

Restoring the Integrity of the Judicial System in Indonesia

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Abstract

Corruptions in the judicial system in the form of bribery, cannot be simplified because it gets in touch with a very significant principle among root principles of legal supremacy in a democratic society, namely the principle of independence of the judiciary, which consider to be the fundamental guarantee of a fair trial to all person, in all kinds and levels of court. In 2013 The Indonesian Commission of Eradication Corruption (KPK) has identified that judicial system in Indonesia as the third of the most corrupt institution in the country. The World Justice Project, an independent multi-disciplinary organization working to advance the rule of law around the world based on several criteria has placed Indonesia on number 52 in the Global Ranking of The Rule of Law Index (2015), under Singapore, Malaysia and The Philippines in ASEAN countries. Any corruption committed in court or judicial system has violated of and contradictory to The Universal Declaration of Human Rights (UDHR) (1948), and the International Covenant on Civil and Political Rights (ICCPR) (1966), which emphasized that everyone is entitled in full equality to a fair and public hearing by an independent, competent and impartial tribunal. In this context, The Bangalore Principles of Judicial Conduct (2002) laid stress on the unitary principles of independence, impartiality, integrity, propriety, quality, competence and diligence. And the spirit of integrity is the core, because it is essential to the proper discharge of the judicial office. The judicial system is corrupted when any act or omission is intended to result in the loss impartiality of the judiciary and other elements of the judicial system. Specifically, corruption occurs whenever a judge and other judicial officer seeks or receives a benefit of any kind or promise of a benefit or any kind in respect of an exercise of power or other action in violation of judicial independence principle. Recognizing the corrosive impacts of corruptions in Indonesian's judicial system in the maintaining a democratic society, the rule of law and to promote as well as to protect human rights, the author proposes a Comprehensive Policy and Strategic Framework for Elimination the Corruption in Court, based on "the Triple-Track Approach", namely "the Preventive Approach, The Early Detection Approach, and The Repressive Approach". The Prevention Approach is actualizing prevention efforts without utilizing the criminal justice system; The Early Detection Approach consist of efforts to encourage public participation and the mass-media in the process of detecting, exposing, preventing, eliminating and combating corruption in the judicial system; and Repressive Approach is actualizing the effectiveness of criminal justice system. For the sake of successful realization of this policy and strategy, the existence of personal mastery of human resources equipped with tough mental model, shared vision, team learning, system thinking and unity of command, considered to be prerequisite in the organization of the judicial power.

Keywords: Restoring, Integrity of Judicial System

1. Introduction

In the last two decades, everyone could openly read in the newspapers and watched in the televisions as well as in cyber medias about the involvement of judges and also member of the judicial system officers in the corruption in court (bureaucratic and judiciary corruption), especially in term of the crime of bribery, in connection with cases which brought before the court where they are assigned. We could not simplify this problem, because there is a very important principle, which get in touch namely the violation of the principle of independence of the judiciary as the root cause. An independent of judiciary is prerequisite and a fundamental guarantee of a fair trial to all persons either in general court or special court in civil, criminal or administrative law cases. Data have revealed that court corruptions have been committed organized and systematically. Therefore, some people used the term of "Mafia in Court". In 2013 Corruption Eradication Commission concludes that the courts/judiciary considered to be the third of the most corrupt institutions in the country.

Universal Declaration of Human Rights (1948), Article 10 stipulates that everyone is entitled in full equality to a fair a public hearing by an independent and impartial tribunal. International Covenant on Civil and Political Rights (1966) has clarify and make it complete, by stating that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

In a democratic society, the principle of the judicial independence is really important because it has close connection with the so called index or indices of democracy, beside the existence of an open, accountable and responsive government, the promotion and protection human rights (specifically civil and political rights), upholding the principle of the rule of law, checks and balances mechanism among the branches of the

government and the character of its civil society as a society of self-confident citizens.¹

Constitution 1945 (After Amendments) stipulated in Article 24 that The Supreme Court and judicial bodies underneath it in the public court, religious court, military courts, administrative courts, and Constitutional Court (supported by the Judicial Commission) has to be responsible to uphold the Principle of judicial Independence. In this regard Consideration of Law No. 48/2009 on Judicial Power reconsider this responsibility, for the sake of upholding law and justice.

The meaning of integrity includes commitment to the values of honesty and totality or wholeness of the justice system in achieving its goals as well as the consistency of the system to uphold the basic values of the system. Integrity is essential to the proper discharge of the judicial office. It shall ensure that his or her conduct is above reproach in the view of a reasonable observer. The behavior and conduct must reaffirm the people's faith the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

As a system, the court or judicial system consists of a physical system-namely the network of the sub-judicial system which utilizes the enforcement of substantive law, law of procedure and law of the implementation of sanctions-and an abstract system-namely a system of views, attitude, values and philosophy which control all efforts in the attainment of the aims of the system. The aims of judicial system covers three functions of law namely, antinomy between justice, legal certainty and purposiveness (utility);²

Furthermore, the term "restoring integrity" has special meaning for Indonesia, more so since 1998 when Indonesia began its ongoing process of reforms and transformation to becoming a democratic society. Reforms movement itself should be interpreted as an agreement and organized effort of the nation to actualize the root principles or indices of democracy. In this case, the major problem of the judicial system is not only limited to the frustration caused by the massive volume of cases (overworked and understaffed), but also close connected with the performance of poor quality of the legal-structure, legal-substance and legal-culture aspects. In the transition to becoming a democratic society, there are several difficult problems, which should be overcome. These problems hamper efforts to restore the integrity of judicial system. These serious complications of the so called "mafia in court and judicial system" includes, practices of obstruction of justice, miscarriage of justice, malpractice and politicization of the criminal justice system, practice of bad governance or corruption, and the crisis of public service ethics which are more often than not interrelated which has violated the principle of the independence of the judiciary.

Obstruction of justice consist of: (a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences; (b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences.³

In the criminal justice system, miscarriage of justice occurs whenever suspects or defendants or convicts are treated by the State in breach of their rights, whether because of, first, deficient processes or, second, the laws which are applied to them or, third, because there is no factual justification for the applied treatment or punishment; fourth, whenever suspects or defendants or convicts are treated adversely by the State to a disproportionate extent in comparison with the need to protect the rights of others; fifth, whenever the rights of others are not effectively or proportionately protected or vindicated by State action against wrongdoers or, sixth, by State law itself.⁴

Conceptually, politicizing in the judicial system involves perverting the judicial process in order to achieve particular political ends. These ends are generally to defeat enemies of the regime in power or to deter others from joining those enemies. Politicized judicial system may also involve an attempt to get publicity for cases that are supported by a regime's opponents.⁵

In term of malpractice, there are numerous rules governing professional elements which have been violated, namely the existence of duty to conform to a certain standard of conduct as established by law; a breach of a legal duty by the professional; the breach of duty must have a causal connection to the injury or harm or lost sustained by the victim; and damage suffered by the victim.⁶

According to substantive law, the crime of corruption as the misuse of public office for personal gain, has been defined very comprehensively, but in terms of the judicial system the crime of corruption, mostly connected to the crime of bribery (active and passive) which includes several unlawful acts such as the promise,

¹ Beetham, 1999, pp.162-169.

² Learwoodss, Heather, Gustav Radbruch: An Extraordinary Legal Philosopher, 2000, p.493 "Radbruch use three general precepts: purposiveness, justice and legal certainty. Radbruch defines law as 'the complex of general precepts for the living-together of human beings' whose ultimate idea is oriented toward justice or equality".

³ Palermo Convention, UN Convention Against Transnational Organized Crime, 2000, Art. 23.

⁴ Walker and Starmer, 1999, 99.31-33.

⁵ Fairchild and Dammer, 2001, p. 12.

⁶ Shoumacher, 2001, p.31.

offering or giving to a justice or law enforcement official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the justice or act or refrain from acting in the exercise of his or her official duties; On the other side, it also includes the solicitation or acceptance by a justice or law enforcement official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the justice or law enforcement official act or refrain from acting in the exercise of his or her duties.

2. The Bangalore Principles

In term of judicial conduct there is international document, which can be put forward, namely “Bangalore Principles of Judicial Conduct” (ECOSOC 2006/23), which are intended to established standards for ethical conduct of judges. This ethical conduct consist of principles of Independence; Impartiality; Integrity; Propriety; Equality; Competence and diligence;¹

Judicial independence is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects. Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.

Integrity is essential to the proper discharge of he judicial office. The appearance of propriety, are essential to the performance of all of the activities of a judge. And ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office. Last but not least, competence and diligence are prerequisites to the due performance of judicial office.²

A democratic government requires a system of checks and balances to prevent one branch of government from abusing its authority and taking away rights provided by the Constitution. So we have the “executive branch” which enforces the law; the “legislative branch” which makes the law and the “judicial branch” which interprets the law.

According the United Nations (2006), The rule of law is a principle of governance in which all person, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norm and standards. It requires, as well, measures to ensures adherence to the principles of:

- Supremacy of law;
- Equally before the law;
- Accountability to the law;
- Fairness in the application of the law;
- Separation of powers;
- Participation in decision making;
- Legal certainty;
- Avoidance of arbitrariness; and
- Procedural and legal certainty.

The judicial branch consists of the courts, which includes the districts courts, the high courts (courts of appeal) and the Supreme Court as well as Constitutional Court and are all protected by The Universal Principle of the Independence of the Judiciary. An independent judiciary is essential in a democracy, but as a part of the judicial system, the independent judiciary should be supported by all other essential elements or members of the judiciary such judges and law clerks of the courts, and other law enforcement agency such as police, public prosecutor, correction officers, and lawyers with sufficient independence from political process and other interferences (i.e. bribery) that allows the agencies to aggressively effectively enforce the laws. Consequently, the character of being independent and impartial is not only implemented in terms of the judiciary, but also includes other elements of judicial sub-system. This concept is very important to be understood because - beside the judges - they are consider to be the integral part of the executive branch which have a close relationship with the executive power.³

¹ The Bangalore Draft Code of Judicial Conduct 2001 adopted by judicial Group on Strengthening Judicial Integrity, as revised at the Round Table Meeting of Chief Justices held at Peace Palace, The Hague, November 25-26, 2002.

² ECOSOC 2006/23. The Ecosoc convinced that corruption of members of the judiciary undermines he rule of law and affects public confidence in the judicial system. And that integrity, independence and impartiality of the judiciary are essential prerequisites for the effective protection of human rights and economic development.

³ Horton, 2000, pp.2-3. In Indonesia based on the spirit of “reformasi”, written in People Consultative Assembly Decree, TAP MPR No. X/1998, Law No. 35/ 1999 had been promulgated to protect judicial system from the influence of executive branch of government. Based on this law, judicial organization, administration and financial are under control by the Supreme Court, transferring from Department of Justice.

3. The Rule of Law Index

According to The World Justice Project (WJP), an independent, multi-disciplinary organization working to advance the rule of law around the world, there are 4 (four) Universal Principles of the Rule of Law as follows:

- a. The government and its official and agents as well as individuals and private entities are accountable under the law.
- b. The law is clear, publicized, stable, and just; are applied evenly; and protect fundamental rights, including the security of persons and property.
- c. The process by which the laws are enacted, administered, and enforced is accessible, fair and efficient.
- d. Justice is delivered timely by competent, ethical and independent representatives and neutrals who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

Based on several criteria, WJP Index has been designed to offer reliable and independent data source, for policy makers, businesses, NGO's, and other constituencies to assess nation's adherence to the rule of law as perceived and experienced by the average person, identify a nation's strength and weaknesses in comparison to similarly situated countries, and track changes over time.

Indonesia should be apprehensive because In term of Scores and Rankings of the Rule of Law Around the World 2015, Indonesia has been placed on number 52 in the Global Ranking. In ASEAN Countries is under Singapore (no. 9), Malaysia (no. 39), Philippines (no. 51).¹

4. Professed and Underlying Values

The values of any judicial system may be classified as 'professed values' and 'underlying values'. Professed values are those that are proclaimed as values by the participants in the system. For example, principle of legality, equal justice under law, independence of judiciary, right to fair and impartial trial by a competent, independent and impartial tribunal established by law, prevention of discrimination, obligation to promote and protect the human rights in the administration of justice etc. the ideal that most established systems of justice will treat all individuals equally and according to an existing rule, regardless of social status or background. On the other side, underlying values are those that are not openly proclaimed but that nevertheless govern actions within the judicial system. Efficiency, or expeditious handling of cases based on the principle of professionalism, is one such value. Affirmation of local culture is another underlying value in the criminal justice process.²

Public service ethics in crime and justice is another such underlying value which should be upheld by police officers, public prosecutors, judges, correctional officers and other legal professionals. According to the Josephson Institute of Ethics, these kinds of ethics consist of the following principles:

1. Public Service. Public servants should treat their office as public trust, only using the power and resources of public office to advantage public interests, and not to attain personal benefit or pursue any other private interest incompatible with the public good.
2. Objective Judgment. Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences.
3. Accountability. Public servants should assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.
4. Democratic Leadership. Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules,
5. Respectability. Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public official.³

5. The Nature of Corruption in the Judicial System.

Corruption is an old affliction, and no corruption is more damaging than the corruption that is corruption among the "insiders", among justice and security officials, those pledged to uphold the law. Official corruption can

¹ The Eight Factors of the WJP Rule of Law Index: Constraint on Government Powers; Absence of Corruption; Open Government; Fundamental Rights; Order and Security; Regulatory Enforcement; Civil Justice; Criminal Justice.

² Fairchild and Dammer, 2001, pp. 11.

In term of underlying values, the awareness to the principle of "good governance" consider very significant. It consist of several principles namely: principle of legal certainty, order in the state organization, the principle of public interest, openness, proportionality, professionalism and accountability (Law No. 28/1999 on State Organization Free From KKN). According to the World Bank (2005) it consists of: voice and accountability, political stability & absence of violence/terrorism, government effectiveness, regulatory quality, rule of law, control of corruption.

³ Pollock, 1998, pp.5.

speed environmental destruction, accelerate the drug trade, even encourage the smuggling of biological, chemical or nuclear weapon materials, the crime of terrorism, and other transnational organized crimes as well.

Economically, corruption represents an arbitrary, exorbitant tax. It can lead to wasteful government spending, higher deficit, greater income inequality, and a crisis of confidence that can spark capital flight, crash economy, destabilize governments, and put people half way around the world out of work. The crisis has been aggravated by corruption. Robert Klitgaard, Professor of International Development and Security at the Rand Graduate School in Santa Monica, California, has developed a formula to gauge the likelihood of corruption (corruption formula). He describes it as: $C = M + D - A$ or “Corruption equals Monopoly plus Discretion minus Accountability”.¹

In terms of discretion, chief administrators of criminal justice system have a responsibility to ensure that officers under their command exercise sound, mature and thoughtful discretion. In the framework of the criminal justice system for example, limits of the use of discretion vary from element to element of the system. The following chart further defines who within the judicial system uses discretion and how they use it.

Use of Discretions within Criminal Justice System	
Type of Justice Official	When Discretion Is Used
Police	<ol style="list-style-type: none"> 1. When investigating crimes 2. While searching for people 3. While enforcing laws 4. While detaining or arresting
Prosecutors	<ol style="list-style-type: none"> 1. When seeking indictments 2. When investigating specific crime 3. While detaining 4. While filing charges 5. While dropping cases 6. While reducing charges
Judges	<ol style="list-style-type: none"> 1. When dismissing charges 2. While detaining 3. While imposing sentences
Correctional Officials	<ol style="list-style-type: none"> 1. When assigning to a correction facility 2. For disciplinary matters 3. When awarding privileges 4. When determining of remission 5. When determining conditional 6. Release.²

The negative practice of discretionary power could also happen in the jurisdiction of civil Private judicial System (dealing with contract law, tort law, property law, succession law, heir law, family law, business law, bankruptcy law etc.). Disputes involving two or more parties) and Administrative Justice System (dealing with tax law, state administrative law etc.) which are also vulnerable to be misused by irresponsible judges and the pattern of corruption is mostly similar.

Muladi whose very concern about the flowering corruption in court said, that the non-existence of ‘stare decisis principle’ in Civil Law System, such as in Common Law Legal System has contributed and triggered to the development of negative discretion, because no binding force of precedent, will stimulates the freedom of judges to use and to misuse discretion in deciding cases.³

Research conducted by Indonesian Corruption Watch (ICW) revealed that not all of the judge’s decision taken on the basis of jurisprudence (precedent), legal knowledge, or a sense of justice. The verdict handed down by the judges as commodities of corruption. (hukumonline.com, August 3, 2002).

The Declaration of Global Forum on Fighting Corruption: Safeguarding Integrity Among Justice and Security Officials (Washington DC, 1999) asserted that corruption of justice and security officials especially betrays their trust. Corruption cannot long co-exist with democracy and the rule of law. Corruption misallocates resources, hurts the poor, and weakens economies and societies and considered to be the gross violation of

¹ Robert Klitgaard, March 1998, p. 3-6. Anti Corruption Strategy: Punish some major strategy, involve the people in diagnosing corrupt system, Focus on prevention by repairing corrupt system, reform incentives. The formula of $C=M+D-A$ is close connected to the Strategy of Focus on prevention by repairing corrupt systems in term of “vulnerability assessments”.

² Trautman, 1988, pp.43-44).

³ Muladi, 2016.

Black’s Law Dictionary defines ‘precedent’ as a rule of law established for the first time by a court for a particular type of case and thereafter referred to in deciding similar cases. The principle by which judges are bound to precedents is known as ‘Stare Decisis’.

human rights.

The UN Palermo Convention Against Transnational Organized Crime (2000) also criminalizes acts of corruption, which in some countries have greatly aided the rapid growth of organized crime, besides criminalization of participation in an organized criminal group, laundering of proceeds of crime, and other serious crime, where the offence is transnational in nature and involves an transnational organized criminal group.

The judicial system is corrupted when any act or omission of results is intended to result in the loss of impartiality of the judiciary and other elements of the criminal justice system. Specifically, corruption occurs whenever a judge and other criminal justice officers seeks or receives a benefit of any kind or promise of a benefit of any kind in respect of an exercise of power or other action. Such acts usually constitute criminal offences under criminal law. Examples of corrupt criminal conducts are:

- bribery;
- fraud;
- utilization of public resources for private gain;
- deliberate loss of court and criminal justice process records; and
- deliberate alteration of court and criminal justice process records.

Corruption also occurs when, instead of procedures being determined on the basis of evidence and the law, they are decided on the basis of improper influences, inducements, pressures, threats, or interferences, directly or indirectly, from any quarter or any reason including those arising from:

- a conflict of interest;
- nepotism;
- favoritism to friends;
- consideration of promotional prospects;
- consideration of post retirement placements;
- improper socialization with members of the legal profession, the executive or the legislature;
- socialization with litigants, or prospective litigants;
- predetermination of an issue involved in the litigation;
- prejudice;
- having regard to the power of government or political parties.¹

6. Policy and Strategic Framework for Elimination

Recognizing the corrosive and negative impacts of corruption in the judicial system, particularly on the maintenance of a democratic society, the rule of law and the legal protection of human rights, the government should be elaborating policies and strategic frameworks based upon a 'triple-track approach' that could prevent, detect and combat corruption in the criminal justice system.

6.1 The Preventive Approach

- a) Increasing judicial system officials awareness and compliance to the basic values of judicial system (professed values and underlying values), public service ethics (public service, objective judgment, democratic leadership, accountability, and respectability);
- b) Encouraging judicial system officials, including lawyers to assist in preventing, eliminating and combating corruption;
- c) Creating a culture of intolerance (zero tolerance) to corruption of the judicial system;
- d) Encouraging consideration of the corruption within the judicial system impediment to the promotion and protection of human rights and fundamental freedom;
- e) Ensuring the independency, integrity, competency and impartiality of the criminal justice system among others by criminalizing the acts of obstruction of justice;
- f) Requiring that the selection, appointment, education and promotion of judicial system officials be based on the merit system and protects against appointments or promotion for extraneous reasons or improper motives;
- g) Improving the overall conditions of service in the judicial system including adequate professionalism values, funding and salaries;
- h) Basic pre and in service legal training of the judicial officials, association of lawyers as well as academic institutions should include the teaching of professional ethics intensively;
- i) Formulating and socializing a Code of Conduct of the Judicial officers based on international standards;
- j) Developing international cooperation to prevent, detect and investigate corruption in the judicial system, such as joint trainings and technical assistance programs, harmonization of law, joint

¹ CIJL, 2000.

- investigations on case by case basis, and international cooperation;
k) Cultivation of good governance principle among the judicial system official;

6.2 The Early Detection Approach

- a) Increasing public awareness and providing encouragement to the public to participate in the process of detecting, exposing, preventing, eliminating and combating corruptions in the judicial system and the administration of justice as a whole, and therefore increase public confidence in the judicial and in the judiciary;
- b) Encouraging participation of the public and private sectors, civil society coalitions and independent media, by a positive synergy of efforts in reporting and criticizing corruption of the judicial system;
- c) Ensuring and protecting informants, complainants and witnesses are not victimized. This scheme could include examples of the type of measures which may be employed such as confidentiality, anonymity, safe conduct (limited immunity from prosecution) and the use of video-link in cases where the victim is unable or unwilling to present. The existence of Whistleblower Act should be considered and strengthened;

6.3 The Repressive Approach

- a) Complaints and allegations of corruption against judicial system officials should be investigated promptly, consistently with the rule of law;
- b) Bar Associations should provide strong and effective professional mechanisms and sanctions to be imposed to the members of the legal profession which engage in or assist corruption in the judicial system;
- c) Providing the independent mechanism for the investigation and prosecution of corruption committed by judicial system officials;

7. Conclusions and Recommendations

Upholding rule of law principle, the supremacy of law and maintaining the principle of good governance by combating corruption, collusion and nepotism are several top priorities of the Government of Indonesia since May 1998. The existence of People Consultative Assembly Decree No. XI/1998, Law No. 28/1999, Law No. 31/1999 Jo., Law No. 20/2001, Law No. 15/2002 on Money Laundering which stipulates that corruption is a predicate offence, the creation of a Judicial Commission in the New Constitution to safeguard the dignity and honour of judges, the establishment of Corruption Eradication Commission (KPK) by Law No. 30/2002 and ratification of UNCAC (United Nations Convention Against Corruption, 2003) by Law No. 7/2006, and the New Law on Judicial Power (Law No. 48/2009), all demonstrates the persistent of political will of the government to eliminate all kinds of corruption, collusion and nepotism systematically and seriously.

Nevertheless, considering that the principle of the rule of law is not mere of “a set of principle”, but also a matter of policy making and institutional developments. Success or failure to eliminate and combat corruption in the judicial system will actually depend on three factors namely, political will, a comprehensive strategy- either preventive, detection or repressive strategy- and last but not least public participation and public pressure to fight against corruption.

Judicial system is a ‘learning organization’ and an organization, which always consider the empirical studies accurately. The stakeholders of judicial system should always consider the importance of 5 (five) factors to develop its performance indicators, namely:

- a. Personal mastery, to seeing reality objectively;
- b. Mental models, that influence how we understand the world and how we take actions;
- c. Building shared vision, that foster genuine commitment and enrollment rather than compliance;
- d. Team learning starts with dialogue and enter into genuine thinking together;
- e. System thinking, which integrates the other four.¹

Finally, I’d like to express an important factor which very important to make of people, members of judicial system united to work together for creating a respected judicial system, namely ‘Unity of Command’ by a leadership system which posses four critical qualities: a bedrock of principle, a moral compass, a vision, and ability to build a consensus to achieve that vision in the democratic judicial system.

References

- Bassiouni, Cherif M. (2004), *The Protection of Human Rights in the Administration of Justice*, Centre for Human Rights, UN, Geneva.
Beetham, David. (2006), *Democracy and Human Rights*, Polity Press, Cambridge.

¹ Senge, Peter M, p. 23-29.

- BPKP. (1999), *Strategi Pemberantasan Korupsi Nasional*, Pusdiklat BPKP, Jakarta.
- Centre for the Independence of Judges and Lawyers (CIJL). (2000), *Policy Framework for Preventing and Eliminating Corruption and Ensuring the Impartiality of the Judicial System*, Geneva.
- CIJL Bulletin No. 25-26. (1990), *Special Issue The Independence of Judges and Lawyers*, Geneva.
- Department of State USA. (1999), *International Strategy Against Corruption*.
- Fairchild, Erika and Dammer, Harry R. (2001), *Comparative Criminal Justice Systems*, (second edition), Wadsworth Thomson Learning, USA.
- Fletcher, George F. (2001), *Basic Concepts of Criminal Law*, Oxford University Press, New York.
- Horton, Ralph. (2000), *Independent Judiciary and Public Corruption Law Enforcement in the United States*, Bangkok.
- Klitgaard, Robert. (March 1998), *International Cooperation Against Corruption*, Finance & Development.
- Muladi. (2016), *Independensi Pengadilan Terkoyak*, Kompas, 16 Juni 2016.
- Pollock, Joycelyn M. (2002), *Ethics in Crime and Justice, dilemmas and decisions*, ITP Publ. Company, Washington.
- Schoumacher, Bruce. (2000), *Professional and the Law, An Overview*, Van Nostrand Reinhold Company, New York.
- Senge, Peter, M. (1990), *The Fifth Discipline*, Doubleday/Currency, ISBN 0-385-26094-6.
- Stessens, Guy. (2000), *Money Laundering, A New International Law Enforcement Model*, Cambridge University Press.
- Trautman, Neal E, MS. (2000), *Law Enforcement-The Making of a Profession*, Charles C Thomas Publisher, Illionis.
- Von Hebel, Herman AM etc. (1998), *Reflections on the International Criminal Court*, TMC Asser Press, The Hague.
- Walker, Clive and Starmer, Keir. (2004), *Miscarriages of Justice, A Review of Justice in Error*, Blackstone Press Limited, Leeds.
- World Justice Project, *Rule of Law Index*. (2015), Washington DC.