

## Analisis urgensi pengaturan pemidanaan obstruction of justice di Indonesia = Analysis of urgency to regulate criminalization of obstruction of justice in Indonesia

Rahmat Indera Satrya, author

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### Abstrak

Perbuatan menghalangi proses hukum atau obstruction of justice adalah suatu perbuatanjahat yang bertujuan mengganggu fakta materiil, baik dari segi isinya maupunpenyampaianya, yang akan mengganggu proses mencapai putusan yang adil, sehinggamenhalangi tercapainya keadilan, lalu menguntungkan pelaku secara melawan hukum. Pengaturan obstruction of justice di Amerika Serikat, Inggris dan Belanda telah lebih rinci baik dalam undang-undang yang berkait dengan Contempt of Court maupun undang-undang umum lainnya.

Kasus obstruction of justice terjadi pada peradilan di Indonesia misalnya kasus yang dilakukan Anggodo Widjojo dan Cirus Sinaga. Di Indonesia, pengaturan mengenai obstruction of justice terdapat dalam Kitab Undang-Undang Hukum Pidana KUHP dan dalam undang-undang tindak pidana khusus. Bahkan, dalam perkembangannya muncul pengaturan mengenai obstruction of justice dalam RUU tentang Tindak Pidana Penyelenggaraan Peradilan dan Penghinaan Di Luar Pengadilan Contempt of Court dan RKUHP.

*Obstruction of justice is a crime that aims to interfere with the material facts either by content of material facts or the production of material facts in a judicial proceeding, therefore a sound and just judgement or verdict will not be reached, thus creating injustice and benefiting the offenders unlawfully. The regulations regarding obstruction of justice in United States of America, United Kingdom, and The Netherlands are already more detailed either by legislation relating to contempt of court or other general laws.*

Examples of obstruction of justice cases in Indonesia are the ones perpetrated by Anggodo Widjojo and Cirus Sinaga. In Indonesia, the regulation concerning obstruction of justice are found in Indonesian Criminal Code KUHP and in specialized criminal legislations. Even in its development, the regulation of obstruction of justice will be determined in Bill of Offenses against Administration of Justice and Contempt of Court, or in Bill of Indonesian Criminal Code RKUHP.