

National Personality in Maintaining the Honor and Nobility of Judges in Indonesia

Azwir Agus & Montayana Meher*

Legal Studies Program, Faculty of Law, Universitas Medan Area, Indonesia

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*Corresponding Email: montavanameher@staff.uma.ac.id

Abstract

This study aims to analyze the legal regulations related to the Contempt of Court and Acts Degrading the Honor and Dignity of Judges (PMKH) in Indonesia. As a country based on law, Indonesia places Pancasila as the foundation for building a fair, dignified, and transparent justice system. The phenomena of Contempt of Court and PMKH are serious challenges in maintaining the integrity and independence of judicial institutions, which have a direct impact on public trust in the legal system. This study uses a library method with a descriptive qualitative approach, analyzing laws and regulations such as the Criminal Code, Criminal Procedure Code, and relevant legal literature. The results of the study show that although related regulations have been regulated in various regulations, proportional, fair, and transparent law enforcement is still needed. This effort is important to ensure that the supremacy of law is maintained, in line with the values of Pancasila as the personality of the Indonesian nation in supporting a dignified justice system.

Keywords: National personality; Contempt of Court; Honor and Dignity of Judges.

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INTRODUCTION

Indonesia, as a country based on law, has a solid foundation in regulating criminal procedural law to ensure the implementation of fair and transparent trials in the general courts and the Supreme Court (Dermawan et al., 2023; Miraharja, 2022). This includes clear regulations regarding the rights and obligations of all parties involved in the criminal justice process. The main objective of this regulation is to uphold the basic principles of the rule of law, which guarantee justice and legal certainty for all citizens (Dermawan et al., 2023; Hamzah, 2019; Miraharja, 2022). As a country that upholds the supremacy of law, Indonesia places law as a tool to create social order and justice in society.

The trial process in Indonesia is regulated based on the principle of open trials for the public, except for certain cases such as morality and cases involving children as defendants (Ibtihaj Lubis et al., 2023; Maswandi, 2017). This principle aims to ensure transparency in the judicial process, where the public can monitor the course of the trial. This transparency is expected to encourage judges to be objective in deciding cases by considering the evidence and legal arguments presented at trial (Butar-Butar et al., 2020; Pratama & Tappangan, 2020; Sormin et al., 2023). However, in practice, various actions are often encountered that do not respect the course of the trial. These actions can come from parties directly involved in the case or from ordinary visitors present in the courtroom.

These actions, which damage the authority of the trial, can be categorized as criminal acts against the judicial process or known as Contempt of Court (Bahri & Indonesia, 2021; Masthura, 2011). Contempt of Court refers to behavior that undermines the dignity, authority, and honor of the judicial body. This term is used to describe various forms of behavior that can hinder, disrupt, or damage the judicial process (Hasibuan & Suranta, 2013; Siregar, 2020; Syafaat et al., 2015). The purpose of the regulation on Contempt of Court is to ensure the creation of a conducive atmosphere for the implementation of justice in order to uphold law and justice based on Pancasila. Pancasila, as the foundation of the state, provides a unique character for the Indonesian nation in regulating national life, including in its judicial system (Afif, 2018; Akbal, 2016; Damanik, 2015).

Although the importance of the regulation regarding Contempt of Court has been recognized, Indonesia has not had a specific law that comprehensively regulates it. Regulations related to Contempt of Court are still scattered in various laws and regulations, such as the Criminal Code (KUHP), the Criminal Procedure Code (KUHP), and various codes of ethics of the legal profession (Lilik Mulyadi et al., 2021; Yusuf Shofie & others, 2011). The absence of specific regulations poses challenges in law enforcement, as judicial officials often face difficulties in determining clear boundaries regarding behavior that can be categorized as Contempt of Court.

The development of information technology in the current digital era also adds to the complexity of the Contempt of Court problem. Social media, as one of the main platforms for public communication, is often used to spread information that can undermine the authority of the judiciary (Hayati & others, 2022; Pangastuti & others, 2023). The irresponsible dissemination of information can affect public perception of the justice system and damage the integrity of the justice institution itself. Therefore, a systematic and comprehensive legal regulation is needed to protect the integrity of the judiciary from such threats. This regulation must be able to accommodate the dynamics of the development of information technology without ignoring the principles of freedom of expression guaranteed in a democratic system.

In the context of Indonesian legal culture, the national personality based on Pancasila plays an important role in shaping people's attitudes and behavior towards the law. Pancasila, as the state ideology, contains moral values that serve as guidelines in social, national, and state life. These values include respect for human rights, social justice, and the supremacy of law. Therefore, the regulation regarding Contempt of Court must be in line with the values of Pancasila, which emphasizes the importance of respecting legal institutions as the main pillar in maintaining order and justice in society.

In addition to Contempt of Court, there is also the concept of Acts that Degrade the Honor and Dignity of Judges (PMKH). PMKH includes various actions that can threaten the integrity of the judiciary, such as disrupting the course of the trial, threatening the security of judges, insulting the

court, and committing violence against judicial officers. These actions not only damage the image of the judiciary but can also reduce public trust in the legal system as a whole. Public trust is one of the key elements in realizing an effective and credible judicial system. Therefore, protecting the honor and dignity of judges is an integral part of efforts to maintain the integrity of the judiciary.

Law enforcement related to Contempt of Court and PMKH requires close cooperation between various stakeholders, including judicial institutions, law enforcement officers, and the community. The state has a responsibility to provide clear and firm regulations in regulating behavior that can undermine the authority of the judiciary. Law enforcement officers, such as the police, prosecutors, and judges, must have a deep understanding of these regulations and be able to apply them consistently. On the other hand, the community also has an important role in supporting law enforcement through active participation in overseeing the course of justice and respecting legal institutions.

This study aims to analyze the legal regulations related to the Contempt of Court and PMKH in Indonesia. The focus of this study includes how the current regulations regulate behavior that can undermine the authority of the judiciary, as well as how the personality of the Indonesian nation influences the honor and dignity of judges. In addition, this study also aims to identify the challenges faced in law enforcement related to Contempt of Court and PMKH, and provide recommendations to strengthen regulations and their implementation in the field.

RESEARCH METHODS

This study uses a library research method, which aims to analyze and understand the legal regulations related to Contempt of Court and Acts that Degrade the Honor and Dignity of Judges (PMKH) in Indonesia. This method was chosen because of its relevance in reviewing laws and regulations, legal documents, and academic literature related to the research topic.

Data collection was conducted through studies of various primary and secondary sources. Primary sources include laws and regulations such as the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), and other related regulations governing the Contempt of Court and PMKH. In addition, official documents from judicial institutions and legal reports are also used as primary reference materials.

Secondary sources consist of legal literature books, scientific articles, academic journals, and other publications that discuss issues related to national personality, the supremacy of law, and the role of judicial institutions in maintaining the integrity of the legal system. The data collection process is carried out systematically, including literature searches through legal databases, libraries, and trusted online sources.

After the data was collected, analysis was conducted using a descriptive qualitative approach. The data analysis technique used was content analysis, which aims to identify, group, and interpret relevant legal data. This process involves coding steps to organize information, grouping data based on main themes, and interpreting the meaning of the regulations and legal concepts studied.

RESULTS AND DISCUSSION

Legal Analysis of Contempt of Court and the Personality of the Indonesian Nation

Pancasila, as the personality of the Indonesian nation, has a fundamental role in every aspect of national and state life. As the ideological basis and source of all sources of law in Indonesia, Pancasila regulates the norms of life in various fields, including economics, society, culture, law, education, and community life. The noble values contained in Pancasila are reflected in the mental attitudes, mindsets, and actions of the Indonesian people, which should be in line with the 1945 Constitution and not contradict religious norms, morality, manners, customs, and applicable positive law. In the legal context, Pancasila is a philosophical foundation for forming a fair, integrity-based justice system that upholds human dignity.

Contempt of court or insult to the judicial institution is an act that demeans, insults or disrupts the authority of the court. This act can be in the form of behavior, attitudes, or statements that undermine the integrity and independence of the judicial power. In the Indonesian legal framework,

contempt of court was first regulated in the General Explanation of Law Number 14 of 1985, which emphasizes the importance of maintaining the dignity and honor of the judicial body in order to uphold law and justice based on Pancasila. This act not only threatens the honor of the court institution but also damages public trust in an independent and intervention-free judicial system.

In contempt of court, there are four general principles that form the basis for enforcing the law. First, public trust in the judiciary should be upheld as an institution that has moral and legal authority in resolving various cases. Second, protecting and maintaining the majesty of the judicial institution so that it continues to be respected as the main pillar of law enforcement. Third, the authority of judicial stakeholders, such as judges, prosecutors, advocates, and other law enforcement officers, should be protected from actions that can degrade their dignity. Fourth, ensuring the implementation of an independent, independent, fair, and impartial judiciary without any intervention from outside parties that can influence legal decisions.

Based on its type, contempt of court can be classified into two, namely, civil contempt and criminal contempt. Civil contempt relates to violations of court orders in civil cases, usually in the form of disobedience to a judge's decision or order. Meanwhile, criminal contempt relates to actions that directly disrupt the course of the criminal justice process, such as insulting a judge, making a scene in the courtroom, or intimidating witnesses. In terms of its form, contempt of court is also divided into two, namely direct contempt and constructive contempt. Direct contempt occurs directly in the courtroom, such as rude behavior towards a judge, while constructive contempt occurs outside the courtroom but has a significant impact on the judicial process, such as a public campaign that damages the court's reputation or attempts to influence a judge's decision through external pressure.

Violations in contempt of court are also closely related to ethical violations that are resolved through several mechanisms. First, through the code of ethics of each law enforcement officer, such as the Advocate Code of Ethics regulated in the Decree dated May 23, 2002 and the Advocate Law Number 18 of 2003, the Police Professional Code of Ethics regulated in the Regulation of the Chief of Police Number 14 of 2011, the Prosecutor's Professional Code of Ethics regulated in the Regulation of the Attorney General's Office of the Republic of Indonesia Number PER-014/A/JA/11/2012, and the Code of Ethics for Judges' Behavior Guidelines regulated in the Joint Decree of the Chief Justice of the Republic of Indonesia (MARI) and the Chairman of the Judicial Commission (KY) Number 047/KMA/SKB/IV/2009 and 02/SKB/P/KY/IV/2009 and Joint Regulation of the MARI and KY RI Number 02/PB/MA/IX/2012 and 02/PB/P.KY/09/2012. Second, violations of trial rules can be subject to sanctions in the form of direct warnings, expulsion from the courtroom, or a ban on attending subsequent trials. Third, criminal violations are regulated in the Criminal Code (KUHP) and Law Number 1 of 2023 concerning the Criminal Code, which specifically regulates insults to judicial institutions.

An analysis of the relationship between Pancasila and contempt of court shows that Pancasila's values are the main foundation for building a legal culture that respects the judicial institution. Pancasila teaches the importance of mutual respect, justice, and respect for the law as part of social, national, and state life. The implementation of these values in the judicial system aims to create a legal order that is just, dignified, and based on national morality. Therefore, violations of the authority of the judiciary are not only seen as violations of the law but also as a form of denial of the noble values of Pancasila, which are the identity of the Indonesian nation.

Legal Analysis of Acts Degrading the Honor and Dignity of Judges in Indonesia

Judges have a very important role in maintaining the rule of law and justice in Indonesia. Therefore, maintaining the honor and dignity of judges is an integral part of a just and dignified judicial system. Acts that degrade the honor and dignity of judges (PMKH) not only impact the individual judges themselves, but can also damage public trust in the judicial system as a whole. This action is considered a serious violation because it threatens the independence, objectivity, and authority of judicial institutions in Indonesia.

The elements of actions categorized as degrading the honor and dignity of judges include several aspects. First, actions that disrupt the judicial process, such as creating chaos or commotion

in the courtroom, obstructing the implementation of a court decision that has permanent legal force, and conducting excessive demonstrations that can disrupt the trial. These actions not only hinder the judicial process but also create an atmosphere that is not conducive for judges to carry out their duties.

Second, acts that threaten the security of judges both inside and outside the courtroom. This includes various forms of threats, such as terrorizing or intimidating judges, committing physical violence, and extreme actions such as hostage-taking. Threats against judges not only endanger the individuals concerned but also threaten the integrity of the justice system because they can affect the judge's independence in making fair decisions.

Third, acts that directly insult judges and courts. This form of insult can be in the form of ignoring court decisions that have permanent legal force, dressing inappropriately when attending a trial, behaving inappropriately in the court environment, defaming judges, making excessive comments that are derogatory, and destroying court facilities and infrastructure. These actions not only insult individual judges but also weaken the authority of the judicial institution as a pillar of law enforcement.

The PMKH handling process in Indonesia begins with a public report or the results of information collection related to suspected PMKH. The data is then collected and reviewed to ensure whether or not there are indications of violations. If strong indications are found, a field investigation is carried out, collecting information, data, and relevant evidence. The results of this process will be summarized in the form of a report which will then be discussed in a plenary session for decision making.

Based on the results of the plenary session, there are two main steps that can be taken to handle PMKH. First, legal steps include submitting information to the police and/or providing assistance in the legal process at the police. This step is taken if the act contains elements of a criminal act that require further legal handling. Second, Other Steps include non-litigation approaches such as mediation, summons, conciliation, and coordination with related parties. This approach aims to resolve the problem peacefully without having to go through a long court process.

Both steps must be implemented in accordance with the decision resulting from the plenary session. Enforcement of this rule aims to ensure that any act that undermines the honor and dignity of judges is handled professionally, fairly, and transparently. Thus, it is expected to maintain the authority of the judicial institution and increase public trust in the legal system in Indonesia. This effort is also in line with the values of Pancasila, which prioritize justice, humanity, and respect for human rights as the main foundation of national and state life.

Provisions on Contempt of Court and Acts Degrading the Honor and Dignity of Judges in Law Number 1 of 2023 Concerning the Criminal Code

In maintaining the honor and dignity of judges in Indonesia, Law Number 1 of 2023 concerning the Criminal Code (KUHP) strictly regulates various forms of acts that are categorized as contempt of court and acts that degrade the dignity of judges. This regulation aims to protect the independence, integrity, and authority of the judicial institution as the main pillar of law enforcement in Indonesia.

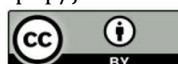
Several important provisions regulated in Law Number 1 of 2023 include:

Article 279 regulates the disruption of the trial process:

- **Article 279 paragraph (1):** Any person who causes a disturbance near the courtroom while a trial is in progress and does not leave after being ordered to do so three times by or on behalf of an authorized officer shall be punished with a maximum fine of category I.
- **Article 279 paragraph (2):** Any person who causes a disturbance in a court hearing and does not leave after being ordered to do so three times by or on behalf of the judge shall be punished with imprisonment for a maximum of six months or a fine of up to category II.

Article 280 regulates disrespectful behavior in court:

- **Verse (1):** Punishable by a maximum fine of category II, anyone who during a trial: a. Does not comply with a court order issued for the benefit of the trial process; b. Is disrespectful to law enforcement officers, court officials, or the trial even though warned by the judge; c.



Attacks the integrity of law enforcement officers, court officials, or the trial in a court hearing; d. Without court permission, the trial process is published live.

- **Verse (2):** The criminal acts referred to in paragraph (1), letters b and c, may only be prosecuted based on a complaint.
- **Verse (3):** Complaints, as referred to in paragraph (2), may be made in writing by the judge.

Explanation of the above provisions:

- **Letter a:** Defying a court order in a way that is not permitted by law.
- **Letter b:** Being disrespectful means behaving, speaking, or making statements that demean the dignity of law enforcement officers and court officials or disobeying court rules.
- **Letter c:** Attacks on integrity include accusing a judge of being biased or dishonest.
- **Letter d:** Publishing the trial process live (live streaming) without reducing the freedom of journalists to cover and publish the results of the trial after the trial takes place.

Article 281 regulates efforts to obstruct the judicial process:

- Any person who obstructs, intimidates, or influences officials carrying out investigative duties, prosecution, examination in court hearings, or the implementation of court decisions with the intention of forcing or persuading them to carry out or not carry out their duties shall be punished with a maximum imprisonment of seven years and six months or a maximum fine of category VI.

Article 292 regulates the protection of the identity of the reporter, witness or victim, which aims to maintain the security and integrity of the judicial process.

Article 293 regulates the prohibition of damaging court buildings, courtrooms, or court equipment. This act of destruction is considered an attempt to damage the authority of the judicial institution.

Article 295 regulates the use of violence, threats of violence, or other means against witnesses and/or victims to hinder the provision of information in the judicial process or influence authorized officials so that witnesses and/or victims do not receive adequate protection.

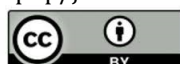
Article 299 regulates the prohibition on informing the whereabouts of witnesses and/or victims who are being protected in temporary residences or new residences. This aims to maintain the safety of witnesses and/or victims in the criminal justice system.

The provisions in Law Number 1 of 2023 show the state's commitment to maintaining the honor and nobility of judges as part of efforts to strengthen the supremacy of law in Indonesia. Protection of judges and judicial officers not only serves to protect individuals, but also to maintain public trust in a fair, transparent, and intervention-free justice system. With this regulation, it is hoped that all parties can respect the ongoing legal process and support the creation of dignified justice in Indonesia.

The implementation of the contempt of court provisions in Law Number 1 of 2023 reflects the state's concrete efforts to uphold the supremacy of law and ensure the protection of the dignity of judges. This regulation not only functions as a repressive tool to punish perpetrators of violations but also has a preventive dimension by creating an atmosphere of respect for judicial institutions. In the context of the personality of the Indonesian nation based on Pancasila, this provision is in line with noble values such as social justice, respect for human rights, and law enforcement with integrity.

However, the implementation of this provision requires caution so as not to conflict with the principles of democracy, especially freedom of opinion and expression. Therefore, law enforcement against contempt of court must be carried out proportionally, fairly, and transparently. This is important to avoid potential abuse of authority that can restrict civil liberties. In addition, the role of the community in understanding and respecting the judicial process is a key factor in supporting the effectiveness of this regulation. Legal education for the community, including socialization about the importance of maintaining the honor of the judicial institution, is a strategic step in building a healthy legal culture in Indonesia.

CONCLUSION



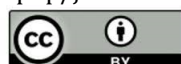
Pancasila, as the personality of the Indonesian nation, plays an important role in forming a fair, dignified, and noble national value-based judicial system. Contempt of court, which includes acts of degrading, insulting, or disrupting the authority of the judicial institution, is strictly regulated in laws and regulations to protect the integrity and independence of the judiciary. With principles that emphasize justice, respect for the law, and protection of the dignity of law enforcement officers, law enforcement against contempt of court is not only aimed at maintaining the authority of the judiciary but also strengthening public trust in the Indonesian legal system that is in line with the values of Pancasila.

Acts that undermine the honor and dignity of judges (PMKH) are serious violations that not only threaten the integrity and independence of judges but can also damage public trust in the justice system in Indonesia. The elements of PMKH include actions that disrupt the judicial process, threaten the security of judges, and directly insult judges and judicial institutions. Handling of PMKH is carried out through legal steps and non-litigation approaches that aim to maintain the authority of the judiciary and ensure that justice is upheld professionally and transparently. This effort is in line with the values of Pancasila, which emphasize the importance of justice, humanity, and respect for human rights as the basis for maintaining the supremacy of law in Indonesia.

The provisions on contempt of court and acts that demean the honor and nobility of judges regulated in Law Number 1 of 2023 concerning the Criminal Code reflect the state's commitment to maintaining the integrity, independence, and authority of judicial institutions in Indonesia. This regulation not only functions as a legal tool to prosecute violations but also as a preventive effort to foster a culture of respect for the judiciary in society. Law enforcement against contempt of court must be carried out proportionally, fairly, and transparently so as not to conflict with democratic principles, such as freedom of opinion and expression. With a balanced approach between legal protection and respect for human rights, it is hoped that a dignified judicial system will be created that is in line with the values of Pancasila as the personality of the Indonesian nation.

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