical enforcement, which ultimately undermine public trust in the legal profession. This study concludes that reforms are urgently needed, including the establishment of an independent and integrated ethical oversight body, the formulation of clear technical guidelines on contempt of court, and the strengthening of continuous legal ethics education. Such measures are essential to preserve the dignity of the legal profession, ensure legal certainty, and reinforce judicial authority in line with the principles of the rule of law.

Keywords: Advocate Code of Ethics, Contempt of Court, Enforcement of Professional Ethics, Ethical Sanctions, Judicial Authority

INTRODUCTION

The legal profession plays a crucial role in the judicial system as an independent enforcer of the law. Advocates are responsible for upholding the law, fighting for justice, and maintaining the supremacy of law (Munir Fuady, 2018: 25). In carrying out their duties, advocates must uphold ethical standards and professionalism (Jimly Asshiddiqie, 2009: 198). However, violations of the code of ethics still frequently occur, including contempt of court, which can undermine the authority of the judiciary (Sudikno Mertokusumo, 2010: 87).

Law Number 18 of 2003 concerning Advocates stipulates that advocates are required to comply with the code of ethics established by advocate organizations to maintain the integrity of the profession. Article 27 of the Advocates Law regulates advocates' obligations to uphold the honor of their profession. Despite the existence of oversight and sanction mechanisms, enforcement of the code of ethics still faces obstacles, such as weak oversight and conflicts of interest within advocate organizations (Mahfud, MD, 2011: 142).



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One of the main challenges is the differing perceptions regarding legitimate criticism in legal defense and contempt of court. Without clear standards, statements made by advocates in defense of their clients can be considered insulting. In criminal law, contempt of court is categorized as contempt of court under Articles 207 and 217 of the Criminal Code (Muladi & Barda Nawawi Arief, 1992: 121). This regulation aims to maintain the dignity of the judiciary, but debate remains regarding the boundaries between insults that are subject to criminal sanctions and legitimate criticism as part of freedom of expression (Maria Farida Indrati, 2012: 98).

The case of Firdaus Oiwibowo, who committed inappropriate behavior in court, demonstrates the importance of enforcing the advocate code of ethics. This violation not only harms the individual but also tarnishes the image of the legal profession (Bagir Manan, 2005: 203). The Honorary Council and the Advocate Supervisory Board have an important role in supervising the profession, but still face obstacles such as difficulties in providing evidence and dualism of authority, which causes legal uncertainty (H. Salim HS, 2013: 65).

As a preventative measure, legal ethics education and training for advocates need to be improved. Public awareness regarding the limits of freedom of expression and understanding of contempt of court must be strengthened so that advocates can carry out their duties professionally without the threat of excessive criminalization (Philippe Nonet & Philip Selznick, 2007: 89). Several countries have implemented independent oversight systems to ensure transparency in the enforcement of codes of ethics, which can serve as a reference for Indonesia (Friedman, 2009: 214).

In the context of the Sustainable Development Goals (SDGs), the enforcement of codes of ethics for advocates is related to SDG 16 (the rule of law and impartial justice), SDG 4 (quality education), and SDG 10 (reducing inequality in access to justice). Reform of the advocate oversight system and increased professionalism in legal practice are necessary to maintain the integrity of the profession (Jimly Asshiddiqie, 2015: 273). Based on this background, the following questions can be formulated: What are the legal provisions in the Advocates Law regarding the enforcement of the advocate code of ethics in cases of contempt of court? How effective is the application of sanctions against advocates who violate the code of ethics by committing contempt of court, and what are the obstacles to its enforcement?

METHODS

Legal research is divided into two types according to its purpose: normative legal research and empirical legal research (Soerjono Soekanto, 1986: 51). The research in this paper uses a normative legal research method supported by empirical data to strengthen the research findings. In normative legal research, the approaches used include a statutory approach and a conceptual approach. Normative legal research examines written law from various aspects, such as theory, history, philosophy, structure, material, consistency, and the binding force of a law (Abdulkadir Muhammad, 2004: 101-102).

The approach used in this research consists of three main methods. First, the Statute Approach, a research method that prioritizes statutory regulations as the basis for analysis. This approach examines the relevant laws, including their ratio legis and philosophical basis (Irwansyah, 2021: 133). Second, the Conceptual Approach, which starts from legal doctrine and concepts to analyze legal issues, especially regarding unclear norms. Third, the Case Approach, which examines final court decisions to understand the legal reasoning (ratio decidendi) as a reference for developing legal arguments.



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This research utilized various legal sources classified into three categories: primary, secondary, and tertiary legal materials. Primary legal materials include binding regulations, such as the 1945 Constitution, the Criminal Code (KUHP), the Criminal Procedure Code (KUHP), and laws related to advocates, the judiciary, and the Supreme Court. Secondary legal materials consist of law books discussing consumer protection, advocates, and the advocate code of ethics. Meanwhile, tertiary legal materials include language and legal dictionaries, as well as internet sources that support understanding of primary and secondary legal materials. These sources were obtained from university libraries, government agencies, and non-governmental organizations.

The legal materials were collected and processed through an inventory and identification of laws and regulations, and classified according to the research problem. This process involved reviewing relevant books, regulations, and research findings, both in print and electronic form. The data obtained was tested to ensure its validity and then systematically organized for ease of understanding. In the process of analyzing legal materials, the collected data is organized into specific patterns and categories to identify themes and formulate working hypotheses (Salim Hs & Erlies Septiana Nurbani, 2013: 68). The conclusions in this study are drawn deductively, that is, from the general to the specific, so that results can be academically justified.

RESULT AND DISCUSSION

Enforcement of the Advocate Code of Ethics and Challenges to Its Implementation. The enforcement of the advocate code of ethics in Indonesia has a strong legal basis, primarily derived from Law Number 18 of 2003 concerning Advocates and the Indonesian Advocate Code of Ethics formulated by professional organizations. As an integral part of the judicial system, advocates bear both moral and legal responsibilities to carry out their profession professionally, maintain personal integrity, uphold the values of the noble office, and uphold the dignity of the judicial institution (Fuady 2018, 25). The code of ethics explicitly prohibits actions that damage the profession's image or diminish public confidence in the law, including acts that can be classified as contempt of court, namely statements, attitudes, or behavior that undermine the authority of the court (Muladi and Arief 1992, 121). Article 27 of the Advocates Law affirms the obligation of advocates to uphold the honor of their profession, while Articles 207 and 217 of the Criminal Code provide the normative basis for taking action against those who commit contempt of court (Indrati 2012, 98).

The code of ethics enforcement mechanism is implemented through the Honorary Council, which is authorized to receive reports, investigate alleged violations, and impose sanctions. Types of sanctions that can be imposed include verbal warnings, written warnings, suspensions, and even permanent dismissal from professional membership (Asshiddiqie 2006, 198). However, the implementation of this mechanism still faces significant obstacles. Frequent challenges include weak coordination between advocate organizations and law enforcement officials, low transparency in ethics hearing decisions, the absence of an independent external oversight system, and the absence of detailed technical guidelines regarding sanctions for contempt of court by advocates (Rahardjo 2009, 112; Mahfud 2011, 142). This situation creates a wide scope for interpretation, thus potentially giving rise to legal uncertainty, especially in distinguishing between freedom of expression protected by law and behavior that deserves ethical or criminal sanctions.

According to an interview with the Chairman of the Denpasar Branch of the Indonesian Advocates Association (Peradi), I Nyoman Budi Adnyana, S.H., M.H., CLA (Interview, July 20, 2025), "The fundamental problem lies in internal law enforcement. We have an Honorary Council, but the number of members and the frequency of ethics hearings are still limited. As a result,



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handling of ethics violations often takes months, and some cases are even halted because the reporter or witness is reluctant to return." The Chairman of the Indonesian Advocates Congress (KAI) of the Bali Province Regional Leadership Council, Adv. A. Agung Kompiang Gede, S.H., M.H., CIL (Interview, July 22, 2025), added, "The greatest difficulty is proving the case. Many violations occur in the courtroom without official documentation, making them difficult to verify. Judges and prosecutors are also often reluctant to testify in ethics hearings for reasons of maintaining neutrality."

From a sociological perspective, this obstacle is exacerbated by the fragmentation of the advocate organization, which is divided into several associations with varying ethical enforcement standards. These disparities in standards create inconsistencies in the application of sanctions, thus reducing the effectiveness of professional oversight (Salim 2013, 65). The phenomenon of excessive corporate solidarity also often becomes a barrier. I Nyoman Budi Adnyana stated, "It is not uncommon for the advocates reported to be senior members of the organization, so the Honorary Council feels reluctant to impose severe sanctions." A. Agung Kompiang Gede added, "There have been cases where the administrators investigating violations were colleagues from the same law firm as the accused, which clearly constitutes a conflict of interest."

The lack of transparency in ethics hearings results in low public involvement in monitoring advocate behavior, even though transparency is a crucial element in building public trust in the legal profession (Friedman 2009, 214). I Nyoman Budi Adnyana asserted, "Ethics hearing decisions can actually be published online, but many organizations are reluctant to do so, citing concerns about protecting the profession's reputation. In fact, transparency would actually increase public trust."

Strengthening the enforcement of the code of ethics also gained legitimacy through Supreme Court decisions. In Supreme Court Decision No. 1014 K/Pid/2006, the Court affirmed that advocates who disrupt a trial can be subject to criminal sanctions for contempt of court while remaining subject to professional ethics mechanisms. Meanwhile, Supreme Court Decision No. 814 K/Pid/2010 emphasized that advocates' freedom to express opinions in court is not an absolute right and must be limited to maintain the dignity of the judiciary. This jurisprudence serves as an important guideline for the Honorary Council in determining the boundaries between advocates' professional freedom and their ethical responsibilities.

Considering these various obstacles, reform of the legal profession's oversight system is imperative. Strategic steps that can be taken include establishing an independent ethics oversight body outside the legal organization structure, developing explicit written guidelines regarding the limits of contempt of court in advocacy practice, digitizing the publication of ethics court decisions to promote transparency, and increasing the capacity of advocates through ongoing legal ethics training (Nonet and Selznick 2007, 89). This reform direction aligns with the agenda of Sustainable Development Goal (SDG) 16, which prioritizes the establishment of effective, accountable, and transparent institutions to strengthen the rule of law and ensure impartial justice.

Handling of Advocate Firdaus Oiwo's Alleged Violation of the Code of Ethics in the Context of Contempt of Court. The case involving advocate Firdaus Oiwo in early 2024 became one of the most relevant examples of the complexity of enforcing the code of ethics for the legal profession in Indonesia. This incident not only highlighted the dilemma between freedom of expression and ethical boundaries but also revealed fundamental problems within the internal oversight mechanisms of advocate organizations.

In a video widely circulated on various social media platforms, Firdaus Oiwo was seen and heard making statements deemed to contain elements of insult and harassment against a judge.



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Furthermore, the statement was accompanied by threatening language, sparking a strong public response. Reaction came from various groups, from the general public and legal academics to practitioners and colleagues. Many considered the act to be contempt of court, which under Indonesian law constitutes a serious violation of the principles of an independent and authoritative judiciary.

According to the Chairman of the Denpasar branch of the Indonesian Advocates Association (Peradi), I Nyoman Budi Adnyana, S.H., M.H., CLA (Interview, July 20, 2025), Firdaus Oiwo's actions clearly diminish the honor of the legal profession: "Such statements clearly harm the dignity of the legal profession. Advocates' freedom of expression is guaranteed by law, but there is a red line that must not be crossed, namely, denigrating the judicial institution. In cases like this, the Honorary Council must act swiftly and transparently to ensure its moral message reaches all members."

A similar sentiment was expressed by the Chairman of the Indonesian Advocates Congress (KAI) of the Bali Province Regional Leadership Council, Adv. A. Agung Kompiang Gede, S.H., M.H., CIL (Interview, July 22, 2025), emphasized the ethical education dimension of this case: "This is not just about sanctions, but also about ethical education for young advocates. If there is no firm action, the public will consider this profession immune from the law. In fact, advocates are *officium nobile*, which means that every word and action must uphold the honor of the profession."

A critical analysis of this case reveals structural weaknesses in the enforcement of the advocate code of ethics in Indonesia. One of the most obvious obstacles is the slowness of the examination process by the Honorary Council of the advocate organization. This delay is not solely caused by technical or administrative factors, but also by differing internal interpretations regarding the classification of violations. Some consider such behavior to be an ethical violation that must be prosecuted based on the organization's internal mechanisms, while others view it as a purely criminal matter that falls within the jurisdiction of state law enforcement.

This situation is exacerbated by the fragmentation of advocate organizations in Indonesia following the enactment of the Advocates Law. The existence of more than one professional organization with varying ethical enforcement mechanisms has resulted in the absence of uniform procedural standards. As a result, in similar contempt of court cases, disparities in decisions between organizations can be found, thus obscuring consistency in law enforcement and weakening public perception of the integrity of the advocate profession.

The Firdaus Oiwo case also presents a crucial test of the Honorary Council's independence in the face of pressure, both from within the organization and from public opinion demanding swift and decisive action. In fact, the Supreme Court of the Republic of Indonesia, through several decisions – including Decision Number 1014 K/Pid/2006 and Decision Number 814 K/Pid/2010 – has provided clear guidelines that advocates' freedom of expression is not an absolute right, but rather a right subject to legal limitations to maintain the honor and dignity of the judiciary.

If the principles affirmed by the Supreme Court are not consistently internalized by the leaders of advocate organizations, every contempt of court case has the potential to be resolved inconsistently, even without a definitive verdict. It will ultimately undermine public trust in the legal profession as an *officium nobile* – a noble profession that should uphold integrity, objectivity, and respect for the law.

CONCLUSION



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The enforcement of the advocate code of ethics in Indonesia has a strong and adequate legal basis, both through Law Number 18 of 2003 concerning Advocates, the Indonesian Advocates Code of Ethics, and the support of criminal norms regarding contempt of court. However, in practice, this enforcement has not been running optimally. The main weakness lies in the internal oversight mechanism of advocate organizations, which still faces various obstacles, such as limited resources of the Honorary Council, slow examination processes, minimal transparency of ethical decisions, fragmentation of advocate organizations, and strong corps solidarity. This condition creates legal uncertainty and weakens the effectiveness of oversight of advocate behavior that has the potential to undermine the authority of the court. Therefore, reform of the advocate professional oversight system must be carried out through several strategic steps, starting from the establishment of an independent ethics supervisory body outside the advocate organizational structure, to increasing advocate capacity through ongoing legal ethics training.

The case of advocate Firdaus Oiwoobo concretely demonstrates the weak consistency and firmness of enforcement of the advocate code of ethics in contempt of court cases, while also emphasizing that advocates' freedom of expression is not an absolute right. Differences in interpretation between ethical violations and criminal acts, the slow response of the Honorary Council, and the absence of uniform standards of handling among advocate organizations have the potential to undermine public trust in the legal profession as an official. If this condition is allowed to continue, the advocate's function as a pillar of law enforcement could actually transform into a factor that weakens the integrity of the judicial system itself.

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