

RECONSTRUCTION OF REGULATORY AUTHORITY OF THE JUDICIAL COMMISSION IN MAINTAINING THE NOBLE AND DIGNITY OF JUDGES BASED ON THE VALUE OF JUSTICE

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ABSTRACT

The Judicial Commission was also formed to provide oversight of the behavior of judges. Supervision carried out internally in the judiciary has proven to be less effective in repressing judges who commit violations. This study aims to analyze and find the Reconstruction of the Regulatory Authority of the Judicial Commission in Maintaining the Noble Marwah and Dignity of Judges Based on the Value of Justice. norm. Norm reconstruction is carried out by changing the norms in Article 22D Paragraphs (1) and (3) and Article 22E Paragraphs (1), (2) and (3) of Law Number 18 of 2011 concerning Amendments to Law Number 22 of 2004 concerning Judicial Commission.

Keywords: Reconstruction; Authority; KY; Marwah; Dignity; Judge; Justice

INTRODUCTION

The development of forming institutions in the form of commissions has been very rapid throughout the post-reformation period, especially with the amendments to the 1945 Constitution of the Republic of Indonesia¹. These institutions are special bodies to carry out certain functions and are always ideally independent. The establishment of commission institutions is a common thing and has happened a lot in other countries, even with different contexts and backgrounds. The concept of a rule of law state always moves to the notion of constitutionalism in which state power is limited by law. In fact, even in the context of law produced through democratic mechanisms, it has never legitimized state power as an unlimited power. The presence of the Judicial Commission gives hope to the community for the creation of a judicial institution that is clean from all forms of judicial mafia practices. This is because the Judicial Commission was formed as a response to efforts to enforce and reform the judiciary, which so far have been considered not good. The Judicial Commission was also formed to provide oversight of the behavior of judges. Supervision carried out internally in the judiciary has proven to be less effective in repressing judges who commit violations.

Based on Article 24B Paragraph 1 of the 1945 Constitution of the Republic of Indonesia, the Judicial Commission is an independent state institution which has the authority to propose the appointment of Supreme Court judges and has other powers in order to maintain and uphold the honor, dignity and behavior of judges.² Then on August 13, 2004, Law Number 22 of 2004 concerning the Judicial Commission was born. The Judicial Commission supports the realization of an independent judicial power to uphold law and justice. As well as in order to improve the integrity, capacity and professionalism of judges in accordance with the code of ethics and guidelines for the behavior of judges in carrying out their powers and duties.³ The philosophical reasons underlying the formation of the Judicial Commission include: (1) as a democratic rule of law, Indonesia must guarantee an independent judicial power to administer justice that upholds law and justice; (2) in order to realize an independent judicial power, the Supreme Court and external institutions are needed which function to uphold honor, dignity, and protect the behavior of judges; (3) The Supreme Court has limitations and is still part of a problem that potentially and factually distorts the honor, nobility, dignity and behavior of judges.⁴

Practices of abuse of authority in the judiciary tend to strengthen and damage the joints of the judiciary, resulting in a decrease in the authority and trust of the judiciary in society and the international world. The practice of abuse of authority in the judiciary is caused by many factors, among others, and especially the ineffectiveness of internal control in the judiciary. So it is undeniable that the formation of the Judicial Commission as an external supervisory institution is based on the weakness of internal supervision. The revelations of various cases related to the abuse of power by judges and judicial officials which have been published by various media are a reflection of the weak moral integrity and behavior of judges, including officials and employees of the judiciary. This situation does not only occur in the district court and high court, but has also entered and occurred in the Supreme Court as the supreme administrator of judicial power.⁵

To fulfill this expectation, it is hoped that the Judicial Commission will be more active in supervising judges, which is indeed their duty and authority in order to create law enforcement officers who are capable of realizing legal authority through legal certainty and eradicating various irregularities, including corruption which can impede legal certainty. Observation of the

¹ F Rikaltra et al. Community Participation in Preventing and Eradicating Deforestation in Indonesia, S. Februanti et al. (Eds.): MICon 2021, ASSEHR 708, pp. 204–211, 2023.

² La Ode Angga, Harmonization of Authority of Supreme Court, Constitution Court, and the Judicial Commission, *Fiat Justitia: Jurnal Ilmu Hukum*, Volume 12 Number 1, January-March 2018, p.45-57.

³ Judicial Commission, https://id.wikipedia.org/wiki/Komisi_Yudisial_Republik_Indonesia

⁴ Taufiqurrohman Syahuri, Peran Komisi Yudisial dalam Pengawasan Hakim Terhadap Dilema Independensi Kekuasaan Kehakiman.

⁵ Bambang Sutyoso, Penguatan Peran Komisi Yudisial dalam Penegakan Hukum di Indonesia, *Jurnal Hukum Ius Quia Iustum*, No. 2 Vol.18 April 2011, p. 278

courts to create legal authority cannot be ignored if we want to lead Indonesia to the creation of a strong court that can function to promote sustainable socio-economic development.

RESEARCH METHODS

This study uses a constructivist paradigm that involves the opinions of psychologists, notaries, and academics. ⁶The research method used is qualitative, with descriptive-analytical ⁷type where the research data is based on data found in the field. ⁸Data collection techniques are interviews, literature studies or documents. Data analysis techniques include data reduction, data presentation and drawing conclusions.⁹

RESEARCH RESULTS AND DISCUSSION

1. The Urgency of Oversight of Judge Behavior by the Judicial Commission

According to A. Ahsin Thohari, the embodiment of the existence of a rule-of-law state in efforts to strengthen judicial power is also reflected by ensuring the recruitment of credible Supreme Court judges and maintaining the continuity of judges so that they stick to their moral values as a judge who must have integrity and personality is not reproachable, honest, fair, and upholds the values of professionalism.¹⁰ Juridically, Law Number 18 of 2011 provides various new tasks and authorities for the Judiciary Commission, including: selecting the appointment of ad hoc judges at the Supreme Court, making efforts to increase the capacity and welfare of judges, carrying out legal steps and other steps to maintain the honor, nobility, as well as the behavior of judges, wiretapping in collaboration with law enforcement officials, and conducting.¹¹

Even from the perspective of strengthening the role and function of the Judicial Commission, the passing of this law is a concrete manifestation of an effort to strengthen the authority and duties of the Judicial Commission as an independent state institution that carries out the function of checks and balances in the field of judicial power in order to realize an independent judicial power to uphold the law and justice for all Indonesian people.

In Nur Afilin's view, it is this function of external oversight of the Supreme Court that actually makes the role of the Judicial Commission very strategic in the success of the justice reform agenda. When the KY is able to exercise these rights and powers properly, the quality of the judges who are "God's representatives" to decide a case is truly guaranteed. On the other hand, if the KY is not strong in overseeing this matter, it is not impossible that the rule of law in Indonesia will no longer recognize and apply the principle of justice.¹²

Competence of authority and supervisory duties are oriented towards ensuring that all judges, as the main executors of the court's functions, have high integrity, honesty and professionalism, so as to gain the trust of the public and justice seekers. The context of the urgency of the role of KY oversight of the profession of judges is:

- 1) the formation of KY is a constitutional mandate of the 1945 Constitution, which is the highest law in the hierarchy of the statutory system (constitution is the supreme law of the land),
 - 2) the credibility of the Judicial Commission is based on the fact that the process of casting it into the 1945 Constitution as a result of the 1999-2002 amendments is a constitutional creation and innovation.
 - 3) the abundance of public reports to KY, a phenomenon that is almost the same as that experienced by the Constitutional Court.
- The poor situation of the judiciary in Indonesia is not only due to the mentality of the judiciary apparatus, but also because the justice system is easily intervened by those in power.

Referring to Law Number 3 of 2009 concerning the Second Amendment to Law Number 14 of 1985 concerning the Supreme Court, the presence of the KY is recognized as an effort to create a check and balance function in the supervisory system in the judiciary. The presence of KY is highly expected because people have lost trust in the judiciary. The role of internal supervision carried out by the Supreme Court was not effective, because it was often used as an effort to protect individuals who made mistakes in the name of the spirit of the corps.

The supervisory system for judges and supreme court justices as well as other court officials carried out by the Supreme Court in the past had a number of deficiencies as follows:

- a. Lack of transparency and accountability. This conclusion is drawn from the absence of a mechanism that gives the right for reporters to know the progress report of the submitted report. In addition, public access to the process and results of supervision is also difficult. This fact clearly contradicts several international provisions
- b. There is a corps spirit that causes supervision by the Supreme Court to be ineffective. The reluctance of the corps of judges to hear cases involving their members has indirectly led to the rise of judicial mafia practices.
- c. The lack of complete control methods and the effective implementation of existing control methods;

⁶Bambang Setyabudi, Anis Mashdurohatun, Reconstruction of Legal Protection Regulations for Debtors and Third Parties in Credit Agreements with the Object of Fiduciary Based Guarantee, *Sch Int J Law Crime Justice*, Dec, 2022; 5(12): 520-526.

⁷A Mashdurohatun et al, Valuation Method of Intellectual Property Rights for Copyright Products of Small and Medium Enterprises as Objects of Credit Guarantees Benefit-Based in the Digital Era, S. Februant et al. (Eds.): MICon 2021, ASSEHR 708, pp. 72-83, 2023.

⁸Bernhard Limbong, *Pengadaan Tanah Untuk Pembangunan*, Margaretha Pustaka, Jakarta, 2015, page. 220-221

⁹Anis Mashdurohatun, Gunarto & Oktavianto Setyo Nugroho Concept Of Appraisal Institutions In Assessing The Valuation Of Intangible Assets On Small Medium Enterprises Intellectual Property As Object Of Credit Guarantee To Improve Community's Creative Economy, *JPH: Jurnal Pembaharuan Hukum*, Volume 8, Number 3, December 2021.

¹⁰Farid Wajdi, *Memperkuat Komisi Yudisial Dalam Menjaga Integritas Wakil Tuhan*, Setara Press: 2019, p. 28

¹¹Bambang Sutiyoso, p.2911

¹²Farid Wajdi, Loc Cit,p.29

- d. Weak human resources (HR). Determination of a person to be a supervisor is not regulated in a clear mechanism. In the Supreme Court, all Junior Chiefs and Supreme Court Justices are ex officio supervisors. In addition, supervisors only work part time, because their main task is to decide cases
- e. Supervision that has been running so far has not involved community participation. Even though the Supreme Court actually has the means to stimulate public participation, the Supreme Court has not optimized these facilities, for example the existence of the 1992 post office box which was not socialized properly.
- f. There is no strong will from the leadership of law enforcement agencies to follow up on supervision
- g. The complexity of the bureaucracy that must be passed to report or complain about the deviant behavior of judges. Every letter of complaint from the public must go through the Administrative Section of the Supreme Court which is then forwarded to the relevant parties. In addition, there is no priority system for handling public complaint letters

The factors mentioned above have in fact opened up space for the emergence of judicial mafia practices which are increasingly prevalent. Seeing the reality of the judiciary in Indonesia which is chaotic by a culture of corruption or what is known as judicial corruption (judicial mafia), it is only natural that the Judicial Commission has extensive authority, so that only the best people can become judges and the supervisory process can also be carried out properly. The best is to lead to a judicial power that is independent and free from the interference of other powers

In order to maintain and uphold the honor, dignity, and behavior of judges, especially judges who are agents of change at the Supreme Court and the judicial bodies under it, the Indonesian Judicial Commission carries out a supervisory function for judges within the Supreme Court which includes supervision that is preventive up to repressive supervision as specified in the provisions of article 24A paragraph (3) and article 24B paragraph (1) of the 1945 Constitution of the Republic of Indonesia which is then implemented in article 13 letter b, article 20, article 21, article 22, and article 23 of Law Number 18 of 2011 concerning the Judicial Commission.

It is very important to supervise the performance of Supreme Court justices and judges at all levels of the court, bearing in mind that they are the main actors in the judiciary, especially with all the authority they have. Through his decision, for example, a judge can transfer a person's ownership rights, revoke the freedom of citizens, declare that the government's arbitrary actions against society are illegal, up to ordering the removal of a person's right to life, and so on. Therefore, the duties and powers possessed by judges must always be carried out in order to uphold the law, truth and justice in accordance with the code of ethics without discriminating against people as stipulated in the oath of a judge, where everyone is equal before law (equality before the law), as well as before the judge.

In order to maintain and uphold the honor, dignity and behavior of judges, especially judges who are agents of change at the Supreme Court and the judicial bodies under it, the Indonesian Judicial Commission carries out a supervisory function for judges within the Supreme Court which includes supervision that is preventive in nature up to repressive supervision as stipulated in the provisions of article 24A paragraph (3) and article 24B paragraph (1) of the 1945 Constitution of the Republic of Indonesia which is then implemented in article 13 letter b, article 20, article 21, article 22, and article 23 of Law Number 18 of 2011 concerning the Judicial Commission.

2. Mechanism of Oversight of Judges by the Judicial Commission in Maintaining the Noble Marwah and Dignity of Judges

In addition to having the authority to recruit Supreme Court justices, Article 24B of the third amendment to the 1945 Constitution also authorizes the Judicial Commission to maintain the honor, dignity and behavior of judges. There are some people who interpret that this article also authorizes the Judicial Commission to carry out promotions and transfers of judges, education and training of judges, and financial management of judges as practiced in several countries. Apart from that, there is also a growing notion that the main function of the judicial commission is to compile a code of conduct for the profession of judges. This means that actually there is still no agreement on the authority that can be played by the Judicial Commission. However, the closest interpretation is that the Judicial Commission has a very important function in terms of supervising judges, which in some countries this function is not considered important, because judicial practices are considered to meet standards, so that the judges who are elected truly fulfill the requirements. In this matter, the Judicial Commission exists as an institution that conducts recruitment by capturing the best people to become judges.¹³

The supervisory function of the Judicial Commission of the Republic of Indonesia is also strengthened by the provisions of article 34 paragraph (3) of Law Number 48 of 2009 concerning Judicial Power. The provisions of Article 34 paragraph (3) stipulate that in order to maintain the honor, dignity and behavior of supreme court judges and judges, supervision is carried out by the Judicial Commission which is regulated by law. This confirms the existence of the Judicial Commission of the Republic of Indonesia as a supervisory body for Supreme Court justices and judges in carrying out their duties.

At the field strategy level, efforts to maintain the dignity and nobility of judges can be started by first purging the Supreme Court (MA). If the Supreme Court can be controlled, through its judges who not only have qualified intellectual capacity but also high moral integrity, then the independence of the judiciary and the integrity of judges in maintaining the nobility and dignity of judges can be maintained. The Judicial Commission is expected to work hard to carry out its functions and authorities in supervising and coaching judges as well as in supervising related to safeguarding the nobility and dignity of judges.

Currently, the public has high hopes for the Judicial Commission to improve the judiciary. It is indeed difficult for a new institution like the Judicial Commission to deal with the depravity of the judiciary which has been going on for quite a long time. One of the heavy roles of the Judicial Commission is to have the courage to break bad traditions within the judiciary.

The Judicial Commission, in protecting the honor of judges, will pay attention to whether the decisions made are in accordance with the honor of judges and the sense of justice arising from society. Meanwhile, in maintaining and upholding the nobility of judges, the Judicial Commission must monitor whether the profession of judges has been carried out in accordance with

¹³ M Gaffar Janedjri, *Penataan Lembaga Negara Sekretaris Jenderal Mahkamah Konstitusi*, 2006, p.2.

professional ethics and has received recognition from the community, and supervises and maintains that judges remain true to their humanity, have conscience, and at the same time maintain their self-esteem by not commit a disgraceful act.

There are at least three important steps that can be taken by the Judicial Commission to be able to maintain the nobility of the dignity and dignity of judges as well as improve the judiciary, as a manifestation of the implementation of supervision of judges, namely:

1. Develop and socialize a code of ethics for judges within the judiciary
2. Develop and encourage a more transparent and accountable judge management system. As a first step, it is necessary to carry out an assessment of all judges, both individual assessments and performance assessments. This needs to be done given the increasing number of distorted court decisions
3. Tighten sanctions. The code of ethics is a sign that is arranged to regulate the movement of judges. But without sanctions, a code of ethics is useless. The Judicial Commission needs to formulate a mechanism for strict sanctions against all forms of violation of the code of ethics. At present the Judicial Commission is indeed toothless in matters of sanctions, because its authority is only to make recommendations

Apart from the three steps mentioned above, the Judicial Commission can also make other efforts that are repressive in nature related to safeguarding the nobility of the dignity and dignity of judges. Based on the 1945 Constitution article 24B which is detailed in Law Number 18 of 2011, specifically article 13, there are two powers and duties, namely; proposing the appointment of supreme justices to the DPR and upholding the honor and nobility of dignity as well as maintaining the behavior of judges. Operationally, Articles 20, 21, 22, and 23 provide authority and duties in carrying out the supervision of judges, including in the form of the following actions:

- 1) Submit a proposal for the imposition of sanctions against judges to the leadership of the Supreme Court;
- 2) Receiving reports from the public regarding the behavior of judges;
- 3) Request regular reports to the judiciary relating to the behavior of judges
- 4) Examination of alleged violations of judge behavior;
- 5) Summon and request information from judges who are suspected of violating the judge's code of ethics;
- 6) Make a report on the results of the examination in the form of a recommendation and submit it to the Supreme Court, and its follow-up is submitted to the President and the DPR;
- 7) Judicial bodies and judges are required to provide information or data requested by the Judicial Commission in the framework of supervising the behavior of judges within a period of no later than 14 (fourteen) days from the date the Judicial Commission's request was received;
- 8) In the event that the judicial body does not fulfill the obligations referred to in number 7 above, the Supreme Court is obliged to issue a coercive ruling to the judicial body or the judge concerned to provide the requested information or data;
- 9) In the event that a judicial body or a judge has been given a warning or coercion as referred to in number 8 above, but does not carry out their obligations, the head of the judicial body or the judge concerned is subject to sanctions in accordance with the laws and regulations in the personnel sector;
- 10) Sanctions on numbers. 1 can be in the form of a written warning or recommendation in the form of temporary dismissal; or termination.
- 11) The Judicial Commission may propose to the Supreme Court and/or the Constitutional Court to award judges for their achievements and services in upholding the honor and dignity and maintaining the behavior of judges.

The above articles imply that the Judicial Commission is actively authorized to examine alleged violations of judge behavior. In addition to the above actions, the Judicial Commission can also take action as an effort to maintain the nobility of the dignity and dignity of judges.

- a) Widely open access for the public to actively participate in reporting violations committed by judges. This is in line with the objective of establishing the Judicial Commission within the judicial power structure, namely so that members of the public outside the official structure of the institution can be involved in the process of supervising judges.
- b) Examine the process of issuing the judge's decision which contains elements of violations of the principle of impartiality and the code of ethics and the code of conduct of judges
- c) Invite optimal participation from universities, NGOs and advocate organizations to strengthen examination activities on judge's decisions
- d) Examining judges who are suspected of violating the code of ethics of judges' behavior. If proven, in accordance with Article 23 of Law Number 18 of 2011, the Judicial Commission has the right to propose the imposition of sanctions from the level of written warning, temporary dismissal to dismissal.

3. Reconstruction of Regulatory Authority of the Judicial Commission in Maintaining the Noble Marwah and Dignity of Judges Based on the Value of Justice

It is hoped that the honor and dignity of an independent and impartial judiciary will be realized, which is at the same time balanced by the principle of accountability of the judicial power, both from a legal and ethical perspective. The position of the Judicial Commission in protecting and upholding the honor of judges, needs to pay attention to whether the decisions made are in accordance with the honor of judges and the sense of justice arising from society. Furthermore, for the sake of the nobility of judges' dignity, the Judicial Commission must oversee whether the profession of judges has been carried out in accordance with professional ethics and has received public recognition. Another purpose of this supervision is to keep the judges true to their humanity, conscience, and at the same time maintain their self-respect, by not committing disgraceful acts. Therefore, if the Judicial Commission is not strong in overseeing this matter, it is not impossible that the rule of law in Indonesia will no longer recognize

and apply the principle of justice. The Judicial Commission is oriented towards ensuring that all judges as the main executors of the court's functions have high integrity, honesty and professionalism, so as to gain the trust of the public and justice seekers.¹⁴

Referring to Law Number 18 of 2011, there are several strengthening of the Judicial Commission's authority in carrying out its duties, including the Judicial Commission being able to appoint liaisons from the regions, and in the context of maintaining and enforcing the Code of Ethics and the Code of Conduct of Judges, the Judicial Commission can request assistance from officials law enforcers to conduct wiretapping and record conversations in the event of an alleged violation of the Code of Conduct and the Judge's Code of Conduct.

The Judicial Commission can carry out wiretapping if it finds indications of violations of the code of ethics by judges. However, in the implementation process, the wiretapping authority was not effective. Even though it is stated that the Judicial Commission has the authority to request wiretapping of judges through law enforcement officials, law enforcement officials, such as the police, actually have a different view, the Judicial Commission cannot wiretapping because it is not a pro-justisia institution. In essence, wiretapping is only carried out by law enforcement officers. The act of recording the judge's conversation can only be carried out by law enforcement officials. However, it is important to note that Article 20 paragraph (4) stipulates that law enforcement officials are obliged to follow up on the Judicial Commission's request.

Another problem that needs to be resolved is the interpretation of the authority to supervise the behavior of judges (the realm of the code of ethics) which often clashes with technical/judicial terminology (the technical realm of justice). Moreover, in various cases, the Supreme Court still examines many judges even though the Judicial Commission has already examined allegations of violations of the code of ethics. Without equalizing the perception of the norms of Article 20 paragraph (3) Law No. 18 of 2011, its implementation will still be an endless polemic. The legal formulation clearly authorizes the Judicial Commission to carry out wiretapping. Even law enforcement officials are obliged to follow up

Regarding the meaning of the judge's behavior clashed with judicial techniques, it is very urgent to end. Sanction recommendations are still being ignored by the Supreme Court. The excess is that the Judicial Commission doesn't show its teeth. Justice seekers suffer a lot from the narrowing of the meaning of judges' behavior when they collide with technical judicial terms. In order to rationalize different interpretations of the definition of 'judge behavior', the Judicial Commission and the Supreme Court need to sit together to find common ground. The meeting point aims to enable the Supreme Court and the Judicial Commission to strengthen each other to realize the authority of the judiciary.

Reconstructing the values of the Authority of the Judicial Commission in Upholding the Code of Ethics for Judges in Indonesia in order to provide legal certainty and justice. If the state is harmed by citizens, because citizens violate state law, the judge must decide this fairly. Likewise, if citizens are harmed by state decisions, either through state administration cases or cases reviewing regulations, the judge must also decide fairly. If citizens or state institutions are involved in civil interest disputes with each other, then judges on behalf of the state must also decide in the fairest way possible.

The provisions in Articles 22D and 22E of Law Number 18 of 2011 concerning the Judicial Commission still cause confusion, especially in the jurisdiction of the Judicial Commission in enforcing the Code of Ethics and the Code of Conduct for Judges (KE-PPH). In this Article, the Judicial Commission has the authority only to propose, that is, if an alleged violation of the Code of Ethics and/or the Code of Conduct of Judges is declared proven, the Judicial Commission can only propose the imposition of sanctions on Judges who are suspected of committing violations to the Supreme Court.

It is for this reason that it is necessary to reconstruct the values of strengthening the authority of the Judicial Commission in enforcing the Code of Ethics and/or the Code of Conduct for Judges so that a clean and authoritative trial can be realized. Reconstructing the values of the Authority of the Judicial Commission in Upholding the Code of Ethics for Judges in Indonesia needs to be done in order to provide legal certainty and justice. If the state is harmed by citizens, because citizens violate state law, the judge must decide this fairly. Likewise, if citizens are harmed by state decisions, either through state administrative cases or cases reviewing regulations, the judge must also decide fairly. If citizens or state institutions are involved in civil interest disputes with each other, then judges on behalf of the state must also decide in the fairest way possible.

In connection with the provisions in Articles 22D and 22E of Law Number 18 of 2011 concerning the Judicial Commission, this still creates confusion, especially in the jurisdiction of the Judicial Commission in enforcing the Code of Ethics and the Judges' Code of Conduct (KE-PPH). In this Article, the Judicial Commission has the authority only to propose, that is, if an alleged violation of the Code of Ethics and/or the Code of Conduct of Judges is declared proven, the Judicial Commission can only propose the imposition of sanctions on Judges who are suspected of committing violations to the Supreme Court.

It is for this reason that it is necessary to reconstruct the values of strengthening the authority of the Judicial Commission in enforcing the Code of Ethics and/or the Code of Conduct for Judges so that a clean and authoritative trial can be realized. Thus it is necessary to reconstruct the formulation of Article 22D paragraphs (1), (3) and Article 2E paragraphs (1), (2), and (3), Law Number 18 of 2011 concerning Amendments to Law Number 22 of 2004 concerning Judicial Commission.

Table of Reconstruction of Regulatory Authority of the Judicial Commission

No	Before Reconstruction	Weakness	After Reconstruction
1	Article 22D Paragraph (1) Law Number 18 Years 2011 concerning Amendments to Law Number 22 of the Year 2004 About	Arrangements in Article 22D and Article 22E of Law Number 18 Year 2011 About Commission	Article 22D Paragraph (1) After being reconstructed it becomes "In conjecture violating the Code of Ethics and/or Code of Conduct of Judges is

¹⁴ I Made Pria Dharsana, Strengthening the Role of the Judicial Commission Through Innovative Strategies to Balance Independence and Impartiality with Judge Accountability, International Journal of Multicultural and Multireligious Understanding (IJMMU) Vol. 8, No. 10, October 2021,p.328-334.

	The Judicial Commission reads "In the event that the alleged violation of the Code of Ethics and/or the Code of Conduct of Judges is declared proven as referred to in Article 22C letter a, the Judicial Commission proposes the imposition of sanctions against judges accused of committing an offense to the Supreme Court.	The judiciary still creates confusion, especially the authority of the Judicial Commission in enforcement of the Code of Ethics and the Code of Conduct for Judges (KE-PPH). In these Articles, the Judicial Commission has the authority only to propose sanctions, that is, if an alleged violation of the Code of Ethics and/or the Code of Conduct of Judges is declared proven, the Commission Judicial can only propose the imposition of sanctions against judges accused of committing an offense to the Supreme Court.	declared proven as referred to in Article 22C letter a, the Judicial Commission together with the Supreme Court shall sanction the Judge who is suspected of committing a violation to the Supreme Court
2	Article 22D Paragraph (3) Law Number 18 Years 2011 concerning Amendments to Law Number 22 of the Year 2004 About The Judicial Commission reads "The Supreme Court imposes sanctions on Judges who violate the Code of Ethics and/or the Code of Conduct of Judges who proposed by the Judicial Commission within a maximum period of 60 (sixty) days starting from the date the proposal was received	Arrangements in Article 22D and Article 22E of Law Number 18 Year 2011 About Commission The judiciary still creates confusion, especially the authority of the Judicial Commission in enforcement of the Code of Ethics and the Code of Conduct for Judges (KE-PPH). In these Articles, the Judicial Commission has the authority only to propose sanctions, that is, if an alleged violation of the Code of Ethics and/or the Code of Conduct of Judges is declared proven, the Commission Judicial can only propose the imposition of sanctions against judges suspected of having committed an offense against Supreme Court.	Article 22D Paragraph (3) is reconstructed to read ". The Judicial Commission together with the Supreme Court imposes sanctions on Judges who violate the Code of Ethics and/or the Judges' Code of Conduct within a maximum period of 60 (sixty) days from the date submitted to the Supreme Court
3	Article 22E Paragraph (1) Law Number 18 Years 2011 concerning Amendments to Law Number 22 of the Year 2004 About The Judicial Commission reads "In the event that there is no difference of opinion between the Judicial Commission and the Supreme Court regarding the proposal Judicial Commission on the imposition of sanctions and The Supreme Court has not imposed sanctions within the period referred to in Article 22D paragraph (3) then the proposal Judicial Commission applies automatically and must be implemented by the Supreme Court.	Arrangements in Article 22D and Article 22E of Law Number 18 Year 2011 About Commission The judiciary still creates confusion, especially the authority of the Judicial Commission in enforcement of the Code of Ethics and the Code of Conduct for Judges (KE-PPH). In these Articles, the Judicial Commission has the authority only to propose sanctions, that is, if an alleged violation of the Code of Ethics and/or the Code of Conduct of Judges is declared proven, the Commission Judicial can only propose the imposition of sanctions against judges Those who are suspected of having committed an offense against	Article 22E Paragraph 1 is reconstructed to read "In the event that there is no difference of opinion between the Judicial Commission and the Supreme Court regarding the results of the Judicial Commission's examination of the imposition of sanctions and have not imposed sanctions within the period referred to in Article 22D paragraph (3), then the results examination of the Judicial Commission applies automatically and must be carried out by the Judicial Commission together with the Supreme Court

		Supreme Court.	
4	Article 22E Paragraph (2) Law Number 18 Years 2011 concerning Amendments to Law Number 22 of the Year 2004 About The Judicial Commission reads In the event of a difference of opinion between the Judicial Commission and the Supreme Court regarding the proposal The Judicial Commission regarding the imposition of minor sanctions, moderate sanctions, and severe sanctions other than those referred to in Article 22D paragraph (2) letter c number 4) and number 5), carried out a joint examination between Judicial Commission and the Supreme Court against The judge concerned.	Arrangements in Article 22D and Article 22E of Law Number 18 Year 2011 About Commission The judiciary still creates confusion, especially the authority of the Judicial Commission in enforcement of the Code of Ethics and the Code of Conduct for Judges (KE-PPH). In these Articles, the Judicial Commission has the authority only to propose sanctions, that is, if an alleged violation of the Code of Ethics and/or the Code of Conduct of Judges is declared proven, the Commission Judicial can only propose the imposition of sanctions against judges suspected of having committed an offense against Supreme Court	Article 22E Paragraph (2) is reconstructed to read "In the event of a difference of opinion between the Judicial Commission and the Supreme Court regarding the results of an examination by the Judicial Commission regarding the imposition of light sanctions, moderate sanctions, and serious sanctions other than those referred to in Article 22D paragraph (2) letter c number 4) and number 5), a joint examination was carried out between the Judicial Commission and the Supreme Court against The judge concerned

CONCLUSION

The authority of the Judicial Commission in enforcing the code of ethics of judges currently does not reflect the values of justice. In carrying out the supervisory function of judges, the Judicial Commission supervises the behavior of judges by receiving reports from the public, requesting periodic reports from the judiciary regarding the behavior of judges, examining judges, and summoning and requesting information from judges suspected of violating the judge's code of ethics and then submitting the report on the results of the examination. to the Supreme Court, as well as a copy to the president and the DPR. The Judicial Commission is only authorized to propose, that is, if the alleged violation of the Code of Ethics and/or the Code of Conduct of Judges is declared proven, the Judicial Commission may propose the imposition of sanctions on Judges who are suspected of committing violations to the Supreme Court as in the formulation of Article 22D and Article 22E of Law Number 18 of 2011 concerning Amendments to Law Number 22 of 2004 concerning the Judicial Commission. Weaknesses in the regulation on the authority of the judicial commission in maintaining the nobility and dignity of judges that currently apply are weaknesses in terms of legal substance, legal structure and legal culture. Weaknesses in terms of legal substance in the arrangements in Article 22D and Article 22E of Law Number 18 of 2011 concerning Amendments to Law Number 22 of 2004 concerning the Judicial Commission still cause confusion, especially the authority of the Judicial Commission in enforcing the Code of Ethics and the Code of Conduct of Judges (KE-PPH). Weaknesses in terms of legal structure are the Overlapping Authority of Supervising Judges Between the Supreme Court and the Judicial Commission, the absence of a Judicial Commission institution in every region in Indonesia to supervise judges and the Judicial Commission is a state code of ethics enforcement agency, not a law enforcement agency. While the weakness in terms of legal culture is the resistance of judges related to the enforcement of the code of ethics and community monitoring of the behavior of judges is still lacking. Reconstruction of the Regulatory Authority of the Judicial Commission in Safeguarding the Noble Marwah and Dignity of Judges Based on the Value of Justice is carried out by reconstructing values and reconstructing norms. Norm reconstruction is carried out by changing the norms in Article 22D Paragraphs (1) and (3) and Article 22E Paragraphs (1), (2) and (3) of Law Number 18 of 2011 concerning Amendments to Law Number 22 of 2004 concerning Judicial Commission

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