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**THE SYNERGY OF THE
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IN INDONESIA**

Nur Rohim Yunus & Trini Diyani

THE SYNERGY OF THE CORRUPTION ERADICATION COMMISSION AND THE JUDICIAL COMMISSION AS AN EFFORT TO IMPROVE THE JUSTICE SYSTEM IN INDONESIA*

Nur Rohim Yunus,¹ Trini Diyani²

Universitas Islam Negeri Syarif Hidayatullah Jakarta



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Abstract:

Judicial power is an autonomous authority charged with the responsibility of administering justice in order to uphold the rule of law and justice. It is self-contained and does not rely on other authorities to maintain public order. However, the judicial power will be harmed if the judge charged with enforcing the law and administering justice actually violates the law. This study employs a qualitative research method in conjunction with a literature review. The study's findings indicate that the Corruption Eradication Commission and the Judicial Commission continue to lack cooperation in supervising judges in court. Thus, the synergy between the Corruption Eradication Commission and the Judicial Commission is required to foster cooperation and coordination in the fight against corruption, enabling them to jointly uphold the honour, nobility, and proper conduct of judges effectively and efficiently in accordance with the law.

Keywords: Synergy; Corruption Eradication Commission; Judicial Commission

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¹ **Nur Rohim Yunus** is a Lecturer in Constitutional Law, The Faculty of Sharia and Law. Universitas Islam Negeri Syarif Hidayatullah Jakarta. Email: nurrohimyunus@uinjkt.ac.id

² **Trini Diyani** is a researcher of Poskolegnas. Universitas Islam Negeri Syarif Hidayatullah Jakarta. Email: trinidiyani@gmail.com

A. INTRODUCTION

Since the beginning of the reform movement in 1998, the issue of "The Supremacy of Law" and "The Rule of Law" has been brought up. This has led to various debates and uses in the mass media, including both print and electronic publications, with the optimistic expectation that the law will be able to play an active role in the process of democratization, which is the core principle of the reform movement, which also implies the democratization of law as a means of democracy (Nuraini, 2015: 68-87).

Since the fall of the system known as the New Order, numerous components of civil society have formed a very strong desire to see a state administration that is free from corruption, collusion, and nepotism (KKN) (Sarumpaet; Budiman; Armando, 2012: 3). This desire is seen from a very well-founded political, economic, social, cultural and moral perspective. In the political field, KKN creates discrimination in public services or discrimination in respect of the political rights of the community (Sayuti, 1998: 10). Since the fall of the system known as the New Order, numerous components of civil society have formed a very strong desire to see a state administration that is free from corruption, collusion, and nepotism (KKN) (Mubyarto, 1995: 85-100). Meanwhile, in the socio-cultural and moral fields, it has caused a "disease" in the community who considers KKN acts as something that is lawful and reasonable, even though it has a negative impact on the wider community (Mubyarto, 1995: 95).

Amendments to the 1945 Constitution have fundamentally reformed the entire constitutional system, including the judicial power system (www.komisiyudisial.go.id). Through the third amendment to the 1945 Constitution, a new institution within the jurisdiction of the Judiciary in Indonesia was born, namely the Judicial Commission (Subiyanto, 2012: 662). The presence of the Judicial Commission, which is the commission's primary authority, recruits candidates for Supreme Court justices and other

authorities in order to preserve and uphold the honor, nobility, and dignity of judges in compliance with the Judicial Conduct and Qualifications Act (Article 24 B of the 1945 Constitution) (www.komisiyudisial.com). According to the Constitution of the Republic of Indonesia from 1945, the Judicial Commission is on same footing with the other institutions of state government, (KY, 2007: 10) because it is a state entity that serves as an auxiliary organ of the judicial power (Asshiddiqie, 2005: 199).

The rising tide of unchecked corruption in the judicial system will inevitably bring about the downfall of both the nation and the state. Corruption that is pervasive and systemic, as well as the use of mafia tactics in the courts, are both examples of major infractions. The supervision and enforcement efforts that have been carried out to generate judges with integrity and justice have been met with a variety of roadblocks (Hendrawati, 2016). Because of this, a special method of law enforcement that is free from any power and has broad, independent authority is required in order to eradicate corruption and create a conducive judicial environment. This is necessary in order to preserve and uphold the honor, dignity, and behavior of judges (Manan, 2005: 43).

Over the course of the past few years, the KY has signed a memorandum of understanding with the KPK about the KPK's efforts to prohibit judges in Indonesia from engaging in corrupt activities. Naturally, this is excellent news for the judicial system. Because of the fact that with the cooperation of the KPK and the Judicial Commission, there is a great hope of realizing preventive solutions in minimizing the potential for corruption violations in judicial institutions and realizing a judicial institution that is in accordance with the expectations of the people. This is because of the reason that there is a great hope of realizing preventive solutions in minimizing the potential for corruption violations in judicial institutions. Therefore, with the presence of the Corruption Eradication Commission in synergy with the Judicial Commission, it is hoped that it will optimize the performance of the Judicial

Commission and the KPK to create an enforcement of respect for the dignity of judges. This would be a step in the right direction (www.news.okezone.com).

B. METHODS

When conducting qualitative research, postpositivism serves as the guiding theoretical framework. Qualitative research is used to examine the condition of natural things when the researcher is the primary tool, when numerous data collection methods are employed, when data analysis is inductive and/or qualitative, and when the findings of the study place more emphasis on meaning than generalization. A data collection strategy is a planned approach to accumulating facts that are free of bias and can be relied upon. Data can also be gathered through other means, such as observation, interviews, and the maintenance of written records.

C. RESULTS AND DISCUSSION

1. Corruption in the Judiciary

The phenomenon of corruption is not a surprising thing among officials. This problem has become a habit that has developed in the judiciary (Santoso; Meyriswati; Alfian, 2014: 174). The involvement of a judge in a corruption investigation raises many questions for the general public regarding legal reforms carried out by the holders of judicial power, particularly the Constitutional Court, which has the power to propose judicial review of laws that are in conflict with the 1945 Constitution of the Republic of Indonesia (UUD 1945) (<https://m.hukumonline.com>). Judicial power is a state apparatus that functions as a judicial institution and is one of the branches of power regulated in Article 24 paragraph (1) of the 1945 Constitution (Sirajuddin, 2006: 7). According to paragraph two of Article 24 of the 1945 Constitution, the Supreme Court and other judicial bodies that are subordinate to

it are responsible for exercising judicial power in the general court environment, religious court environment, military court environment, state administrative court environment, and the Constitutional Court (Sirajuddin, 2006).

However, this is in contrast to the findings of the KPK. Based on data from the Corruption Eradication Commission (KPK), from 2004 to May 2018, there were 18 judges who had been named as suspects by the institution. Some of those arrested ranged from constitutional judges, high judges, to judges in district courts (www.nasional.kompas.com).

Money laundering related to the election of the former Chief Justice of the Constitutional Court, M. Akil Mochtar, is one example of a corruption case that has caught the attention of the public in the judiciary. In this particular case, the judge stated that Akil was proven to have accepted bribes related to the Pilkada dispute, and he was sentenced to life in prison as a result of his actions. Because Akil Mochtar's actions contributed to the election dispute process in such a way that it had a negative influence and undermined the democracy that was constructed, it is deemed that Akil was responsible for the damage done to the democratic process. This is especially true in regard to the regions. As a consequence of Akil Mochtar's conduct, the involvement of the general public in a number of regional elections was for naught (www.nasional.kompas.com).

In the end, prospects for the birth of corrupt leaders in the regions were opened up as a result of the election of regional chiefs who originated from the process of bribery at the Constitutional Court. The Hand Catch Operation (OTT) that was carried out by the KPK in Medan, North Sumatra, on August 28, 2018, is another case that is still being actively investigated. This undoubtedly adds yet another judge to the already extensive list of judges dealing with corruption. A representative for the KPK named Febri Diansyah stated that among the number of people who were taken into custody, some of them were heads of the district court as well as two court clerks (<http://m.detik.com>). KPK officers discovered

evidence that was worth Singapore dollars as they were conducting the arrest. The Deputy Chairperson of the Corruption Eradication Commission, Basaria Panjaitan, stated in a brief message that it was suspected that a transaction had taken place between the parties involved in this case and the judge. There are allegations that the transaction was connected to the investigation into instances of corruption in Medan. At least seven judges were taken into custody by the KPK when it was discovered that they were corrupt while presiding over cases involving corruption (<http://liputan6.com>).

2. The Urgency of the Judicial Commission in the Judiciary

The Constitution of 1945 offers a solid constitutional basis for legal reform by delegating the authority to carry out checks and balances in judicial power to the Judicial Commission. This gives a strong constitutional framework for legal reform (Tutik, 2017: 168). Although the Judicial Commission is not itself an actor of judicial power, the manner in which its authority acts as a police officer is tied to the judiciary. The Judicial Commission is an independent governmental agency with definite jurisdiction (Usfunan, 2006, 207).

Maintaining and supporting the honor, dignity, and demeanor of judges is the responsibility of the Judicial Commission, which is tasked with making appointment recommendations for Supreme Court justices as well as other authorities in the context of the judicial system (Usfunan, 2006, 194). Judges who are subject to supervision by the Judicial Commission in the 1945 Constitution and the Judicial Commission Law as stipulated in Article 1 point 5, among other places, that judges are supreme judges and judges in judicial bodies in all judicial circles under the Supreme Court and Constitutional Court judge are the judges who are subject to supervision by the Judicial Commission (Thohari, 2002). In the meantime, the authority granted to the Judicial Commission by paragraph one of Article 24 B of the Constitution of 1945 is the

authority to propose the appointment of Supreme Court justices. In addition, the Judicial Commission possesses other powers in order to maintain and uphold the honor, nobility, dignity, and behavior of judges (MPR, 2003: 195).

The existence of the Judicial Commission in Indonesia can be attributed to the fact that judges play a very significant role in the fight to maintain law and justice, particularly judges who are already sitting at the highest judicial level in the structure of the judicial system. This is especially true of judges who are sitting at the Supreme Judicial Court. To assist efforts to sustain a dependable judiciary and the achievement of understanding in a state of law, the issue of honor and nobility of dignity, as well as the behavior of all judges, is a highly important topic. This is especially true when it comes to the behavior of the judges themselves (Sirajuddin, 2006). It is hoped that through this Judicial Commission, it will be possible to create a judicial institution that is in accordance with the expectations of the people while at the same time realizing law enforcement and achieving justice through the decisions made by judges that maintain the honor and nobility of their dignity and behavior.

The concept that state authority must be exerted on the basis of rules that are both just and good is the natural consequence of a legal state, which Indonesia has decided to establish as its form of government (Budiardjo, 1990: 37). As a result of this, the existence of the Judicial Commission as one of the institutions that has a very urgent and absolutely necessary role in the modern structure of the state in accommodating one of the components of the rule of law is judicial power that is free, independent, and responsible is absolutely necessary.

Judicial power functions as a controlling institution for the implementation of law in a state of law (Aziz; Izlindawati, 2012: 153). It is essential to have a judicial power institution that not only exists, has the necessary facilities, and is capable of resolving cases that arise, but also requires a clean and

authoritative predicate in order to achieve law and justice enforcement (Al-Wisnubroto, 1997: 64).

3. Memorandum of Understanding between KPK and KY

In order to implement good governance (good governance). The idea arises that the establishment of additional non-structural institutions will open up more opportunities in the effort to apply the principles of good governance (Fitria, 2012).

It should be understood that the founding of the KPK was predicated on the notion that corruption in Indonesia is regarded as an exceptional crime, necessitating an exceptional agency with exceptional powers (Fitria, 2012). In the midst of the still less than optimal performance of the police and prosecutors in dealing with corruption cases, the existence of the KPK must be maintained. Because saving the KPK is the same as saving the country from destruction. The KPK must not run out of enthusiasm and motivation. In the country, distrust of the services of state officials gave birth to the Corruption Eradication Commission. Historically, the KPK was born from the assumption that law enforcement carried out by the Police and the Prosecutor's Office did not run effectively.

KPK is a state institution which in carrying out its duties and authorities is independent and free from the influence of any power, was formed with the aim of increasing the efficiency and effectiveness of efforts to eradicate corruption in accordance with Law Number 30 of 2002 concerning the Corruption Eradication Commission as referred to in paragraph (1). amended by Law Number 10 of 2015 concerning Stipulation of Government Regulation in Lieu of Law Number 1 of 2015 concerning Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission into Law (TIM Redaksi BIP, 2017: 14).

The Judicial Commission (KY) is a state aid institution that is structurally equivalent to the Supreme Court and the

Constitutional Court, as stated in the 1945 Constitution, due to their shared organizational structure (both have a secretary general and R&D bodies owned by other state institutions) (www.mahkamahkonstitusi.com). However, it serves primarily as an adjunct to the judicial branch. The Judicial Commission is charged with a duty that is connected to but distinct from the exercise of judicial power, but does not itself exercise that duty (www.komisiyudisial.go.id). The KPK was formed to optimize the eradication of corruption in Indonesia. The establishment of this MoU is a form of law enforcement's commitment to create a corruption-free Indonesia (<https://acch.kpk.go.id>).

Based on interviews conducted by the author with KY staff related to how the cooperation carried out by KY and the KPK in caring for the dignity of the judiciary in Indonesia. According to his narrative: ([Interview with Fitria Irfanila](#))

“In fact, the KPK and KY have been cooperating for a long time, starting in 2013 when they were signed by each institution, namely Abraham Samad (former Chairman of the KPK) and Suparman Marzuki (Former Chairman of KY). Recently, in July 2018, the MoU was extended by Agus Rahardjo as the head of the Corruption Eradication Commission together with Jaja Ahmad Jayus as the chairman of the Judicial Commission who replaced the previous chairman of the Judicial Commission, Aidul Fitriadi Azhari. In addition, there are five scopes of cooperation in this memorandum of understanding. Namely, exchange of data and information, prevention of corruption, as well as education and training. In addition, studies and research, resource providers and experts. According to him, in the field of prevention, there are no significant problems, because the focus on the field is preventive action by conducting counseling to several cities in Indonesia, as a form of judicial improvement. However, its effectiveness cannot be measured yet, because the activity is still new and is the first activity carried out by KY this year. It is possible that in the following year a similar outreach activity will be held.”

In the narrative of the KPK leader, Agus Rahardjo, the state has an obligation to strengthen the integrity of state

officials, including judges. KPK wants to encourage KY to be more courageous in upholding judge ethics. "These two institutions were born after reform, and are intended to improve the justice system, related to the prevention and eradication of corruption," with this collaboration, of course strengthening the synergy between KY and the KPK in realizing a clean and corruption-free judiciary (www.koran-jakarta.com).

In order to achieve the rule of law, it is crucial that the performance of the KY and the KPK be optimized. This will have a positive effect on the prosecution of corruption cases by the KY and, by extension, on the integrity of the judiciary (Wahyuningsih, 2013: 308). Therefore, the state has an obligation to strengthen the integrity of state officials, including judges, through cooperation between the KY and the KPK. In this case, the KPK wants to encourage KY to be more courageous in upholding judge ethics (www.komisiyudisial.go.id).

D. CONCLUSION

Judicial power is an independent power to administer justice to enforce law and justice, is free and does not depend on other powers to create public order. The provisions in the 1945 Constitution clearly mandate a judge to hold power freely and not to depend on other powers. This means that a judge has the power independently to decide a certain case that is protected by legislation. In addition, Article 5 of Law Number 48 of 2009 concerning Judicial Power also stipulates that judges and constitutional judges must have integrity and impeccable personality, be honest, fair, professional, and have experience in the field of law.

The KPK and KY complement each other well, and this strengthens the incentive to work together to root out corruption. This is necessary to ensure that judges are treated with respect and that they exercise their authority in a way that

is both effective and upholds the highest standards of professionalism. The MoU between KPK and KY naturally focuses on a number of different topics, including data and information sharing, corruption prevention, and education and training. In addition, there are studies, research, specialists, and sources of information.

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