

Reconfiguring Judicial Oversight in Indonesia: The Judicial Commission and the Constitutional Limits of Judicial Integrity Enforcement

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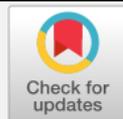
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ABSTRACT

Judicial integrity constitutes a fundamental pillar of the rule of law and democratic governance. In Indonesia's post-1998 reform era, the establishment of the Judicial Commission (Komisi Yudisial) was intended to strengthen external oversight of judicial conduct and enhance public trust in the judiciary. However, the effectiveness of this institution has been significantly constrained by Constitutional Court Decision No. 005/PUU-IV/2006, which limited the Commission's authority in supervising judges, particularly those within the Supreme Court. This article examines how these constitutional limitations affect the effectiveness of judicial oversight and the broader framework of judicial accountability in Indonesia. The study employs a normative juridical method, focusing on the analysis of constitutional provisions, statutory regulations, and judicial decisions governing the authority of the Judicial Commission. Legal doctrines on the hierarchy of norms and the theory of separation of powers are used to evaluate the consistency of existing regulations with the constitutional mandate under Article 24B of the 1945 Constitution. The findings indicate that the Constitutional Court's interpretation has fragmented the judicial oversight system, weakened external accountability, and created structural imbalances within the system of checks and balances. To address these challenges, the article proposes constitutional and institutional reforms aimed at strengthening the Judicial Commission's authority, enhancing transparency, and restoring public confidence in the

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judiciary. Such reforms are essential to ensure that judicial independence is accompanied by effective mechanisms of accountability.

Keywords: *Constitutional Court Decision; Judicial Accountability; Judicial Commission; Judicial Integrity; Judicial Oversight; Legal Reform*

1. Introduction

Judicial integrity constitutes a fundamental pillar of the rule of law and democratic governance. A credible judiciary is essential for ensuring that legal norms are applied impartially and that public confidence in state institutions is maintained. In constitutional democracies, courts function not only as dispute resolution bodies but also as guardians of legality and institutional accountability. For this reason, the integrity of judges is widely regarded as a core element in sustaining the legitimacy of the judicial system and the broader rule of law framework (Bedner, 2010; World Justice Project, 2023). In countries undergoing democratic transition, the integrity of the judiciary becomes particularly crucial because weak oversight mechanisms may create opportunities for corruption, political interference, and abuse of judicial authority. Without strong institutional safeguards and effective accountability mechanisms, the judiciary risks losing its legitimacy as an impartial guardian of justice.

Indonesia, as a constitutional state, formally recognizes the supremacy of law through Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which declares that Indonesia is a state based on law (*rechtstaat*). This constitutional principle requires that judicial decisions be grounded in impartial legal reasoning and remain free from external influence. Nevertheless, empirical studies and policy debates continue to highlight persistent challenges related to judicial corruption, political pressure, and institutional weaknesses within the Indonesian judicial system (Butt & Lindsey, 2018). These challenges have raised significant concerns regarding the credibility of the judiciary and the effectiveness of institutional mechanisms designed to safeguard judicial integrity.

Indonesia's transition from authoritarian governance to democratic rule following the 1998 Reformasi marked a critical turning point in the restructuring of the judicial system. During the New Order period, the judiciary was widely perceived as lacking independence due to strong executive influence over judicial processes and institutional appointments. Scholars have documented how judicial institutions during this period frequently failed to function as effective checks on political power, thereby weakening the rule of law and undermining public trust in legal institutions (Lev, 2000; Lindsey & Butt, 2018). In response to these structural weaknesses, constitutional amendments enacted between 1999 and 2002 introduced significant institutional reforms aimed at strengthening judicial independence, accountability, and transparency.

One of the most important institutional innovations resulting from these constitutional reforms was the establishment of the Judicial Commission (*Komisi Yudisial*). Article 24B paragraph (1) of the 1945 Constitution mandates the Judicial Commission to safeguard the honor, dignity, and conduct of judges, while also proposing candidates for appointment as Supreme Court justices. The creation of this institution was intended to introduce an independent external oversight mechanism capable of reinforcing judicial accountability and preventing ethical violations within the judiciary (Asshiddiqie, 2010; Bedner, 2010). Subsequent

legislation, particularly Law No. 22 of 2004 and its amendment through Law No. 18 of 2011, further elaborated the institutional framework governing the authority of the Judicial Commission in supervising judicial conduct and maintaining ethical standards within the judiciary.

Despite these institutional reforms, the effectiveness of the Judicial Commission has remained the subject of significant legal and constitutional debate. A major turning point occurred following Constitutional Court Decision No. 005/PUU-IV/2006, which substantially limited the Commission's authority in supervising judges, particularly those serving at the level of the Supreme Court. Through this decision, the Constitutional Court interpreted the constitutional framework in a manner that effectively restricted the scope of the Judicial Commission's oversight powers and transferred disciplinary authority over Supreme Court justices to internal supervisory mechanisms within the Supreme Court itself (Yuwono, 2025). As a consequence, the external oversight mechanism originally envisioned in the post-reform constitutional framework became considerably weakened.

These limitations have raised serious concerns regarding the effectiveness of judicial accountability in Indonesia. When oversight mechanisms rely primarily on internal institutional supervision, the potential for conflicts of interest increases, while transparency in disciplinary processes becomes more limited. Empirical indicators also demonstrate continuing challenges in maintaining judicial integrity. Reports published by the Judicial Commission show that thousands of public complaints regarding alleged judicial misconduct continue to be submitted each year, indicating persistent structural problems within the judicial oversight system (Judicial Commission, 2024). Furthermore, international governance indicators reveal relatively low levels of public trust in judicial institutions in several developing democracies, including Indonesia (World Justice Project, 2023).

From a comparative perspective, challenges related to judicial integrity are not unique to Indonesia. Many democratic systems have experienced similar tensions between judicial independence and judicial accountability. In response, several countries have established independent oversight bodies responsible for monitoring judicial conduct and enforcing ethical standards within the judiciary. Comparative experiences in countries such as Brazil and India demonstrate that strong external oversight institutions can play a crucial role in maintaining judicial accountability and preventing corruption within judicial institutions (Transparency International, 2022; World Justice Project, 2023). However, the Indonesian experience illustrates how constitutional interpretation may reshape the institutional balance between judicial independence and external accountability, thereby affecting the effectiveness of judicial oversight mechanisms.

Despite the growing body of scholarship on judicial reform in Indonesia, existing studies have largely focused on institutional relations between the Supreme Court and the Judicial Commission or on broader questions of judicial independence (Butt & Lindsey, 2018; Bedner, 2010). Relatively limited attention has been devoted to examining how constitutional interpretation—particularly through Constitutional Court decisions—has reshaped the structural balance between judicial independence and external oversight. This gap is particularly important because reinterpretation of constitutional provisions may significantly affect the institutional effectiveness of judicial accountability mechanisms.

Based on this background, this article addresses two primary research questions. First, how do the limitations imposed by Constitutional Court Decision No. 005/PUU-IV/2006 affect the effectiveness of judicial integrity oversight in Indonesia? Second, what institutional and

constitutional strategies may be implemented to strengthen the role of the Judicial Commission in enhancing judicial supervision?

This study employs a normative legal approach focusing on the analysis of constitutional provisions, statutory regulations, and judicial decisions governing the authority of the Judicial Commission. By examining the hierarchy of legal norms and the principle of separation of powers, this article evaluates the consistency of existing regulatory arrangements with the constitutional mandate under Article 24B of the 1945 Constitution. Ultimately, this study seeks to contribute to ongoing discussions on judicial reform in Indonesia by proposing strategies to strengthen institutional mechanisms that safeguard judicial integrity while maintaining judicial independence within a democratic rule-of-law framework.

2. Research Methodology

This study employs a normative legal research approach, also commonly referred to as doctrinal legal research, which focuses on the analysis of legal norms, principles, and doctrines governing a particular legal issue (Hutchinson, 2013; McConville & Chui, 2007). Normative legal research examines the consistency, hierarchy, and coherence of legal rules within a legal system and seeks to interpret legal provisions in light of constitutional principles and doctrinal developments.

In this research, the normative approach is used to examine the legal framework regulating the authority of the Judicial Commission (*Komisi Yudisial*) in supervising judicial conduct and maintaining judicial integrity in Indonesia. The analysis focuses on the relationship between constitutional provisions, statutory regulations, and judicial decisions that define the institutional scope of the Judicial Commission's authority.

The research relies primarily on legal materials, which are categorized into primary and secondary sources. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, statutory regulations governing the Judicial Commission, and relevant judicial decisions, particularly Constitutional Court Decision No. 005/PUU-IV/2006. These sources are examined to assess the constitutional basis and institutional limitations of the Judicial Commission's supervisory authority.

Secondary legal materials consist of scholarly books, academic journal articles, and institutional reports discussing judicial reform, judicial accountability, and judicial oversight mechanisms. Institutional publications such as the Annual Reports of the Judicial Commission and international governance indicators are also utilized to provide contextual insights into the challenges of judicial integrity in Indonesia.

The analysis is conducted using a prescriptive-analytical approach, which seeks not only to interpret existing legal norms but also to evaluate their conformity with constitutional principles and the broader framework of the rule of law (Van Hoecke, 2011). Through this approach, the research formulates normative recommendations aimed at strengthening the institutional role of the Judicial Commission in supervising judicial conduct.

The analytical framework of the study draws upon Montesquieu's theory of separation of powers to examine the relationship between judicial independence and institutional oversight. In addition, Fuller's principle of legality is used to evaluate whether the regulatory framework governing judicial supervision provides sufficient legal certainty, consistency, and transparency within the Indonesian legal system.

Through this methodological framework, the study seeks to provide a systematic legal analysis of the institutional structure governing the Judicial Commission and to develop

recommendations for strengthening judicial accountability while preserving judicial independence within Indonesia's constitutional system.

3. Results and Discussion

3.1. Conceptual Foundations of Judicial Integrity and Judicial Oversight

The concept of judicial integrity is closely linked to the broader framework of the rule of law, which serves as a foundational principle in democratic constitutional systems. The rule of law requires that public authority be exercised in accordance with established legal norms rather than arbitrary power. Within this framework, courts function as institutions responsible for interpreting and enforcing legal rules while ensuring that governmental actions remain consistent with constitutional principles. Legal scholars widely recognize that the legitimacy of the judiciary depends not only on formal legal authority but also on the perceived integrity and impartiality of judges who exercise judicial power (Bedner, 2010; Tamanaha, 2004).

The rule of law tradition emphasizes several essential elements, including legal certainty, equality before the law, and the accountability of public institutions. Courts play a central role in safeguarding these principles by ensuring that legal disputes are resolved through impartial and independent adjudication. However, judicial independence alone is insufficient to guarantee a trustworthy judicial system. Without effective mechanisms of accountability, judicial power may be exercised without adequate oversight, potentially leading to abuse of authority or corruption. Consequently, modern constitutional theory increasingly emphasizes the need to balance judicial independence with institutional accountability mechanisms (Butt & Lindsey, 2018).

Within this framework, the concept of judicial integrity refers to the ethical and professional standards that guide judges in performing their judicial duties. Judicial integrity encompasses values such as impartiality, independence, honesty, and adherence to legal principles in decision-making processes. International standards, including the Bangalore Principles of Judicial Conduct, emphasize that judges must maintain both actual integrity and the appearance of integrity in order to preserve public confidence in the judicial system (United Nations Office on Drugs and Crime, 2018). Public trust in courts is therefore strongly influenced not only by the quality of judicial decisions but also by perceptions regarding the ethical conduct of judges.

Judicial integrity becomes particularly significant in transitional democracies, where institutional safeguards may still be evolving and judicial institutions often face pressures from political actors or powerful economic interests. In such contexts, weaknesses in oversight mechanisms may create opportunities for corruption, political interference, or other forms of misconduct within the judiciary. Empirical studies on judicial reform have shown that the presence of strong accountability institutions can significantly reduce the risk of abuse of judicial authority and strengthen the credibility of the legal system (Bedner, 2010).

One of the most important mechanisms for ensuring judicial accountability is the establishment of judicial oversight institutions. These institutions are designed to monitor the ethical conduct of judges, investigate allegations of judicial misconduct, and enforce disciplinary standards within the judiciary. Oversight mechanisms can take different institutional forms depending on the constitutional structure of a country. In some jurisdictions, disciplinary authority is exercised internally by judicial councils or supreme courts, while in others it is delegated to independent oversight bodies established outside the judiciary.

Comparative studies demonstrate that independent oversight bodies often play a crucial role in maintaining the integrity of the judicial system. By providing external supervision, such

institutions help prevent conflicts of interest that may arise when judges are responsible for disciplining their peers within the same institution. External oversight mechanisms also enhance transparency and public confidence in the disciplinary process by ensuring that allegations of judicial misconduct are handled through impartial procedures (World Justice Project, 2023).

In Indonesia, the establishment of the Judicial Commission (*Komisi Yudisial*) through constitutional amendments in the post-Reformasi period represents an attempt to strengthen external oversight of judicial conduct. The creation of this institution reflects broader global trends toward strengthening judicial accountability while preserving judicial independence. However, the effectiveness of judicial oversight institutions depends heavily on the scope of authority granted to them within the constitutional framework. Limitations imposed on oversight institutions may weaken their ability to enforce ethical standards and maintain judicial integrity.

Therefore, understanding the conceptual relationship between the rule of law, judicial integrity, and judicial oversight institutions is essential for analyzing the institutional challenges faced by the Judicial Commission in Indonesia. The following sections examine how the institutional design of the Judicial Commission and subsequent constitutional interpretations have shaped the effectiveness of judicial oversight within the Indonesian legal system.

3.2. Institutional Design of the Judicial Commission

The establishment of the Judicial Commission (*Komisi Yudisial*) represents one of the most significant institutional reforms introduced during Indonesia's post-Reformasi constitutional transformation. The creation of this institution reflects broader efforts to strengthen judicial accountability and restore public confidence in the judiciary following decades of perceived executive interference and weak institutional oversight during the New Order era. Within the framework of democratic governance and the rule of law, the establishment of an independent body responsible for monitoring judicial conduct was intended to ensure that judicial power would be exercised in accordance with ethical and professional standards (Butt & Lindsey, 2018).

The constitutional foundation of the Judicial Commission is provided in Article 24B paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which stipulates that the Judicial Commission is an independent institution tasked with proposing candidates for Supreme Court justices and maintaining the honor, dignity, and behavior of judges. This constitutional mandate reflects an institutional effort to strengthen judicial integrity through the creation of an external oversight mechanism that operates alongside the judiciary. By placing the Judicial Commission outside the institutional structure of the courts, the constitutional framework sought to prevent conflicts of interest that might arise if judges were solely responsible for supervising their own professional conduct (Asshiddiqie, 2010).

The constitutional mandate of the Judicial Commission was further elaborated through statutory regulations, particularly Law No. 22 of 2004 concerning the Judicial Commission, which was later amended by Law No. 18 of 2011. These laws provide a more detailed framework regarding the institutional authority of the Judicial Commission, including its role in receiving public complaints, conducting investigations into alleged violations of judicial ethics, and recommending disciplinary actions against judges. Through these mechanisms, the Judicial Commission was expected to function as an external guardian of judicial ethics capable of strengthening transparency and accountability within the judicial system.

From an institutional perspective, the creation of the Judicial Commission reflects a broader constitutional effort to balance judicial independence with judicial accountability. While judicial independence is essential to protect courts from political interference, excessive institutional autonomy without adequate oversight mechanisms may create risks of unaccountable judicial power. Consequently, the institutional design of the Judicial Commission was intended to complement the judiciary by providing an external mechanism capable of monitoring judicial conduct without interfering with the substance of judicial decision-making.

However, the institutional relationship between the Judicial Commission and the Supreme Court (*Mahkamah Agung*) has remained complex and, at times, contentious. The Supreme Court, as the highest court within Indonesia's ordinary judicial system, exercises administrative authority over the judiciary, including the management and discipline of judges within its institutional structure. This arrangement has historically created tensions between internal judicial supervision mechanisms and the external oversight role assigned to the Judicial Commission. While the Judicial Commission was designed to provide independent supervision of judicial ethics, the Supreme Court has traditionally maintained significant control over disciplinary processes within the judiciary.

This institutional tension reflects a broader structural challenge within Indonesia's constitutional system. On one hand, the judiciary must remain independent from political interference in order to safeguard the rule of law. On the other hand, the absence of effective external oversight mechanisms may undermine public confidence in the integrity of judicial institutions. The Judicial Commission was therefore expected to function as a balancing institution capable of enhancing accountability while preserving judicial independence.

Nevertheless, the effectiveness of this institutional design depends largely on the scope of authority granted to the Judicial Commission within the constitutional and statutory framework. Limitations on the Commission's authority may weaken its capacity to perform effective oversight and reduce its ability to enforce ethical standards among members of the judiciary. As the following section will demonstrate, constitutional interpretation by the Constitutional Court has played a crucial role in shaping the actual scope of the Judicial Commission's supervisory powers and, consequently, the effectiveness of judicial oversight in Indonesia.

3.3. Constitutional Constraints: Analysis of Constitutional Court Decision No. 005/PUU-IV/2006

One of the most significant constitutional developments affecting the institutional role of the Judicial Commission (*Komisi Yudisial*) occurred through the Constitutional Court Decision No. 005/PUU-IV/2006. This decision emerged from a constitutional review concerning the scope of the Judicial Commission's authority to supervise judges within the Indonesian judicial system. At the center of the dispute was the interpretation of Article 24B of the 1945 Constitution, particularly regarding whether the Judicial Commission possessed the authority to supervise Supreme Court justices and constitutional justices as part of its mandate to safeguard the honor and dignity of judges.

In its decision, the Constitutional Court adopted a restrictive interpretation of the Judicial Commission's supervisory authority. The Court argued that the constitutional mandate granted to the Judicial Commission must be interpreted within the broader framework of judicial independence. According to the Court, direct supervision of Supreme Court justices by an external body could potentially interfere with the institutional autonomy of the judiciary. As a

result, the Court concluded that certain provisions of the Judicial Commission Law that granted supervisory authority over Supreme Court justices were inconsistent with the Constitution.

The Court's reasoning was largely grounded in the principle of judicial independence, which is widely recognized as a fundamental component of democratic constitutionalism. The Constitutional Court emphasized that judges must be protected from external pressures that could influence their decision-making processes. From this perspective, the Court viewed extensive oversight powers exercised by the Judicial Commission as potentially undermining the independence of the judiciary. Consequently, the Court interpreted the supervisory authority of the Judicial Commission in a more limited manner, confining its role primarily to ethical oversight that does not directly interfere with judicial functions.

However, this constitutional interpretation also generated significant debate among legal scholars and practitioners. Critics argue that the Court's restrictive interpretation may have unintentionally weakened the system of external judicial accountability envisioned during the constitutional reforms of the post-Reformasi period. By limiting the scope of the Judicial Commission's authority, the decision effectively shifted disciplinary oversight over Supreme Court justices back into the internal structures of the Supreme Court itself. Such arrangements may increase the risk of conflicts of interest, as judges become responsible for supervising members of their own institution (Butt & Lindsey, 2018).

From an institutional perspective, the decision created a form of fragmentation within Indonesia's judicial oversight system. While the Judicial Commission retains authority to receive public complaints and conduct preliminary examinations regarding alleged violations of judicial ethics, the final authority over disciplinary decisions involving Supreme Court justices remains largely within the Supreme Court. This institutional arrangement reduces the effectiveness of external oversight mechanisms and may limit the ability of the Judicial Commission to enforce ethical standards consistently across the judiciary.

The practical implications of this constitutional limitation can also be observed through institutional data and public reports concerning judicial misconduct. The Judicial Commission continues to receive a substantial number of complaints from the public regarding alleged violations of judicial ethics each year. However, the limited authority of the Commission in enforcing disciplinary measures often constrains its ability to respond effectively to such complaints. As a result, the gap between public expectations of judicial accountability and the institutional capacity to enforce disciplinary standards remains a continuing challenge within Indonesia's judicial governance framework.

In a broader constitutional context, the decision illustrates the delicate balance between judicial independence and judicial accountability. While protecting judicial independence is essential to prevent political interference in judicial decision-making, excessive limitations on oversight institutions may weaken mechanisms designed to maintain ethical standards within the judiciary. Effective judicial governance therefore requires a carefully calibrated institutional arrangement that ensures independence without sacrificing accountability.

The Constitutional Court Decision No. 005/PUU-IV/2006 thus represents a critical turning point in the development of Indonesia's judicial oversight framework. By redefining the scope of the Judicial Commission's supervisory authority, the decision reshaped the institutional balance between external oversight and internal judicial control. Understanding these constitutional constraints is essential for evaluating the effectiveness of Indonesia's current judicial accountability system and for identifying potential reforms aimed at strengthening the role of the Judicial Commission in maintaining judicial integrity.

3.4. Implications for Judicial Accountability in Indonesia

The constitutional limitations imposed on the authority of the Judicial Commission (*Komisi Yudisial*) have significant implications for the broader framework of judicial accountability in Indonesia. Judicial accountability is widely recognized as an essential complement to judicial independence within democratic legal systems. While judicial independence protects courts from external interference, accountability mechanisms ensure that judges remain subject to ethical standards and institutional oversight. Without effective accountability mechanisms, judicial institutions risk becoming insulated from scrutiny, potentially undermining public trust in the justice system (Butt & Lindsey, 2018).

One of the most significant concerns arising from the limitations on the Judicial Commission's authority relates to the potential conflict of interest inherent in internal oversight mechanisms. Following Constitutional Court Decision No. 005/PUU-IV/2006, disciplinary supervision over Supreme Court justices largely remains within the institutional structure of the Supreme Court itself. This arrangement creates a situation in which judges are responsible for supervising and disciplining their institutional peers. From a governance perspective, such an arrangement may weaken the credibility of disciplinary processes because internal supervision mechanisms often face structural constraints in maintaining impartiality when dealing with members of the same institution.

Scholars of judicial governance have frequently highlighted the risks associated with purely internal disciplinary systems within judicial institutions. Internal oversight mechanisms may struggle to maintain transparency and impartiality, particularly when allegations of misconduct involve senior judicial figures. In the absence of strong external oversight institutions, disciplinary procedures may become less effective in addressing ethical violations or corruption within the judiciary. Consequently, the limitations placed on the authority of the Judicial Commission may reduce the effectiveness of institutional safeguards designed to uphold judicial integrity (Bedner, 2010).

The institutional challenges associated with judicial oversight in Indonesia can also be observed through empirical indicators related to public complaints regarding judicial conduct. The Judicial Commission receives a substantial number of complaints each year concerning alleged violations of judicial ethics. According to the Judicial Commission's annual reports, thousands of complaints are submitted annually by members of the public, reflecting persistent concerns regarding the integrity of judicial processes. These complaints range from allegations of procedural misconduct and lack of impartiality to more serious accusations involving corruption or abuse of judicial authority (Judicial Commission, 2024).

However, the effectiveness of the complaint-handling mechanism remains constrained by the limited enforcement authority of the Judicial Commission. Although the Commission possesses the authority to receive and investigate public complaints, the final disciplinary authority over judges—particularly Supreme Court justices—remains largely within the jurisdiction of internal judicial bodies. As a result, the Judicial Commission's recommendations do not always lead to concrete disciplinary action. This institutional limitation may weaken the deterrent effect of judicial oversight and reduce the capacity of the system to address ethical violations effectively.

The persistence of public complaints concerning judicial misconduct also highlights the broader issue of public trust in the judiciary. Trust in judicial institutions is closely related to perceptions of fairness, transparency, and accountability within the legal system. When oversight mechanisms appear ineffective or constrained by institutional limitations, public confidence in the judiciary may decline. International governance indicators similarly suggest that maintaining strong accountability mechanisms is essential for sustaining public trust in judicial institutions and ensuring the effective functioning of the rule of law (World Justice Project, 2023).

In this context, the limitations imposed on the Judicial Commission through constitutional interpretation raise important questions regarding the institutional design of judicial oversight in Indonesia. While protecting judicial independence remains a fundamental constitutional objective, ensuring effective accountability mechanisms is equally necessary to maintain the legitimacy of the judicial system. Without a balanced institutional arrangement that combines independence with effective

oversight, judicial institutions may face increasing challenges in maintaining public confidence and institutional credibility.

Therefore, the implications of the Constitutional Court's restrictive interpretation extend beyond institutional authority alone. They also affect the broader governance framework of the judiciary, including the transparency of disciplinary processes, the effectiveness of oversight mechanisms, and the level of public trust in judicial institutions. Understanding these implications is crucial for evaluating the need for institutional reforms aimed at strengthening judicial accountability while preserving the constitutional principle of judicial independence.

3.5. Reform Options for Strengthening Judicial Oversight

The limitations imposed on the authority of the Judicial Commission (*Komisi Yudisial*) through constitutional interpretation highlight the need to reconsider the institutional framework governing judicial oversight in Indonesia. Strengthening judicial accountability while maintaining judicial independence requires a carefully designed institutional arrangement that balances these two fundamental principles. In this regard, several reform options may be considered to improve the effectiveness of judicial oversight within the Indonesian constitutional system.

One possible reform strategy involves constitutional clarification or amendment regarding the supervisory authority of the Judicial Commission. The current formulation of Article 24B of the 1945 Constitution provides a general mandate for the Judicial Commission to maintain the honor, dignity, and conduct of judges. However, the ambiguity of this provision has allowed differing constitutional interpretations regarding the scope of the Commission's supervisory authority. A clearer constitutional formulation could explicitly define the institutional role of the Judicial Commission in supervising all judges within the Indonesian judicial system, including those serving in the Supreme Court. Such clarification would reduce interpretive disputes and provide stronger constitutional legitimacy for external oversight mechanisms.

In addition to constitutional clarification, strengthening judicial oversight may also require the development of a hybrid oversight model that combines elements of internal judicial supervision with independent external oversight. Purely internal oversight systems often face limitations due to potential conflicts of interest, while fully external mechanisms may raise concerns regarding judicial independence. A hybrid institutional model seeks to balance these concerns by allowing both internal judicial bodies and independent oversight institutions to participate in the supervision of judicial conduct. Under such a framework, internal judicial institutions may continue to manage administrative and disciplinary procedures, while external institutions such as the Judicial Commission provide independent monitoring and ethical oversight.

Comparative experiences from other jurisdictions provide useful insights into how hybrid oversight mechanisms can function effectively. In several democratic systems, independent judicial councils or oversight commissions operate alongside the judiciary to ensure accountability while preserving judicial autonomy. For example, some European countries have established judicial councils responsible for monitoring judicial conduct and recommending disciplinary actions against judges. These institutions typically consist of a combination of judicial representatives, legal professionals, and members of civil society, thereby promoting both professional expertise and institutional independence in disciplinary processes (World Justice Project, 2023).

Similarly, in several transitional democracies, independent oversight institutions have been introduced to strengthen transparency and accountability within the judiciary. Such institutions

often possess investigative authority while working in coordination with judicial bodies responsible for disciplinary enforcement. These arrangements aim to ensure that allegations of judicial misconduct are investigated through impartial procedures while maintaining respect for judicial independence.

For Indonesia, adopting elements of these comparative institutional models may help strengthen the effectiveness of judicial oversight mechanisms. Expanding the authority of the Judicial Commission to conduct independent investigations, while maintaining cooperative institutional arrangements with the Supreme Court, could improve transparency and credibility in disciplinary processes. Clear procedural mechanisms governing the interaction between the Judicial Commission and the judiciary would also help prevent institutional conflicts and ensure that oversight processes operate within constitutional boundaries.

In addition to institutional reforms, strengthening judicial oversight also requires improvements in transparency and public participation mechanisms. Public complaint systems administered by the Judicial Commission can serve as an important channel for identifying ethical violations within the judiciary. Strengthening the accessibility and transparency of such mechanisms may enhance public confidence in judicial accountability processes and encourage greater civic engagement in safeguarding judicial integrity.

Ultimately, effective judicial oversight requires a balanced institutional framework that combines constitutional clarity, institutional cooperation, and transparent disciplinary procedures. Reform efforts should therefore focus on strengthening the capacity of oversight institutions while ensuring that judicial independence remains protected. By developing a more robust system of judicial accountability, Indonesia can reinforce public trust in the judiciary and strengthen the rule of law within its democratic constitutional framework.

4. Conclusion

Judicial integrity represents a fundamental element in sustaining the rule of law and democratic governance. The establishment of the Judicial Commission (*Komisi Yudisial*) in Indonesia was intended to strengthen external oversight of judicial conduct and enhance public confidence in the judiciary following the constitutional reforms of the post-Reformasi era. Through Article 24B of the 1945 Constitution, the Judicial Commission was given a mandate to safeguard the honor, dignity, and ethical behavior of judges while also participating in the selection of Supreme Court justices. In principle, this institutional design reflects an effort to balance judicial independence with mechanisms of accountability within the judicial system.

However, the effectiveness of the Judicial Commission has been significantly affected by the constitutional interpretation adopted in Constitutional Court Decision No. 005/PUU-IV/2006. The decision limited the scope of the Commission's supervisory authority, particularly with regard to Supreme Court justices, thereby shifting significant disciplinary oversight back to internal mechanisms within the judiciary. As a consequence, the institutional framework for judicial supervision in Indonesia has become fragmented, reducing the effectiveness of external oversight mechanisms designed to maintain judicial integrity.

These institutional limitations have broader implications for judicial accountability in Indonesia. The reliance on internal disciplinary mechanisms increases the potential for conflicts of interest and may weaken the transparency of oversight processes. Empirical indicators, including the large number of complaints submitted annually to the Judicial Commission, further demonstrate continuing concerns regarding judicial misconduct and public trust in judicial institutions. Without effective external oversight mechanisms, maintaining the credibility and legitimacy of the judiciary becomes increasingly challenging.

To address these challenges, this study proposes several institutional reform options aimed at strengthening judicial oversight in Indonesia. First, constitutional clarification or amendment may be necessary to provide a clearer definition of the supervisory authority of the Judicial Commission within the Indonesian judicial system. Second, the development of a hybrid oversight model that combines internal judicial supervision with independent external monitoring could help balance judicial independence and accountability. Third, comparative experiences from other jurisdictions suggest that transparent and institutionally independent oversight mechanisms can play an important role in maintaining judicial integrity.

Ultimately, strengthening judicial oversight requires a carefully balanced institutional framework that preserves judicial independence while ensuring effective mechanisms of accountability. By enhancing the authority and institutional capacity of the Judicial Commission, Indonesia can strengthen public confidence in the judiciary and reinforce the broader rule-of-law framework within its democratic constitutional system.

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6. Declaration of Conflicting Interests

The authors declare that they have no financial or personal affiliations that could have influenced the research or findings presented in this article.

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