

# Synergy Between The Judicial Commission and The Supreme Court in Supervising Judges: Strengthening Accountability Without Harming The Independence of The Judicial Power

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## Abstract.

*Judicial oversight constitutes a crucial instrument in preserving the integrity, accountability, and public trust in the judiciary. Within the Indonesian constitutional framework, judicial oversight is exercised by two principal institutions: the Judicial Commission as the external supervisory body focusing on the honor, dignity, and conduct of judges, and the Supreme Court as the internal supervisory body emphasizing institutional discipline as well as technical and administrative oversight. In practice, however, the relationship between these institutions has not functioned in a fully synergistic manner. The main problems include overlapping perceptions of authority, weak follow-up on the Judicial Commission's recommendations, institutional resistance, limited resources, and suboptimal public participation. This study aims to analyze the construction of authority of the Judicial Commission and the Supreme Court in judicial oversight, identify factors inhibiting effective supervision, and formulate an institutional synergy model that remains respectful of judicial independence. This research employs normative legal research using statutory and conceptual approaches. The study finds that the principal issue lies not in the existence of dual supervisory institutions, but in the absence of an operational and procedurally binding coordination design supported by an open institutional culture.*

**Keywords:** *Judicial Commission; Supreme Court; judicial oversight; judicial independence and judicial accountability.*

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## I. INTRODUCTION

Judicial power is a key pillar of a state based on the rule of law. Judges are not only required to be independent but also obliged to maintain the integrity, impartiality, and dignity of their office. Independence without accountability has the potential to lead to abuse of authority, while accountability without clear boundaries can become an interference with judicial freedom. Therefore, judicial oversight must be placed within a framework that balances protecting judicial independence and the need to maintain public trust in the judiciary. In the Indonesian legal system, judicial oversight is conducted through two channels. The Supreme Court carries out internal oversight of lower-level judicial bodies, while the Judicial Commission carries out external oversight focused on safeguarding the honor, dignity, and behavior of judges. Theoretically, this division can strengthen the principle of checks and balances within the judicial branch.

However, in practice, this relationship is often strained, particularly when ethical recommendations are not optimally followed up and there are differing interpretations of the limits of each institution's authority. This article begins with the thesis that synergy between the Judicial Commission and the Supreme Court is a prerequisite for professional judicial oversight, but such synergy cannot be built solely through the rhetoric of coordination. Synergy requires regulatory harmonization, clarity of follow-up procedures, integration of oversight systems, and a shift in legal culture within the judiciary. Therefore, the main questions discussed are how the authority of the two institutions is constructed, what obstacles are there to its implementation, and what the ideal synergy model is for effective oversight without compromising the independence of the judiciary.

## II. METHODS

This article uses a normative legal research method. This method was chosen because the issues under study are based on constitutional norms, laws and regulations, institutional concepts, and legal doctrines regarding judicial oversight and the independence of the judiciary. The approaches used include a legislative approach and a conceptual approach. The legislative approach is used to examine the regulations regarding the Judicial Commission, the Supreme Court, and judicial power as contained in the 1945 Constitution of the Republic of Indonesia, Law Number 48 of 2009 concerning Judicial Power, and Law

Number 18 of 2011 concerning the Judicial Commission. Meanwhile, the conceptual approach is used to dissect the concepts of judicial independence, ethical oversight, checks and balances, and synergy between state institutions. The analysis was carried out in a prescriptive-analytical manner by outlining existing norms and problems, then formulating a more appropriate synergy strengthening model in the judicial supervision system in Indonesia.

### III. RESULT AND DISCUSSION

Constitutionally, the Judicial Commission holds a crucial role in upholding the honor, dignity, and conduct of judges. Meanwhile, the Supreme Court, as the pinnacle of judicial authority within the general, religious, military, and state administrative courts, exercises the function of fostering and internal oversight of judges and subordinate judicial officials. This distinction demonstrates that the dualism of oversight is not fundamentally flawed, but rather a balancing instrument within the judicial branch. In practice, this differentiation of functions is not always easy to implement. At some point, a judge's ethical violations can overlap with judicial performance, case administration patterns, or courtroom conduct. This is where the boundaries between ethical, disciplinary, and technical judicial domains often become blurred. Therefore, the relationship between the Judicial Commission and the Supreme Court is not simply built on a formal division of authority but requires a shared understanding of the overlapping areas that require coordination. The main problem that arises is differing institutional perceptions. The Supreme Court often views external oversight with great caution, fearing that its ethical oversight function will shift into interference with judicial independence. Conversely, the Judicial Commission fulfills its constitutional mandate to safeguard judicial integrity. As long as there are no clear operational parameters regarding the limits of ethical oversight, institutional tensions will continue to arise.

The most obvious weakness lies in the follow-up of recommendations. When the Judicial Commission's recommendations are not consistently responded to, external oversight risks losing its momentum, while the public perceives ethical enforcement within the judiciary as inconsistent. This indicates the absence of a firm, measurable, and procedurally binding follow-up mechanism. From a constitutional perspective, judicial independence should not be misinterpreted as ethical immunity. Independence is granted to free judges from pressure when examining, adjudicating, and deciding cases, not to absolve judges from the obligation to maintain integrity, propriety, and moral responsibility. Therefore, appropriate ethical oversight is not a threat to independence, but rather a prerequisite for maintaining independence with dignity. Strengthening synergy between the Judicial Commission and the Supreme Court must be translated into concrete institutional design. First, regulatory harmonization is needed, particularly regarding recommendation follow-up procedures, response deadlines, clarification models, and mechanisms for resolving disagreements. Second, the establishment of a coordination forum remains essential to facilitate dialogue, align ethical standards, and periodically evaluate oversight implementation.

Third, oversight information systems need to be integrated. Public reporting systems, follow-up status, inspection records, and ethical decision archives need to be managed within a connected mechanism, while still considering the division of authority between each institution. Fourth, preventive and educational approaches need to be strengthened through ethics education, regular training, and applicable codes of conduct. Fifth, public participation must be expanded through simple, secure, and responsive reporting mechanisms, along with protection for good-faith whistleblowers. Substantively, the ideal synergy model must be built on three principles. First, distinction of authority, namely the clear boundaries between the ethical, disciplinary, and technical realms of the judiciary. Second, procedural coordination, namely the obligation to mutually respond and follow up within a clear timeframe and mechanism. Third, public accountability, namely proportional openness to the oversight process and results. If these three principles operate in unison, judicial oversight can shift from a sectoral pattern to a professional, collaborative one.

#### IV. CONCLUSION

Oversight of judges in the Indonesian legal system is carried out through two institutional channels: the Judicial Commission, which acts as an external supervisor of judicial ethics and behavior, and the Supreme Court, which acts as an internal supervisor of judicial development, discipline, and administration. Conceptually, this division aligns with the principle of checks and balances and does not conflict with the independence of the judiciary. The main problem lies in the suboptimal design of institutional synergy, characterized by differing perceptions of authority, weak follow-up on recommendations, institutional resistance, limited resources, and ineffective public participation. Synergy between the Judicial Commission and the Supreme Court can only be realized professionally if supported by regulatory harmonization, a permanent coordination forum, integration of supervisory information systems, strengthening of recommendation follow-up mechanisms, and preventive and educational ethical guidance. With this model, judicial oversight can be more effective, accountable, and still respect the judge's freedom in carrying out their judicial functions. In other words, accountability and independence are not mutually exclusive values, but rather two elements that must be managed in a balanced manner in a state based on the rule of law.

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