

## **Judge Freedom Versus Accountability on Oversight System and Ethics Enforcement Mechanism in Criminal Justice in Indonesia**

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**Abstract.** *This study examines the delicate balance between judicial independence and accountability within Indonesia's criminal justice system, focusing on mechanisms of oversight and ethical enforcement. Judicial independence serves as a fundamental pillar in ensuring impartial court decisions; however, it necessitates a robust accountability system to prevent abuses of power and maintain public trust. Using a normative juridical method, this research analyzes the legal framework governing judicial oversight and ethics enforcement mechanisms. Findings suggest that while Indonesia has established institutions such as the Judicial Commission and the Supreme Court to oversee judicial conduct, their coordination remains suboptimal. The lack of enforcement power for the Judicial Commission often results in ethical violations not being adequately addressed. Additionally, judges frequently face external pressures, particularly in high-profile cases, which may compromise their independence. This study highlights key challenges, including structural limitations in the supervisory system, public and media influence on judicial decision-making, and insufficient transparency in ethical oversight. To strengthen judicial integrity, the research recommends enhancing the authority of the Judicial Commission, improving inter-institutional coordination, and increasing transparency in judicial accountability processes. These findings contribute to the ongoing discourse on legal reform in Indonesia and propose strategies to ensure a fairer and more accountable judiciary.*

**Keywords:** *Accountability; Ethics; Independence; Judicial.*

### **1. Introduction**

Judges' independence is a fundamental principle in a modern judicial system that guarantees a fair and independent legal process. However, this freedom often clashes with the demands of public accountability that expect transparency and fairness. In the context of criminal justice, the role and ethics of judges are crucial, as their decisions can affect individual liberties. (Hamdi & Erick, 2024)

In carrying out their duties, judges are expected not to be influenced by external parties, including pressure from the government, interest groups, or the public, so that they can provide objective decisions based on evidence and applicable law. This principle is in

accordance with the rule of law, where judges act as guardians of the constitution and protectors of individual rights (Paradita & Triadi, 2024). In many countries, including Indonesia, judges' independence is considered an essential part of democracy and a fair justice system. However, this freedom cannot be absolute without accountability, especially since judges hold significant authority in determining the fate of individuals.

Accountability in the judiciary is a monitoring mechanism that ensures that judges carry out their duties with integrity and professionalism. Without accountability, judges' independence can be abused or seen as a form of impunity that threatens public confidence in the justice system. In Indonesia, accountability for judges is implemented through several oversight institutions such as the Judicial Commission and the Supreme Court which are tasked with overseeing the performance and behavior of judges in accordance with the Code of Ethics and Code of Conduct for Judges (KEPPH). This oversight system is designed to prevent abuse of power and increase public trust in the judiciary.

However, the balance between freedom and accountability of judges in practice faces many challenges. One example is when judges handle cases that are sensitive or attract public attention, such as the Ronald Tannur case in Surabaya District Court. In these cases, judges are faced with enormous pressure from the public and the media that can indirectly influence the decision-making process. This kind of pressure often puts judges in a difficult situation: on the one hand, they must maintain their independence to decide cases based on the law and evidence, while on the other hand, they must consider the impact of their decisions on public perception.

In addition, there are also obstacles in the application of supervisory mechanisms, where several cases of ethical violations by judges are not fully handled or resolved properly.

Despite the efforts of the Judicial Commission and the Supreme Court to carry out their supervisory functions, limited resources and authority mean that supervision of judges is still not optimal. This creates gaps in the application of accountability and sometimes creates negative perceptions of the justice system in Indonesia.

This condition shows the importance of reviewing the supervision system and ethics enforcement mechanism in Indonesian criminal justice.

The discussion on the freedom and accountability of judges is relevant because they are interrelated in maintaining the integrity of the judiciary. Freedom without accountability can lead to abuse of power, while accountability without freedom can hinder judges in carrying out their duties independently. Therefore, this study aims to analyze how the regulation of freedom and accountability of judges in criminal justice in Indonesia, identify challenges in implementing an accountability system for judges, and provide recommendations to improve the effectiveness of the supervisory system and ethics enforcement mechanisms in maintaining the balance between freedom and accountability of judges.

This research is expected to contribute to the development of a fairer and more reliable judicial system in Indonesia. Through this study, it is hoped that effective strategies can be found to improve the quality of supervision, strengthen the integrity of judges, and maintain their independence in carrying out their duties.

And this research will analyze the extent to which the supervisory system in Indonesia is able to maintain a balance between freedom and accountability of judges.

## 2. Research Methods

This research method uses a normative juridical method with a descriptive-analytical approach. The normative juridical method focuses on the study of norms and regulations relating to judges' independence, accountability, and code of ethics in the Indonesian judicial system. This research seeks to analyze the relationship between existing legal principles and their application in the field, especially in efforts to maintain a balance between freedom and accountability of judges through the supervisory system and ethics enforcement mechanisms.

### Research Approach

A Normative Juridical Approach:

This approach examines the laws and regulations and other legal documents that form the basis for maintaining the independence and accountability of judges in Indonesia.

Some of the main regulations reviewed include Law No. 48/2009 on Judicial Power, Law No. 18/2011 on the Judicial Commission which regulates the code of ethics and code of conduct for judges.

A Descriptive-Analytical Approach:

This approach is used to provide a comprehensive description of the actual conditions related to the implementation of freedom and accountability of judges in Indonesia.

After describing the existing conditions and regulations, this study analyzes the effectiveness of the implementation of the supervisory system and ethics enforcement mechanism in maintaining the balance between freedom and accountability of judges.

### Data Source

Primary Data:

Primary data was obtained from regulations and official documents directly related to judges' independence, accountability and code of ethics. These include laws, regulations, decisions of relevant institutions (Judicial Commission and Supreme Court), as well as other legal instruments that directly affect the oversight and enforcement functions of ethics in Indonesia.

Secondary Data:

Secondary data consisted of academic journals, scholarly articles, related publications, books, and legal literature discussing theories on the independence and accountability of judges, as well as comparative studies of oversight systems in other countries. These publications help provide the theoretical and comparative context that supports the analysis in this study.

## **Data Collection Technique**

### Library Research:

This technique is carried out by reviewing legal materials and related literature, both in the form of laws and regulations, books, journals, scientific articles, and other relevant publications. This literature study enables thorough data collection on applicable legal norms and principles.

### Documentation:

This process involved collecting official documents issued by relevant institutions, such as the Supreme Court, the Judicial Commission, as well as reports or decisions regarding cases of code of ethics violations by judges in Indonesia. This documentation helps to provide a practical context for legal theory applied in practice.

## **Data Analysis Technique**

### Normative Analysis:

The analysis was conducted by interpreting various applicable regulations, such as laws and regulations regarding judges' code of ethics, as well as legal principles that support the freedom and accountability of judges. Through this normative analysis, the research evaluates how existing legal provisions provide space for the freedom and accountability of judges. Through this normative analysis, the research evaluates how existing legal provisions provide space for the freedom of judges while limiting their behavior through supervision and accountability mechanisms.

### Descriptive-Analytical Analysis:

Descriptive analysis is used to describe the content of relevant regulations, followed by qualitative analysis to understand the effectiveness of their application in practice. This analysis includes the identification of problems or obstacles in the implementation of supervision of judges, such as the limited authority of the Judicial Commission and the challenges of implementing the code of ethics.

## **Research Procedure**

### Problem Formulation and Objectives:

#### Research:

This process began with the identification of the main research problem, which is the challenge of maintaining a balance between the independence and accountability of judges in Indonesia.

#### Data Collection:

Collect relevant regulations, legal documents, academic literature, and secondary data to support the analysis.

#### Data Analysis and Discussion:

Once the data was collected, this research proceeded to analyze the content of the regulations and relevant literature to answer the research questions.

Each analysis was matched with supporting theories and literature to provide in-depth interpretation.

#### Interpretation and Drawing Conclusions:

Based on the results of the analysis, this study draws conclusions about the effectiveness of the supervisory system and the mechanism for enforcing judges' ethics in Indonesia, and provides suggestions that can help strengthen the balance between freedom and accountability of judges.

Using this method, the research aims to provide an in-depth understanding of the legal basis and effectiveness of the supervision system for judges in Indonesia, which is necessary to maintain the integrity of the judiciary.

### **3. Results and Discussion**

#### **3.1. The Judge Freedom in the Criminal Justice System**

##### **a. The Principle of Judge Freedom in Criminal Justice**

The freedom of judges is regulated in Law No.48/2009 on Judicial Power, which emphasizes that judges are free from external influences. This freedom is crucial so that decisions made are purely based on facts and applicable law. Law No, 'Year 2009 on Judicial Power', 48AD.

The freedom of judges in criminal justice ensures that decisions made by judges are based on legal facts and available evidence without influence from external parties, whether the government, certain groups, or social pressure.

Judges' independence is one of the key principles in the criminal justice system, guaranteed in the 1945 Constitution and reinforced in Indonesia's Judicial Power Law. This principle ensures that judges can make decisions based on the law and conscience without pressure from any party, whether from internal judicial institutions or external parties such as the government or the media. This freedom is maintained so that judges can uphold law and justice objectively and professionally.

In the Ronald Tannur case, for example, the judges' independence was tested by intense public pressure from the media. The high level of attention on this case sparked a debate on the extent to which judges' independence can be maintained amidst the intervention of public opinion that seeks to push for outcomes that are in line with the aspirations of the community. Fundamentally, the principle of independence requires judges to remain grounded in evidence, procedure and applicable law, despite tremendous pressure from a public that expects justice to be served in accordance with public expectations.

Montesquieu's theory of separation of powers states that the judiciary should be independent of legislative and executive influence to ensure that court decisions are free from external interests. In the Indonesian context, this independence is reinforced by rules that limit the involvement of outside parties in the judicial process. In the case of Ronald Tannur, the independence of judges has high relevance in the face of pressure from various parties. Judges' independence must be protected so that the principles of due process can be applied consistently and fairly, even though the case attracted great public attention.

##### **b. Judges' Freedom and the Challenge of Public Pressure**

In the case involving Ronald Tannur at the Surabaya District Court, the independence of judges was tested due to intense public scrutiny. The case became a national concern because it involved the social status and influence of the defendant, which could threaten the independence of the judge in delivering a verdict. Here, the judge's independence was key in upholding justice objectively despite public pressure.

This research found that although the freedom of judges is a fundamental right guaranteed by law, in practice, this freedom often faces external pressure, especially from the media and the public in cases that attract public attention, the Ronald Tannur case at the Surabaya District Court being a clear example. In this case, the judge was under immense pressure from public opinion who expected a firm verdict, while the media also highlighted every stage of the trial. This kind of pressure has the potential to affect the independence of judges in considering the evidence and applicable law objectively.

According to the literature, judges' independence is guaranteed to ensure that every decision is based on the law and available evidence, not on external influences.

As stated by (Holili et al., 2024) , too much external pressure can create indirect influences that jeopardize judges' objectivity. If this freedom is compromised, the principle of the rule of law may be jeopardized, as judges may feel compelled to accommodate public wishes or avoid controversy.

The pressures faced by judges in the Ronald Tannur case suggest that their independence requires further protection, particularly in high-profile cases. According to the theory of judicial independence, judges' independence requires limiting external interference (Blackstone, 2016). The public pressure in Ronald Tannur's case demonstrates that judges' independence is vulnerable to influence by the social environment, and this suggests the importance of protective mechanisms, for example, through temporary anonymity policies or strict safeguards on court proceedings for high-potential cases.

### **c. Judges' Freedom in Legal and Moral Perspective in Upholding Justice**

Judges' independence is also defined as their ability to act with moral and ethical integrity in upholding the law. In Ronald Tannur's case, judges are expected to be able to ignore the defendant's background, such as social status or political connections, which may affect the public's perception of fairness in the judicial process. The freedom of judges in this context means that judges must examine every piece of evidence, listen to witnesses, and decide based on the facts available without considering pressure or expectations from outside parties.

This freedom also requires judges not to consider personal opinions, prejudices, or political views that could cloud objectivity. According to Hans Kelsen's philosophical view of the Pure Theory of Law, legal decisions must be based on positive law without considering external influences. Thus, the judge's independence in this case means that any decision must be based on legal facts, not on imposed social views or moral considerations.

Kelsen's pure legal theory underscores that judges' freedom should be focused on upholding the law without interference from non-legal elements, including public opinion. In the case of Ronald Tannur, it was important for the judge to maintain a focus on the relevant evidence and the applicable legal rules. This theory supports a strict separation between the law and social or political elements, which allows judges to act objectively without being distracted by external expectations. In this case, the exercise of liberty supported by this theory ensured that justice was not only done, but was also perceived as being truly based on pure legal principles.

### **d. Judges' Freedom and the Need for Ethical Oversight in High-Profile Cases**

The Ronald Tannur case shows that, in addition to freedom, judges also need ethical supervision to ensure that this freedom is not abused. In situations where judges have complete freedom, there is a risk of abuse of authority if judges do not have a strong commitment to the professional code of ethics. In the context of this case, judges' freedom must be complemented by accountability through ethical oversight from the Judicial Commission to ensure that decisions are made purely based on legal evidence, without bias or external influence.

Indonesia's criminal justice system places the independence of judges as a fundamental right, but also regulates that this independence remains subject to the principle of ethical accountability monitored by institutions such as the Judicial Commission. This is necessary to ensure that judges' freedom does not lead to decisions that are arbitrary or that are contrary to substantive justice. In this case, it is important that judges have the freedom to make decisions, but must remain subject to oversight to ensure their integrity is maintained.

The theory of accountable independence, applied in the context of the courts, emphasizes that judges' freedom must be accompanied by accountability so as not to violate the principles of justice. In this case, the freedom of judges does not mean that they are immune to oversight, but that this freedom must be exercised responsibly. Ethical oversight allows for a balance between freedom and accountability, so that the decisions judges make in high-profile cases remain grounded in legal values and judicial integrity.

Examples of Indonesian Judges who are guilty of violating the Ethics and Freedom of Judges:

1) Judge Akil Mochtar case (2014)

Error:

Akil Mochtar, as Chairman of the Constitutional Court, was proven to have accepted bribes to manipulate decisions in disputes over regional head election results. He used his position to determine decisions in favor of the parties who gave bribes. During the KPK investigation, Akil was found to have received bribes in various forms, including cash and luxury goods, totaling billions of rupiah.

Violation:

- Abusing the freedom of discretion in making decisions.
- Violating the professional ethics of judges by accepting gratuities.
- Undermining the independence of the Constitutional Court as the highest law enforcement institution in resolving electoral disputes

Impact:

The case tarnished the credibility of the Constitutional Court and undermined public confidence in the integrity of the judiciary. Akil was sentenced to life imprisonment by the Corruption Court.

2) Case of Judge Itong Isnaeni Hidayat (2022)

Error:

Itong Isnaeni Hidayat, a judge at Surabaya District Court, was arrested by the KPK for accepting a bribe of Rp. 140 million to win a civil lawsuit related to the division of company assets. In wiretap recordings, he was shown communicating with one of the litigants and offering a favorable ruling in exchange for money.

Violation:

- The practice of buying and selling cases, which is contrary to the principles of justice and integrity of judges.
- Utilizing the position as a judge for personal gain.
- Violating Law Number 30 of 2002 on Combating Corruption.

Impact:

This case worsened the image of the Indonesian judicial system, especially at the district court level. Judge Itong was sentenced to 7 years in prison by the Corruption Court.

### 3) Case of Judge Syarifuddin Umar (2011)

Error:

Central Jakarta District Court judge Syarifuddin Umar was caught red-handed by the KPK accepting Rp. 250 million in a bankruptcy case. He was proven to have used his authority to give a decision in favor of one of the parties in the case. During the trial process, it was discovered that he had also received bribes in other forms in previous cases.

Violation:

- Accepting bribes to manipulate the judicial process.
- Abusing the freedom of judgment without considering legal facts
- Violating professional ethics and principles of judicial accountability.

Impact:

This case set a bad precedent for the bankruptcy judicial process in Indonesia. Judge Syarifuddin was sentenced to 4 years in prison, but this case reflects the weak supervision of judges' behavior.

### 4) Case of Ad Hoc Judge Irawan (2019)

Error:

Syamsudin Manan Sinaga, an ad hoc corruption judge at the Medan District Court, accepted a bribe of Rp. 500 million from a litigant. He used his influence to influence the decision of the panel of judges to be more lenient towards the corruption defendant involved in the case.

Violation:

- Accepting bribes in the process of making decisions in court.
- Violating the independence of judges in deciding corruption cases.
- Disregard for the principles of fairness and transparency in the judicial process

Impact:

This case reinforced the perception that corruption cases in Indonesia are often handled with bias due to the practice of bribery. Syamsudin was sentenced to 6 years in prison by the Corruption Court.

## 3.2. The Challenges in Implementing Accountability for Judges in Indonesia

### a. Structural Challenges in the Surveillance System

This research identifies significant structural challenges to the implementation of accountability for judges in Indonesia. While there is a formal oversight mechanism involving the Judicial Commission and the Supreme Court, the structure and division of authority between these two institutions is often an obstacle. The Judicial Commission has authority over the ethics and conduct of judges, while the Supreme Court has authority over internal discipline and codes of conduct. However, in many cases, coordination between the Judicial Commission and the Supreme Court is less than



optimal, resulting in ineffective handling of cases of alleged ethical or disciplinary violations by judges.

According to Motesquieu's theory of separation of powers, in an ideal legal system, the oversight function of the judiciary should be managed separately to maintain the independence of judges while upholding accountability. However, in practice in Indonesia, the different views and authorities between the Judicial Commission and the Supreme Court often create structural barriers. For example, there are cases where the Judicial Commission recommends sanctions, but implementation depends on the decision of the Supreme Court, which is not always in line with the Judicial Commission's recommendations.

This structural challenge suggests that implementing accountability requires more harmonious inter-agency coordination to ensure that the principle of checks and balances is effective. Mulya Lubis' theory of accountability emphasizes the importance of a clear and integrated supervisory structure within the justice system. (Permata & Ali, 2022)

The lack of effective coordination between the Judicial Commission and the Supreme Court indicates that the system of supervision of judges is still not robust enough to support optimal accountability.

The Ronald Tannur case tried at the Surabaya District Court is a clear example of the challenges of applying accountability to judges in Indonesia. The case involved an assault that resulted in death, and because the perpetrators were from a high-powered family, public attention to the judicial process was also very high. In this case, the public demanded transparency, accountability and independence from the judges hearing the case. However, the high level of social pressure, media and public opinion on the outcome of the trial highlighted the serious challenge of ensuring that the judges remained independent while fulfilling the principle of accountability.

### **b. Limitations of the Judicial Commission's Authority in Enforcing Accountability**

The second challenge identified is the limited authority of the Judicial Commission in following up ethical violations committed by judges. Under Law No. 18/2011 on the Judicial Commission, the Judicial Commission only has the authority to conduct ethical oversight of judges, with no direct authority to impose sanctions. This means that even if the Judicial Commission finds significant ethical violations, they can only recommend sanctions to the Supreme Court, which has the final authority to impose such sanctions.

This limitation often leads to ethical violations not being responded to effectively. In some cases, the Judicial Commission's recommendations regarding ethical violations by judges are not implemented by the Supreme Court. This has led to a perception in the community that the process of supervision and accountability of judges is not working as it should. This study highlights that the recommendations of the Judicial Commission in cases of ethical violations by judges may not be followed up or given inadequate sanctions by the Supreme Court.

According to the accountability theory proposed by (Raz, 2009), accountability requires authority and the ability to follow up on any violations found.

In this context, the limited powers of the Judicial Commission represent a significant obstacle in the process of accountability towards judges. If the Judicial Commission's

authority is expanded to impose direct sanctions, then the principle of accountability in judicial oversight will be stronger and more effective, and this will be in accordance with the theory that oversight institutions should have direct authority to take corrective action.

The Judicial Commission has a role in enforcing judges' codes of ethics, but its limited powers pose problems in ensuring accountability. In cases that attract public attention such as Ronald Tannur, the public wants assurances that the judges hearing the case are being closely monitored by the Judicial Commission. However, as the Judicial Commission is only authorized to recommend sanctions and cannot directly impose sanctions, accountability cannot be effectively enforced if the Judicial Commission's recommendations are not responded to by the Supreme Court.

This limitation relates to Raz's (1979) theory of accountability (Raz, 2009) , which emphasizes that a supervisory institution should have sufficient power to take corrective action. In this case, although the Judicial Commission has the potential to recommend action when ethical violations are found, reliance on the Supreme Court reduces the effectiveness of oversight. This limitation can fuel public distrust of the judicial system, especially in cases involving influential parties such as Ronald Tannur, where the public demands assurances that the courts operate without influence from political or economic forces.

### **c. The Influence of Public and Media Pressure on Accountability Implementation**

Public pressure and media influence pose additional challenges to accountability. In the Ronald Tannur case, public opinion and the media played an important role in monitoring the progress of the trial. The public's expectation for transparent justice and the demand for strict action in the event of ethical violations place an additional burden on the judges hearing the case. This often has the potential to compromise the independence of judges, as strong public pressure can lead judges to make decisions that tend to fulfill public wishes rather than the law and evidence.

According to Bourdieu's (1977) social theory 11, public perception of an institution greatly influences how the public perceives the high independence and accountability of judges in the Ronald Tannur case, due to the perception that intervention from interested parties can influence court decisions. This pressure resulted in a dilemma for judges who had to maintain their independence while still meeting public expectations of accountability and fairness.

### **d. Transparency Constraints in the Judge Oversight Process**

Transparency is an important component in upholding accountability of judges. However, in cases like Ronald Tannur's, transparency into the process and results of oversight of judges is often limited. The public does not always have access to complete information on how the Judicial Commission and the Supreme Court conduct oversight or how public reports on judges suspected of ethical violations are followed up.

This limited transparency can lead to public distrust, especially in cases that attract great attention such as Ronald Tannur. Dennis F. Thompson's (1980) theory of accountability (Thompson, 1980). states that transparency is a fundamental element in creating effective accountability. If the public does not have access to information about the oversight process, it will be difficult to build trust that judges are truly acting in

accordance with the code of ethics and principles of justice. In this case, limited transparency may reinforce public perceptions that judges' accountability is not optimal, especially when there is the possibility of external pressure.

It illustrates that Indonesia's system of accountability for judges still faces challenges that require improvement. From structural challenges to the Judicial Commission's limited powers and the influence of public pressure, this case highlights the need to improve inter-agency coordination, strengthen the Judicial Commission's authority in ethics enforcement, and improve transparency in the supervision of judges. These improvements are critical to maintaining the balance between freedom and accountability in the judicial process.

### **3.3. The effectiveness of the supervisory system and ethics enforcement mechanisms in maintaining the balance between freedom and accountability of judges**

#### **a. The Effectiveness of the Supervision System for Judges in Indonesia**

The supervision system for judges in Indonesia is run by two main institutions, namely the Judicial Commission and the Supreme Court. The Judicial Commission functions as an external watchdog whose mandate is to oversee and enforce the code of ethics and behavior of judges, while the Supreme Court has the function of internal oversight of the integrity and professionalism of judges. In the context of the Ronald Tannur case at Surabaya District Court, this oversight role is crucial to ensure that judges handling cases can work independently without pressure or influence from outside parties, especially given the high public scrutiny and media pressure in the case.

However, in practice, the effectiveness of this supervisory system faces various challenges. First, the overlapping authority between the Judicial Commission and the Supreme Court often leads to sub-optimal coordination in supervising judges. The Judicial Commission is authorized to monitor violations of the code of ethics, but the Supreme Court has the authority to impose sanctions. This dualism can affect the effectiveness of supervision as decisions on sanctions or corrective action may be delayed or even ignored. This exposes gaps in the oversight system that can be exploited by judges who lack accountability or are influenced by external pressures.

According to the theory of checks and balances, an effective oversight system should ensure mutual control between relevant institutions. However, the dualism between the Judicial Commission and the Supreme Court means that the effectiveness of oversight of judges has not reached an optimal level, especially in sensitive cases such as Ronald Tannur that require transparency and decisiveness from the judicial system. This ineffectiveness of oversight reduces accountability and creates uncertainty in the community about the ongoing judicial process. (Maritza & Taufiqurokhman, 2024)

#### **b. Ethics Enforcement Mechanism in Maintaining the Balance of Freedom and Accountability of Judges**

Ethics enforcement mechanisms are an important part of supervision of judges. In this case, the code of ethics for judges is a standard that must be adhered to so that judges can maintain integrity, professionalism and accountability in deciding cases. code of ethics emphasizes that judges act independently, fairly, and without external influence. (Tambunan et al., 2024)

However, the effectiveness of ethics enforcement mechanisms in maintaining the balance between freedom and accountability of judges is often hampered by internal and external factors. On the one hand, public pressure and great public expectations of the outcome of the verdict can influence judges' decisions, adding to the psychological and moral burden faced in carrying out their duties. On the other hand, enforcement of the code of ethics is often not accompanied by strict action because the Judicial Commission only has the authority to recommend sanctions and cannot apply sanctions directly without the approval of the Supreme Court. As a result, the effectiveness of ethics mechanisms in controlling judges' behavior is still weak.

In Mulya Lubis' theory of accountability, every form of freedom should be balanced with sufficient accountability to avoid abuse of power. In this case, ethics enforcement is an important accountability control tool, but shortcomings in terms of implementation and the limited authority of the Judicial Commission in applying sanctions have caused this mechanism to not run optimally. This ineffective mechanism in enforcing ethics risks creating negative perceptions of judges' independence in maintaining justice, especially in cases involving high-interest parties such as the Ronald Tannur case.

### **c. The Balance between Freedom and Accountability: The Effect of Public Pressure on Judges' Freedom**

The balance between judicial independence and accountability is tested by the high public expectation of fair and transparent decisions.

The public and media played an important role in highlighting Ronald Tannur's case and monitoring the progress of the trial. However, excessive public pressure can affect a judge's freedom to make objective decisions. When judges feel compelled to take into account the views of the public or media opinion, there is a risk that their decisions will focus more on social response than on justice under the law.

The freedom of judges protected by the judicial power law provides a foundation for judges to carry out their duties independently without external interference. However, in high-profile cases such as this one, a judge's independence may be jeopardized if he or she feels pressured by the public response (Farabi, 2023). Judges should be able to work without the influence of a majority vote or social pressure demanding a certain outcome. Therefore, good oversight is needed to ensure that judges can maintain their independence without compromising accountability.

According to the theory of public accountability, judges are accountable not only to the law but also to the public. However, this accountability must remain limited so as not to compromise the independence of judges (Hazmi & Arman, 2023). In the case of Ronald Tannur, if accountability is overly imposed through public pressure, it will risk compromising the independence of judges in making decisions based on the law. Freedom complemented by accountability within healthy limits allows judges to maintain their integrity and professionalism in carrying out their duties, even in the face of cases with high public expectations.

### **d. Challenges of Supervisory Effectiveness and Ethics Enforcement in Preventing Potential Conflicts of Interest**

In the case of Ronald Tannur, oversight mechanisms and codes of conduct should ensure that judges can make decisions independently and without influence from personal relationships or interests. However, the effectiveness of these mechanisms is

often low, mainly due to limitations in the application of sanctions or follow-up of public reports. The Judicial Commission and the Supreme Court need to strengthen coordination and ensure firm action is taken when violations of the code of ethics are found that have the potential to interfere with judges' independence in making decisions.

**Theory and Relevance** The theory of conflict of interest suggests that potential conflicts of interest must be identified and addressed to maintain the integrity of decisions (Situmorang & Triadi, 2024). In this context, effective supervision as well as strict application of the code of ethics are essential to prevent conflicts of interest in the Ronald Tannur case, Failure to address these potential conflicts of interest could reduce public confidence in the fairness of the justice system

#### 4. Conclusion

**Conclusion** Judicial independence is a fundamental principle in the justice system that ensures independent decision-making, unaffected by external pressures, and based entirely on evidence and applicable law. However, this freedom cannot stand alone without accountability, which plays an important role in ensuring that judges' decisions remain ethical and transparent to the public. This study found that oversight of judges in Indonesia still faces several challenges, including public and political pressure, limited resources at oversight institutions, and strengthening the integrity of judges in handling sensitive cases. Through the analysis of cases such as Ronald Tannur in Surabaya District Court, it was revealed that an effective supervisory system is needed so that judges maintain their freedom in deciding cases while remaining accountable to society. The Judicial Commission and the Supreme Court as supervisory institutions have made efforts to supervise and apply ethics, but their implementation has not been fully optimized, especially in handling cases that attract public attention. Therefore, there is an urgent need to improve the balance between freedom and accountability in the criminal justice system in Indonesia so that the public continues to trust the integrity of judicial institutions.

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