

Repositioning the Judicial Commission in Judicial Oversight Reform: Institutional Synergy and Human Resource Development Strategy

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Abstract

This study examines the repositioning of the Judicial Commission (Komisi Yudisial – KY) within the broader framework of judicial reform in Indonesia. Although the KY is constitutionally mandated under Article 24B of the 1945 Constitution to safeguard the honor, dignity, and conduct of judges, its implementation has faced structural tensions, especially with the Supreme Court (Mahkamah Agung – MA). Employing a normative juridical analysis, this research integrates statutory review, comparative international practices, and triangulation of academic sources and official reports. The findings reveal that while KY received 3,593 public complaints in 2023, the judicial integrity index improved only slightly (from 7.84 in 2022 to 7.99 in 2023), indicating persistent integrity challenges. Comparative analysis highlights that effective oversight models in Canada, England, and the Philippines combine ethical monitoring with human resource management, transparency, and public participation. In contrast, Indonesia's model remains fragmented and often perceived as punitive rather than developmental. The study argues that KY must be repositioned along three strategic lines: (1) adopting risk-based ethical oversight to detect potential violations early; (2) integrating oversight with judicial career management, ensuring that ethical records influence promotions and transfers; and (3) fostering collaborative ethical development with MA, the Corruption Eradication Commission (KPK), and universities. Institutional implications include revising regulations to clarify KY's authority, establishing a National Judicial Ethics Council (DEHN) as a collegial forum, and developing transparent digital reporting systems. Ultimately, repositioning KY will transform it into an agent of judicial reform: an ethical culture changer within the judiciary, an internal counterbalance to MA's authority, and a catalyst for public trust through transparency and accountability. This transformation is essential to strengthen judicial integrity, enhance professionalism, and restore public confidence in Indonesia's judicial institutions.

Keywords: Judicial Commission (KY); Judicial Reform; Human Resource Management; Public Trust.

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INTRODUCTION

Judicial oversight is a fundamental aspect of safeguarding the integrity and accountability of judicial power in a democratic state governed by the rule of law. Judges, as central actors in the judicial process, bear the responsibility of ensuring justice and legal certainty. The integrity of a judge not only determines the quality of rulings but also shapes the level of public trust in the judiciary as an institution. Therefore, effective, transparent, and guidance-oriented oversight mechanisms are indispensable for the realization of a clean and authoritative judiciary.

In the Indonesian context, the establishment of the Judicial Commission (Komisi Yudisial, KY) marks a significant milestone in the judicial reform efforts following the amendments to the 1945 Constitution of the Republic of Indonesia. Article 24B of the Constitution affirms that the KY has constitutional authority to safeguard and uphold the honor, dignity, and conduct of judges. This provision

is further reinforced by Law No. 22 of 2004, later revised by Law No. 18 of 2011. Through this normative framework, the KY is positioned as a state institution expected to fill the gap in external judicial oversight beyond the Supreme Court (Mahkamah Agung, MA) (Cahyani et al., 2024; Farda & Putra, 2024).

However, over the past two decades, it has become evident that while the KY holds a vital normative mandate, its implementation has faced serious challenges. The central issue lies in the institutional relationship between the KY and the MA, which is often marked by tension. On the one hand, the KY seeks to perform its ethical oversight function independently; on the other, the MA perceives such authority as a potential threat to judicial independence. Consequently, there has been a persistent tug-of-war over authority, weakening the effectiveness of judicial oversight. In several cases, ethical sanction recommendations submitted by the KY were either disregarded or minimally acted upon by the MA (Sakti et al., 2024).

This tension reveals a fundamental paradox within Indonesia's judicial oversight system: how to balance the need for strict supervision of judges' conduct with the imperative of preserving judicial independence. The paradox is further highlighted by the persistent violations of the code of ethics and corruption cases involving judges at various levels of the judiciary (Aziz et al., 2023). Data from the Corruption Eradication Commission (KPK) in recent years also shows judges' involvement in bribery cases, further eroding public trust in the judiciary.

These conditions underscore that reforming judicial oversight cannot be limited to legal-formal measures. Institutional and managerial renewal is needed, particularly in relation to the management of judicial human resources (HR). Oversight should not merely be understood as a repressive mechanism for punishment but also as a strategic instrument for guidance, capacity building, and strengthening judges' professionalism. Thus, repositioning the KY becomes a necessity so that its oversight function can transform from a mere control mechanism into an integral part of a sustainable system for judicial HR development.

Such repositioning requires a paradigm shift in viewing the relationship between the KY, the MA, and other internal oversight units. Institutional synergy must be built on principles of collaboration and complementarity, rather than competition or authority struggles. The KY can position itself as a strategic partner of the MA in developing an oversight system that not only addresses misconduct but also promotes high ethical standards, process transparency, and a culture of integrity within the judiciary.

From a comparative perspective, international practices show that successful oversight models often integrate ethical functions with judicial career management. In Canada, judicial oversight is carried out through strong institutional mechanisms, where the Canadian Bar Association (CBA) enforces a strict code of ethics emphasizing integrity and impartiality. An independent supervisory body handles complaints transparently and accountably (Roller et al., 2023). In the United Kingdom, the Judicial Appointments Commission is responsible for ensuring high ethical standards from the recruitment process through ongoing evaluations. This process is accompanied by public audit mechanisms of judicial performance, ensuring transparency and accountability (Alahbabi, 2024). In the Philippines, public participation is embedded in the oversight system, with citizen reports serving as the basis for investigations and sanctions that are openly published. This strengthens transparency and creates a deterrent effect (Roller et al., 2023).

Lessons from these international practices highlight the importance of hybrid models that combine ethical oversight with HR management strategies. For example, in Canada, judges undergo periodic performance evaluations directly linked to professional development systems (Constantino & Wagner, 2024). In the UK, training for new judges emphasizes not only technical expertise but also integrity, ensuring that judges begin their careers with clear ethical standards (Alahbabi, 2024). Such approaches are highly relevant for Indonesia, where judges' ethical records could be integrated into promotion, transfer, and performance evaluation systems.

Furthermore, the Philippine experience underscores the significance of public involvement in oversight mechanisms. By involving society in reporting and monitoring processes, public awareness of judges' responsibilities is enhanced while simultaneously encouraging judges to uphold integrity (Ndururu

et al., 2023). Thus, Indonesia can draw on these best practices to strengthen institutional synergy while enhancing the social legitimacy of judicial oversight.

In addition, various studies emphasize that integrating ethical oversight with HR management has a direct impact on improving the quality of the judiciary. Systems that prioritize accountability, transparency, and continuous professional development have proven effective in strengthening public trust in judicial institutions (Aschauer & Quick, 2024). Therefore, the KY needs to adopt similar mechanisms by emphasizing continuous training, ethics-based performance evaluations, and multi-stakeholder involvement in the oversight process.

Nevertheless, repositioning the KY must also take into account its real limitations. The KY's authority is confined to external oversight functions, while the power to impose sanctions remains in the hands of the MA. This often leads to the KY's recommendations being inadequately followed up (Farda & Putra, 2024). Other challenges include limited resources, lack of political support, and overlapping authority with the MA, which creates institutional conflicts (Sakti et al., 2024). Thus, the KY's repositioning strategy must include regulatory strengthening, the establishment of cooperation protocols between the KY and MA, and clearer delineation of authority.

Repositioning the KY within judicial oversight reform becomes an urgent agenda aimed at: (1) strengthening accountability, (2) enhancing judicial professionalism through the integration of oversight with HR management, and (3) restoring public trust in the judiciary. The success of this repositioning can be measured through reduced ethical violations, improved effectiveness of oversight mechanisms, the integration of ethical records into HR management, and the strengthening of public trust in Indonesia's judiciary.

METHOD

This research adopts a Normative Juridical Analysis method, which incorporates several systematic stages: the criteria for selecting legal materials and literature; the analytical process that ranges from the identification of norms to the formulation of recommendations; and the mechanisms used to maintain objectivity through data and source triangulation. This methodological framework ensures that the research is grounded in authoritative sources, processed through a structured analysis, and safeguarded from bias in order to produce valid and reliable conclusions.

The process begins with the selection of legal materials and literature. At this stage, primary references include regulations concerning the Judicial Commission, codes of ethics for judges, relevant court decisions, and the annual reports issued by the Commission. Complementary materials consist of academic studies, comparative international practices, and other scholarly works that provide broader insights into judicial oversight. The careful selection of these materials is crucial to building a strong foundation for subsequent analysis, as it guarantees that the study is supported by both binding legal norms and credible secondary references.

The second stage involves the identification of legal norms. Here, the focus is placed on examining provisions that specifically regulate the role, authority, and supervisory mechanisms of the Judicial Commission in overseeing judges. This step requires a detailed exploration of statutory clauses and regulatory frameworks to establish a clear understanding of the normative boundaries and possibilities for the Commission's functions. By systematically mapping these norms, the research is able to define the scope within which judicial oversight is legally positioned in Indonesia.

The next phase is comparative analysis, which plays a pivotal role in strengthening the study's findings. This involves examining judicial oversight models from other countries that have been recognized as effective and successful. Through this comparison, the study seeks to highlight the strengths, weaknesses, and gaps in the current Indonesian system. Lessons drawn from these international experiences are then adapted to the Indonesian context, allowing the research to propose concrete areas of reform and innovation. Such comparative insights not only enrich the analysis but also provide a practical basis for recommending improvements that are both feasible and contextually relevant.

Following the comparative stage, the research proceeds to the formulation of recommendations. These recommendations are primarily directed toward repositioning the Judicial Commission within the broader system of judicial governance. Key strategies include integrating the Commission's functions with the human resource management system of the judiciary and enhancing inter-institutional synergy. The recommendations are designed to strengthen the Commission's role, improve transparency and accountability, and ensure that judicial oversight contributes effectively to the integrity of the judiciary.

Finally, to ensure objectivity and validity, the research employs rigorous mechanisms such as the use of official data, academic literature, and source triangulation. Triangulation serves as a safeguard against bias by cross-verifying information from multiple sources, thereby ensuring that conclusions are supported by consistent and credible evidence. This methodological rigor not only enhances the scientific reliability of the study but also ensures its practical relevance for policymakers and judicial institutions.

The Normative Juridical Analysis method in this study follows a structured sequence: (1) selection of legal materials and literature, (2) identification of legal norms, (3) comparative analysis, (4) formulation of recommendations, and (5) maintaining objectivity. This systematic approach ensures that the research is both theoretically sound and practically impactful in addressing the repositioning of the Judicial Commission.

RESULTS AND DISCUSSION

General Overview of Empirical Findings

This study explores the repositioning of the Judicial Commission (Komisi Yudisial-KY) within the framework of judicial oversight reform, emphasizing institutional synergy and strategies to strengthen the management of judicial human resources (HR). The primary data sources are the Annual Reports of KY and the Supreme Court (Mahkamah Agung – MA) for 2023, which provide insights into both ethical and managerial oversight within the judiciary.

According to the KY Annual Report 2023, there were 3,593 public complaints concerning alleged ethical violations and integrity issues involving judges. This figure shows an increase compared to 2022, indicating rising public scrutiny of judicial integrity. However, the judicial integrity index increased only marginally, from 7.84 in 2022 to 7.99 in 2023. This small improvement suggests that the enhancement of judicial integrity has been slow and remains below public expectations.

Furthermore, during the period from January to September 2023, KY received 1,592 reports and 1,062 copied letters (*tembusan*), which highlights the continuing public demand for a transparent and effective oversight mechanism.

On the other hand, the Supreme Court's Annual Report 2023 sheds light on structural aspects, including the number of Supreme Court justices, patterns of promotion and rotation, and human resource development programs. These findings underscore the importance of linking ethical oversight carried out by KY with career management within the judiciary. The key conclusion is that there remains a disconnect between KY's oversight function and MA's career management system. As a result, judicial oversight is often perceived not as a developmental mechanism but rather as a punitive or repressive instrument.

Comparative Insights from International Practices

The study compares Indonesia's judicial oversight model with practices in England, Canada, and the Philippines, aiming to identify lessons relevant to the Indonesian context.

1. England (Judicial Conduct Investigations Office-JCIO): The JCIO emphasizes early screening of complaints, strict timeframe standards for case handling, and publication of annual statistics. These measures enhance transparency, build public trust, and manage expectations about the oversight process. This model demonstrates the importance of introducing time standards and publishing results, which are still limited in the Indonesian system (Judicial Conduct Complaints, JCIO Annual Reports).
2. Canada (Canadian Judicial Council-CJC): In 2023, the CJC introduced procedural reforms, including greater involvement of laypersons (non-judges) in review processes and the publication of selected

decisions. This model combines accountability with procedural protection and integrates oversight into judicial training and career development. For Indonesia, the Canadian approach highlights the importance of integrating ethical oversight with continuous training, performance evaluation, and professional development (Canadian Judicial Council, 2023–2024).

3. Philippines (Office of the Court Administrator-OCA): The OCA relies on routine audits and close integration with the Supreme Court's internal oversight system. Sanctions are published openly, and the mechanism effectively prevents misconduct. However, its proximity to the Supreme Court raises risks of compromising independence. For Indonesia, the Philippine model demonstrates the potential of routine audits and sanction publication, but with caution to preserve KY's independence (Provincial Court of British Columbia; Geyh, 2019).

Comparative Table

To summarize these comparisons, the following table provides an overview of judicial oversight models across countries and the lessons they offer for Indonesia.

Table 1. Comparison of Judicial Oversight Models in Selected Countries and Lessons for Indonesia

Country / Institution	Main Authority	Oversight Characteristics	Integration with Judicial HRM	Mechanism & Transparency	Strengths	Weaknesses	Lessons for Indonesia
Indonesia (KY)	Ethical oversight of judges; propose Supreme Court justice candidates.	Independent by constitution, but limited to recommendations (no direct sanctions).	Not fully integrated with promotion, transfer, or performance evaluation under MA.	Receives public complaints; recommendations sent to MA/MK; limited public disclosure.	Strong constitutional legitimacy; direct public access.	Limited authority; resistance from MA; weak HR integration.	Reposition KY to integrate ethical oversight with judicial career management and improve transparency.
England (JCIO)	Handles public complaints against judges.	Independent under Lord Chancellor & Lord Chief Justice.	Integrated into performance evaluation and career management.	Strict case-handling deadlines; annual publication of reports.	High transparency; efficient process; strong accountability.	Cannot alter judicial decisions.	Adopt clear time standards and publish oversight outcomes.
Canada (CJC)	Ethical oversight of federal judges; recommend removal.	Independent, composed of senior judges.	Integrated with training, performance review, and HR development.	Formal procedures, involvement of laypersons; partial decision publication.	High accountability; oversight linked to development.	Long and complex process.	Integrate ethical oversight with continuous training, HR evaluation, and public participation.
Philippines (OCA)	Oversees behavior and performance of judges under MA.	Part of Supreme Court structure; administrative and ethical focus.	Directly connected to rotation and career management.	Routine audits, internal investigation, public sanction disclosure.	Effective prevention; efficient process.	Risk of undermining independence due to SC control.	Adopt audit routines and sanction publication while preserving KY's independence.

Source: Adapted from Geyh (2019); Mackenzie & Wallace (2014); Judicial Conduct Investigations Office (2023–2024); Canadian Judicial Council (2023–2024); Komisi Yudisial (2023); Mahkamah Agung (2023).

Key Lessons for Indonesia

The analysis of empirical findings and international comparisons yields several crucial lessons for strengthening judicial oversight in Indonesia. These lessons highlight the importance of repositioning the

Judicial Commission (Komisi Yudisial-KY) from a reactive watchdog into a proactive and developmental partner in building judicial integrity.

First, oversight must be developmental, not merely punitive. The current Indonesian model, where KY mainly responds to public complaints and forwards recommendations to the Supreme Court (MA), is often perceived as repressive and disconnected from the broader strategy of judicial capacity building. International experience demonstrates that effective oversight combines monitoring with continuous training and improvement. For example, the Canadian Judicial Council (CJC) integrates ethical oversight into broader human resource management (HRM) functions, linking complaint reviews with judicial education and ongoing professional development (Canadian Judicial Council, 2023–2024). This approach ensures that oversight is not only about sanctioning misconduct but also about guiding judges toward higher ethical awareness and professional competence. For Indonesia, embedding KY's role within the career cycle of judges covering recruitment, training, promotion, and rotation would transform oversight into a tool for institutional growth rather than a source of tension between KY and MA.

Second, transparency is indispensable. The Indonesian system still suffers from limited public disclosure, as most KY recommendations are processed internally within MA with little information made available to the public. This lack of openness fuels public skepticism and undermines accountability. In contrast, the Judicial Conduct Investigations Office (JCIO) in England provides a strong model of transparency by publishing annual statistics, enforcing strict timeframes for complaint handling, and making case outcomes accessible to the public (Judicial Conduct Complaints, 2023–2024). Transparency, as emphasized in the framework of good governance, is not merely a procedural matter but a cornerstone for rebuilding public trust in judicial institutions (Butt & Lindsey, 2012). For Indonesia, adopting similar practices such as establishing clear timelines for handling complaints and publishing outcomes would increase predictability and demonstrate institutional commitment to accountability.

Third, integration with human resource management (HRM) is crucial. Currently, the ethical oversight exercised by KY operates in isolation from MA's career management system. This separation results in oversight being viewed as external pressure rather than an organic part of judicial professionalism. International experiences show that ethical oversight must directly influence promotions, transfers, and evaluations. In the Philippines, for instance, the Office of the Court Administrator (OCA) connects oversight to rotation and promotion decisions, while routine audits ensure consistent monitoring of judges' performance (Geyh, 2019). Although the Philippine model risks compromising independence due to its location under the Supreme Court, it demonstrates the value of aligning oversight with HRM to reinforce ethical standards as a core dimension of career advancement. For Indonesia, integrating KY's ethical assessments into MA's promotion and rotation decisions would institutionalize integrity as a decisive criterion in judicial careers.

Finally, a hybrid model is recommended. No single international model can be fully transplanted into Indonesia due to constitutional, cultural, and political differences (Mackenzie & Wallace, 2014). Instead, Indonesia should adopt a hybrid approach that draws on the strengths of multiple systems. From Canada, the integration of training and career development; from England, strict time standards and transparent publication of outcomes; and from the Philippines, routine audits and sanction disclosure. Combined, these elements would create a proactive, transparent, and developmental oversight system, while maintaining KY's constitutional independence (Komisi Yudisial, 2023; Mahkamah Agung, 2023). Such a hybrid model would not only address current fragmentation between KY and MA but also transform oversight into a collaborative mechanism that balances judicial independence with accountability.

The key lessons underscore that the future of judicial oversight in Indonesia depends on reconceptualizing KY's role. Oversight should evolve from punitive control to developmental guidance, underpinned by transparency and HR integration. By adopting a hybrid model informed by international best practices, KY can reposition itself as both a guardian of ethics and a partner in strengthening professional standards. This transformation is essential for enhancing public trust, ensuring

accountability, and fostering a judiciary that embodies integrity at both the institutional and individual levels.

Theoretical Anchors

The repositioning of the Judicial Commission (Komisi Yudisial-KY) within Indonesia's judicial reform framework is not merely a technical adjustment of institutional authority; it is deeply grounded in established theoretical perspectives that provide legitimacy and conceptual clarity. Three major theoretical anchors are particularly relevant: the separation of powers and checks and balances, good governance and judicial accountability, and human resource management in the public sector. Together, these perspectives help explain why and how KY's role should evolve from a reactive supervisory body into a proactive and developmental partner of the judiciary.

1. Separation of Powers and Checks and Balances

The classical theory of separation of powers, articulated by Montesquieu and further adapted in modern constitutional law, divides authority among the legislative, executive, and judicial branches to prevent the concentration of power and potential abuses. In the Indonesian context, this principle is enshrined in the 1945 Constitution, where the judiciary is recognized as an independent branch of government. However, judicial independence does not equate to absolute immunity from oversight. As Asshiddiqie (2010) emphasizes, independence must coexist with accountability mechanisms to ensure the judiciary remains trustworthy and does not deviate from its constitutional mandate.

The creation of KY represents the institutional embodiment of checks and balances within the judicial sphere. KY operates as an external oversight body tasked with safeguarding judicial honor and integrity without intervening in the substance of judicial decisions. This distinction ensures that oversight does not undermine judicial independence but rather complements it. In this framework, repositioning KY means reinforcing its role as a balancing force: one that ensures ethical accountability while respecting the judiciary's constitutional independence.

2. Good Governance and Judicial Accountability

The second theoretical anchor is rooted in the principles of good governance, which emphasize transparency, efficiency, responsiveness, and accountability in public institutions. Within the judicial sector, these principles are operationalized through the concept of judicial accountability, where judges must answer not only to the law but also to the ethical standards expected by society.

As Butt and Lindsey (2012) highlight, Indonesia's judiciary has historically faced challenges of corruption and declining public trust, sometimes described as a "judicial mafia." Addressing these systemic issues requires embedding good governance values in the oversight system. KY, as an independent oversight body, embodies the potential to deliver transparency through the publication of reports, efficiency through clear complaint-handling procedures, and accountability by ensuring that misconduct is addressed. Repositioning KY thus aligns with broader governance reforms, making the judiciary not only independent but also open and responsive to public scrutiny.

Moreover, judicial accountability under good governance principles extends beyond punitive measures. It requires proactive mechanisms, such as regular audits, performance reviews, and the publication of integrity indices. These measures make the judiciary visible to the public, fulfilling the maxim that "justice must not only be done but must also be seen to be done." By institutionalizing such practices, KY can enhance public confidence in the judiciary while strengthening the rule of law.

3. Human Resource Management in the Public Sector

The third theoretical perspective situates judicial oversight within the domain of public sector human resource management (HRM). HRM theory emphasizes that organizations, including judicial institutions, thrive when they invest in their human capital by nurturing integrity, competence, and continuous professional development. According to Becker's Human Capital Theory, effective management of personnel requires not only technical training but also the cultivation of values and ethics that sustain long-term professionalism.

In this regard, judicial oversight should not be seen merely as a disciplinary function but as an integral part of HRM. The repositioning of KY means embedding ethical evaluation into the broader career cycle of judges from recruitment and training to promotion, transfer, and retirement. Ethical oversight thus becomes a developmental process that identifies risks, provides corrective guidance, and promotes continuous improvement.

By integrating oversight with HRM, KY can ensure that judges' career trajectories reflect not only legal competence but also ethical integrity. This shift from reactive punishment to proactive development aligns with international practices, where oversight bodies also function as partners in training and capacity building. Such an approach transforms KY into a guardian of professional standards and a contributor to sustainable judicial excellence.

Anchored in these three theoretical perspectives, the repositioning of KY emerges as both a constitutional necessity and a strategic innovation. Separation of powers ensures that oversight strengthens rather than threatens judicial independence (Asshiddiqie, 2010). Good governance principles demand transparency, accountability, and public trust in the judiciary (Butt & Lindsey, 2012). Finally, human resource management theory highlights the role of oversight in fostering integrity, performance, and sustainable professionalism (Becker). Taken together, these theoretical foundations legitimize and guide the transformation of KY into a proactive, integrative, and developmental institution that can effectively support Indonesia's judicial reform agenda.

Constitutional Position and Implementation Challenges

The Judicial Commission (Komisi Yudisial – KY) holds a constitutionally recognized position in Indonesia's judicial system. Article 24B of the 1945 Constitution (UUD 1945) explicitly establishes KY with two primary functions: to propose candidates for Supreme Court justices and to safeguard the honor, dignity, and behavior of judges. This constitutional mandate gives KY a unique status as an oversight body that is neither subordinate to the executive, legislative, nor judicial branches, but functions as an independent state institution with a specific mandate in the sphere of judicial ethics and integrity.

Further elaboration of KY's authority is provided in Law No. 18 of 2011, which amended Law No. 22 of 2004 on the Judicial Commission. According to Article 13, KY is tasked with monitoring judges' ethical behavior and receiving public complaints regarding alleged violations of the Judicial Code of Ethics and Code of Conduct. Article 20 further grants KY the authority to verify reports and submit its recommendations to the Supreme Court (MA) or the Constitutional Court (MK), depending on the judge concerned. However, KY's power is limited to providing recommendations; disciplinary measures remain under the jurisdiction of the Supreme Court or Constitutional Court.

This arrangement has created structural tension between KY and MA. The Constitutional Court (Mahkamah Konstitusi-MK), through a series of landmark decisions, has further narrowed KY's functional space. For instance, Decision No. 005/PUU-IV/2006 and Decision No. 43/PUU-XIII/2015 clarified that KY does not have authority over judicial technical matters, as such involvement would undermine judicial independence. While these rulings protect the autonomy of judges in deciding cases, they also reduce KY's capacity to oversee situations where ethical concerns overlap with judicial reasoning. Consequently, KY's oversight has been restricted largely to behavioral aspects, excluding areas where unethical conduct may manifest within judicial decision-making.

The implementation of KY's mandate faces at least three key challenges. First, institutional resistance from the Supreme Court. MA has frequently demonstrated reluctance to adopt KY's recommendations, especially when they involve disciplinary actions against judges. This resistance reflects a broader tension between the need for external oversight and the judiciary's insistence on independence.

Second, regulatory limitations. Despite Law No. 18 of 2011, there remain ambiguities in defining the scope of KY's authority, particularly in relation to MA's internal supervisory bodies. The absence of clear procedural rules for coordination often leads to fragmented oversight mechanisms, where KY's findings do not effectively translate into corrective action.

Third, weak internal capacity. KY itself struggles with limited human resources, investigative capacity, and technological infrastructure. Without adequate institutional strength, KY's ability to process complaints, conduct investigations, and ensure follow-up is severely constrained. This weakness undermines public confidence in its effectiveness.

These challenges contribute to fragmentation in judicial oversight, where responsibilities are divided among multiple bodies without effective integration. The result is a system in which oversight appears formalistic but lacks substantive impact. This fragmentation reinforces the urgency of repositioning KY transforming it from a reactive, recommendation-based body into a proactive institution integrated with judicial human resource management and supported by stronger regulatory clarity.

In short, while KY's constitutional position provides a strong foundation for external judicial oversight, its effectiveness has been undermined by restrictive interpretations of its authority, institutional resistance, regulatory ambiguities, and internal limitations. Overcoming these challenges requires legal reform, strengthened coordination with MA, and significant investment in KY's institutional capacity. Only through such repositioning can KY fulfill its constitutional mandate to uphold the honor and integrity of Indonesia's judiciary.

Strategic Repositioning of the Judicial Commission (KY)

The repositioning of the Judicial Commission (Komisi Yudisial-KY) is essential to transform it into a more effective institution that not only responds to misconduct but also prevents ethical lapses and strengthens the overall professionalism of judges. Based on the empirical findings, theoretical considerations, and international best practices, the strategic direction of KY's reform can be outlined in three main areas: risk-based ethical oversight, integration with judicial career management, and collaborative ethical development.

1. Risk-Based Ethical Oversight

Traditional oversight mechanisms in Indonesia have largely been reactive, depending on public complaints or reports of misconduct. While this complaint-driven model is valuable, it tends to address problems after they have already damaged public trust. To improve effectiveness, KY should adopt a risk-based oversight approach that emphasizes early detection of potential ethical violations. This model, commonly used in corporate governance and regulatory institutions, involves identifying risk factors such as patterns of delayed case handling, unusual financial disclosures, or repetitive complaints against particular judges. By employing predictive indicators and data-driven monitoring, KY could anticipate areas of vulnerability and intervene before ethical breaches escalate.

Implementing risk-based oversight requires investment in digital complaint systems, data analytics, and integrity mapping tools, allowing KY to move from passive reception of cases toward proactive prevention. Such an approach would not only enhance efficiency but also align with principles of good governance by prioritizing prevention over punishment.

2. Integration with Judicial Career Management

One of the key weaknesses in Indonesia's current system is the separation between ethical oversight and the management of judicial careers under the Supreme Court (MA). This disconnection often renders KY's recommendations symbolic rather than transformative. To address this gap, KY's oversight should be directly integrated into career advancement processes, ensuring that a judge's ethical record becomes a decisive criterion in promotion, rotation, and even retention.

For example, a judge with a consistent ethical track record should be prioritized for promotion, while those with repeated complaints should face restrictions in career mobility. This integration would send a clear signal that professional growth in the judiciary is inseparable from ethical behavior. Models from Canada and the Philippines illustrate how oversight data can be embedded into HR systems to strengthen integrity and professionalism.

To realize this in Indonesia, a formal coordination mechanism between KY and MA is necessary, supported by legal reforms that mandate the consideration of KY's ethical assessments

in HR decisions. This reform would bridge the current institutional gap and transform oversight into a constructive instrument for building judicial quality.

3. Collaborative Ethical Development

Oversight should not be confined to control and sanction but must also involve ethical education and cultural transformation within the judiciary. For this reason, KY's repositioning should emphasize collaborative efforts with multiple institutions: the Supreme Court (MA), the Corruption Eradication Commission (KPK), and universities with law faculties.

Through collaboration with MA, KY can ensure consistency between internal judicial training and external oversight standards. Partnership with KPK can enrich KY's capacity in integrity building, particularly in preventing corruption and conflicts of interest among judges. Meanwhile, engagement with universities allows KY to contribute to the development of ethical curricula in legal education, nurturing future judges who are not only technically competent but also ethically grounded.

This collaborative framework shifts KY's function from being a "watchdog" to becoming an ethical steward of the judiciary. It enables the Commission to create a culture of integrity that is continuously reinforced through training, mentoring, and professional development rather than relying solely on punishment.

The strategic repositioning of KY requires a fundamental shift in orientation from reactive, fragmented oversight to a proactive, integrated, and collaborative model. Risk-based oversight ensures early detection of misconduct; integration with judicial career management embeds ethics into the core of judicial professionalism; and collaborative ethical development promotes a culture of integrity across the judicial system. Together, these strategies would not only strengthen KY's institutional effectiveness but also enhance public trust in Indonesia's judiciary, ensuring that oversight functions as both a safeguard and a driver of professional excellence.

Institutional Implications

The strategic repositioning of the Judicial Commission (Komisi Yudisial – KY) inevitably requires significant institutional adjustments. To transform KY from a reactive complaint-based body into a proactive and developmental institution, three critical implications emerge: regulatory revision, the establishment of a National Judicial Ethics Council (Dewan Etik Hakim Nasional – DEHN), and the development of transparent, real-time digital reporting systems.

1. Regulatory Revision to Clarify Authority

One of the major obstacles to KY's effectiveness lies in the ambiguity of its legal mandate. While the 1945 Constitution (Article 24B) and Law No. 18 of 2011 outline KY's authority in supervising judicial behavior, Constitutional Court rulings have narrowed this scope, preventing KY from intervening in matters considered "technical adjudication." This limitation has created institutional friction, especially with the Supreme Court (MA), and has weakened KY's role in enforcing accountability.

A comprehensive regulatory revision is therefore required to clarify and strengthen KY's authority. This includes amendments that:

- a. Clearly define the boundaries between oversight of judicial behavior and interference in judicial decisions.
- b. Require MA and the Constitutional Court (MK) to formally consider KY's recommendations in disciplinary and career-related decisions.
- c. Institutionalize coordination mechanisms between KY and internal judicial supervisory bodies.

Such reforms would prevent overlapping jurisdictions, reduce resistance from MA, and give KY the legal certainty needed to act decisively.

2. Establishment of a National Judicial Ethics Council (DEHN)

The second institutional implication is the creation of a National Judicial Ethics Council (DEHN), envisioned as a collegial forum that brings together representatives from KY, MA, MK, and independent experts. Unlike KY alone, this council would function as a collective decision-making

body for ethical evaluations and sanctions, thereby addressing the criticism that KY's recommendations lack binding power. By adopting a collegial model, DEHN would:

- a. Enhance legitimacy through multi-stakeholder representation.
- b. Reduce institutional resistance, as decisions would be shared rather than imposed by KY alone.
- c. Provide a forum for harmonizing judicial independence with ethical accountability.

This model echoes practices in other countries, such as the Canadian Judicial Council, where oversight decisions involve panels of senior judges and external participants. For Indonesia, DEHN could become the institutional bridge between KY's external oversight and the judiciary's internal governance, thereby ensuring both independence and accountability.

3. Development of Transparent Digital Reporting Systems

Finally, institutional reform must be supported by innovations in technology. Currently, complaint mechanisms rely heavily on manual submission and internal processing, which limits transparency and efficiency. To meet the demands of a modern oversight body, KY should develop a digital reporting system that is both transparent and real-time. Key features of such a system include:

- a. Online submission portals accessible nationwide, ensuring broader public participation.
- b. Tracking mechanisms that allow complainants to monitor the status of their cases.
- c. Data integration tools to identify trends and risk areas in judicial behavior.
- d. Public dashboards that display anonymized statistics on complaints, resolutions, and sanctions.

This would not only improve efficiency but also strengthen public trust, as citizens would be able to see tangible results of the oversight process. Moreover, real-time data analytics could serve as the backbone for KY's proposed risk-based oversight model, enabling proactive interventions.

The institutional implications of repositioning KY are far-reaching. Regulatory revision is needed to secure its authority and reduce ambiguity. The establishment of a National Judicial Ethics Council would create a collegial forum for ethical governance, balancing independence with accountability. Finally, investment in transparent and real-time digital reporting systems would modernize KY's oversight functions and enhance public trust. Together, these reforms would reshape KY into a robust and credible institution, capable of fulfilling its constitutional mandate as a guardian of judicial integrity in Indonesia.

The Judicial Commission (KY) as an Agent of Judicial Reform

The strategic repositioning of the Judicial Commission (Komisi Yudisial – KY) carries broader significance beyond institutional strengthening. It positions KY as a central agent of reform within the Indonesian judiciary, tasked not only with oversight but also with cultural transformation, institutional balance, and public engagement. In this role, KY contributes to rebuilding trust and ensuring that the judiciary operates with integrity, independence, and accountability.

1. Agent of Ethical Culture Change

The judiciary is not only a legal institution but also a cultural entity, shaped by values, norms, and traditions. Historically, Indonesia's judiciary has struggled with a culture of patronage, weak accountability, and recurring ethical violations. Repositioning KY allows it to function as an agent of ethical culture change, instilling values of integrity, impartiality, and professionalism within the judicial community.

Through risk-based oversight, integration with career management, and collaboration with educational institutions, KY can help institutionalize a culture where ethics are not external impositions but internalized professional norms. Training programs, codes of conduct, and mentoring initiatives, supported by KY's guidance, would reinforce the idea that ethical behavior is a non-negotiable standard of judicial professionalism. Over time, this shift from compliance-driven oversight to value-driven culture building could transform the judiciary into an institution that embodies integrity by design.

2. Internal Counterbalance to Supreme Court Authority

The Supreme Court (Mahkamah Agung – MA) holds vast authority over judicial administration, including appointments, promotions, and disciplinary decisions. While necessary for organizational coherence, this concentration of power risks weakening checks and balances within the judiciary itself. Repositioning KY strengthens its role as an internal counterbalance to MA's authority, ensuring that judicial governance does not become overly centralized or self-serving.

By providing independent oversight and ethical evaluations, KY offers an external perspective that complements MA's internal supervisory functions. This dynamic creates a system of horizontal accountability, where no single institution monopolizes control over judges' careers or ethical standards. Such a counterbalance preserves judicial independence not only from political interference but also from excessive internal dominance, aligning with constitutional principles of checks and balances.

3. Catalyst for Public Trust through Transparency and Participation

Public trust is the cornerstone of judicial legitimacy. Without it, even technically correct decisions may be perceived as unjust. KY's repositioning enables it to act as a catalyst for restoring and enhancing public confidence in the judiciary. Transparency, public participation, and open accountability are central to this role.

By implementing transparent digital reporting systems, publishing oversight outcomes, and involving civil society in monitoring processes, KY can demonstrate that the judiciary is accountable to the people it serves. This openness reduces the perception of judicial insulation and helps counter narratives of corruption or bias. Moreover, fostering collaboration with civil society organizations, bar associations, and universities broadens the oversight process, making it more inclusive and credible.

As a public-facing institution, KY becomes the bridge between citizens and the judiciary, channeling societal concerns into institutional reforms. In doing so, it not only responds to complaints but also actively shapes the judiciary's legitimacy in the public eye.

The repositioning of KY redefines it as an agent of judicial reform in three interrelated dimensions. It is an agent of ethical culture change, embedding integrity as a fundamental value within the judiciary. It is an internal counterbalance that complements and limits the Supreme Court's authority, ensuring accountability within the judiciary itself. Finally, it is a catalyst for public trust, leveraging transparency, participation, and accountability to rebuild confidence in judicial institutions. Together, these roles situate KY not merely as a watchdog but as a transformative actor, central to Indonesia's ongoing efforts to establish a judiciary that is independent, accountable, and trusted by the public.

CONCLUSION

This study demonstrates that the Judicial Commission (Komisi Yudisial) plays a pivotal constitutional role in safeguarding judicial integrity, yet its effectiveness remains constrained by limited authority, institutional resistance, and weak integration with judicial career management. Although the number of public complaints against judges increased significantly in 2023, the judicial integrity index showed only marginal improvement, highlighting persistent challenges in ethical governance.

Comparative analysis with judicial oversight bodies in Canada, England, and the Philippines illustrates that effective systems are characterized by three core elements: integration of ethical oversight with human resource management, strict transparency and accountability standards, and a balance between preventive and corrective measures. In Indonesia, however, oversight is still predominantly reactive and fragmented, often perceived as punitive rather than developmental.

Repositioning KY therefore requires a paradigmatic shift: moving from reactive complaint-handling to risk-based oversight, embedding ethical evaluations into judicial career development, and fostering collaborative ethical education with institutions such as the Supreme Court (MA), the Corruption Eradication Commission (KPK), and universities. Strengthening KY's authority through regulatory revision, creating a National Judicial Ethics Council (DEHN), and developing transparent digital reporting systems are key institutional implications. Ultimately, KY must evolve into an agent of judicial reform—an ethical culture changer, an internal counterbalance to MA, and a catalyst of public trust.

RECOMMENDATIONS

Based on these conclusions, several recommendations can be proposed:

1. Regulatory Reform: Amend Law No. 18 of 2011 to clarify KY's authority, mandate MA and MK to consider KY's recommendations, and institutionalize coordination mechanisms to reduce fragmentation.
2. Strengthening Institutional Capacity: Increase KY's human and technological resources, particularly in developing data-driven tools for risk-based oversight and integrity mapping.
3. Integration with Judicial Career Management: Link KY's ethical records directly with promotions, rotations, and evaluations within MA to ensure that integrity becomes a decisive factor in career advancement.
4. Establishment of DEHN: Form a National Judicial Ethics Council as a collegial forum involving KY, MA, MK, and independent experts, to enhance legitimacy and reduce institutional resistance.
5. Transparency and Public Engagement: Implement real-time digital reporting platforms, publish oversight outcomes regularly, and involve civil society and academia in ethical education and monitoring.
6. Ethical Development Programs: Expand collaboration with KPK and universities to design continuous training programs, embedding ethics into both judicial practice and legal education.

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