

The Importance of the Judicial Commission's Commitment in the Implementation of the State

Joko Sasmito¹, Erwin Owan HS², Bahtiyar Effendi³

jokosasmito112233@gmail.com, Erwin.owan@dsn.ubharajaya.ac.id, tiyar4efendi@gmail.com

¹UNISSULA, ²Universitas Bhayangkara Jaya, ³UNISSULA

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Abstract

The judicial commission is an institution that has the authority and duty to uphold the dignity and honor of judges. Judges in carrying out their duties need to show high wisdom and ethics. For this reason, the judicial commission exists in order to help protect judges by supervising and controlling the behavior of judges. However, many judges and even supreme justices have been caught violating ethics and applicable law. This is an indication of less than optimal supervision and control of the judicial commission. Seeing this, researchers feel the need to see the importance of the commitment of the judicial commission in the administration of the state. In this study, researchers used the literature study method with books and journals as the main source and other relevant data as secondary data sources. The commitment of the judicial commission is very important for the administration of the state. The commitment of the judicial commission will make the judicial commission better in supervising and controlling the behavior of judges. This commitment will also assist the judicial commission in overcoming pressure, solicitation of collusion, and even threats from outside in carrying out its duties.

I. Introduction

Commitment is a psychological factor that is very important in every thing done by humans. Based on Greenberg and Baron (1993, in Chairy, 2002), workers who are committed to the organization they occupy will show a productive attitude and in accordance with the organization they occupy so that it will be profitable for the organization. When a human being is in an organization and is committed to the organization, then he will be able to reflect behavior that is motivated to achieve the goals of the organization so that it will have a very good impact on the future of the organization. The behavior of people who have this commitment are (1) having strong beliefs and accepting the goals and

values of the organization; (2) willing to attend and provide significant effort for the organization; and (3) amature desire to remain in the organization so that one's attitude will conform with the ethics and norms of the organization (Porter dkk., 1974). In legal institutions, there is a great need for commitment to upholding the law so that the process and law enforcement can occur properly. So it can be said that a country based on law must have law enforcement officers who are highly committed to the institution they occupy (Asshiddiqie, 2016). Indonesia is a country based on democracy and law, so it is necessary to administer the state with three agents that have executive, legislative and judicial functions (Darmono, 2007). One of the agents that is the pillar of the establishment of a democratic country based on law is the judicial commission which becomes a supervisor and provides control over the attitude of judges so that they act according to the dignity and ethics of a wise judge (Azed, 2017).

Indonesia is a legal state that has been established in law so that it is impossible to argue that everything that exists/happens within the territory of Indonesia must be regulated by law (Asshiddiqie, 2011). The application of this rule of law gives a special meaning to the Indonesian nation because the principle of a rule of law will provide protection for human rights for all Indonesian people regardless of their position and property, The division of state power so as to create a clean and integrity government, the implementation of a state that has people's sovereignty, ensuring that the government runs its government based on existing law and the procurement of justice administration in the country that guarantees justice and integrity. These things are done in order to achieve the ideals of the state stated in the 1945 Constitution, but keep in mind that all of these things must be carried out thoroughly and consistently to achieve these coveted ideals (Siallagan, 2016).

In the implementation of the rule of law by the Indonesian people, there is Pancasila which is the main guideline in this implementation (Hanafi, 2016). Pancasila where in the second precept namely "Just and civilized humanity" provides a foundation for state procurement which must humanize humans in a fair and civilized manner, this means that the state must apply to all human beings who are objects of law in a fair manner regardless of background or physique. To be in the second precept is intended as a treatment for every human being who must be civilized so that he respects every human being according to his dignity regardless of what he has done. Another precept that forms the basis of the rule of law for the Indonesian nation is the fifth precept which states that "Social justice for all Indonesian people" requires the state to provide fair treatment to all Indonesian people (Ayudya, 2014). Social justice in question is that every Indonesian people in the eyes of law and society is equal

to one another (Herawati, 2014). The administration of a law-based state government based on Pancasila requires the establishment of a legal entity which can provide the treatment referred to in the second and fifth precepts. One of the institutions that helps the judicial process run fairly and smoothly is the judiciary.

The judge is someone who leads the course of the trial from the opening to giving the final decision (Yuliska, 2019). Looking at the duties and powers of judges, it is clear how important the role of judges is in legal trials. Judges in the judicial process have the duty and authority to examine, try and decide on a case which will be protected and freed by the state from various interventions from all parties and all forms of interference that may be given with the aim of ensuring the impartiality of judges in the interests of these parties and also ensures that judges only side with law and justice for the sake of the realization of the legal state of the Republic of Indonesia (Hakim, 2017).

The role of the judge has a significant influence on people's perceptions of the applicable law (Yuliska, 2019). The judge who presides over the trial has the duty to provide evidence in real terms in criminal proceedings. Judges can guide trials according to the law and interpret the law in an effort to fill legal gaps. This void will show the character and attitude of a judge, because his authority to interpret the law will cause a case to become clear or dark (Mitendra, 2018). This makes the judge's position to reverse justice so that the law does not run smoothly. This, if it happens, will indicate that the legal apparatus of the state has not functioned properly so that it will definitely cause great harm to the community, whether it is related to the session being chaired or the wider community. This is because the public will see that the existing justice system has judges who are not wise and honest so that the public will see that the applicable law can be mocked. The law, which previously had a comprehensive and fair character, became a tool for people who have power in the perspective of society so that people will behave indifferently to the law and are afraid to seek justice through the legal justice process (Siregar, 2014).

In a survey conducted by the Saiful Mujani Research & Consultant Institute in 2020, it was found that out of the entire Indonesian community, 64% believed in the existing judicial institutions and 29% did not trust them, while 7% did not understand. This shows that more than half of the people believe in the legal courts in Indonesia. This number may be considered large, but it is necessary to remember that there is a need to improve the performance and integrity of the judiciary because there are still many people who do not believe it.

The judge himself has supervisors and controllers, namely the judicial commission. This commission has the authority and mandate from the 1945 Constitution to create judges who have good dignity and high ethics so that they are free from corruption, collusion and nepotism (KKN) by overseeing the code of ethics and behavior that has been carried out by judges, whether this behavior is in accordance with ethics and in accordance with applicable law (Wiriadinata, 2014). This commission has a very important and strategic role in procuring the judicial process, so it must run well. In fact, the Judicial Commission has not been able to function properly and effectively in supervising and controlling the behavior of judges (Thontowi, 2011).

2. Research Method

The research in this article uses a qualitative literature study or (library research). This research is essential because this qualitative method aims to find the motives or causes that underlie human behaviour (Kusumastuti & Khoiron, 2006). Qualitative research is research to explore and understand well the meanings that are considered by a person or group to be ascribed to social or humanitarian problems. This qualitative research is also related to qualitative phenomena, such as investigating something related to the reasons why humans behave. This research process contains significant efforts, such as questions, and procedures, which are discussed very specifically by each resource person or participant, analyzing themes from specific or detailed to general themes inductively, and interpreting or interpreting each word's meaning (Creswell, 2012).

Meanwhile, library research is a method of collecting data collected by understanding and studying existing theories from various literature related to the research being carried out. There are four stages in library research: preparing the tools needed in research, preparing a work list, operating time, and recording and reviewing research materials (Zed, 2004). In this literature study, data was collected by searching for data from various sources from several books, journals, and existing research studies. The materials in this library contain various references, which are analyzed critically and in-depth to support the proportions and ideas that support the research being carried out (Fadli, 2021). Another opinion says that library research or library research means data collection techniques by reviewing books, notes, or literature to report material from existing problems to be solved (Nazir, 1998). This literature study or library research can also be interpreted as a theoretical study, reference books or other readings closely related to culture, norms, and values that are

developing in the social conditions being studied (Sugiyono, 2012). This literature study or library research obtains various data from the results of studying various books as reference material or using the results of similar previous research results and can assist in the improvement of subsequent articles in order to get the basis of existing theories to examine the problem to be studied (Jonathan, 2006).

This in itself should be of particular concern to the state because it can be seen the lack of integrity and commitment which causes judges to be considered to be less than optimal and have integrity in carrying out their duties. Therefore, it is necessary to trace the importance of the commitment of the judicial commission in supervising and controlling the behavior of judges. This study uses literature studies using books and scientific research as the main data. Other relevant data as secondary data sources.

3. Results and Discussion

One clear evidence of the ineffectiveness of the judicial commission is that one of the supreme court judges at the Supreme Court (MA) Sudrajad Dimiyati became one of the corruption suspects in alleged bribery in his involvement in handling cases at the Supreme Court. Public trust decreased even more when it was discovered that one of the Supreme Court justices who had a high position and had even undergone a fit and proper test by the People's Representative Council (DPR) was still caught in a corruption case which indicated that the judge lacked commitment and integrity, the noble for the position and trust that he found. This is a very strong indicator of the ineffectiveness of the judicial commission where many other judges have been caught committing abuse of power. Based on Gabrillin (2019)), it is known that from 2012 to 2019 there were 20 judges involved in corruption.

One function that also needs to be considered is the function of the judge as an interpreter of law. It must be admitted that the laws created by humans cannot be perfect because in essence perfection only belongs to God. Law in an effort to regulate the lives of its subjects requires a judge to provide a legal interpretation of a case so that law enforcement in the case is correct and correct even though it may not be explicitly regulated by law. This effort is also known as an effort to fill the legal void and is also a concern for future law makers. Interpretation of law is also a function of the judiciary to make changes to the constitution.

Judges use legal interpretations of the constitution in the sense that judges can add deficiencies to the applicable law, reduce laws that are deemed unnecessary or too ambiguous, or judges can also improve existing laws (Sulistyono dkk., 2017). This will assist in the interpretation of the law and ensure that existing laws are interpreted safely without disturbing the spirit of justice and morality. This adds to the importance of the judge's position, because of the wide range of interpretations of the law that can be carried out (Khasanah & Lumbanraja, 2022). Where it can be a double-edged sword in law, a judge can use it to resolve a case in accordance with existing law but the regulations are unclear, but it can also be a sword that cuts through the law itself. This interpretation is also a loophole for judges who have no integrity and are evil in their decisions to commit corruption, collusion and nepotism (KKN) because the ability to interpret law is so strategic (Yanto, 2010). then it will be an interest to regulate and control the behavior of judges so as not to deviate from the ethics and dignity that should be (Salma, 2018). For that commitment in supervising and controlling the judicial commission is needed.

In article 24 of the 1945 Constitution it can be seen that a judge can hold a trial with the aim of finding justice and upholding the law. In article 24A of the 1945 Constitution it is known that a Supreme Court Justice must be proposed in advance by the judicial commission and requires the judicial commission to nominate individuals who have integrity and a personality that is fair, professional, beyond reproach and has experience in the field of law (Darusman, 2013). The judicial commission will need to be very careful and careful in placing the proposal for a candidate for Supreme Court Judge because this position has significant influence because if you look closely at the articles mentioned above it is known that a Supreme Court Judge has the authority to try cases at the cassation level and examine laws that apply. In addition to this, the supreme court also has an authority to propose 3 candidates for members of the constitutional court which is authorized to give a final decision on laws, violations that the president or deputy may commit, and disputes that may occur in general elections. So in short, the Judicial Commission will indirectly influence the placement of the right individuals to become the axis of democracy and law in Indonesia. One function that also needs to be considered is the function of the judge as an interpreter of law. It must be admitted that the laws created by humans cannot be perfect because in essence perfection only belongs to God. Law in an effort to regulate the lives of its subjects requires a judge to provide a legal interpretation of a case so that law enforcement in the case is correct and correct even though it may not be explicitly regulated by law. This effort is also known as an effort to fill the legal

void and is also a concern for future law makers. Interpretation of law is also a function of the judiciary to make changes to the constitution.

The judicial commission is a commission that is very important for the continuity of the legal process with integrity and fairness. Judging from the role and function of the judge in court, it can be seen that this position is a special honor. This honor must be maintained and upheld by the person filling the position, and also assisted by an independent institution, namely the judicial commission institution (Asshiddiqie, 2019). The judicial commission itself has a very good function and is wanted by the Indonesian people, but this makes some people in power uneasy. This happened because the judicial commission has the function of eradicating and cleaning the judiciary from legal mafias, namely people who trade laws and decisions.

The legal mafia is not something new. It is even known that a high judge named Harini Wijoyo was sentenced to 4 years in prison for trying to bribe the supreme court. The judge functions as an intermediary for other interested persons in trying to manipulate the law. Things like this were explained by Mahfud MD as Judicial corruption (Saragih, 2022). In 2021 alone, with a span of 4 months, it was reported by the judicial commission itself, that they had received as many as 494 public reports and 359 copy letters which reported alleged violations of the Code of Ethics and Judges' Code of Conduct (KEPPH) KY Received 494 Reports of Alleged Violations of the Judge's Code of Ethics, 2021). Explained by Syahuri (2002, in Saragih, 2022) that there are weaknesses in internal supervision of the judges of the supreme court, this is due to (1) Inadequate quality and integrity supervisors; (2) The inspection process is disciplined but not transparent; (3) It is difficult for people who feel aggrieved to report, see the investigation process, and see the results of the report; (4) There is a spirit to defend others which makes unfair treatment in imposing the law; and (5) There is no strong commitment from the leaders who lead the judiciary. Therefore it is very important for the judicial commission to commit to creating a court that is clean, has integrity, and is free from legal mafias through monitoring the behavior of judges and judicial officials (Masyhud, 2016).

Organizational commitment is something that is very necessary in a judicial commission. The judicial commission, which has such a noble and good task, has caused those in power to worry. This concern is of course a separate action for the judicial commission such as pressure, attempts to invite collusion, threats, and many others. For this reason, it is very necessary to commit every individual in the organization to organizational goals (Handoko & Handayani, 2017).

Organizational commitment itself can be understood through the approach described by Allen and Mayer. Where it is explained that the nature of commitment can be divided into 3 dimensions through 3 concepts. First, the commitment to sustainability which relates to the costs incurred for abandoning and feeling a lack of alternatives. Individuals with high continuance commitment will continue to be in the organization because they feel there are important reasons to stay in the organization. Second, affective commitment, which is defined as an emotional attachment between the individual and the organization. The individual will continue to be in the organization because of the desire to work in a high organization. Third, normative commitment, namely the feeling of obligation by individuals to stay in the organization because of the norms and values they believe in (Rachma, 2017).

This approach certainly illustrates how important the commitment of the judicial commission is in administering a rule of law state. the judicial commission which is an independent agency whose function is to clean up and oversee the judiciary in the state will make many people in power feel uneasy and the people happy. Therefore it is known that the person who fills the judicial commission must have a high commitment to the organization so that the values and objectives of the judicial commission can be fulfilled. The importance of the goals of the judicial commission itself can be the root of the commitment of the individuals in it. Not to mention seeing from the emotional feelings that have been felt by the community the desire to have a legal trial that is clean and with integrity. There are also many members of the public who feel an obligation to clean up the justice system which is a call to work honestly and reliably.

This organizational commitment will bring good benefits to the judicial commission. High commitment will make individuals who work in the organization willing to give their full effort and even sacrifice so that they can fulfill organizational goals. This is of concern because there are so many threats, be it in the form of pressure or threats, that the judicial commission might receive. Many cases have reflected that the legal mafia will try to even kill those who threaten its power.

4. Conclusion

The judicial commission is a very important commission for the administration of the state. The judicial commission has a very noble function and objective, namely to maintain the dignity and honor of judges by providing supervision and control over the behavior of judges. This guard will also make the legal

courts clean from the legal mafia. The commitment of the judicial commission itself is important because its noble purpose will invite many challenges, both psychologically and physically. The challenge will come during the establishment of the judicial commission because as long as there is light there will be darkness. The judicial commission may accept offers of bribes, pressure, threats and so on, but with a strong commitment from individuals within the judicial commission to realize the objectives of establishing a judicial commission, it will make them survive and feel their obligation to survive and fulfill the objectives in order to create and maintain the dignity of the members, judges and legal courts of the Republic of Indonesia.

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