

# SMART COURT AND JUDICIARY: REFORMING THE JUDICIAL SECURITY SYSTEM AS A PREVENTIVE MEASURE FOR VIOLATIONS OF THE TRIAL PROTOCOL

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## Abstract

*This research focuses on two main issues, namely the low effectiveness of monitoring violations of trial protocol and the lack of technology-based reporting platforms to support trial security. Violations such as violence against judges and disruption of court proceedings reflect a weak judicial security system that reduces public trust and the legitimacy of the judiciary. This research uses a normative method with a statutory approach to analyze the implementation of trial security system reform through the Smart Court website. The results show that previous studies tend to only highlight the lack of public education as the main cause of violations, without giving sufficient attention to the development of reporting and monitoring platforms. The implementation of Smart Court is expected to be able to create a safe, orderly and authoritative court through the implementation of PERMA Number 6 of 2020, so as to maintain the independence and integrity of the judiciary.*

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## Abstrak

Penelitian ini berfokus pada dua rumusan masalah utama, yaitu rendahnya efektivitas pengawasan terhadap pelanggaran protokol persidangan dan minimnya platform pelaporan berbasis teknologi dalam mendukung keamanan persidangan. Pelanggaran seperti kekerasan terhadap hakim dan gangguan jalannya sidang mencerminkan lemahnya sistem keamanan peradilan yang mengurangi kepercayaan publik dan legitimasi lembaga peradilan. Penelitian ini menggunakan metode normatif dengan pendekatan perundang-undangan untuk menganalisis penerapan reformasi sistem keamanan persidangan melalui *website Smart Court*. Hasil menunjukkan bahwa penelitian terdahulu cenderung hanya menyoroti minimnya edukasi masyarakat sebagai penyebab utama pelanggaran, tanpa memberikan perhatian yang cukup pada pengembangan platform pelaporan dan pengawasan. Penerapan *Smart Court* diharapkan mampu menciptakan pengadilan yang aman, tertib, dan berwibawa melalui implementasi Peraturan Mahkamah Agung Nomor 6 Tahun 2020, sehingga dapat menjaga independensi dan integritas lembaga peradilan.

## 1. INTRODUCTION

Indonesia faces great challenges in maintaining the quality of trial protocols and security of the court environment, as stipulated in *Peraturan Mahkamah Agung (PERMA) Number 6 of 2020* concerning trial protocols and security, “The atmosphere of the administration of justice must be guaranteed without any behavior that can damage the integrity of the court institution and its judges.”<sup>1</sup> The main issues in focus are the lack of public respect for the judiciary and the absence of a platform for complaints of violations of the trial protocol. Cases such as violence against judges, trial disruptions, and riots in courtrooms reflect those existing regulations, including Article 217 of the Criminal Code, which have not effectively ensured an orderly and safe trial atmosphere.

The quality of trial protocols and security can affect public trust in the judiciary. If the public has doubts about security and order during trials, negative arguments will arise regarding the fairness and objectivity of the judicial process.<sup>2</sup> Judicial institutions that are not trusted by the public will lose their legitimacy as guardians of justice and enforcers of the law, resulting in decreased legal compliance and social conflict in the community. If security in the court is not guaranteed, victims, witnesses, and other parties involved in the trial will feel afraid or uncomfortable to go to court.<sup>3</sup> This can hamper the judicial process and reduce public participation in the justice system.

This problem is reinforced by some research results in several courts in Indonesia, where many protocol violations were found, such as the application of criminal sanctions for protocol violations, but proved insufficient due to the lack of public participation in reporting violations. This is the reason why there is no law enforcement and no education that the actions taken can disrupt security in the court environment.<sup>4</sup> For example, in 2019, there was a beating of a judge by lawyer Desrizal because he thought that the judge ignored evidence so that he lost the case. In addition, in 2020, there was a beating of a judge in Banyuwangi because the defendant was reluctant to wear a mask in court despite the judge's advice.<sup>5</sup> Then there was a riot at the Central Jakarta District Court, where visitors lifted tables and disrupted the trial, and the South Jakarta District Court had a riot

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<sup>1</sup> Syarif Nurhidayat, “Pengaturan dan Ruang Lingkup Contempt of Court Di Indonesia,” *Jurnal Ius Constituendum* 6, no. 2 (2021): 74, <http://dx.doi.org/10.26623/jic.v6i1.2419>.

<sup>2</sup> Editorial, “Enhancing Public Trust in the Judicial System: Key Factors.,” *Laws Learned*, 4 Juli 2024, <https://lawslearned.com/public-trust-in-judicial-system/>.

<sup>3</sup> Ekspan Duari, “Peran Lembaga Peradilan Yang Seharusnya Menegakkan Keadilan,” *Pinter Hukum*, 20 Maret 2022, <https://pinterhukum.or.id/peran-lembaga-peradilan-yang-seharusnya-menegakkan-keadilan/>.

<sup>4</sup> Annisa Dita Setiawan, et al., “Implementasi Sistem E-Court Dalam Penegakan Hukum Di Pengadilan Negeri,” *Jurnal Poros Hukum Padjadjaran* 2, no. 2 (2021): 199, <https://doi.org/10.23920/jphp.v2i2.352>.

<sup>5</sup> Nur Lailatul Musyafa’ah, et al., “Pendampingan Mahasiswa Klinik Etik dan Advokasi Untuk Menjaga Marwah Pengadilan Di Indonesia,” *In Proceedings of Annual Conference on Community Engagement*, no. 3 (2022): 428, <https://proceedings.uinsa.ac.id/index.php/ACCE/article/view/1083>.

because groups supporting the defendant or witnesses made noise such as shouting and dictating to judges in asking questions.<sup>6</sup>

The lack of public respect for the judiciary is due to the fact that the public is unaware of and, when aware of violations of trial protocols, they do not report them. The lack of public involvement in monitoring the court environment impacts the sacredness of the court environment.<sup>7</sup> This condition is also influenced by the lack of intensive supervision and the absence of an adequate complaint forum, which hampers the transparent resolution of cases. Therefore, a reporting platform for violations of court protocol is the right solution for creating community participation in strengthening intensive supervision so that security in the court environment is maintained.

There have been many studies related to violations of the trial protocol, especially Endhang Boedhiarti (2021) discussing “The Urgency of Contempt of Court Arrangements in Indonesia in the Future (*Ius Constituendum*),” which states that violations of the trial protocol are contrary to the vision of a clean and authoritative judiciary as an implementer of judicial power so that it needs to be strengthened by regulation.<sup>8</sup> Furthermore, quoted from the book entitled, “Contempt of Court in Indonesia: Urgency, Norms, Practices, Ideas & Problems”, that freedom of speech and expression and freedom of opinion must essentially exist in an institution,<sup>9</sup> violations of trial protocol can make it uncomfortable to follow the trial. Therefore, a reporting website is needed so that the public can express if they feel there is a protocol violation in the judicial environment.

As a theoretical basis, the doctrine of judicial authority, as stated by Jimly Asshiddiqie, emphasizes the importance of structural, functional, and financial independence in the judicial power. A safe and authoritative judicial environment not only supports the professionalism of judges but also increases public confidence in the judiciary. Technological developments in the judicial system, such as e-courts, have opened up opportunities to improve transparency and accountability.<sup>10</sup> However, this concept has not fully addressed the issue of court protocols. By presenting a technology-based reporting platform, Smart Court is expected to provide innovative solutions to create a safe, orderly and reliable court. Based on the description of these problems, the

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<sup>6</sup> Tim detikcom, “10 Kericuhan di Pengadilan: Dari Hakim Dibunuh hingga Kobra Disebar,” *Detik News*, 19 Juli 2019, <https://news.detik.com/berita/d-4631387/10-kericuhan-di-pengadilan-dari-hakim-dibunuh-hingga-kobra-disebar>.

<sup>7</sup> Raymond J. Lohier JR, et al., “Losing Faith: Why Public Trust in The Judiciary Matters,” *Judicature* 106, no. 2 (2022): 72, <https://judicature.duke.edu/articles/losing-faith-why-public-trust-in-the-judiciary-matters/>.

<sup>8</sup> Endhang Boedhiarti, “Urgensi Pengaturan Contempt of Court Di Indonesia di Masa yang Akan Datang (*Ius Constituendum*),” *Jurnal Juristic* 2, no. 2 (2021): 195, <https://pdfs.semanticscholar.org/ec20/e5645c6d8ac27b34cdae677129467bc94a6c.pdf>.

<sup>9</sup> Lilik Mulyadi dan Budi Suharyanto, *Contempt of Court di Indonesia: Urgensi, Norma, Praktik, Gagasan & Masalahnya* (Bandung: Penerbit Alumni, 2021), 5.

<sup>10</sup> Changqing Shi, et al., “The Smart Court – A New Pathway to Justice in China?,” *International Journal For Court Administration* 12, no. 1 (2021): 3, <https://doi.org/10.36745/ijca.367>.

author provides a solution that is contained in, “Smart Court and Judiciary: Reforming the Judicial Security System as a Preventive Measure for Violations of Trial Protocol.”

## 2. METHODS

This research uses normative research methods<sup>11</sup> to analyze the urgency of reforming the judicial security system as a preventive measure for violations of the trial protocol. The author uses the normative method because this research focuses on a statute approach to analyze the current conditions of court governance, legal technology, and trial security.<sup>12</sup>

The legal materials used are primary and secondary,<sup>13</sup> which include a review of legislation, legal literature, relevant research governing Judicial Power, trial security regulations, and e-court policies in Indonesia.<sup>14</sup> After obtaining the necessary data, proceed with analyzing using descriptive and interpretative techniques that will assist in interpreting legal regulations and principles in identifying the urgency of the Smart Court in the context of constitutional law, especially in the digital era.

## 3. DISCUSSION

### 3.1 Level of Protocol and Security Violations in the Court Environment

The Judicial Commission (*Komisi Yudisial*/KY) of the Republic of Indonesia in 2022 has received “A total of 721 public reports with 13 cases or reports deemed to degrade the honor and dignity of judges (*Perbuatan Merendahkan Kehormatan dan keluhuran martabat Hakim*/PMKH) and 643 copy letters of alleged violations of the Code of Ethics and Code of Conduct for Judges (*Kode Etik dan Pedoman Perilaku Hakim*/KEPPH)”.<sup>15</sup> Violations of the trial rules are often committed by the public, such as making noise both inside and outside the courtroom, eating and drinking in the courtroom, smoking, making phone calls, littering, and recording the trial process.<sup>16</sup>

This is supported by several viral cases, such as in the Makassar District Court, where visitors have violated the protocol, such as eating and drinking in the room during the trial process. Pressure on judges during the trial process of the defendant’s family

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<sup>11</sup> Kadarudin, *Penelitian di Bidang Ilmu Hukum (Sebuah Pemahaman. Awal)*, (Semarang: Formaci, 2021), 173.

<sup>12</sup> Nurul Mutmainah Al Zahra, et al., “Rekonstruksi Komisi Yudisial Sebagai Upaya Optimalisasi Penegakan Integritas Kekuasaan Kehakiman,” *Jurnal Studia Legalia* 3, no. 2 (2022): 67, <https://doi.org/10.61084/jsl.v3i02.31>.

<sup>13</sup> Kadarudin, *Riset Sederhana di Bidang Ilmu Hukum*, (Ponorogo: Uwais Inspirasi Indonesia, 2020), 253.

<sup>14</sup> Mulyani Zulaeha, “E-Courts in Indonesia: Exploring the opportunities and challenges for justice and advancement to judicial efficiency,” *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 188, <https://ijcjs.com/menu-script/index.php/ijcjs/article/view/617>.

<sup>15</sup> Irfan Kamil dan Diamanty Meiliana, “KY Terima 721 Laporan Dugaan Pelanggaran Hakim Di Semester Pertama 2022,” *Kompas.Com*, 27 Juli 2022, <https://Nasional.Kompas.Com/Read/2022/07/25/15520781/Ky-Terima-721-Laporan-Dugaan-Pelanggaran-Hakim-Di-Semester-Pertama-2022>.

<sup>16</sup> Bailey, Patrick Ryan, “Exploring Offenses Against the Public Peace in Ohio: A Comprehensive Literature Review,” (*Tesis, ProQuest University, 2024*), 1-24.

disrupted 15 Furthermore, the Medan District Court because they felt that there was a wrongful arrest by the police, so it turned into a closed hearing. The Banjarmasin District Court saw a labor demonstration during an industrial relations case hearing.<sup>17</sup>

Violence against judges occurred at the Bengkalis District Court, where judges often received threats and acts of violence, such as defacing the judges' official residence, throwing dead animals, and damaging vehicles.<sup>18</sup> In addition, the Judicial Commission (KY) has handled around 118 cases of alleged misconduct against judges during the 2015-2023 period. These cases include acts of violence, terror, and excessive demonstrations against judges. Female judges have also experienced cases of sexual harassment and lewd acts, indicating that the security and protection of judges remain a significant challenge.<sup>19</sup>

In July 2019, there was an assault on a judge by a lawyer with the initials D, who physically assaulted two judges, HS and DB, during a trial.<sup>20</sup> Then, the Medan District Court was also shocked by the murder of Judge Jamaluddin in 2019.<sup>21</sup> In addition, there was a cobra spread in court in July 2019 in the courtroom of the South Jakarta District Court.<sup>22</sup> These incidents indicate a breach of security protocols that jeopardized the safety of judges and court participants, necessitating improvements to the security system within the courts to protect the integrity of the judiciary and the safety of judges.

### 3.2 The Urgency of Reforming the Security System and Trial Protocol in the Smart Court Environment

This violation does not align with PERMA Number 6 of 2020 Jo Amendment to Supreme Court Regulation Number 5 of 2020 concerning Trial Protocol and Security in the Court Environment. Of course, strengthening regulations in the judicial security system in Indonesia is urgently needed to emphasize judicial power.

Trial protocols and security influence increased public trust in the dignity and authority of the courts. The level of public trust is a tangible manifestation of judicial services to the community as measured by the index of the number of cases filed with the court and public perception of the judiciary.<sup>23</sup> The urgency of judicial authority means

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<sup>17</sup> Opik Rozikin, "Contempt of Court Dalam Peraturan Perundang-undangan di Indonesia". *Jurnal CIC Lembaga Riset Dan Konsultan Sosial* 1, no. 1 (2019): 5, <http://www.jurnal.cicofficial.com/index.php/jbo/article/view/1>.

<sup>18</sup> Ady Thea DA, "Selama 8 Tahun, KY Tangani 118 Kasus Dugaan Perbuatan Merendahkan Hakim," *Hukum Online*, 12 September 2023, <https://www.hukumonline.com/berita/a/selama-8-tahun--ky-tangani-118-kasus-dugaan-perbuatan-merendahkan-hakim-lt65003fd5ded8e?form=MG0AV3>.

<sup>19</sup> Ibid.

<sup>20</sup> Dylan Aprialdo Rachman dan Krisiandi, "Serangan Pengacara D terhadap Hakim di Persidangan," *Kompas.com*, 19 Juli 2019, <https://nasional.kompas.com/read/2019/07/19/08073921/serangan-pengacara-d-terhadap-hakim-di-persidangan>.

<sup>21</sup> Tim detikcom, loc. cit., <https://news.detik.com/berita/d-4631387/10-kericuhan-di-pengadilan-dari-hakim-dibunuh-hingga-kobra-disebar>.

<sup>22</sup> Ibid

<sup>23</sup> Christie S. Warren, "The Constitutional Court of Indonesia as a Post-Conflict Institution," *Brill's Asian Law Series*, no. 5 (2024): 118, <https://library.oapen.org/bitstream/handle/20.500.12657/88427/1/9789004691698.pdf#page=133>.



behavior to be respected by others through attitudes and behaviors that contain leadership and are full of attractiveness to control and influence.<sup>24</sup>

The judiciary's authority can be seen when a person enters the court area; the inadequacy of the courthouse can lead to negative perceptions about the court's role in realizing justice.<sup>25</sup> Good trial and security protocols must be implemented when the public is already in the court environment and enters the courtroom as fully contained in Perma 5 of 2020 concerning Trial Protocols and Security in the Court Environment.

The existence of this Perma is in line with the purpose of the General Elucidation of Law Number 14 of 1985 concerning the Supreme Court, which emphasizes that the atmosphere of the judiciary must be in accordance with Pancasila, so it is necessary to regulate rules governing the action against acts, behavior, attitudes and/or speech that can degrade and undermine the authority, dignity, and honor of the judiciary.<sup>26</sup>

A safe environment of justice will have an influence on the independence of judicial power in Indonesia as discussed by several experts, one of which is Jimly Asshiddiqie who conceptualizes the independence of judicial power in 3 (three) senses including “Structural independence, namely an organizational chart that is separate from other organizations, Functional independence, namely independence in terms of guaranteeing the implementation of the functions of judicial power from intervention, and Financial independence, namely independence in terms of independence in determining the guaranteed budget in carrying out independent functions.”<sup>27</sup>

The theory aligns with the concept of actualization of judicial independence in providing a framework to assess the urgency of reform to maintain the judiciary's integrity, effectiveness, and professionalism.

### 3.2.1 *Structural Independence*

Courts must be free from the intervention or influence of other powers, whether executive, legislative, or outside parties, to function independently. Reforms to court security systems and protocols need to be enforced to not open the door to external interference, including physical and non-physical intimidation of judges, witnesses, or related parties. Strong security supports structural independence by preventing potential external pressures that could influence judges' decisions.

### 3.2.2 *Functional Independence*

*Independence in this theory means that judges must be free to carry out their judicial duties, both in the decision-making process and in carrying out other tasks related to court functions. Security threats, such as intimidation of judges*

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<sup>24</sup> Ebenezer Kojo Gyesei Mensah, “Assessing the Role of Media Influence and Public Perception in Legal Decision-Making Mensah,” *SSRN* no. 4811277 (2024): 2, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4811277](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4811277).

<sup>25</sup> Ryan C. Williams, “Jurisdiction as Power,” *The University of Chicago Law Review* 89, no. 7 (2022): 1719, <https://lawreview.uchicago.edu/print-archive/jurisdiction-power>.

<sup>26</sup> Maruarar Siahaan, *Hukum Acara Mahkamah Konstitusi Republik Indonesia (edisi kedua)* (Jakarta: Sinar Grafika, 2022), 151.

<sup>27</sup> Lilik Mulyadi and Budi Suharyanto, loc. Cit., hlm 31.

*and witnesses can interfere with their functional independence because it can affect their objectivity and courage in making fair decisions.*

### 3.2.3 Financial Independence

Judicial institutions must have independence in budget management, including allocating adequate funds to support operations, infrastructure development, and security. Follow-up security reform efforts require adequate budget allocations for procuring security technology, training security personnel, and maintenance of physical and digital infrastructure. This is to enable the courts to implement smart courts.

Reforming security systems and trial protocols in a Smart Court-based court environment can help keep witnesses, defendants, and judges safe so they can focus on the substance of the law without external intervention or distraction. A good security system ensures that judges and all parties involved can carry out their duties professionally, creating a quality judicial environment.

The urgency of strengthening regulations in the judicial security system becomes very relevant when linked to the need for technology-based reforms, such as the Smart Court concept. Although we are already familiar with SIWAS on the Supreme Court website, there are significant differences in its purpose and scope. SIWAS focuses on internal monitoring of the behavior of court officials. At the same time, Smart Court is designed as a platform for public participation to report violations of trial protocols directly and transparently. The Smart Court concept provides a reporting platform and aims to improve the accountability and credibility of the trial process by involving the public as an external watchdog.

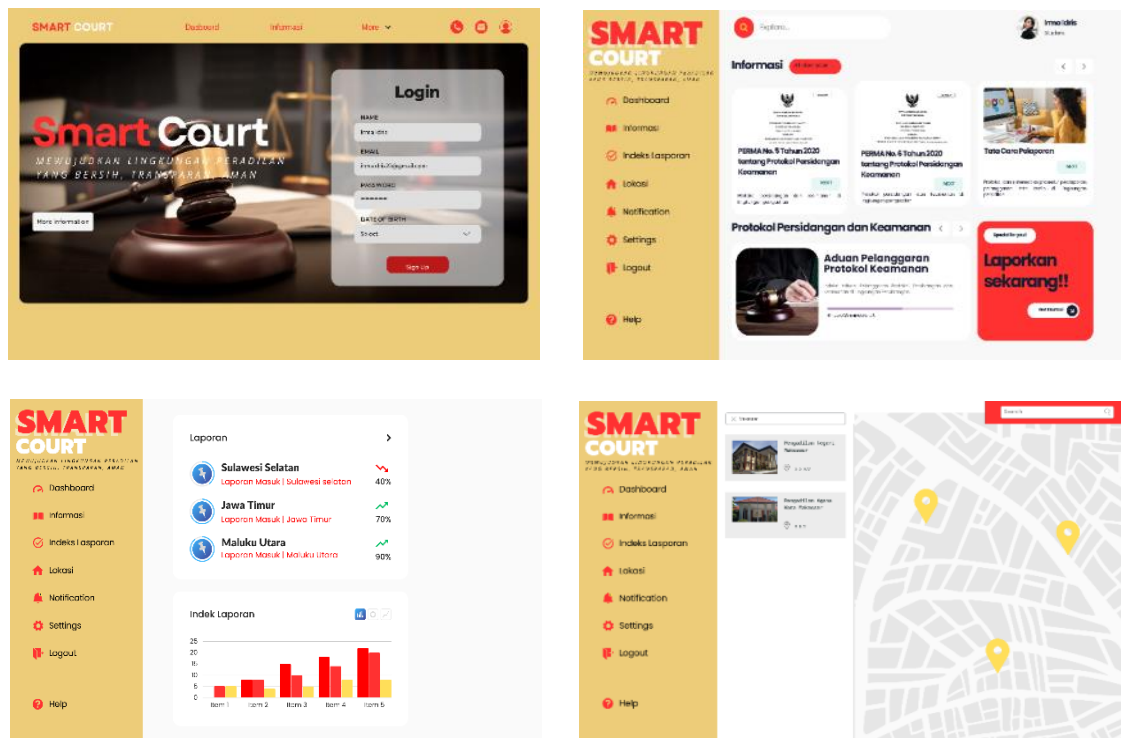


Figure 1. Smart Court Website Overview

The Smart Court concept provides an appropriate forum for the public to report on trial protocols so that the judicial process will be more transparent, accountable and safe so that the judicial environment can be more sterile. Then the complaints entered into the website will become a forum for channeling violations that are not yet available and can be a preventive solution to violations of trial protocols in the court environment. The involvement of the Judicial Commission (KY) is to monitor the progress of public complaints and to maximize regulations related to the Trial Protocol.<sup>28</sup>

The system in the smart court website uses the Phyton System to achieve three main objectives in the preventive solution to violations of trial protocol in the court environment, which has 3 main advantages: (1) Fulfilling democratic obligations by creating a space for public trust in media relations, conducting public reporting and providing responses to the public. (2) Achieving pragmatic goals such as finding space and contacting the public. (3) Achieving the realization of preventive efforts against violations of trial protocol in the court environment. The follow-up of complaints submitted through Smart Court is designed in three main stages:

- 3.2.1 Verification and Classification of Complaints: Incoming complaints will be verified by a specialized team to determine their level of urgency and classification, for example, whether they relate to minor violations such as disorderly conduct or serious violations such as threats against judges.
- 3.2.2 Corrective Action: Corrective action will be provided based on the verification results. For example, minor violations may be handled with a written warning, while major violations will be forwarded to the authorities, such as the Judicial Commission (KY) or the police.
- 3.2.3 Monitoring and Evaluation: The Smart Court system will provide a monitoring feature to monitor the progress of each complaint. Data from this platform can also be used for future regulatory evaluation and strategic policy-making.

In this context, the urgency of strengthening regulations in the form of a website arises because the regulation of PERMA Number 6 of 2020 is still limited to procedural arrangements without being supported by an effective implementation mechanism. Technology-based reforms like Smart Court provide a more holistic approach, including integrating security technology, automated monitoring systems, and a publicly accessible complaints database. Strengthening regulations through the function of this platform can prevent violations such as intimidation of judges, physical violence, and riots in the courtroom can be minimized.

This regulatory strengthening is in line with the Rule of Law doctrine which emphasizes the importance of the rule of law to protect all parties involved in the judicial process. In addition, the concept of Judicial Independence, as stated by Jimly Asshiddiqie, emphasizes that the independence of judges, whether structural, functional, or financial,

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<sup>28</sup> Sutanto Nugroho, et al., "Contempt of Court Dalam Peraturan Perundang-Undangan di Indonesia Pengaturan Tindak Pidana Contempt of Court Berdasarkan Sistem Hukum Pidana Indonesia," *Diponegoro Law Journal* 6, no. 2 (2017): 8, <https://doi.org/10.14710/dlj.2017.19543>.



must be supported by a safe judicial environment. This doctrine is relevant in building the argument that the protection of judges and witnesses is an integral part of the security system that maintains the judiciary's authority. Implementing a Smart court as a form of judicial security system reform will be a preventive measure in addressing the issue of violations of trial protocols. This solution will help realize accountability, transparency, and security in the court environment in order to realize a clean, fair, and integrity judiciary in Indonesia.

#### 4. CONCLUSION

Violations of the trial protocol, such as violence against judges and disruptions during trials, reflect weak oversight and a lack of effective reporting mechanisms. As a result, public trust in the judiciary declines, undermining the legitimacy and independence of judicial institutions. Implementing Smart Court offers a technology-based solution for reporting, following up, and monitoring violations. The platform enhances transparency, public participation, and trial oversight. This solution aligns with the Rule of Law and Judicial Independence doctrines, which emphasize the importance of the rule of law and the protection of the judicial environment. Improving regulations, public education, infrastructure development, and inter-agency collaboration are required for strengthening. Smart Court is expected to be a sustainable innovation to create Indonesia's safe, orderly and professional judiciary.

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