

## The Crime of Obstruction of Justice in the Indonesian Criminal Law System

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**Abstrak:** *The crime of obstruction of justice is a crime that threatens the integrity of the criminal justice system in Indonesia. This phenomenon indicates the weak awareness of law enforcement in recognizing and effectively taking action against acts that hinder the legal process. This study aims to analyze the basic concept of obstruction of justice in Indonesian criminal law and examine the actual conditions of law enforcement, both from normative, structural, and cultural aspects. The research method used is a normative juridical method with a statutory, conceptual, and case study approach, supported by primary, secondary, and tertiary data. The results of the study indicate that the regulation of obstruction of justice in Indonesia is still partial and scattered across various laws, such as the Criminal Code, the Corruption Law, and the Money Laundering Law, without clear harmonization. This condition creates legal uncertainty and weak implementation in the field. The conclusion of the study emphasizes the need for firm regulations in the Draft Criminal Code, increasing the integrity of law enforcement officers, and strengthening protection for witnesses and informants so that the principles of the rule of law and substantive justice can be optimally realized.*

**Keywords:** *Crime; Obstruction of Justice; Criminal Justice System*

### INTRODUCTION

The Indonesian criminal justice system is built on the principles of justice, transparency, and accountability in law enforcement. Its primary goal is to maintain the authority of the law while fostering public trust in law enforcement officials.<sup>1</sup>In this framework, criminal law has a dual function, namely as a means of protecting society and a tool of social control against any violation of legal norms.<sup>2</sup>However, in law enforcement practice, obstacles often arise that disrupt the course of justice, one of which is the act of obstructing the legal process, known as obstruction of justice. Conceptually, obstruction of justice refers to any form of action that intentionally hinders, intervenes in, or thwarts the criminal

justice process at any stage, from investigation, inquiry, prosecution, to trial. According to Barda Nawawi Arief, this type of crime has moral and systemic dimensions because it attacks the very integrity of the criminal justice system itself.<sup>3</sup>

In the Indonesian context, the phenomenon of obstruction of justice frequently arises in major cases such as corruption, gross human rights violations, and money laundering. It takes various forms, ranging from the destruction of evidence and witness intimidation to the abuse of authority by public officials to cover up crimes. These facts demonstrate a serious gap in the system of protection for the judicial process. When the legal process is interfered with, substantive

<sup>1</sup> Karyudi, B. M., & Firdausiah, N. (2024). Implementasi supremasi hukum dalam penegakan hukum di Indonesia. *Lex Et Lustitia*, 1(2), 86-98. .

<sup>2</sup> Lubis, A. F. (2022). Fungsi Hukum sebagai Sarana Pengendalian Sosial Masyarakat dalam Rangka Mewujudkan Ketahanan Nasional. *Jurnal Pengabdian Masyarakat Waradin*, 2(3), 44-50

<sup>3</sup> Suryadi, MA, & Zainal, M. (2023). ANALYSIS OF ACTS OF HINDRING THE INVESTIGATION, Suryadi, M. A., & Zainal, M. (2023). ANALISIS PERBUATAN MENGHALANGI PROSES PENYIDIKAN, PENUNTUTAN DAN PERADILAN (OBSTRUCTION OF JUSTICE) DALAM SISTEM PIDANA DI INDONESIA. *Justness: Jurnal Hukum Politik dan Agama*, 3(2).

justice becomes difficult to achieve, and public trust in legal institutions declines drastically. This empirical reality demonstrates that the Indonesian criminal law system lacks normative clarity in addressing acts of obstruction of justice. The Criminal Code, as the primary legal instrument, does not yet regulate obstruction of justice as a standalone crime. Its provisions are scattered across several specific laws, such as the Corruption Eradication Law, the Witness and Victim Protection Law, and the Corruption Eradication Commission (KPK) Law. This situation creates overlapping applications and legal uncertainty, particularly when law enforcement faces cases involving elements of obstruction of justice across sectors.<sup>4</sup>

The limitations of incomprehensive regulations result in weak evidence and low effectiveness of law enforcement. In practice, prosecutors and investigators often struggle to prosecute perpetrators due to the lack of norms explicitly defining the elements of the offense of obstructing justice. As a result, many acts that should be categorized as obstruction of justice escape legal sanctions. This creates a gap between the ideals of legal norms and the empirical reality on the ground, making the ideal of legal supremacy difficult to achieve. This problem becomes even more complex when linked to the legal culture and ethics of law enforcement in Indonesia. Factors such as political power, conflicts of interest, and weak integrity of the apparatus often exacerbate the situation. In an ideal criminal justice system, every legal process should proceed free from pressure or intervention. However, in reality, the dominance of power and certain interests often gives rise to systemic practices of obstruction of justice, thereby depriving the law of its corrective function against deviant behavior by public officials.

The urgency of reforming national criminal law is inevitable. Reformulating the

regulation of obstruction of justice as a separate crime is necessary to provide legal certainty and stronger protection for the judicial process. This strengthening can be achieved through revisions to the Criminal Code or the creation of special laws that explicitly define the elements of the offense, the types of acts that constitute obstruction of justice, and proportionate criminal sanctions. This way, law enforcement has a clearer legal basis for prosecuting any perpetrator without being constrained by vague normative boundaries. Furthermore, strengthening regulations must be accompanied by increased professionalism and independence of law enforcement agencies. Without institutional reform and a healthy legal culture, no matter how good regulations are, they will be ineffective. Law enforcement against obstruction of justice requires inter-institutional synergy, transparency of the process, and political courage to prosecute perpetrators, even if the violations are committed by officials themselves. This effort is not only a matter of positive law, but also part of the effort to build substantive justice based on moral values and integrity.<sup>5</sup>

Research on the crime of obstruction of justice in the Indonesian criminal law system is important because it addresses fundamental issues within the national criminal justice system, namely the weak protection of the integrity of the judicial process and the lack of clarity in normative regulations. This research stems from the lack of comprehensive regulations on obstruction of justice in the Indonesian Criminal Code and its implications for the effectiveness of law enforcement and public trust.

## **RESEARCH METHODS**

This research uses a normative juridical method, namely a legal research method that focuses on the study of positive legal norms, legal principles, and doctrines that apply in the

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<sup>4</sup> Lutfiah, P., & Ravizki, E. N. (2025). Tindak Pidana Obstruction of Justice dalam Penanganan Tindak Pidana Korupsi (Studi Putusan Nomor 30/Pid. Sus-TPK/2023/Pn Bdg). *Rechts Publica*, 1(1).

<sup>5</sup> Mpios, I., Faisal, A., & Yusuf, N. Y. (2023). SINERGITAS LEMBAGA PENEGAK HUKUM TERHADAP PENGHALANGAN KEADILAN DALAM PENANGANAN TINDAK PIDANA (Obstruction Of Justice). *Sultra Law Review*, 2919-2935.

Indonesian legal system.<sup>6</sup>According to Soerjono Soekanto, normative legal research is research conducted by examining library materials or secondary data which includes legal principles, statutory regulations, and the opinions of legal experts to answer the legal issues being studied.<sup>7</sup>The approaches used in this study include a statutory approach to examine legal provisions governing obstruction of justice, a conceptual approach to examine relevant criminal law concepts and principles, and a case study approach to analyze the application of law to several court decisions related to acts of obstructing the judicial process. Data sources consist of primary data, namely laws and court decisions; secondary data, in the form of relevant literature, journals, and scientific works; and tertiary data, such as legal dictionaries and legal encyclopedias to enrich the conceptual and terminological understanding in this study.

## RESULT ANDA DISCUSSION

### *The Concept and Regulation of the Criminal Act of Obstruction of Justice in the Indonesian Criminal Law System*

The concept of obstruction of justice in modern criminal law arose from the need to protect the judicial process from interventions that could disrupt the pursuit of truth and justice. Generally, the term refers to any deliberate action intended to hinder, disrupt, or influence the course of the legal process, whether during the investigation, inquiry, prosecution, or trial. In the context of the Indonesian criminal law system, this definition refers to a form of crime that attacks the function and authority of the judicial institution, as such actions undermine the law enforcement

mechanism, which should operate objectively and free from coercion.<sup>8</sup>

Actions categorized as obstruction of justice have specific characteristics that distinguish them from other common crimes. These characteristics include intent on the part of the perpetrator, a direct target of the legal process, and a detrimental impact on law enforcement efforts. Intention is a key element because the act is not carried out accidentally, but rather with the aim of obstructing or manipulating the course of justice. In practice, perpetrators can be anyone, including law enforcement officers, public officials, and private parties with a vested interest in the outcome of a case.<sup>9</sup>

The purpose of obstruction of justice is often related to efforts to protect the main perpetrator of a crime, prevent certain individuals from legal proceedings, or thwart proof of a crime.<sup>10</sup>For example, by destroying evidence, providing false testimony, hiding witnesses, or even intimidating law enforcement officers. Such actions not only hinder the investigation but also cause systemic damage to the credibility of judicial institutions and the public's sense of justice.

Historically, the concept of obstruction of justice first developed in Anglo-Saxon legal systems, particularly in England and the United States. In these legal systems, obstruction of justice is viewed as a crime against justice, that is, a crime against justice itself. In the United States, for example, this crime is explicitly regulated in various federal regulations, such as United States Code Title 18 Section 1503, which prohibits any form of conduct that obstructs the judicial process. This principle was later adopted by many countries as a legal

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<sup>6</sup> Al-Fatih, S. (2023). *Perkembangan Metode Penelitian Hukum di Indonesia*. UMMPress. hlm. 18

<sup>7</sup> Rifa'i, I. J. (2023). *Ruang Lingkup Metode Penelitian Hukum. Metodologi Penelitian Hukum*, 6.

<sup>8</sup> Lusia Sulastri, S. H. (2023). *Pengaruh Obstruction Of Justice Yang Dilakukan Aparat Penegak Hukum Terhadap Kepercayaan Masyarakat Pada Sistem Peradilan Di Indonesia*. Pustaka Aksara. hlm. 28

<sup>9</sup> Ridha, R. A., & Sihombing, E. N. (2025). *PERTANGGUNGJAWABAN PIDANA PELAKU*

*PERINTANGAN DALAM PROSES PENYIDIKAN (OSBTRUCTION OF JUSTICE) DALAM TINDAK PIDANA KORUPSI (ANALISIS PUTUSAN NOMOR 6/PID. SUS-TPK/2024/PN. PGP). ALWAQFU: Jurnal Hukum Ekonomi dan Wakaf*, 3(3).

<sup>10</sup> Afifah, Y., & Julianis, D. Y. (2023). *Pertanggungjawaban Pidana terhadap Pelaku Obstruction of Justice dalam Perkara Tindak Pidana Kekerasan Seksual. Lex Renaissance*, 8(1), 91-112.

instrument to safeguard the independence of judicial institutions from all forms of external interference.<sup>11</sup>

The influence of this Anglo-Saxon concept then spread to various countries with different legal systems, including those that adhere to the civil law tradition. Adaptations of this concept were carried out by adjusting the structure of the national legal system, but the basic substance remained the same, namely protecting the integrity of the judicial process. In the Indonesian context, this idea began to be introduced through academic discussions and then partially accommodated in various special laws, although it has not yet become a separate offense in the Criminal Code. The legal basis relating to obstruction of justice in Indonesia is still scattered and has not been integrated into a comprehensive norm. In the Criminal Code, there are several articles containing similar substance, such as Article 221 concerning concealing the perpetrator or evidence, Article 233 concerning the destruction or concealment of evidence, and Article 421 concerning abuse of power by officials. Outside the Criminal Code, a number of special laws also contain related provisions, such as Article 21 of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, Article 66 of Law Number 8 of 2010 concerning the Crime of Money Laundering, and Article 21 of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims.

This fragmented regulatory environment creates serious problems in the application of criminal law. Each law has different elements of offenses and penalties, leading to inconsistencies in law enforcement. This fragmentation makes it difficult for law enforcement officials to determine the appropriate article when facing cases involving obstruction of justice but not within the specific legal domain. Consequently, disharmony arises in the application of the law, which in turn

reduces the certainty and effectiveness of justice enforcement.

Legal experts also highlight this issue as a normative vacuum that needs to be filled immediately. According to Moeljatno, criminal law must be formulated clearly and firmly to avoid doubt in its application, in line with the principle of *nullum crimen sine lege*. In the context of obstruction of justice, unclear regulations result in acts that morally and socially undermine justice not being effectively prosecuted due to the lack of explicit norms governing them.<sup>12</sup> This has the potential to reduce legal authority and weaken the principle of legal certainty in the criminal justice system.

The relationship between obstruction of justice and the principle of legality has become a significant debate in the context of Indonesian criminal law. Because it is not explicitly regulated in the Criminal Code, law enforcement must systematically interpret various existing provisions to prosecute perpetrators. However, this approach often generates controversy because it is considered contrary to the principle of legality, which requires clarity of legal norms before an act can be punished. This situation demonstrates the urgency of legal reform that can accommodate the development of new forms of obstruction of justice. The Draft Criminal Code (RKUHP) represents a step forward in accommodating the concept of obstruction of justice more explicitly. The draft draft formulates provisions that directly regulate the act of obstructing the judicial process as a standalone offense. The existence of this formulation demonstrates the legislators' awareness of the need for stronger legal protection for the integrity of the law enforcement process. However, the formulation in the RKUHP still requires refinement, particularly regarding the scope of the act, legal subjects, and proportional forms of sanctions.

The introduction of obstruction of justice as a separate offense is expected to provide a

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<sup>11</sup> Suryadi, M. A., & Zainal, M. (2023). ANALISIS PERBUATAN MENGHALANGI PROSES PENYIDIKAN, PENUNTUTAN DAN PERADILAN (OBSTRUCTION OF JUSTICE) DALAM SISTEM PIDANA DI INDONESIA. *Justness: Jurnal Hukum Politik dan Agama*, 3(2).

<sup>12</sup> Dwiyanti, A., Citranu, C., Sari, O. N., Budiyanto, B., Muntazar, A., Girsang, H., ... & Amalia, M. (2024). *Pengantar hukum pidana: Teori, prinsip, dan implementasi*. PT. Green Pustaka Indonesia. hlm. 38

clear legal basis for law enforcement officials to take firm action against parties attempting to interfere with the course of justice. Clarity in the norm will facilitate the evidentiary process and strengthen the legal standing of prosecutors and investigators in facing any form of resistance to the legal process. Furthermore, strict regulations will prevent the arbitrary use of power to protect perpetrators of criminal acts.

The effectiveness of obstruction of justice regulations will also directly impact the integrity of law enforcement agencies. Strict norms will suppress the practices of bribery, gratuities, or collusion that often arise to thwart case investigations. Therefore, criminal law reforms that include provisions on obstruction of justice serve not only as a repressive instrument but also as a preventive measure to maintain the credibility of judicial institutions. From a criminal justice system perspective, comprehensive obstruction of justice regulations will strengthen coordination between law enforcement agencies. An integrated law enforcement mechanism will create uniform standards for interpreting and enforcing norms, thereby avoiding overlapping authority. Furthermore, harmonized norms will strengthen the principles of accountability and transparency at all stages of criminal law enforcement.<sup>13</sup>

This concept also has implications for the protection of human rights, particularly the public's right to obtain justice through a legal process free from coercion. Existing obstruction of justice without firm enforcement means allowing justice to be traded by interested parties. Therefore, establishing clear norms is an integral part of efforts to uphold the principle of the rule of law, which places justice as the primary goal of the criminal legal system. The idea of the importance of regulating obstruction of justice also aligns with moral principles in law enforcement. According to Sudarto, criminal law serves not only to punish perpetrators but also to maintain a balance

between social order and society's sense of justice.<sup>14</sup> Thus, the application of norms regarding acts of obstruction of justice is not merely to add to the types of crimes, but to ensure that the legal process can proceed honestly, openly, and not be tainted by the interests of certain parties.

The presence of firm regulations regarding obstruction of justice is expected to revitalize public trust in the national legal system. When the public sees that all forms of interference with justice are dealt with firmly, the legitimacy of law enforcement agencies will increase. This regulation also strengthens the authority of the law as a means of maintaining the balance between legal certainty and substantive justice, the ideal ideal of Indonesian criminal law.

### ***Implementation and Challenges of Law Enforcement against Criminal Acts of Obstruction of Justice in Indonesia***

Law enforcement against the crime of obstruction of justice in Indonesia is currently in its early stages of development and has not yet achieved a strategic position within the national criminal law system. Judicial practice demonstrates that law enforcement officials' attention to this offense remains very limited, despite the fact that conceptually, this crime has significant potential to disrupt the judicial process and undermine the rule of law. This is evident in the small number of cases explicitly charging perpetrators with obstruction of justice, especially outside the context of corruption. In the reality of law enforcement, cases of obstruction of justice that are successfully uncovered generally occur in specialized legal domains such as corruption or money laundering. Article 21 of the Corruption Law is the legal basis most frequently used, particularly when someone attempts to obstruct an investigation by the Corruption Eradication Commission (KPK). Meanwhile, in the context of general crimes such as murder, narcotics, or economic crimes, the application of similar

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<sup>13</sup> Waskito, A. B. (2018). Implementasi sistem peradilan pidana dalam perspektif integrasi. *Jurnal Daulat Hukum*, 1(1), 324-168.

<sup>14</sup> Oktavianti, R. G., Hidayat, M., & Ghafarina, N. (2025). PERAN PENGHAPUS,

PERINGAN DAN PEMBERAT TINDAK PIDANA DALAM MEWUJUDKAN KEADILAN SOSIAL. *CERMIN: Jurnal Penelitian*, 9(1), 140-149.

articles is almost never carried out, despite indications of obstructing the legal process frequently occurring.<sup>15</sup>

This phenomenon indicates that law enforcement officials still have limited ability to recognize obstruction of justice as a distinct offense. Many actions that significantly disrupt investigations or trials are ignored as ethical or administrative violations, rather than criminal acts. This weak legal awareness reflects the Indonesian legal system's continued focus on core crimes, while crimes against justice have not received adequate attention. In the context of corruption, law enforcement against obstruction of justice is relatively clear. Several major cases, such as attempts by public officials to obstruct investigations against the Corruption Eradication Commission (KPK), have been successfully prosecuted under Article 21 of the Corruption Eradication Law. This provision provides the legal basis for law enforcement to take action against anyone who directly or indirectly obstructs investigations or prosecutions. The application of this article demonstrates that with clear norms, law enforcement officials can act more effectively and have a strong legal basis.

Application is also found in the context of money laundering crimes through Article 66 of Law Number 8 of 2010. This norm ensnares parties who attempt to conceal or divert the proceeds of crime in order to obstruct the legal process. However, the application of this article tends to be sectoral and limited to the scope of financial crimes. Meanwhile, in other general crimes, there is no legal instrument that specifically protects the judicial process from external interference. Regarding witness and victim protection, Article 21 of Law Number 13 of 2006 provides a legal basis for enforcement against acts of intimidation, threats, or pressure inflicted on witnesses. However, the implementation of this article in practice remains suboptimal. Many cases show that witnesses choose to remain silent or withdraw their testimony due to fear of the threats they

face. This situation demonstrates that legal protection for witnesses remains ineffective, and related obstruction of justice crimes often go unaddressed.

Weak normative conditions are a major factor contributing to the slow pace of law enforcement against obstruction of justice. The lack of a single definition of this act has led to differing interpretations among law enforcement agencies. Some consider it an ethical violation, others a general offense, while only a few treat it as a crime against justice. This fragmentation has led to inconsistencies in the investigation and prosecution processes.<sup>16</sup>

The fragmentation of laws and regulations also complicates the law enforcement process. Each legal regime has its own provisions on obstruction of justice, with elements of the offense and sanctions that are not always uniform. As a result, when an act does not fall under a specific regime, such as corruption or money laundering, authorities are often confused about determining the appropriate legal basis for charging the perpetrator. This inconsistency impacts legal certainty and the effectiveness of law enforcement. Another obstacle that arises is the difficulty in establishing evidence. Obstruction of justice is often carried out covertly, using influence, or exploiting legal loopholes to pressure witnesses and investigators. Many acts occur behind the scenes and leave no direct evidence, making it difficult for authorities to enforce relevant articles. In this situation, the legal process becomes vulnerable to manipulation and intervention.

Structural constraints are also a significant factor weakening law enforcement against obstruction of justice. There is overlapping authority between the Corruption Eradication Commission (KPK), the National Police, and the Prosecutor's Office in handling cases involving obstruction of justice. Unclear coordination mechanisms often lead to conflicts of interest and delays in case handling. In many cases, sectoral egos among law enforcement

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<sup>15</sup> Jodi, F. F. (2024). pemberatan PEMBERATAN PIDANA BAGI PELAKU OBSTRUCTION OF JUSTICE DALAM UPAYA MEMBERIKAN DAMPAK POSITIF KINERJA PENEGAK HUKUM. *LITIGASI*, 25(1), 110-123.

<sup>16</sup> Asnawi, M. N., & SHI, M. (2022). *Dekonstruksi Hukum: Jejak-jejak Penafsiran dan Pembentukan Norma dalam Penegakan Hukum*. Prenada Media. hlm 17

agencies hinder synergy in crime eradication. Weak coordination between law enforcement agencies also undermines enforcement effectiveness. In several major cases, differences of opinion between agencies have been exploited by certain parties to evade legal action. The lack of formal communication and cooperation mechanisms leads to overlaps in evidence collection, witness examination, and case transfer. This lack of an integrated system undermines the integrity of the criminal justice system as a whole.

Political factors are another dimension that cannot be ignored. Intervention by high-ranking officials or influential parties often hinders legal proceedings against perpetrators of obstruction of justice.<sup>17</sup> The practice of political pressure and power entering the realm of law enforcement has distorted the application of justice. This situation demonstrates the fragile independence of law enforcement institutions in Indonesia. The legal culture and morality of law enforcement officers also contribute to weak law enforcement. In many cases, officers turn a blind eye to the actions of colleagues who obstruct the legal process, citing official loyalty. This mindset creates a legal environment that is permissive of abuse of authority. As Satjipto Rahardjo has argued, the law will not function effectively if enforced by officials who lack legal morality and the ethics of justice.<sup>18</sup>

The weakness of legal culture is also evident in the low level of public participation in reporting acts of obstruction of justice. Fear of threats and the lack of guarantees of witness protection lead many to remain silent. As a result, acts of obstruction of justice often go unreported, and perpetrators remain untouched by the law.<sup>19</sup> In fact, community involvement is crucial for strengthening social control over the law enforcement process. To address these

various obstacles, strategic steps are needed to strengthen law enforcement against obstruction of justice. One key strategy is the need for unification of norms within the national criminal law system. Regulations in the Criminal Code and specific laws must be harmonized to achieve uniform definitions and elements of offenses. This way, law enforcement can operate based on consistent and measurable legal standards.

Improving the capacity and integrity of law enforcement officers is also a determining factor in success. Ongoing legal education and training are necessary to enable officers to recognize increasingly complex forms of obstruction of justice. Strong internal oversight and the application of disciplinary sanctions for ethical violations must also be enforced to prevent collusion among law enforcement officers. These efforts will strengthen the professionalism and credibility of legal institutions. The establishment of technical guidelines for handling cases involving obstruction of justice also needs to be prioritized. These guidelines can serve as a uniform guide for investigators, prosecutors, and judges in assessing and proving the elements of the offense. Furthermore, the existence of official guidelines will reduce differences in legal interpretation among law enforcement agencies, thereby making the judicial process more consistent and efficient.<sup>20</sup>

Strengthening protection for witnesses and whistleblowers is another equally important step. Protection mechanisms must ensure the security and confidentiality of whistleblowers' identities, encouraging them to expose obstruction of justice. Effective protection for whistleblowers will expand public participation in supporting transparent and accountable law enforcement. Future legal development should focus on establishing

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<sup>17</sup> Lusia Sulastri, S. H. (2023). *Pengaruh Obstruction Of Justice Yang Dilakukan Aparat Penegak Hukum Terhadap Kepercayaan Masyarakat Pada Sistem Peradilan Di Indonesia*. Pustaka Aksara. hlm. 29

<sup>18</sup> Hadi, N. A. K. (2022). Penegakan Hukum Di Indonesia Dilihat Dari Perspektif Sosiologi Hukum. *Jurnal Hukum Dan Pembangunan Ekonomi*, 10(2), 227-240.

<sup>19</sup> Rumadan, I. (2017). Peran Lembaga Peradilan Sebagai Institusi Penegak Hukum Dalam Menegakkan Keadilan Bagi Terwujudnya Perdamaian. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 6(1), 69-87.

<sup>20</sup> Saputra, E. (2025). *Peran Penegak Hukum dalam Sistem Pidana Indonesia*. PT MAFY MEDIA LITERASI INDONESIA. hlm. 23

explicit norms regarding obstruction of justice in the Draft Criminal Code (RKUHP). This formulation must be accompanied by a realistic implementation mechanism that does not overlap with other provisions. Synergy between law enforcement agencies also needs to be strengthened to avoid conflicts of authority and expedite legal proceedings against perpetrators.

National criminal law reform must ultimately ensure that any form of interference with the legal process can be firmly prosecuted. The principle of the rule of law demands that all parties, including public officials, submit to the law without exception. Clarity of norms, integrity of officials, and transparency of the legal process are key pillars in achieving substantial justice. Weaknesses in law enforcement against obstruction of justice impact not only the legal level but also the public's perception of justice. The public will lose trust if they perceive the law to be manipulated by power or money. Conversely, firm enforcement of the law against perpetrators of obstruction of justice will foster trust and enhance the legitimacy of law enforcement agencies.

Consistent and non-discriminatory law enforcement will strengthen the integrity of the criminal justice system. The deterrent effect of criminal sanctions against perpetrators of obstruction of justice will serve as an important lesson for all parties to respect the legal process. This will strengthen the foundation of Indonesia's rule of law, which upholds the principles of justice and legal certainty as mandated by the constitution.

## CONCLUSION

The concept of obstruction of justice in the Indonesian criminal law system demonstrates the urgent need for comprehensive and integrated legal reform. Although the substance of the crime of obstruction of justice has been partially regulated in various laws and regulations, the fragmentation of these provisions has led to disharmony and difficulties in implementation in the field. Obstruction of justice is essentially an act that intentionally disrupts, hinders, or influences the legal process in order to protect the main perpetrator of the crime and thwart

criminal evidence. Firm provisions in the Draft Criminal Code are a crucial step to address this legal gap and strengthen the principles of legality, legal certainty, and justice in the criminal justice system.

The current state of law enforcement shows that the offense of obstruction of justice has not yet become a top priority in national law enforcement practices. Its application remains limited to specific legal regimes such as corruption and money laundering, while its use in general crimes is still rare. Normative, structural, and cultural barriers weaken the effectiveness of law enforcement and threaten the integrity of the judiciary. Therefore, harmonization of legal norms, increased professionalism of officials, and strengthened protection for witnesses and whistleblowers are urgent needs. Firm law enforcement against obstruction of justice will strengthen public trust, guarantee judicial independence, and realize the principle of the rule of law as the foundation of Indonesia's rule of law.

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