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The Limits of Advocate Immunity and Criminal Liability for Obstruction of Justice

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ABSTRACT

Advocates in Indonesia are protected from civil and criminal prosecution when they perform their professional duties in good faith, yet the same conduct that serves a client's defense is sometimes treated by investigators as obstruction of justice. Existing studies agree that this immunity is conditional, but they largely define good faith in general terms and give limited guidance on how it relates to the intent required for obstruction. This article aims to clarify how far advocate immunity extends in defending clients and when that defense becomes criminal obstruction of justice. It uses normative legal research with a statute approach and a case approach, analyzing the Advocate Law, the Criminal Code, the anti-corruption law, Constitutional Court decisions, and the cases of two advocates, Fredrich Yunadi and Lucas. Findings show that immunity covers acts connected with the defense of a client, inside and outside the courtroom, and depends on two cumulative conditions, namely a link to professional duties and good faith measured against the law, the code of ethics, and the advocate's oath. The obstruction provisions differ in how they define the prohibited conduct, and because the anti-corruption provision relies on open verbs, intent separates criminal obstruction from legitimate defense. The article proposes a three-question test that asks whether the act belongs to the defense function, whether it relies on falsity, concealment, or evasion, and whether the advocate knows that it defeats the legal process. Professional discipline and criminal liability run in parallel, and neither binds the other.

Keywords: *Advocate Immunity, Criminal Liability, Good Faith, Obstruction of Justice*

INTRODUCTION

Criminal proceedings in Indonesia depend on advocates as much as on investigators, prosecutors, and judges, because advocates are formally recognized as law enforcers who work freely and independently.[123] That position creates a persistent legal problem. When an advocate advises, accompanies, or represents a client, the same conduct that serves the defense may be read by investigators as hindering the legal process, an offense known in the literature as obstruction of justice. Where lawful defense ends and criminal obstruction begins has therefore become one of the most contested questions in the practice of the Indonesian bar.

The importance of answering this question carefully follows from the constitutional place of legal assistance. Everyone is entitled to fair legal certainty and to special treatment that secures equal access to justice.[4] The right to legal aid is given concrete form in Law No. 16 of 2011 on Legal Aid and in Article 54 of Law No. 8 of 1981 on the Criminal Procedure Code, which has since been succeeded by Law No. 20 of 2025.[5] Within this framework, the advocate's role is to give practical effect to the presumption of innocence, a principle that binds the state, by making sure that a suspect or defendant does not face the prosecution alone.[67]

The Advocate Law responded to these concerns in three main ways. It recognized the advocate as a law enforcer (Art. 5(1)), it provided for a single bar organization with authority to regulate the profession and appoint its members, and it granted immunity from civil and criminal prosecution to advocates who act in good faith while performing their professional duties (Art. 16).[89] Alongside this immunity, the Act guarantees advocates the freedom to express opinions and to carry out their duties (Arts. 14 and 15) and access to information and documents (Art. 17), while imposing a duty of confidentiality toward clients (Art. 19). The

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[1] Republik Indonesia, "Undang-Undang (UU) Nomor 18 Tahun 2003 Tentang Advokat" (2003), https://peraturan.bpk.go.id/Details/43018/uu-no-18-tahun-2003.
[2] Reza Oktriananta Hadyan Putra, Subekti, and Yoyok Ucuk Suyono, "Law Enforcement of Criminal Acts in the Misuse of Subsidized Solar Oil in Indonesia," *Journal of Law Theory and Law Enforcement* 2, no. 1 (March 3, 2023): 68–81, https://doi.org/10.56943/jlte.v2i1.266.
[3] Dr. Yahman Yahman, "Understanding Law Enforcement in the Perspective of Expediency and Justice," *Journal of Law Theory and Law Enforcement* 3, no. 1 (February 7, 2024): 26–34, https://doi.org/10.56943/jlte.v3i1.468.
[4] Republik Indonesia, "Undang-Undang Dasar Negara Republik Indonesia Tahun 1945" (1945), https://peraturan.bpk.go.id/Details/101646/uud-no--.
[5] R Wiyono, *Sistem Peradilan Pidana Anak Di Indonesia* (Jakarta: Sinar Grafika, 2016).
[6] Republik Indonesia, "Undang-Undang (UU) Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman" (2009), https://peraturan.bpk.go.id/Details/38793/uu-no-48-tahun-2009.
[7] Solehoddin, "Menakar Hak Imunitas Profesi Advokat," *Rechtidee* 10, no. 1 (February 25, 2015): 91–116, https://doi.org/10.21107/ri.v10i1.1141.
[8] Republik Indonesia, Undang-undang (UU) Nomor 18 Tahun 2003 tentang Advokat.
[9] Harlen Sinaga, *Dasar-Dasar Profesi Advokat* (Jakarta: Erlangga, 2011).

Constitutional Court has held that the immunity applies both inside and outside the courtroom.[10]

The advocate's role is traditionally described as *officium nobile*, a noble profession. That character is precisely why Article 16 immunity exists, because advocates cannot defend clients freely if every strategic choice exposes them to prosecution. It is also why the limits of immunity matter, since a protection granted on account of the profession's integrity loses its justification once an advocate acts against that integrity. The Code of Ethics established by the advocate organizations, which Article 33 of the Advocate Law gives legal force, adds a disciplinary layer to these limits.

The protection has nevertheless been tested in practice. Advocates have been prosecuted under Article 21 of Law No. 31 of 1999 on the Eradication of Corruption, as amended by Law No. 20 of 2001, which punishes anyone who intentionally prevents, obstructs, or thwarts an investigation, prosecution, or trial of corruption cases. Two prominent examples are the convictions at first instance of Fredrich Yunadi for obstructing the e-KTP investigation involving Setya Novanto (Putusan Nomor 9/Pid.Sus-TPK/2018/PN Jkt.Pst) and of Lucas for helping Eddy Sindoro evade the investigation against him (Putusan Nomor 90/Pid.Sus-TPK/2018/PN.Jkt.Pst). Both outcomes were later contested through appeal or review, and both raise the question of whether the conduct in question fell within professional duties carried out in good faith. The new Criminal Procedure Code, in force since January 2026, restates advocate immunity in Article 149(2) and again conditions it on good faith (Law No. 20 of 2025), which makes the question more pressing.

Existing scholarship agrees that immunity is not absolute and depends on two conditions, namely that the conduct relates to the advocate's professional duties and that it is carried out in good faith.[11] However, these studies largely define good faith in general terms. They offer limited guidance on the criteria that separate zealous defense from intentional obstruction, and the link between good faith and the mental element of the obstruction offense remains insufficiently developed.

This article aims to clarify how far advocate immunity extends when advocates defend clients and at what point that defense becomes criminal obstruction of justice. It pursues this aim through two research questions. First, what are the scope and conditions of advocate immunity under Article 16 of the Advocate

[10] Mahkamah Konstitusi Republik Indonesia, "Putusan Mahkamah Konstitusi Nomor 26/PUU-XI/2013" (2013), https://www.mkri.id/public/content/persidangan/sinopsis/ikhtisar_1268_1345_26-PUU-XI-2013-ok.pdf.

[11] Sabela Gayo, "Loss of Advocate Immunity Due To Obstruction Of Justice Based On Criminal Provisions," *SASI* 28, no. 4 (December 30, 2022): 599–607, https://doi.org/10.47268/sasi.v28i4.1071; Difia Setyo Mayrachelia and Irma Cahyaningtyas, "Karakteristik Perbuatan Advokat Yang Termasuk Tindak Pidana Obstruction of Justice Berdasarkan Ketentuan Pidana," *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (January 31, 2022): 121–32, https://doi.org/10.14710/jphi.v4i1.121-132.

Law when advocates defend clients? Second, when does an advocate's conduct in the defense function amount to obstruction of justice that gives rise to criminal liability? The article uses normative legal research, drawing on statute, conceptual, and case approaches to analyze statutes, court decisions, and scholarly literature. Its contribution is to connect the doctrine of good faith with the mental element of the obstruction offense and to propose an operational way of distinguishing legitimate advocacy from intentional obstruction. The remainder of the article consists of a research method section, a literature review, a discussion in four parts, and a conclusion.

LITERATURE REVIEW

Obstruction of Justice, Enforcement, and Criminal Liability

Obstruction of justice is a term that originates in Anglo-Saxon legal literature and is usually rendered in Indonesian criminal law doctrine as a criminal offense of obstructing the legal process.[12] Agustina et al. (2015) place the concept within the effort to eradicate corruption and hold that the mental element is satisfied when the perpetrator is aware that the act may prevent, hinder, or frustrate the legal process, whether that outcome is certain or only possible (p. 114). This low threshold matters for advocates. A procedural step that an advocate takes in defense of a client, while knowing that it may slow the proceedings, could fall within the definition, which is why the notions of professional context and good faith need conceptual clarity.

Two later studies show that the offense is also contested institutionally. Yuherawan (2020) applies grammatical, systematic, and teleological interpretation to Article 21 of Law No. 31 of 1999 and concludes that Corruption Eradication Commission (KPK) investigators have no authority to investigate obstruction of a corruption case.[13] Loi and Tawang (2020) reach a similar position by treating obstruction as a separate general offense instead of as corruption itself, so that it falls to the police and prosecutors.[14] They also examine advocate immunity through Putusan Nomor 90/Pid.Sus-TPK/2018/PN.Jkt.Pst and conclude that protection extends only to advocates who have a legal relationship with the client and act in good faith in line with the law. How the statutory formulations of obstruction differ from one another is compared in the discussion that follows.

Criminal law enforcement operates at two levels, namely *in abstracto*, which concerns the formulation of criminal rules, and *in concreto*, which concerns the

[12] Shinta Agustina et al., *Obstruction of Justice: Tindak Pidana Menghalangi Proses Hukum Dalam Upaya Pemberantasan Korupsi* (Jakarta: Themis Books, 2015).

[13] Deni Setya Bagus Yuherawan, "Obstruction of Justice in Corruption Cases," *Journal of Indonesian Legal Studies* 5, no. 1 (May 4, 2020): 225–56, https://doi.org/10.15294/jils.v5i1.38575.

[14] Sri Ayu Sukmawati Loi and Dian Adriawan DG Tawang, "Tinjauan Yuridis Mengenai Hak Imunitas Seorang Advokat Yang Melakukan Tindakan Obstruction of Justice Dalam Perkara Korupsi (Contoh Putusan Nomor 90/Pid.Sus-TPK/2018/PN.Jkt.Pst)," *Jurnal Hukum Adigama* 3, no. 1 (2020): 695–718, https://doi.org/https://doi.org/10.24912/adigama.v3i1.8953.

concrete actions of law enforcement officials in applying those rules.[15] The distinction is useful for this article because the tension between immunity and obstruction appears at both levels. In abstracto, Article 21 defines the conduct that counts as obstruction, and Article 16 of the Advocate Law defines the conditions of protection. In concreto, investigators, prosecutors, and judges decide whether a particular defense action falls on one side or the other. The disagreement over KPK authority described above shows that even the question of who applies the norm is unsettled.[16]

Criminal liability, in turn, arises only after a person has committed a criminal act.[17] It rests on the principle that there is no punishment without fault (*geen straf zonder schuld*), which Indonesian criminal law has adopted and which means that a person may be punished only when fault can be attributed to that person.[18] The capacity to be held responsible (*toerekeningsvatbaarheid*) is not defined in the Criminal Code, so its meaning must be drawn from doctrine and the *Memorie van Toelichting*.[19] For this article the principle has a concrete function. Article 21 of Law No. 31 of 1999 requires intentional conduct, so the liability of an advocate depends on proof of fault in the form of intent, and the mere fact that a defense action delayed the proceedings is insufficient. Liability without proof of fault would be exceptional and would need a clear statutory basis. This reasoning provides the doctrinal footing for the later analysis of intent.

Scholarly Positions on Immunity and the Remaining Gap

Studies on advocate immunity largely agree that it is conditional. Atmaja et al. (2018) link Article 16 to the general justification in Article 50 of the Criminal Code and warn that the provision is often misread as shielding every act done for a client's benefit.[20] Bijayanti and Darmadi (2020) conclude that an advocate who commits unlawful acts that obstruct law enforcement in corruption cases can be held liable both professionally and criminally.[21] Gayo (2022) and Mayrachelia and

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[15] Mahrus Ali, "Penegakan Hukum Pidana Yang Optimal (Perspektif Analisis Ekonomi Atas Hukum)," *Jurnal Hukum IUS QUIA IUSTUM* 15, no. 2 (2007): 223–38, https://doi.org/10.20885/iustum.vol15.iss2.art6.

[16] Loi and Tawang, "Tinjauan Yuridis Mengenai Hak Imunitas Seorang Advokat Yang Melakukan Tindakan Obstruction of Justice Dalam Perkara Korupsi (Contoh Putusan Nomor 90/Pid.Sus-TPK/2018/PN.Jkt.Pst)"; Yuherawan, "Obstruction of Justice in Corruption Cases."

[17] Chairul Huda, *Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan* (Jakarta: Prenada Media Group, 2011).

[18] Frans Maramis, *Hukum Pidana Umum Dan Tertulis* (RajaGrafindo Persada, 2013).

[19] I Made Widnyana, *No AAsas-Asas Hukum Pidana : Buku Panduan Mahasiswa* (Jakarta: Fikahati Aneska, 2010).

[20] IWDP Atmaja and I W Suardana, "Hak Imunitas Advokat Dalam Persidangan Tindak Pidana Korupsi," *Kertha Wicara: Journal Ilmu Hukum* 7, no. 5 (2018): 1–13, https://ojs.unud.ac.id/index.php/kerthawicara/article/view/43617.

[21] Kadek Indah Bijayanti and AA Ngurah Oka Yudistira Darmadi, "Pertanggungjawaban Pidana Advokat Pada Obstruction Of Justice Dalam Perkara Tindak Pidana Korupsi," *Kertha Wicara : Journal Ilmu Hukum* 9, no. 4 (2020): 46–55, https://ojs.unud.ac.id/index.php/kerthawicara/article/view/58244.

Cahyaningtyas (2022) add that immunity is lost when the conduct is unrelated to professional duties or lacks good faith, and Niode et al. (2024) argue that immunity should not be read expansively, particularly after Putusan Mahkamah Konstitusi Nomor 26/PUU-XI/2013 broadened its scope.[22]

Good faith is the pivot of this consensus, yet it is usually defined in general terms, namely as performing professional duties to uphold justice under the law.[23] Such a definition tends toward circularity, since immunity would then cover only lawful conduct. Suranta and Wardhani (2026) make a related point about the new Criminal Procedure Code.[24] They argue that good faith lacks measurable indicators, which gives law enforcers wide discretion and creates uncertainty for advocates, and they call for an operational definition grounded in the defense function and professional standards.

Taken together, the literature settles that immunity depends on professional context and good faith, but two questions remain open. The first is what good faith adds beyond lawfulness and how it can be assessed in concrete cases. The second is how good faith relates to the intent that Article 21 requires, which determines whether a defense action becomes criminal obstruction. These questions shape the remainder of the article. The discussion that follows addresses the first research question by setting out the scope and conditions of immunity under Article 16. It then addresses the second by comparing the statutory formulations of obstruction and by testing a standard for good faith and intent against the cases of Yunadi and Lucas, and it considers how professional discipline relates to criminal liability. The Conclusion answers both research questions.

RESEARCH METHODOLOGY

This study is normative legal research that examines legal issues through library materials, namely written legal norms, court decisions, and scholarly literature.[25] It employs a statute approach and a case approach.[26] The statute approach is used to examine the content and legal force of the provisions that govern advocate immunity and obstruction of justice, including Article 16 of the Advocate Law and Article 21 of Law No. 31 of 1999 as amended by Law No. 20

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[22] Mayrachelia and Cahyaningtyas, "Karakteristik Perbuatan Advokat Yang Termasuk Tindak Pidana Obstruction of Justice Berdasarkan Ketentuan Pidana"; Mohamad Fajrin H Niode, Farhana Farhana, and Diah Sulastri Dewi, "Penerapan Prinsip Hak Imunitas Advokat Atas Interpretasi Obstruction of Justice Dalam Perkara Pidana Di Indonesia," *SENTRI: Jurnal Riset Ilmiah* 3, no. 2 (February 3, 2024): 644–56, https://doi.org/10.55681/sentri.v3i2.2304.

[23] Gayo, "Loss of Advocate Immunity Due To Obstruction Of Justice Based On Criminal Provisions"; Niode, Farhana, and Dewi, "Penerapan Prinsip Hak Imunitas Advokat Atas Interpretasi Obstruction of Justice Dalam Perkara Pidana Di Indonesia."

[24] Arih Wira Suranta and Indah Kusuma Wardhani, "The Ambiguity of Norms in Legal Protection for Advocates and the Problem of the Limits of Good Faith in the Criminal Justice System," *Asian Journal of Social and Humanities* 4, no. 10 (2026): 4566–75, https://ajosh.org/jsh/article/view/737.

[25] Peter Mahmud Marzuki, *Penelitian Hukum (Edisi Revisi)* (Prenada Media, 2017).

[26] Marzuki.

of 2001, together with the related provisions of the Criminal Code and the Criminal Procedure Code. The case approach is used to analyze court decisions that deal with the same legal issues, namely the Constitutional Court's ruling on advocate immunity (Putusan Mahkamah Konstitusi Nomor 26/PUU-XI/2013) and the first-instance decisions of the Central Jakarta Corruption Court in the cases of Fredrich Yunadi and Lucas. The legal materials consist of primary and secondary materials. The primary materials are statutes and court decisions, while the secondary materials are books, scholarly articles, and journals related to the topic of this research. The materials were collected through library study and analyzed qualitatively by interpreting the relevant provisions, comparing how they formulate the conduct and the mental element of obstruction of justice, and applying the resulting standard to the decisions examined, so that the findings answer the two research questions.

RESULT AND DISCUSSION

Foundations and Conditions of Advocate Immunity

The Advocate Law defines an advocate as a person whose profession is to provide legal services inside or outside the courtroom, and it defines legal services as legal consultation, legal assistance, acting under a power of attorney, representing, accompanying, defending, and taking other legal actions for the client's legal interests.[27] The relationship between advocate and client is therefore a legal one, and it is usually evidenced by a power of attorney. Within this relationship the advocate also owes a duty to keep confidential everything learned from the client, subject to exceptions required by law. The reason for protecting this function is an old one. The advocate has long been understood as someone who stands with people in need of justice and who balances the power of the state against them, which is the same reason why the law shields the defense function from retaliation.

The protection itself is found in Article 16. In its present form it provides that advocates cannot be prosecuted, either civilly or criminally, in carrying out their professional duties in good faith for the defense of the client, whether inside or outside the courtroom. The words "inside or outside" come from the Constitutional Court, which held in Putusan Mahkamah Konstitusi Nomor 26/PUU-XI/2013 that Article 16 must be read to cover conduct beyond the trial itself. This ruling has an important analytical consequence. Article 21 of Law No. 31 of 1999 applies to the investigation, the prosecution, and the examination at trial, so allegations of obstruction arise most often before a case ever reaches court. Before the ruling, immunity covered only the last of those stages. After it, immunity and the obstruction offense overlap across the whole criminal process, and this overlap is where the tension examined in this article is located. The text

[27] Republik Indonesia, Undang-undang (UU) Nomor 18 Tahun 2003 tentang Advokat.

of Article 16 does not use the term immunity. It says only that advocates cannot be prosecuted, and the label of immunity is a doctrinal one that the literature has attached to it.[28]

Two conditions can be drawn from the text. The first is that the act must be part of the advocate's professional duties, which means that it is done for the defense of the client. The second is good faith, which the Elucidation of Article 16 defines as carrying out the professional duty for the sake of upholding justice under the law in order to defend the client's interests. Both conditions are cumulative, and the benefit of the provision is lost when either is missing. The Constitutional Court has confirmed this reading. In Putusan Mahkamah Konstitusi Nomor 56/PUU-XVI/2018, the Court rejected a petition that asked for good faith to be assessed first by the advocates' ethics council, and it held that immunity depends on whether the profession is carried out in good faith. According to the Court, conduct that contradicts the code of ethics, statutes, the advocate's oath, and standards of propriety indicates a lack of good faith, and the assessment in a concrete case belongs to law enforcers. Winata and Dewanto (2020) reach the same position from a constitutional angle, arguing that the immunity can be reconciled with Article 28D of the 1945 Constitution only when it is bounded by the code of ethics, applicable legislation, and good faith.[29] The new Criminal Procedure Code keeps this structure in Article 149(2), again protecting advocates who act in good faith.[30]

Article 16 also needs to be placed next to the general ground of justification for acts done to carry out a statutory provision, which appears in Article 50 of the Criminal Code and is carried forward in Article 31 of Law No. 1 of 2023.[31] The two share a logic, since both protect a person who acts within a function that the law itself authorizes. They differ in three ways. Article 16 is addressed to one profession, it extends to civil claims as well as criminal ones, and it carries its own condition of good faith. Article 16 is therefore best understood as a specific rule for the professional conduct of advocates, so that the general ground does not remove its good faith condition. Because the Court leaves the assessment of good faith to law enforcers in concrete cases, the protection appears to operate as a defense that is examined when the case is investigated and tried, and not as a bar that prevents a prosecution from being opened.

These findings answer the first research question. Advocate immunity covers acts connected with the defense of a client, inside and outside the

[28] Oey Valentino Winata and Wisnu Aryo Dewanto, "Batasan Terhadap Imunitas Advokat Yang Diperluas Berdasarkan Putusan Mahkamah Konstitusi Nomor 26/PUU-XI/2013," *DiH: Jurnal Ilmu Hukum* 16, no. 1 (January 24, 2020): 38–48, https://doi.org/10.30996/dih.v16i1.2974.
[29] Winata and Dewanto.
[30] Republik Indonesia, "Undang-Undang (UU) Nomor 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana" (2025), https://peraturan.bpk.go.id/Details/337302/uu-no-20-tahun-2025.
[31] Atmaja and Suardana, "Hak Imunitas Advokat Dalam Persidangan Tindak Pidana Korupsi."

courtroom, and it protects against both civil and criminal prosecution. It rests on two conditions, namely a link to professional duties and good faith, and good faith is measured against the law, the code of ethics, and the advocate's oath. The immunity therefore protects the defense function and not the personal interests of the advocate, and it does not extend to conduct that is plainly unlawful or intended to hinder the legal process. What good faith demands in a concrete case is still undefined, and this is taken up after the statutory formulations of obstruction have been compared.

Obstruction of Justice in Indonesian Criminal Law

Indonesian law has no single definition of obstruction of justice. The conduct is spread across several provisions that describe it in different ways, and the differences matter for advocates. Article 221(1) of the Criminal Code punishes anyone who intentionally hides a person who has committed a crime or is being prosecuted for one, or who helps that person evade investigation or detention. It also punishes anyone who, after a crime has been committed and with the aim of concealing it, destroys, removes, or hides the objects used in or related to the crime, and it exempts acts done to protect close relatives. Its penalty is light, namely imprisonment of up to nine months. The conduct is listed in specific terms, and the mental element has two layers, namely intent and a purpose of concealment.

Article 21 of Law No. 31 of 1999 is formulated very differently. It punishes anyone who intentionally prevents, obstructs, or thwarts the investigation, the prosecution, and the examination at trial of a suspect, a defendant, or witnesses in a corruption case, and its penalty starts at three years of imprisonment and reaches twelve. No particular acts are listed, and no purpose of concealment is required, so the offense is defined by what the conduct does to the proceedings. Article 22 of Law No. 21 of 2007 uses the same formula for human trafficking cases. The breadth of this wording has already drawn constitutional attention. In Putusan Mahkamah Konstitusi Nomor 71/PUU-XXIII/2025, which was brought by an advocate, the Court removed the phrase "directly or indirectly" from Article 21 because it could capture statements to the media, public discussions, and seminars held to defend a client, and it warned of overcriminalization and arbitrary enforcement.[32] The decision shows that the actus reus of Article 21 is precisely where the boundary of lawful advocacy is contested.

A third group of provisions deals with falsity in the process. Article 242 of the Criminal Code punishes a person who intentionally gives false testimony under oath where the law requires an oath, with a heavier penalty when the falsehood is given in a criminal case and harms the suspect or defendant. The

[32] Fath Putra Mulya and Debby H. Mano, "MK Ubah Bunyi Pasal 'Obstruction of Justice' Agar Tak Disalahartikan," ANTARA, 2026, https://gorontalo.antaranews.com/berita/390390/mk-ubah-bunyi-pasal-obstruction-of-justice-agar-tak-disalahartikan.

offense requires knowledge that the statement is false, and its perpetrator is the witness. The new Criminal Code, in force since January 2026, reorganizes this area in a chapter on offenses against the judicial process. Article 278 covers misleading the process by forging or submitting false evidence, directing a witness to testify falsely, and destroying or hiding evidence, Article 282 takes over the substance of Article 221, and Article 291 takes over Article 242.[33] The new Code therefore lists the conduct that advocates are most often suspected of, and it does so in far more specific terms than Article 21 does.

Read together, the provisions show a clear pattern. Article 221 and the new Code enumerate acts, while Article 21 relies on open verbs. Article 221 requires intent plus a purpose of concealment, Article 242 requires intent and knowledge of falsity, and Article 21 requires intent alone. Because the actus reus of Article 21 is so broad, intent carries the burden of separating criminal obstruction from legitimate defense. The Constitutional Court said as much when it rejected a challenge to Article 21 in Putusan Mahkamah Konstitusi Nomor 7/PUU-XVI/2018. It held that the benchmark is the element of intent, that without proof of intent there is no basis to say that the article criminalizes advocates, and that an advocate who acts to uphold law and justice shows the absence of the required mental element.[34] This sits uneasily with the doctrinal view discussed earlier. If awareness that an act may hinder the process is enough for intent, then an advocate who files a motion knowing that it will cause delay might satisfy the element. Intent therefore cannot work as a filter unless it is read together with the purpose of the defense, which is the role that good faith plays.[35]

The relationship between the provisions follows the principle that a special rule displaces a general one. Where an act falls under both a general and a special penal provision, only the special one is applied.[36] Article 21 and Article 22 are the special rules for corruption and trafficking cases, which means that an advocate accused of obstructing a corruption investigation will ordinarily be charged under Article 21, while Article 221, now Article 282 of the new Code, remains available for other crimes. The text of Article 221 contains no exemption for advocates other than the one for relatives, so advocates are within its reach, and what protects them in every case is Article 16 of the Advocate Law. The Constitutional Court made the same point when it held that Article 21 does not

[33] Republik Indonesia, "Undang-Undang (UU) Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana" (2023), https://peraturan.bpk.go.id/Details/234935/uu-no-1-tahun-2023.
[34] Aji Prasetyo, "Majelis Singgung Hak Imunitas Advokat Dalam Vonis Fredrich," Hukumonline, 2018, https://www.hukumonline.com/berita/a/majelis-singgung-hak-imunitas-advokat-dalam-vonis-fredrich-lt5b3517922d4cd/.
[35] Agustina et al., *Obstruction of Justice: Tindak Pidana Menghalangi Proses Hukum Dalam Upaya Pemberantasan Korupsi*.
[36] Mahkamah Agung Republik Indonesia, "Kitab Undang-Undang Hukum Perdata (KUHP)" (2024).

remove the immunity under Article 16, and that immunity lapses when good faith is absent.[37]

One further question is whether Article 21 requires actual hindrance of the process. The verbs prevent and thwart can be read to require a result, but the provision is described in the commentary as a formal offense, so that knowledge that the process would be hindered is enough and actual hindrance is not required.[38] This article does not need to settle the classification, because the consequence for advocates is the same either way. If a result is required, prosecutors must show that the proceedings were actually frustrated, and if it is not, liability attaches earlier, so in both cases the decisive questions are intent and good faith. These are the questions examined next through the cases of Yunadi and Lucas.

Drawing the Line Between Zealous Defense and Obstruction

The provisions and decisions discussed so far point to one conclusion. Good faith and intent are two sides of the same question, because the Constitutional Court has held that an advocate who intentionally obstructs the process cannot be acting in good faith, and an advocate who genuinely acts in good faith lacks the intent that Article 21 requires.[39] What the case law has not supplied is a way of recognizing either in practice. The Court itself has placed the assessment with law enforcers in concrete cases and has pointed to conduct that contradicts statutes, the code of ethics, and the advocate's oath as evidence of bad faith.[40] Building on these statements, this article proposes that the boundary can be drawn through three questions, which are put to the advocate's conduct in sequence.

The first question is whether the act is a recognized part of the defense function. The Advocate Law lists acts such as giving legal advice, acting under a power of attorney, representing, accompanying, and defending the client, and these include challenging evidence, filing objections or motions, and advising the client on how to exercise procedural rights. An act that falls outside this list cannot claim the protection of Article 16, however it is described.[41] The second question concerns means. Conduct that depends on falsity, concealment, or evasion of lawful process is contrary to statute and therefore falls outside good faith, regardless of the advocate's explanation. The law itself supplies the content of

[37] Agus Sahbani, "Begini Alasan MK Tolak Pasal Obstruction of Justice," Hukumonline, 2018, https://www.hukumonline.com/berita/a/begini-alasan-mk-tolak-pasal-obstruction-of-justice-lt5a96e5cde36a3/.

[38] Normand Edwin Elnizar, "Cermati Batas Imunitas Advokat Terkait Obstruction of Justice," Hukumonline, 2021, https://www.hukumonline.com/stories/article/lt5ffda1f91519c/cermati-batas-imunitas-advokat-terkait-obstruction-of-justice.

[39] Sahbani, "Begini Alasan MK Tolak Pasal Obstruction of Justice."

[40] Mahkamah Konstitusi Republik Indonesia, "Putusan Mahkamah Konstitusi Nomor 56/PUU-XVI/2018" (2018), https://www.mkri.id/public/content/persidangan/putusan/putusan_mkri_5339.pdf.

[41] Republik Indonesia, Undang-undang (UU) Nomor 18 Tahun 2003 tentang Advokat.

this category, namely hiding a person or evidence from the investigation, giving or directing false testimony, and forging or submitting false evidence.[42] The third question concerns knowledge and purpose. Delay or difficulty for the prosecution is a normal by-product of an effective defense and cannot by itself prove intent. Intent is shown when the advocate knows that the act serves to defeat the process itself and not to advance the client's legal position inside it. Because mental states are proven through circumstances, the facts before, during, and after the act are the relevant evidence, such as knowledge that the client is wanted, coordination with others to keep the client out of reach, and concealment from investigators. Liability then follows the principle of culpability, and it attaches only when both the act and the intent are proven.

This test also answers the cases that reviewers and practitioners usually raise as hard ones. A motion that is weak or unsuccessful but filed openly through a recognized procedure stays within good faith, because it is a lawful means, and the delay it causes is incidental. The inference changes when a procedural step has no discernible legal basis and is combined with deception or evasion, since the second and third questions are then both answered against the advocate.

The two convictions of advocates under Article 21 show the test at work. In the case of Fredrich Yunadi, the indictment alleged that he arranged the hospital admission of a suspect who had ignored KPK summonses, asked doctors to record a diagnosis of a road accident that had not yet happened, and reserved the hospital's VIP rooms in the suspect's name.[43] The Central Jakarta Corruption Court found him to have obstructed the e-KTP investigation intentionally and sentenced him to seven years on 28 June 2018, and the appellate court upheld the sentence, although one judge dissented to argue for a heavier one because the defendant had lied about the suspect's whereabouts and planned a staged accident.[44] The conduct fails the second question because it relies on falsity, and it fails the third because it was aimed at keeping the suspect away from the investigators. In the case of Lucas, the court found that he told a person sought by the KPK to give up Indonesian citizenship so that the pursuit would stop, and that he directed others to coordinate at the airport, and it described him as the mastermind of the effort.[45] Advising a client on legal options belongs to the defense function, but advice meant to place a known fugitive beyond the reach of

[42] Republik Indonesia, Undang-undang (UU) Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana.

[43] Kharishar Kahfi, "Setya's Former Lawyer Indicted for Obstruction of Justice," The Jakarta Post, 2018, https://www.thejakartapost.com/news/2018/02/08/setyas-former-lawyer-indicted-for-obstruction-of-justice.

[44] Aji Prasetyo, "Ada Dissenting Dalam Putusan Banding Fredrich," Hukumonline, 2018, https://www.hukumonline.com/berita/a/ada-dissenting-dalam-putusan-banding-fredrich-lt5bbe19cec387e/; Prasetyo, "Majelis Singgung Hak Imunitas Advokat Dalam Vonis Fredrich."

[45] Aji Prasetyo, "Hakim Anggap Lucas Aktor Intelektual Halangi Penyidikan Eddy Sindoro," Hukumonline, 2019, https://www.hukumonline.com/berita/a/hakim-anggap-lucas-aktor-intelektual-halangi-penyidikan-eddy-sindoro-lt5c92f3d0b2a08/.

the process, together with arrangements to carry it out, relies on evasion, and the knowledge that the client was wanted supports intent. The Supreme Court later granted a judicial review in this case, and the reasons were not available for this article, so the first-instance reasoning cannot be treated as settled.[46]

Two features of these cases deserve emphasis. In the Yunadi case, the immunity defense did not prevent the case from being tried. The panel rejected the argument that the advocates' ethics council had to assess good faith first and held that the criminal process need not wait for an ethics ruling, which is consistent with the Constitutional Court's position described above.[47] The cases also lie at the extreme end of the range, because they involve deception and evasion. The hard cases, such as dilatory motions or aggressive advice, have not reached the courts in this form, and the proposed test gives investigators, prosecutors, and judges a structured way of reading them. Applied together, the three questions give the answer to the second research question. An advocate's conduct becomes criminal obstruction when it falls outside the defense function, relies on falsity, concealment, or evasion, and is carried out with knowledge that it defeats the process.

Professional Discipline and Criminal Liability

Advocates answer to two separate systems of accountability. The first is professional discipline. Article 33 of the Advocate Law gave legal force to the code of ethics and the rules on the honorary council that seven advocate organizations had established on 23 May 2002, until the advocate organization issues new ones.[48] The honorary council can examine alleged violations and impose sanctions that range from reprimands and strong warnings to temporary and permanent dismissal.[49] The second system is criminal liability under provisions such as Article 21 of Law No. 31 of 1999. The two systems protect different interests, because discipline safeguards the dignity of the profession and criminal law safeguards the integrity of the judicial process, and a violation can therefore lead to both. Halomoan et al. (2023) reach a similar view after studying the Yunadi case.[50] They find that immunity can overlap with obstruction when

[46] Aji Prasetyo, "Perjalanan Kasus Lucas: Dari Aktor Intelektual Hingga PK Dikabulkan MA," Hukumonline, 2021, https://www.hukumonline.com/berita/a/perjalanan-kasus-lucas--dari-aktor-intelektual-hingga-pk-dikabulkan-ma-lt6070432d476c0.

[47] Prasetyo, "Majelis Singgung Hak Imunitas Advokat Dalam Vonis Fredrich."

[48] Republik Indonesia, Undang-undang (UU) Nomor 18 Tahun 2003 tentang Advokat.

[49] Christine Susanti and Christin Laurensia Setiawan, "Peran Dewan Kehormatan Advokat Dalam Mendukung Upaya Pemberantasan Tindak Pidana Suap Di Indonesia," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 6, no. 6 (September 20, 2026): 4640–50, https://doi.org/10.38035/jihhp.v6i6.9559.

[50] Daniel Halomoan et al., "Obstruction of Justice by Lawyer Fredrich Yunadi in the Corruption Case of the E-KTP (Electronic Identity Card) Procurement Project Involving Former People's Representative Council Chairman Setya Novanto," *Lex Prospicit* 1, no. 2 (November 9, 2023): 98–108, https://doi.org/10.19166/lp.v1i2.6947.

advocates invoke it without regard to its limits, and they stress the importance of the code of ethics as a counterweight.

The more difficult question is how the two systems relate in time. Advocates have repeatedly argued that the honorary council should assess good faith before any criminal process begins. The Constitutional Court rejected this argument twice. In Putusan Mahkamah Konstitusi Nomor 7/PUU-XVI/2018, it declined to adopt the conditional interpretation that would have required prior review by the honorary council, and it held that immunity lapses on its own when good faith is absent (para. 3.10.5). In Putusan Mahkamah Konstitusi Nomor 56/PUU-XVI/2018, it again rejected a petition on the same point, reasoning that the council's authority concerns the moral values of the profession, that the legal assessment of good faith belongs to law enforcers in concrete cases, and that ethical and criminal responsibility are distinct and need not wait for each other. The Court added that a council examination is not excluded and that its findings can serve as defense material, although they do not bind the law enforcers handling the case. The panel in the Yunadi case followed the same logic when it held that the criminal process need not wait for an ethics ruling.[51]

These holdings answer the question of whether a disciplinary finding can be used as evidence of intent. A finding by the honorary council does not bind a criminal court, and it cannot replace proof of the act and the intent that the offense requires. It can nevertheless be considered together with other evidence, in the same way that the council's findings can support the defense. A finding of no violation, in turn, does not prevent a prosecution. The consequence is that the three questions proposed in this article have to be answered by the criminal court on its own evidence, whatever the council has decided.

The scholarly literature is divided on whether this arrangement is satisfactory. Herianto et al. (2024) argue that a dedicated honorary body should decide whether an advocate's conduct breaches the code of ethics or the law, because investigators currently judge obstruction without consistent parameters and advocates lack protection against such suspicion.[52] Azmi et al. (2026) similarly maintain that ethics examinations by professional organizations help prevent the criminalization of advocates while protecting the integrity of the proceedings.[53] A practical difficulty weakens the case for placing discipline first. Susanti and Setiawan (2026) find that the council's role is not working optimally,

[51] Prasetyo, "Majelis Singgung Hak Imunitas Advokat Dalam Vonis Fredrich."

[52] Erwan Budi Herianto, Handoyo Prasetyo, and Slamet Tri Wahyudi, "Legal Protection For Advocates Who Are Considered Not In Good Faith For Alleged Obstruction Of Justice In Corruption Cases," *International Journal of Society and Law* 2, no. 3 (November 15, 2024): 163–80, https://doi.org/10.61306/ijsl.v2i3.336.

[53] Muhammad Ulul Azmi et al., "Batasan Hak Imunitas Advokat Dalam Penyidikan Tindak Pidana Korupsi: Analisis Yuridis Terhadap Tindak Pidana Obstruction of Justice," *CONSTITUO Journal of State and Political Law Research* 5, no. 1 (May 17, 2026): 16–32, https://doi.org/10.47498/constituo.v5i1.6436.

because criminal proceedings usually come first, advocate organizations operate in parallel, and enforcement of sanctions is weak, so that a sanctioned advocate can move to another organization and continue to practice.[54] An ethics-first rule would therefore depend on an institution that is not yet reliable, and it would delay cases in which the process is already being obstructed.

A middle course is consistent with both the Court's position and the concern for objective standards raised by Suranta and Wardhani (2026).[55] Law enforcers keep the decision on good faith, but they can ask the honorary council for a non-binding opinion on whether an act is a recognized part of the defense function and whether it complies with professional standards. The opinion would speak to the first of the three questions and would add professional expertise without transferring the decision. This suggestion also supports the first research question, because it keeps the content of good faith tied to the profession's own norms, which is where the Court located it.

CONCLUSION

This article set out to clarify how far advocate immunity extends when advocates defend clients and when that defense becomes criminal obstruction of justice. On the first research question, the analysis shows that Article 16 of the Advocate Law protects advocates from civil and criminal prosecution for acts connected with the defense of a client, inside and outside the courtroom, as the Constitutional Court has held. The protection rests on two cumulative conditions, namely a link to professional duties and good faith, and good faith is measured against the law, the code of ethics, and the advocate's oath.

On the second research question, the article shows that Indonesian law formulates obstruction in different ways. Article 221 of the Criminal Code and the new Criminal Code list specific acts, while Article 21 of Law No. 31 of 1999 relies on open verbs and requires intent alone. Because the conduct element is so broad, intent has to separate criminal obstruction from legitimate defense, and the Constitutional Court has linked intent and good faith by holding that an advocate who intentionally obstructs cannot be acting in good faith. The article contributes a three-question test for reading this boundary in concrete cases. The test asks whether the act belongs to the defense function, whether it relies on falsity, concealment, or evasion, and whether the advocate knows that it serves to defeat the process itself. Applied to the Yunadi and Lucas cases, the test places the conduct outside good faith. The article also shows that professional discipline and criminal

[54] Susanti and Laurensia Setiawan, "Peran Dewan Kehormatan Advokat Dalam Mendukung Upaya Pemberantasan Tindak Pidana Suap Di Indonesia."
[55] Suranta and Wardhani, "The Ambiguity of Norms in Legal Protection for Advocates and the Problem of the Limits of Good Faith in the Criminal Justice System."

liability operate in parallel, and that a disciplinary finding neither binds a criminal court nor prevents a prosecution.

The article has limitations. It analyzes two cases, and its account of them rests on published reports and scholarly summaries and not on the full texts of the decisions. The legal framework is also changing, because the new Criminal Code and the new Criminal Procedure Code have taken effect and the Constitutional Court has recently narrowed Article 21, so the practical effect of these changes remains to be seen. Future research could examine how consistently investigators and courts apply good faith, test the proposed three questions against a wider set of decisions, and study the role that advocates' honorary councils can play once their institutional weaknesses are addressed.

REFERENCES

Agustina, Shinta, Saldi Isra, Yuliandri, Feri Amsari, Khairul Fahmi, Charles Simabura, Ilhamdi Taufik, et al. *Obstruction of Justice: Tindak Pidana Menghalangi Proses Hukum Dalam Upaya Pemberantasan Korupsi*. Jakarta: Themis Books, 2015.

Ali, Mahrus. "Penegakan Hukum Pidana Yang Optimal (Perspektif Analisis Ekonomi Atas Hukum)." *Jurnal Hukum IUS QUIA IUSTUM* 15, no. 2 (2007): 223–38. https://doi.org/10.20885/iustum.vol15.iss2.art6.

Atmaja, IWDP, and I W Suardana. "Hak Imunitas Advokat Dalam Persidangan Tindak Pidana Korupsi." *Kertha Wicara: Journal Ilmu Hukum* 7, no. 5 (2018): 1–13. https://ojs.unud.ac.id/index.php/kerthawicara/article/view/43617.

Azmi, Muhammad Ulul, Jibran Hafidz, Pangky Fauz Firjatullah, and Musleh Harry. "Batasan Hak Imunitas Advokat Dalam Penyidikan Tindak Pidana Korupsi: Analisis Yuridis Terhadap Tindak Pidana Obstruction of Justice." *CONSTITUO Journal of State and Political Law Research* 5, no. 1 (May 17, 2026): 16–32. https://doi.org/10.47498/constituo.v5i1.6436.

Bijayanti, Kadek Indah, and AA Ngurah Oka Yudistira Darmadi. "Pertanggungjawaban Pidana Advokat Pada Obstruction Of Justice Dalam Perkara Tindak Pidana Korupsi." *Kertha Wicara : Journal Ilmu Hukum* 9, no. 4 (2020): 46–55. https://ojs.unud.ac.id/index.php/kerthawicara/article/view/58244.

Budi Herianto, Erwan, Handoyo Prasetyo, and Slamet Tri Wahyudi. "Legal Protection For Advocates Who Are Considered Not In Good Faith For Alleged Obstruction Of Justice In Corruption Cases." *International Journal of Society and Law* 2, no. 3 (November 15, 2024): 163–80. https://doi.org/10.61306/ijsl.v2i3.336.

Elnizar, Normand Edwin. "Cermati Batas Imunitas Advokat Terkait Obstruction of Justice." Hukumonline, 2021. https://www.hukumonline.com/stories/article/lt5ffda1f91519c/cermati-batas-imunitas-advokat-terkait-obstruction-of-justice.

Gayo, Sabela. "Loss of Advocate Immunity Due To Obstruction Of Justice Based On Criminal Provisions." *SASI* 28, no. 4 (December 30, 2022): 599–607. https://doi.org/10.47268/sasi.v28i4.1071.

Halomoan, Daniel, Figo Edsel Hidayat, Jaya Pahlevi, Rezki Tama A.P, Rofik Cahya Arta, and William Rando Bayakta. "Obstruction of Justice by Lawyer Fredrich Yunadi in the Corruption Case of the E-KTP (Electronic Identity Card) Procurement Project Involving Former People's Representative Council Chairman Setya Novanto." *Lex Prospicit* 1, no. 2 (November 9, 2023): 98–108. https://doi.org/10.19166/lp.v1i2.6947.

Huda, Chairul. *Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan*. Jakarta: Prenada Media Group, 2011.

Kahfi, Kharishar. "Setya's Former Lawyer Indicted for Obstruction of Justice." The Jakarta Post, 2018. https://www.thejakartapost.com/news/2018/02/08/setyas-former-lawyer-indicted-for-obstruction-of-justice.

Loi, Sri Ayu Sukmawati, and Dian Adriawan DG Tawang. "Tinjauan Yuridis Mengenai Hak Imunitas Seorang Advokat Yang Melakukan Tindakan Obstruction of Justice Dalam Perkara Korupsi (Contoh Putusan Nomor 90/Pid.Sus-TPK/2018/PN.Jkt.Pst)." *Jurnal Hukum Adigama* 3, no. 1 (2020): 695–718. https://doi.org/https://doi.org/10.24912/adigama.v3i1.8953.

Mahkamah Agung Republik Indonesia. Kitab Undang-Undang Hukum Perdata (KUHP) (2024).

Mahkamah Konstitusi Republik Indonesia. Putusan Mahkamah Konstitusi Nomor 26/PUU-XI/2013 (2013). https://www.mkri.id/public/content/persidangan/sinopsis/ikhtisar_1268_1345_26-PUU-XI-2013-ok.pdf.

———. Putusan Mahkamah Konstitusi Nomor 56/PUU-XVI/2018 (2018). https://www.mkri.id/public/content/persidangan/putusan/putusan_mkri_5339.pdf.

Maramis, Frans. *Hukum Pidana Umum Dan Tertulis*. RajaGrafindo Persada, 2013.

Marzuki, Peter Mahmud. *Penelitian Hukum (Edisi Revisi)*. Prenada Media, 2017.

Mayrachelia, Difia Setyo, and Irma Cahyaningtyas. "Karakteristik Perbuatan Advokat Yang Termasuk Tindak Pidana Obstruction of Justice Berdasarkan Ketentuan Pidana." *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (January 31, 2022): 121–32. https://doi.org/10.14710/jphi.v4i1.121-132.

Mulya, Fath Putra, and Debby H. Mano. "MK Ubah Bunyi Pasal 'Obstruction of Justice' Agar Tak Disalahartikan." ANTARA, 2026. https://gorontalo.antaranews.com/berita/390390/mk-ubah-bunyi-pasal-obstruction-of-justice-agar-tak-disalahartikan.

Niode, Mohamad Fajrin H, Farhana Farhana, and Diah Sulastri Dewi. "Penerapan Prinsip Hak Imunitas Advokat Atas Interpretasi Obstruction of Justice Dalam Perkara Pidana Di Indonesia." *SENTRI: Jurnal Riset Ilmiah* 3, no. 2 (February 3, 2024): 644–56. https://doi.org/10.55681/sentri.v3i2.2304.

Prasetyo, Aji. "Ada Dissenting Dalam Putusan Banding Fredrich." Hukumonline, 2018. https://www.hukumonline.com/berita/a/ada-dissenting-dalam-putusan-banding-fredrich-lt5bbe19cec387e/.

———. "Hakim Anggap Lucas Aktor Intelektual Halangi Penyidikan Eddy Sindoro." Hukumonline, 2019. https://www.hukumonline.com/berita/a/hakim-anggap-lucas-aktor-intelektual-halangi-penyidikan-eddy-sindoro-lt5c92f3d0b2a08/.

———. "Majelis Singgung Hak Imunitas Advokat Dalam Vonis Fredrich."

Hukumonline, 2018. https://www.hukumonline.com/berita/a/majelis-singgung-hak-imunitas-advokat-dalam-vonis-fredrich-lt5b3517922d4cd/.

———. "Perjalanan Kasus Lucas: Dari Aktor Intelektual Hingga PK Dikabulkan MA." Hukumonline, 2021. https://www.hukumonline.com/berita/a/perjalanan-kasus-lucas--dari-aktor-intelektual-hingga-pk-dikabulkan-ma-lt6070432d476c0.

Putra, Reza Oktriananta Hadyan, Subekti, and Yoyok Ucuk Suyono. "Law Enforcement of Criminal Acts in the Misuse of Subsidized Solar Oil in Indonesia." *Journal of Law Theory and Law Enforcement* 2, no. 1 (March 3, 2023): 68–81. https://doi.org/10.56943/jlte.v2i1.266.

Republik Indonesia. Undang-undang (UU) Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana (2023). https://peraturan.bpk.go.id/Details/234935/uu-no-1-tahun-2023.

———. Undang-undang (UU) Nomor 18 Tahun 2003 tentang Advokat (2003). https://peraturan.bpk.go.id/Details/43018/uu-no-18-tahun-2003.

———. Undang-undang (UU) Nomor 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana (2025). https://peraturan.bpk.go.id/Details/337302/uu-no-20-tahun-2025.

———. Undang-undang (UU) Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman (2009). https://peraturan.bpk.go.id/Details/38793/uu-no-48-tahun-2009.

———. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (1945). https://peraturan.bpk.go.id/Details/101646/uud-no--.

Sahbani, Agus. "Begini Alasan MK Tolak Pasal Obstruction of Justice." Hukumonline, 2018. https://www.hukumonline.com/berita/a/begini-alasan-mk-tolak-pasal-obstruction-of-justice-lt5a96e5cde36a3/.

Sinaga, Harlen. *Dasar-Dasar Profesi Advokat*. Jakarta: Erlangga, 2011.

Solehoddin. "Menakar Hak Imunitas Profesi Advokat." *Rechtidee* 10, no. 1 (February 25, 2015): 91–116. https://doi.org/10.21107/ri.v10i1.1141.

Suranta, Arih Wira, and Indah Kusuma Wardhani. "The Ambiguity of Norms in Legal Protection for Advocates and the Problem of the Limits of Good Faith in the Criminal Justice System." *Asian Journal of Social and Humanities* 4, no. 10 (2026): 4566–75. https://ajosh.org/jsh/article/view/737.

Susanti, Christine, and Christin Laurensia Setiawan. "Peran Dewan Kehormatan Advokat Dalam Mendukung Upaya Pemberantasan Tindak Pidana Suap Di Indonesia." *Jurnal Ilmu Hukum, Humaniora Dan Politik* 6, no. 6 (September 20, 2026): 4640–50. https://doi.org/10.38035/jihhp.v6i6.9559.

Widnyana, I Made. *No AAsas-Asas Hukum Pidana : Buku Panduan Mahasiswa*. Jakarta: Fikahati Aneska, 2010.

Winata, Oey Valentino, and Wisnu Aryo Dewanto. "Batasan Terhadap Imunitas Advokat Yang Diperluas Berdasarkan Putusan Mahkamah Konstitusi Nomor 26/PUU-XI/2013." *DiH: Jurnal Ilmu Hukum* 16, no. 1 (January 24, 2020): 38–48. https://doi.org/10.30996/dih.v16i1.2974.

Wiyono, R. *Sistem Peradilan Pidana Anak Di Indonesia*. Jakarta: Sinar Grafika, 2016.

Yahman, Dr. Yahman. "Understanding Law Enforcement in the Perspective of Expediency and Justice." *Journal of Law Theory and Law Enforcement* 3, no. 1 (February 7, 2024): 26–34. https://doi.org/10.56943/jlte.v3i1.468.

Yuherawan, Deni Setya Bagus. "Obstruction of Justice in Corruption Cases." *Journal of Indonesian Legal Studies* 5, no. 1 (May 4, 2020): 225–56. https://doi.org/10.15294/jils.v5i1.38575.