



Judges' Private Lives and the Risk of Conflicts of Interest: A Normative Analysis of the Code of Ethics and Judges' Rules of Conduct (KEPPH)

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Abstract: The personal lives of judges and the attendant risk of conflicts of interest pose a critical threat to judicial independence, impartiality, and public trust in Indonesia's judiciary. This normative legal study assesses the Indonesian Code of Ethics and Conduct for Judges (KEPPH) using statutory, conceptual, and comparative methods, with particular reference to the Bangalore Principles of Judicial Conduct. The research examines how KEPPH addresses intersections among judges' personal finances, family ties, and professional duties, and reviews enforcement practice through decisions of the Judicial Commission, the Supreme Court, and the Judges' Honor Council. Findings indicate that, while KEPPH establishes a comprehensive normative framework prohibiting judges from adjudicating matters involving personal interests, substantial gaps in implementation remain. Key vulnerability areas identified include financial interests, business activities and ancillary positions, familial relationships, and political affiliations that may create actual or perceived conflicts of interest. Comparative analysis with Netherlands, Singaporean, and Malaysian standards shows substantive alignment with international best practices but highlights weaknesses in enforcement—especially in financial disclosure, oversight of secondary employment, and institutional coordination between internal and external supervisory bodies. The study concludes that strengthening internal–external supervision, adopting risk-based oversight, enhancing transparency through systematic financial reporting, promoting merit-based judicial appointment processes, and instituting continuous professional ethics education are necessary to protect judicial independence and sustain public confidence in Indonesia's judiciary.

Keywords: judges' personal life, conflict of interest, KEPPH, judicial ethics, comparative law, judicial independence, Indonesia

INTRODUCTION

Background

Judges occupy a strategic position within the justice system as the independent executors of judicial power, tasked with administering justice and upholding the law, as affirmed by Article 24(1) of the 1945 Constitution of the Republic of Indonesia. This role places great responsibility on judges to make decisions that determine the fate of parties and, more broadly, affect the legitimacy of judicial institutions in the public eye (Nasution, 2020). Judicial independence is elaborated further in Law No. 48 of 2009 on Judicial Power as a core prerequisite for the realization of a democratic rule of law (Law No. 48/2009).

However, a judge's independence and objectivity cannot be fully separated from their social, economic, and personal realities because judges are human beings with complex private lives, including economic activity, family relations, and financial interests (Sinaga, 2021).

While personal life is a fundamental right, it can create potential conflicts of interest that undermine impartiality and integrity when a judge's or their family's private interests collide with the professional duty to adjudicate cases freely and impartially (Huda, 2023).

Conflicts of interest among judges are not unique to Indonesia but are a universal issue confronted by modern judiciaries worldwide (Singh, 2022). In Indonesia's context, this complexity is intensified by dynamic social and political configurations that broaden the contact points between private interests and judicial office—including economic, political, and social networks (Simanungkalit, 2025). Recently, the Judicial Commission reported a significant increase in complaints alleging violations of the Code of Ethics and Judges' Rules of Conduct (KEPPH), including matters involving conflicts of interest and misuse of personal relations.

Judicial Commission data show that 401 reports of alleged KEPPH violations were received in the first four months of 2025—an increase of 137 reports compared to the same period the previous year—with a portion relating to judges' private-life conduct that could give rise to conflicts of interest (Judicial Commission, 2025). Meanwhile, the Supreme Court, through various Judges' Honor Council decisions, has affirmed that violations arising from personal relations, acceptance of gratuities, and engagement in financial transactions with parties to a case constitute serious breaches of judicial integrity (Supreme Court, 2025). These conditions indicate a gap between the comprehensive normative framework of KEPPH and its everyday implementation by judges.

KEPPH—established by the Joint Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia and the Chair of the Judicial Commission No. 047/KMA/SKB/IV/2009 and 02/SKB/P.KY/IV/2009, and reinforced by Joint Regulations No. 02/PB/MA/IX/2012 and 02/PB/P.KY/09/2012 on Enforcement Guidelines—provides a binding normative framework regarding judges' conduct in and outside the courtroom. This framework is further grounded in Law No. 48/2009, which underscores judges' duties to uphold dignity, honor, and public trust in the judiciary.

Research Questions

This study seeks to answer two fundamental questions. First, how does KEPPH normatively regulate the relationship between judges' private lives and potential conflicts of interest in performing judicial functions, and how do enforcement mechanisms—particularly the Judicial Commission and the Judges' Honor Council—operate in practice to address violations stemming from judges' private lives? Second, are the norms within KEPPH aligned with international judicial ethics standards, especially the Bangalore Principles, and with ethical practices in jurisdictions with similar legal traditions (the Netherlands, Singapore, and Malaysia), and what recommendations can be made to improve KEPPH enforcement to better protect judges' integrity and independence?

Research Objectives

The research aims to analyze normatively how KEPPH regulates judges' private lives and conflict-of-interest risks, and to evaluate the effectiveness of KEPPH enforcement mechanisms through case studies of Judicial Commission recommendations and Judges' Honor Council decisions addressing violations originating from judges' private lives. Additionally, the study conducts a comparative analysis between KEPPH and international judicial ethics standards (Bangalore Principles) and practices in jurisdictions with similar legal systems (the civil law tradition of the Netherlands and the common law systems of Singapore and Malaysia) to identify similarities, differences, and best practices that could be adapted to strengthen KEPPH implementation.

Significance of the Study

This research has both theoretical and practical significance. Theoretically, it contributes to understanding judicial ethics in the Indonesian legal system and compares it with international standards. Practically, it offers input for the Supreme Court, the Judicial Commission, and other

stakeholders in formulating policies and strategies to strengthen judicial ethics enforcement and prevent conflicts of interest among judges.

RESEARCH METHOD

This research employs normative legal methodology. Normative legal research analyzes the content and logic of legal norms and institutions rather than empirical social behaviour per se; it is therefore suitable when the goal is to clarify obligations, duties, and institutional design embedded in statutory texts and codes of conduct (Hartawan, 2024). The study integrates four specific approaches.

First, a statutory approach examines primary legal materials: the 1945 Constitution of the Republic of Indonesia, Law No. 48 of 2009 on Judicial Power, Law No. 22 of 2004 (as amended by Law No. 18 of 2011) concerning the Judicial Commission, the Joint Decrees and Joint Regulations establishing KEPPH and its enforcement guidelines, and Supreme Court regulations on judicial oversight.

Second, a conceptual approach explicates key doctrines—*independence, impartiality, integrity, propriety, and conflict of interest*—as they inform interpretive choices and normative thresholds. This approach draws on legal theory and international instruments including the Bangalore Principles and Council of Europe guidance.

Third, a case approach reviews disciplinary decisions and recommendations from the Judicial Commission and the Judges' Honor Council between 2023 and 2025 to identify enforcement patterns, sanctioning practices, and recurring types of conflicts. Case analysis helps reveal evidentiary challenges, procedural timelines, and the interaction between complaint handling and final adjudication.

Fourth, a comparative approach situates Indonesian regulation in an international context, focusing on three jurisdictions that provide instructive contrasts: Singapore and Malaysia (both featuring centralized judicial service commissions and robust disciplinary protocols), and the Netherlands (which emphasizes professional culture and detailed norms governing ancillary activities).

Data sources include official reports of the Judicial Commission, published decisions of the Judges' Honor Council and the Supreme Court (where accessible), academic commentary (SINTA-indexed and international literature), and secondary reports from oversight bodies (Indonesia Corruption Watch; Ombudsman). Legal texts and policy documents were analyzed through doctrinal reasoning. The study is normative and analytic rather than empirical: it aims to produce reasoned recommendations grounded in legal principle and comparative best practice.

This research employs a normative legal method, analyzing law from the standpoint of norms, principles, and doctrines. A normative approach is suitable because the study focuses on the normative framework of KEPPH and how those norms regulate judges' private lives and conflicts of interest.

RESULTS AND DISCUSSION

Normative Framework of KEPPH: Principles of Judicial Ethics

KEPPH identifies six principal ethical values that judges must observe in carrying out their duties, both on and off the bench: *impartiality, honesty, prudence and wisdom, high integrity, responsibility, and preservation of judicial dignity* (Joint Decree of the Chief Justice and the Chair of the Judicial Commission, 2009). These principles form the minimum professional standards expected of judges as public officials entrusted with enforcing the law and justice and maintaining the dignity of the judiciary (Judicial Commission, 2025).

Integrity is one of KEPPH's most fundamental principles because it relates directly to public trust in judicial decisions. Integrity is defined as an intact, authoritative, honest, and steadfast character;

therefore, judges must avoid all forms of corruption, bribery, nepotism, or abuse of power in both their official duties and private lives (Bimo et al., 2023). To realize this integrity, KEPPH provides concrete guidance: judges must know their own financial affairs and should reasonably be aware of their family members' finances, must not leverage their office to pursue personal or family interests, must not use information gained through judicial processes for non-judicial purposes, and must be open in disclosing personal interests that may lead to conflicts (Joint Decree of 2009).

Judicial independence is another crucial principle as a precondition for fair and impartial adjudication (Nasution, 2020). Independence has institutional and personal dimensions: institutionally, courts must be free from executive and legislative interference; personally, judges must decide based on their assessment of facts and law without external influences, including family, friends, or private interests. Independence, however, is not absolute—it must be balanced with accountability and professionalism as outlined in Law No. 48/2009.

Impartiality requires judges to hear cases without prejudice, bias, or favoritism and to treat all parties equally regardless of status, wealth, or personal connections (Arif, 2020). Impartiality demands not only substantive fairness but also that judges preserve the appearance of justice so the public can reasonably trust that decisions are objective and uninfluenced by improper personal ties (Bangalore Principles, 2002; ICJ, 2012).

Regulation of Conflicts of Interest in KEPPH

KEPPH outlines specific prohibitions and rules addressing conflicts of interest—generally categorized into personal and familial relationships, professional relationships, and financial relationships. These categories correspond to conditions under which a judge must recuse themselves from a case.

Personal and Familial Relationships

KEPPH prohibits judges from adjudicating matters if they have family ties, by blood or marriage up to a specified degree, with the presiding judge, other hearing judges, the prosecutor, counsel, or court clerk involved in the case (Supreme Court of the Republic of Indonesia & Judicial Commission of the Republic of Indonesia, 2012). Beyond kinship, KEPPH recognizes that intimate friendships with parties, prosecutors, or counsel may constitute a conflict of interest and require recusal to protect impartiality and public confidence.

This prohibition is premised on the understanding that personal and familial relationships—though fundamental rights—can influence a judge's objectivity if left unregulated. KEPPH's emphasis on the appearance of conflict aligns with international standards demanding not only freedom from bias but also the absence of any perception of bias.

Professional Relationships

As to professional relationships, KEPPH bars judges from hearing cases in which they previously participated in another capacity (e.g., as prosecutor, counsel, or clerk in a lower court), or where they are currently or previously active in an organization, social group, or political party that is a party to the case (Joint Decree 2009). This is particularly relevant in Indonesia's context, where political and organizational involvement can create strong perceptions of bias.

Recusal is thus a key instrument to prevent conflicts arising from judges' professional or organizational affiliations.

Financial Relationships

Financial relationships present the most complex dimension of conflicts of interest because they are closely tied to judges' and their families' economic interests. KEPPH prescribes that judges should know their personal financial affairs and reasonably be aware of their family's financial affairs, and

forbids using judicial office to pursue personal, family, or third-party interests in any form (Joint Decree 2009). KEPPH also prohibits judges from engaging in financial transactions or business activities that exploit their judicial position, and recommends that family members refrain from activities that could exploit that office (Joint Regulation 2012).

Although KEPPH does not categorically prohibit share ownership in commercial enterprises, international best practice suggests judges should not serve as directors of private or public companies—even those owned by themselves or their families—to avoid real or perceived conflicts (Council of Europe, 2002; ICJ, 2012).

KEPPH also underscores managing personal debt and financial obligations so judges are not vulnerable to undue influence. Financial interests are among the most common and serious sources of conflicts because they can incentivize decisions favoring the judge's economic welfare (Bimo et al., 2023; ICW, 2019).

Categories of Conflicts of Interest Arising from Judges' Private Lives

Based on analysis of KEPPH, Judicial Commission reports, and Judges' Honor Council rulings, conflicts arising from judges' personal lives can be classified into several major categories.

Financial Conflicts of Interest

Financial conflicts frequently surface in oversight practice. One form is business ownership or shareholding: when a judge holds financial interests in a company that is a party to the case (as shareholder, partner, or beneficial owner), the judge's decision may be swayed by the desire to protect or increase that economic interest. Other forms include debt relationships between the judge (or their family) and a litigant, or insurance interests related to the case that may be affected by the judgment.

Family Conflicts of Interest

Family conflicts of interest arise when a judge's close relatives—such as a spouse, children, parents, or siblings—hold direct or indirect interests in a case under adjudication. A clear example occurs when a judge's spouse or child appears as a party to the proceedings, whether as plaintiff or defendant. In such circumstances, ethical standards require the judge to recuse themselves, as any decision rendered would almost inevitably be influenced by familial loyalty, thereby undermining judicial impartiality (Joint Regulation of the Supreme Court of the Republic of Indonesia and the Judicial Commission, 2012).

Conflicts of interest also emerge when a judge's family member acts as legal counsel or court clerk in the same case. Familial ties—characterized by emotional closeness and, in some instances, hierarchical relationships—may compromise the judge's objectivity or, at the very least, create a public perception that the decision will be biased in favor of the related party (Bimo et al., 2023). Beyond formal procedural roles, financial relationships such as debts or credit arrangements between a judge's family members and litigants further expand the scope of family-based conflicts of interest. Although the judge may not be directly bound by such obligations, the family unit constitutes the closest sphere of influence, and financial dependency or obligation within that sphere may reasonably affect judicial independence or give rise to perceptions of partiality (Judicial Commission, 2025).

Political and Organizational Conflicts of Interest

Political and organizational conflicts of interest arise when a judge is currently affiliated with, or has previously been active in, a political party, mass organization, or particular interest group that subsequently becomes a party to a case. In such circumstances, political or organizational affiliations may generate ideological bias or institutional loyalty that is incompatible with the judicial obligation of impartiality (Salsabila, 2024). This risk is especially pronounced in cases directly involving electoral

disputes, conflicts over the authority of state institutions, or other public law cases in which political actors play a central role.

Beyond formal political parties, a judge's involvement in civil society organizations, professional associations, or social movements may also give rise to conflicts of interest when those entities become litigants or possess a direct interest in the outcome of judicial proceedings (Simanungkalit, 2025). These situations require judges to engage in honest and proactive self-assessment of potential conflicts and to recuse themselves whenever a reasonable connection exists that could cast doubt on their impartiality. In line with international judicial ethics standards, the obligation to withdraw applies not only to actual bias but also to circumstances that may reasonably give rise to a perception of bias among the public.

Spiritual and Religious Conflicts of Interest

Although not always explicitly regulated in the text of KEPPH, judicial ethics practice and scholarly literature recognize that certain spiritual and religious commitments may also give rise to conflicts of interest. Such conflicts may arise particularly where a judge maintains close affiliations with religious organizations or spiritual leaders who have a direct or indirect interest in the outcome of a case (Retnowati, 2025). In these circumstances, judges may be subject to moral, social, or communal pressures to render decisions aligned with the values, doctrines, or interests of the relevant religious group.

These forms of influence, while often subtle and informal, pose a genuine risk to the application of positive law and the principle of judicial impartiality. Consequently, judges are ethically required to exercise heightened self-awareness and restraint, including recusal where necessary, to ensure that religious convictions or communal expectations do not override legal reasoning or undermine public confidence in the neutrality of judicial decision-making. Consistent with international judicial ethics standards, the obligation to avoid both actual and perceived bias extends to circumstances in which spiritual or religious affiliations could reasonably be understood as influencing judicial outcomes.

Enforcement Mechanisms of KEPPH

The enforcement of KEPPH is carried out through a system of external oversight by the Judicial Commission and a joint ethical enforcement forum embodied in the Judges' Honor Council, as regulated under the Joint Regulation of the Supreme Court of the Republic of Indonesia and the Judicial Commission No. 02/PB/MA/IX/2012 and No. 02/PB/P.KY/09/2012 on the Guidelines for the Enforcement of the Code of Ethics and Judges' Rules of Conduct (Joint Regulation of the Supreme Court and the Judicial Commission, 2012).

The Role of the Judicial Commission

The Judicial Commission plays a central role in supervising judges' conduct, particularly as the primary gateway for public complaints concerning alleged violations of KEPPH (Law No. 22 of 2004 as amended by Law No. 18 of 2011). The Commission's functions include receiving public complaints; conducting administrative and substantive verification; performing preliminary assessments of alleged violations; deliberating cases within internal consultation forums; examining and clarifying information from complainants, witnesses, experts, and the reported judges; and ultimately formulating recommendations to the Supreme Court regarding whether a violation has occurred and the degree of its seriousness (Judicial Commission, 2025).

Judicial Commission data indicate that during the first four months of 2025, a total of 401 reports of alleged KEPPH violations were received, of which 344 met the formal and substantive requirements for further processing. The reported violations included acceptance of gifts or gratuities, inappropriate personal relationships, abuse of office, and other ethical breaches (Judicial Commission, 2025). These figures demonstrate that despite KEPPH having been in force for a considerable period, the

implementation of and compliance with judicial ethical standards still require strengthening through more effective oversight mechanisms and sustained ethics education (Simanungkalit, 2025).

The Role of the Judges' Honor Council

The Judges' Honor Council (Majelis Kehormatan Hakim, MKH) is a special forum jointly established by the Supreme Court and the Judicial Commission to examine and adjudicate alleged KEPPH violations that have been formally recommended by the Judicial Commission (Joint Regulation of the Supreme Court and the Judicial Commission, 2012). Composed of representatives from both institutions, the MKH is vested with authority to reassess investigative findings, conduct ethical hearings, evaluate evidence, and impose sanctions where ethical violations are proven (Supreme Court, 2025).

In practice, the MKH conducts limited open hearings in which the reported judge is afforded the opportunity to present a defense, submit evidence, and articulate legal arguments. This procedure ensures that the principle of due process of law is respected even within the ethical adjudication framework (Tambunan, 2024). Where violations are established, the MKH may impose graduated sanctions ranging from oral or written reprimands and temporary suspension from judicial duties (non-hammer suspension), to temporary dismissal or permanent dismissal with dishonor in cases classified as serious ethical breaches (Supreme Court, 2025).

Case Studies: KEPPH Violations and Decisions of the Judges' Honor Council

An examination of MKH decisions issued between 2023 and 2025 provides a clear illustration of how conflicts of interest and KEPPH violations are addressed in practice.

Cases Involving Acceptance of Gifts and Financial Transactions

In a number of cases, judges were found to have accepted gifts, money, or valuable items from litigants or from individuals with direct or indirect interests in the outcome of cases. Even where such acceptance occurred without explicit solicitation or under circumstances described as "voluntary giving," it was nevertheless deemed a serious violation of the principles of integrity, independence, and impartiality, as it created an improper relationship between the judge and the interested party (Farbadi, 2025).

One notable case involved a district court judge who received a sum of money from a litigant and subsequently returned it upon realizing the vulnerability of the situation. The Judges' Honor Council held that the mere existence of a financial transaction between a judge and a litigant—regardless of motive or timing—violated the principles of prudence and moral integrity, and generated a public perception that the judicial decision could have been influenced by financial considerations (Supreme Court, 2025).

Cases Involving Family Conflicts of Interest

Another recurrent category of cases concerns family-based conflicts of interest, including situations where judges maintained inappropriate personal relationships with individuals connected to pending cases or where judges' family members held direct interests in disputes (Judicial Commission, 2025). In one decision, the MKH imposed the sanction of permanent dismissal with dishonor on a judge who was proven to have engaged in a personal relationship exceeding acceptable ethical boundaries with an individual linked to a case under the judge's authority, thereby seriously undermining the dignity of both the judge and the judiciary as an institution (Supreme Court, 2025).

In its legal reasoning, the MKH emphasized that personal misconduct inconsistent with ethical standards does not merely tarnish the honor of the individual judge but also erodes public trust in the independence and impartiality of the judiciary as a whole (Tambunan, 2024). Accordingly, violations

rooted in personal relationships are considered as grave as financial violations, as both categories equally damage the legitimacy of the judicial system.

Cases of Potential Bias Based on Political Affiliation

In cases involving politically sensitive issues, the MKH has repeatedly addressed allegations of conflicts of interest stemming from judges' political affiliations or organizational ties (Salsabila, 2024). In such cases, even where no direct evidence demonstrated that a judicial decision was influenced by political bias, the MKH adopted an approach emphasizing the importance of the appearance of impartiality. Where a reasonable perception existed that a judge maintained significant political ties to a litigant or interested party, recusal was deemed ethically required.

This approach is consistent with international judicial ethics principles, which require judges to avoid any circumstances that may rationally give rise to legitimate doubts (reasonable doubt) regarding their impartiality, even where judges subjectively believe themselves capable of remaining neutral (Bangalore Principles of Judicial Conduct, 2002; International Commission of Jurists, 2012).

Comparative Analysis with International Standards

The Bangalore Principles of Judicial Conduct

The Bangalore Principles of Judicial Conduct, adopted in 2002 and subsequently endorsed through United Nations Economic and Social Council Resolution 2006/23, constitute one of the most authoritative references for international judicial ethics standards (Bangalore Principles of Judicial Conduct, 2002). The principles articulate six core values: independence, impartiality, integrity, propriety, equality, and competence and diligence, which serve as foundational benchmarks for judicial conduct across jurisdictions.

A comparative assessment demonstrates that Indonesia's KEPPH is substantively aligned with the core values articulated in the Bangalore Principles, particularly in its emphasis on independence, impartiality, and integrity as the foundations of judicial conduct (Simanungkalit, 2025). The Bangalore principle of propriety—which obliges judges to avoid any form of impropriety in both public and private capacities—is reflected in KEPPH's requirement that judges preserve their honor and dignity within and beyond their official duties. This includes regulating aspects of private life to prevent both actual and perceived conflicts of interest (Joint Decree of the Chief Justice of the Supreme Court and the Chair of the Judicial Commission, 2009).

Moreover, the Bangalore Principles underscore that judges must accept a range of personal restrictions that may not apply to ordinary citizens precisely because of their strategic position within the structure of state power (International Commission of Jurists, 2012). This perspective aligns with KEPPH's normative stance requiring judges to accept limitations on business activities, social relationships, and political involvement in order to safeguard public confidence in the judiciary.

Practices in Malaysia, Singapore, and the Netherlands

Singapore and Malaysia: Regional Common Law Jurisdictions

Singapore and Malaysia, as common law jurisdictions in Southeast Asia, have developed stringent judicial ethics standards through clearly codified Judicial Codes of Conduct and centralized enforcement mechanisms. Singapore, in particular, applies a highly comprehensive Judicial Code of Conduct that emphasizes the uncompromising maintenance of judicial integrity and impartiality. Judges are required to avoid any activities that may diminish public confidence in judicial independence or create the impression that judicial decisions are influenced by personal interests (Singapore Judiciary, 2024). Singaporean regulations explicitly restrict judges' involvement in business activities, active share ownership, and social or political engagements that may give rise to conflicts of interest (Singapore Judiciary, 2024).

Malaysia adopts a comparable regulatory framework through the Judges' Code of Ethics Act (2009) and the Judicial Officers' Code of Ethics (2019), which affirm the prohibition on judges using their office for personal, familial, or group interests. These instruments also impose a duty on judges to avoid any situation that may generate a perception of bias or favoritism (Judicial Appointments Commission Malaysia, 2019). Both common law jurisdictions operate integrated oversight mechanisms through strong Judicial Service Commissions, ensuring that ethical compliance is embedded within judicial career management and promotion systems (Chen, 2024; Singapore Judiciary, 2024).

The Netherlands: Civil Law in Historical and Contemporary Perspective

The Netherlands, as a civil law jurisdiction and the historical source of many Indonesian legal institutions, has developed a judicial ethics framework reflecting the evolution of contemporary civil law systems. This framework is articulated in the NVvR-Rechterscode (Dutch Code of Judicial Conduct) and the document Matters of Principle, which set high standards for judicial integrity, independence, impartiality, and professionalism (NVvR-Rechterscode, 2011; Matters of Principle, 2010). Unlike common law systems that emphasize precedent and case law, the Dutch ethical framework prioritizes universal principles and social norms that judges are expected to uphold.

A particularly distinctive feature of the Dutch system is the strict regulation of ancillary positions, defined as any business, academic, or social activities that may interfere with judicial independence or impartiality, even in the absence of a clearly identifiable conflict of interest (NVvR-Rechterscode, 2011; Matters of Principle, 2010). Dutch judges are explicitly required to "accept personal restrictions that may be considered onerous for ordinary citizens," and are prohibited from practicing law, serving as company directors, or engaging in activities that may undermine the dignity of judicial office (NVvR-Rechterscode, 2011). Furthermore, Dutch regulations contain detailed provisions on the disclosure of conflicts of interest, personal relationships with members of the legal profession, and prohibitions on the use of judges' residences for the benefit of legal clients (Matters of Principle, 2010).

Another significant aspect of the Dutch ethical system is that it functions not merely as a disciplinary framework but also as an awareness-raising instrument designed to cultivate judges' understanding of ethics as an integral component of their role as holders of public trust (Mak, 2023). This approach aligns with contemporary civil law philosophy, which views judicial ethics not solely as a set of formal rules but as an essential element of professional culture and moral responsibility within society (Mak, 2023).

Comparative Analysis: Similarities and Differences

The jurisdictions of Singapore, Malaysia, and the Netherlands fundamentally recognize the importance of independence, impartiality, and integrity as core values of judicial ethics. All three systems acknowledge that judges' private lives may give rise to conflicts of interest that must be strictly managed (Singapore Judiciary, 2024; Judicial Appointments Commission Malaysia, 2019; NVvR-Rechterscode, 2011). Each jurisdiction also provides formal mechanisms for identifying, reporting, and addressing ethical violations, although the institutional structures differ in accordance with their respective legal traditions (Chen, 2024).

Moreover, all three jurisdictions emphasize the principle of the appearance of impartiality, meaning that even where judges subjectively believe they can remain neutral, they are required to recuse themselves if a reasonable public perception exists that their interests may influence judicial decision-making (Singapore Judiciary, 2024; Matters of Principle, 2010).

Distinctive Features and Institutional Differences

At the level of oversight mechanisms, Singapore and Malaysia employ centralized systems through Judicial Service Commissions with comprehensive authority over judicial discipline. In contrast, the Netherlands adopts a more decentralized approach that emphasizes internal professional culture and peer accountability among judges (Chen, 2024; Mak, 2023). This distinction is reflected in the regulation

of ancillary positions: Singapore and Malaysia impose strict prohibitions or severe limitations on judges' secondary activities, whereas the Netherlands permits certain activities—such as academic research, teaching, or artistic pursuits—provided they do not compromise the integrity or dignity of judicial office (Singapore Judiciary, 2024; NVvR-Rechterscode, 2011).

In terms of transparency, Singapore and Malaysia require explicit, documented, and verifiable disclosure of conflicts of interest, while the Dutch system places greater emphasis on judges' personal responsibility to identify and disclose conflicts based on a deep internalization of ethical norms (Matters of Principle, 2010; Mak, 2023).

Implications for Indonesia: Legal System Hybridity and the Question of Eight Decades of Evolution

Historically, Indonesia inherited the Dutch civil law tradition during the colonial period. Over time, however, it has incorporated elements of common law, particularly through the growing authority of judicial precedent and the binding nature of Constitutional Court decisions (Comparative Studies on Civil Law and Common Law Systems, 2019). At the level of judicial ethics, Indonesia's KEPPH reflects this hybridity: it combines a rigid written normative framework—reminiscent of Dutch and Singaporean models—with a dual-institution enforcement mechanism involving both the Judicial Commission and the Supreme Court. This structure is more hybrid and less centralized than the Singaporean system (Judicial Commission, 2025; Supreme Court, 2025).

From a comparative perspective, it is particularly instructive to observe the extent to which the Netherlands—often regarded as the “ancestor” of Indonesia's civil law tradition—has advanced beyond the ethical norms currently adopted in Indonesia. Through the NVvR-Rechterscode and Matters of Principle, the Netherlands has developed sophisticated provisions on ancillary positions, periodic financial disclosures, and systematic ethics awareness-raising that exceed those found in Indonesia's KEPPH (NVvR-Rechterscode, 2011; Mak, 2023). This comparison suggests that although Indonesia has inherited many legal institutions from the Netherlands, its judicial ethics norms have not yet evolved to the same degree over the eight decades following independence (Comparative Studies on Indonesian and Dutch Criminal Justice Systems, 2023).

In the realm of ethical enforcement, Singapore offers a model of centralized and stringent mechanisms that promote certainty and consistency in upholding standards, while the Netherlands demonstrates an approach grounded in intrinsic ethical awareness and professional judicial culture. Indonesia currently occupies a position between these two models, operating a dual-institution system that still requires stronger coordination and integration (Chen, 2024; Judicial Commission, 2025). In an era in which judges are increasingly engaged in economic, social, and digital activities, lessons from Singapore's strict regulation of ancillary positions and from the Netherlands' emphasis on ethics awareness-raising are particularly relevant for the future development of Indonesia's KEPPH (Simanungkalit, 2025; Mak, 2023).

Challenges in the Implementation of KEPPH

Although KEPPH provides a relatively comprehensive normative framework, its implementation in Indonesia faces a range of structural, cultural, and practical challenges (Idrus, 2023).

Structural and Institutional Challenges

The first structural challenge lies in the weakness of coordination between the Judicial Commission and the Supreme Court in enforcing KEPPH. Differences in institutional authority and organizational culture may lead to divergent interpretations or assessments regarding the seriousness of ethical violations (Huda, 2023). In several cases, sanction recommendations issued by the Judicial Commission have not been fully adopted by the Supreme Court, giving rise to public perceptions that ethical enforcement remains inconsistent and insufficiently firm (Judicial Commission, 2025; Supreme Court, 2025).

A second challenge concerns the limitation of the Judicial Commission's authority following Constitutional Court Decision No. 005/PUU-IV/2006, which restricted the Commission's supervisory role over Constitutional Court judges. This limitation has created gaps in the overall architecture of ethical oversight (Resopijani, 2024). Consequently, there is a growing need to reconsider and redesign the institutional framework of ethical supervision so that ethical regulation and enforcement encompass all levels of the judiciary more comprehensively (Salsabila, 2024). In addition, the enforcement process of KEPPH—from the submission of complaints to final decisions—often requires a prolonged period, potentially weakening its deterrent effect and reducing the preventive function of judicial ethics enforcement (Idrus, 2023).

Cultural and Social Challenges

At the cultural level, significant differences persist within society regarding the understanding of conflicts of interest, particularly in the context of strong familial and personal relationships that characterize Indonesian social life (Edyono, 2022). Many members of the public do not fully appreciate why judges must recuse themselves from cases solely due to family ties or close personal relationships with one of the parties, despite the fact that even perceived conflicts of interest are normatively sufficient to undermine public confidence in the judiciary (Bangalore Principles of Judicial Conduct, 2002).

Furthermore, judges who are actively involved in social, religious, or political organizations often face social pressures to align their judicial decisions with the values, agendas, or interests of those organizations. Such pressures are inherently difficult to detect and measure through formal legal mechanisms, yet they pose significant risks to judicial impartiality (Simanungkalit, 2025).

Practical Challenges

From a practical perspective, not all forms of conflicts of interest are easily identifiable, as some conflicts are latent or remain undisclosed during judicial proceedings. These include indirect financial relationships or informal social ties that are not publicly known (Idrus, 2023). The burden of proof in ethical proceedings also presents challenges, as it is often difficult to demonstrate conclusively that a judicial decision was directly influenced by a conflict of interest, particularly in the absence of explicit evidence such as financial transactions or documented communications (Farbadi, 2025).

In addition, judges' levels of awareness and sensitivity regarding conflicts of interest are not uniform. Some judges continue to perceive conflicts of interest solely as matters involving clear and serious violations, rather than as a spectrum of risks that should be anticipated and managed proactively from an early stage (Fahira, 2022).

Technological and Modernization Challenges

Developments in information technology and the increasing use of social media by judges have introduced new forms of potential conflicts of interest and ethical dilemmas (Simanungkalit, 2025). Digital interactions between judges and individuals who may have legal interests—such as comments, direct messages, or participation in online groups—can raise questions regarding impartiality and objectivity, even when such interactions are not intended as official communications related to a case (International Commission of Jurists, 2012).

Moreover, the persistence of digital footprints that are difficult to erase requires judges to exercise heightened caution when expressing opinions, political preferences, or positions on controversial issues in virtual public spaces. Such expressions may later be invoked to challenge judges' neutrality in adjudicating particular cases (European Law Institute, 2023).

CONCLUSION

This study has conducted a normative analysis of the Code of Ethics and Judges' Rules of Conduct (KEPPH) in regulating judges' private lives and the risks of conflicts of interest, complemented by a comparative approach to international standards, including the Bangalore Principles of Judicial Conduct and judicial ethics frameworks in Malaysia, Singapore, and Europe (Judicial Group on Strengthening Judicial Integrity, 2002; Chen, 2024; Singapore Judiciary, 2024; Council of Europe, 1998). Several key conclusions may be drawn from this normative and comparative analysis.

Substantive Conclusions

KEPPH provides a comprehensive normative framework for regulating judicial ethical standards by incorporating core principles such as independence, impartiality, integrity, equality, and professional responsibility, which judges are required to uphold both within and outside judicial proceedings. These principles are further elaborated through specific regulations governing personal and familial relationships, professional interactions, and financial interests, all of which aim to minimize the risk of conflicts of interest in judicial practice.

KEPPH explicitly prohibits judges from adjudicating cases in which they have potential conflicts of interest arising from family relationships, professional connections, or personal financial interests. This prohibition is grounded in the understanding that conflicts of interest—whether actual or merely perceived by the public—can undermine judicial impartiality and erode public trust in the judiciary.

In principle, Indonesia's KEPPH aligns with international judicial ethics standards, including the core values articulated in the Bangalore Principles of Judicial Conduct and ethical practices observed in Singapore, Malaysia, and various European jurisdictions. Nevertheless, there remains room for strengthening, particularly with respect to the regulation of judges' business activities and investments, as well as transparency obligations related to the disclosure of conflicts of interest, which are regulated more strictly in several comparative jurisdictions.

Despite the relative strength of KEPPH's normative framework, its implementation continues to face structural, cultural, and practical challenges. These include coordination issues between the Judicial Commission and the Supreme Court, lengthy enforcement processes, limitations on supervisory authority at certain judicial levels, and divergent perceptions regarding the seriousness of ethical violations, all of which may reduce KEPPH's long-term deterrent effect.

Accordingly, KEPPH requires further development in several substantive areas to respond to evolving social, economic, and technological dynamics. These include clearer regulation of judges' business and investment activities, guidance on judges' engagement with social media, and more systematic and transparent mechanisms for disclosing conflicts of interest.

Recommendations

Based on the foregoing analysis, the following recommendations are proposed.

Recommendations for the Supreme Court and the Judicial Commission

The Supreme Court and the Judicial Commission should strengthen institutional coordination and communication to ensure greater consistency in the interpretation of KEPPH and to enable sanction recommendations issued by the Judicial Commission to be followed up more firmly and measurably by the Supreme Court.

In addition, both institutions should develop more detailed technical guidelines addressing various forms of conflicts of interest, particularly those related to judges' business activities, share ownership, investments, and the use of social media. Such guidelines would reduce excessive interpretative discretion in practice.

Continuous training programs on KEPPH and conflicts of interest should be expanded in both intensity and quality to ensure that all judges adequately understand ethical standards and are capable of identifying and managing potential conflicts of interest at an early stage.

Recommendations for Systemic Reform

A more transparent and well-documented system for the disclosure of conflicts of interest should be established, for example through periodic mandatory declarations by judges concerning relevant financial, organizational, and familial interests. These declarations could serve as a basis for evaluating potential conflicts in case assignments.

The Judicial Commission and the Supreme Court should consider developing a risk-based oversight model that maps judges' profiles according to factors associated with higher conflict-of-interest risks, such as business involvement, family positions, and organizational affiliations. This would allow supervisory resources to be focused on areas of greater vulnerability.

Ethical standards concerning conflicts of interest should also be integrated into judicial appointment, transfer, and promotion systems, enabling early identification of judges with elevated conflict-of-interest risks.

Recommendations for Future Research

Further empirical research is required to understand the frequency, types, and impacts of conflicts of interest among Indonesian judges. More in-depth comparative studies with jurisdictions that have developed advanced systems for conflict-of-interest disclosure and ethical oversight are also necessary to identify best practices that may be adapted to the Indonesian context.

Future research should also focus on analyzing the implementation of KEPPH at the court level, including the identification of structural, cultural, and technical obstacles, as well as evaluating the effectiveness of ethical sanctions in generating deterrence and strengthening judicial integrity (Idrus, 2023; Huda, 2023).

Closing Remarks

This article has critically examined how KEPPH regulates judges' private lives and the risk of conflicts of interest. KEPPH aligns broadly with international standards such as the Bangalore Principles and establishes core ethical obligations. Nevertheless, implementation gaps—particularly in financial disclosure, oversight of ancillary activities, and institutional coordination—limit its effectiveness.

Reforms that combine improved disclosure, risk-based oversight, pre-approval of ancillary activities, harmonized enforcement protocols, integration of ethics into career management, and sustained ethics education can significantly strengthen the system. Technical reforms must be accompanied by cultural change: a professional ethos that accepts constraints on private conduct as an intrinsic price of public trust.

Ultimately, safeguarding judicial independence requires not only protecting judges from improper external pressures, but also ensuring that judges and institutions actively mitigate internal vulnerabilities. KEPPH provides the normative foundation; reforms should focus on operationalizing that foundation in a manner that is transparent, proportionate, and adaptable to contemporary risks.

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