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Sinergy of The Judicial Commission And The Supreme Court In an Effort To Realize Professional Supervision of Judges

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ABSTRACT

Oversight of judges is a vital element in maintaining the integrity and accountability of the judiciary. In Indonesia, this function is carried out by two main institutions: the Judicial Commission (KY) as an external supervisor and the Supreme Court (MA) as an internal supervisor. Despite their different mandates and approaches, synergy between the KY and MA is an absolute prerequisite for the realization of a clean, professional, and trustworthy judicial system. This article examines the forms of synergy that can be built between the two institutions, ranging from information exchange, the establishment of coordination forums, to the use of digital technology in oversight. Furthermore, it discusses the challenges of coordination, differing perceptions of authority, and the importance of political support and sustainable institutional reform. Effective oversight is not only repressive, but also preventive and educational, with the aim of building a culture of integrity within the judiciary. With a collaborative and adaptive approach, the KY and MA can become driving forces for the transformation of Indonesia's judicial system toward a dignified and substantive justice system.

Keywords: Judicial Commission, Supreme Court, Judicial Oversight, Institutional Synergy, Judicial Integrity, Legal Reform.

I. Introduction

The judiciary is a fundamental pillar of Indonesia's constitutional system. As guardians of justice and protectors of citizens' constitutional rights, the judiciary bears a significant responsibility to ensure that legal proceedings are conducted fairly, independently, and with integrity. In this context, the role of judges is crucial. The integrity and professionalism of judges not only determine the quality of legal decisions but also serve as benchmarks for public trust in the judicial system as a whole. However, this idealism does not always align with reality. Public complaints about judicial behavior perceived as deviating from professional ethics continue to emerge frequently. Several cases of ethical violations and alleged bribery involving judges have served as a stark reminder of the need to strengthen the oversight system. Judicial oversight is not merely an administrative tool, but rather an effort to maintain the dignity of the judiciary within constitutional and moral boundaries.

In the Indonesian legal system, two institutions oversee judges: the Judicial Commission (KY) and the Supreme Court (MA). The KY acts as an external supervisor, focusing on the ethics and behavior of judges, while the MA carries out internal oversight functions that are more technical and administrative in nature.



Although the two have distinct mandates, in practice, overlapping authority and procedural disharmony often occur, which actually hinders effective oversight. Frequently, recommendations for sanctions proposed by the KY are not followed up by the MA, thus creating a negative perception of the judicial institution's commitment to upholding the integrity of the judicial profession. This situation indicates that judicial oversight is not yet aligned with a solid policy framework, both substantively and procedurally. Disharmony between the Judicial Commission (KY) and the Supreme Court (MA) has the potential to create a gray area in the enforcement of professional ethics, which could ultimately damage the credibility of the judiciary in the public eye. Therefore, synergy between the KY and the Supreme Court is urgently needed to build a professional, transparent, and accountable oversight system.

The synergy in question is not a blending of authorities, but rather the establishment of constructive and mutually supportive coordination. Strengthening this synergy must be done while maintaining the principle of judicial independence, while not neglecting the demands of public accountability. Within this framework, regulatory reform, restructuring of cooperation mechanisms, and transformation of bureaucratic culture are essential prerequisites for realizing a responsive and equitable oversight system. The discussion on synergy between the Judicial Commission (KY) and the Supreme Court (MA) is not only relevant as an institutional issue but also concerns the future integrity of the national judicial system. This study aims to analyze the KY's role and authority in overseeing judicial ethics, identify obstacles encountered in implementing this function, and provide strategic recommendations for strengthening the KY's role within the framework of institutional synergy with the MA.

II. Literature Review and Hypothesis Development

2.1. Definition and Function of Judicial Supervision

Judicial oversight is a crucial mechanism to ensure judges carry out their duties professionally, with integrity, and in accordance with the code of ethics. This oversight serves as a check on potential irregularities in the judicial process and underpins public trust in the judiciary. Oversight is conducted internally by institutions such as the Supreme Court and the Judicial Commission through its Oversight Body, as well as externally by civil society, the media, and non-governmental organizations. The goal is to prevent abuse of authority, collusion, and bribery, while also improving judicial performance and maintaining legal consistency.

However, oversight faces challenges, particularly concerns about compromising judicial independence. Therefore, oversight must be implemented fairly and proportionally. Legally, supervision is regulated in Law No. 48 of 2009 and Law No. 18 of 2011. The Judicial Commission has the authority to receive reports, investigate alleged ethical violations, and provide recommendations for sanctions to the Supreme Court. With effective and accountable supervision, judicial institutions are expected to be able to produce decisions that are fair, transparent, and in favor of substantive justice.

2.2. Theory of Separation of Powers and Checks and Balances

Montesquieu emphasized that state power should be separated into three branches—legislative, executive, and judicial—to prevent tyranny and guarantee freedom and justice. In modern practice, this separation is complemented by the principle of checks and balances, a mechanism for mutual oversight among state institutions to prevent the domination of power. A concrete example of this principle is seen in the United States presidential system, where the president, Congress, and the Supreme Court balance each other's authority. In Indonesia, following the amendments to the 1945 Constitution, the separation of powers is realized through high state institutions such as the Supreme Court, the Constitutional Court, the Judicial Commission, and others, with the Constitutional Court and the Judicial Commission as part of the oversight system.

Although formal structures have been established, their implementation still faces challenges such as political dominance, executive intervention, and the weak effectiveness of oversight institutions. Therefore, the implementation of these principles must be supported by a robust legal framework, active public participation, and a democratic political system. Thus, the separation of powers and checks and balances are not only structural, but must also be implemented functionally and normatively to ensure that state power remains within the legal and constitutional corridors.

2.3. Synergy of State Institutions in the Indonesian State System

In a complex and dynamic state system, synergy between state institutions is a fundamental principle in realizing effective, efficient, and responsive governance to the needs of the community. Synergy is defined as a form of coordinated cooperation, not merely an administrative formality, but rather an integration of functions based on mutual understanding, mutual support, and respect for institutional independence. This principle serves as a crucial bridge between the structural separation of powers and the need for functional coordination. Each state institution has its own authority and role, as stipulated in the constitution and laws and regulations. However, national challenges such as law enforcement, corruption eradication, and human rights protection cannot be addressed sectorally. Therefore, synergy is a strategic approach that enables cross-sector collaboration through various mechanisms, such as establishing coordination forums, signing memoranda of understanding (MoUs), real-time data exchange, and establishing joint teams, both permanent and ad hoc.

However, implementing synergy is not without challenges. Sectoral egos, resource imbalances, differences in bureaucratic cultures, and overlapping authorities often hinder building productive cooperation. To overcome these challenges, healthy synergy must be built on a clear legal foundation, open inter-institutional communication, and a shared commitment to national goals. In the context of Indonesian law, the principle of synergy has been incorporated into various regulations, such as Law No. 25 of 2004 concerning the National Development Planning System and Law No. 23 of 2014 concerning Regional Government. The President's role as head of government is also central to unifying the vision and policy direction across ministries and institutions, including coordinating with independent institutions such as the Judicial Commission, the Corruption Eradication Commission, and the Supreme Court. Normatively and operationally, synergy must be based on the principles of mutual respect for institutional independence, institutional accountability, the effectiveness of public policy achievement, and public participation in oversight and evaluation. Therefore, synergy is not a form of subordination of one institution to another, but rather an expression of the spirit of collaboration in democratic governance, oriented toward the interests of the people, and remaining within the law and the constitution.

III. Research Method

This study employs a normative juridical research method, focusing on the analysis of laws, regulations, and legal principles governing judicial oversight in Indonesia. The research applies a statute approach to examine constitutional and legislative provisions, a conceptual approach to explore the theories of separation of powers and checks and balances, and a case approach to review practical issues and obstacles in the coordination between the Judicial Commission (KY) and the Supreme Court (MA). The data sources consist of primary legal materials, including the 1945 Constitution and related laws; secondary materials, such as scholarly journals, books, and previous studies; and tertiary materials, such as legal dictionaries and supporting references. The analysis is conducted qualitatively by interpreting legal norms, assessing institutional practices, and drawing conclusions on how synergy between KY and MA can strengthen judicial integrity and accountability.

IV. Result and Discussion

4.1. Obstacles In Implementing Judicial Supervision

Judicial oversight is a crucial element in maintaining the integrity and accountability of the judiciary in Indonesia. However, its implementation in the field still faces various complex obstacles, both structurally, culturally, and regulatoryly. One fundamental problem is the lack of synchronization of authority between the two main judicial oversight institutions, the Judicial Commission (KY) and the Supreme Court (MA). This disharmony often gives rise to a tug-of-war over authority, particularly regarding the oversight of judicial behavior. The KY, which has a constitutional mandate to uphold the honor and dignity of judges, often experiences difficulties in following up on public reports because its recommendations are not always responded to firmly by the Supreme Court. This ineffectiveness reflects weak synergy and coordination between institutions, which ultimately hinders efforts to create a clean and trustworthy judicial system. On the other hand, internal resistance among judges to external oversight also poses a serious challenge. Many judges view oversight by the Judicial Commission (KY) as an interference in the independence of the judiciary. This perception stems from a judicial bureaucratic culture that tends to be closed and defensive against public scrutiny. As a result, oversight is often viewed as a threat rather than an instrument for fostering integrity. In fact, in a healthy democratic system, oversight is an integral part of the checks and balances mechanism, which aims to ensure that judicial power is exercised responsibly and in accordance with the principles of justice.

Technical constraints also weaken the effectiveness of oversight. The Judicial Commission (KY) still faces limitations in terms of the number of ethics supervisory personnel, operational budget, and adequate information technology infrastructure. Without the support of a robust and transparent digital system, evidence-based oversight is difficult to implement optimally. On the regulatory side, the lack of clear provisions regarding the follow-up mechanism for the KY's oversight results limits the institution's scope for maneuver. The KY lacks the authority to impose sanctions, leaving it heavily reliant on the Supreme Court's often normative and slow response. The lack of a legal framework that specifically regulates the follow-up process to the KY's recommendations has resulted in many ethical cases ending without a clear resolution. Public participation in oversight also remains relatively low. Although the Judicial Commission (KY) has opened a public reporting channel, many reports are unsubstantiated or stem from dissatisfaction with judges' decisions, rather than ethical violations. Furthermore, those with valid information are often reluctant to report, believing the process is complicated, risky, or ineffective. This demonstrates low public legal literacy and the lack of adequate public education mechanisms to support quality oversight. Furthermore, protection for whistleblowers remains weak, both legally and practically. In some cases, whistleblowers face intimidation or backlash, particularly when their reports involve powerful judges. Without robust legal protection, oversight is vulnerable to silencing and manipulation.

Transparency of oversight results is also a separate issue. When the oversight process and results are not published in an accountable manner, it is difficult for the public to assess the extent to which judicial integrity is being upheld. This lack of transparency has the potential to undermine public trust in the judiciary. Public trust is, in fact, a key asset in building a strong and just legal system. Therefore, oversight of judges must be directed not only as an administrative obligation but also as a moral imperative to uphold the dignity of the judiciary. To overcome these obstacles, a reformative and collaborative approach involving all stakeholders in the judicial system is needed. One strategic step is to strengthen the legal framework regarding judicial oversight mechanisms, including revising the law governing the Judicial Commission's authority to make it more robust and implementable. These revisions must ensure a clear follow-up process for Judicial Commission recommendations, including timelines and sanctions if the Supreme Court fails to respond proportionately. This is crucial to ensure that oversight does not stop at the administrative level but actually impacts the behavior of judges and the judicial system as a whole.

Furthermore, institutional capacity building is also an urgent need. The Judicial Commission (KY) and the Supreme Court (MA) need to increase the number of supervisory personnel, strengthen their ethics investigation units, and modernize their reporting systems through secure and easily accessible digital platforms. Cross-institutional collaboration with, for example, the Corruption Eradication Commission (KPK), the Ombudsman, and academic institutions can be implemented for ethics audits, independent research, and joint training to improve judicial integrity standards. Shifting institutional paradigms and cultures is also crucial, particularly within the judiciary. Supervision should not be viewed as a threat, but as a tool for development and correction to uphold the dignity of the judiciary. The Supreme Court must demonstrate a strong commitment to transparently and consistently following up on reports of ethical violations, and to foster healthy dialogue with the Judicial Commission (KY). Furthermore, the KY must maintain professionalism in carrying out its duties, remaining objective, non-political, and upholding the principle of prudence. If this synergy, openness, and commitment to reform can be fully realized, judicial oversight will not only serve as an instrument for controlling power but also serve as a strong foundation for building a clean, dignified, and publicly trusted justice system.

The role of the mass media and public oversight must also be strengthened. Transparency of information regarding the handling of alleged ethical violations by judges—without disregarding the presumption of innocence—can increase accountability and exert moral pressure on the judiciary to be more responsive to public criticism and reports. Responsible, data-driven investigative journalism is essential to objectively and constructively highlight alleged ethical violations. Furthermore, developing an information technology-based judicial integrity system can be a long-term solution to minimize the potential for violations. Implementing e-court and e-monitoring systems in trial proceedings and case management can help prevent irregularities and document digital footprints that are useful for oversight. This technology can also be implemented in a public reporting system, allowing for real-time tracking of report status and ensuring maximum confidentiality of the reporter's identity.

Institutionally, the establishment of a periodic joint forum between the Judicial Commission (KY) and the Supreme Court (MA) is also needed to facilitate dialogue and resolve disputes over authority. This forum can formulate shared operational standards for judicial oversight, establish clear criteria for ethical violations, and agree on mechanisms for resolving internal institutional conflicts before they escalate into public controversy. This institutional synergy must be built on a foundation of respect for the independence of each institution, but also in a spirit of cooperation to uphold the dignity of the judiciary. With these various steps, it is hoped that the obstacles to judicial oversight can be overcome not only technically, but also culturally and systemically. The ultimate goal is to create a judicial institution that is not only just in its decisions, but also clean in its conduct, transparent in its processes, and oriented towards the interests of the wider community.

4.2. Realization of Synergy Between the Judicial Commission and Supreme Court in Professional Supervision of Judges

In a modern judicial system that upholds the principles of accountability and integrity, synergy between the Judicial Commission (KY) and the Supreme Court (MA) in overseeing judges is not merely an option, but a necessity. Effective oversight cannot be carried out separately by each institution, but must be based on a complementary, collaborative spirit. The KY, as an external supervisor tasked with safeguarding the honor, dignity, and behavior of judges, and the MA, as an internal supervisor through the Supervisory Body, must work hand in hand with one vision: realizing a clean, trustworthy, and substantive justice-oriented judiciary. This synergy must be built on a foundation of respect for the independence of each institution, while still upholding the common interest. One concrete form of this synergy is the regular and open exchange of data and information, particularly regarding public reports, the results of initial investigations, and developments in the handling of alleged ethical violations. The Judicial Commission (KY) and the Supreme Court (MA) can establish a permanent coordination forum that serves as a strategic dialogue space to align

criteria for ethical violations, formulate concrete follow-up steps, and establish shared ethical standards that can be applied consistently across the judiciary.

Beyond mere oversight, synergy can also be realized through ongoing development through joint training on judicial integrity and the code of ethics. With this approach, oversight is not only corrective, but also preventive and educational, shaping the character of judges who are not only technically professional but also morally resilient. Strengthening oversight regulations and governance is also a crucial element in building strong synergy. The mechanism for handling Judicial Commission recommendations needs to be designed to be procedurally binding, so as not to rely on unilateral interpretation. Furthermore, an integrated digital oversight system accessible to both institutions will strengthen transparency and increase public trust in the oversight process. The professional synergy between the Judicial Commission (KY) and the Supreme Court (MA) also represents a concrete manifestation of the principle of checks and balances in Indonesia's constitutional system. Within this framework, the KY is not intended to intervene in the substance of judges' decisions, but rather to act as a counterweight, ensuring that the judiciary does not deviate from ethical and moral principles. Therefore, it is crucial for both institutions to understand each other's strategic roles and avoid the antagonistic attitudes that often arise, particularly in handling ethical cases involving senior judges or judicial officials.

To support sustainable synergy, it is necessary to build long-term institutional commitment through a memorandum of understanding or cooperation agreement that details coordination mechanisms, information exchange, and the division of roles in handling ethical violations. Regular evaluations of the effectiveness of the collaboration should also be conducted to identify new challenges and develop strategies that adapt to evolving social and legal dynamics. Equally important, synergy between the Judicial Commission (KY) and the Supreme Court (MA) must involve external parties such as academics, civil society organizations, and the media as partners in creating an inclusive and participatory oversight system. This approach can broaden the scope of oversight, strengthen transparency, and enhance public legitimacy for judicial reform efforts. If the KY and MA can synergize professionally, complement each other, and prioritize the spirit of reform, then judicial oversight will not only serve as an instrument of control but also a driving force for transformation toward a clean, just, and dignified judiciary.

In the long term, synergy between the Judicial Commission (KY) and the Supreme Court (MA) must be directed toward establishing a judicial ecosystem with integrity. This ecosystem should not only respond to incidental ethical violations but also foster a work culture that places integrity as a core value. A transparent, meritocratic judicial career system, along with a sustainable and non-discriminatory oversight mechanism, are part of this ecosystem. Well-developed synergy will enable the creation of an early warning system and preventative monitoring of potential irregularities, rather than simply acting after a violation has occurred. The Judicial Commission (KY) and the Supreme Court (MA) also need to promote the integration of oversight systems with data-based technology. The use of big data to analyze judicial behavior patterns, the use of artificial intelligence to detect anomalies in decisions or lifestyles, and digital reporting that directly connects the public, the Judicial Commission, and the Supreme Court are innovations that can narrow the gap between compromise and increase oversight efficiency. Furthermore, oversight must also address humanistic aspects and moral development. Not all ethical violations need to result in sanctions; educational approaches such as ethical counseling, early warnings, or character development through internal forums can be alternatives that build solidarity and collective responsibility among judges. Ultimately, true synergy will only be realized with political will, public support, and an ethical commitment from judicial leaders themselves. Without all three, oversight will become merely a formal procedure devoid of meaning. However, with sincere and systemic collaboration, the Judicial Commission (KY) and the Supreme Court (MA) can become key pillars in creating an Indonesian judiciary that truly stands for justice and humanity.

V. Conclusion

Supervision of judges is a crucial element in maintaining the integrity and professionalism of the judiciary. The Judicial Commission (KY) and the Supreme Court (MA) have complementary oversight roles: the KY conducts external supervision with a focus on ethics and judicial conduct, while the MA carries out internal supervision through technical and administrative guidance. In practice, however, the effectiveness of this system is still hindered by overlapping authority, institutional resistance, limited resources, weak regulatory follow-up, and low public participation. These challenges reduce the effectiveness of judicial oversight and risk undermining public trust in the judiciary. Synergy between the Judicial Commission (KY) and the Supreme Court (MA) is therefore essential to strengthening a professional and accountable oversight system. This synergy should be realized through intensive coordination, open information exchange, integration of supervisory technology systems, joint training programs, and the establishment of a permanent coordinating forum. Beyond structural and technical measures, it is equally important to cultivate integrity values and strengthen ethical education for judges so that oversight is not only repressive but also preventive and developmental, fostering a culture of professionalism, accountability, and integrity within the judiciary.

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