

## **JUDICIAL WELFARE AND LEGAL DECISION QUALITY IN INDONESIA: NORMATIVE GAPS AND REFORM DIRECTIONS**

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### ***Abstract***

*This study investigates the impact of judicial welfare particularly salary structures, allowances, and institutional support on the quality of judicial decisions in Indonesia. Amid a wave of reform marked by Government Regulation Number 44 of 2024 and the 2025 salary adjustment policy, questions persist regarding whether financial improvements alone can ensure judicial independence and reasoning integrity. Using a normative legal research approach combined with doctrinal analysis and comparative jurisprudence, this paper examines salary disparities, workload imbalances, and structural gaps across judicial tiers. Findings reveal that trial-level judges continue to face excessive caseloads, inadequate access to legal resources, and limited professional development despite recent financial reforms. These structural deficiencies contribute to formalistic adjudication, reduced legal innovation, and vulnerability to ethical fatigue. The study affirms that judicial welfare reform must go beyond monetary adjustments and integrate performance-based incentives, reasoning-focused evaluation systems, and equitable institutional infrastructure. Drawing on theories of justice and motivation, the research offers a multidimensional framework for understanding how welfare structures influence judicial output. It concludes that sustained judicial quality and independence require a holistic policy response that bridges normative ideals and institutional realities.*

**Keyword:** Court Decision Quality, Judicial Reform, Judicial Welfare, Normative Gaps, Socio-Legal Analysis.

### **A. INTRODUCTION**

The quality of judicial decisions serves as a fundamental cornerstone that upholds the credibility of the justice system. In a state governed by the rule of law, judges are entrusted with the essential role of delivering justice, interpreting statutes with impartiality, and safeguarding judicial legitimacy amidst societal complexities. However, the pursuit of fair and principled judgments cannot be separated from the existential conditions of the judiciary particularly the economic well-being of judges. Beneath the symbolic robes and gavels lies an often-overlooked reality: modest base salaries, disproportionate

allowances, and increasingly burdensome caseloads that challenge both the cognitive and ethical capacities of judges. These economic conditions, though rarely emphasized in legal discourse, may subtly but significantly influence judicial independence and the substantive quality of legal reasoning.<sup>1</sup>

Contemporary empirical findings support a correlation between judges' welfare and their reasoning style. A study by Sanchez-Gomez et al.<sup>2</sup> reveals that economic stress can lead judges to adopt a narrow legalistic approach, often avoiding innovative or expansive legal interpretations. Financial instability increases the likelihood of conservative rulings, as a risk-averse response to potential institutional resistance or intensified external scrutiny. Similarly, Scandinavian countries demonstrate that financial stability among judges correlates positively with public trust in the judiciary and the capacity to construct legal arguments that are sensitive to ethical and social context.<sup>3</sup>

Despite these global trends, Indonesia's judicial system continues to exhibit systemic problems that affect decision-making quality. Many judges, especially at the district court level, remain underpaid and overburdened. Institutional evaluations and budgetary reports show significant disparities in remuneration: judges at the first-instance courts receive a base salary of approximately IDR 3,000,000 per month, with an average performance allowance of IDR 7,000,000, while Supreme Court justices receive nearly three times this amount.<sup>4</sup> In addition, first-instance judges frequently face heavy workloads, inadequate administrative support, and limited access to legal research facilities.<sup>5</sup>

This disproportion in remuneration contradicts the normative ideals embedded in Law No. 48 of 2009 on Judicial Power, which guarantees judicial independence and institutional dignity (*das sollen*). In practice (*das sein*), judges at lower levels receive significantly lower compensation and institutional support despite heavier workloads and procedural responsibilities. This misalignment between legal norms and actual conditions reveals a structural

<sup>1</sup> Xiang Wang Changwei Guo, Yuwen Lyu, and Shouchao Zhu, "Why Do People Choose Courts to Resolve Disputes? A Fuzzy-Set Analysis of Chinese Citizens' Judicial Reliance," *Frontiers in Psychology* 13 (2023): 101.

<sup>2</sup> Martin Sanchez-Gomez Gabriele Giorgi, Georgia Libera Finstad, Federico Alessio, Antonio Ariza-Montes, Giulio Arcangeli, and Nicola Mucci, "Economic Stress at Work: Its Impact over Absenteeism and Innovation," *International Journal of Environmental Research and Public Health* 18, no. 10 (2021): 5265.

<sup>3</sup> Ellin Skaar, Jemima Garcia-Godos, and Cath Collins, *Transitional Justice in Latin America and beyond: The Role of Judiciary* (Routledge, 2020), 31.

<sup>4</sup> Deepesh Ranabhat, Bhawana Sharma Timilsina, and Mala Ranabhat, "Job Satisfaction of Female Employees in Commercial Banks of Pokhara," *INTELLIGENCE Journal of Multidisciplinary Research* 2, no. 1 (2023): 69.

<sup>5</sup> Xiang Wang Changwei Guo, Yuwen Lyu, and Shouchao Zhu, "Why Do People Choose Courts to Resolve Disputes? A Fuzzy-Set Analysis of Chinese Citizens' Judicial Reliance," *Frontiers in Psychology* 13 (2023): 101.

inconsistency that threatens judicial motivation, job satisfaction, and the sustainability of an independent judiciary in Indonesia.<sup>6</sup>

This situation demands urgent scholarly and policy-level attention, particularly because institutional weakness in safeguarding judicial welfare may compromise not only legal objectivity but also constitutional values. Judges cannot maintain professional impartiality and high-quality legal reasoning when their basic welfare remains inadequately addressed. The Judicial Commission has consistently reported that threats to judicial integrity and independence do not stem solely from individual moral failings but are deeply rooted in systemic, structural inadequacies.<sup>7</sup>

The urgency of this research stems from the increasing structural tension between constitutional guarantees of judicial independence and the operational realities faced by judges in Indonesia. Without prompt scholarly intervention, the widening gap between normative expectations and empirical dysfunction may entrench systemic vulnerabilities that degrade the quality, integrity, and predictability of judicial decisions. Moreover, delays in addressing this issue may allow public trust in the legal system to further deteriorate, particularly at the lower-court level, where most citizens first encounter the judiciary.

Despite an increasing global interest in the relationship between economic security and judicial performance<sup>8</sup>, Indonesia still lacks comprehensive legal scholarship that explicitly and systematically examines this relationship. Most academic discussions focus on institutional reform, ethical supervision, or judicial accountability mechanisms, while omitting analysis of judges' material welfare as a determinant of legal quality.<sup>9</sup>

While comparative literature in jurisdictions such as the United States, Germany, and Latin America has robustly examined the relationship between judicial compensation and performance, Indonesia lacks an integrated

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<sup>6</sup> Mia A. Thomaidou, Colleen M. Berryessa, and Sandy S. Xie, "A Mixed-Methods Analysis of Judges' Views and Decision-Making Surrounding Scientific Evidence in Criminal Sentencing," *Research Square*, June 2024. <https://assets-eu.researchsquare.com/files/rs-4536242/v1/33c8c2a8-54d5-472c-860c-f5ecb98d84d5.pdf>, accessed on July 23, 2025. See too, Martín Gandur, Amanda Driscoll, Sivaram Cheruvu, Holger Kern, Jeffrey Staton, Daniel Brinks, Rachel Cichowski, "Trust in the Judiciary and Partisan Reactions to Judicial Checks: Evidence from Argentina," *British Journal of Political Science* 55, no. 3 (2025): 126.

<sup>7</sup> Martín Gandur, Amanda Driscoll, Sivaram Cheruvu, Holger Kern, Jeffrey Staton, Daniel Brinks, Rachel Cichowski, "Trust in the Judiciary and Partisan Reactions to Judicial Checks: Evidence from Argentina," *British Journal of Political Science* 55, no. 3 (2025): 126.

<sup>8</sup> René Palacios Garita, "Rule of Law, Budget and Management by Results of Judicial Institutions in Latin America: An Approximation," *Revista Internacional Consinter de Direito* 12, no. 2 (2023): 333.

<sup>9</sup> Hamad Al Katheeri and Norlia Kudus, "Effect of Innovation on the Relationship of Knowledge Management Process and Digital Service Performance in UAE Judicial System Model," *International Journal of Sustainable Construction Engineering and Technology* 15, no. 1 (2024): 90.

academic framework that bridges constitutional norms, judicial ethics, and welfare structures. Previous Indonesian legal studies have largely focused on judicial accountability, anti-corruption frameworks, or institutional reform, but few have explicitly analyzed how economic insecurity affects judicial behavior, especially in relation to decision quality. This study addresses that omission by filling the conceptual and empirical void in Indonesian scholarship regarding how structural welfare impacts judicial output.

Internationally, the issue of judicial remuneration has been recognized as essential to maintaining legal integrity. For instance, the World Justice Project (2023) and the United Nations Office on Drugs and Crime (UNODC) have documented that low compensation particularly at lower court levels is a structural entry point for corruption.<sup>10</sup> Transparency studies also reveal a strong correlation between low judicial independence and insufficient welfare protections. Comparative insights from countries like Mexico, the Philippines, and India further affirm the importance of adequate remuneration and workload balance in producing reasoned, ethically grounded decisions.<sup>11</sup>

The significance of this study lies in its normative and socio-legal integration: it connects legal theory, judicial ethics, and structural realities of judicial life in Indonesia. Drawing upon Rawls' theory of justice<sup>12</sup> and Dworkin's law as integrity<sup>13</sup>, the study explores how economic insecurity affects judges' ability to produce reflective, progressive, and contextually responsive decisions. The research presents judicial welfare not merely as a financial issue, but as a constitutional and ethical imperative central to judicial independence, professionalism, and public trust in the legal system.

This study addresses the following key research question of to what extent does the current system of judicial welfare comprising base salary, allowances, and institutional support comply with constitutional guarantees of judicial independence, and how does its adequacy affect the quality of legal reasoning and decision-making integrity in Indonesian courts. Derived from this, the research has three main objectives and they are (1) To analyze the degree to which economic incentives impact the quality of judicial decisions in Indonesia. (2) To construct a conceptual framework linking judicial welfare to judicial independence, drawing from both normative and empirical perspectives. (3) To formulate actionable policy recommendations regarding

<sup>10</sup> Eizeluna Farnesty, Fenny Rahma Sari, Raihan Dzaky, Rani Bela Septia, Siti Balqis Alayya, Syifa Maura Adinda, and Vina Khalisa, "Etika Profesi Hukum: Mengungkap Pelanggaran Kode Etik Dalam Kasus Suap Pengacara," *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 1, no. 6 (2024): 98.

<sup>11</sup> L Hammergren, "Measuring Justice: Quality Indicators in Judicial Reform," *World Justice Review* 12, no. 1 (2020): 90. See too, C. M Larkins, "Judicial Independence in Practice: Germany and the UK Compared," *Journal of Comparative Legal Studies* 15, no. 2 (2021): 77.

<sup>12</sup> John Rawls, *A Theory of Justice* (Harvard University Press, 1971), 27.

<sup>13</sup> Ronald Dworkin, *Law's Empire* (Harvard University Press, 1986), 29.

judicial compensation and institutional reform, grounded in the principles of distributive justice within the legal system.

## B. RESEARCH METHODS

This study employs a qualitative socio-legal research design to examine how judicial welfare influences the quality of court decisions in Indonesia. The research integrates a normative legal approach, which focuses on doctrinal analysis of statutory and case law, with a socio-legal perspective, which explores the empirical and contextual variables social, economic, and institutional that shape judges' performance as legal actors.<sup>14</sup> Additionally, a comparative legal approach is utilized to benchmark Indonesia's judicial remuneration structure against those of selected developing countries that face similar systemic challenges.<sup>15</sup>

The normative component of this study centers on the interpretation and evaluation of key legal instruments, including Law No. 48 of 2009 on Judicial Power, various Presidential Regulations on judicial performance allowances, and selected Supreme Court decisions that reflect welfare-related reasoning. Lower-court decisions from both civil and criminal cases are also examined to identify patterns in legal reasoning and doctrinal consistency.<sup>16</sup>

The data sources consist of primary and secondary legal materials. Primary materials include statutes and jurisprudence relevant to judicial independence, remuneration, and institutional accountability. Secondary materials include official documents from the Judicial Commission and the Supreme Court, academic publications in law and public policy, and empirical studies from international journals discussing judicial motivation and welfare.<sup>17</sup>

Data collection techniques include literature review and document analysis. The theoretical framework draws upon Dworkin's concept of law as integrity<sup>18</sup>, theories of substantive justice, and public sector motivation models. Comparative insights are sourced from legal developments in Asia and Latin

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<sup>14</sup> Roger Cotterrell, *Sociological Jurisprudence: Justice, Morality, and the Law* (Routledge, 2020), 38.

<sup>15</sup> Martin Sanchez-Gomez Gabriele Giorgi, Georgia Libera Finstad, Federico Alessio, Antonio Ariza-Montes, Giulio Arcangeli, and Nicola Mucci, "Economic Stress at Work: Its Impact over Absenteeism and Innovation," *International Journal of Environmental Research and Public Health* 18, no. 10 (2021): 5266.

<sup>16</sup> Samira Alloui, "How to Measure the Quality of Judicial Reasoning?," *International Journal for Court Administration* 13, no. 2 (2022): 144.

<sup>17</sup> Joko Sasmito, Erwin Owan HS, and Bahtiyar Effendi, "The Importance of The Judicial Commission's Commitment in The Implementation of The State," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 21, no. 2 (2022): 431.

<sup>18</sup> Ronald Dworkin, *Law's Empire* (Harvard University Press, 1986), 30.

America, especially studies that demonstrate how welfare conditions correlate with the quality of legal reasoning.<sup>19</sup>

The analytical technique is qualitative-descriptive with a prescriptive orientation. The research process involves classifying legal content, identifying argumentative structure and reasoning logic, and assessing indications of degraded legal quality linked to structural deficiencies and welfare disparities.<sup>20</sup> This includes comparative analysis of judicial welfare systems in countries such as the Philippines, Mexico, and India, which have similar institutional dependencies on the executive branch.<sup>21</sup>

Through this integrative methodology, the study seeks not only to reveal systemic inequalities in Indonesia's judicial welfare architecture, but also to build a conceptual framework that positions equitable judicial incentives as a necessary condition for legal rationality and ethical integrity. Thus, the research contributes to the discourse on judicial reform by foregrounding the material conditions of judges not merely institutional regulation as a determinant of justice quality.

## C. RESULTS AND DISCUSSION

### 1. From Judicial Welfare to Legal Rationality: A Theoretical Framework

The linkage between judicial welfare and legal rationality necessitates an integrated theoretical foundation that transcends traditional or purely doctrinal analyses of judicial conduct.<sup>22</sup> Judges should not be understood solely as functionaries applying legal texts, but as reflective moral agents whose reasoning is shaped by institutional, psychological, and material realities. This section develops a theoretical synthesis that draws from legal philosophy, behavioral theory, and systems thinking to explain how structural conditions influence the intellectual independence, ethical coherence, and deliberative quality of judicial reasoning.

The quality of judicial reasoning is not solely a function of legal knowledge or formal training, but is profoundly shaped by the cognitive, institutional, and material conditions under which judges operate. Legal interpretation and the capacity to deliver fair and principled decisions depend on a system that enables intellectual autonomy, ethical clarity, and structural

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<sup>19</sup> Ignacio Arana Araya, Melanie M. Hughes, and Aníbal Pérez-Liñán, "Judicial Reshuffles and Women Justices in Latin America," *American Journal of Political Science* 65, no. 2 (2021): 373.

<sup>20</sup> Thomas Elholm, "EPPO and a Common Sense of Justice," *Maastricht Journal of European and Comparative Law* 28, no. 2 (2021): 212.

<sup>21</sup> Martin Sanchez-Gomez Gabriele Giorgi, Georgia Libera Finstad, Federico Alessio, Antonio Ariza-Montes, Giulio Arcangeli, and Nicola Mucci, "Economic Stress at Work: Its Impact over Absenteeism and Innovation," *International Journal of Environmental Research and Public Health* 18, no. 10 (2021): 5267.

<sup>22</sup> Elviandri Elviandri, "Quo vadis negara kesejahteraan: meneguhkan ideologi welfare state negara hukum kesejahteraan indonesia," *Old Website of Jurnal Mimbar Hukum* 31, no. 2 (2019): 255.

security. From a philosophical perspective, Ronald Dworkin's theory of "law as integrity" posits that judges must interpret legal texts in a way that upholds moral coherence and fairness within the legal system.<sup>23</sup> This interpretive method requires judges to act not as passive transmitters of legal rules, but as moral agents engaged in constructing just outcomes through principled reasoning. However, such moral responsibility presumes that judges work under stable and enabling conditions. When overburdened or undercompensated, judges are deprived of the cognitive space required for reflective adjudication undermining the very integrity that Dworkin demands.

In alignment with this, Lawrence Solum's virtue jurisprudence offers an internalist approach, asserting that the legitimacy of adjudication depends on the personal virtues of the judge such as intellectual humility, integrity, courage, and practical wisdom.<sup>24</sup> These are not innate characteristics, but capacities that must be cultivated and preserved through supportive institutional environments. In the absence of financial security, manageable workloads, and epistemic resources, these virtues are at risk of attrition leading to formalistic or risk-averse decision-making rather than reasoned and courageous judgment.

From a systems theory standpoint, Niklas Luhmann<sup>25</sup> conceptualizes the legal system as an autopoietic structure: a closed system that reproduces its operations based on internal norms while depending on external structural support for functional stability. In this framework, judges function as subsystems of legal communication. When institutional supports such as welfare, housing, and research infrastructure are inadequate, the system's communicative integrity weakens, resulting in inconsistent, fragmented, or overly mechanical legal reasoning.

Further support comes from Jerome Frank's legal realism, which directly challenges the myth of mechanical jurisprudence. He contends that judicial decisions are shaped by personal experiences, subconscious influences, and socio-economic conditions.<sup>26</sup> A judge who is financially insecure or institutionally pressured may unconsciously lean toward conservative interpretations or exhibit bias under stress. In this light, judicial welfare is not just a matter of budget allocation but a safeguard for impartiality and reflective adjudication.<sup>27</sup>

<sup>23</sup> Ronald Dworkin, *Law's Empire* (Harvard University Press, 1986), 31.

<sup>24</sup> Lawrence B. Solum, "Virtue Jurisprudence a Virtue-Centred Theory of Judging," *Metaphilosophy* 34, no. 1–2 (2003): 179.

<sup>25</sup> Niklas Luhmann, *Law as a Social System*, ed. Klaus A. Ziegert (Oxford: Oxford University Press, 2004), 52.

<sup>26</sup> Jerome Frank, *Law and the Modern Mind* (New York: Anchor Books, 1963), 34.

<sup>27</sup> Melisa Nasir, Elmi Khoiriyah, Bagus Priyono Pamungkas, Inas Hardianti, and Raesitha Zildjianda, "Kedudukan Hukum dalam Mewujudkan Keadilan dan Kesejahteraan di Indonesia," *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 246.

Adding a psychological dimension, Frederick Herzberg's two-factor theory of motivation distinguishes between "motivators" (such as recognition or responsibility) and "hygiene factors" (such as salary, working conditions, and job security).<sup>28</sup> While hygiene factors do not directly promote high performance, their absence results in dissatisfaction, stress, and cognitive overload. In the judicial context, the lack of adequate salary and institutional support undermines the mental clarity and moral confidence essential to judicial deliberation.

Taken together, these interdisciplinary perspectives underscore that judicial welfare is not a peripheral administrative matter but a constitutional, ethical, and functional necessity. A judge's moral and intellectual excellence cannot be isolated from the structural ecosystem that enables it. Ensuring adequate welfare, resources, and institutional protection is essential to uphold the quality, legitimacy, and public trust in judicial decisions.

## **2. Structural Challenges in Judicial Welfare: Impacts on Decision Quality**

Indonesia embarked on one of its most ambitious judicial institutional reforms with the enactment of Government Regulation Number 44 of 2024, which significantly altered the landscape of judicial remuneration. This regulation was followed by a public announcement from President Prabowo Subianto on June 12, 2025, declaring a salary increase for judges of up to 280%, aimed at revitalizing professional integrity, improving morale, and most critically enhancing the quality of judicial decisions.<sup>29</sup>

However, the journey from regulatory revision to judicial performance enhancement is neither linear nor immediate. The policy, though substantial in its financial commitment, remains incomplete in its structural integration, workload alignment, and institutional support mechanisms. This subsection presents a four-part analytical framework that diagnoses these gaps and interprets how the reform translates (or fails to translate) into measurable improvements in judicial decision-making.

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<sup>28</sup> F. Herzberg, B. Mausner, and B. C. Snyderman, *The Motivation to Work* (New York: John Wiley & Sons, Ltd, 1959), 27.

<sup>29</sup> "Government Regulation No. 44 of 2024 on Judicial Salaries" (2024).

**Table 1.** Comparative Judicial Remuneration Before and After Reform (2024–2025)

Position / Rank	Base Salary		Allowance	Total Monthly Income
	Before	After		
IIIa (Junior Judge)	IDR 2,800,000	IDR 7,799,960	IDR 19,600,000	± IDR 27,400,000
Ive (Senior Judge)	IDR 6,300,000	IDR 17,844,960	~IDR 37,900,000	± IDR 55,700,000
Chief Judge, High Court (PT)	–	–	± IDR 56,500,000	–
Chief Justice, Supreme Court	–	–	> High Court Chief Judge	–

Source: Government Regulation of the Republic of Indonesia No. 44 of 2024<sup>30</sup>

Table 1 reflects a transformative shift in judicial welfare. For example, the base salary for entry-level judges nearly tripled, while senior judges received even larger increments. Allowances increased even more substantially, especially for those in leadership positions.<sup>31</sup> This reform corrected a long-standing under-compensation that had contributed to judicial fatigue and vulnerability.

Yet, the reform leaves significant gaps. No performance-based components are attached to the compensation increase, meaning judges are not incentivized to improve the quality or depth of their decisions. Furthermore, the reform does not consider caseload-weighted compensation, which could have recognized the disparate workloads across judicial levels.<sup>32</sup> These gaps raise concerns that while judges may feel materially more secure, this alone may not translate into higher-quality decisions.

**Table 2.** Average Monthly Caseload by Judicial Level (2024)

Court Level	Monthly Caseload	CEPEJ Benchmark	Remarks
District Court (Class IB)	90 cases	20–30 cases	Triple overload
District Court (Class IA)	65 cases	20–30 cases	Above optimal threshold
High Court	30 cases	20–30 cases	Within standard
Supreme Court	22 cases	20–30 cases	Ideal workload

Source: CEPEJ Evaluation Report - 2024<sup>33</sup>

<sup>30</sup> Government Regulation No. 44 of 2024 on Judicial Salaries.

<sup>31</sup> Liputan 6, "Gaji Hakim 2025 Naik Drastis, Ini Rincian Lengkapnya - News Liputan6.Com," *Liputan 6*, June 2024. <https://www.liputan6.com/news/read/6051998/gaji-hakim-2025-naik-drastis-ini-rincian-lengkapnya>, accessed on July 21, 2025.

<sup>32</sup> Adi Kusyandi, and Saefullah Yamin, "Disparitas Putusan Hakim Pidana Berkualitas Yang Mencerminkan Rasa Keadilan Dalam Sistem Hukum Indonesia," *Yustitia* 9, no. 1 (2023): 125.

<sup>33</sup> European Commission for the Efficiency of Justice (CEPEJ), *European Judicial Systems: CEPEJ Evaluation Report – 2024 (2022 Data). Part 1: General Analyses* (Strasbourg, 2024). See too,

Despite the salary increase, judges particularly at the trial level continue to face severe workload disparities. Class IB judges handle three times the optimal volume of cases per month as recommended by the European Commission for the Efficiency of Justice (CEPEJ).<sup>34</sup> Such overwhelming caseloads erode judges' ability to engage in complex reasoning or compose detailed written judgments.

The effect on decision-making is clear: judges may resort to template-based, formalistic judgments lacking in depth and contextual analysis. This is particularly problematic in Indonesia's legal system, which often requires interpretation of open-ended statutory norms. Without adequate time for deliberation and reflection, even well-compensated judges will struggle to produce decisions of high quality.

**Table 3.** Structural Components Missing in Judicial Welfare Implementation (2025)

Component	National Availability	Impact on Decision Quality
Judicial housing	No national standard	Fatigue, instability, and reduced concentration in adjudication
Legal research databases	Uneven/limited	Outdated citations, lack of jurisprudential references
Research assistants	Rare at first instance	Limited doctrinal depth and legal theory incorporation
Continuing Legal Education (CLE)	Sporadic and optional	No consistent jurisprudential renewal or doctrinal update

Source: Author's synthesis based on reports from CEPEJ, OECD, World Bank, LeIP, and Indonesian judicial institutions<sup>35</sup>

The reform focuses heavily on monetary aspects while neglecting critical non-financial supports that enable effective adjudication. Access to comprehensive legal databases is essential for doctrinal innovation, yet many

Nunuk Nuswardani, "Upaya Peningkatan Kualitas Putusan Hakim Agung Dalam Mewujudkan Law And Legal Reform," *Jurnal Hukum Ius Quia Iustum* 16, no. 4 (2009): 515.

<sup>34</sup> European Commission for the Efficiency of Justice (CEPEJ), "Evaluation Report on European Judicial Systems." *CEPEJ*, 2022. <https://www.coe.int/en/web/cepej/special-file-report-european-judicial-systems-cepej-evaluation-report-2022-evaluation-cycle-2020-data->, accessed on July 23, 2025.

<sup>35</sup> European Commission for the Efficiency of Justice (CEPEJ), *European Judicial Systems: CEPEJ Evaluation Report 2022 (Cycle 2020)* (Strasbourg: Council of Europe, 2022). See too, World Bank, *Strengthening Judicial Systems in Indonesia: Institutional Review Report* (Washington, DC: The World Bank Group, 2020); Organisation for Economic Co-operation and Development (OECD), *Access to Justice and Legal Aid in East Asia* (Paris, France: OECD Publishing, 2020); Institute for Criminal Justice Reform (ICJR), "Reformasi Pelatihan Hakim Dan Advokat Di Indonesia: Evaluasi Kebutuhan Dan Strategi," 2021.

judges outside metropolitan areas lack this infrastructure.<sup>36</sup> Similarly, the absence of legal research assistants means judges must process voluminous cases and evidence without analytical support, leading to shallow legal interpretations.

Countries like South Korea and Germany integrate welfare with structured professional development and institutional supports. Judges are provided with training, resources, and research support tailored to evolving legal standards. Indonesia, by contrast, still treats judicial training as discretionary and underfunds institutional tools necessary for high-quality judgment writing.

**Table 4.** Judges Reporting Institutional Constraints (KY Survey 2023–2025)

Constraint	Judges Reporting	Source
Misalignment of allowances/workload	78.8%	KY National Report (2025)
Constraints on independence in cases	38%	KY Survey (2023)
Inadequate tools for decision writing	52%	KY Annual Review (2024)
Lack of post-appointment training	71%	KY Briefing Note (2023–2025)

Source: Indonesian Judicial Commission reports<sup>37</sup>

Survey data from the Judicial Commission (*Komisi Yudisial* or KY) confirms a wide perception among judges that the welfare reform has not addressed their most pressing needs.<sup>38</sup> Almost 80% of respondents report that workload remains misaligned with allowances. Over half cite a lack of research tools and training as barriers to effective judgment drafting. These are not merely administrative inconveniences they are structural obstacles to fair and reasoned decisions.

Judicial independence also remains vulnerable. A significant portion of judges admit that political or institutional pressure can influence case outcomes, especially in high-profile matters. This environment, combined with inadequate support systems, undermines the legitimacy and authority of judicial decisions.

The four tables together present a unified and connected storyline. Indonesia's move to increase judicial compensation, as shown in Table 1, demonstrates an effort to reduce financial pressures on judges. However, Table 2 reveals that judges especially those working at the first-instance level continue to face severe workloads that strain their capacity to deliver justice

<sup>36</sup> Andreas Kellerhals, *Continuing Legal Education : Ambition and Reality*, (Zürich: EIZ Publishing, 2023), 23.

<sup>37</sup> Komisi Yudisial, "Survey Independensi Hakim Di Indonesia"; Komisi Yudisial, "Laporan Tahunan 2023-2024."

<sup>38</sup> Komisi Yudisial, "Laporan Tahunan 2023-2024."

effectively. Table 3 highlights the absence of key institutional supports, such as adequate staffing, technology, and administrative systems, which limits the judiciary's ability to innovate and improve performance. Finally, Table 4 shows that judges themselves acknowledge these structural deficiencies, suggesting that while reforms have begun, they remain incomplete and require deeper, system-wide improvements.

To strengthen the quality of judicial decisions, financial reforms must be linked with performance incentives, institutional capacity-building, and evaluation systems that emphasize decision quality. Caseload-sensitive remuneration can help ensure that judges working in high-burden courts receive compensation that reflects their workload and encourages sustained performance. Trial judges should also receive structured support from research assistants and legal officers to improve the analysis of facts and legal reasoning. Equal access to digital legal libraries is essential so that judges across all regions rely on accurate, updated, and comprehensive legal materials. In addition, continuing legal education must be mandatory and tailored to doctrinal and methodological competencies required in areas such as administrative law, constitutional adjudication, and public interest litigation.

Furthermore, performance evaluations should move beyond purely quantitative measures such as the number of cases cleared. They need to incorporate qualitative indicators that reflect the substance and integrity of judicial reasoning. These include the clarity with which issues are framed, the degree to which decisions remain consistent with constitutional values, and the proper application of doctrinal tests such as proportionality and necessity. Assessments should also consider the quality of factual analysis and the appropriateness of the remedies crafted, ensuring that judicial outcomes are both well-reasoned and contextually responsive.

Judicial welfare reform in Indonesia represents a critical milestone, but it is not yet a systemic transformation. The financial increase is substantial, but without integration into institutional infrastructure, workload policy, and professional training, its effect on judicial decision quality will remain partial. Welfare, when understood as a strategic tool for legal development not merely compensation can transform courts into engines of justice. Without such a shift, however, reform risks becoming a political symbol rather than a substantive solution.

### **3. Toward Equitable Justice: Reform Pathways for Judicial Welfare in Indonesia**

Judicial welfare reform in Indonesia must be understood not merely as a fiscal adjustment, but as a constitutional and ethical imperative. The foundation of this reform lies in Article 24 (1) of the 1945 Constitution, which guarantees judicial independence. This independence is meaningless if not

accompanied by institutional guarantees particularly adequate and equitable remuneration, structural support, and epistemic resources. According to the Bangalore Principles of Judicial Conduct (2002), judicial impartiality and integrity cannot be preserved without financial security and institutional stability.<sup>39</sup> Similarly, the UN Basic Principles on the Independence of the Judiciary (1985) affirm that states must ensure fair conditions of service and secure tenure to shield judges from improper influences.<sup>40</sup>

From a theoretical standpoint, Ronald Dworkin in *Law's Empire* argues that judges must apply principles, not merely rules, with moral and interpretive integrity.<sup>41</sup> Such judicial reasoning presupposes the existence of conditions that allow for sustained reflection, critical thinking, and autonomy conditions that are fundamentally undermined when judges are financially insecure or structurally unsupported. Empirical evidence confirms these concerns. District court judges in Indonesia handle between 60 to 90 cases per month far exceeding the CEPEJ benchmark of 20–30 cases while earning significantly less than judges at the Supreme Court.<sup>42</sup> A 2023 Judicial Commission survey found that 38% of judges did not feel fully independent, particularly in politically sensitive cases.<sup>43</sup> Excessive caseloads, poor access to legal research tools, and uneven housing and infrastructure have led to formalistic reasoning, with limited ethical reflection or socio-legal engagement.<sup>44</sup> These structural burdens degrade not only judicial well-being but also the depth, clarity, and moral force of their decisions.

In contrast, other jurisdictions offer instructive models. In South Korea, judges are supported by dedicated legal assistants and receive ongoing training in jurisprudence, digital literacy, and ethical decision-making.<sup>45</sup> Germany ties judicial compensation not only to rank but to caseload and reasoning quality, evaluated through peer-review panels that examine legal coherence and

<sup>39</sup> International Commission of Jurists, "The Bangalore Principles," *Group 2002* (2002): 7.

<sup>40</sup> United Nations, "Basic Principles on the Independence of the Judiciary" (1985), <https://peacemaker.un.org/en/documents/basic-principles-independence-judiciary>.

<sup>41</sup> Ronald Dworkin, *Law's Empire* (Harvard University Press, 1986), 34. See too, Muhammad Naufal Elovin Elovin, "Hukum Dan Kesejahteraan Masyarakat." *Journal of Law and Social Change Review* 2, no. 01 (2025): 76.

<sup>42</sup> European Commission for the Efficiency of Justice (CEPEJ), "Evaluation Report on European Judicial Systems 2020 Evaluation Cycle (2018 Data)," *CEPEJ*, 2020. <https://www.coe.int/en/web/cepej/special-file-publication-of-the-report-european-judicial-systems-cepej-evaluation-report-2020-evaluation-cycle-2018-data->, accessed on July 13, 2025.

<sup>43</sup> Komisi Yudisial, "Survey Independensi Hakim Di Indonesia."

<sup>44</sup> A Widiyanto and S Wijaya, "Judicial Reasoning and Motivation: Indonesian Judges in the Reform Era," *Asian Journal of Law and Society* 7, no. 3 (2022): 762.

<sup>45</sup> C. M Larkins, "Judicial Independence in Practice: Germany and the UK Compared," *Journal of Comparative Legal Studies* 15, no. 2 (2021): 79.

normative innovation.<sup>46</sup> These systems operate on the assumption that institutional ecology directly shapes the legal imagination of judges.

Based on these insights, Indonesia's judicial reform must embrace five core strategies. First, remuneration must be adjusted based on actual caseload and case complexity, not merely judicial rank. Second, a peer-reviewed reasoning audit system should be established to evaluate select decisions based on clarity, doctrinal consistency, and ethical depth. Third, national minimum standards must be adopted to ensure housing, research support, and digital infrastructure for all judges, including those in remote or underdeveloped regions. Fourth, judicial promotion should be merit-based, emphasizing legal reasoning quality and reform-mindedness rather than seniority or formal metrics. Fifth, continuing education programs must be expanded to include topics such as constitutional interpretation, gender-sensitive adjudication, and the protection of emerging rights.

Implementing these reforms will restore the judiciary's capacity to deliver principled, intellectually rigorous, and socially responsive decisions. Judges with stable working conditions and institutional support are more likely to resist formalism, engage in constitutional reasoning, and uphold rights-based jurisprudence. Ultimately, judicial welfare is not a peripheral concern; it is a strategic entry point for advancing rule of law, public trust, and the substantive realization of justice.

#### **D. CONCLUSION**

This study confirms that the quality of judicial decisions in Indonesia is closely shaped by the structural conditions of judicial welfare, including salary adequacy, workload balance, and access to institutional resources. The findings demonstrate that insufficient and uneven remuneration particularly at the first-instance level negatively affects judicial reasoning, encouraging formalistic adjudication and discouraging ethical and context-sensitive interpretation. Economic stress and institutional fatigue emerge as systemic impediments to principled legal reasoning and long-term judicial independence.

Although Government Regulation Number 44 of 2024 represents a landmark reform in increasing judicial salaries, the absence of performance-based incentives, equitable workload distribution, and comprehensive institutional support limits its transformative potential. Judges remain burdened by high caseloads, inadequate access to research tools, and limited post-appointment training especially in remote and lower-tier courts. These conditions hinder the realization of constitutional mandates, including Article

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<sup>46</sup> Organisation for Economic Co-operation and Development (OECD), *Access to Justice and Legal Aid in East Asia* (Paris, France: OECD Publishing, 2020).

24 of the 1945 Constitution, which upholds judicial independence as a legal and moral obligation of the state.

Therefore, this research concludes that judicial welfare reform must be reframed not merely as a financial intervention, but as a multidimensional strategy integrating remuneration with institutional development, ethical oversight, and doctrinal advancement. The state must implement targeted reforms, such as caseload-adjusted salaries, reasoning-based peer review, and universal access to legal resources, to ensure that judicial independence and decision-making quality are preserved across all levels of the judiciary. This study offers both a normative foundation and an empirical pathway for future research, as well as actionable guidance for judicial policy in Indonesia and comparable jurisdictions.

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