

JUDGES' CODE OF ETHICS AS THE BASIS OF JUDGES' MORALITY IN ADDRESSING DECISIONS

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Abstract

Many focus on the performance of judges, and most state that the performance of judges in Indonesia is abysmal, even though their decisions must truly achieve justice as expected by justice seekers. The principle of independence can be bent under the pretext of personal interests. This research aims to analyze the judge's code of ethics as the basis for the judge's morality in sentencing. Research data was obtained through a comprehensive literature study and analysis of related legal documents, including legal texts, government regulations and court decisions relating to the two provinces. After the data was collected, an analytical approach was taken using the legal and constitutional framework as a guide. The research results show that judges deciding a case in court are based on various statutory regulations to underlie and support judges so that they can settle cases submitted to court truly independently and free from interference from any party. This means that statutory regulations honestly guarantee the independence of judges in handling and deciding cases. The judge's morality in examining and deciding every case handled by the court is based on high moral values, both originating from conscience as the most profound whisper of the heart and based on religious teachings. To become a judge so that the resulting decision can be fair and wise, the judge must have a solid spiritual foundation, be honest, and have the courage to take a firm stance.

I. Introduction

The toughest test for a judge is when he has to decide on the case he is handling and whether the decision is fair or not. In handing down a decision, a judge must act wisely because a wrong decision will undoubtedly harm the parties who are disadvantaged/burdened by the judge's decision (Sinaga & Bolifaar, 2020). When considering, of course, the judge takes into account external and internal factors. External factors relate to various existing regulations, from the highest regulations to the lowest regulations (El Hakim, 2021). Meanwhile, internal factors are in the form of the judge's

considerations relating to the belief/determination that the decision taken is correct and appropriate. Internal factors in the form of a judge's conscience/voice will speak according to the actual value of truth even though sometimes it does not comply with all existing regulatory provisions.

Judges, as autonomous humans, have Freedom. Therefore, they are free to make decisions, and no party can intervene (Rahman et al., 2022). With regard to the basic regulations regarding judicial power in Indonesia, in the explanation of Article 24 of the 1945 Constitution, it is stated that "Judicial power is independent power, meaning that it does not depend on the influence of government power. In this case, there must be a guarantee in the law regarding the position of judges." This provision means that all matters relating to social and state life in Indonesia are regulated by law. To enforce this mandate, the government has established a judicial institution that is independent and free from executive intervention (Salsabila et al., 2024). As a concrete step towards this mandate, Law Number 35 of 1999 concerning Amendments to Law Number 14 of 1970 concerning Basic Provisions of Judicial Power was promulgated (Juniansyah & Zahri, 2024).

Law Number 4 of 2004 states that judicial power is an independent power; therefore, to realize that judicial power is independent and does not depend on government power, it is necessary to make a strict separation between judicial and executive functions. Including organizational, administrative and financial matters under one roof, namely the Supreme Court, so that pressure from the executive can be avoided entirely (Siregar, 2021). The main aim of the birth of this new law is so that judges, in carrying out their duties to create justice through the corridors of law, can actually be realized. Judges are fearless of sanctions from their superiors if they decide a case in court that is not in line with government policy so that people seeking justice can genuinely enjoy the sense of justice they have always dreamed of (Simanjuntak, 2022).

An interesting article to discuss is related to the morality of judges, considering that public attention to the performance of judges is really very bad (Tjipta Lesmana, 2007: 1). Pay attention to the article submitted by Tjipta Lesmana with the title "Is the End of Our Law Enforcement?" As a seeker of justice, I am very concerned because the judiciary, which is generally glorified as the last bastion of justice seekers, cannot fulfill society's demands for justice (SARI, 2022). The public still finds many controversial court decisions, even clearly indicated as acts of judicial corruption, which, of course, becomes an obstacle to the legal justice desired in a rule-of-law state (Pinarta & Martha, 2020).

Regarding the performance of judges as independent institutions, the performance of court judges in Indonesia in adjudicating cases still needs to be improved to the legal strength of the judges themselves. Kompas, on April 4, 2005, presented the results of its opinion poll, which showed that 73% of respondents stated that the performance of judges still depended on other parties. Meanwhile, 86% of respondents stated that judges were not accessible from the practices of corruption, collusion and nepotism. In criminal cases, 63% of respondents expressed dissatisfaction with the performance of judges in enforcing the law because it was full of money politics (Rayfindratama, 2023).

The practice of the judicial mafia freely manipulating court decisions shows how devastating Corruption, Collusion and Nepotism are. This harmful condition can be seen from the results of a poll which stated that 80% of respondents thought that the justice mafia network had touched everything from police officers, lawyers, and judges to prosecutors. This

condition has a direct impact on the ability of law enforcement agencies to escape the influence of outside parties on a judge's decision in handling a case (Lailam, 2020). Likewise, with the performance of judges in court in handling corruption cases, as stated by Marni Emmy Mustafa (2004: 2), the obstacles faced by judges in adjudicating corruption cases are related to who the intellectual actor should be in the defendant's chair. As a result, the judge handed down an unbalanced sentence. So, public opinion emerged that the justice system was not sound, namely that it was accused of protecting certain people (Hidayah & Lutfi Zarkasi, 2021).

The biggest temptation for independent judges in adjudicating corruption cases is not from the executive but from people who have money or conglomerates. They often offer sizable sums of money if they can exonerate prosecutors from their charges. In the view of ordinary people, the case of Adelin Lis' release from legal bondage is an example of the work of judges who are not neutral (Lestari, 2023b). Marni Emmy Mustafa's statement above is quite reasonable if it is related to the results of research conducted by New York University, which shows that the executive no longer influences the independence of judges but has quite a significant influence when the budget for the judiciary is covered. Strangled or very tight. This is where the independence of the judiciary is destroyed (Nixon et al., 2021).

The dream of ridding the legal world of the practice of manipulating cases seems challenging to realize, even though very intensive efforts have been made both in terms of institutions, systems, and expanding supervision of the performance of law enforcement officers (Sunaryo & Purnamawati, 2019). From an institutional perspective, a Judicial Commission has been formed, and its main task is to eradicate various disgraceful acts committed by law enforcement officials. The first significant work was carried out by selecting judges as the spearhead and source of seeking justice (Ariyanti, 2019). The work that is directly related to the results of the judge's performance is checking whether the judge's decision is in accordance with the provisions of the statutory regulations or not, as well as cleaning the judge's performance from non-juridical elements.

From a system perspective, many laws and regulations aim to rid the legal world of various immoral acts that can tarnish the world of justice (Court Abuse) (Jailani Tanjung et al., 2019). Likewise, in terms of the morality of judges, the Supreme Court has established guidelines for the behavior of judges both when serving as judges and when acting as members of society in general. The image of a judge is essential, considering the enormous pressure from certain parties who want to win the cases they submit in court (Syndo, 2022). Expanding supervision of the performance of law enforcement officers is also an effort that is no less important, remembering that no matter how good the rules are if they are not monitored, there is still the potential for irregularities. The implementation of supervision, which has been internal, has apparently not produced optimal results; therefore, expanding supervision carried out by the community both directly and through various non-governmental organizations will also help create clean governance in the legal sector (Monita et al., 2023).

In the second century BC, legal philosophers Cicero and Seneca proclaimed the importance of the world of law as pioneers in upholding justice with the expression:

1. As members of a universal society, humans must pay attention to two lines of relationships, namely, relationships with God and fellow humans.
2. Relations with fellow human beings are based on the principle of not harming anyone and giving everyone their rights (Suhadi, 2001, p. 39)

If we examine it more deeply, actually to create justice in humans, the existing tool is human reason. With reason, humans can consider whether an action is fair or not and whether the action is moral or immoral. Zippelius emphasized that in humans, there is a primary moral agency as a consideration of justice, and there are two attitudes. First is an inner attitude that wants fair treatment and does not want unfair treatment. Second, an inner attitude that is free from positive law that accepts fair treatment and rejects unfair treatment (Lestari, 2023a). In relation to law enforcement, moral issues are a dimension that law enforcers cannot ignore. It is clear that the essence of law enforcement is the enforcement of justice, and in this way, the morality of law enforcement will be created (Widowati, 2021).

The Judiciary Law states that judges have independence in deciding the cases they handle, namely the Freedom to make decisions (Sandro Unas, 2019). With this Freedom, each judge often makes a different decision in a case, and the decisions are often controversial. Based on the background of the problem above, the author formulates the problem of whether the judge's Freedom guarantees that the judge's decision reflects a fair decision and what considerations the judge uses in deciding a case so that the decision is genuinely fair and legally accountable. And morally (Agusta et al., 2020).

2. Research Method

This research is normative juridical research that uses a conceptual approach and a statutory approach. In this research, all sources used consist of secondary legal materials, such as statutory regulations and doctrines that have been recognized in legal science (Fitrian & Muhammad, 2021). A conceptual approach is used to explore and define concepts related to restorative justice. In contrast, a legislative approach is used to analyze the existing legal framework related to the criminal law system in Indonesia (Zulfiani, 2023). By collecting these legal material sources, this research then carried out a qualitative analysis of them. This analysis aims to answer the research objective, namely to explore how the judge's code of ethics becomes the basis for the judge's morality in making decisions (Wibowo et al., 2024). Through this approach, research seeks to provide a deeper understanding of the aspects that need to be considered in integrating the judge's code of ethics as the basis for judge morality in making decisions. Thus, it is hoped that this research can make a significant contribution to providing new views and directions for the formation of criminal law policies that are more humane and oriented towards recovery, reconciliation and true justice in Indonesia.

3. Results and Discussion

Legal force

Free from interference from parties outside the jurisdiction of the judiciary

Judicial power is independent and free from interference from any party outside judicial power. This judicial power is granted in the context of administering justice for the implementation of the rule of law as intended in Article 3 paragraph (3) of Law Number 4 of 2004. The Freedom of judicial power, the implementation of which is handed over to an independent judicial body, is one of the characteristics of a rule-of-law state. In essence, this Freedom is an inherent characteristic of every judicial institution (Palsari, 2022). A country's government system dramatically influences the limits and contents of Freedom. This

Freedom to exercise judicial power is not absolute because, in accordance with Law Number 4 of 2004, the judge's task is to uphold law and justice based on Pancasila by interpreting the law and looking for the underlying legal foundations and principles. All cases before him must be decided in accordance with the authority inherent in his duties, functions and position, as well as his personality, so that his decisions reflect the sense of justice of the Indonesian nation and people (Rai Iqsandri, 2022).

Provisions regarding the Freedom of judges against interference from any party outside judicial authority, as regulated in Article 1, Article 2 and Article 3 of Law Number 4 of 2004, below:

article 1

Judicial power is the power of an independent state to administer justice and uphold law and justice based on Pancasila for the sake of upholding the rule of law of the Republic of Indonesia.

article 2

The implementation of judicial power as intended in Article 1 is carried out by the Supreme Court and subordinate judicial bodies in the general court environment, religious court environment, military court environment, state administrative court environment, and by the Constitutional Court.

State Judicial Agency and Judicial Environment

Provisions regarding judicial power are regulated in Law Number 4 of 2004, Law Number 2 of 1986 concerning General Courts, and Law Number 5 of 2004 concerning the Supreme Court. Law Number 4 of 2004 is the parent and general framework that lays down the foundations and principles of justice as well as guidelines for the general justice environment, religious court, military court and state administrative court, while each court is regulated in a separate law. Law Number 4 of 2004 abolished all laws regarding justice that had previously existed, namely Emergency Law Number 1 of 1951 concerning S wapraja and customary courts. Separate laws regulate the exercise of judicial power. These provisions are regulated in Article 3 of Law Number 4 of 2004.

Article 3:

- (1) All courts throughout the territory of the Republic of Indonesia are state courts and are determined by law.
- (2) The state judiciary administers and enforces law and justice based on Pancasila.

Regarding the judicial environment, it is generally known that the judiciary is divided into general courts and special courts. General justice applies to society in general, and this concerns civil and criminal cases. Meanwhile, this particular court hears cases against certain community groups. Article 10 of Law Number 4 of 2004 regulates that judicial power is exercised by courts in the general justice and particular court environments, which consist of religious, military and state administrative justice environments, and does not rule out the possibility of specialization within each judicial environment.

Article 10:

Paragraph (1) Judicial power is exercised by the Supreme Court and subordinate judicial bodies, as well as by the Constitutional Court.

Paragraph (2) Judicial bodies under the Supreme Court include judicial bodies in the general court, religious court, military court and state administrative court.

In the general judicial environment, there are also known specialties, namely the Economic Court, Children's Court, Commercial Court and Human Rights Court. Provisions regarding Economic Justice are regulated in Article 35 of Law Number 1 of 1961 jo. Law Number 7/Drt/1955 concerning Economic Crimes.

Apart from the four judicial environments regulated in Law Number 4 of 2004, there are still labor courts, housing courts and shipping courts. The Labor Court is implemented based on Law Number 22 of 1957. The Labor Court is implemented based on Government Regulation Number 49 of 1963 and refined by Government Regulation Number 55 of 1981. Meanwhile, the Shipping Court is held by the Shipping Court based on the provisions of S.1914 number 226 concerning Ship Collisions in Inland Waterways, S.1934 number 215 concerning Procedures for Shipping Courts, jo. S. of 1938 Number 2 was amended and supplemented with S. of 1947 Number 66, S. of 1949 Number 103 and Skp. Mphbl. February 18. 1964 Regional Number 4/3/24.

The shipping court is an independent administrative judicial body within the Department of Transportation. The leadership of the Shipping Court is organizationally under the Minister of Transportation. The Shipping Court examines and decides at the first and final level regarding heavy ship accidents.

Composition of the Trial of the Panel of Judges

In principle, all courts adhere to a panel of judges consisting of at least three judges. These provisions are contained in Law Number 4 of 2004 Article 17:

- (1) All courts examine, hear and decide by at least 3 (three) judges, unless the law stipulates otherwise.
- (2) Among the judges, as referred to in paragraph (1), one acts as Chairman and the other as a member of the trial judge.

This principle of the panel of judges is intended to ensure an examination that is as objective as possible in order to protect human rights in the field of justice. Before the enactment of Law Number 4 of 2004, the principle of panel judges had been regulated in Law Number 19 of 1964. However, before the enactment of this law in 1942, the principle of the *Unus Judex* or single judge had been adhered to. To implement the *unus judex* principle consistently, there is a prohibition on examining cases in the District Court by panel (SEMA 2/1951).

This single-judge principle aims to speed up the course of justice or "speed administration of justice." The public generally prefers quick resolution of cases, even though these decisions are less satisfying than objective decisions that take a long time. People who are litigating expect immediate certainty regarding their case, which may determine the fate of their life and not the other way around because the resolution of the case takes a long time, so their fate hangs in limbo for a long and uncertain period.

Regarding the structure of the High Court hearings in examining civil cases, article 15 of Law Number 20 of 1947 regulates that the High Court, when examining appeal cases, examines and decides with three judges. However, Article II of Emergency Law 11/1955 provides the possibility to decide together with the judge, namely if determined by the Chairman of the High Court. In practice, exceptions to Article II are often used to consider the speed of trials or the lack of judges (Supreme Decision of September 28, 1968).

After the publication of SEMA 02/1975, dated August 28, 1975, the Supreme Court ordered

the Heads of High Courts and District Courts to determine major cases, taking into account the nature of the case, the value of the lawsuit or attracting public attention, especially regarding civil cases where the State/Region is Private. or the Government/State Apparatus acting on behalf of a Swatantra Regional State as a party must be examined by a panel of judges. The Supreme Court itself carries out the nature of this panel of judges; namely, the Supreme Court decides with at least three judges. These provisions are contained in Law Number 5 of 2004 article 40.

The Constitutional Court also applies this principle of panel judges. The composition of the Constitutional Court consists of a Chairman who is also a member, a Deputy Chairman who is also a member, and 7 judges. The Constitutional Court hears and decides in a plenary session of the Constitutional Court with 9 judges, except in extraordinary circumstances with 7 constitutional judges led by the Chief Justice of the Constitutional Court. These provisions are contained in Law Number 24 of 2003, article 28.

- (1) The Constitutional Court examines, adjudicates and decides in a plenary session of the Constitutional Court attended by 9 (nine) constitutional judges, except in extraordinary circumstances when attended by 7 (seven) constitutional judges led by the Chief Justice of the Constitutional Court.
- (2) In the event that the Chief Justice of the Constitutional Court is unable to chair the plenary session as intended in paragraph (1), the hearing will be chaired by the Deputy Chairperson of the Constitutional Court.
- (3) In the event that the Chairman and Deputy Chairman of the Constitutional Court are unable to attend, the plenary session is chaired by a temporary chairman who is elected from and by the members of the Constitutional Court.
- (4) Prior to the plenary session, as intended in paragraph (1), the Constitutional Court may form a panel of judges whose members consist of at least 3 (three) constitutional judges to examine the results of which are discussed in the plenary session to make a decision made.
- (5) The Constitutional Court's decision was pronounced in a session open to the public. If the provisions as intended in paragraph (5) are not complied with, then the decision of the Constitutional Court is invalid and has no legal force.

Judge's Authority

There are two types of judge's authority, namely absolute authority and relative authority. Absolute authority is authority related to the subject matter of the lawsuit. In contrast, relative authority is authority related to the jurisdiction/legal area, namely the place where the lawsuit must be filed, either to the District Court where the defendant lives. Alternatively, to the District Court where the plaintiff lives.

The main task of the court is to exercise judicial power, namely receiving, examining, adjudicating and resolving every case submitted to the court. In Article 5, paragraph 3a of Emergency Law 1/1951, it is stated that the District Court is an ordinary, everyday court for the entire population, which has the authority to examine and decide in the court of first instance all civil and criminal cases. which has previously been examined and decided by the existing court. Abolished. Meanwhile, Article 50 of Law Number 8 of 2004 states that the District Court has the duty and authority to examine, decide, and resolve criminal and civil cases in the first instance.

The powers of the District Court in civil cases cover all disputes regarding property rights or rights arising from that place or other civil rights. Unless there are provisions in the law stating otherwise,

for example, examining and deciding on divorce for those who are Muslim is the authority of the Religious Court regarding labor disputes by P4D or P4P. House rental matters were initially entirely under the authority of the Head of the Housing Affairs Office, then with the PP. 55/1981, dated December 24, 1981, concerning housing rental relationships, in particular regarding termination of housing rental relationships without the agreement of both parties, can only be done with a district court decision.

It has been mentioned above that civil cases include all disputes regarding property rights or rights arising from that place, as well as debts or other civil rights. From other case formulations, it can be concluded that the definition of civil cases includes both cases containing disputes (contentious) and those that do not contain disputes (volunteer). Basically, when filing a lawsuit in a civil case, the principle of "point d'interet, point d'action" applies no interest, no demands, meaning that as long as there is a legitimate interest, someone can file a lawsuit. Claims for rights, both claims that contain disputes and claims that do not contain disputes, are requests.

Article 5, paragraph 3a of Emergency Law number 1 of 1951, concerning efforts to organize the structure, authority and procedures of civil justice, does not only cover disputes or controversial cases but also contains the meaning of resolving problems related to voluntary jurisdiction—namely the claim of rights that cannot be disputed. However, in practice, civil lawsuits that do not contain disputes (voluntary) often give rise to problems, especially regarding the determination of heirs (waris fatwa). It is not uncommon for parties who apply for the determination of heirs to be dishonest and not present all the existing heirs so that the decision is incorrect because it does not correspond to reality and is detrimental to other heirs who are not mentioned in the application. In such circumstances, the Supreme Court takes anticipatory action, namely that for voluntary cases, it is basically not within the authority of the court and only becomes the authority of the court if there are statutory provisions that determine otherwise. Basically, the court's authority is only limited to cases that are disputed or fall within controversial jurisdiction.

The Supreme Court's anticipatory action is not appropriate because the judge's main task is to receive, examine, adjudicate, and resolve every case submitted to him (article 2 paragraph 1 of Law No. 14 of 1970). In the article-by-article explanation, it is stated: (1) The settlement of every case submitted to the Judicial Body means that the settlement is related to the volunteer's jurisdiction. Apart from that, judges may not reject, examine, adjudicate and resolve cases submitted to them as long as they have legal interests. Considering that both voluntary and contentious claims are rights, the principle is that voluntary claims "are basically or generally within the authority of the court, unless there is a law that determines otherwise." So, in general, this is the authority of the court unless otherwise determined. If voluntary claims are not within the court's jurisdiction, then to whom should voluntary claims be submitted? The court is the last place of escape for justice seekers who seek justice.

Relative Authority (Relative Competence) relates to which court the lawsuit must be filed. This concerns the distribution of judicial power relative to judges. In fact, this relative competence is related to the jurisdiction of the court. This relative competency is regulated in Article 118 HIR. This relative authority is in accordance with the principle of "actor sequitur forum rei" as outlined in article 118 paragraph 1 HIR, 142 paragraph 1 Rbg. So, the lawsuit must be submitted to the District Court where the defendant lives. If the plaintiff resides in Yogyakarta while the defendant resides in Surabaya, then the lawsuit is filed at the District Court in Surabaya. It is not appropriate for the defendant to appear at the District Court where the plaintiff lives. The defendant cannot be forced to appear before the District Court where the plaintiff lives; just because the plaintiff is suing him, it does not necessarily mean that the claim is valid. It is not the defendant's will if the plaintiff sues him. Apart from that, it is still being determined if the court will grant the plaintiff's lawsuit. Therefore, the defendant must have his rights respected and recognized as long as the truth of the plaintiff's claims has not been proven so that he cannot be forced to make sacrifices for the interests of the plaintiff,

who does not necessarily live in the same house—city as defendant by filing with the District Court where the plaintiff lives. The defendant must be considered the correct party as long as it cannot be proven otherwise.

Judge's Freedom

The word Freedom is equivalent to independence, namely a state or characteristic of being free and independent. A judge's Freedom means that in carrying out his duties as a law enforcer and creator of justice in the world of justice, he has an independent nature and does not depend on any power, authority or influence in deciding a case he handles. Adherents of free law (Freirechtshlehre), where judges adhere to the principle of Freedom when applying the law. Judges, as officials of judicial institutions, are people who form laws. Laws and customs, including conventions and the like, are not sources of law but only function as tools to assist judges in their efforts to find the law in concrete cases (Suhadi, 2001, p. 21).

Based on the independence of judges, deciding a case does not require assistance or interference from other parties because if the decision-making to decide a case involves elements outside the judge, then the judge's independence becomes non-existent. Here, the judge has his considerations when deciding a case or in determining the severity of the sanctions he will impose. To show the independence of judges in deciding a case in court, (M. et al., 2003: 1) states that there are 3 elements of independence, namely:

First, judicial independence is the independent administration of justice, which the court itself handles. This one-roof system was formed with the enactment of Law Number 35 of 1999 concerning Basic Provisions of Judicial Power. Second, the authority for judicial review was initially only permitted to be carried out on legislative, regulatory products based on laws carried out by the Supreme Court. However, after the existence of the Constitutional Court, the judicial review became very clear, namely that, in the end, all statutory regulatory products could be subjected to judicial review. Third, another element of independence is the liberation of the judiciary from the influence of business and politics. The world of justice must be, as far as possible, freed from various forms of buying and selling of justice carried out by its officials and prevented from influences outside the court.

To support the independence of judges, the judge's code of ethics must be adapted to international standards and carry out open supervision in its implementation. By adhering to the professional code of ethics, judges will act independently and free from influence outside the court.

Judge Independence in the Moral Dimension

He determines his actions in the sense of human life entirely of Freedom. Free because the possibility of acting is not limited by coercion or attachment to other people (Achmad et al., 1987, p. 39). A person is declared free if:

- a. He can determine his own goals and what to do.
- b. They can choose among the possibilities available to them.
- c. He is not being forced to do something that is not of his own choice or prevented from doing what he chooses by the will of other people, the state or any power.

This human Freedom includes:

1. Physical Freedom, namely the Freedom to carry out physical actions.
2. Freedom of the Will, namely the Freedom to want something. The reach of Freedom of will is as far as the reach of the possibility of thinking because humans can think anything and have any desires. However, Freedom of thought will be influenced from outside, for example, by information, psychological and physical pressure, hypnosis, or drugs. The more an action is carried out until the goal is achieved, the stronger the person's will will be.
3. Moral Freedom, namely the absence of obligations. A person is free if his possible actions are not mandatory and there are no prohibitions.

Judge's Freedom in Making Decisions

The Freedom of judges is fundamental to achieving legal justice, as everyone desires. The judge's Freedom can be realized if, in handling each case, the judge is free from influences that could make his decision unfair. Political factors, economic interests, or social factors must not influence judges in making decisions. Likewise, a judge must be free from the internal factors of the judge's personality so that the decisions taken can be free from motives that can influence the way of thinking and mislead the decision.

A judge's Freedom in handling the cases before him can be seen as a sign of a judge's performance, as stated by Van Gerven in taking one of the various alternatives given to him by both the prosecutor and attorney (lawyer) in the evidentiary process. is not an easy and light activity. A judge needs quite a long time to make wise decisions and be free from non-juridical influences (Van Gerven, 1990: 1). To make wise decisions, judges must decide the cases before them according to their conscience. Judges must reflect, namely, whether my decision is correct, fair, or meets society's expectations. The judge must reflect on all that. Justice is relative, but justice must be the goal. The means that can bridge the achievement of justice are law and legal certainty (Andi et al., 2006, p. 36).

To be a judge who can make decisions, the judge needs to have internal supervision, namely conscience supervision, that originates from himself. "The supervision of our conscience will always remind us if we want to commit deviations. So, with conscientious supervision, in carrying out its duties, our judicial institutions are not burdened, and ultimately, we can make this work into art (Andi et al., 36-37). The reality that occurs in enforcing the principle of independence is that the expected results have yet to be achieved. A poll conducted by Kompas in 2000 showed the results: 70.1% of respondents said they were dissatisfied with the performance of the national judiciary; 19.7% said they were satisfied; and 10.2% said they did not know (Fajrul Falaakh, 2003: 1).

Observing the results of the opinion poll above, I, as a justice seeker, am very concerned because the judiciary, which is generally glorified as the last bastion of justice seekers, is unable to meet society's demands for justice. The public still finds many controversial court decisions, even clearly indicated as acts of judicial corruption, which, of course, becomes an obstacle to the legal justice desired in a rule-of-law state.

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parties. Meanwhile, 86% of respondents stated that judges were not accessible from the practices of corruption, collusion and nepotism. In criminal cases, 63% of respondents expressed dissatisfaction with the performance of judges in enforcing the law because it was full of money politics.

The practice of the judicial mafia freely manipulating court decisions shows how devastating Corruption, Collusion and Nepotism are. This harmful condition can be seen from the results of a poll which stated that 80% of respondents thought that the justice mafia network had touched everything from police officers, lawyers, and judges to prosecutors. This condition has a direct impact on the ability of law enforcement agencies to escape the influence of outside parties on the judge's decision in handling a case (Tweki Triardianto, 2005: 2). Likewise with the performance of judges in court in handling corruption cases, as stated by Marni Emmy Mustafa (2004: 2) that the obstacles faced by judges in adjudicating corruption cases are related to who the intellectual actor should be in the defendant's chair. As a result, the judge handed down an unbalanced sentence. So, public opinion emerged that the justice system was not sound, and it was accused of protecting certain people. The biggest temptation to the independence of judges in adjudicating corruption cases does not come from the executive but from people who have money or conglomerates. They often offer sizable sums of money if they can exonerate prosecutors from their charges.

Marni Emmy Mustafa's statement above is quite reasonable if it is related to the results of research conducted by New York University, which found that executives no longer influence the independence of judges. However, a significant influence comes from conglomerates that have money. This kind of influence can occur when the budget for the judiciary is strangled or very tight. This is where the independence of the judiciary is destroyed (Tweki Triardianto, 2005:)

Fair and Wise Judge Behavior

The fair and wise nature of a judge, as formulated in the Draft Regulations Concerning Judges' Code of Conduct, contains 10 (10) principles that a judge must implement. The ten principles are:

a. Behave Fairly

Justice basically means putting everything in its place and giving rights to everyone, which is based on the principle that everyone is equal. Therefore, the most basic demand for justice is equal treatment of everyone. Therefore, someone who carries out their duties or profession in the field of justice must behave reasonably and not discriminate between people.

b. Behave Honestly

Honesty means daring to state that what is right is right and what is wrong is wrong. Honesty encourages the formation of a strong personality and creates awareness of the nature of what is right and what is wrong. In this way, a personal attitude will be created that does not take sides with anyone regarding their duties or profession and does not accept gifts or promises from other parties.

c. Behave wisely and wisely.

Wise and wise means being able to act in accordance with the norms existing in society by paying attention to the situation and conditions at that time and being

able to calculate the consequences of one's actions. Wise and prudent behavior encourages and forms a broad-minded person who has a high tolerance and is careful, patient and polite.

d. Responsible

Responsibility means the willingness to carry out whatever one's duties and authority are as well as possibly carrying out them, as well as the courage to bear all the consequences in carrying out these duties and authority. A sense of responsibility will encourage the formation of individuals who are always able to uphold truth and justice seriously, are full of devotion, and do not abuse the profession entrusted to them.

e. Upholding Self-Esteem

Self-esteem means that humans have inherent dignity and worth and must be protected and upheld. The principle of upholding self-respect will encourage and form strong and resilient individuals so that individuals who continually maintain their honor and dignity as officials of the Supreme Court and the Judicial Bodies below it are formed.

f. High Integrity

High integration means having a complete, unwavering personality, which is manifested in a loyal and tough attitude towards the values or norms that apply in carrying out tasks. Having high integrity will encourage and form individuals who dare to resist temptation and reject all forms of intervention by prioritizing the demands of conscience to uphold truth and justice.

g. High Discipline

Discipline means obedience to norms or rules that are believed to be a noble calling to carry out the mandate and trust of a society seeking justice. Self-discipline will encourage the formation of a person who is orderly in carrying out his duties, sincere in his service, tries to be an example for others, works selflessly, and does not abuse the trust given to him.

h. Behave Humbly

Being humble means realizing the limitations of one's abilities and avoiding arrogance. Being humble will encourage the formation of a realistic attitude, being willing to open yourself up to continue learning, respecting other people's opinions, developing an attitude of tolerance towards other people, and giving birth to an attitude of simplicity, being willing to accept what is—gratitude and sincerity in carrying out their professional duties.

i. Be Independent

Independent means being able to act alone without the help of other parties, free from anyone's interference, and free from any influence. An independent attitude encourages the formation of solid apparatus behavior, adhering steadfastly to principles and belief in truth in accordance with moral demands and applicable legal provisions.

j. Be Professional

Professionalism means a moral attitude based on the determination to carry out the work one chooses seriously, supported by broad knowledge, skills, and insight. A professional attitude will encourage the formation of individuals who always maintain the quality of work and maintain, look after and always try to improve their knowledge and performance, thereby improving the quality of efficiency (work methods) and effectiveness (work results).

With the formulation of the principles above, every Court Leader must make serious efforts so that the judges under him can comply with all of these principles. Thus, anyone who violates the prohibitions in these provisions/principles may be subject to disciplinary action. However, in determining which disciplinary action should be imposed, the competent authority must consider factors related to the violation, for example, the background to which the violation occurred, the severity of the violation, and whether there is a pattern of repetition of prohibited acts. Actions and their consequences. from inappropriate actions towards other parties or the justice system.

4. Conclusion

Judges in deciding a case in court are based on various statutory regulations to underlie and support judges so that they can decide on cases submitted to court truly independently and free from interference from any party. This means that statutory regulations honestly guarantee the independence of judges in handling and deciding cases. The judge's morality in examining and deciding every case handled by the court is based on high moral values, both originating from conscience as the most profound whisper of the heart and based on religious teachings. To become a judge so that the resulting decision can be fair and wise, the judge must have a solid religious foundation, be honest, and have the courage to take a firm stance.

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