

NORMATIVE JURIDICAL ANALYSIS OF WEAKNESS OF CONTROL OF JUDGES INTEGRITY

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Abstract. Judge is a profession that requires high integrity. However, Code of Ethics and Judges' Code of Conduct violations were carried out by unscrupulous judicial institutions in Indonesia. Thus, the aim of this study are to analyze and describe the weaknesses of the supervisory system which have an impact on the weak integrity of judges resulting in violations of Code of Ethics and Code of Conduct for Judges. This research was conducted with a normative juridical approach. The results of this study are as follows. 1) The guarantee of judge integrity is carried out by monitoring the behavior of judges, namely internal supervision by the Supreme Court and external supervision by the Judicial Commission. External supervision to minimize the occurrence of subjectivity in the results of internal supervision. 2) External supervision does not rule out the possibility of violations of the code of ethics and behavior, this is due to errors in interpreting the Judicial Commission's position, ambiguity and incomplete supervision procedures in the Judicial Commission Law regulations. 3) Public supervision of judges needs to be carried out to monitor the behavior of judges who cannot be supervised intensely by the supervisory body. 4) The integrity of judges is correlated with the International Framework for Court Excellence program which has core values that must be realized by judicial institutions so that they can realize legal justice for all people. Conclusion: the weak integrity of judges is due to unclear and uncomplete rules, inaccurate implementation and lack of innovation in supervision.

Keywords: supervision; judge; integrity; justice; behavior

I. INTRODUCTION

Judge is one of the strategic positions so that judge's behavior is regulated in the Code of Ethics and Judges' Code of Conduct which is used to regulate judges in implementing their duties as a judge and performing judges behavior in social life (Mahkamah Agung RI). All behavior of judges must be guided by Code of Ethics and Judges Code of Conduct because judges' morals and behavior greatly influence law enforcement and justice (Judicial Power). Judges' morale and behavior in carrying out the judicial process is very important because a judicial system that successfully carries out its main duties and functions as a law enforcement agency is a judicial institution that maintains a commitment to upholding the law in court. Thus, it can be seen that judicial ethics is the highest constitutional ethics because there are main legal principles that must be applied in court including independence, impartiality, integrity, equality and so on which can be realized by supervising the behavior of judges (Mindaugas [1]). However, if the judiciary as mandated by law has not been able to implement it, then the integrity of the judiciary is still in doubt (Romualdus [2]). Supervision should be carried out to guarantee the behavior of judges with integrity. The supervision function for judges will be conducted by the Supreme Court includes supervising of the judicial environment under Supreme Court, supervising

of judges' behavior, and the actions of court officials in the context of carrying out tasks inline with the conducting of the main duties of judicial power (Muhammad Fauzan [3]). Supervision of the behavior of judges is necessary to maintain the dignity of the judiciary in Indonesia in accordance with the constitution on the basis of a sense of justice. The integrity of judges is very necessary in deciding a case so that it should be maintained because it has impact on deciding taken to fulfill the element of justice for the litigants. Judicial supervision is conducted by Supreme Court as an internal supervision, while externally it is conducted by the Judicial Commission. The establishment of the Judicial Commission was motivated by the ineffectiveness of functional internal supervision in judicial bodies which was caused by several reasons, namely the quality and integrity of supervisors, lack of transparency in disciplinary examinations, lack of public access to report and monitor complaints against the code of ethics and judge behavior, the spirit of unity to defend the corps which influence in the subjectivity of punishment, and the lack of commitment from the heads of law enforcement agencies to uphold the law through supervision. The Judicial Commission institution is not as a competitor but there is correlation between Supreme Court Supervising Board and Judicial Commission in terms of coordination for judges' behavior monitoring. Supervision carried out by the Supreme Court Supervisory Board and the Judicial Commission as a

form of control over the judges' behavior and within certain limits the two institutions can impose sanctions based on the Code of Ethics and the Code of Conduct for Judges. The existence of guidelines and supervision carried out on judges should minimize the possibility of judges to commit deviant behavior and violations, but in the factual conditions, many judges violate the code of ethics and behavior so that it has an impact on the occurrence of legal violations committed by law enforcement officials. Due to these problems, the integrity of the judges is doubtful in carrying out their duties and the efficiency of the supervisory institution must also be evaluated. The existence of this gap phenomenon needs an analysis using a normative juridical approach regarding the supervisory function conducted by the Supreme Court in maintaining judges' integrity in conducting their duties.

Research on the supervision of judges has been carried out by previous researchers. According to Sampara the impartial exercise of judicial power is based on the existence of independence and fairness of judiciary which is not influenced by any power (Said [4]). The function of the Supreme Court in supervision is to conduct a preventive supervision, so that the behavior of judges that are not in accordance with the code of ethics and guidance for the judges' behavior is prevented. On the other hand there is repressive supervision which is conducted by the Supreme Court and the Judicial Commission. This research is in line with Khatimah's research that the supervision of the Supreme Court is not an intervention in the independence of judicial power, but due to the consequence of the separation of powers with a system of checks and balances, while the correlation among the Supreme Court and the Judicial Commission is a partnership relationship by carrying out their respective roles (Khusnul [5]). The Judicial Commission has a duty as a secondary organ while the Supreme Court plays the role of primary Organ in terms of monitoring Judges behavior without interfering with the liberty of each institution. However, even though supervision is carried out by two institutions, supervision is considered ineffective because there is no repositioning of the person in charge of the supervision function, namely from the Secretary of the Supreme Court to the Leaders of the Supreme Court, and the supervision of the Judicial Commission is not only carried out in supervising the behavior of judges but also in legal behavior in adjudicating cases, coordinating with the Supreme Court.

Supervision of judges is not only carried out on judges at the District Court or High Court but also on judges at the Religious Courts and judges at the Constitutional Court. Internal supervision of the code of ethics and behavior of constitutional judges is regulated in Constitutional Court Regulation Number: 09/PMK/2006 concerning Enforcement of the Declaration on the Code of Ethics and Conduct of Judges, Constitutional Court Regulation Number: 10/PMK/2006 concerning the Honorary Council of the Constitutional Court and Law Number : 8 of 2011 concerning Amendments to Law Number: 24 of 2003 concerning the Constitutional Court, while external supervision arrangements do not yet exist so that they need to be included in the Amendments to Article 24B Paragraph (1) of the 1945

Constitution (Suparto [6]) Supervision that applies to judges at the Religious Courts is the same as supervision at the District Court and the High Court (Abd. Halim Taili [7]).

In accordance with the previous research, there is a gap between the weakness of internal supervision and the unavailability supervision board for external supervision due to unavailability regulation, to the demands for fulfilling high integrity, behavior and code of ethics of judges. Therefore, this research is necessary to analyze the supervision of all judges both internally and externally so that the role of judges in carrying out their duties will not deviate from ethical values and the basic values of justice. The emergence of supervision on judges is due to the division of the government system known as *trias politica*. In *trias politica*, state power is divided into 3 (three) namely legislative, executive and judicial powers (Miriam [8]). In *trias politica* there is a normative principle, namely the power is not be given to the same person to eliminate abuse of power (Buletin Komisial Yudisial [9]). The division of the government system, especially in terms of the history of judicial power, is based on the development of the constitutional era (Bahder [10]). Indonesian constitutionalism with the principle of a rule of law has the concept of an impartial and independent judiciary. In order to realize impartiality and independence, the 1945 Constitution stipulates that the judicial body is the executor and the personal judge is the executor of judicial power as an effort to realize the freedom of judges (Achmad [11]). The embodiment of the freedom of judges is carried out as a guarantee that judges will be free from all forms of interference from state and government power, and free from all forms of intimidation from other coercive forces, and free from all threats that can affect their psychological and psychological burden both during trial and after rendered the verdict (Andi [12]).

Thus, the institutional supervision system for judges is carried out by the Supreme Court, as contained in Law Number 48 of 2009 about Judicial Power. This rule is emphasized in Article 32 of Law Number 3 of 2009 about the Supreme Court which stipulates: a) the Supreme Court shall exercise the highest supervision of the administration of justice for all lower judicial institutions in exercising judicial power, b) the Supreme Court has the rule to request information relating to judicial techniques from all judicial institutions under it, c) Supreme Court has the rule to provide instructions, suggestions and warnings to all judicial institutions under it, d) Supreme Court supervises the judges' behavior in all judicial environments, e) the implementation of supervision and authority possessed by the Supreme Court is not allowed to reduce the independence of judges in carrying out the task of examining and deciding cases. Article 11A of the Law on the Supreme Court regulates the procedure for self-defense before the Supreme Court Honorary Council for violations of the code of ethics committed, thus monitoring the judges can be rebutted if the evidence obtained is not correct. To minimize the occurrence of errors in giving an assessment of supervision, judges obtain supervision both internally and externally, as contained in Article 32A of the Supreme Court Law. Internal supervision is carried out by the

Supreme Court and external supervision is carried out by the Judicial Commission. Based on these provisions, the implementation of the supervision of judges is delegated to the Chair of the High Court in all judicial environments as stated in the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number: KMA/080/SK/VIII/2006 about Guidelines for the Implementation of Supervision in the Judicial Institution Environment. In Appendix I of the KMA, it regulates internal surveillance which is conducted by Supervisory Board of the Supreme Court of the Republic of Indonesia which is under the Secretary of the Supreme Court of the Republic of Indonesia and is responsible for the Junior Chair of Supervision. The supervision which is conducted by Supreme Court consists of 5 (five) matters, namely as follows.

1. Internal supervision of the judiciary including 2 (two) types, namely inherent oversight and functional oversight.
2. Inherent supervision is a series of supervisory activities carried out continuously by superiors to subordinates in a preventive and repressive manner.
3. Functional supervision is supervision which is conducted by the Supervisory Board of the Supreme Court of the Republic of Indonesia.
4. Routine supervision is supervision which is conducted by the Supervisory Board of the Supreme Court, Courts of Appeal and First Level on a regular basis in accordance with their authority.
5. Financial supervision is an examination carried out on the implementation of the State Revenue and Expenditure Budget, third party assistance and funds that have been realized Besides internal supervision, judges also supervised by Judicial Commissions.

The Judicial Commission is an auxiliary and independent institution to propose the appointment of Supreme Court Judges and has the authority to maintain and uphold the honor, dignity and behavior of judges as contained in Article 24B Paragraph (1) of the 1945 Constitution. With the existence of these two institutions, supervision of judges should be carried out intensively, but in the conditions that occurred many judges lacked integrity due to violations of the Code of Ethics and the Code of Conduct for Judges, so it is necessary to analyze the weaknesses of the supervisory system which have an impact on the weak integrity of judges. The formulation of the problem that will be carried out by the research is whether the weaknesses in the supervisory system have an impact on the weak integrity of judges so that Code of Ethics and the Code of Conduct for Judges violations occur? The purpose of writing this paper is to analyze and describe the weaknesses of the supervisory system which have an impact on the weak integrity of judges so that Code of Ethics and the Code of Conduct for Judges violations occur.

II. RESEARCH METHODS

This research was conducted using a normative juridical approach with a research focus on the supervision of judges conducted by the Supreme Court and the Judicial Commission. In this study, the type of data used was

secondary data, namely data that was not obtained directly from the research location in the form of primary, secondary and tertiary legal materials. Data analysis used in this research is descriptive qualitative.

III. RESULTS AND DISCUSSION

Judicial power in Indonesia has undergone several developments. According to the history of judicial power during the reign of the Dutch East Indies, the judiciary was formed by the government as the administrator of judicial power which was full of discrimination and pluralism. However, when Indonesia became independent, judicial power was carried out based on the principle of unification, namely by prioritizing a free and independent judicial power (Bahder [13]). After Indonesia's independence, judicial power was regulated in Law Number 19 of 1964 concerning Basic Policies of Judicial Power, which emphasized that the court implements judicial and judicial powers based on law which is used as a tool of revolution in accordance with Pancasila towards an Indonesian socialist society. The law also stipulates that judicial power is held in the interests of the presidential revolution so that the president can intervene in court matters with unclear boundaries. Thus the president is very free to control the judges in handling cases (Saldi [14]). In that period it can be concluded that the judicial power is not independent.

Furthermore, there has been a substantial change in the judicial power as indicated by the issuance of MPR Decree Number X/MPR/1998 concerning Principles of Development Reform in the Context of Rescue and Normalization as State Direction which states that the development of judicial institutions by the executive is an opportunity for those in power to intervene in the judiciary and judicial process. During this period collusion and negative practices developed at the stages of the judiciary or judicial process which greatly influenced the final outcome, namely the judge's decision. The existence of the MPR Decree Number X/MPR/1998 is used to determine the agenda in the field of law in the form of separation in terms of functions, powers and duties of law enforcement officials, so that this can be realized. Complete integrity, proportionality and professionalism, then become the paradigm of judicial power which is included in various laws concerning judicial power after the reform (Aidul [15]). Thus, MPR Decree No. X/MPR/1998 was used to plan for an independent judicial power without intervention, although in practice during that period there was still intervention.

The power of the judiciary is basically regulated in the 1945 Constitution and its amendments, namely making arrangements for procedures for implementing state administration relating to the relationship of executive, legislative and judicial powers in a balanced manner so that there is a check and balance relationship between the three bodies (Achmad [16]). In relation to the division of executive, legislative and judicial powers, the judicial power is an independent power and free from intervention.

The judge has the highest authority in deciding a case independently without influence from any party. Indonesia as a constitutional state regulates an independent judicial system by forming judicial powers as stipulated in Article 1 Number 1 of Law Number 48 of 2009 concerning judicial powers. However, the fact that there was a violation of Code of Ethics and Judges' Code of Conduct because the judge accepted a bribe. According to existing data, that were recorded from 2004 - 2022 there were 34 corruption cases with details of 21 judges, 10 prosecutors and 3 police (Viva [17]). Based on this case, it can be seen that the justice system that occurs is very weak so that it has an effect on the low integrity of law enforcement, and has a big impact on not realizing justice. The bribery case that occurred in judges is a violation that requires an increase in the integrity of judges in carrying out their duties. Bribery is one of judge's violation because it will break the integrity of judges. According to Abdullah integrity is a mindset, attitude of the soul, and movement of the heart a person's conscience which is manifested in words, actions, and behavior: honest, consistent, committed, objective, courageous and ready to take risks, as well as discipline and responsibility (Abdullah [18]).

The position of a judge is very vulnerable to fraudulent behavior if he does not have high integrity because the decision given by the judge is a decision that is discussed behind closed doors, while the reading of the decision by the judge is done openly. Due to the opportunity in violating the integrity of judges, the existence of this case was followed up with the imposition of sanctions in the form of disciplinary punishment as evidenced by statistical data that the supervisory board in the period April to June 2019 sanctioned 12 judges receiving light sanctions, 5 judges with moderate sanctions, and 6 judges received severe sanctions. Sanctions for violations of Code of Ethics and Judges' Code of Conduct should be able to provide a deterrent effect as applied by several countries, including the United Kingdom, the Netherlands and the United States because sanctions for judges who do not have high integrity are threatened with being dismissed even if they have committed a minor violation (Achmad Mitah [19]). Cases of integrity of judges are not only caused by weak rules but also the number of Human Resources of the supervision board is not balanced with the number of judges. Moreover, integrity of judges also has correlation with job performance. According to Aisyah, the performance of judges is affected by several factors, including job satisfaction (Nur [20]); and job motivation (Nur Fadhilah [21]). Meanwhile according to the result of research by Safitri et.al job satisfaction has no significant impact on judge's performance while job motivation has a significant effect on judge's performance (Safitri [22]). Thus, the supervision of judges both internally and externally must be carried out optimally so as to increase the integrity of judges both in social life and in the conduct of law in the judiciary.

The supervision of judges in Indonesia is conducted by using the rule of law, thus to carry out an analysis of the law, it is not only imperative or *das sollen*, but the law must be seen as a *das sein* which can be determined by political factors both in formulating the substance and law enforcement (Satya

[23]). Therefore, the function of supervision is to determine the performance of judges by evaluating the result of judges' performance. According to Handoko, monitoring indicators, consist of determination of work standards, measurement of work results, corrective action or improvement (Handoko, [24]). Thus, to discuss the weak supervision of judges which has an impact on not fulfilling justice in society, it is necessary to understand the three institutions in Indonesia, and their correlation with judicial power in Indonesia. First, Indonesia has state institutions that carry out judicial powers which include the Supreme Court, lower judicial boards and the Constitutional Court. Second, state institutions that have functions related to the functions of judicial power, namely the Police, the Attorney General's Office and the Ministry of Law and Human Rights. Third, a state institution that has no connection with the function of judicial power but has the authority to propose the appointment of supreme justices, uphold the honor, dignity and behavior of judges, namely the Judicial Commission (Ahmad Fadlil [25]). Regarding the supervision of judges in Indonesia, judges as a whole have an internal supervision board so that the judicial power institution guarantees prevention of behavior violating Code of Ethics and Judges' Code of Conduct as in Sampara's research and Khotimah that the Supreme Court exists as a supervisory institution not to intervene. The supervision of judges by the Supreme Court has exceptions or irregularities by judges, especially when deciding cases because of the legal principle of independence. Thus, the existence of limited supervision in terms of behavior as stated in the Code of Ethics and Judges' Code of Conduct does not prevent judges from deviating behavior, especially for judges who do not have integrity. In other words, the existence of internal control cannot guarantee fairness in deciding judicial cases.

The existence of a focus on improving the integrity of judges is inversely proportional to the intensity of supervision which cannot be conducted continuously. Supervision of judges in the form of supervision of good behavior in social life and behavior in the judicial environment, it is impossible to conduct a comprehensive supervision because of limited human resources which are not balanced with the number of judges. The limited human resources can be overcome by using 2 (two) ways, namely through external supervision and community supervision. For external supervision, there has been a Judicial Commission as a counterbalance to internal supervision, but external supervision has not been able to guarantee the achievement of optimal judge supervision, so it is necessary to analyze the rules of external supervision so that it is still possible for violations of the judge's code of ethics to occur. Conducting an analysis regarding the supervision of judges, is part of the management process to create a clean and serving government bureaucracy. The behavior of judges is the main key to realizing the integrity of judges so that a fair trial can be realized for the community. In the context of external supervision as carried out by the Judicial Commission, there are several supervisory regulations that have not yet been regulated. As has been implemented, external supervision by the Judicial Commission is only aimed at Supreme Court justices, judges in lower judicial

boards, and constitutional judges only in terms of judge behavior, not on the independence of case decisions. However, even though external supervision is conducted by the Judicial Commission as mentioned in Law Number 18 of 2011 concerning Amendments to Law Number 22 of 2004 concerning the Judicial Commission, the regulation does not explain in detail the supervisory procedures that can be carried out, the officers who will carry out the supervision, object of supervision, instrument of supervision and process of supervision. In the rules regarding the position of the Judicial Commission as mentioned in Article 24B Paragraph (1) of the 1945 Constitution, it means that the Judicial Commission has the authority to carry out supervision as in a check and balance relationship, but in the rules of the Judicial Commission Law the authority given by the Judicial Commission is to supervise in terms of behavior in order to maintain the honor of the judge, not on intervention. This is as disclosed by Rahmatullah whereas even though the Judicial Commission is given the authority to carry out supervision, this supervision lies in the supervision of individual judges, not in checks and balances and supervision of the functions of the judiciary. Supervision of individual judges is carried out in a preventive and repressive manner (Rahmatullah [26]). Thus, the existence of independence or no intervention in the decisions of the judiciary, the opportunity for violations is very large, because the decision of all cases is the right of a judge to make a decision. If judges do not have integrity, then violations related to the power of the court are very likely to be committed. To follow up on these weaknesses, there is supervision that can be carried out, namely community supervision.

Community supervision is one type of supervision that is used to minimize misuse of state administration (Makmur, [27]). In the context of this research, community supervision needs to be carried out to avoid arbitrary behavior by law enforcement officers in carrying out judicial work. Community supervision is carried out as a counterweight to judicial power which is very likely to occur deviations if supervision is not carried out. The existence of community supervision also supports judicial reforms that are being implemented by the Supreme Court. This is in line with the commitment of the Supreme Court about commitment to reform the judiciary and the program is designed in the Blueprint for Judicial Reform 2010-2035. The Blueprint is a guideline for judicial reform with the aim of realizing a structured, measurable and targeted judicial institution. The Blueprint for Supreme Court was prepared using a superior court framework approach by setting quality standards under the name International Framework for Court Excellence. The core values that will be realized by the International Framework for Court Excellence is the improvement of quality management to be able to assist courts in improving their performance. The values that will be realized are as follows.

1. Fairness

Fairness or justice is a value that will be realized in the International Framework for Court Excellence by realizing a fair legal process, and not taking sides with anyone and all

decisions are rendered objectively. Law is no longer just a line of articles contained in a statutory regulation, but has been "turned on" by a living interpreter called a judge (A. Ahsin Tohari [28]). Thus, in deciding a case, the judge must combine three important things, namely, legal certainty, expediency, and justice, so that with these considerations, the legal considerations that form the basis of making decisions become good. The purpose of law is legal certainty, justice and expediency. The judge's decision in court is law, therefore the judge's decision in court ideally contains aspects of legal certainty, justice and benefit (Atang [29]). In its implementation it is not easy to synergize these three aspects, especially between the aspects of legal certainty and justice which are usually contradictory to each other. A judge in examining and deciding a case is not always fixated on one principle. Constraints faced by judges who tend to legal certainty experience deadlock when written provisions cannot answer existing problems. An emphasis that is more inclined to the principle of justice means that it must consider the law that lives in society, which consists of customs and unwritten legal provisions. Judges in their reasons and legal considerations must be able to accommodate all provisions that live in society in the form of customs and unwritten legal provisions. Emphasis tends to be more on the principle of economic nuances of benefits (Ade Fartini [30]).

2. Impartiality

Impartiality means that justice can be obtained if there is no element of partiality in the judicial process so that all case decisions can be accounted for. The importance of the independence of a judicial institution in law enforcement and justice is not only reflected in its inclusion in the constitution as the highest law in the positive law of a country. There are also many international legal instruments that include arrangements for the importance of an independent judiciary (Ahmad Fadlil [25]).

3. Independence

Independence is a value that can be realized in 2 (two) types, namely institutional and functional independence. Institutional independence, namely the judiciary is free from intervention as contained in Article 3 Paragraph (2) of Law Number 48 of 2009 concerning Judicial Power. Functional independence, namely that every law enforcer must maintain independence in implementing his duties and functions as contained in Article 3 Paragraph (2) Law Number 48 of 2009 concerning Judicial Powers.

4. Competence

Competence means that in order to create a superior judiciary, the chairman must be able to foster and manage human resources objectively according to their competence, so as to create judicial human resources with integrity and professionalism.

5. Transparencies

Transparency or openness means the disclosure of information within the judiciary to prove equal treatment, fairness and legal certainty before the law. Transparency means that decision-making and implementation is carried out in a manner that complies with laws and regulations. transparency is also that information is freely available and

directly accessible to those who will be affected by the decision. The information provided must be in a form and media that is easy to understand (Saukani [31]).

6. Accessibility

Accessibility or affordability means that the state provides equal guarantees to all people to obtain justice through legal channels, as mentioned in Article 28D of the 1945 Constitution.

7. Timeliness

Timeliness means that solving problems in court must have timeliness by making logical balances to obtain, present and weigh legal evidence, rules and arguments.

8. Certainty

Certainty means that all legal decisions are based on predetermined rules, principles and precedents.

9. Equality

Equality means that all people are entitled to equal treatment before the law, as stipulated in Article 28D Paragraph (1) of the 1945 Constitution, Article 4 Paragraph (1) and Article 52 of Law Number 48 of 2009 concerning Judicial Power.

10. Integrity

Integrity means that justice is a value that must be realized through transparency and appropriateness in every process, decision and decision-making.

The values that will be realized in the International Framework for Court Excellence can be realized by increasing the integrity of judges, with the aim of improving the performance of judges in carrying out their duties in the judiciary. Even though in the context of supervision, the performance of judges is not conveyed explicitly in law Number 48 of 2009 concerning Judicial Power, it can be analyzed that the implementation of supervision is not to provide intervention in decisions given by judges in deciding a case, but to provide supervision on behavior judge from the possibility of violating the code of ethics. Furthermore, there are efforts to increase the integrity of judges in order to improve performance. Analysis can also be carried out from the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number: KMA/080/SK/VIII/2006 concerning Guidelines for the Implementation of Supervision in the Judicial Institution Environment. In Appendix I of the KMA it is explained that supervision is carried out inherently or continuously so that it is expected to increase integrity as evidenced by the benefits of judicial decisions. The existence of such inherent oversight is evidence that the judiciary is trying to improve its performance.

There is a demand to improve integrity so that it is correlated with the performance of the judiciary, so the embodiment of the values in the International Framework for Court Excellence can be used as a reference for improving the performance of judges through increased understanding and implementation of the code of ethics. With an increase in the integrity and performance of judges as a result of individual performance it will be correlated with organizational performance, namely the judiciary, as revealed by Pesolong that the concept of performance can be viewed from individual performance and organizational performance,

because organizational goals cannot be separated from the resources owned by the organization (Harbani [32]).

In order to guarantee the integrity of judges, as previously explained that supervision can be carried out in 3 (three) ways, namely internal, external and community supervision can be used to increase checks and balances in terms of monitoring behavior and implementing a code of ethics in behavior in society, not on independence of judges in deciding cases. The existence of the principle of independence which is allegedly able to provide opportunities for violations of the code of ethics, it is necessary to reconstruct rules that still have weaknesses so that supervision cannot be implemented optimally. First, the rules regarding the position of the Judicial Commission in the 1945 Constitution need to be clarified so that they do not cause ambiguity or various interpretations, especially those related to external supervisors of judges. Second, the reconstruction regarding Law Number 18 of 2011 concerning Amendments to Law Number 22 of 2004 regarding the Judicial Commission because the regulation does not explain in detail the supervisory procedures that can be carried out, the officers who will carry out the supervision, the object of supervision, the monitoring instruments and the process supervision. Third, it is necessary to have rules regarding public supervision of the behavior of judges so that in carrying out their duties in a case that implements the principle of independence, violations cannot be committed due to weak efforts to prevent violations committed by the Supreme Court.

IV. CONCLUSION

Supervision of judge behaviour in terms of the code of ethics is carried out via inner oversight by the ultimate court docket and outside oversight by using the Judicial fee, with the wish of increasing the integrity of judges both in behaviour in society and in lawful behaviour within the judiciary. however, the lifestyles of supervision nonetheless provides loopholes for violations of the choose's code of ethics, so it's miles important to have community supervision so that each one decide behaviour can be supervised, not best the decide's behaviour but also the pleasant of case selection through the court. growing decide integrity is performed by means of supervision and socialising and internalising the 10 (ten) center values of the supreme courtroom's commitment.

REFERENCES

- [1] Šimonis, Mindaugas, "The Role of Judicial Ethics in Court Administration from Setting The Objectives to Practical Implementation," *Baltic Journal of Law & Politics, A Journal of Vytautas Magnus University* Volume 10, Number 1. 2017.
- [2] Telaumbanua, Romualdus Jefan Saradodo, "Urgensi Pengawasan Terhadap Hakim Dalam Rangka Pelaksanaan E-Court dan E-Litigation Di Indonesia," *Jurnal Hukum Positum* Vol.7, No.1, Juni 2022,

- [3] Fauzan, Muhammad, *Hukum Lembaga Negara: Mahkamah Agung dalam Perspektif Hukum Ketatanegaraan Republik Indonesia*, Kanwa Publisher, Yogyakarta. 2012.
- [4] Said Sampara, "Fungsi Pengawasan Mahkamah Agung Dalam Penyelenggaraan Peradilan Yang Imparsial," *Al Ishlah: Jurnal Ilmiah Hukum*, Vol. 19 No. 1 Mei 2017
- [5] Khusnul Khatimah, "Fungsi Mahkamah Agung Dalam Pengawasan Hakim Terhadap Penyelenggaraan Peradilan," *Al Hikam*, Vol 1 No 1, 2017
- [6] Suparto, "Pelaksanaan Pengawasan Terhadap Kode Etik Dan Perilaku Hakim Konstitusi Di Indonesia," *Jurnal Konstitusi*, Vol. 1 Nomor 1, 2013.
- [7] Abd. Halim Talli, "Sistem Pembinaan dan Pengawasan Hakim Pengadilan Agama Pasca Lahirnya UU 50 Tahun 2009," *Jurnal Al Hikmah* Volume XV Nomor 1. 2014
- [8] Miriam Budiadjo, *Dasar-dasar Ilmu Politik*, Jakarta: PT. Gramedia Pustaka Utama, 2006
- [9] Buletin Komisi Yudisial, "Mendorong Terwujudnya Kekuasaan Kehakiman Yang Merdeka," Volume 1. 2007
- [10] Bahder J. Nasution, *Sejarah Perkembangan Kekuasaan Kehakiman di Indonesia*, *Jurnal Inovatif*, Vol.VII No.III. 2014
- [11] Achmad E. S., *Mendesain Kewenangan Kekuasaan Kehakiman Setelah Perubahan UUD 1945*, *Jurnal Konstitusi*, Volume 9, Nomor 4, 2012
- [12] Andi Suherman., *Implementasi Independensi Hakim dalam Pelaksanaan Kekuasaan Kehakiman*, *SIGN Jurnal Hukum* Vol. 1, No. 1. 2019
- [13] Bahder Johan N., *Metode Penelitian Ilmu Hukum*, Mandar Maju, Bandung, 2008, hal. 92 dalam Nuraini dan Mhd. Ansori, *Politik Hukum Kekuasaan Kehakiman di Indonesia*, *Wajah Hukum*, Volume 6 (2) Oktober 2022
- [14] Saldi Isra, *Lembaga Negara Konsep, Sejarah, Wewenang, dan Dinamika Konstitusional*, Cet.2, Rajawali Pers, Depok, 2021,
- [15] Aidul Fitriadi Azhari, *Meluruskan Arah Manajemen Kekuasaan Kehakiman*, Sekretariat Jenderal Komisi Yudisial Republik Indonesia Cetakan Pertama, Jakarta, 2018,
- [16] Achmad Mitah Farid., dkk, "Pelaksanaan Fungsi Pengawasan Terhadap Perilaku Hakim oleh Mahkamah Agung", *Journal FH UNSOED*, Vol. 2., No. 2., 2020,
- [17] Viva Budy Kusnandar, *Hakim Agung Kembali Terjerat Kasus Suap, Berapa Aparat Penegak Hukum yang Terlibat Kasus Korupsi?*, (online), (<https://databoks.katadata.co.id/datapublish/2022/09/23/hakim-agung-kembali-terjerat-kasus-suap-berapa-aparat-penegak-hukum-yang-terlibat-kasus-korupsi>) 2022.
- [18] Abdullah, H. *Integritas Menyemai Kejujuran, Menuai Kesuksesan & Kebahagiaan*. Yogyakarta : The Phinisi Pers. 2019
- [19] Farid., Achmad Mitah dkk, "Pelaksanaan Fungsi Pengawasan Terhadap Perilaku Hakim oleh Mahkamah Agung", *Journal FH UNSOED*, Vol. 2., No. 2. 2020
- [20] Aisyah, Nur. *Peranan Hakim Pengadilan Agama Dalam Penerapan Hukum Islam Di Indonesia Religious Courts Jury Role in Islamic Law Implementation in Indonesia*, *Jurnal Al-Qadau* 4 (1): 73-92. 2018.
- [21] Nur Fadhilah Safrillah, and M.Risal, *The Effect of Work Stress and Work Motivation on The Performance of Palopo Religious Court Employees with Integrity Zone Standards*, *Quantitative Economics and Management Studies* 3(2): 265-71 2022.
- [22] Safitri, Rahmel., Lukito, Hendra dan Tedi Hidayat, *A Model Evaluation of Judge Performance Through Job Satisfaction and Job Motivation in the Religious Court of West Sumatera*, *Journal Publichuo*, Volume 6 No1 February-April, 2023
- [23] Satya Arinanto, *Kumpulan Materi Kuliah Politik Hukum* (disusun dari berbagai sumber kepustakaan), Jakarta: FH-UI, 2003
- [24] Handoko, T. H., *Manajemen Personalia dan Sumber Daya Manusia Edisi 2*, Yogyakarta : BPFE, 2015
- [25] Ahmad Fadlil Sumadi, *Pengawasan dan Pembinaan Pengadilan*, Malang: Setara Press, 2013
- [26] Rahmatullah. I, "Rejuvinasi Sistem Checks and Balances dalam Sistem Ketatanegaraan di Indonesia," *Jurnal Cita Hukum* 1(2), p 215-226. 2013,
- [27] Makmur, *Efektivitas Kebijakan Pengawasan*, PT Replika Aditama, Bandung. 2011.
- [28] A. Ahsin Tohari, *Komisi Yudisial dan Reformasi Peradilan*, Jakarta: ELSAM, 2004.
- [29] Atang Hermawan Usman, *Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia*, *Wawasan Hukum*, 30.1 2014
- [30] Ade Fartini, *Hukum dan Fungsi Negara Menurut Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, *Al-Ahkam*, 14.1 2018
- [31] Saukani, HR, *Akses dan Indikator Tata Kelola Daerah yang Baik*, Yogyakarta: LkiS, , 2003
- [32] Harbani Pasolong, *Teori Administrasi Publik*, Bandung : Alfabeta, 2013