

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

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Abstract

Many lawyers have encountered cases of legal obstruction, which raises concerns since advocates are a respected profession within law enforcement. This paper aims to: (1) provide examples of cases and explain the modus operandi and working system in the case of Fredrich Yunadi's legal obstruction; (2) examine how legal obstacles have become phenomena within the legal profession; (3) offer sociological and psychological perspectives from criminologists; and (4) investigate the implementation and process of punishment for the perpetrators. This research falls under the category of normative research, as the author examines library and secondary materials. The study reviews positive law and legal principles. Primary legal materials, secondary legal materials, and tertiary legal materials serve as the data sources. The data collection method employed is library research or documentary studies. Based on the research findings, two main conclusions can be drawn. First, law enforcement actions in Indonesia have not effectively prevented advocates from being prosecuted for corruption, as not all legal subjects comply with relevant legal norms. This is influenced by three components of law enforcement: legal substance, law enforcement, and legal culture. Second, the connection between law enforcement and lawyers accused of obstructing justice with advocates' right to immunity is related to the fact that the position of advocates is vulnerable to intersect with obstruction of justice when advocates define their right to immunity without considering the limitations stipulated in laws and regulations. This highlights the importance of advocating a code of ethics for advocates.

1. INTRODUCTION

An advocate has the freedom to defend a client, whether in a position instructed by the client or not, as a lawyer does not concern themselves with who their client is dealing with. In carrying out their profession, an advocate also has the right to immunity or legal immunity as stipulated in Article 16 of Law Number 18 of 2003 concerning Advocates.

Advocates and their clients may not be pressured, threatened, hindered, feared, or treated in a way that demeans the dignity of the advocate profession. The scope of the advocate's right to immunity was expanded with the Constitutional Court Decision Number 26/PUU-XI/2013, where the right of immunity applies both inside and outside the court.

The function of an advocate is to work to advise and represent clients in legal matters, upholding the principle of the presumption of innocence, and being responsible for fighting for truth and the principles of justice. The profession of an advocate or lawyer has one privilege in the form of legal immunity. The right to immunity is regulated in Article 16 of Law Number 18 of 2003 concerning Advocates, which explains that lawyers also cannot be prosecuted civilly or criminally in carrying out their work properly, both inside and outside the court, with good faith.

Advocates getting involved in corruption cases is not a new problem. According to records from the Indonesian Corruption Monitor or ICW, from 2005 to early 2008, 22 lawyers were charged with violating the Corruption Crimes Law, with four being convicted. Among them were lawyers charged with obstruction of justice, such as Manatap Ambarita, Lambertus Palang Ama, Haposan Hutagalung, and Fredrich Yunadi.

The reason why many advocates in Indonesia become involved in obstructing the judiciary while carrying out their profession is due to the absence of clear benchmarks or parameters defining the extent to which the right of immunity is upheld by advocates to protect them in performing their duties, or because of personal benefits. In the corruption case of the E-KTP (Electronic Identity Card) procurement project carried out by former DPR Speaker Setya Novanto, which also involved his advocate, Fredich Yunadi, Fredich was found guilty of attempting to obstruct the investigation and disrupt the ongoing legal process conducted by the Corruption Eradication Commission (KPK) against the suspect Setya Novanto.

According to the prosecutor, Fredrich orchestrated Setya Novanto's treatment at Medika Permata Hijau Hospital. Fredich also asked the hospital doctor to manipulate Setya Novanto's medical data. This effort was made to avoid examination by KPK investigators. Based on the background description provided, the researchers are interested in writing a paper titled: "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."

The research questions are: What are the legal obstacles to phenomena by lawyers?; How are these obstacles seen from a sociological, psychological and criminological perspective?; and How is the implementation of the law and legal process against the perpetrators of obstruction by the association (lawyer) and law enforcement? The significance of the study is understanding the phenomenon of legal obstruction by lawyers, understanding the perspective of sociology, psychology and understanding the implementation of punishment for perpetrators of legal obstruction by lawyers.

2. METHOD

This research falls under the category of normative research, as the author examines library and secondary materials. The study reviews positive law and legal principles. Primary legal materials, secondary legal materials, and tertiary legal materials serve as the data sources. The data collection method employed is library research or documentary studies.

3. RESULTS AND DISCUSSION

3.1 Legal Obstacles Become a Phenomenon by Lawyers

From a criminal perspective, Fredrich Yunadi has been proven to have obstructed the investigation process in the Eddy Sindoro case, as stated and subject to criminal sanctions under Article 21 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes.¹ Obstruction of justice can also occur by impeding the judicial process, which refers to interfering with the ongoing legal proceedings.

In the criminological perspective, advocates are entrusted with the responsibility of resolving cases. However, it is important to recognize that law enforcement officials are human beings and not infallible. Advocates, too, are human and prone to mistakes and forgetfulness. Nevertheless, when intentional mistakes and omissions are made with full awareness, planning to commit a crime for personal gain or to assist someone in committing a crime, one's integrity must be questioned. For instance, if an advocate acts dishonestly in providing legal services, manipulates the truth with lies, distorts facts to conceal the truth, or fabricates evidence to obscure the issue, it indicates a lack of justice and truth.

Regarding the right to immunity, in the case of a criminal act, the right to advocacy immunity can be revoked. Fredrich Yunadi's actions constituted a crime because he impeded the investigation process with the intention of covering up the bribery case involving Setya Novanto. Furthermore, regarding criminal acts, one of the defining elements is their violation of the law.

The criminal act of obstructing the judicial process committed by advocate Friedrich Yunadi is undoubtedly a crime that involves an unlawful act against the law. Engaging in obstruction of justice to conceal another crime, specifically the Setya Novanto case, demonstrates a clear violation of the law.

3.2 Sociological and Psychological Perspective on this Case

From a criminological perspective, there are several streams of criminal etymology that discuss the factors contributing to crime. One such stream is the Anthropological School, which originated in Italy and was associated with the figure of C. Lombroso. According to this school of thought, a criminal's characteristics can be observed through physical conditions that distinguish them from other individuals, such as abnormalities in the skull, wide facial expressions, a narrow face, an asymmetrical flat nose, a forehead that curves backward, thick hair, and baldness in the middle of the head as they age.²

Modern research aiming to explain the factors behind crime often focuses on Cesare Lombroso, an Italian figure widely regarded as the father of modern criminology. The Lombroso era introduced a new approach to understanding crime, known as the positive perspective. The key distinction between the classical school and the positivist school lies in the latter's pursuit of empirical evidence to support the notion that crime is influenced by various factors. In the 19th century, the early positivists explored these factors within the minds and bodies of criminals.

Biologists and psychologists are particularly interested in understanding the differences among individuals. Psychologists consider various possibilities such as defects in consciousness, emotional immaturity, inadequate socialization during childhood, the loss of maternal connection, and weak moral development. They investigate how aggression is

¹ Frans M. T. Tarek, "Tindak Pidana Menghalangi Proses Hukum Penyelidikan, Penyidikan, Penuntutan Sampai Peradilan Dalam Tindak Pidana Korupsi Menurut Undang-Undang Nomor 31 Tahun 1999 Tentang Tindak Pidana Korupsi," *Lex Crimen* 8, no. 3 (2019), <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/25642>.

² Ediwarman, *Penegakan Hukum Pidana Dalam Perspektif Kriminologi* (Yogyakarta: Genta Publishing, 2014), 26.

learned, which situations trigger violent reactions or delinquency, the association between crime and personality traits, as well as the link between certain mental disorders and criminal behavior.

In an attempt to find the biological causes of crime, phrenologists like Gall and Surzuheim examined the relationship between skull shape and behavior. They were influenced by Aristotle's belief that the brain serves as the seat of reason. The results of these studies formed the basis of the argument that certain biological characteristics correlate with criminal tendencies. It covers:

1. The outer shape of the skull corresponds to what is inside and the shape of the brain.
2. Intellect consists of abilities or skills.
3. This ability or skill is related to the shape of the brain and skull.

Therefore the brain is an organ of thought, so its lumps are an indication of certain abilities/abilities of that organ. This study has paved the way for those who are looking for a link between crime and biological characteristics in which there is a bump on the head, so that the shape of the head is not symmetrical, indicating that the person is evil and can commit crimes. For this reason, people who see these biological characteristics must immediately avoid them and be vigilant and stay away from them so they don't become victims of crime.

In our opinion, this first theory is irrelevant to the case being discussed at this time, according to our group the theory is called "environmental flow". This flow originally developed in France with the shops Lemark, Tarde and Manourier and A. Lacassagne. According to this school, a person commits a crime because he is influenced by the surrounding environment/economic, social, cultural, defense and cultural environment, including developments with the outside world and new technological discoveries.³

We move on to theory from a biological perspective, which assumes that criminal behavior is caused by some underlying physical and mental condition that distinguishes criminals from non-criminals. It aims to search and identify what kinds of characteristics differentiate criminals from non-criminals. These theories focus on individual cases but do not explain why crime rates vary across regions, groups, or within groups of individuals on a large scale.

In contrast to the aforementioned theories, sociological theory seeks to explain differences in crime rates based on social settings. These theories can be grouped into three general categories: tension (strain), cultural deviation, and social control.⁴ The perspective of cultural strains and deviations, which emerged between 1925 and 1940 and remains influential today, laid the foundation for sub-culture theory. The theories of cultural strain and deviation center around the societal forces that drive individuals to engage in criminal activities. In contrast, social control theory adopts a different approach, positing that the inclination to commit crimes is inherent in human nature. Consequently, social control theory seeks to understand why people choose not to commit crimes. It examines the capacity of social groups and institutions to effectively establish and enforce their rules.⁵

Within this context, the theory of cultural strain and deviation posits an interrelationship between social class and criminal behavior, albeit with distinct characteristics. Proponents of strain theory assume that all members of society adhere to a shared set of cultural values, particularly those associated with the middle class. Economic

³ *Ibid.*, 26.

⁴ *Ibid.*, 57.

⁵ Indah Sri Utari, *Aliran dan Teori dalam Kriminologi* (Semarang: Thafa Media, 2012).

success is one of the most significant values within this culture. However, individuals from lower social classes often lack legitimate means to attain these goals, leading to frustration and a turn toward illegitimate methods when making decisions.⁶ In general, those classified as deviant behavior include:⁷

1. Nonconforming action means behavior that is inconsistent with existing values or norms. Examples of inappropriate activities include wearing worn-out sandals to campus or to formal places, skipping class or leaving class during class hours and then losing hand marks to friends, smoking in restricted smoking areas, throwing trash in the wrong place, and so on.
2. Actions that are antisocial or asocial mean actions that are contrary to community habits or public interests. Forms of Asocial activity include withdrawing from society, not wanting to make friends, suicidal ideation, drinking, using narcotics or dangerous drugs, engaging in prostitution or prostitution, sexual perversions (homosexuality and lesbianism), etc.
3. Criminal acts mean actions that have been clearly committed in violation of written legal provisions and threaten the life or safety of other people. We often encounter criminal acts such as theft, robbery, murder, corruption, rape and various other forms of crime, both those that are registered with the police and those that are not reported by the public, but rather threaten the life of the community.

The main character of the environmental school is Laccasagne. This teaching adopts the motto: "The world (environment) is more responsible for my destiny than myself." This means that human behavior is shaped by the environment and comes to the conclusion that a person commits a crime. The dominant environmental factors driving crime are: Poor Social Environment (Sociopath) Family and social problems in the community, broken families and poor social interaction will clearly encourage crime, abandoned children and open opportunities to commit immoral acts (vagrant) in society, in Indonesia this factor is more dominant. According to Exner's view of the division of environment and talent is as follows:

- 1) Social Environment (Population), are:
 - a) Natural environment (geographical and climatological or based on population);
 - b) Economic environment;
 - c) Cultural environment; and
 - d) Political environment.
- 2) Actor Personality, are: Derivative traits (especially psychic traits); Gender; Age; Intelligence; Lust; Character; Disease, and Alcohol.

Biosociology Stream

The figures in this theory are A.D Prins, Van Humel, D. Simons and Fern. The biosociology school is a combination of the anthropology school and the sociology school, because its teachings are based on that every crime arises because:

- 1) Individual factors such as the psychological and physical condition of the offender as well as environmental factors. Individual factors inherited from parents, body condition, gender, age, intelligence, temperament, health and alcohol.
- 2) Environmental conditions that encourage someone to commit a crime include natural conditions (geographical and climatological) economic conditions, level of

⁶ J. Dwi Narwoko and Bagong Suyanto, *Sosiologi: Teks Pengantar & Terapan* (Jakarta: Kencana, 2010), 98.

⁷ Topo Santoso and Eva Achzani Zulfa, *Kriminologi* (Depok: Rajawali Pers, 2017), 59.

civilization and political conditions of a country, for example increasing crime before general elections or MPR sessions and so on.

Spiritualism

The figures from this flow are F.A.K Krauss and M. De Baets. According to the leaders of this sect, having no religion (not including a religion) causes one of the factors that causes crime to occur, in the sense that a person becomes evil because he has no religion, or lacks religion, so there is causal law in this sect.

Differential association

Where crimes are committed because of the process of learning this behavior through existing social interactions. It was clear in the investigator's statement that the lawyer gave advice not to comply with the summons, sent a letter to the investigator not to attend the summons and concealed Setya Novanto's whereabouts. The act was not a spontaneous act but was planned by the lawyer. This relates to the 9 postulates in this theory, one of which is that criminal behavior is learned. A person becomes delinquent because the definitions that are favorable to breaking the law are more than those that are unfavorable to him. breaking the law.

Trait Psychology

This psychological theory in criminology suggests that certain personality traits or characteristics are associated with an individual's inclination to take action. For instance, individuals with low self-control, high dominance, significant power, extraversion, assertiveness, a macho disposition, and a strong drive to fulfill physical needs may tend to act based on psychological theories in criminology. In the case at hand, the lawyer's actions demonstrate low self-control, as he chose to address the issue in a manner contrary to the law. It is assumed that the lawyer's client possesses political power, which led the lawyer to evade and manipulate information, indicating a lack of self-control from both the client and the lawyer in resolving the present problems.

Our group selected this theory because the lawyer's act of obstructing the investigation carried out by Fredrich can be connected to the first theory. This theory suggests that individuals commit crimes based on their surroundings, and in this case, Fredrich is a lawyer who deals with various problems faced by his clients. As a lawyer, Fredrich has encountered and resolved numerous issues, employing both appropriate and questionable methods. Fredrich's environment as a lawyer, with its rich experiences, influences his problem-solving approach.

Our assumption is that people tend to repeat their usual behavior, and the environment in which Fredrich operates has shaped his way of addressing problems. Considering the aforementioned theories and our analysis, the behavior exhibited by Setya Novanto's lawyer, Fredrich Yunadi, in the obstruction of justice case can be attributed to a combination of environmental factors using strain theory, along with biosociology and spiritualism perspectives. Why do we make this claim? Firstly, if we examine the lawyer and his client, they do not belong to the lower class; however, their upbringing may have been in a lower-class environment.

According to the strain theory, individuals from the lower class lack legitimate means to achieve their goals, leading to frustration and the adoption of illegitimate means to attain them, which can persist into adulthood. Hence, we argue that this case is not solely explained by strain theory but is also relevant to biosociological and spiritual theories. From a biosociological perspective, environmental factors such as natural conditions

(geographical and climatological), economic conditions, the level of civilization, and the political situation of a country can encourage individuals to engage in criminal behavior. Additionally, spiritualism suggests that individuals may turn to wrongdoing due to a lack of religion or insufficient religious adherence. Thus, there is a causal relationship in this perspective.⁸

With the explanation of the theories above and the results of our analysis, the cause of the behavior exhibited by Fredich Yunadi, Setya Novanto's lawyer, in the obstruction of justice case can be attributed to a combination of environmental factors drawing from strain theory, biosociology, and spiritualism. Why do we assert this? Firstly, if we consider the lawyer and his client, they are not individuals from a lower social class. However, it is possible that their upbringing or early environment was influenced by lower-class conditions.

According to strain theory, individuals from lower social classes may resort to criminal behavior due to a lack of legitimate means to achieve their goals. This frustration with limited opportunities can persist into adulthood, leading them to employ illegitimate means when making decisions. Therefore, we argue that the explanation is not solely limited to strain theory but also encompasses biosociological and spiritual theories. From the perspective of biosociology, environmental factors play a role in motivating individuals to commit crimes. These factors include natural conditions such as geographical and climatological factors, economic conditions, the level of civilization, and the political situation of a country. Similarly, in the realm of spiritualism, the absence or deficiency of religious beliefs can be associated with individuals adopting malevolent behavior. Thus, there is a causal link within this stream of thought.

3.3 The Implementation of the Law and Legal Process Against the Perpetrators of Obstruction by the Association (Lawyer) and Law Enforcement

In the Setya Novanto case, Fredrich Yunadi was proven to have obstructed the legal process (obstruction of justice) by KPK investigators against the suspect, former DPR chairman Setya Novanto. Fredrich had booked a patient room before Setya Novanto had an accident. Fredrich also asked the Permata Hijau Hospital doctor to manipulate Setya Novanto's medical data. This effort was made to avoid examination by KPK investigators. At that time, Setya Novanto was a suspect in the criminal act of corruption in procuring electronic identity cards (e-KTP).

The Public Prosecutor of the Corruption Eradication Commission charged the defendant with Article 21 of Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning Eradication of Corruption Crimes, carrying a penalty of 10 (ten) years of imprisonment. However, based on the Judge's Decision at the First Court, Fredrich Yunadi was sentenced to 7 (seven) years in prison.

Based on these considerations, the judge at the appellate level agreed with the legal considerations of the First Level Council that Fredrich Yunadi was charged by the Public Prosecutor at the KPK with a single charge. Fredrich Yunadi was charged with a criminal offense under Article 21 of the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, as amended by Law of the Republic of Indonesia Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption jo. Article 55 paragraph (1) 1st of the Criminal Code, which contains the

⁸ Kadek Indah Bijayanti, "Pertanggungjawaban Pidana Advokat pada Obstruction of Justice dalam Perkara Tindak Pidana Korupsi," *Jurnal Kertha Wicara* 9, no. 4 (March 2020), <https://ojs.unud.ac.id/index.php/kerthawicara/a%20rticle/view/58244>.

following elements:⁹ 1) Everyone; 2) On purpose; 3) Preventing, obstructing, or thwarting directly or indirectly investigations, prosecutions, and examinations at court hearings; 4) Against suspects or defendants or witnesses in corruption cases; and 5) Those who do, order to do and participate in doing the act.

Fredrich Yunadi was charged under Article 21 of Law no. 31 of 1999 in conjunction with Law no. 20 of 2001, resulting in a sentence of 7 (seven) years in prison. This sentence aligns with a sense of justice because the defendant, Fredrich Yunadi, obstructed the judicial process and impeded the investigation of corruption cases. The court's decision, rendered by the panel of judges in the first instance, sentenced the defendant to 7 (seven) years of imprisonment and a fine of Rp500,000,000.- (five hundred million rupiah), with the alternative of 5 (five) months of imprisonment if the fine is not paid.

Personally, I disagree with the judge's decision in imposing only a 7-year sentence on the suspect. In my view, obstructing the legal process is a crime with extraordinary impact, as it hinders the enforcement of the law. Harsher punishments should be given to provide a deterrent effect and serve as a warning to others not to disrupt the law enforcement process. Considering the principle of *lex generalis derogat lex specialis*, which means that general law cannot supersede special law, the author believes that because the Corruption Crime Act is a special law, the crimes committed should be treated as serious and special offenses.

Adhering to the principle of Equality Before the Law, even though advocates have rights regulated by the Advocate Law, it does not mean that they are immune to the law. How can someone who already has separate immunity rights exhibit such behavior? Therefore, in the author's opinion, the public prosecutor should include charges against Fredrich Yunadi under a separate article related to the Advocate Code of Ethics, so that other advocates are not protected by their right to immunity.

Based on the legal facts revealed during the trial, it can be concluded that the defendant's actions of refusing to hand over his client for examination by investigators, lying, and hiding the client's whereabouts are not part of fulfilling his professional duties in good faith as an advocate. The judge's assessment of the legal facts stated that the defendant exceeded his authority as a legal advisor. In reality, there may be instances where the treatment of advocates is proven to be inconsistent with the law due to issues stemming from status arrogance. Advocates, who should also uphold the Criminal Justice System, sometimes fail to take appropriate measures and hinder the process up to the trial stage.

The accused, as an advocate/lawyer, must realize that being an advocate is an honorable profession (*officium nobile*). Law Number 18 of 2013, Article 5, states that advocates have the status of law enforcers and are considered one of the tools in the judicial process (criminal justice system) with an equal position to other law enforcers in upholding law and justice. The cooperation between advocates and other law enforcement officials aims to expedite law enforcement efforts in accordance with the principles of speed, honesty, and impartiality in resolving cases. Corruption is an "extraordinary crime" that causes harm to various aspects of the nation and state, necessitating an increase in resources, both institutional and human.

In Law Number 18 of 2003 concerning the Code of Ethics for the Advocate Profession, advocates are also considered law enforcers. Therefore, advocates should be subject to this law, considering that Article 56 of the Criminal Procedure Code defines the role of an advocate as providing legal assistance to the accused and assisting judges in seeking legal

⁹ Luslia Sulastri and Kurniawan Tri Wibowo, *Merajut Sistem Keorganisasian Advokat di Indonesia* (Ponorogo: Gracias Logis Kreatif, 2021).

truth with the core objective of justice. When viewed from the advocate's code of ethics, it is clear that the actions mentioned have violated the code, as they hinder the investigative process rather than enforcing the law. Advocates often find themselves defending clients involved in corruption cases as part of their duties within the criminal justice system. They frequently face the choice of utilizing their skills to either acquit or exonerate their clients from corruption allegations by obstructing investigations into these criminal acts.¹⁰

The problem of delays in the judicial process is not new, especially in legal matters related to corruption. Many lawyers become involved in this issue as they assist their clients. Obstructing the legal process is a criminal act as it clearly impedes law enforcement and damages the reputation of law enforcement officials. Since the promulgation of Law Number 18 of 2003, the position of Advocates' Immunity in corruption cases has become stronger. Although advocates are given the authority to appoint other advocates, this immunity does not grant them exemption from the law. The legal principle of equality before the law ensures that everyone, regardless of wealth, status, or occupation, is treated equally in law enforcement.

It is essential to note that the principle of equality before the law must still be upheld, and advocates are not entitled to immunity. The duties of advocates are outlined in the Advocate law. However, in reality, there may be instances where the treatment of advocates is proven to be inconsistent with the law due to issues stemming from status arrogance. Advocates, who are also responsible for upholding the Criminal Justice System, must take preventive action and not hinder the process until the trial stage. Since the enactment of Law Number 18 of 2003, the position of Advocates' Immunity in corruption cases has become stronger.

Under this law, advocates are given the authority to appoint other advocates. However, this immunity does not mean they are exempt from the law. The legal principle of equality before the law upholds and maintains equal treatment as a general standard in law enforcement. It is important to note that the principle of equality before the law must still be upheld, as it implies equality for everyone, regardless of wealth, status, or occupation. Therefore, the right to immunity does not apply to advocates.¹¹

The duties of advocates are outlined in the Advocate law. However, in reality, there may be instances where the treatment of advocates is inconsistent with the law due to issues such as status arrogance. Advocates, who should also uphold the Criminal Justice System, sometimes fail to take appropriate measures and impede the process up to the trial stage.

Fredrich Yunadi, who was charged with obstructing justice in violation of Article 21 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, received an appropriate sentence. He committed the crime of obstructing justice. However, as previously explained, from a criminology perspective, Fredrich Yunadi was only sentenced to 7 years in prison. Considering the maximum criminal penalty stated in Article 21 of the Law on Corruption, namely Law Number 31 of 1999 jo. Law Number 20 of 2001, which is imprisonment for a maximum of 12 years, the sentence falls within the legal limits. Obstruction of justice itself is an extraordinary crime.¹²

Law enforcement agencies must therefore pay serious attention to and act professionally in upholding the law against individuals who obstruct the legal process.

¹⁰ Extrix Mangkeprijanto, *Hukum Pidana dan Kriminologi* (Jakarta: Guepedia Publisher, 2019).

¹¹ Kamal Arif, "Perlindungan Hukum Terhadap Hak Imunitas Advokat Dalam Penegakan Hukum di Indonesia," *Jurnal Iqtisad* 5, no. 1 (June 2018), <https://publikasiilmiah.unwahas.ac.id/index.php/IQTISAD/article/view/2206>.

¹² Johan Dwi Junianto, "Obstruction of Justice dalam Pasal 21 Undang-Undang No. 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi," *Media Iuris* 2, no. 3 (2019), <https://doi.org/10.20473/mi.v2i3.15208>.

Advocates themselves should be fully aware that obstructing the legal process is a crime with the same gravity and danger as other offenses.¹³

4. CONCLUSION

Lawyers are a noble profession because initially, this profession provided free legal aid services (*prodeo*). However, in subsequent developments, it transformed into a professional job that receives payment or honorarium from clients. As a consequence of this evolution, where individuals have their own interests, it is not uncommon for lawyers to face the problem of engaging in deviant behavior to help their clients. It is widely known that lawyers always defend their clients because it is their job, regardless of whether the client specifically requests it. Often, lawyers are aware that the actions they take in such cases involve legal obstacles and are ethically wrong, yet they still proceed. The aforementioned causes for such behavior can be attributed to environmental factors, biosociology, and spiritualism factors, which are interrelated. As a result, offenders often perceive deviant actions as commonplace and normal in pursuit of their personal interests.

REFERENCES

Journal Article:

Arif, Kamal. "Perlindungan Hukum Terhadap Hak Imunitas Advokat Dalam Penegakan Hukum di Indonesia." *Jurnal Iqtisad* 5, no. 1 (June 2018): 23–42. <https://publikasiilmiah.unwahas.ac.id/index.php/IQTISAD/article/view/2206>.

Bijayanti, Kadek Indah. "Pertanggungjawaban Pidana Advokat pada Obstruction of Justice dalam Perkara Tindak Pidana Korupsi." *Jurnal Kertha Wicara* 9, no. 4 (March 2020): 46–55. <https://ojs.unud.ac.id/index.php/kerthawicara/a%20rticle/view/58244>.

Junianto, Johan Dwi. "Obstruction of Justice dalam Pasal 21 Undang-Undang No. 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi." *Media Iuris* 2, no. 3 (2019): 335–352. <https://doi.org/10.20473/mi.v2i3.15208>.

Tarek, Frans M. T. "Tindak Pidana Menghalangi Proses Hukum Penyelidikan, Penyidikan, Penuntutan Sampai Peradilan Dalam Tindak Pidana Korupsi Menurut Undang-Undang Nomor 31 Tahun 1999 Tentang Tindak Pidana Korupsi." *Lex Crimen* 8, no. 3 (2019): 145–152. <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/25642>.

Book:

Ediwarman. *Penegakan Hukum Pidana Dalam Perspektif Kriminologi*. Yogyakarta: Genta Publishing, 2014.

Mangkepriyanto, Extrix. *Hukum Pidana dan Kriminologi*. Jakarta: Guepedia Publisher, 2019.

¹³ Sukarman Purba, Astuti, Juniyanto Gulo, Nur Khaerat Nur, Puji Hastuti, Elman Boy, Arin Tentrem Mawati, Noradina, Hasnidar, Muttaqin, Yulia Rizki Ramadhani, and Laura Prasasti, *Etika Profesi: Membangun Profesionalisme Diri* (Medan: Yayasan Kita Menulis, 2020).

- Narwoko, J. Dwi and Bagong Suyanto. *Sosiologi: Teks Pengantar & Terapan*. Jakarta: Kencana, 2010.
- Purba, Sukarman, Astuti, Juniyanto Gulo, Nur Khaerat Nur, Puji Hastuti, Elman Boy, Arin Tentrem Mawati, Noradina, Hasnidar, Muttaqin, Yulia Rizki Ramadhani, and Laura Prasasti. *Etika Profesi: Membangun Profesionalisme Diri*. Medan: Yayasan Kita Menulis, 2020.
- Santoso, Topo and Eva Achzani Zulfa. *Kriminologi*. Depok: Rajawali Pers, 2017.
- Sulastrri, Lusia and Kurniawan Tri Wibowo. *Merajut Sistem Keorganisasian Advokat di Indonesia*. Ponorogo: Gracias Logis Kreatif, 2021.
- Utari, Indah Sri. *Aliran dan Teori dalam Kriminologi*. Semarang: Thafa Media, 2012.