

Dynamics Control of Judge in Indonesia by the Supreme Court and Commission Yudisial

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Abstract

The Supreme Court and the Judicial commission designed to cooperate in the field of supervision of judges. In reality, the cooperation between both institutions considered not running optimally, due to the emergence of differences of opinion on a purely technical breach judicial ethics in understanding the principles being disciplined and professional principles in the code of conduct and guidelines for behavior of judges. The problem up to now not resolved completely, although the Supreme Court and the Commission have set a rule Yudisial together in 2012 on the enforcement of ethical codes and guidelines Code of Conduct judges. Such conditions can cause impacts ineffective oversight of judges, so that the reform of the judicial authority is not reached. In conducting surveillance of judges, the Supreme Court and the Judicial Commission should establish a partnership, not a relationship that tends confrontational. Non-confrontational partnership can be realized which can include the Chairman of the Judicial Commission chaired ex-officio by the Chief Justice.

Keywords: Dynamics, supervision of judges, the Supreme Court, the Judicial Commission.

I. Introduction

In recent years, law enforcement in Indonesia, particularly the courts, in the spotlight. The rise of bribery that lead to abuses of authority by court officials, though not incessantly decorate the media. According Hikmahanto Juwana, not too much when there is an assessment of law enforcement and loss of public confidence, where people became apathetic, booed, and in certain circumstances the courts often do street (street justice). The condition describes a failure in law enforcement in Indonesia.²

The failure of law enforcement in Indonesia is not entirely due to aspects of substantive law and because of the legislation, Indonesia has good rule of law, while the parties are to blame law enforcement officials as a subsystem of the national legal system.³ This is evidenced by the number of apparatus courts, particularly judges, which is set to be a suspect, even been convicted by a court decision for a criminal offense of corruption, such as Pragsono, former Supreme Court Justice Corruption Semarang, Setyabudi Tejocahyono, Vice Chairman of the Bandung District Court, and Syarifudin, former Central Jakarta District Court.⁴ Therefore, the supervision of the court officials, particularly judges, is a necessity. Supervision is "... any business or activity to determine or assess the actual reality on the implementation of tasks and activities, whether in accordance with proper or not".⁵

Supervision of the judge at first only by the Supreme Court through the National Agency. That changed after the country's constitution was amended for the third time, in which Article 24 B Act of 1945 mandated to set up the Judicial Commission as a state institution whose functions related to the judicial power, which is then followed by the enactment of Law No. 22 Year 2004 concerning the Commission judicial on August 13, 2004.

The presence of Judiciary Commission as a starting point in the field of law reform, which is expected to realize the creation of checks and balances against the perpetrators of judicial power.⁶ Establishment of the Judicial Commission is the antithesis well as solutions to the state Supreme Court and judicial bodies underneath

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² Hodio Potimbang, "Moral and Ethics in Law Enforcement Reform Era in Indonesia", *Varia Justice Law Magazine* Year XXXI No. 368 Edition July 2016, p. 56.

³ Ahkam Jayadi, *Understanding the Purpose of Law Enforcement*, First Edition, Genta Press, Yogyakarta, 2015, p. 58. According to Friedman, the legal system (legal system) is an entity which is composed of three elements, namely the structure (structure), substance (substance) and legal culture (legal culture) (Check: T. Gayus Lumbuun, "Structural Reform, substance and Legal Culture in Indonesia", in *Anthology of the Judicial Commission of the Republic of Indonesia Year 2014*, First Edition, Editor Hermansyah, et al., the General Secretariat of the Judicial Commission of the Republic of Indonesia, Jakarta, 2014, p. 21).

⁴ Second, the Long List of Judges and Court officials were dragged Corruption Scandal, www.detik.com, accessed on December 23, 2016.

⁵ Sigit Angger Pramukti and Meylani Chahyaningsih, *Against the Law of Administrative Oversight*, First Edition, Reader Yustisia, Yogyakarta, 2016, p. 14.

⁶ Check: General Explanation Paragraph Three of Law of the Republic of Indonesia Number 22 Year 2004 concerning Judicial Commission.

at the time of the new order in flogging the issue of corruption, collusion and nepotism (the Mafia), not independent, and not professional. In addition,¹ the presence of the Judicial Commission is expected to raise the performance of the court that is transparent, accountable and impartial, and advanced aspects of certainty, fairness and expediency.²

On the other hand, the establishment of the Judicial Commission has reduced the burden of supervision of judges who have been concentrated on the Supreme Court. Both institutions have their respective roles in controlling the judges. Pursuant to Article 39 paragraph (1) and (3) and Article 40 paragraph (1) and (2) of Law Number 48 Year 2009 on Judicial Power, the Supreme Court is the highest supervisor of the administration of justice within the authority of the judiciary as well as the internal watchdog on behavior behavior of judges, while the Judicial Commission is an external monitoring in order to preserve and uphold the honor, dignity and behavior of judges.

Given the role and function respectively for supervising judges, should the Supreme Court and the Judicial Commission can work together. However, in reality occurred various dynamics that indicate the disharmony between the two institutions.

Disharmony between the Supreme Court and the Judicial Commission look at their recommendations and proposals to implement sanctions Assembly Honorary Judge of the Judicial Commission were not followed or ignored by the Supreme Court.³ In addition, many judges who refused to comply with the Judicial Commission calls for the examination related to the alleged violation of the code of ethics and guidelines for behavior of judges.⁴

Disharmony between the Supreme Court and the Judicial Commission will certainly have an impact on the effectiveness of the supervision of judges in Indonesia. Because it needs to be made an ideal concept of supervision of judges to avoid confrontation between the two institutions.

II. Problems

Based on the description in the introduction above, the problem in this paper are:

1. How does the Supreme Court and the Judicial Commission according to the concept and reality?
2. How has the relationship of the Supreme Court and the Judicial Commission of the effectiveness of the supervision of the judge?
3. How does the concept of ideal supervision of judges by the Supreme Court and the Commission Yudisial?

III. Relationship of the Supreme Court and the Judicial Commission: Between Concept and Reality

The Supreme Court and the Judicial Commission are two state institutions whose existence is regulated in the Act of 1945, namely chapter IX of power judiciary. Although not the perpetrator of the judicial authorities, the Judicial Commission has the functions related to the judicial authorities,⁵ khususnya Supreme Court and judicial bodies underneath, including monitoring in order to preserve and uphold the honor, dignity and behavior of judges,⁶ as stipulated in Article 24 B paragraph (1) of the Constitution of 1945, Article 40 paragraph (1) of Law Number 48 Year 2009 concerning Judicial Authority, and Article 13 (b) of Law Number 18 Year 2011 on the Amendment of Act No. 22 of 2004 on the Judicial Commission. Therefore, according to Asshiddiqie, Judicial Commission is an auxiliary organ of the Supreme Court.⁷

As an auxiliary organ, the Judicial Commission can not work alone in conducting surveillance, but

¹ Salman Luthan, "Synergy Judicial Commission and the Supreme Court of the Judicial Reform", in Anthology of the Judicial Commission of the Republic of Indonesia Year 2012, First Edition, Editor dinal Fedrian, et al., The General Secretariat of the Judicial Commission of the Republic of Indonesia, Jakarta, 2012, p. 306.

² Danang Vitello and festy Rahma Hidayati, "Institutional Strengthening of the Judicial Commission in Support of the Implementation of Powers and Duties of the Judicial Commission", in Anthology of the Judicial Commission of the Republic of Indonesia Year 2014, First Edition, Editor Hermansyah, et al., The General Secretariat of the Judicial Commission of the Republic of Indonesia, Jakarta, 2014, p. 266.

³ Check: Judicial Commission of Indonesia, Strengthens Authority, KY Have Function Non Technical Judicial Authority, www.komisiyudisial.go.id., Accessed on December 24, 2016.

⁴ Judges who have refused to meet the call of the Judicial Commission of them are Bagir Manan, Harifin Tumpa, Paulus Effendi Lotulung, to Djoko, Ahmad Sukarja, I Made Tara, Mansyur Kertayasa, Hakim Nyak Pha, and Imam Soebechi (Check: Ismail Rumadan, "Relationship Building Harmonious in the Implementation Oversight Judge by the Supreme Court and the Judicial Commission in the framework Uphold Honor, Virtue and Dignity Justice ", Journal of Law and Justice Volume 05, Number 2, July 2016, pp. 216-217).

⁵ See: Article 24 paragraph (2) of the Act of 1945 and Article 18 of Law Number 48 Year 2009 concerning Judicial Authority.

⁶ Code of Conduct and Code of Behaviour Judge a professional code of ethics for judges. According Bertens, code of professional conduct is the norm established and accepted by a group of professionals, who directs or instructs its members how it should be done and guaranteeing the quality of moral professions in the public eye (Sutrisno and Wiwin Yulianingsih, Ethics of the Legal Profession, CV Andi Offset, Yogyakarta, 2016, p. 55).

⁷ Ismail Rumadan, Op. Cit., P. 221.

requires cooperation with the Supreme Court. Cooperation between the two institutions began to establish joint Code of Conduct and Code of Behaviour Hakim as a guide in conducting surveillance, as mandated by Article 41 paragraph (3) of Law Number 48 Year 2009 concerning Judicial Authority and Article 19 A of Law No. 18 Year 2011 on the Amendment of Law Number 22 Year 2004 concerning Judicial Commission.¹

Code of Conduct and Code of Behaviour Judge assigned by the Supreme Court and the Judicial Commission on April 8, 2009, through a joint decree of the Supreme Court and the Chairman of the Judicial Commission Chairman No. 047 / KMA / SKB / IV / 2009 and No. 02 / SKB / P.KY / IV / 2009 on the Code of Conduct and Code of Behaviour Judge. According to Ismail Rumadan, preparation of the Code of Conduct and Code of Behaviour Judge leaves a problem that has not been completed, the technical differences of opinion about the judicial, where there is a gray area between technical infringement pure judicial ethics, giving rise to a variety of interpretations. The emergence of a difference because on one side of the judges should be independent or free from any interference in check and try a case, but it turned out to intersect with the freedom of the Code of Conduct and Code of Behaviour Justice concerning the principle of disciplined and professional manner.²

The gray area in the Code of Ethics and Code of Behaviour Judge reaches climax after their application for judicial review on the decision of the Joint Chief of the Supreme Court and the Chairman of the Judicial Commission of RI. Supreme Court through Decision Number 36 P / HUM / 2011, dated February 9, 2012, stating item 8.1, 8.2, 8.3, and 8.4 as well as items 10.1, 10.2, 10.3 and 10.4 are not legitimate and are not generally accepted. In its legal considerations, the Supreme Court held that the clause 8.1, 8.2, 8.3, and 8.4 as well as items 10.1, 10.2, 10.3 and 10.4 related to knowledge (cognitive) and the freedom of judges to resolve disputes relating to procedural law, since it is contrary to Article 40 paragraph (2) and Article 41 paragraph (3) of Law 48 of 2009 concerning Judicial Authority in conjunction with Article 34A paragraph (4) of Law No. 3 of 2009 on the Second Amendment to Law Number 14 Year 1985 About the Supreme Court.

Follow the decision of the Supreme Court, on September 27, 2012, designated Joint Regulation of the Indonesian Supreme Court and the Judicial Commission of the Republic of Indonesia Number 02 / NT / MA / IX / 2012 and No. 02 / PB / P.KY / 09/2016 About Free Enforcement code of Ethics and Behaviour Guidelines for Judges. In the joint regulations, principles of disciplined and behave professionally still included in the behavior which is the object of supervision.

In addition to setting the Code of Ethics and Code of Behaviour Hakim, the cooperation between the Supreme Court and the Judicial Commission is required in terms of the Judicial Commission requires information or data from the judges. When judges reported not go give any information or data, the Judicial Commission can request information or data from the judge through the leadership of the Supreme Court, as provided in Article 22 paragraph (2), (3), (4) and (5) of the Act number 18 of 2011 on the Amendment of Law number 22 Year 2004 concerning Judicial Commission. Rejection of a number of judges to meet the call of the Judicial Commission, as Judge Sarpin Rizaldi related decision granting pretrial Commissioner General Budi Gunawan,³ or Bagir Manan related to cases of alleged bribery committed by Probosutedjo, would be strong evidence of the need for cooperation between the Supreme Court and the Judicial Commission in the field,⁴

Urgency cooperation between the Supreme Court and the Commission continues Yudisial in terms of execution of sanctions against judges reported that have been declared proven to have violated the code of ethics and Code of Conduct of judges by the Judicial Commission. In Article 22 D Paragraph (1) of Law Number 18 Year 2011 concerning the Amendment to Law Number 22 Year 2004 concerning Judicial Commission, set up, "in the case of alleged violations of the Code and / or the Code of Behaviour judge convicted as referred to in Article 22C letter a, the Judicial Commission proposes the imposition of sanction against the judge who allegedly committed the violations to the Supreme Court ". This is evidenced by the many recommendations of the Judicial Commission sanctions were not followed up by the Supreme Court. In fact, to hold a session of the Honorary Council of Judges, the Judicial Commission can not work alone, since Article 22F Paragraph (2) of Law Number 18 Year 2011 concerning the Amendment to Law Number 22 Year 2004 concerning Judicial Commission, stipulates that the Honorary Council of Judges comprising of 4 members of the Judicial Commission and the three Supreme Court Justices.

The above description illustrates the difference in the relationship with the Supreme Court Yudisial Commission between the concept and the reality. In concept, the Supreme Court and the Commission Yudisial designed to cooperate, but in reality disharmony between the two agencies.

¹ Asshiddiqie, Strengthening System of Government and Justice, First Edition, Sinar Grafika, Jakarta, 2015, p. 99.

² Check: Jaja Ahmad Jayus, "Implementation Monitoring Commission Yudisial between Ethical and Technical Judicial", in Anthology of the Judicial Commission of the Republic of Indonesia Year 2016, First Edition, Editor Hermansyah, et al., The General Secretariat of the Judicial Commission of the Republic of Indonesia, Jakarta, 2016, p. 51-52.

³ Second, Sarpin Judge Will Not Fulfill Call KY, www.detik.com, accessed on December 24, 2016

⁴ Ismail Rumadan, Op. Cit., P. 216.

IV. Impact Relationships Supreme Court and the Judicial Commission of Supervision Effectiveness Against Judge

The emergence of the phenomenon of differing views on purely ethical violation by the technical judicial sanction recommendation of the Judicial Commission is not addressed by the Supreme Court, and the proposed establishment of the Honorary Council of Judges largely ignored by the Supreme Court, marks a conflict between the two supervisory institutions that judge. According to Intan Nur Rahmawanti and Rukiyah Lubis, a conflict which is "... a conflict or inconsistency between the parties to be and were entered into a relationship or partnership".¹

The conflict between the two institutions could lead to ineffective oversight of judges, particularly with regard to monitoring behavior. So the essence of the existence of the Judicial Commission to undertake reforms in the field of law, to establish checks and balances in the conduct of judicial power by the judge, was not achieved.

Such conditions can undermine people's expectations will be the creation of a fair trial and impartial, due to the loss of independence of courts or judges' independence, both because of the intervention of other powers and corruptive behavior. Meanwhile, according to Busyro Muqoddas, the reason for the birth of the Judicial Commission is to regrow public confidence in the judiciary which faded as a result of the practice of mob justice (judicial corruption).²

Public confidence in the judiciary can occur if materialized independence of judicial authorities is ideal, a way to fortify themselves from various forms of intervention, the intervention of the interests of the parties litigant, intervention treasure, and public intervention on the course of judicial proceedings.³ Therefore, each judge has an obligation to maintain the independence of the judiciary or the judges' independence.

The obligation of judges to maintain judicial independence set forth in Article 3 paragraph (1) of Law Number 48 Year 2009 concerning Judicial Authority, namely "In carrying out its duties and functions, judges and constitutional judges must maintain the independence of the judiciary". Furthermore, in the explanation of the regulated article, "The meaning of" judicial independence "are free from outside interference and free from all forms of pressure, both physically and psychologically". In connection with the freedom of the judge, Frank Cross, argues as follows:

Independence of judicial power and judicial independence is defined as independence or freedom in the judicial process that includes:

- (1) Free from pressure, interference and fear when examining and deciding cases.
- (2) No one refused to implement the judge's decision. The judges' verdict is the law that must be obeyed and implemented.
- (3) A judge can not be sued or prosecuted by reason of any decision or harm others.
- (4) Judges should not be subject to an action (such as demotion, *diberkentikan*) for decision⁴

Although the setting of judicial independence has been firmly in the legislation, but until now not a few unscrupulous judges who are affected by a variety of external interventions, which resulted in the loss of objectivity of the judge in examining and prosecuting a case. So when monitoring the behavior of judges by the Supreme Court and the Judicial Commission is not operating effectively, the condition of the judiciary *dikhawairkan* will return as *prareformasi* era, where judicial corruption is so massive in the body of the judicial power executor.

V. Oversight Ideal Concepts Justice by the Supreme Court and the Judicial Commission

The relationship of the Supreme Court and the Judicial Commission, over time experience a variety of dynamics which shows disharmony between the two lembaga. The two do not work together due to differences of opinion related to the principles of disciplined and be professional in the Code of Ethics and Code of Behaviour of Judges, where supervision is carried out by the Judicial Commission not least judged by the Supreme Court has entered the technical area of judicial, so the recommendation sanction of the Judicial Commission were not followed by Supreme Court.

The settlement related to a difference of opinion has been taken by the Supreme Court and the Commission Yudisal, by establishing joint regulation Indonesian Supreme Court and the Judicial Commission of

¹ Intan Nur Rahmawanti and Rukiyah Lubis, *Win-Win Solution Consumer Dispute*, First Edition, Reader Yustisia, Yogyakarta, 2014, p. 34.

² Zainal Arifin Mochtar, *Independent State Institutions: Dynamics of development and Urgency The arrangement Back Post-Constitutional Amendment*, Moulds to-1, PT. RajaGrafindo Persada, Jakarta, 2016, p. 105.

³ Check: M. Hatta Ali, "Strengthening Accountability Justice in the Context Reaching Back Public Trust", Commission Chairman Supreme Court of the Republic of Indonesia On the anniversary of the Supreme Court All 71, Jakarta, August 19, 2016, p. 2.

⁴ Bagir Manan, "Keeping the Independence of the Judicial Power", presented at the Seminar A Critical Assessment Against the Recruitment Patterns and Retirement of Judges, IKA-FH Padjadjaran University, Bandung, 12 November 2016, p. 12-13.

the Republic of Indonesia Number 02 / NT / MA / IX / 2012 and No. 02 / PB / P.KY / 09/2016 About Free Enforcement Code of Ethics and Behaviour Guidelines for Judges. In Article 15 of the Joint Rules, regulated, "in supervision of the Supreme Court and the Judicial Commission can not declare the truth or falsity juridical considerations and the substance of the judge's decision". Furthermore, Article 16 is set as follows: The examination of the alleged violation of Article 12 and Article 14, which is the implementation of the principles of disciplined and principles to be professionally done by the Supreme Court or by the Supreme Court in the case together with the Judicial Commission proposal of the Judicial Commission for examination together.

Moreover, Article 17 paragraph (1), is set, "In terms of Judicial Commission received a report of suspected violations of the code of ethics which is also a violation of procedural law, the Judicial Commission may propose to the Supreme Court for further action". The third article (15, 16, and 17) confirms the jurisdiction of the Supreme Court and the Judicial Commission in monitoring the behavior of judges, particularly with regard to the principles of disciplined and behave professionally assessed in contact with judicial technical problems.

The provisions of the article has given a clear formulation of the surveillance area and the area of supervision of the Judicial Commission of the Supreme Court. Therefore, the arrangement should ideally be an end to the problems between the Supreme Court and the Judicial Commission that often occur during this time. Efforts to end the problems in the supervision of judges related to the principles of disciplined and professional manner between the Supreme Court and the Judicial Commission, does not seem in line with expectations. On February 17, 2015, the Civil Society Coalition megadukan Judge Sarpin Rizaldi to the Judicial Commission, as it is considered in violation of Article 8 and Article 10 of the Code of Ethics and Code of Behaviour judge when giving judgment in pretrial against the Commissioner General Budi Gunawan. And the Judicial Commission to follow up these complaints by forming a team and call the panel of judges reported for examination.¹

The above report is an alleged violation of Article 8 and Article 10 of the Code of Ethics and Behaviour Guidelines for Judges, which is about principle and the principle being disciplined professional. In addition, the report related to the pretrial ruling. If the Judicial Commission be guided by Articles 15 and 16 of the Regulation Together with the Indonesian Supreme Court and the Judicial Commission of the Republic of Indonesia Number 02 / NT / MA / IX / 2012 and No. 02 / PB / P.KY / 09/2016 About Free Enforcement Code of Ethics and Guidelines Behaviour of judges, Judicial Commission should follow up on the complaint because it relates to a court decision, or at least Judicial Commission submitted a proposal to the Supreme court for examination together, not by forming a panel team and inspection directly against the judge reported. Unlike the case with the Supreme Court, which assesses no element of violation of code of conduct or unprofessional conduct in the pretrial proceedings, so that the Supreme Court asserted will not call and check Sarpin judges Rizaldi.²

The conditions describe not the end of the issue of disagreement between the Supreme Court and the Judicial Commission related to the principles of disciplined and professional manner on the Code of Ethics and Behaviour Guidelines for Judges. Therefore, the existence of the Joint Regulation of the Indonesian Supreme Court and the Judicial Commission of the Republic of Indonesia Number 02 / NT / MA / IX / 2012 and No. 02 / PB / P.KY / 09/2016 About Free Enforcement Code of Ethics and Code of Behaviour Judge rated yet able solve the problem completely, so it is necessary to look for alternative solutions to these problems, by rebuilding the good relationship between the two institutions over the supervisory judge.

According to Ismail Rumadan, the Supreme Court and the Judicial Commission should become a critical partner, but still maintain mutual relationship can be mutually criticize policy and kenerja agencies. Efforts to maintain mutual relations above will be hampered if the relationship between these two institutions tend to be confrontational as it is formed during this time.³

As known, the Judicial Commission is a supervisory institution of judges, from the trial judge on four courts, high court judges, or justices. Even the Chief Justice of the object merupakan supervision of the Judicial Commission. The relationship between the supervisory agency and the surveillance object becomes confrontational, because the Judicial Commission does not have full authority to examine judges reported through the Assembly Honorary Justices as happened at this time, but requires the approval of the Supreme Court. In addition, the Judicial Commission has no authority to implement the sanctions that have been imposed, either mild or severe sanctions sanctions.

Asshiddiqie, to ensure non-confrontational, relationship Supreme Court and the Judicial Commission should be a partnership. To ensure these partnerships, the Chairman of the Judicial Commission may be held by the Chief Justice as practiced some countries. In a sense, the Chairman of the Commission Yudisial held ex-officio by the Chief Justice. As for countries that practice it with the New South Wales-Australia, the Philippines, and Thailand.⁴

¹ Compass, Sarpin Judge Will not Fulfill Call KY, www.nasional.kompas.com, accessed December 25, 2016 date.

² Hukumonline, MA Affirms Judge Will not Check Sarpin, www.hukumonline.com, accessed on December 26, 2016.

³ Ismail Rumadan, Op. Cit., P. 222.

⁴ Komisi Yudisial Republik Indonesia, *Studi Perbandingan Komisi Yudisial di Beberapa Negara*, Cetakan Pertama,

Chairman of the Judicial Commission of Indonesia, has been elected from and by the members of the Judicial Commission, as stipulated in Article 7 paragraph (1) of Law Number 22 Year 2004 concerning Judicial Commission. Meanwhile, the countries of the Judicial Commission of its existence is governed by Chapter of Judicial Power, the average is based on the determination of the leadership of ex-officio. It would be applied in Indonesia, given the setting of the Judicial Commission are in the Constitution of 1945, Section IX On Judicial Power.

He held with the Chairman of the Judicial Commission is ex-officio Chairman of the Supreme Court, in addition to maintaining mutual relations and realize a partnership, also avoids the confrontation between these two institutions, especially in terms of monitoring the behavior of the judge. Avoidance of confrontation because the supreme policy-making in the hands of the same person. As a result, monitoring of the behavior of judges, whether conducted by the Supreme Court or the Judicial Commission, to be effective.

VI. Conclusion

Based on the above discussion, it can be summed up as follows:

1. Conceptually, the Supreme Court and the Judicial Commission in design to cooperate in the field of supervision of judges. However, in reality the cooperation between these two institutions is not optimal, due to different views on the supervisory object Judicial Commission with regard to the principles of disciplined and professional manner with the Code and the Code of Behaviour Judge. As a result, not a few recommendations and proposals to implement sanctions Assembly Honorary Judge of the Judicial Commission were not followed or ignored by the Supreme Court.
2. Disharmony between the Supreme Court and the Judicial Commission impact both institutions are ineffective in controlling the behavior of the judge. Consequently, the purpose of the presence of the Judicial Commission to carry out reform of the institution of judicial power, to establish checks and balances, are not achieved.
3. In conducting the supervision of a judge, the relationship of the Supreme Court and the Judicial Commission should be partnership and not likely to be confrontational like that formed during this time. To ensure these partnerships, the Chairman of the Judicial Commission should be held ex-officio by the Chief Justice.

VII. Recommendations

To end this article, the authors suggest that amendment back to Law Number 22 Year 2004 concerning Judicial Commission, which is against Article 7 (1) which regulates the post of Chairman (Chairman) of the Judicial Commission. The provisions of the article was changed to state that the Chairman of the Judicial Commission chaired ex-officio by the Chief Justice

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