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## Legal Consequences of the Judge's Error by Not Including Court Evidence in a Decision

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### Abstract

*The establishment of the Judicial Commission of the Republic of Indonesia (external supervisory body) as a state institution is mandated by Article 24B of the 1945 Constitution. Law No. 22 of 2004 on the Judicial Commission was enacted to fulfill this mandate, as amended by Law No. 18 of 2011 on Amendments to Law No. 22 of 2004 on the Judicial Commission. To exercise its authority, namely to uphold and maintain the honor, dignity, and conduct of judges, the Judicial Commission adheres to the Code of Ethics and/or Guidelines for Judicial Conduct (KEPPH). In practice, the judge considers the decision of the Palu District Court Number 102/Pdt.G/2022/PN Pal. jo. the Decision of the Central Sulawesi High Court No. 29/PDT/2023/PT PAL, which was based on evidence that the Plaintiff never submitted during the trial. This research aims to deepen knowledge regarding the legal consequences for judges who fail to include evidence in court proceedings and to identify and determine the concept of judicial negligence in rendering a decision without including evidence in the court proceedings. The results of the study indicate that the actions of the Panel of Judges in the decision are contrary to Article 53 of Law No. 48 of 2009 on Judicial Power, which states that a decision must contain the judge's legal considerations based on proper and correct reasons and legal grounds. Number 10 jo. Article 14 of the KEPPH also stipulates that judges must be professional and avoid errors in their decisions. Judges are also bound by the 2002 Bangalore Basic Principles, namely independence, neutrality of the judiciary, and integrity of judges. The Judicial Commission is authorized to enforce the KEPPH by proposing sanctions against the judges concerned, considering several factors, namely the existence of indications, evidence, intentional elements, and the decision's impact containing the judge's error. Judges are also bound by the 2002 Bangalore Principles, namely independence, neutrality of the judicial institution, and judicial integrity.*

**Keywords:** External Supervisory Body, Authority, Judge's Error

### Introduction

Judges are the leading actors or central figures in the judicial process. They must constantly hone their moral sensitivity, maintain integrity and moral intelligence, and enhance professionalism in upholding law and justice for the public (Mustofa, 2013). Judges are the leading actors in law enforcement in court with a greater role, whereby when the law is enforced, it begins to shift from the realm of *das sollen* (what should be) to the realm of *das sein* (what actually is) (Thohari, 2004). This means that the law contained in legislation is brought to life by a living interpreter, namely the judges. Even a judge is often referred to as "God's representative" because, with their power, judges can determine the fate of someone's property or life through their decisions.

Judges are also ordinary human beings who are not immune to errors or mistakes when making decisions. However, in the Code of Ethics and Code of Conduct for Judges established by the Supreme Court together with the Judicial Commission, judges are required to act professionally

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by avoiding mistakes in making decisions or ignoring facts that could incriminate the defendant or the parties, or deliberately making considerations that benefit the defendant or the parties in the cases they are adjudicating. Furthermore, several matters or circumstances that fall within the scope of a judge's error or obvious mistakes are: First, the legal considerations of the decision or its ruling are contrary to legal principles and norms; Second, the ruling is not supported by any legal considerations; Third, the court decision is misguided, whether due to factual error (*feitelijke dwaling*) or legal error (*dwaling omtrent het recht*); Fourth, the court has interpreted a norm in a manner that violates the intent of the lawmaker regarding the purpose for which the norm was established (Yasin, 2016).

When judges make decisions, attention must be paid to matters relating to the judge's conduct in relation to the decisions, such as whether the judges met with one of the parties to the dispute; whether the judges received bribes from the parties to the dispute; or why the judges did not consider evidence submitted by one of the parties to the dispute in their decisions, even though the evidence was decisive. Such matters fall within the jurisdiction of the Judicial Commission as they pertain to judges' conduct. In Supreme Court Decision No. 36 P/HUM/2011, it was stated that as long as there are indications, evidence, elements of intent, and consequences found and proven in a judge's decision, then this is no longer merely a technical judicial matter but can shift to the realm of a violation of the code of ethics or misconduct (even if the error is found in the judges' decision). For the Judicial Commission, a judge's lack of diligence in deciding cannot be tolerated.

The judges' lack of precision and errors in rendering a decision can be seen in the example of Case Decision Number 102/Pdt.G/2022/PN.Pal. In Decision No. 102/Pdt.G/2022/PN.Pal, the parties involved are Benny Tandra as the Plaintiff. The Plaintiff is a businessman engaged in the construction services industry. The defendants were Hj. Syahria as Defendant I, Jabir as Defendant II, and Maslono as Defendant III. The subject matter of the case concerned a claim for the repayment of a debt that had fallen due and was collectible, plus interest of 3% per month since August 2020, amounting to a total of Rp 2,589,960,000. Around August 2020, Defendants II and III introduced Plaintiff to Defendant I, who claimed to be a civil servant within the Donggala Regional Government. Thereupon, Defendant I offered to assist Plaintiff in securing and/or facilitating several project packages that the LPSE would tender within the Donggala Regional Government for the 2021 Fiscal Year.

Upon the persuasion of Defendant I, Defendant II, and Defendant III, Plaintiff began to trust Defendant I. Therefore, Plaintiff began to provide funds totaling Rp 368,000,000 requested by Defendant I via Defendant II and witnessed by Defendant III in the form of photocopied receipts dated December 4, 7, 17, 21, 2020, January 12, 2021, February 5, 2021, and November 21, 2021. After Defendant I received the funds from Plaintiff through Defendant II, witnessed by Defendant III, Defendant I, Defendant II, and Defendant III always avoided the matter without any realization and tended not to have good intentions in realizing their promises.

The Plaintiff suffered material losses amounting to Rp 589,960,000 and immaterial losses amounting to Rp 2,000,000,000,000. In his petition, the Plaintiff requested the Panel of Judges examining and adjudicating the case to declare that the Defendants had committed unlawful acts. With the evidence submitted, the Court ruled that the Plaintiff could not prove the allegations in the complaint and dismissed the Plaintiff's claim in its entirety. Therefore, the Plaintiff filed an appeal with the Central Sulawesi High Court. However, the Central Sulawesi High Court, in its

decision No. 29/PDT/2023/PT PAL, affirmed the decision of the Palu District Court No. 102/Pdt.G/2022/PN Pal, dated February 27, 2023, which was appealed, with the consideration that in the examination by the Appellate Court Panel of Judges on the Official Copy of the Palu District Court Decision No. 102/Pdt.G/2022/PN Pal, the evidence used as the basis for the district court judges' consideration was in accordance with the law. The judge's considerations in the copy of the District Court's decision received by the Plaintiff clearly stated evidence that was never submitted during the trial, and the judge did not consider the evidence submitted by the Plaintiff.

The judge's error, as described above, influenced the judge's decision. In the decision, the judge stated, "Considering that the evidence submitted will only be considered insofar as it is relevant to the case a quo, while evidence that is not relevant will not be considered and will be disregarded."

Data obtained from the Supreme Court Supervisory Board as of March 2025 shows that there were 7 (seven) judges who were found to have violated the KEPPH, with 1 (one) judge being recommended for severe sanctions in the form of suspension from duty for 2 (two) years for violating letter C of Regulation No. 8 on High Discipline, Jo. Article 12 Jo. Article 18(4) of Joint Regulation No. 02/PB/MA/IX/2012 and No. 02/PB/P.KY/09/2012 on Guidelines for the Enforcement of the Code of Ethics and Conduct for Judges (Guidelines for the Enforcement of the KEPPH). (Supervisory Body, 2025). High Discipline, as defined in the KEPPH, refers to adherence to norms or principles believed to be a noble calling to fulfill the trust and confidence placed in them by the public seeking justice. High discipline will encourage the formation of orderly individuals who carry out their duties, show sincerity in service, strive to be role models in their environment, and do not abuse the trust entrusted to them. In its application, it is stated:

“8.1: Judges are obliged to know, understand, and carry out their primary duties in accordance with applicable laws and regulations, particularly procedural law so that they can apply the law correctly and fulfill the sense of justice for every seeker of justice.

8.2: Judges must respect the parties' rights in the judicial process and strive to conduct proceedings in a simple, expeditious, and inexpensive manner”.

It can be seen that the judge's decision, as described above, contains a judge's error. The judge's errors can arise in the legal considerations and the ruling. The legal considerations and the ruling are closely related because the ruling must not deviate from the legal considerations. Every ruling must be based on legal considerations, so if the legal considerations do not support the ruling, then the decision can be viewed as a decision that demonstrates an error or mistake on the judge's part (Pangestu, 2022). Therefore, the issues to be analyzed in this article are: How to identify and determine the concept of judicial negligence in rendering a decision by failing to include evidence in the judicial proceedings? ; What are the legal consequences for a judge who fails to include evidence from the judicial proceedings in the legal reasoning and/or the decision?

## **Materials and Methods**

The research method used is normative-empirical research, which combines a normative legal approach with empirical elements. This research examines the implementation of positive legal provisions (legislation) and contracts in a normative manner in each specific legal event to achieve predetermined objectives (Muhaimin, 2020: 29). The legal materials used in normative-empirical legal research are secondary data and primary data. Secondary data sources are

obtained through literature studies, including books, journals, seminar proceedings, papers, legal dictionaries, legal encyclopedias, legal literature dictionaries, or other written legal materials, as well as document studies, including hierarchical or tiered legal documents, jurisprudence, agreements/contracts, and other documents (Budianto, 2020). Meanwhile, primary data sources come from field data obtained from respondents, informants, and sources (Muhaimin, 2020: 124).

## **Results and Discussion**

### **Code of Ethics for Judicial Conduct**

Such judicial power is the foundation of a state based on the rule of law. In Indonesia, a state institution known as the Judicial Commission, established and formed as an external supervisory body, is established to ensure the independence of the administration of judicial power in the judicial system (Luhukay, 2019). The Judicial Commission was established based on the constitution's mandate stipulated in Article 24B of the 1945 Constitution. Under these provisions, the Judicial Commission is an independent body with the authority to propose the appointment of Supreme Court justices. It possesses other powers to uphold and enforce judges' honor, dignity, and conduct. Judges' honor, dignity, and conduct are of utmost importance to be upheld and enforced to ensure the overall credibility of the judicial power (Suparto, 2021).

In implementing the mandate of the constitution, Law No. 22 of 2004, as amended by Law No. 18 of 2011 on the Judicial Commission, hereinafter referred to as the Judicial Commission Law, was enacted to strengthen the Judicial Commission's authority and duties to carry out its checks and balances function to realize an honest, clean, transparent, and professional judiciary (Judicial Commission: 2016). Article 13 of the Judicial Commission Law stipulates that the Judicial Commission has the authority to propose the appointment of Supreme Court judges and ad hoc judges at the Supreme Court to the House of Representatives for approval, to maintain and uphold the honor, dignity, and conduct of judges, to establish a Code of Ethics and/or Code of Conduct for Judges in conjunction with the Supreme Court, and to maintain and enforce the implementation of the Code of Ethics and/or Code of Conduct for Judges (Marzuki, 2017).

According to Eko Primananda, The Judicial Commission is also vested with the authority to uphold and enforce judges' honor, dignity, and conduct. Honor refers to the nobility or good name that judges must always uphold and maintain in their judicial functions (Hertoni, 2016). Judges' honor is primarily reflected in their decisions, the considerations underlying those decisions, or the entire decision-making process, which is based not only on laws and regulations but also on a sense of justice. Dignity is the level of nobility or self-respect that judges should not only possess but also uphold and maintain through virtuous attitudes and behavior. Honor, dignity, and behavior are responses to individual reactions manifested in attitudes and speech deemed appropriate by the applicable legal principles. Ethical conduct is behavior and speech based on emotional maturity and in accordance with the norms prevailing in society. In exercising this authority, the Judicial Commission, based on Article 20 paragraph (1) of the Judicial Commission Law, has several duties, namely (Eko Primananda, 2024):

1. In maintaining and upholding the honor, dignity, and conduct of judges, the Judicial Commission has the following duties:

- a. monitoring and supervising the conduct of judges;
- b. receiving reports from the public regarding violations of the Code of Ethics and/or Code

of Conduct of Judges;

- c. conducting verification, clarification, and investigation of reports of alleged violations of the Code of Ethics and/or Code of Conduct for Judges in closed session;
- d. deciding on the validity of reports of suspected violations of the Code of Ethics and/or Code of Conduct for Judges; and
- e. taking legal and/or other measures against individuals, groups of individuals, or legal entities that demean the honor and dignity of judges.

In accordance with the duties outlined in Article 20(1) of the Judicial Commission Law, the Judicial Commission may request assistance from law enforcement authorities to conduct wiretapping and record conversations in cases where there is a suspicion of a violation of the Code of Ethics and/or Conduct Guidelines for Judges by judges, and law enforcement authorities are obligated to follow up on such requests. This is clearly and explicitly stipulated in Article 20(3) and (4) of the Judicial Commission Law. However, this provision may be applied when preliminary evidence indicates a suspected violation of the KEPPH committed by a judge (Wajdi, 2020: 155).

The Judicial Commission's authority to maintain and uphold the honor, dignity, and conduct of judges is closely related to two other authorities of the Judicial Commission as stipulated in Article 13 of the Judicial Commission Law. These powers are to establish a Code of Ethics and/or Code of Conduct for Judges with the Supreme Court and the power to maintain and uphold the implementation of the Code of Ethics and/or Code of Conduct for Judges (KEPPH). The KEPPH is a joint resolution between the Chief Justice of the Supreme Court and the Judicial Commission, Number 047/KMA/SKB/IV/2009, and the Chief Justice of the Judicial Commission of the Republic of Indonesia Number 02/SKB/P.KY/IV/2009 concerning the Code of Ethics and Code of Conduct for Judges jo. Guidelines for the Enforcement of the KEPPH.

The formulation of KEPPH is based on the 2002 Bangalore Principles on the Implementation of Judicial Power (Bangalore of Judicial Conduct) (Beatens, 2019: 529). There are values in exercising judicial power, including Independence, neutrality of the judicial institution, Integrity, Decency, Equality before the law, Competence, and diligence (David, 2023). The judge is the crucial actor and sole authority in building a clean and authoritative court. In examining and rendering decisions, they should prioritize "The Four Commandments for Judges from Socrates" (Wildan Suyuthi, 2004: 7). The code of ethics for judges consists of the following four points: To hear courteously, To answer wisely, To consider soberly; To decide impartially. The KEPPH, which was formulated and issued by the Supreme Court and the Judicial Commission, also contains the values of Bangalore and the four commandments of Socrates, including 10 (ten) values, among others: Acting fairly; Acting honestly; Acting wisely and prudently; Being independent; Having high integrity; Being responsible; Upholding self-respect; Being highly disciplined; Acting humbly; and Being professional.

KEPPH is a moral guideline for judges in their professional duties and social relationships outside of work (regarding what a judge may and may not do while on or off duty). A code of ethics is a set of rules designed to maintain, enforce, and uphold professional discipline through several elements, namely (Hermansyah, 2017:14):

1. Ensuring and maintaining that professional acts or omissions do not occur. Errors or omissions in applying substantive or procedural expertise constitute unprofessional
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2. Ensuring and maintaining professional integrity. Integrity is the effort to carry out a task or responsibility in the best possible way to provide the best satisfaction for those being served.
3. Ensuring and maintaining discipline. This is achieved through attitudes and behaviors that comply with legal provisions or rules.

### **Identifying and Determining the Concept of Judicial Negligence in Rendering a Decision without including Evidence in The Judicial Proceedings**

Implicitly, judge's errors are regulated in KEPPH jo. Regulations on Guidelines for the Enforcement of KEPPH, namely to act professionally, which means a moral attitude based on the determination to carry out one's chosen work with sincerity, supported by expertise based on knowledge, skills, and broad insight. Professional conduct fosters the development of individuals who consistently ensure and maintain the quality of their work and strive to enhance their knowledge and performance, thereby achieving the highest possible quality of work outcomes, effectiveness, and efficiency. Then, one form of professional attitude as regulated in KEPPH is that judges must avoid making mistakes in their decisions, ignoring facts that could incriminate the defendant or the parties, or deliberately making considerations that benefit the defendant or the parties in adjudicating a case they are dealing with.

However, judges' decisions are not immune to errors or mistakes, and it is even possible for them to be biased (Chakim, 2015). Several matters or circumstances that fall within the scope of judges' negligence or clear errors are as follows: First, the legal considerations of the decision or ruling contradict legal principles and norms; Second, any legal considerations do not support the ruling; Third, the court decision is misguided, either due to factual errors (*feitelijke dwaling*) or legal errors (*dwaling omtrent het recht*); Fourth, the court has interpreted a norm in a manner that violates the intention of the legislator regarding the purpose for which the norm was established (Yasin, 2016). Thus, it can be understood that mistakes or errors are human nature, including judges who examine and adjudicate cases, provided that such mistakes are not intentional (Hernoko, 2016). A judge's error can manifest in the legal considerations and the ruling. Legal considerations and ruling are closely related because the ruling must not deviate from the legal considerations. Every ruling must be based on legal considerations, so if the legal considerations do not support the ruling, then the ruling is considered an error or negligence by the judge (Pangestu, 2022).

The judge's considerations in the Palu District Court Decision Number: 102/Pdt.G/2022/PN Pal. were based on evidence that was never presented at the trial. Meanwhile, Article 53 of the Judicial Power Act states that judges, in examining and deciding cases, are responsible for the rulings and decisions they make, which must contain legal considerations based on precise and correct legal grounds and principles. Furthermore, the KEPPH stipulates that judges must act professionally and avoid errors in their decisions.

In an international symposium held in 2016, it was justified that the practice of handling violations of judges' conduct mostly did not stop at the form of the violation but also extended to the impact caused by the code of ethics violation. The international symposium produced seven classifications of acts which, if all conditions are met, will shift the judge's actions from purely

technical judicial matters to misconduct leading to disciplinary action, including (Wajdi: 2020, 151-152):

1. **Bad faith.** Proof of “bad faith/intent.” If it can be strongly proven that there is bad faith in a decision, through a more sophisticated and valid process or method of proof.
2. **Egregious (fatal/terrible).** A fatal error by a judge means that a mistake has been made in the decision (ruling/considerations) and has a significant adverse impact on anyone.
3. **Violation of basic rights.** Acts that violate basic rules or fundamental rights, such as the right to legal counsel, the right to be heard, and so on.
4. **Pattern.** This refers to actions that are repeated continuously or the frequency with which actions are performed multiple times.
5. **Administrative failure.** An act that has a strong administrative dimension with relatively minor consequences but occurs repeatedly and is not corrected by legal measures. Examples include typing errors, processing delays, and other acts that may result in disciplinary action for technical administrative violations by judges.
6. **Failure to manage the courtroom (errors in managing the trial).** The action is entirely within or during the trial process.
7. **Independent interpretation (incorrect interpretation).** An act that, at first glance, appears to be entirely within the authority of the judge but, upon closer examination, is not a legal finding and deviates from the rules.

As found in the legal facts regarding the judge's error in the Palu District Court Decision above, where the judge's considerations were based on evidence that was never submitted in the trial or, in other words, the judge did not consider the evidence submitted by the Plaintiff in the trial. Regarding the judge's error in the decision, Muhammad Ilham Hasannudin stated that the Judicial Commission had once handled a similar case where the Panel of Judges (as the Reported Party), in its decision, wrote down the documentary evidence T-3 to T-7 from the Informant, which did not match the evidence submitted by the Informant at the trial. The Judicial Commission categorized the judge's actions as smuggling of facts, where the concrete form of the action was that in his decision, the judge wrote down evidence different from that submitted by the Informant in the trial.

### **Legal Consequences for Judges Who Do Not Include Court Evidence in Their Decisions**

A professional is obliged to maintain the quality of their work or services and is responsible for the results. Thus, professionals should firmly commit to their profession and those who benefit from it. Therefore, if a professional violates the provisions of the code of ethics, it is only natural that they receive ethical sanctions. This principle is also applied in the Code of Ethics for Judges. Suppose a judge fails to perform their duties and responsibilities in accordance with applicable ethical provisions. In that case, they should be subject to sanctions as a form of accountability for the violation committed. Reports and/or complaints may be submitted to the Judicial Commission. The process flow for complaints against judges suspected of violating the code of ethics can be seen in the process flow below:

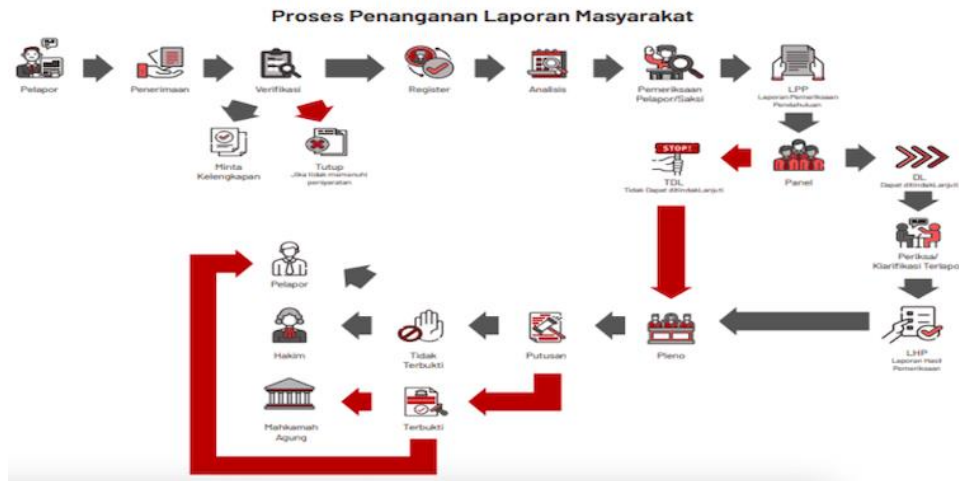


Figure 1: The process of handling public reports. from: judicial commission website

Based on the image above, the process of handling public reports goes through several stages. The initial stage involves the Informant submitting a report either directly or online to the reception department, which is then verified by a verification team to ensure that the following documents are complete: After registration, the second stage is Further Examination, which includes examining the Informant, witnesses and/or experts. The third stage is a Panel Hearing, the purpose of which is to decide whether the report can be followed up or not. The fourth stage is the examination of the Informant, which includes summoning the reported party, examining the Informant's statement and clarification, accompanied by a final examination report. The final stage is a plenary hearing to decide whether the reported party is proven to have violated the KEPPH or not. If the reported party is proven to have violated the KEPPH, the plenary hearing will then decide on the type of sanction to be proposed to the Supreme Court to be imposed on the reported party (Wibowo & Handoyo Prasetyo, 2023: 106-133).

Article 22D (1) of the Judicial Commission Law states that in the event of an alleged violation of the KEPPH that the Judicial Commission proves, the Judicial Commission shall propose sanctions against the judge concerned to the Supreme Court. The Judicial Commission is not vested with the authority to impose final and binding sanctions, so the Supreme Court can follow up on the proposed sanctions. Furthermore, the Supreme Court's follow-up to the sanctions proposed by the Judicial Commission may take the form of accepting or following up on the proposed sanctions, accepting the proposed sanctions but not following up on them because they involve judicial technicalities, or referring the proposal to the Liaison Team of the Supreme Court and the Judicial Commission for further discussion or study.

The proposed administrative sanctions imposed on judges found guilty of violations may include minor sanctions (in the form of: a. verbal warning; b. written warning; and c. written statement of dissatisfaction), moderate sanctions (in the form of: a. postponement of periodic salary increases for a maximum of 1 year; b. reduction of salary equivalent to one periodic salary increase for a maximum period of one year; c. postponement of rank promotion for a maximum period of one year; d. suspension from duty for a maximum period of six months), or severe sanctions (in the form of: a. transfer to another court of a lower class; cancellation or suspension

of promotion. b removal from office; c. suspension of non-judicial duties for more than 6 months and up to 2 years; d. demotion to the next lower rank for up to 3 years; e. permanent dismissal with pension rights; f. dismissal without honor) (Selvia, 2024).

The severe or minor nature of sanctions is determined based on consensus or a decision by the competent authority. Referring to the judge's error in the Palu District Court's decision, it can be seen that the judge's considerations in the decision were based on evidence that was never presented in the trial or, in other words, the judge did not consider the evidence presented by the plaintiff in the trial. Article 53, paragraphs (1) and (2) of the Judicial Power Law state that in examining and deciding cases, judges are responsible for the decisions they make, and these decisions must contain the judge's legal considerations based on appropriate and correct legal grounds and principles (Budianto, 2020: 300-309).

Furthermore, Article 5 paragraph (2) of the Judicial Power Law requires judges to be of integrity and irreproachable character, honest, fair, professional, and experienced in law. However, the judges in the Palu District Court ruling erred in their decision, thereby violating Article 5 paragraph (2) jo. Article 53 of the Judicial Power Law and number 10 jo. Article 14, namely professional conduct as regulated in the KEPPH. The position of legal considerations in a decision is crucial and can even be considered the legal core of a judge's decision. In deciding a case, a judge needs to consider three aspects, namely the legal aspect (based on legal facts revealed in the trial and by law), the philosophical aspect (truth and justice), and the sociological aspect (cultural values). However, the judge in the Palu District Court decision did not consider these three aspects. The judge in the Palu District Court decision can be recommended for sanctions, and these sanctions can even be severe. However, before recommending sanctions, it must first be proven whether there are indications, evidence, elements of intent, and impact, as explained above (Imran, 2019). If it can be proven that the impact of the judge's errors was very detrimental, the Judicial Commission can propose severe sanctions against the judge concerned.

When the Judicial Commission proposes severe sanctions in the form of dismissal with honor or dismissal without honor against a judge, it sends a letter proposing the sanctions along with a request to form a Judges' Honorary Council (MKH) and a copy is given to the judge. The Judicial Commission, together with the Supreme Court, forms a Judges' Honorary Council (MKH), which is tasked with examining and deciding on alleged violations of the KEPPH as proposed by the Judicial Commission or the Supreme Court within a maximum period of 60 days from the date the proposal is received. The Supreme Court is obliged to implement the decision of the Judges' Honorary Council (MKH) within a maximum period of 30 days from the date the decision of the Judges' Honorary Council (MKH) is pronounced. Provisions regarding the Judges' Honorary Council (MKH) are stipulated in Article 22F of the Judicial Commission Law. However, based on Article 22G of the Judicial Commission Law, if the alleged violation is found to be unfounded, the Judges' Honorary Council (MKH) will declare that the alleged violation is unfounded and restore the good name of the judge who was the subject of the complaint.

## **Conclusion**

The Judicial Commission's authority to enforce the Code of Ethics and Code of Conduct for Judges in relation to errors made by judges in their decisions is limited. The Judicial Commission may not intervene in a judge's decision in accordance with the principle of judicial independence in examining and deciding cases. In practice, this limitation is the distinction between juridical technicality (legal errors) and misconduct. Based on existing legal instruments, the Judicial

Commission only has the authority to supervise and enforce the KEPPH in cases of judicial misconduct. However, suppose the judge's decision contains and can be proven to contain indications, evidence, elements of intent, and impact. In that case, it is no longer merely a matter of judicial technicality but can shift to code of ethics violations or misconduct. The consequence of a judge's decision that violates the KEPPH is that the judge can be personally investigated by the Judicial Commission and the Supreme Court, which will examine and decide on the matter ethically based on the KEPPH Guidelines. The recommendations that can be made in line with the discussion in this research are to strengthen the authority of the Judicial Commission by revising the provisions in the current Judicial Commission Law. The strengthening of the Judicial Commission's authority can be achieved by eliminating the current dualism in supervisory functions, namely internal supervision by the Supreme Court and external supervision by the Judicial Commission. In the Judicial Commission Law amendment, full supervisory authority should be given to the Judicial Commission. With this amendment, the Judicial Commission can supervise effectively and optimally. Strengthening its authority is the first step towards realizing an independent and accountable judicial system.

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