

PEMBARUAN HUKUM MEKANISME PENGAWASAN HAKIM MAHKAMAH AGUNG DALAM MEWUJUDKAN INDEPENDENSI KEKUASAAN KEHAKIMAN YANG AKUNTABEL BERDASARKAN KEPASTIAN HUKUM

Legal Reform on the Supervisory Mechanism of Supreme Court Judges in Realizing Accountable Judicial Independence Based on Legal Certainty

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Abstrak

Penelitian ini bertujuan untuk menganalisis pengaturan hukum mengenai mekanisme pengawasan Hakim Mahkamah Agung, mengidentifikasi permasalahan yang menghambat terwujudnya independensi kekuasaan kehakiman yang akuntabel, serta merumuskan pembaruan hukum terhadap pengawasan Hakim Mahkamah Agung yang berbasis kepastian hukum. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan peraturan perundang-undangan dan pendekatan konseptual. Hasil penelitian menunjukkan bahwa pengawasan terhadap Hakim Mahkamah Agung diatur dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Undang-Undang tentang Kekuasaan Kehakiman, Undang-Undang tentang Mahkamah Agung, dan Undang-Undang tentang Komisi Yudisial. Pengawasan tersebut dilaksanakan melalui mekanisme pengawasan internal dan eksternal. Namun demikian, masih terdapat berbagai permasalahan berupa tumpang tindih kewenangan antara Mahkamah Agung dan Komisi Yudisial, belum jelasnya batas antara pengawasan etik dan pengawasan teknis yudisial, lemahnya koordinasi antarlembaga, serta belum optimalnya efektivitas tindak lanjut atas hasil pengawasan yang mengakibatkan ketidakpastian hukum dan menurunnya kepercayaan masyarakat terhadap lembaga peradilan. Pembaruan hukum perlu dilakukan melalui harmonisasi regulasi, penegakan pembagian kewenangan pengawasan, penguatan kedudukan rekomendasi Komisi Yudisial, peningkatan transparansi proses pengawasan, serta pembentukan sistem pengawasan terpadu yang mampu menjaga keseimbangan antara independensi dan akuntabilitas hakim. Pembaruan tersebut diharapkan dapat memperkuat integritas peradilan dan menjamin kepastian hukum dalam penyelenggaraan kekuasaan kehakiman.

Kata Kunci:

Pembaruan Hukum
Pengawasan Peradilan
Mahkamah Agung
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Keywords:

Legal Reform
Judicial Oversight
Supreme Court
Independence of the Judicial
Power

Abstract

This study aims to analyze the legal provisions of the Supreme Court's supervisory mechanism, identify problems that hinder the realization of accountable judicial independence, and formulate legal reforms for the supervision of Supreme Court judges based on legal certainty. The study uses a normative juridical method with a statutory and conceptual approach. The findings of the study suggest that the oversight of Supreme Court judges is governed by the 1945 Constitution of the Republic of Indonesia, the Law on Judicial Power, the Law on the Supreme Court, and the Law on the Judicial Commission. This oversight is implemented through both internal and external supervisory mechanisms. However, various problems remain in the form of overlapping authority between the Supreme Court and the Judicial Commission, unclear boundaries between ethical and technical judicial supervision, weak institutional coordination, and less than optimal effectiveness of follow-up on supervisory results, resulting in legal uncertainty and declining public trust in the judiciary. Legal reforms need to be carried out through regulatory harmonization, affirmation of the division of supervisory authority, strengthening the position of Judicial Commission recommendations, increasing transparency of the supervisory process, and establishing an integrated supervisory system capable of maintaining a balance between the independence and accountability of judges. These reforms are expected to strengthen judicial integrity and ensure legal certainty in the administration of judicial power.

INTRODUCTION

The Republic of Indonesia constitutionally affirms itself as a state of law, as stated in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia (Siallagan, 2016). The logical consequence of this provision is that all implementation of state power must be carried out based on law and subject to constitutional principles that guarantee the protection of citizens' rights. One of the main pillars of a state of law is the existence of an independent judiciary that is free from interference from any party. Article 24, paragraph (1) of the 1945 Constitution of the Republic of Indonesia emphasizes that the judiciary is an independent power to administer justice to uphold law and justice. This provision is emphasized in Article 3, paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, which states that judges and constitutional judges are obliged to maintain judicial independence (Busthami, 2017). From the perspective of the *rechtsstaat* and the rule of law, judicial independence is an absolute requirement for the realization of the supremacy of law because only free and impartial judges can provide protection for the constitutional rights of citizens. The Supreme Court's position as the executor of the highest judicial power, as stipulated in Article 24A of the 1945 Constitution of the Republic of Indonesia and Law Number 14 of 1985 concerning the Supreme Court, as most recently amended by Law Number 3 of 2009, places Supreme Court justices in a highly strategic position in determining the direction of national legal development (Faqih, 2020). The Supreme Court's authority to examine and decide cases at the cassation level, review laws and regulations subordinate to the law, and exercise oversight over lower-level judicial bodies demonstrates that the independence of Supreme Court justices is a constitutional mandate that must be maintained and protected to ensure legal certainty and justice (Ananda, 2024).

The development of the modern concept of the rule of law demonstrates that judicial independence cannot be understood as absolute freedom without accountability mechanisms. The concept of judicial accountability developed in response to the need to ensure that judicial power continues to operate in accordance with the principles of integrity, professionalism, and public accountability. Judges, as state officials exercising judicial functions, are granted independence in deciding cases, but at the same time must adhere to ethical and behavioral standards prescribed by law. Independence and accountability are not two conflicting concepts, but rather two principles that must operate in balance. The absence of oversight may lead to abuse of authority, while excessive oversight can threaten the independence of judges in deciding cases (Anjasmana, 2021). The position of Supreme Court judges, who produce decisions that have permanent legal force at the cassation level, makes the existence of an effective oversight system a fundamental requirement in a democratic state under the rule of law. Such oversight is necessary to maintain the honor and dignity of judges as mandated in Article 24B paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which grants the Judicial Commission the authority to maintain and uphold the honor, dignity, and behavior of judges. The existence of oversight of Supreme Court judges is essentially a constitutional instrument to maintain the integrity of the judiciary and increase public trust in the judiciary (Sibuea, 2020).

Fundamental changes in the judicial oversight system in Indonesia occurred after the amendments to the 1945 Constitution of the Republic of Indonesia, which established the Judicial Commission as an independent state institution. Before the reforms, judicial oversight was entirely within the internal purview of the Supreme Court, often viewed as ineffective due to the potential for conflicts of interest. The establishment of the Judicial Commission, through Article 24B of the 1945 Constitution of the Republic of Indonesia, was then expected to strengthen external oversight of judicial

behavior. Further regulations regarding this authority were outlined in Law Number 22 of 2004 concerning the Judicial Commission, as amended by Law Number 18 of 2011. On the other hand, the Supreme Court also has internal oversight authority under Article 32 of Law Number 14 of 1985 concerning the Supreme Court. This dualism of oversight was later reinforced through a Joint Decree of the Chief Justice and the Chief Justice of the Judicial Commission concerning the Code of Ethics and Guidelines for Judicial Conduct. Although normatively, the oversight system has been established through various legal instruments, developments in state administration practice indicate that the relationship of authority between the Supreme Court and the Judicial Commission still leaves various legal issues. Several Constitutional Court decisions, particularly Decision No. 005/PUU-IV/2006 and several subsequent decisions, have influenced the scope of the Judicial Commission's authority to supervise judges, creating new dynamics in the legal framework for judicial oversight in Indonesia (Rumadan, 2016).

Normative issues surrounding the supervision of Supreme Court judges remain unresolved. The unclear boundaries between ethical oversight and technical judicial oversight often give rise to differing interpretations between the Supreme Court and the Judicial Commission. In practice, oversight of judicial behavior often overlaps with the case examination process, giving rise to debates regarding the limits of the supervisory body's authority. The legal framework, encompassed in the 1945 Constitution of the Republic of Indonesia, the Law on Judicial Power, the Law on the Supreme Court, the Law on the Judicial Commission, and various implementing regulations, has failed to provide legal certainty regarding the comprehensive mechanism for oversight of Supreme Court judges. There are no clear regulations regarding the objects of oversight, examination procedures, inter-institutional coordination mechanisms, or the binding force of the Judicial Commission's recommendations to the Supreme Court. This situation creates legal uncertainty, impacting the effectiveness of oversight and potentially undermining the purpose of establishing the Judicial Commission as an external oversight body. This situation demonstrates the urgent need for legal reform to harmonize norms and clarify the authority relationship between the Supreme Court and the Judicial Commission (Nur Kautsar Hasan, Nasrun Hipan, 2018).

This normative issue becomes even more relevant when combined with various empirical facts demonstrating the persistence of ethical and integrity violations within the judiciary. Numerous cases involving judicial officials, including Supreme Court justices and Supreme Court officials, have led to a decline in public trust in the judiciary. The sting operations conducted by the Corruption Eradication Commission (KPK) against several judicial officials, the emergence of cases suspected of involving bribery in case handling, and numerous public reports received by the Judicial Commission indicate that the current oversight mechanism is not yet fully effective. The case involving Zarof Ricar and many cases uncovering alleged judicial mafia practices demonstrate gaps in the oversight system, which should be able to prevent misconduct by judicial officials. The increasing number of public reports each year also demonstrates high public expectations for an independent and credible oversight system. This reality demonstrates the gap between the legal framework expected to safeguard judicial integrity and the oversight practice, which still faces various structural and institutional obstacles (Roychan, 2023).

Comparisons with various countries show that judicial oversight is generally implemented through mechanisms that maintain a balance between independence and accountability. The United Kingdom implements an oversight system through the Judicial Conduct Investigations Office, the United States has Judicial Councils in each federal jurisdiction, the Netherlands has developed oversight through the Council for the Judiciary, and South Korea has implemented an oversight model integrated with the judicial administration system. These various models demonstrate that effective judicial oversight requires clear authority, transparent procedures, strong ethical enforcement mechanisms, and

guaranteed protection of judicial independence in carrying out their judicial functions. The conditions in Indonesia, which are still characterized by dualism in supervision, weak harmonization of regulations, limited authority of the Judicial Commission, and less than optimal implementation of supervisory recommendations, indicate that the existing system is not yet fully capable of realizing a balance between the independence and accountability of judges. Based on these philosophical, legal, and sociological conditions, legal reform of the Supreme Court's oversight mechanism is an urgent need to create a system that provides legal certainty, strengthens judicial integrity, maintains the independence of the judiciary, and enhances public trust in the court as a key pillar of a democratic state governed by the rule of law.

METHOD

This research employs a normative juridical research method that focuses on the study of the norms, principles, and legal systems governing the oversight mechanism of Supreme Court judges to realize an independent, accountable judiciary based on legal certainty. This method was chosen because the research aims to analyze various legal provisions that regulate judicial supervision, identify normative problems that give rise to legal uncertainty, and formulate an ideal concept of legal reform in the Supreme Court judicial supervision system. The approaches used include a statutory approach and a conceptual approach. The legislative approach is carried out by systematically reviewing various laws and regulations related to judicial power and judicial supervision, including the 1945 Constitution of the Republic of Indonesia, Law Number 48 of 2009 concerning Judicial Power, Law Number 14 of 1985 concerning the Supreme Court as last amended by Law Number 3 of 2009, Law Number 22 of 2004 concerning the Judicial Commission as amended by Law Number 18 of 2011, as well as various regulations and codes of ethics that regulate the behavior of judges. The conceptual approach is used to review the doctrines, theories, and views of legal experts regarding the rule of law, the independence of judicial power, judicial accountability, judicial supervision, legal certainty, and the principle of checks and balances as a basis for building legal arguments and formulating a model for legal reform of judicial supervision of the Supreme Court that can create a balance between independence and accountability in the implementation of judicial power in Indonesia.

RESULT AND DISCUSSION

1. Legal Regulations on the Supervisory Mechanism of Supreme Court Judges in the Indonesian Constitutional System

The Republic of Indonesia constitutionally affirms itself as a state of law as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The concept of a state of law adopted by Indonesia not only places law as an instrument regulating the life of the nation and state, but also as a means of limiting power to prevent arbitrary actions by state administrators. From the perspective of the *Rechtsstaat* and the rule of law, the existence of an independent judicial institution is an essential element that determines the upholding of the supremacy of law. The judicial power is given a strategic position because it functions to resolve legal disputes, uphold justice, and provide protection for the constitutional rights of citizens (Hadi, 2022). Article 24, paragraph (1) of the 1945 Constitution of the Republic of Indonesia emphasizes that the judicial power is an independent power to administer justice to uphold law and justice. This provision shows that the independence of the judicial power is a constitutional principle that must be protected from all forms of political, economic, or other forms of influence from other powers. This constitutional guarantee is further strengthened in Article 3, paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, which affirms that judges and constitutional justices are obliged to maintain judicial independence in carrying out their

duties and functions. Thus, judicial independence is not merely an institutional right, but rather an instrument for ensuring legal certainty, justice, and the protection of human rights in a democratic state governed by law (Ananda, 2024).

The Supreme Court, as the executor of judicial power, holds a central position in the Indonesian constitutional system. Article 24, paragraph (2) of the 1945 Constitution of the Republic of Indonesia stipulates that judicial power is exercised by a Supreme Court and subordinate judicial bodies within the general, religious, military, and state administrative courts, as well as by the Constitutional Court. The Supreme Court's position is further reaffirmed in Article 24A paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which grants it the authority to adjudicate at the cassation level, to review laws and regulations subordinate to the law against the law, and to exercise other powers granted by law. Further provisions are contained in Law Number 14 of 1985 concerning the Supreme Court, as most recently amended by Law Number 3 of 2009. The Supreme Court's position as the highest state court gives Supreme Court justices a crucial role in the formation and development of national law through their decisions. Supreme Court justices' decisions not only resolve the specific disputes they examine but also serve as a reference for lower courts in achieving uniform legal application (Putri, 2025). This strategic position requires each Supreme Court justice to exercise their authority professionally, independently, and with integrity to uphold the dignity of the judiciary as the final bastion of justice.

Judicial independence is a fundamental principle inherent in the judicial function and a primary requirement for the realization of a fair and impartial trial. Independence encompasses not only the judge's freedom from interference by the executive and legislative branches, but also freedom from pressure from interest groups, economic influence, personal relationships, and internal intervention within the judiciary. Article 5, paragraph (1) of Law Number 48 of 2009 stipulates that judges and constitutional judges are required to explore, adhere to, and understand the legal values and sense of justice that exist within society. These provisions demonstrate that judicial independence is not unlimited freedom, but rather responsible freedom within the framework of law and justice. The concept of judicial independence in a modern constitutional state must be understood in balance with the principle of accountability, as judges are state officials exercising public power. Freedom to decide cases should not be interpreted as immunity from scrutiny of professional behavior and ethics. This perspective underpins the development of various judicial oversight instruments aimed at maintaining judicial integrity without compromising the judge's independence in examining, adjudicating, and deciding cases (Pudjiastuti, 2023).

The regulation of judicial oversight in the Indonesian legal system is constitutionally based on Article 24B paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that the Judicial Commission is independent and has the authority to propose the appointment of Supreme Court justices and has other powers to maintain and uphold the honor, dignity, and behavior of judges. This requirement forms the basis for the establishment of an external oversight mechanism for judges, which was previously unknown in the Indonesian constitutional system before the reforms. Further provisions are outlined in Law Number 22 of 2004 concerning the Judicial Commission, as amended by Law Number 18 of 2011. Article 20, paragraph (1) of this law authorizes the Judicial Commission to monitor and supervise the behavior of judges, receive public reports, verify and investigate alleged violations of the code of ethics, and propose sanctions to authorized institutions. The presence of the Judicial Commission is a manifestation of the principle of checks and balances in the implementation of judicial power, so that oversight of judges is no longer entirely within the internal scope of the Supreme Court. This external oversight model was established to increase transparency, objectivity, and accountability in upholding judicial ethics (Achmad Miftah Farid, Hibnu Nugroho, 2020).

The judicial oversight mechanism is implemented not only by the Judicial Commission, but also by the Supreme Court through an internal oversight system. Article 32 of Law Number 14 of 1985 concerning the Supreme Court, as most recently amended by Law Number 3 of 2009, authorizes the Supreme Court to exercise supreme oversight over the administration of justice in all judicial bodies under its jurisdiction. This oversight covers the technical aspects of the judiciary, judicial administration, and the behavior of judicial officials. The implementation of oversight of judicial behavior is also based on the Joint Decree of the Chief Justice of the Republic of Indonesia and the Chairperson of the Judicial Commission of the Republic of Indonesia Number 047/KMA/SKB/IV/2009 and Number 02/SKB/P.KY/IV/2009 concerning the Code of Ethics and Guidelines for Judicial Conduct. This instrument contains ten principles of judicial behavior, including fairness, honesty, wisdom and prudence, independence, high integrity, responsibility, upholding self-respect, high discipline, humility, and professionalism. These regulations demonstrate that the judicial oversight system in Indonesia is built through a combination of internal and external oversight with the aim of maintaining the honor of the judicial profession while improving the quality of the judicial institution (Heryansyah, 2022).

The relationship between judicial independence and accountability within Indonesia's positive legal framework is fundamentally complementary and inseparable. Independence without accountability may lead to abuse of authority, while accountability without independence can result in interference with a judge's freedom to decide cases. The legal framework established through the 1945 Constitution of the Republic of Indonesia, the Law on Judicial Power, the Law on the Supreme Court, the Law on the Judicial Commission, and the Code of Ethics and Guidelines for Judicial Conduct demonstrates that the Indonesian legal system strives to strike a balance between these two principles. Judges are granted full independence in carrying out their judicial functions and making decisions based on the law and conscience, yet at the same time, they can still be held accountable for behavior that violates the code of ethics and the honor of their position. This balance is a crucial requirement for realizing an independent judiciary with integrity and public trust. The success of the judicial oversight system is ultimately measured not only by its ability to prosecute ethical violations, but also by its ability to maintain the independence of the judiciary, a key pillar of a democratic, rule-of-law state.

2. Problems of Supervision of Supreme Court Judges in Realizing Accountable Independence of Judicial Power

Although the judicial oversight system has a relatively adequate constitutional and legal basis, its implementation still faces various normative challenges that impact the effectiveness of the oversight of Supreme Court judges. The primary problem lies in the absence of regulations that clearly and comprehensively define the limits of the supervisory body's authority in supervising Supreme Court judges. Article 24B paragraph (1) of the 1945 Constitution of the Republic of Indonesia grants the Judicial Commission the authority to safeguard and uphold the honor, dignity, and behavior of judges. However, this provision does not provide a detailed explanation of the scope of this oversight. The provisions in Law Number 18 of 2011 concerning Amendments to Law Number 22 of 2004 concerning the Judicial Commission also fail to provide clear boundaries regarding the objects of oversight and the mechanisms for its implementation. This situation has given rise to differing interpretations between the Supreme Court and the Judicial Commission regarding the scope of their respective authorities. As a result, the implementation of judicial oversight is often confronted with debates regarding the legitimacy of the oversight actions undertaken by the Judicial Commission and the Supreme Court, thereby reducing the effectiveness of the oversight system, which should guarantee the integrity of the judiciary.

Another issue that has become a source of problems in the supervision of Supreme Court judges is the overlapping authority between the Supreme Court as an internal supervisor and the Judicial Commission as an external supervisor. Article 32 of Law Number 14 of 1985 concerning the Supreme Court, as most recently amended by Law

Number 3 of 2009, grants the Supreme Court the authority to exercise supreme oversight over the administration of justice and the conduct of judicial officials. Conversely, Article 20 of Law Number 18 of 2011 authorizes the Judicial Commission to monitor, investigate, and propose sanctions against judges suspected of violating the code of ethics and guidelines for judicial conduct. In practice, this duality of authority often gives rise to institutional conflict, as each institution feels it has the authority to assess and take action against alleged violations by judges. The absence of a clear coordination mechanism often results in ineffective handling of public reports and the potential for discrepancies in the results of investigations. This situation demonstrates that the current legal framework for judicial oversight still faces issues of norm harmonization, which has implications for legal uncertainty in its implementation.

The unclear boundary between ethical oversight and technical judicial oversight is also a fundamental problem in the Supreme Court's judicial oversight system. The principle of judicial independence requires that every judge be free to examine, try, and decide cases without interference from any party. Supervision of technical judicial aspects is essentially prohibited if it has the potential to influence the substance of the judge's decision. Problems arise when allegations of ethical violations by judges are closely related to the case examination process or the legal considerations used in the decision. This situation often gives rise to debate about whether a judge's actions constitute an ethical issue or are part of the judge's freedom in carrying out their judicial function. This unclear boundary became even more complex after the issuance of Constitutional Court Decision No. 005/PUU-IV/2006, which essentially limited the scope of the Judicial Commission's oversight of judges. In this decision, the Constitutional Court emphasized that the Judicial Commission cannot enter the technical judicial area because it could interfere with the independence of the judiciary. A number of subsequent Constitutional Court decisions also indicated a tendency to narrow the Judicial Commission's scope of oversight of judges. The condition creates legal uncertainty because the boundaries between the ethical and technical judicial areas have not yet been clearly formulated in statutory regulations.

The effectiveness of internal oversight conducted by the Supreme Court also faces various limitations. Internal oversight inherently has the advantage of being conducted by an institution with a deep understanding of the characteristics and dynamics of judges' work. The main weakness of the internal oversight model lies in the potential for conflicts of interest, since the body conducting the audit is part of the same institution as the entity being audited. This condition can compromise the objectivity and independence of the oversight process, particularly when the violations under investigation involve judicial officials in strategic positions. Various public reports indicate that not all allegations of ethical violations received adequate follow-up. Transparency of audit results also remains an issue because most internal oversight processes are not widely accessible to the public. These limitations mean that internal oversight is unable to fully meet public demands for a clean, transparent, and accountable judicial system. The Supreme Court Oversight Body, structurally under the Supreme Court, is also often viewed as lacking sufficient independence to optimally oversee Supreme Court justices.

External oversight conducted by the Judicial Commission also faces various obstacles in its implementation. The Judicial Commission's authority is essentially limited to monitoring the behavior of judges and proposing sanctions to authorized institutions. The Judicial Commission lacks executive authority to impose direct sanctions on judges found guilty of ethical violations. The effectiveness of implementing the Judicial Commission's recommendations continues to rely heavily on subsequent action by the Supreme Court, with the success of external oversight frequently determined by the quality of coordination and cooperation between these institutions. Obstacles to coordination between the Supreme Court and the Judicial Commission have been repeatedly evident in differing views regarding the authority to examine and follow up on oversight recommendations. These issues have resulted in some of the recommendations

proposed by the Judicial Commission not being fully implemented. This limited authority has resulted in the external oversight function being unable to provide a maximum preventive and corrective effect on ethical violations by judges. This situation demonstrates that the institutional design of judicial oversight still requires refinement to ensure effective oversight without compromising the independence of the judiciary.

Numerous cases of ethical violations involving judicial officials, including Supreme Court justices and Supreme Court officials, further expose weaknesses in the current oversight system. Several corruption cases handled by the Corruption Eradication Commission have revealed practices of abuse of authority within the judiciary that undermine the principles of judicial independence and integrity. The case involving Zarof Ricar and various cases related to alleged judicial mafia practices demonstrate that existing oversight has not been able to effectively prevent misconduct by judicial officials. This situation not only impacts the quality of law enforcement but also affects the level of public trust in the judiciary. Public trust is one of the key pillars for the sustainability of the judicial system in a democratic state governed by the rule of law. Low public confidence in the integrity of judges can undermine the legitimacy of court rulings and weaken the authority of the law as a whole. The normative and empirical issues that continue to accompany the oversight of Supreme Court justices indicate that the current oversight system has not yet fully achieved a balance between the independence of the judiciary and judicial accountability. Consequently, legal reform is needed to provide legal certainty, strengthen the effectiveness of oversight, and enhance public trust in the judicial system.

3. Legal Updates on the Supervisory Mechanism of Supreme Court Judges in Realizing Accountable Judicial Independence Based on Legal Certainty

Legal reform of the Supreme Court's oversight mechanism for judges must first be based on a philosophical foundation derived from the values of Pancasila and the principles of the rule of law, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The Second and Fifth Principles of Pancasila embody the values of justice, humanity, and respect for human dignity, which can only be realized through a judicial institution with integrity and public trust. The independence of the judiciary is an absolute requirement for upholding the rule of law, but this independence cannot be separated from the principle of accountability, which represents public accountability for the exercise of state power. Legal reform must be directed toward establishing a supervisory system that no longer positions independence and accountability as conflicting principles, but rather as mutually reinforcing ones. Judges must remain free in carrying out their judicial functions, but at the same time are required to submit to objective, transparent, and measurable behavioral oversight. This philosophical orientation demands the establishment of an oversight mechanism capable of safeguarding the honor of judges while simultaneously enhancing public trust in the judiciary as an independent executor of judicial power.

The legal basis for the revision of the law governing the supervision of Supreme Court justices stems from the continuing inconsistency between Article 24A and Article 24B of the 1945 Constitution of the Republic of Indonesia, which is further elaborated in Law No. 48 of 2009 on Judicial Power, Law No. 14 of 1985 on the Supreme Court, as last amended by Law No. 3 of 2009, and Law No. 18 of 2011 on Amendments to Law No. 22 of 2004 on the Judicial Commission. Legal reform must be carried out through the revision of the Judicial Commission Law and the Supreme Court Law by clearly defining the boundaries of authority for internal and external oversight. The reformulation of legal norms must explicitly distinguish between technical judicial oversight, which is the exclusive authority of the Supreme Court, and oversight of judicial ethics and conduct, which is a shared authority of the Supreme Court and the Judicial Commission. These provisions must be formulated in clear, unambiguous terms to eliminate conflicts of authority that have long been a source of legal uncertainty. Legal reforms must also detail the procedures for investigations, the

standards of proof for ethical violations, mechanisms for inter-institutional coordination, and the forms of sanctions that may be imposed on judges found to have violated the code of ethics and guidelines for judicial conduct.

The sociological basis for legal reform stems from increasing public demands for a clean, transparent, and accountable judiciary. Numerous cases involving judicial officials in corruption, bribery, and ethical violations demonstrate that the current oversight system is incapable of optimally protecting the integrity of the judiciary. Public needs are no longer limited to formal oversight mechanisms but also demand effective oversight that can result in concrete action against any violations committed by judges. Legal reform must therefore accommodate public participation in the oversight process by strengthening an integrated information technology-based public complaints mechanism between the Supreme Court and the Judicial Commission. This complaints system must ensure easy access, protection for whistleblowers, transparency in the examination process, and certainty of follow-up on every report received. The presence of an oversight system that is responsive to public needs will strengthen the legitimacy of the judiciary and increase public trust in the law enforcement process.

Comparisons with various countries show that the success of a judicial oversight system depends heavily on a clear division of authority and the existence of an independent oversight body. The Netherlands, through the Council for the Judiciary, implements an oversight system that integrates administrative functions and oversight of judicial behavior. The United Kingdom, through its Judicial Conduct Investigations Office, provides a clear framework for ethical oversight without interfering with the independence of judges in deciding cases. The United States implements a Judicial Council mechanism that has the authority to conduct investigations and issue disciplinary recommendations against judges who violate ethical standards. The experiences of these countries demonstrate that Indonesia needs to develop a clearer institutional model for the relationship between the Supreme Court and the Judicial Commission. An ideal model is the establishment of a joint oversight forum with the authority to collectively verify, investigate, and examine alleged ethical violations by Supreme Court judges. This forum should consist of representatives from the Supreme Court, the Judicial Commission, legal academics, and community leaders with high integrity, so that the audit results have strong legitimacy and objectivity.

Reformulation of internal and external oversight authority is necessary through the establishment of an integrated oversight system based on institutional coordination. The Supreme Court remains fully authorized to conduct technical judicial oversight, judicial administration, and judicial institution management. The Judicial Commission has been granted stronger authority to investigate alleged ethical violations and judicial conduct, including the authority to access documents relevant to ethical investigations without having to delve into the substance of the legal reasoning behind decisions. Strengthening the Judicial Commission's authority also needs to be accompanied by a strengthened mechanism for following up on recommendations resulting from investigations. The law should stipulate that Judicial Commission recommendations are binding on the Supreme Court within a specified timeframe. This provision could be formulated by requiring the Supreme Court to follow up on recommendations within thirty days of their receipt. Failure to follow up on recommendations must be accompanied by an obligation to provide written legal justification and be made publicly available. This mechanism will strengthen legal certainty while preventing the Judicial Commission's oversight efforts from being ignored.

The concept of *ius constituendum*, governing the future oversight of Supreme Court judges, must be directed toward the establishment of a modern, transparent, and information technology-based oversight system. Legal reform needs to be realized through the drafting of legislation that specifically regulates the comprehensive oversight mechanism for judges, from complaint procedures, investigations, examinations, sanctioning, to the publication of oversight results.

Every decision of the Judicial Ethics Council and follow-up to Judicial Commission recommendations should be published openly through the national information system for judge oversight, accessible to the public. This transparency will create social control while increasing the accountability of oversight institutions. The establishment of a national database of judicial ethical violations, an integrated electronic reporting system, periodic integrity audits of supreme court judges, and mandatory reporting of assets and potential conflicts of interest are also necessary components of oversight reform. This legal reform model will produce an oversight system capable of maintaining judicial independence without compromising oversight effectiveness, strengthening legal certainty, increasing judicial accountability, and ultimately creating a judicial institution with integrity and public trust.

CONCLUSION

Based on the research results, it can be concluded that the mechanism of supervision of Supreme Court judges in the Indonesian legal system has a strong constitutional and juridical basis through Article 24, Article 24A, and Article 24B of the 1945 Constitution of the Republic of Indonesia, Law Number 48 of 2009 concerning Judicial Power, Law Number 14 of 1985 concerning the Supreme Court as last amended by Law Number 3 of 2009, and Law Number 18 of 2011 concerning Amendments to Law Number 22 of 2004 concerning the Judicial Commission. Supervision of Supreme Court judges is carried out through an internal supervision mechanism by the Supreme Court and external supervision by the Judicial Commission with the aim of maintaining the independence, integrity, and accountability of judicial power. Nevertheless, the current oversight system still faces various normative and empirical issues, including overlapping authority between the Supreme Court and the Judicial Commission, unclear boundaries between ethical and technical judicial oversight, weak legal certainty in the implementation of oversight, limited authority of the Judicial Commission in following up on examination results, and suboptimal inter-institutional coordination. Numerous cases of ethical violations and abuse of authority involving judicial officials demonstrate that the existing oversight mechanism has not fully achieved a balance between judicial independence and judicial accountability. This situation has led to a decline in public trust in the judiciary and highlights the need for more comprehensive legal reform to create an effective, transparent, and legal-certainty oversight system for Supreme Court judges.

Legal reform of the oversight mechanism for Supreme Court judges needs to be implemented through the reformulation of legislation that clearly regulates the division of authority between the Supreme Court and the Judicial Commission, particularly regarding the boundaries of technical judicial oversight and ethical oversight of judges, to eliminate conflicts of authority and ensure legal certainty. Revisions to the Supreme Court Law and the Judicial Commission Law should be directed at strengthening external oversight authority while maintaining the principle of judicial independence, including through the establishment of a binding follow-up mechanism for recommendations from the Judicial Commission. Establishing an integrated oversight system based on coordination between the Supreme Court and the Judicial Commission, strengthening the transparency of oversight results, developing an integrated electronic complaints system, publicly publishing ethical decisions, and conducting regular integrity audits of Supreme Court judges are concrete steps that need to be implemented to strengthen the accountability of the judiciary. These regulations must be oriented towards establishing a supervisory system capable of maintaining the honor and dignity of judges without compromising their independence in carrying out their judicial functions. Through comprehensive and sustainable legal reform, it is hoped that a mechanism for oversight of Supreme Court judges will be realized that is based on legal certainty, guarantees the independence of the judiciary, strengthens judicial integrity, and increases public trust in the judiciary as a key pillar of a democratic state based on the rule of law.

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