

Ratio Legis of the Implementation of Obstruction of Justice Regulations in Corruption Towards Advocates in Indonesia

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ABSTRACT

Corruption is an extraordinary crime which refers to rotten, dishonest acts related to finance. Despite relentless eradication of corruption undertaken, corrupt networks have always been developing various modes to be exempted from allegations of corruption. It is performed by blocking or hindering the law enforcement process. This practice is known as the term Obstruction of Justice. It sets out to answer the following questions in this research: How obstruction of justice is regulated under Indonesian Law, particularly obstruction against corruption eradication judicial process in Indonesia, and how to balance Obstruction of Justice clause while ensuring the Rights of Immunity to Advocates. Drawing on socio-legal research, the study reveals that an act is deemed obstructing justice if it is intentionally committed to prevent the legal process from seamlessly running (*mens rea*). The study suggests revising and clarifying the provisions of Article 21 of the laws on corruption, continuing collaboration between law enforcement agencies, and raising public awareness as the three main attempts to eradicate corruption. The implementation of these attempts as a future approach is imperative in combating corruption since they are based on the principles of justice.

Keywords: *Ratio Legis, Obstruction of Justice, Corruption, Justice, Indonesia.*

1. INTRODUCTION

Corruption originates from an English "corruption" and in Dutch it is called "corruptie" which refers to rotten, dishonest acts related to finance. In general, corruption is the behavior of public officials, politicians, or civil servants who unfairly and illegally enrich themselves or enrich others that are against the law. [1]

Efforts to eradicate corruption have been carried out by Indonesian since the mid-50s by enacting several laws and regulations, which specifically regulate corruption. These various specific regulations prescribe the criminal act of corruption along with its strict and harsh criminal sanctions, as well as several provisions of procedural law that deviate from the general provisions so that efforts to eradicate corruption can be carried out progressively. [2]

In addition, efforts to eradicate corruption are also carried out by establishing special anti-corruption agencies, which are given great authority in handling corruption. [3] The last agency that was formed as a synergy step in law enforcement and accelerated efforts

to eradicate corruption is the Corruption Eradication Commission (KPK), which is specifically regulated in Law Number 30 of 2002. Since the establishment of the KPK, efforts to eradicate corruption have been increasingly active and have touched all circles, from the private sector, government officials to law enforcers.

However, corruption is still rampant in Indonesia. Since the reformation era began with one of the important changes in regional autonomy, corruption has not only occurred in the center of power but has also existed in the provinces. This is because the regional autonomy program is not followed by the democratization program that opens public participation in government areas. Therefore, the decentralization program only gives opportunities for local elites to access economic resources and regional politics, which are prone to corruption or abuse authority. [4]

Nowadays, corruption is like cancer that has spread to all lines of life as a nation and state. [5] This condition is considered as the failure of efforts to eradicate corruption that has been carried out for several decades.

Efforts to eradicate corruption in Indonesia have not been easy, because the more incessant steps to eradicate corruption are, the harder efforts of the corruptors to fight back. Attempts to fight back by the corruptors are carried out both vulgarly and subtly by bending the interpretation to various legal instruments. Applying for a judicial review of the Corruption Eradication Law or the Corruption Eradication Commission Law is one form of resistance to fight back corruptors as Constitutional Court Decision Number 70/PUU-XVII/2019 although the decision did not provide enough protection towards corruption eradication in Indonesia.

Another action conducted by corruptors against efforts to eradicate corruption is obstruction of justice, particularly in the field of the criminal act of corruption. The various incidents that have occurred in the last few years in efforts to eradicate corruption are Anggodo Wijoyo's which led to the criminalization of the KPK leaders in 2009 (the Lizard vs Crocodile Case), the arrest of the Buol Regent, the shift of the trial process of Semarang Mayor Soemarmo HS, and most recently the Korlantas corruption investigation which caused new tensions between the Police and the KPK. [6]

Obstruction of justice under the Indonesian Law derived by Article 25 of the United Nations Convention Against Corruption (UNCAC) mandates that state parties are obliged to take legislative and other actions deemed necessary to determine a criminal crime if they intentionally obstruct the corruption legal process. In terms of legislation, the UNCAC was adopted in articles 21, 22, 23, and 24 of the Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Corruption Eradication Law.

Based on the Law of Corruption Eradication Law, act is deemed an obstruction of justice when it involves the following four elements:

1. such actions "may" cause delays in legal proceedings (pending judicial proceedings);
2. the perpetrator is aware of his or her actions (knowledge of pending proceedings);
3. the perpetrator commits or attempts deviant acts with the intention to disrupt or interfere with the process or administration of the law (acting corruptly with intent);
4. the accused has "motive" to commit the alleged action.

As consequences, various acts that are categorized as obstructing the legal process of corruption can be punished under the provisions as described in the following discussion. Criminal sanctions for those who obstruct the criminal process of corruption are imprisonment and fines. However, the existence of obstruction of justice in corruption eradication efforts in Indonesia unpopular among law enforcement officials and the wider community. Therefore, in the practice of law enforcement on

corruption, it is still rarely found corruption cases that use this article. [7]

This condition is the reason for the issuance of recommendations that issued by UNCAC regarding law implementation report in Indonesia. Through the UNCAC review, it is recommended that Indonesia need to do enhancement to improve the capacity in implementing law against actions that obstruct process of investigation, prosecution, and trial proceeding of corruption in Indonesia.

At the same time, the provisions related to obstruction of justice in the Corruption Eradication Law are rarely imposed on perpetrators in corruption cases. This behavior is one of the factors that hinder efforts to eradicate corruption, which at the end can kill the public movement against corruption in the country. No exception for obstruction of justice committed by advocates.

Advocates aim to provide advice and represent their clients in legal matters to uphold the presumption of innocence and are responsible for fighting for truth and principles of justice. [8] The profession of an advocate or lawyer has one privilege (special right) in the form of immunity (legal immunity), this immunity right is regulated in Article 16 of Law Number 18 of 2003 concerning Advocates which explains that advocates cannot be prosecuted either civil or criminal in performing their duties both inside and outside the court proceedings in a good faith. [9]

Based on Indonesian Corruption Watch (ICW) records, from 2005 to early 2008, 22 lawyers were charged with using the Corruption Crime Law. Four of them are lawyers charged with obstruction of justice, which are the case of Manatap Ambarita, Lambertus Palang Ama, Haposan Hutagalung and Fredrich Yunadi. [10]

Therefore, it is necessary to conduct an in-depth study of the causes of the rarity of articles of obstruction of justice applied in criminal acts of corruption cases based on data reported by Indonesian Corruption Watch (ICW). Apart from that, it is also necessary to analyze a parameter of the application of the obstruction of justice specifically related to the immunity rights of advocates. Therefore, considering the importance of the idea of structuring these regulations and systems, the author needs to conduct a comprehensive study with the title, "*Ratio Legis* of the Implementation of Obstruction of Justice Regulations in Corruption towards Advocates in Indonesia". *Ratio Legis* refer to what are the considerations to implement obstruction of justice although we recognize the immunity rights of advocates.

To answer the above problems, it is necessary to formulate research questions as follows, *first*, how is the Arrangement and Existence of Obstruction of Justice in Corruption Eradication Efforts in Indonesia? *Second*,

what are the legal parameters to use Obstruction of Justice in relation to advocate immunity rights.

2. RESEARCH METHOD

This research is legal research. According to F. Sugeng Istanto (2007), legal research is research that is applied specifically to legal science. [11] The type that will be used in this research is normative legal research (juridical normative). The reason is, this research was conducted by examining library materials or secondary data. [12] In terms of nature, this research is a descriptive study (descriptive research). Descriptive research is a study to describe something in a certain space and time. In legal research, this descriptive research is very important to present the legal materials that exist appropriately, in which the legal prescriptions are compiled according to the materials.

Meanwhile, the type of this research is prescriptive research. Prescriptive research aims to provide an overview or formulate problems following existing circumstances/facts. This prescriptive nature will be used to analyze and test the values contained in the law. Not only limited to values in the realm of positive law, but also the values that underlies and encourage the existence of the law. With its descriptive nature and prescriptive form, this research can reveal how obstruction of justice is regulated under Indonesian Law, particularly obstruction against corruption eradication judicial process in Indonesia, and how to balance Obstruction of Justice clause while ensuring the Rights of Immunity to Advocates. By the description above, this study uses several approaches, which are: a comparative approach, a conceptual approach, a statute approach, and a historical approach. The collection of legal materials is carried out through literature research on primary legal materials, secondary legal materials, and tertiary legal material.

3. FINDINGS AND DISCUSSION

1. Adjustment and Existence of Obstruction of Justice in Corruption Eradication Efforts in Indonesia

a) Adjustment of *Obstruction of Justice* in Corruption Eradication Efforts in Indonesia

Obstruction of Justice is classified as Contempt of Court. Obstruction of justice is an act that is aimed or has a distorting effect, disrupting the proper function in a judicial process, especially in corruption. The term Obstruction of Justice is a legal terminology originating from the Anglo Saxon, which in the doctrine of criminal law in Indonesia is often translated as "Crime that obstructs the legal process". [13]

Obstruction of Justice has been regulated in several positive legal rules in Indonesia, such as the Criminal Code, the Corruption Eradication Law, the Terrorism Eradication Law, and the Law on Human Trafficking. However, this paper will only describe the

Obstruction of Justice in the scope of corruption crimes prescribed in the Criminal Code and Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Corruption Eradication Law in detail.

The Criminal Code (KUHP) has regulated Obstruction of Justice particularly in Article 211, Article 212, Article 216, Article 217, Article 218, Article 219, Article 220, Article 221, Article 222, Article 223, Article 224, Article 225, Article 231, as well as in Article 233 of the Criminal Code, in the general article describes actions that obstruct legal proceedings, including in the eradication of criminal acts of corruption. Meanwhile, in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Corruption Eradication Law, it is stated that the Obstruction of Justice is regulated in Article 21, Article 22, Article 23, and Article 24 of the Corruption Law.

Article 21:

"Every person who deliberately prevents, obstructs or interrupt directly or indirectly the investigation, prosecution and examination in court towards suspects and defendant or witnesses in a corruption case, shall be convicted to imprisonment for a minimum of 3 (three) years and a maximum of 12 years (twelve) years and/or a fine of at least IDR 150,000,000.00 (one hundred and fifty million rupiahs) and a maximum of IDR 600,000,000.00 (six hundred million rupiahs)".

The elements of a criminal act of Article 21 are:

1. Every person;
2. Deliberately;
3. Prevents, obstructs, or interrupt;
4. Directly or indirectly;
5. The investigation, prosecution, and examination at the trial of defendant and witnesses in corruption cases.

Article 22:

"Every person as referred to in Article 28, Article 29, Article 35 or Article 36 who deliberately does not give information or gives false information, will be convicted to imprisonment for a minimum of 3 (three) years and a maximum of 12 (twelve) years and/or a fine of at least IDR 150,000,000.00 (one hundred and fifty million rupiahs) and a maximum of IDR 600,000,000.00 (six hundred million rupiahs)".

The elements of a criminal act of Article 21 are:

1. Suspect;
2. Deliberately;
3. Does not give information or gives false information;
4. Information regarding his / her property or the wife/husband's property or the property of his child or the property of any person or corporation which is known or should be

suspected of having a relationship with the criminal act of corruption committed by the suspect.

Article 23:

"In a corruption case, a violation of the provisions referred to in Article 220, Article 231, Article 421, Article 422, Article 429, or Article 430 of the Criminal Code, shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 1 (one) year 6 (six) years and/or a fine of at least IDR 50,000,000.00 (fifty million rupiahs) and a maximum of IDR 300,000,000.00 (three hundred million rupiahs)".

The elements of a criminal act of Article 23 are:

1. The person assigned by the bank;
2. Deliberately;
3. Does not give information or gives false information regarding the finances of suspect or defendant.

Article 24:

"Witnesses who do not fulfill the provisions referred to Article 31, will be convicted at most imprisonment of 3 (three) years and a maximum fine of IDR 150,000,000.00 (one hundred and fifty million rupiah)".

The elements of a criminal act of Article 24 are:

1. Witnesses or expert;
2. Deliberately;
3. Does not give information or gives false information.

In the International study, the Obstruction of Justice is also regulated in the UNCAC (United Nations Convention against Corruption), which Indonesia has ratified in Law Number 7 of 2006 as a follow-up to the UNCAC understanding. UNCAC Article 25 on Obstruction of Justice sets out:

"Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offenses when committed intentionally[10]

- (a) *The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding to the commission of offenses established by this Convention;*
- (b) *The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official to the commission of offenses established by this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of the public official.*

b) Existence of Obstruction of Justice in Corruption Eradication Efforts in Indonesia

Entering the 21st century, the attention and concern of the international community to the problem of corruption that afflicts various developing countries is getting stronger. In various international congresses on "The Prevention of Crime and the Treatment of Offenders" initiated by the United Nations (UN), the issue of corruption and its efforts to overcome is quite intensely discussed and has received serious attention from the participants. [14] Essentially, the spotlight problem in eradication of criminal acts of corruption do not only concern the perpetrators and the state losses they have caused, but also any actions that try to obstruct the process of eradicating the crime of corruption (Obstruction of Justice).

As is well known, the existence of the Obstruction of Justice as a form of effort to obstruct the legal process is not a new term in legal arrangements in Indonesia. Obstruction of Justice, which is a legal term derived from Anglo Saxon literature, has been absorbed and adapted in the Indonesian legal system. One of the regulations regarding the existence of that acts has been regulated in Chapter III concerning Other Crimes Related to Corruption, which is specifically contained in 4 (four) articles, which are Article 21, Article 22, Article 23, and Article 24 of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes.

However, the Obstruction of Justice as outlined in several articles of the Corruption Crime Law has an ambiguous formulation to understand, particularly in Article 21 of the Corruption Law. The formulation of Article 21 of the Anti-Corruption Law is quite broad because it does not regulate in detail the form of the prohibited act. With the breadth of the forms of these acts, the existence of the article Obstruction of Justice is difficult to interpret. This can also cause law enforcement officials to hesitate to apply this article and there may also be irregularities in the law enforcement process. Overcoming these problems Komariah Emong Sapardjaja attempt to uncover views that the investigator and public prosecutor should process all acts that are suspected of violating the Obstruction of Justice provision if the act has met the elements of the offense. Then let the justice judge and decide and interpret whether the act is indeed a violation of the elements of the Obstruction of Justice offense through his decision. [15]

In Indonesia, the existence of the Obstruction of Justice provisions is not popular enough among law enforcement officials and the wider community. Even though, all forms of action that are classified as Obstruction of Justice must be firmly eradicated. Factors that influence law enforcement as stated by Soerjono Soekanto also have implications for law enforcement on the Obstruction of Justice. This is

because Obstruction of Justice is a criminal act related to corruption that requires special attention, due to the very detrimental effects which this act can cause. With the existence of individuals who try to obstruct the eradication of criminal acts of corruption and oppose the factors that affect law enforcement, corruption will certainly thrive in Indonesia. This is also in line with the submission by Indonesia Corruption Watch (ICW) quoted from Kompas.com that in 2019 there were 271 corruption cases with a total of 500 suspects and with total state losses reaching 8.04 trillion rupiahs.

However, it is very unfortunate that the existence of Obstruction of Justice provisions contained in the Anti-Corruption Act has not been overlooked by law enforcement officials. The law enforcement apparatus seems to have neglected the Obstruction of Justice article, even though the neglect of the application of the Obstruction of Justice articles is certainly one of the factors that hinder efforts to eradicate corruption. The result of this neglect will certainly lead to the death of the movement against corruption in the country.

The scope of Article 21 of the Anti-Corruption Law which only covers the process of investigation, prosecution, and examination in court, still has a further gap to Obstruction of Justice. Because this article does not accommodate acts of obstruction to execution or carrying out the judge's decision. This arise a weakness and does not amplify the existence of the Obstruction of Justice offense, because basically, the end of law enforcement is the execution of decisions even up to the correctional institutions.

Article 21 of the Anti-Corruption Law also contains an ambiguous phrase to be understood in its formulation, which is "intentionally preventing, obstructing, or thwarting directly or indirectly". The phrase in Article 21 of the Corruption Act does not have a clear benchmark in the explanation of the article so that in the absence of a benchmark in understanding Obstruction of Justice contained in Article 21 of the Corruption Act will create legal uncertainty, will not cause legal justice and legal benefits in the existence of law enforcement against the Obstruction of Justice.

2. Legal Parameters to use Obstruction of Justice to not consider contrary to the Right of Advocate Immunity
a. Limitation of Advocate Immunity Rights According to Legislation

Advocate is a noble profession. Article 1 number 1 of Law Number 18 of 2003 concerning Advocates states, an advocate is a person that aims to provide legal services, both inside and outside the court proceedings who needs the requirements based on the provisions of this law. In its consideration, the Decision of the Constitutional Court of the Republic of Indonesia Number 26/PUU-XI/2013 further explains that the definition of legal services is services provided by advocates in the form of providing legal consultation,

legal assistance, exercising power, representing, accompanying, defending, and taking other legal actions for the client's legal interests. History has proven that law and advocates are the most important elements for society, regardless of which part the society is located. The public can't live well without the presence of law and lawyers. [16]

Advocates in carrying out their duties and professions have rights and obligations that are regulated in Law Number 18 of 2003 concerning Advocates and an Advocate's Code of Ethics. The existence of a professional code of ethics is quite vital to ensure that advocates in law are always guided by ethical values. In addition, the professional code of ethics also has a large capacity that important in keeping advocates serving the community as well as maintaining the public trust that has been given to them. These rights and obligations are regulated in Article 14 to Article 20 of the Advocate Law. The advocate profession is often misunderstood as a person whose profession is to defend and release guilty people from legal traps. In fact, what is being defended is not the act of the client, but the client's legal rights.

The law on advocates explains that advocates have the right to immunity to avoid criminalization to advocate. Advocate immunity is a freedom for the sake of comfort and independence in carrying out their professional duties, but this is limited by principal of good faith. This right to immunity is related to the recognition that an advocate cannot be identified with his client by the authorities or the community but is only an agent or proxy of the client. [17] This is stated in Article 16 of the advocate law which is "*Advocates cannot be prosecuted either civil or criminal in carrying out their professional duties in good faith for the client's interest inside or outside court proceedings*".

There are 2 (two) types of immunity rights granted by the Law on Advocates, which are Immunity Rights outside the court proceedings and Immunity rights in court proceedings (in each court level). The right to immunity in court proceedings which is free to uncover opinions or statements that are not accompanied by pressure, threats, obstacles, fear, and degrading the dignity of the profession, which are carried out in good faith, do not contradict the existing laws and regulations, and do not against professional code of ethics as described in Article 14 and Article 16 of the Advocate Law.

Meanwhile, the right to immunity outside the court proceedings is regulated in article 15 which states that:

"Advocates are free in carrying out their professional duties to defend cases for which they are responsible by sticking to the professional code of ethics and laws and regulations."

The official explanation for Article 15:

"This provision regulates the immunity of advocates in carrying out their professional duties for the benefit of their clients outside the court and in accompanying their clients at hearings at people's representative institutions."

So that citizens who need to be defended will receive legal services from an independent advocate, who can defend all the interests of their clients without hesitation. [18]

However, Article 16 is explicitly limited by Article 6 of the Advocate Law. Advocates can be subject to action on the grounds:

- a) Ignore or neglect the interests of their clients;
- b) Act inappropriately towards opponents or colleagues;
- c) Behave, speak, or layout statements that show disrespect for the law, statutory regulations, or courts;
- d) Do things that are contrary to the obligations, honor, or dignity of the profession;
- e) Violate statutory regulations and/or disgraceful act;
- f) Violating the Advocate's oath/vow and/or the Advocate's professional code of ethics.

From these limitations, it can be concluded that the right of Advocate Immunity is not absolute both according to the Advocate Law and in law enforcement. Criminal Law Expert, Abdul Fickar Hajar, also said that the right to lawyer's immunity is only given to lawyers who stand up for their clients in good faith and do not against statutory regulations and the advocate's code of ethics, not obstructing the legal process. So, if an advocate in carrying out his professional duties commits an act against the law, then the person concerned will be examined by the Honorary Council in his organization as an effort to create accountability and transparency of the advocate profession. If an advocate is proven to have committed a criminal act, it will still be processed by prevailing laws and regulations.

Thus, the right to immunity should not be interpreted narrowly and also should not exceed the limit, especially if there has been a violation of legal norms while carrying out their professional duties, then the advocate certainly cannot use the argument of immunity as a basis for his actions. [19] This means that advocates in carrying out their profession must be strictly based on the law and the advocate's code of ethics (canons of ethics). [20] It is different when advocates give advices to the client in a good faith such as to prepare a large team of expert which can help the client to be declared innocent. That kind of act is protected by immunity rights.

b. Legal Parameters to use Obstruction of Justice in Relation to Advocate Immunity Rights

First, to see the validity of the application of obstruction of justice offense related to the immunity rights of advocates, we must look into elements of a criminal act. According to Sudarto, one of the elements of a criminal act is the element of nature against the law in a negative sense. This element is an objective assessment of the action, and not of the maker. [21] There are 2 (two) types of nature against the law, which are the nature against the law in formal and the nature against the law in material.

1. According to the study of a formal unlawful nature: An act is against the law if the act is punishable and formulated as an offense in law; being against the law the act can be nullified, only based on a statutory provision. So according to this study, against the law is the same as against the statutory regulations (written law);
2. According to the study of material unlawful nature: An act is against the law or not, not only in the (written) law but it must be seen that unwritten legal principles apply. The unlawful nature that are clearly included in the formulation of the offense can be deleted based on statutory provisions and also based on unwritten rules (*ubergesetzlich*) so according to this study is against the law is contrary to laws (written law) and also contradicts unwritten laws including morals and so on.

It can be concluded that the criminal act of obstruction of justice is constructed as an act that is against the law. The act against the law is when the obstruction of Justice is used to cover or obstruct the process of a criminal act that has been formulated as an offense in the law which is in line with the study of the nature against the formal law that against the law is the same as against the statutory regulations.

Second, in carrying out their profession, an advocate can be criminal subject if they do things that are not in their authority and behave contrary to obligations, honor or dignity of their profession. A criminal act is considered an act of obstruction of justice if it includes the following:

1. These actions caused delays in legal proceedings (pending judicial proceedings);
2. Perpetrators commit or attempt deviant acts to interfere or intervene in the legal process or administration (*acting corruptly with intent*); [22]
3. Perpetrators commit or attempt deviant acts to interfere or intervene in the legal process or administration (*acting corruptly with intent*); [23]

4. Proven to have the motive to commit the actions he is accused of, that is trying to obstruct the legal process.

So, when an advocate takes the above actions, these actions can be classified as obstruction of justice which is against the principle of good faith in defending the interests of his clients, so that the right of immunity of the advocate can automatically be put aside

Practically, we can refer to the Frederich Yunadi case. He is one of the suspect advocates in a criminal act of obstruction of justice in his defense of his client, Setya Novanto, in the E-KTP corruption case. In carrying out his obligation to defend his client, he stated that he should not be prosecuted while defending Setya Novanto based on Article 16 of the Advocate Law. Fredrich states that the one who has the right to determine whether there is "good faith" or not is the Advocate Honorary Council. So, if he does violate the code of ethics, then it should have been examined beforehand by the Advocate Honor Council, not the Corruption Eradication Commission.

However, the panel of judges considers that, to process advocates when there is a violation of the law, do not have to wait for the Advocate's Honor Board regarding the presence or absence of ethical violations, however the legal process can be carried out in conjunction with the ethical process or precedes the ethical process. So in a criminal act in term obstructs the investigation process, the right of Immunity can be eliminated.

4. CONCLUSION

Based on the discussion above, it can be concluded that advocates can convict with Obstruction of Justice, particularly Article 21 of the UU TIPIKOR, when an act committed is beyond the reasonable limits of client assistance or it is proven to have bad faith to interrupt or obstruct the law enforcement process to eradicate corruption.

Essentially, the *Ratio Legis* or the considerations matter to implement obstruction of justice although recognize the immunity rights of advocates just because the basic reason of giving immunity rights itself. Advocates are given immunity rights protection is solely to fight for human rights in protecting their clients from all forms of threats or pressure in the legal process without breaking the law. In this case, the right of advocate immunity only applies to those who carry out their profession in defending their clients in good faith. The measure of goodwill is determined by parameters in existing laws and does not violate the law and upholds the advocate's code of ethics.

To increase the law enforcement on corruption field, here some suggestion from discussion above:

1. The need for more clarity in Article 21 of the UU PTPK so it is not raise an ambiguous

understanding in the formulation of the Article Obstruction of Justice, especially in the phrase "*intentionally prevent, obstruct, or interrupt directly or indirectly*";

2. It is necessary to do a more comprehensive study of the relationship between the Obstruction of Justice and the right of the Immunity of Advocates so that there is a similar understanding of law enforcer and makes this offense strong and no longer ruled out, especially for advocates who have immunity rights;
3. All elements, society, law enforcers, and other institutions must unite in efforts to eradicate corruption, especially in understanding the dangers of the Obstruction of Justice;
4. It is necessary to strengthen the professionalism of law enforcers in acting against corruption cases that occur in Indonesia;
5. It is necessary to do massive socialization to increase public legal awareness of any indications of corruption cases that arise in society.

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