

The Role of The Code of Conduct And Code of Conduct of Judges In Maintaining The Honor and Dignity of Judges

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ABSTRACT

The public has high expectations of judges and the judicial system, given that the judiciary is an institution authorized to decide cases and provide justice. However, in recent years, the public has been watching the behavior of judges and the quality of their decisions in adjudicating cases. Not a few judges' decisions invite criticism and cynicism, lead to public distrust, and form a considerable skepticism towards the judiciary. The research method used is normative legal research. This research is descriptive analytical. The data collection technique was carried out by means of literature study. The result of the research is that the role of ethical guidelines and judge behavior is needed in order to maintain and uphold the honor and dignity, as well as the behavior of judges. The code of ethics and behavior of judges is the core inherent in the profession of judges containing ethical and moral values, to realize a court that has good authority and dignity. Obstacles arise from within the judiciary itself, especially in relation to the lack of effective internal supervision, and the tendency to increase various forms of abuse of authority by judges. The implementation of the Code of Ethics and Code of Conduct for Judges must be carried out effectively without interference from various parties with interests. So as to be able to maintain the dignity, honor and nobility of the judicial profession.

Keywords: Code of Ethics, Code of Conduct, Judges, Honor, Dignity of Judges

ABSTRAK

Masyarakat memiliki ekspektasi yang tinggi terhadap hakim dan sistem peradilan, mengingat peradilan adalah lembaga yang berwenang untuk memutuskan perkara dan memberikan keadilan. Namun, dalam beberapa tahun terakhir, publik mencermati perilaku hakim dan kualitas putusannya dalam mengadili perkara. Tidak sedikit putusan hakim yang mengundang kritik dan sinisme, menimbulkan ketidakpercayaan masyarakat, dan membentuk skeptisisme yang cukup besar terhadap lembaga peradilan. Metode penelitian yang digunakan adalah penelitian hukum normatif. Penelitian ini bersifat deskriptif analitis. Teknik pengumpulan data dilakukan dengan cara studi kepustakaan. Hasil penelitian ini adalah peran pedoman etika dan perilaku hakim sangat diperlukan dalam rangka menjaga dan menegakkan kehormatan dan keluhuran martabat serta perilaku hakim. Kode etik dan perilaku hakim merupakan inti yang melekat pada profesi hakim yang mengandung nilai-nilai etika dan moral, untuk mewujudkan peradilan yang berwibawa dan bermartabat. Hambatan muncul dari internal lembaga peradilan sendiri, terutama terkait dengan belum efektifnya pengawasan internal dan kecenderungan meningkatnya berbagai bentuk penyalahgunaan wewenang oleh hakim. Penerapan Kode Etik dan Pedoman Perilaku Hakim harus dilakukan secara efektif tanpa adanya campur tangan dari berbagai pihak yang memiliki kepentingan. Sehingga mampu menjaga keluhuran martabat, kehormatan dan keluhuran profesi hakim.

Kata kunci: Kode Etik, Tata Tertib Hakim, Martabat Hakim, kehormatan

INTRODUCTION

With many judges' behaviors, decisions, and actions of judges or panels of judges receiving negative attention, criticism, and reactions from the public, it has resulted in a degradation of public confidence in the authority of the judiciary in Indonesia, which can be seen in the fact that there are still some unscrupulous judges and judicial officers who often tarnish their own dignity (Melander et al., 2021). Therefore, the 2009 National Work Meeting of the Supreme Court in Palembang, South Sumatra, which took place from October 6 to 10, 2009, deliberately carried the theme "Improving the quality of courts with perception in the application of law". The message conveyed by the theme was that one of the perceptions of judges in the understanding and application of the law indicates that the judiciary shows superior quality in the eyes of the public, otherwise if the understanding and application of the law by judges in the same case is different with different decisions that confuse the justice-seeking public, it indicates that the judiciary has deteriorated and will lose the trust of the public. To create good

legal behavior, the social structure surrounding the place where the law is enforced must be improved first. The economic structure must be improved, the political structure must be improved, the education structure must be improved, the defense and security structure must be improved, as well as other structures contained in the broad social system (Tuhumury, 2023).

In principle, judges are obliged to maintain and uphold the honor, dignity, and behavior of judges in order to ensure the fair application of the law, the pursuit of truth, and the administration of justice in accordance with the will of God Almighty. Accordingly, the structure of judicial power in Indonesia incorporates a Judicial Commission to facilitate citizen involvement in the appointment, evaluation, and potential dismissal of judges, extending beyond the purview of official parliamentary institutions. The objective is to ensure the maintenance and upholding of the honor, dignity, and behavior of judges. Through this honor and dignity, an independent and impartial judiciary is expected to be realized while being balanced by the principle of judicial accountability, both from a legal and ethical perspective. (Shanty, 2020)

In the preamble to Law No. 48 of 2009 on Judicial Power, it is stated that judicial power according to the 1945 Constitution of the Republic of Indonesia is an independent power exercised by a Supreme Court and judicial bodies under it, and by a Constitutional Court, to administer justice in order to uphold law and justice (Putrijanti, 2020). When a judge makes a decision on a case that applies the law it is like he is in the position of a law maker. In order to achieve this, judges need to fulfill the prerequisites of independence and impartiality. Both mean that there must be no interference from extra-judicial powers including the parties, even from the courts or leaders who are administratively superior to them (Nasution, 2020).

Legal provisions, both in terms of procedural and substantial / material, are themselves a limitation for the “Judicial Power” so that in exercising its independence it does not violate the law, and act arbitrarily. Judges are “subordinated” to the law and cannot act “*contra legem*”. Furthermore, it must be realized that freedom and independence are also bound by responsibility or accountability, both of which, independence and accountability are basically the two sides of a coin that are attached to each other. There is no absolute freedom without responsibility (Kurniawan, 2022). Forms of responsibility exist and can be in various mechanisms and one that needs to be realized is “social accountability”, because basically the task of judicial bodies or the judiciary is to carry out public service in the field of providing justice for the justice-

seeking community. The evolution and intricacies of community life inevitably give rise to the necessity for a regulatory framework that is capable of accommodating the diverse and multifaceted needs of the community itself.

Judges who are virtuous can show that the judicial profession is a noble profession (*oficium nobile*) (Yasin & M. Wantu, 2022). The profession of judges has an ethical system that is able to create work discipline and provide a value system boundary line that can be used as a guide for judges to complete their duties in carrying out their functions and carrying out their profession, one of these ethical systems is outlined in a code of ethics. The Code of Ethics and Code of Conduct for Judges is a guide to moral virtues for judges, both in carrying out their professional duties and in community relations outside of the office (Setyowati, 2021). As moral beings with obligations to their social communities, judges are also bound by ethical norms and customary adaptations that apply in the social order of society. The next form of revitalization is the provision of adequate facilities and infrastructure for judges, as law enforcement officials, to ensure the creation of an independent and impartial court. Although the above conditions have not been fully realized, this cannot be used as an excuse for judges not to hold fast to the purity of the implementation of their duties and responsibilities as enforcers and guardians of law and justice for justice seekers and society (Imran, 2021).

In essence, a judge's decision represents a judge's internal struggle to comprehend reality, which is shaped by the judge's own understanding, the perspectives of other judges, and the norms of the judicial institution. By virtue of their decisions, judges are able to transfer ownership, revoke the freedom of citizens, declare the actions of the government arbitrary and thus invalid, and even eliminate a person's right to life. Such significant authority is exercised with the objective of upholding the law, the truth, and justice. This authority entails significant responsibility, as the decision must be accountable both horizontally to the community and vertically to a higher power.

The public has high expectations of judges and the judicial system, given that the judiciary is an institution authorized to decide cases and provide justice. However, in recent years, the public has been watching the behavior of judges and the quality of their decisions in adjudicating cases. Not a few judges' decisions have invited criticism and cynicism, leading to public distrust, and forming considerable skepticism towards the judiciary. This arises because many judges who The court is not serious and commits disgraceful acts, namely by mortgaging

its dignity and good name. As Satjipto Rahardjo explains “currently the court has turned into a market that trades decisions, the court too often tarnishes its own dignity, and together with corruptors has become a pest in this country”. In another article Sadjipto also stated, “Indonesia is in the midst of a major crisis. The Supreme Court and the courts under it have come under very harsh scrutiny from the public who are dissatisfied with the decisions made and the behavior of court officials.”

The professional ethics of judges are written rules that must be guided by every Indonesian judge in carrying out professional duties as a judge (Malik, 2021). The code of ethics and/or code of conduct for judges is a guide in order to maintain and uphold the honor, dignity, and behavior of judges in carrying out their professional duties and in community relations outside the office.

From the perspective of the judicial bureaucracy, the judge’s decision will be evaluated based on three criteria: effectiveness, efficiency, and, of course, honesty. The effectiveness of a judge’s decision can be gauged by determining whether it serves as a foundational element of the legal system. This implies that the court’s resolution must address a significant public concern. Efficiency is concerned with the relation between the financing of judicial activities and the outcomes achieved. This signifies whether the financial support required by the judicial bureaucracy is kept to a minimum. Efficiency and effectiveness relate to the costs and benefits of judicial activity respectively (Chemin, 2020). Although both should be viewed with an eye to performance, at times the judiciary may give greater attention to one or the other. Fairness, falls between the two categories and is the most sensitive issue for the general public. Here the focus is on how the judiciary treats the public, or those who enter the process, appropriately, legally and morally, regardless of their effectiveness in deciding cases or their efficiency in reducing costs (Arsy et al., 2021).

That justice is a basic spiritual need of every person and is the glue of social relations in the state. The court is the main pillar in upholding law and justice and in the process of building the nation’s civilization. The upholding of law and justice and respect for human values are prerequisites for the upholding of the dignity and integrity of the State. Judges as the main pillar in the judicial process are always required to hone conscience sensitivity, maintain moral intelligence and improve professionalism in upholding law and justice for the public. A fair court decision is the pinnacle of wisdom for resolving legal issues that occur in the life of the

state. Court decisions pronounced with the *irah-irah* “For the Sake of Justice Based on God Almighty” show that the obligation to uphold justice is accountable horizontally to fellow human beings and vertically to God Almighty.

The great authority and high responsibility of judges is shown through court decisions that are always pronounced with the *irah-irah* “For the Sake of Justice Based on God Almighty”. This confirms that the obligation to uphold justice is not only accountable to fellow human beings, but also to God Almighty, so that every judge’s decision is truly oriented towards upholding the values of truth and justice as expected in the code of ethics of the judges’ profession where the code of ethics is the conformity of attitudes that must be upheld by judges with the spirit of Pancasila. Judges must have characteristics that are reflected in the symbol of the Judge known as “*Panca Dharma Hakim*” (Basyarudin, 2023).

The Judge’s attitude symbolized in *kartika, cakra, candra, sari* and *tirta* is a reflection of the Judge’s behavior that must always be based on the principles of God Almighty, fair, wise, authoritative, virtuous and honest (Darfin et al., 2022). Devotion to God Almighty, which underlies the guiding principles of judges in behavior, means the experience of behavior in accordance with their respective religions and beliefs according to the basis of fair and civilized humanity (Listari, 2023). Such devotion will encourage judges to conduct themselves in an exemplary manner, in accordance with the guidance of their respective religions. In addition to the nobility of their duties and the breadth of their authority in upholding the law and justice, judges frequently encounter challenges and temptations. Therefore, the Judges’ Code of Conduct is a consequence of the authority attached to the position as a Judge which is different from ordinary citizens. (Lubis, 2024)

Quite a number of judges have consciously mortgaged their idealism (professional ideals) in order to get money to enrich themselves. The struggle motto “*fiat justitia roeat coelum*”, which means uphold justice even though the sky will fall, has been perverted for the sake of money even though justice will be destroyed (Niru Anita Sinaga, 2021). Corruption within the judicial system is pervasive, manifesting at all levels of the judiciary, from district courts to the Supreme Court. Some judges appear to prioritize their personal ambition over the mission of law and justice.

It is imperative that we acknowledge the decision of the panel of judges, as they have demonstrated an acute awareness of the challenging nature of their role. In addition to

evaluating the legal interests at stake in a case, judges must also consider the community's concept of justice to establish legal certainty. The general public anticipates that judges will make decisions that are perceived as fair. However, due to the inherent limitations of human nature, it is unlikely that judges will be able to fully align their decisions with the expectations of all parties involved. Nevertheless, judges are expected to render decisions that are as fair as possible, taking into account the legal facts presented during the trial and adhering to clear legal principles (such as the principle of legality), while also relying on their own conscience. Judges are often regarded as divine emissaries in the world, as they are expected to embody the principles of truth and impartiality in their rulings. Therefore, judges should not waver in their commitment to upholding justice. However, it is crucial that the decisions made by judges are not only just, but also capable of being effectively enforced by those seeking justice. (Andi Hakim Lubis A. S., 2024)

RESEARCH METHOD

This type of research is normative legal research. Normative legal research is a legal research method that uses secondary data sources or by examining library materials (Muhaimin, 2020). The nature of this research is descriptive analytical, namely by describing all forms of phenomena that exist both in natural and man-made levels (Deassy J.A. Hehanussa, 2023). Descriptive analytics also tries to describe and interpret something existing conditions and relationships and concoct developing opinions or ongoing processes then analyze and draw conclusions.

RESULTS & DISCUSSION

The Role of the Code of Ethics and Code of Conduct for Judges in Maintaining the Honor and Dignity of Judges

Ethics is a conception of the good or bad character or behavior of a person. Meanwhile, morals are the good or bad behavior of a person. Ethics are ideas, ideals about the goodness of human actions or behavior. Ethics always gives good examples, while morals always give judgment on the implementation of the examples given by ethics. Therefore, an ethical person is one who sets an example of exemplary behavior, while a moral person is one who acts on that example.

Ethics and morals cover aspects of human life in a broad sense, especially in human interactive relationships with fellow humans in their social, among others in relation to work

and or professional relationships. Such as plaintiffs with judges, advocates with their clients, prosecutors with defendants, and notaries with their notarial services.

One of the key areas of focus for ethics and morals in relation to an individual's conduct is the domain of work expertise, commonly referred to as a profession. Given that professions are defined by their theoretical and technical expertise, which is contingent upon honesty, those who require assistance from professionals have significant expectations of them. This is particularly true in the context of implementing a system of justice. Consequently, professionals are expected to possess certain prerequisites to enable them to fulfil their duties and functions effectively.

Legal professionalism actually rests on competence or mastery of legal knowledge, technical expertise in solving legal problems and ethics that guide and control the provision of legal services to the community. Science is the opening of the horizon of a professional's perspective which is meaningful as a technical basis and maintains the suitability of service needs related to the development of a very dynamic society. Technical expertise serves as the foundation for the quality of legal services, facilitating the resolution of legal issues in alignment with the community's expectations regarding the legal and judicial systems. Ethics serves as the primary motivating force and guiding principle for the administration of law and justice, with the objective of contributing to the realization of societal welfare and justice.

The issue of professionalism when associated with judges as executors of judicial functions are a matter of competence which in performance management is called individual qualification criteria. Attributes refer to what a person needs to know and be able to do in order to carry out their work effectively, namely knowledge, skills and expertise. Competencies are role-related behaviors that are expressed in the form of different types and levels of behavior. Competencies determine the process aspects of job performance. They can be universal, organizational, or task-specific.

It is generally recognized that the most common violations of the code of ethics relating to judges are political influence by the legislature, executive and bribery. Political influence takes various forms, not only in the form of threats, intimidation or bribery, but also manipulation in the appointment of judges, salaries and the conditions under which judges perform their duties (Singh, 2022).

In light of the aforementioned factual conditions, it is possible to put forth a number of potential attitudes that judges may adopt. These include: First, there are judges who are motivated by greed and actively offer to settle cases in exchange for material rewards. This judge is categorized as a materialist judge. Secondly, judges who are unduly influenced by external factors. If presented with a gift from interested parties, they accept it; otherwise, they remain silent. This group is the most numerous. These judges are categorized as pragmatic judges. Third, judges who actively reject any gifts from certain parties (defendants). However, this third group is very few in number. These judges are categorized as idealistic judges.

The counter manifestation of a code of ethics is the implementation of guidelines or behavioral guidance that has been outlined by a code of ethics in the profession. The implementation of a profession that is a work of community service. This results in the implementation of professional ethics in the code of ethics related to the culture that develops in society.

The culture in the form of *idiil* is a whole of ideas, values that provide direction indicate and regulate human behavior in society. This embodiment includes ethics in general, or that professional ethics should not be about ethics in general, or ethics in general concerning the profession crystallize themselves into professional ethics (code of ethics). In addition, culture has elements, including science. Professional ethics basically contains values that provide demands for behavior, as does the law.

Professional ethics and law can both be seen as part of culture. Furthermore, when compared, the law requires that human behavior be in accordance with the rules of law applied. Ethics, on the other hand, seeks to ensure that people's inner attitudes are in good order. In this context, the objective is not the outward manifestation of actions, but rather the intrinsic nature of the individual, which is informed by conscience. Consequently, the aim is to foster the development of a virtuous human being. It bears repeating that the law and professional ethics exhibit both similarities and differences. Both possess normative properties and comprise ethical norms that are binding. Moreover, both legal and ethical systems have the same social objective, namely, to encourage individuals to act in accordance with the norms of society. Those who violate these norms will be subject to sanctions. As for the difference, sanctions in professional ethics only apply to members of certain functional groups/members of a profession. Legal sanctions

apply to all people in a certain area, all citizens/society. If there is a violation in professional ethics, it is handled by the tools in the professional organization concerned, for example by the Honorary Council. Violations in the field of law, this can be seen with the existence of regulations regarding professions in general invite fundamental rights and have rules regarding behavior in carrying out their profession (Toule, 2022). This is realized in the Code of Professional Ethics as a novelty, an obligation in this case mainly related to the use of the Code of Ethics and Code of Conduct for Judges as “substantive law” and “benchmarks”, the rules of mechanism and procedure as “procedural law”, and the use of the Judges’ Honor Council as “*adjudication photum*”.

The same should apply to the supervision of judges, which from a physical system aspect there is a link between the Supreme Court and the Judicial Commission, in this case mainly related to the use of the Code of Ethics and Code of Conduct for Judges as "substantive law" and "benchmarks", the rules of mechanism and procedure as "procedural law", and the use of the Judges' Honor Council as “*adjudication photum*” (Realing, 2020).

The judge’s code of conduct must inspire judges in the task of adjudicating a case, in order to produce a fair and correct decision, legal certainty which will therefore bring benefits (an ideal decision). This code of conduct must be the spirit and breath of every judge both within the scope of the office and outside the office. In an effort to implement the code of ethics and behavior of judges, the supreme judge must be able to carry out his role because judges occupy a strategic position within the scope of judicial power.

In the implementation of the code of ethics and behavior of judges, the role of judges is:

- a. Having and being able to place a firm and independent attitude in deciding a case, free from the intervention of any party.
- b. Able to explore and understand the values of community life, so that their decisions produce substantive justice.
- c. Have a firm attitude to take risks from their decisions, be independent, and treat equally.
- d. Able to embody behavior that reflects exemplary.
- e. Through its decisions, it is able to provide light, guidance on legal issues for the parties.
- f. In carrying out duties and in daily life, it reflects selfless discipline, as the highest dedication to serve the State.
- g. Each of his decisions demonstrates high quality and professionalism, showing the breadth of his legal insight.

The code of ethics for judges as described above, in principle, contains moral values that underlie a professional personality, namely freedom, justice and honesty where these values are an inherent unity that is in accordance with Islamic ethical values.

The existence of a code of ethics and behavior of judges is needed in order to maintain and uphold the honor and dignity, as well as the behavior of judges. The code of ethics and behavior of judges is an inherent core of the judicial profession, as it is a code of conduct that contains ethical and moral values, to realize a court as stated above is not easy due to various obstacles. These obstacles, among others, arise from within the judiciary itself, especially in relation to the lack of effective internal supervision, and the tendency to increase various forms of abuse of authority by judges.

The duty of a judge is a noble task, as Roeslan Saleh described a “humanitarian struggle”, which is something that today’s judges should realize and live by. This statement reminds us of how depleted a judge’s energy is when carrying out their duties, because they have to undergo an inner struggle, having to make choices that are not easy. A judge who is fully aware of his or her humanity is faced with the rule of law, the facts, the arguments of the prosecutor, the arguments of the defendant and the advocate and more than that, must put his or her ear to the heart of society. As Satjipto Rahardjo explains, “The judge must represent the voice of the silent people who are not represented and who are not heard”.

Obstacles in the Implementation of the Code of Ethics and Code of Conduct of Judges in Maintaining the Honor of Judges

The behavior of a judge that is contrary to the code of ethics can be influenced by legal culture factors. Marina Kurchiyan, in her article entitled “Judicial Corruption in the Context of Legal Culture” explains: “That the cultural perspective of law tells us about the importance of personal identity; feelings of honor and pride in belonging to a particular social group; networking habits in a society where survival depends on them; trust in one person and not in another; social and familial relation; and above all the extent to which corrupt behavior is tolerated by society at large.”

According to Suhadi, there are several problems in enforcing the code of ethics and code of conduct for judges. Among others, as follows:

1. The issue of interference with the freedom and independence of judges, both material and non-material backgrounds:
 - a. Internal interventions: encouragement from within the judge's own person, such as sympathy, empathy, antipathy, emotion, desire, interest, fear, popularity etc.
 - b. External intervention: conditions from outside the judge, such as brotherhood, friendship, bribery, direction, pressure, intimidation, acts of violence, terror, opinion formation, political interests, group interests etc. including structural intervention through legislation.
2. It is a common view that a court decision acquitting the defendant or releasing them from all charges is an unfavourable outcome, particularly in cases involving corruption or other matters of public interest. This viewpoint is erroneous insofar as the law stipulates that an acquittal decision is as valid and just as a conviction decision, provided that the decision is based on legal grounds. A punitive verdict is considered erroneous when the defendant is actually innocent but is sentenced, or is proven guilty and severely punished despite the nature of the minor act, or when the defendant is proven guilty but the punishment is disproportionate to the crime committed. An acquittal verdict is considered erroneous when the defendant who is actually guilty is acquitted or released.
3. Often the opinions of people or groups of people are developed by forming opinions to intervene with judges in order to impose their will according to their interests, whether through online, visual or non-visual media. Law enforcement cannot be done by violating the law because it is a corrupt act.
4. There is a tendency for people to use people power by staging massive demonstrations to pressure judges.
5. Judges as human beings who have a moral obligation to interact with their social community, are also bound by ethical norms and customary adaptations that apply in the social order of society. Nevertheless, in order to guarantee the establishment of an autonomous and impartial judicial system, it is imperative to guarantee the adequacy of facilities and infrastructure for judges, both in their capacity as law enforcement officials and as citizens.
6. It is thus incumbent upon the community and the state to ensure the security of judges and courts, including the provision of adequate welfare, proper facilities, and an appropriate budget.. Nevertheless, even though these conditions have not been fully

realized, it cannot be used as an excuse for judges not to adhere to the purity of carrying out their duties and responsibilities as enforcers and guardians of law and justice for justice seekers and society.

There are several obstacles for judges in enforcing the code of ethics, which in general can be divided into internal obstacles and external obstacles (Kusbiantoa & Andrian, 2020). The internal constraints are as follows:

1. Judge Education

It is recognized that the level of education of judges is not always a measure to assess the quality of decisions, but at least with judges attending master's level education, the provision of knowledge such as legal discovery, theory, and legal philosophy provided at master's level education with different methods when given at the undergraduate level of education is a significant asset for judges.

2. Mastery of Legal Science

This is indicated by the presence of symptoms characterized by the frequent invitation of expert witnesses from among experts or legal experts. This phenomenon gives the impression of decreasing scientific (legal) quality among law enforcers, because those asked about legal issues or legal science that should be known by law enforcement officers (who are also law experts). This symptom indicates the existence of a pragmatic/shortcut/grabbing culture/approach in understanding the law or legal science, namely only wanting to quickly get the essence or extract from witnesses or experts without bothering to dig and deepen it yourself.

3. Judge Morale

In practice, there is a shift in the choice of values, namely from basic or ideal values or objective values of law to instrumental or pragmatic or subjective values that are prioritized by subjects at certain times and contexts in various ways and opportunities that can be utilized. This means that in handling cases, judges cannot be sterile from interests outside the legal aspect. Objective conditions show that there are several factors that influence judges' decisions, such as material/financial interests and needs, the dynamics of the organizational, external pressures, the influence of personal characteristics, and the influence of past circumstances or old habits. Likewise, the

judicial mafia (judicial corruption) also colors the process of judges in the decision-making process.

4. Judge Welfare

That there is a difference between the welfare of judges in cities and in rural areas, for example in the form of housing that is used as a residence for judges is still lacking, the life of judges in the regions in accordance with the existing reality is not the same as judges in big cities. This shows the social disparity and inequality between judges, which sometimes makes judges tempted by the material temptations offered.

5. Appointment and recruitment of Judges

Many assume that the recruitment of judges has not been based on norms of professionalism or the personal abilities of the judges concerned, which in turn has resulted in irregularities in the judicial process that have resulted in judicial decisions that do not reflect legal certainty and a sense of justice. In essence, the recruitment process is analogous to the phenomenon of mutation and promotion. The process of mutation and promotion is frequently based on subjective criteria such as personal preferences, proximity to leadership, and financial incentives. It is uncommon for objective parameters to be employed in this process. The process lacks transparency. The public is not afforded an opportunity to participate. In essence, there is a distinct lack of accountability.

While the external constraints are as follows:

1. Independence of the Judiciary

Judges are basically free in examining and adjudicating cases and free from interference from extra-judicial powers. However, in practice there is still intervention from other parties, and the many lures given to judges that make the resulting decisions do not reflect justice.

2. Law Formation by Judges (Rechtvinding)

Some judges in Indonesia are still the mouthpiece of the law, it can be seen that judges have not been able to explore, follow and understand the legal values and sense of justice that live in society so that in giving decisions it is still far from the expected justice.

3. Prevailing Justice System

Basically, the reform of the judicial system involves various aspects, starting from the improvement of human resources, namely improving the quality of judges and improving aspects of judicial administration. Currently, there is still a lot of intervention from the executive and legislative bodies in terms of judges deciding a case, and political interests due to unfavorable legal politics.

4. Community Participation

In the case of violations of the code of ethics committed by judges, public participation should be needed to uphold judicial power with integrity, but in practice many people do not know what to do if they find judges who violate the code of ethics. Efforts to overcome obstacles faced by judges in enforcing the judges' code of ethics must be recognized and accepted by the legal community as a problem that cannot be solved exclusively with a legal science approach. The problem must be solved using a multi-disciplinary approach.

CONCLUSION

The code of ethics and conduct of judges is needed in order to maintain and uphold the honor and dignity, as well as the behavior of judges. The code of ethics and code of conduct for judges contains ethical and moral values, to create an authoritative court because in principle it contains moral values that underlie a professional personality, namely freedom, justice and honesty. The code of ethics and behavior of judges is the core of the judicial profession, as it is a code of behavior that contains ethical and moral values, but it is not easy due to various obstacles. These obstacles, among others, originate from within the judiciary itself, particularly in regard to the absence of efficacious internal supervision and the proclivity to exacerbate diverse forms of authority abuse by judges. The implementation of the Code of Ethics and the Code of Conduct for Judges must be carried out in an effective manner, free from any interference from parties with competing interests. In order to maintain the dignity, honor, and nobility of the judicial profession.

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