

AMBIGUITY OF THE OFFENSE REGARDING OBSTRUCTION OF JUSTICE IN CORRUPTION CASES IN INDONESIA**Antoni, Megawati Barthos**

Universitas Borobudur, Indonesia

Email: antoni.toni14@yahoo.com, megawati_barthos@borobudur.ac.id

Abstract

Obstruction of justice, or acts that impede the legal process, is a serious threat to law enforcement, particularly in corruption cases. In Indonesia, this act is regulated under Article 21 of Law No. 31 of 1999 concerning the Eradication of Corruption Crimes, amended by Law No. 20 of 2001. This study aims to analyze the ambiguity of the offense of Obstruction of Justice and examine efforts to address the ambiguity of the offense in corruption crimes. Through a juridical-normative method, this article investigates the unclear legal regulation of obstruction of justice in corruption offenses, as well as efforts to create legal certainty regarding Obstruction of Justice.

Keywords: *obstruction of justice, corruption, criminal sanctions, law enforcement***INTRODUCTION**

Law serves as a tool to create order and regulation in social life. It provides guidance for the community on how to behave appropriately, balances rights and obligations, and upholds human rights. Law also regulates prohibited acts and the sanctions for transgressors (Hamzah, 1986; Samosir, 2018). However, law itself is merely a collection of written rules that will not be effective without law enforcement agencies (Lubis & Sinaga, 2023). Law enforcement agencies are part of an integrated system tasked with implementing the law according to regulations to achieve justice. Therefore, law and law enforcement are a unified whole necessary to create a sense of security, peace, and fairness in society (Danil, 2021; Hemel & Posner, 2018).

The dynamics of social life often face the phenomenon of crime. Crime is an act that deviates from or violates the law, ethics, or morals. Although no one wants to be a perpetrator or victim of crime, criminal acts can happen to anyone, at any time, and in any place. Indonesia, as a constitutional state, treats law as the main foundation in national life. Law in Indonesia applies to all layers of society without exception, including rulers, officials, government apparatus, and even law enforcement agencies themselves. This affirms that the law does not differentiate between status or position, and anyone who violates the law may be subject to sanctions (ARIA, 2017).

Criminal acts are terms used in criminal law to refer to unlawful acts or crimes (Marchuk, 2014). Criminal acts include actions that have been defined as legal violations in legislation, and an individual can only be held criminally responsible if

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they commit an offense. In societal views, this offense is normatively assessed based on the violation committed. Criminal acts are an important term in criminal law that refers to unlawful acts or crimes. Juridically, a criminal act means an evil deed that has been formulated in law. Such actions are considered against the law and are not supposed to be done. Criminal acts are also related to the existence of errors committed by an individual, whereby the person may be held accountable for their actions if proven guilty. The public's view of this error is normative, meaning they assess an action based on applicable legal norms.

Recently, cases have emerged in Indonesia involving acts that obstruct criminal investigations, known as obstruction of justice. This act is categorized as a criminal offense because it aims to impede or hinder the legal process. One example is regulated in Article 21 of Law No. 31 of 1999 concerning the Eradication of Corruption Crimes. However, in that article, there is no clear explanation regarding what is meant by actions "to prevent, hinder, or block directly or indirectly," which has the potential to lead to misinterpretation. Obstruction of justice can be interpreted as actions aimed at obstructing the legal process in a criminal offense (Harrington & Schiffelbein, 2014). Since these acts can hamper or undermine the law enforcement process, they are categorized as criminal acts. Law enforcement has a very important goal, which is to uphold the law and justice. The public's trust in the law greatly depends on how the law enforcement process is carried out correctly, transparently, and accountably.

The combating of obstruction of justice cannot be separated from penal policy. Penal policy is a rational effort to tackle crime using criminal law. However, in criminal policy, the combating of crime does not solely rely on penal means (criminal law) but can also involve non-penal measures or steps outside criminal law, one of which is corruption crimes (Widyantara et al., 2023). Corruption offenses are regulated in Law No. 31 of 1999 concerning the Eradication of Corruption Crimes, which has been amended by Law No. 20 of 2001. This law has since been complemented by Law No. 19 of 2019 concerning the Second Amendment to Law No. 30 of 2002 regarding the Corruption Eradication Commission (KPK), as well as Law No. 46 of 2009 concerning the Court for Corruption Crimes. According to Prof. Dr. Jur. Andi Hamzah, who shares the opinion with Gunner Myrdal, there are several ways that developing countries can undertake to combat corruption, namely:

1. Increase the salaries of lower and middle-level employees;
2. Improve the morale of high-ranking employees;
3. Legalize extortion by making it an official or legal source of income.

Efforts to combat corruption will not be effective if there are still individuals attempting to undermine the law enforcement process. One way that undermines the law enforcement process in the fight against corruption is obstruction of justice. In fact, law enforcement should be a process to ensure that legal norms are upheld and serve as a guideline in legal relationships within society and the state. The criminal acts regulated in Article 21 of the Law on the Eradication of Corruption Crimes (Law No. 31 of 1999) related to actions that obstruct the law enforcement process in the eradication of

corruption, commonly known as obstruction of justice, have several elements of a criminal offense, namely:

1. Every person;
2. Intentionally;
3. Engages in acts to prevent, obstruct, or frustrate;
4. Either directly or indirectly;
5. Against the investigation, prosecution, or examination in court involving the suspect, defendant, or witness in a corruption case.

These elements indicate that actions included in obstruction of justice aim to hinder the legal process in corruption cases, whether through direct actions or indirect means, such as influencing witnesses or obscuring evidence. Article 21 of the Law on the Eradication of Corruption Crimes (Law No. 31 of 1999) has been tested before the Constitutional Court in registration number 27/PUU-XVII/2019. In this examination, the petitioners argued that as advocates defending their clients during the investigation phase, there often arise differences of opinion or disagreements with the actions or strategies of investigators. This difference raises legal questions about whether such resistance can be categorized as acts deliberately intended to prevent, obstruct, or frustrate investigations, prosecutions, or court proceedings, either directly or indirectly.

The examination of Article 21 of the Law on the Eradication of Corruption Crimes refers to Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that everyone has the right to recognition, guarantees, protection, and certainty of law that is fair as well as equal treatment before the law. The petitioners argued that Article 21 does not provide legal certainty, is ambiguous, and/or open to multiple interpretations. Therefore, they claimed that Article 21, which lacks clear benchmarks, poses risks for advocates defending their clients in corruption cases, as they could be considered to be acting in ways that prevent, obstruct, or frustrate the law enforcement process related to corruption crimes, either directly or indirectly. Thus, Article 21 is viewed as a norm lacking legal certainty and contrary to the 1945 Constitution of the Republic of Indonesia. Furthermore, this situation could be exploited by investigators to accuse an advocate or individuals involved in defending their clients or family members of obstruction of justice. This could become a threat to advocates or individuals in carrying out legal defense. However, the Constitutional Court ultimately decided on this petition, stating that it was not admissible. The decision was based on the reasoning that the essence of the petition was considered vague (*obscur*). With the rejection of the examination regarding the phrase "directly or indirectly" in Article 21 of the Law on the Eradication of Corruption Crimes, there is currently no definitive boundary regarding the benchmark of actions that can be categorized as obstruction of justice. The very broad scope of this provision has resulted in inconsistent understandings among law enforcement officials regarding actions classified as obstruction of justice, especially concerning the phrase "directly or indirectly."

The lack of clarity regarding the offense of obstruction of justice in Indonesian law, particularly related to corruption crimes, creates uncertainty in its application.

Although the term generally refers to any attempts to obstruct legal processes, such as investigations, prosecutions, or trials, the law governing the eradication of corruption crimes, namely Law No. 31 of 1999 as amended by Law No. 20 of 2001, does not explicitly define obstruction of justice. Consequently, there is doubt regarding the actions that can be classified as forms of obstruction of justice in the context of corruption, including whether political interference, destruction of evidence, or intimidation of witnesses can be categorized as such. The absence of clear regulations causes difficulties in prosecuting and imposing appropriate sanctions on those who engage in actions that hinder the legal process in corruption cases. Based on the explanation above, there are research problems that will be discussed in this study, namely analyzing the ambiguity of the offense of obstruction of justice and efforts to create legal certainty regarding the offense regulating obstruction of justice.

RESEARCH METHOD

In this study, the research method used is a statutory approach, also known as normative legal research (Jonaedi Efendi et al., 2018). This method involves the process of finding legal rules, legal principles, and legal doctrines to address legal issues aimed at understanding the ambiguity of the offense of obstruction of justice and the application of criminal sanctions against those committing obstruction of justice in corruption cases in Indonesia according to existing legal provisions. Additionally, the study will examine the challenges and efforts faced in the law enforcement process against those committing obstruction of justice in corruption cases. The case approach involves analyzing and examining specific cases to serve as a guideline for addressing legal issues, providing answers regarding efforts to create legal certainty concerning the offense that regulates obstruction of justice. Furthermore, the conceptual approach is based on the views and patterns of doctrines or thoughts developed by legal scholars. Through the various approaches and legal research described above, this study will address the ambiguity surrounding the offense of obstruction of justice in corruption cases and the application of criminal sanctions against those committing obstruction of justice in Indonesia, in accordance with applicable legal provisions. It will also explore the efforts to create legal certainty in relation to the offense that regulates obstruction of justice.

RESULTS AND DISCUSSION

Ambiguity of the Obstruction of Justice Offense in Corruption Cases in Indonesia

Corruption is a crime that severely undermines the sustainability of a nation, both in terms of quality and quantity. In terms of quantity, the increasing number of corruption crimes certainly has a negative impact on the decline in the welfare of society. The state has an obligation to enhance the welfare of its citizens, and thus the widespread impact of corruption must be a concern and responsibility of all elements of the nation without exception. Therefore, society also has a responsibility to participate alongside the government in the efforts to combat corruption. From a qualitative

perspective, corrupt practices deliberately harm the social order and behavior of society within a nation. Corruption can be likened to a contagious disease that, if not addressed promptly, will lead to a decline in moral quality and human life in general. Therefore, serious and integrated measures are needed to eradicate it to prevent further damage to the life of the nation and the state. Obstruction of justice is regulated in the legislative framework in Indonesia, including in Article 221 of the Criminal Code (KUHP) and Article 21 of Law No. 31 of 1999 concerning the Eradication of Corruption Crimes. The following is an explanation of obstruction of justice according to the provisions in Article 221 of the Criminal Code:

- a. Anyone who intentionally conceals a perpetrator of a criminal act or someone who is being prosecuted for committing a criminal offense, or assists that person in avoiding investigation or detention conducted by judicial officials, the police, or individuals authorized by law, shall be punished with imprisonment for a maximum of nine months or a fine of up to four thousand five hundred rupiah. Anyone who, after a criminal act has occurred, with the intention of covering it up or obstructing the investigation or prosecution, destroys, eliminates, conceals evidence, or obstructs examinations carried out by judicial officials or the police, shall also be punished with the same penalty.
- b. However, the provisions do not apply if such actions are taken with the intention of protecting or avoiding prosecution against blood relatives or in-laws in a direct or collateral line up to the second or third degree, or against a spouse, whether still married or divorced.

The ambiguity of the obstruction of justice offense is one of the crucial issues in law enforcement that impacts the effectiveness of the judicial system. This ambiguity often arises from inconsistencies in the definition of actions that fall into the category of obstruction of justice, especially in the legal context that regulates it. For example, phrases like "directly or indirectly" can lead to differing interpretations among law enforcement officials, lawyers, and judges, creating uncertainty in determining whether an action qualifies as an obstruction of the legal process. This ambiguity potentially benefits the perpetrators, who can claim that their actions do not fall under the category of obstruction, resulting in uncertainty in law enforcement. Additionally, this lack of clarity can create room for subjectivity in the application of the law, where similar actions may be perceived differently depending on the context and perspectives of the parties involved. This can also affect the community's decision to report acts of obstruction of justice, as uncertainty about what may be considered a legal violation can hinder individuals' willingness to participate in legal processes. In the long run, this ambiguity can undermine public trust in the judicial system and obstruct efforts to create a safe and fair environment where justice can be upheld without detrimental intervention. Therefore, serious efforts must be made to clarify the definitions and parameters of the obstruction of justice offense, in order to provide better legal certainty and reduce the potential for the misuse of legal interpretations in law enforcement processes.

The ambiguity of the obstruction of justice offense not only affects legal interpretation but also has direct implications on the actions that perpetrators can take to obstruct legal processes. Obstructive actions are often carried out through various means, such as destroying or altering relevant evidence, as well as obstructing access to important documents that could support investigations. When there is ambiguity in the definition of actions that fall under the category of obstruction of justice, perpetrators may feel freer to carry out such efforts without fear of facing strict penalties. Therefore, it is crucial to clarify and specify the actions that fall under this category, so that any individual involved in obstructing legal processes can be sanctioned appropriately, and the integrity of the judicial system can be maintained.

The existence of Article 21 of the Anti-Corruption Law (UU PTPK) becomes relevant in the context of the acid attack against Corruption Eradication Commission (KPK) investigator Novel Baswedan in 2017. As a result of the attack, Novel Baswedan suffered permanent disability, leading to blindness in his left eye. The perpetrators, Rahmat Kadir and Ronny Bugis, were active members of the police. At the time of the incident, Novel Baswedan was serving as an investigator at the KPK and had successfully resolved various major corruption cases, including the Simulator SIM project case in 2012. At the time of the acid attack, the KPK was investigating alleged bribery related to meat import licensing involving businessman Basuki Hariman and several officials suspected of receiving bribes. In response to the attack on Novel Baswedan, the National Human Rights Commission (KOMNAS HAM) requested that the suspects be charged under the obstruction of justice provisions, considering that the actions were suspected of interfering with and obstructing the KPK's duties in combating corruption. However, this request was ignored, and the case ended with the prosecution of the suspects based on general criminal offenses. Both police officers were convicted based on alternative charges under Article 353 paragraph (2) of the Criminal Code in conjunction with Article 55 paragraph (1) number 1 of the Criminal Code, where Article 353 paragraph (2) of the Criminal Code states, "If the act causes serious bodily harm, the guilty party shall be sentenced to imprisonment for a maximum of seven years," while Article 55 paragraph (1) number 1 of the Criminal Code states, "Those who commit, order to commit, and participate in the act."

Actions that may obstruct the investigation of obstruction of justice include denying access to the collection of evidence, obstructing access to important documents, destroying or altering evidence, and other actions that impede the legitimate collection of evidence can be considered serious attempts to obstruct legal processes. Such actions can disrupt the integrity of the judicial system and undermine law enforcement efforts. Any individual or party involved in such actions risks facing criminal sanctions for obstructing law enforcement and threatening justice. Therefore, it is important to safeguard access to and the authenticity of documents and evidence in the investigation and prosecution processes.

Furthermore, manipulation of legal processes is one of the tactics frequently used by obstruction of justice perpetrators to disrupt the judicial system. In this context,

manipulation refers to the intentional and unlawful efforts to alter legal steps, court procedures, or judges' decisions for personal or specific group interests. This manipulation tactic can take various forms, ranging from filing false lawsuits to attempting to influence judges' decisions through pressure or bribery. One common form of manipulation is the filing of false lawsuits. These false lawsuits can be claims made to deceive or harm another party or to deliberately delay legal processes. Such actions not only waste valuable legal time and resources but can also harm the parties targeted by false accusations. Additionally, false lawsuits can disrupt order and decrease public confidence in the judicial system.

Manipulation of legal processes can also occur through attempts to delay the course of justice through unlawful means. This can be done by submitting requests for adjournment, taking actions that hinder court proceedings, or even obstructing investigations and evidence collection. The impacts of such manipulation not only delay legal processes but can also cause financial and emotional harm to the parties involved in the case. Social norms are formed as a result of changes in lifestyles and behaviors that are continually influenced by new social norms. Old lifestyles that are no longer considered relevant will be replaced by new patterns that meet societal needs. Changes in social aspects, values, and norms must be taken into account as they influence the overall culture and behavior of society. Changes in social norms will consciously shape national values that become permanent habits in society and are closely related to their actions. If societal misbehavior is not corrected, it can create a negative culture that becomes ingrained. For example, corruption must be eradicated immediately as it spreads to various layers of society and takes place in various institutions, including in Indonesia.

An example of a corruption case is seen in the case involving lawyer Friedrich Yunadi and doctor Bimanesh Sutarjo related to obstruction of justice, with Setya Novanto being a focal point due to his background as an influential political figure and party chairperson at the time. In the e-KTP corruption case, which caused state losses amounting to 2.3 trillion rupiah, investigators and prosecutors found evidence that Friedrich Yunadi and Bimanesh Sutarjo were involved in efforts to conceal Setya Novanto in order to obstruct the investigation and prosecution. Their actions were considered obstruction of justice as they hindered the ongoing legal process. This case reflects a significant challenge in law enforcement in Indonesia, particularly when involving prominent figures.

The law enforcement process in this case focuses on the application of Article 21 of the Anti-Corruption Law (UU PTPK). Article 21 states that anyone who directly or indirectly obstructs legal processes in the eradication of corruption may face criminal sanctions. However, the phrase "directly or indirectly" in this article has become a source of debate as it is seen to potentially jeopardize lawyers in performing their professional duties. Lawyers Friedrich Yunadi and several other parties have filed a judicial review against this phrase at the Constitutional Court. They argue that such phrasing might criminalize legitimate actions by lawyers in providing legal assistance

and defense for their clients. Thus, the law enforcement process in this case is closely related to Article 21 of the Anti-Corruption Law as well as the debate regarding the interpretation of the phrase "directly or indirectly." This has become an important focus in the efforts to enforce laws against the obstruction of justice actions carried out by the alleged perpetrators, including lawyers Friedrich Yunadi and doctor Bimanesh Sutarjo. One provision that regulates actions obstructing legal processes can be found in Chapter III regarding Other Crimes Related to Corruption Crimes, which includes four articles: Articles 21, 22, 23, and 24 of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 about the Eradication of Corruption Crimes.

- a. Article 21 of Law No. 31 of 1999: "Any person who intentionally prevents, obstructs, or directly or indirectly undermines the investigation, prosecution, and examination in court against a suspect, defendant, or witness in a corruption case shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 12 (twelve) years, and/or a fine of at least Rp150,000,000.00 (one hundred fifty million rupiah) and a maximum of Rp600,000,000.00 (six hundred million rupiah)."
- b. Article 22 of Law No. 31 of 1999: "Any person as referred to in Article 28, Article 29, Article 35, or Article 36 who intentionally fails to provide information or provides false information shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 12 (twelve) years, and/or a fine of at least Rp150,000,000.00 (one hundred fifty million rupiah) and a maximum of Rp600,000,000.00 (six hundred million rupiah)."
- c. Article 23 of Law No. 31 of 1999: "In corruption cases, violations of the provisions contained in Article 220, Article 231, Article 421, Article 422, Article 429, or Article 430 of the Penal Code shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years, and/or a fine of at least Rp50,000,000.00 (fifty million rupiah) and a maximum of Rp300,000,000.00 (three hundred million rupiah)."
- d. Article 24 of Law No. 31 of 1999: "A witness who does not comply with the provisions as referred to in Article 31 shall be punished with imprisonment for a maximum of 3 (three) years and/or a fine of up to Rp150,000,000.00 (one hundred fifty million rupiah)."

In the book "Obstruction of Justice" by Deibora C. England, several criteria explain actions that can be considered as obstruction of justice. These criteria include aiding a suspect by providing information related to the investigation process, lying or providing false information to investigators, colluding to eliminate or conceal evidence, and tampering with evidence. These actions can hinder legal processes and can result in criminal penalties.

Firstly, aiding a suspect refers to actions that provide information or assistance that may facilitate a suspect's avoidance of legal processes. This may include informing the suspect about developments in the investigation or giving advice on how to avoid involvement in legal matters. This criterion emphasizes the importance of integrity in

law enforcement, where every individual has a responsibility not to support actions that could harm justice.

The action of lying or providing false information to investigators is one of the most common forms of obstruction of justice. When an individual provides false information, either directly to law enforcement authorities or in official testimony, it can impede investigations and lead to incorrect conclusions. Honesty in providing information is a key element in the legal process, and any lie can have serious consequences, not only for the perpetrator of the crime but also for the legal system as a whole.

Another criterion outlined in the book is "famous obstruction," which refers to collusion to eliminate or conceal evidence. This can occur in various ways, such as directing someone to destroy documents, hiding evidence, or manipulating relevant information. Such actions can undermine the integrity of investigations and create difficulties for law enforcement agencies in achieving the truth in the cases they are handling.

Tampering with evidence is a very serious action in the context of obstruction of justice. This encompasses any attempts to alter, destroy, or damage evidence that may be used in investigations or trials. Such actions can not only destroy public trust in the legal system but can also potentially result in heavy criminal penalties for the perpetrators. Overall, the criteria outlined by England illustrate how these actions can obstruct legal processes and provide a basis for the imposition of criminal sanctions against individuals involved in obstruction of justice.

The substance of obstruction of justice is regulated in the Penal Code (KUHP) in various countries, including Indonesia. Relevant articles related to this action include Articles 216 to 222 of the Penal Code, which establish criminal penalties for parties obstructing legal processes. One important article is Article 221 of the Penal Code, which states that "any person who obstructs legal processes shall be punished and may be sentenced to imprisonment for a maximum of nine months or fined a maximum of Rp4,500.00 (four thousand five hundred rupiah)."

Obstruction of justice is a serious violation in the efforts to eradicate corruption and needs to be strictly addressed according to applicable laws. In Indonesia, obstruction of justice is also governed by specific criminal laws related to the eradication of corruption, particularly in Articles 21 to 24 of Law No. 31 of 1999, as amended by Law No. 20 of 2001 concerning the Amendment to Law No. 31 of 1999 on the Eradication of Corruption Crimes. The elements in Article 21 of Law No. 31 of 1999, in conjunction with Law No. 20 of 2001, are as follows:

- a. Every person, including individuals and corporations, can be subject to sanctions.
- b. Intentionally, the perpetrator takes actions to prevent, obstruct, or undermine, either directly or indirectly, the investigation, prosecution, and examination in court against a suspect, defendant, or witness in corruption cases. The aim is to prevent the legal process from being carried out in accordance with the provisions outlined in the Law on the Eradication of Corruption Crimes (UU PTPK).

- c. Acts of obstruction of justice can be carried out both directly and indirectly. A direct action means the perpetrator is executing the act themselves or together with others. In contrast, indirect actions are performed through other influential parties, such as influencing authorities in corruption cases.
- d. The legal process involves the perpetrator's actions aimed at obstructing the investigation, prosecution, and examination in court against the defendant or witness in corruption cases. Whether or not this objective is successfully achieved is not a condition for criminal liability.

Actions of obstruction of justice have a significant impact on the investigative process within the judicial system. One aspect affected is the obstruction of access to and the collection of relevant evidence. In investigations, evidence plays a crucial role in proving the wrongdoing of the perpetrator. The Indonesian Criminal Procedure Code (KUHAP) regulates acceptable evidence, including witness testimony, expert testimony, documents, indications, and the statements of defendants (Sitompul, 2018). However, obstruction of justice often involves attempts to hinder law enforcement agencies from collecting this evidence. This could manifest as obstructing access to important documents, destroying or altering evidence, or other actions that impede the lawful collection of evidence. Thus, obstructing access to and the collection of evidence is a concrete manifestation of obstruction of justice that disrupts the integrity and fairness of the investigative process.

Manipulation of the legal process is also a serious consequence of obstruction of justice in investigations. Manipulation of the legal process refers to intentional and unlawful attempts to alter legal procedures, court procedures, or judicial decisions for the benefit of specific individuals or groups. Tactics of manipulation can include filing false lawsuits, deliberately attempting to delay legal proceedings, or trying to influence a judge's decision through pressure or bribery. In the context of investigations, manipulation of the legal process can obstruct the inquiries conducted by law enforcement, disrupt the evidence collection process, or even undermine the integrity of the judicial system as a whole. Therefore, manipulation of the legal process becomes one of the primary strategies employed by perpetrators of obstruction of justice to hinder investigations and evade legal accountability for their criminal actions.

A case regarding sanctions is found in the decision of the Jakarta High Court Number 23/Pid.Sus-TPK/2018/PT DKI dated October 5, 2018, where the judges accepted the appeal from the Defendant, DR. Friedrich Yunadi, SH, LL.M, MBA, and from the Public Prosecutor of the Corruption Eradication Commission (KPK). The High Court found that the lower court had exceeded its authority as defined by Article 253 of Law No. 8 of 1981. Regarding the cassation request from the Public Prosecutor, the Supreme Court stated that the reasons were not acceptable as the judges did not commit any legal errors when examining the Defendant's case. The Public Prosecutor argued that the decision of the Corruption Court at the Jakarta High Court, which upheld the decision of the Central Jakarta District Court, had duly proven that the Defendant intentionally obstructed investigations in the corruption case. The Defendant was

sentenced to 7 years in prison and fined Rp500,000,000.00 (five hundred million rupiah). If the fine was not paid, it would be replaced by an additional 5 months of imprisonment. The Supreme Court assessed that the sentence imposed by the judges in this case was in accordance with applicable law. However, there needed to be an improvement in the imposition of punishment against the Defendant. As a lawyer who violated the law, the Defendant's actions could damage and diminish public trust in the law enforcement profession, especially in lawyers. Therefore, the sentence imposed on the Defendant needs to be revised (Okfida et al., 2023) (Kadir & Kadir, 2024).

The enforcement of law against perpetrators of obstruction of justice in corruption cases faces several significant weaknesses. One of the issues is the lack of clarity and ambiguity in defining actions that fall under the category of obstruction of justice, which can lead to difficulties in consistent legal application. Additionally, there are often political pressures or interventions from interested parties that can affect the independence of investigations and prosecutions, thus hindering fair law enforcement. Resource limitations, such as the lack of trained investigators and access to necessary evidence, also pose challenges. Furthermore, the existing culture of impunity within law enforcement can reduce the effectiveness of law enforcement efforts, as perpetrators of obstruction of justice may feel unafraid of legal consequences. All these factors contribute to the low success rate in addressing obstruction of justice offenders, which in turn diminishes the overall effectiveness of anti-corruption efforts.

Efforts to Create Legal Certainty Regarding the Offense of Obstruction of Justice

The formulation of a clear definition of obstruction of justice is a crucial step in enhancing the effectiveness of law enforcement in Indonesia. In a legal context, ambiguous definitions often create difficulties for law enforcement officers in determining which actions fall under this category. For instance, terms such as "obstruct" or "interfere" can be interpreted in various ways, depending on the context and an individual's perspective. Therefore, a revision of the law to articulate a more specific and detailed definition is necessary to eliminate ambiguity in legal application. By having a clear definition, law enforcement agencies such as the police and prosecutors can more easily identify actions that may be considered obstruction of justice. This means that actions such as destruction of evidence, witness intimidation, or attempts to influence legal decisions can be more strictly regulated. Law enforcement based on a clear definition will minimize the likelihood of differing interpretations among law enforcement officers, lawyers, and judges. As a result, cases involving obstruction of justice can be managed more consistently and efficiently, ultimately increasing public trust in the judicial system. A clear definition can also provide a foundation for society to understand what constitutes a legal violation related to obstruction of justice. With appropriate socialization regarding this definition, the public will become more aware of their rights and responsibilities in legal processes. This can enhance public participation in reporting suspicious actions and support efforts in law enforcement. In other words, the legal certainty arising from a clear definition benefits

not only law enforcement agencies but also the broader public, who deserve protection from actions that obstruct legal processes.

Education and training aimed at law enforcement personnel play an essential role in improving their understanding and knowledge of the offense of obstruction of justice. In this context, training programs focused on this offense can assist law enforcement officers in understanding various legal aspects related to it, from the definition of obstruction of justice to concrete examples that may occur in practice. Consequently, law enforcement officers will be better prepared to recognize and follow up on cases related to the obstruction of the legal process effectively (Bradley, 2016). One of the primary objectives of this education and training is to create a consistent understanding among law enforcement officers regarding what constitutes obstruction of justice. In many cases, actions deemed to obstruct legal processes can vary in interpretation. Therefore, targeted training can aid in aligning perceptions among law enforcement officers, which will, in turn, yield a more standardized approach to handling such cases. With a uniform understanding, law enforcement officers will be better equipped to take appropriate and fair actions, thus improving the quality of law enforcement both at the local and national levels.

Training programs can also introduce law enforcement officers to effective investigative techniques and strategies for handling cases of obstruction of justice (Stinson et al., 2016). With deeper knowledge, they will be better able to identify relevant evidence and plan appropriate investigative steps. This not only contributes to successful law enforcement but also to public trust in legal institutions. The public will feel safer knowing that law enforcement agencies possess the necessary knowledge and skills to address actions that obstruct justice (Saifulloh, 2017). Education and training should not be limited to legal aspects; they can also encompass an understanding of ethics and social responsibilities. Law enforcement officers who understand the importance of integrity and justice will be more motivated to combat obstruction of justice and will be more likely to behave professionally. These programs can also strengthen cooperation among various law enforcement agencies, creating a more robust network to combat crimes associated with obstructing legal processes. In the long run, ongoing educational and training efforts will produce more competent and responsive law enforcement personnel to the challenges faced in the judicial system, thereby creating a safer and fairer legal environment for society.

The formulation of clear and comprehensive law enforcement guidelines is a crucial step in addressing cases of obstruction of justice. These guidelines serve as a reference for law enforcement officers at every stage of the case handling process, from identifying obstructive actions to enforcing sanctions against perpetrators. With structured guidelines, law enforcement officers can follow established procedures, thereby reducing the risk of errors or misinterpretations in law enforcement. One important element in these guidelines is the procedure for collecting evidence. The guidelines should include specific steps that need to be followed to identify, collect, and preserve relevant evidence in cases of obstruction of justice. For example, the guidelines

can explain how to conduct interviews with witnesses, how to obtain important documents, and effective investigative techniques for detecting obstruction attempts. With clear procedures, law enforcement officers can be more effective in assembling strong evidence and constructing solid cases for court. The guidelines should also address the handling of perpetrators of obstruction of justice. This includes explanations of the legal measures that can be taken against individuals or groups involved in obstructive actions, whether in criminal or administrative contexts. The guidelines should provide direction on how to assess the degree of offenses, as well as the appropriate sanctions for each type of action. Thus, law enforcement officials have a clear reference to pursue prosecutions and ensure that offenders receive just sanctions in accordance with the severity of their offenses.

CONCLUSION

The ambiguity in defining actions that constitute obstruction of justice can hinder law enforcement. For example, the phrase "directly or indirectly" often becomes a source of differing interpretations between law enforcement officials and judges, which can benefit perpetrators of crime. A case example is the attack on KPK investigator Novel Baswedan, which was not addressed under obstruction of justice, despite attempts to obstruct legal processes. Similarly, the E-KTP case involving lawyer Friedrich Yunadi and doctor Bimanesh Sutarjo, who allegedly obstructed the investigation against Setya Novanto, reflects the challenges in law enforcement when influential figures are involved. The impact of obstruction of justice can undermine the integrity of the judicial system and erode public trust in law enforcement. Efforts to clarify the definition of actions that fall within this category are crucial to ensure that offenders can be subjected to appropriate sanctions.

The formulation of a clear and detailed definition regarding obstruction of justice is vital to improve the effectiveness of law enforcement in Indonesia. With a concrete definition in place, law enforcement officers can more easily identify and address actions that obstruct legal processes, such as the destruction of evidence or witness intimidation. Additionally, ongoing education and training for law enforcement will strengthen their understanding and skills in handling such cases, resulting in a more consistent and professional approach. The drafting of comprehensive law enforcement guidelines will also provide clear direction at every stage of case management, from evidence collection to the enforcement of sanctions. These collaborative efforts are expected to enhance public trust in the judicial system and create a safer and fairer legal environment.

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