

Legal Analysis of the Legal Responsibility of the Panel of Judges for Negligence in Deciding on Corruption Cases Resulting in Sentencing People Who Turned Out to Be Innocent (Study on Decision No. 1133 PK/Pid.Sus/2023)

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Abstract: The panel of judges as law enforcers has a moral and constitutional obligation to ensure that the judicial process is carried out carefully, transparently, and based on valid evidence. However, cases such as Decision No. 1133 PK/Pid.Sus/2023 show the existence of judicial errors that are very detrimental to innocent parties due to negligence in the judicial process. The purpose of this study is to determine and analyze the responsibility and legal consequences of the panel of judges for negligence in deciding corruption cases resulting in the punishment of people who are actually innocent. This study uses the method of laws and cases for normative legal research. The legal data used consists of normative data obtained from legal documents and doctrinal data from academic literature. Data analysis is carried out through content analysis, case analysis and theoretical analysis. The findings of this study are the negligence of the panel of judges in assessing the evidence of the case revealed in the verdict number 1133 PK/Pid.Sus/2023, causing an unfair decision and violating the principle of legality, damaging public trust in the integrity of the justice system and violating the rights of the accused, then the panel of judges who decided at the first level, appeal level and cassation level who sentenced the accused who should have been innocent, showed that the panel of judges as mentioned above did not act impartially and independently for the sake of legal certainty and fair and transparent justice, it is only right that the judge receive the consequences of punishment/sanctions, starting from administrative sanctions such as reprimands, temporary suspension, or removal from office by the Honorary Council of Judges to supervision by the Judicial Commission, as well as civil lawsuits from the defendant or the party who is the victim of the judge's negligence. Judicial reform is needed to prevent negligence of the panel of judges in deciding cases and the importance of a recovery mechanism for victims of judicial errors and

increasing the professionalism of judges for the sake of public trust and certainty of just law.

Keywords: Innocent; Judges; Responsibility.

1. Introduction

The judiciary, as the guardian of human rights and the constitution, has a heavy burden to prevent arbitrary violations of individual rights and to provide fair and transparent justice in all cases. Fair and non-arbitrary legal protection for all individuals is the responsibility of the courts. Article 4 of Law No. 48 of 2009 concerning Judicial Power reaffirms this understanding by stating that justice is carried out in accordance with the principle of the One Almighty God. Therefore, all court decisions must be fair and based on established legal principles.¹ To overcome the previously known problem formulation, the objectives of this study were determined. namely to know and analyze the responsibility and legal consequences of the panel of judges for their negligence in deciding corruption cases which resulted in punishing people who turned out to be innocent.

2. Research Methods

The legal approach will involve an in-depth study of legislation; court ruling And legal literature, with Type/Specification of research based on statute approach And case approach. Data source which consists of primary legal materials in the form of laws and court decisions that have permanent legal force, and secondary legal materials, namely academic literature, articles and news, as well as tertiary legal materials such as dictionaries, glossaries, encyclopedias and the internet. The types of data used are: legal data and descriptive data. Data collection technique through legal documents, academic literature And institutional report. data analysis techniques namely content analysis, case analysis and theoretical analysis.

3. Results and Discussion

Within the legal duty framework, accountability emphasizes that entities must be responsible for their actions and choices. This means that they must be prepared to face the consequences of their actions in accordance with applicable laws. Accountability emphasizes the importance of transparency in disclosing information related to activities or decisions made, as well as being ready to accept responsibility for the impacts arising from these actions. Fair and equal treatment of all persons before the law is emphasized by the idea of justice in the context of legal responsibility. The basic principle of justice is the maintenance of the rule of law and the protection of individual rights.

¹D. Cholidah, "The Role of Judges in Strengthening Judicial Integrity as Fulfillment of Public Trust, *alam: Jurnal Sosial dan Budaya Syar I* 10, no. 2 (2023): 627–646."

Judges, as representatives of the judicial system, have significant responsibilities in interpreting and applying the law in a fair, independent and transparent manner. Through their functions of adjudication, interpretation of law, protection of rights and enforcement of legal norms, judicial panels contribute to the stability, legitimacy and fairness of the legal system. The effective functioning of the judicial system is essential to upholding the principles of democracy, the rule of law and the protection of fundamental rights and freedoms. The responsibilities of judicial panels, as outlined in Law Number 48 of 2009 concerning the Courts, cover several key aspects. Aminah mentioned that the law stipulates the composition of judicial panels to ensure objective examination, provide legal protection of human rights in the field of justice². This composition is very important to maintain justice and maintain the rule of law in the judicial system. In addition, Ardyati highlighted that the law emphasizes the responsibility of judges in the court panel to ensure responsible independence, ensuring that decisions are made in accordance with the law and procedural regulations without external influence.³ This emphasizes the importance of judicial independence and integrity in the decision-making process in the court system. Therefore, based on this reference, the responsibilities of the court panel, as stipulated in Law Number 48 of 2009, include ensuring objectivity, upholding human rights, maintaining justice, and making decisions in accordance with the law and procedural regulations to maintain the rule of law and the integrity of the court. Judges are responsible for interpreting the law carefully, especially in corruption cases, where the consequences of a wrong decision can have serious consequences for both individuals and the justice system as a whole.⁴

In the case of the Supreme Court decision number 1133PK/Pid.Sus/2023, the judge's negligence in evaluating the evidence thoroughly and accurately shows a failure to fulfill this obligation, which then led to the punishment of someone who turned out to be innocent. This shows a violation of the principles of legality and justice that are expected. In Kelsen's view, justice is not only a matter of positive law, but must also consider the values that are considered important by society. Therefore, an objective and comprehensive assessment of the evidence must be carried out to reach a fair decision.⁵ Furthermore, the principles of independence and impartiality in judicial power must be strictly maintained by judges.

In corruption cases, where political and public pressure is often great, the principle of independence becomes very important to ensure that judges are not influenced by external pressure or the interests of certain parties. Negligence in carrying out

²Aminah, A. and Syahputra, N. (2022). "Implementation of a single judge in the Langsa Sharia Court. *Samudra Keadilan Law Journal*, 17(1), 118-130." <https://doi.org/10.33059/jhsk.v17i1.5843>

³Ardyati, R. (2023). "Analysis of the authority of constitutional judges in interpreting laws and regulations based on Law Number 48 of 2008 concerning judicial power. *Study of Legal Research Results*, 7(1), 189." <https://doi.org/10.37159/jmih.v7i1.776>

⁴Hans Kelsen, *Op. Cit.*, 238.

⁵M. Agus Santoso, *Op. Cit.*, p. 14.

duties that harms defendants who turn out to be innocent, highlights the importance of judges always prioritizing the principles of independence and impartiality at every stage of the judicial process. If this principle is violated, as seen in Supreme Court Decision No. 1133 PK/Pid.Sus/2023, the justice system not only fails to protect the rights of the defendant but also damages public trust in the integrity of the judicial institution. Judges are responsible for ensuring that the facts and legal principles presented during the trial are well understood and that their decisions are fair. The failure of judges to thoroughly explore evidence and facts, as occurred in Supreme Court Decision No. 1133 PK/Pid.Sus/2023, shows a failure to comply with this obligation, resulting in the conviction of people who turned out to be innocent. Judges must also carry out their duties based on the principle of legality, which requires that every decision be made in accordance with applicable laws and regulations. Judges are also required to uphold the principle of due process of law, namely ensuring that each party gets their right to be treated fairly during the legal process. In the case of Decision No. 1133 PK/Pid.Sus/2023, this principle was ignored because the defendant did not receive the protection he should have from the justice system, which resulted in a sentence without strong evidence. The obligation of judges to carry out the legal process thoroughly and fairly is important so that similar cases do not recur, and to maintain public trust in the independence and integrity of the judiciary.

The principle of due process of law regulated in Indonesian positive law also has an equivalent in Islamic law which emphasizes the importance of hearing both parties fairly (*al-qadha baina an-nas bi al-'adl*). In Islamic judicial practice, a *qadhi* (judge) may not decide a case without hearing the defense of the accused party, as stated in the hadith: "If two people who are in dispute are sitting before you, do not decide the case of one of them until you hear the statement of the other party as you have heard the first party, then with that you can decide the case clearly." (HR Abu Dawud and Tirmidhi). In the case of Decision No. 1133 PK / Pid.Sus / 2023, the judge's negligence in fulfilling this principle reflects a failure to give the defendant the right to be treated fairly in the legal process. In the perspective of Islamic law, violation of this principle not only violates human rights but also becomes a sin that has an impact on accountability before Allah SWT.

In Islamic law, the principle of justice (*al-'adl*) is at the heart of all judicial activities, as stated by Allah in Surah An-Nisa verse 58: "Indeed Allah commands you to convey the trusts to those entitled to them, and when you judge between people, judge with justice..." This verse emphasizes the responsibility of judges to act fairly, meaning that decisions must be based on objective facts and truth, free from external influences such as political pressure or personal interests. This principle is in line with the principle of independence and impartiality in the judicial power as stipulated in Article 3 of Law No. 48 of 2009.

The theory of *fautes personnelles* and *fautes de services* proposed by Kranenburg

and Vegtig provides an additional perspective on the responsibility of judges.⁶ In this context, if the judge's negligence causes harm to another party, responsibility can be imposed on both the individual judge and the judicial institution itself. Thus, in corruption cases, the judge's legal responsibility can include administrative actions, such as reprimands, temporary suspension, and even removal from office if it is proven that his negligence caused serious harm. The judge's failure to conduct a comprehensive evaluation, as seen in the case of Decision number 1133 PK/Pid.Sus/2023, shows a disregard for the defendant's human rights, and can have fatal consequences, not only for the defendant, but also for the community that relies on the justice system to obtain justice. With an effective oversight and accountability mechanism, judges will be more careful in assessing evidence and making decisions.

Case Decision number 1133 PK/Pid.Sus/2023 shows how important it is to have a correction mechanism for a judge's wrong decision, because such negligence not only affects the defendant but also the reputation of the legal system as a whole. Therefore, legal accountability must be seen as an integral part of efforts to maintain the integrity and accountability of the judiciary in Indonesia, especially in handling very complex cases such as Corruption cases. Kelsen also stated that justice cannot be solely determined by positive law, but also involves rational considerations that are connected to emotional factors.⁷ Therefore, judges need to have a deep understanding of the social and emotional context of the case being tried, in order to make a decision that is not only legally valid but also satisfies the community's sense of justice. In the context of Corruption, where the implications of a decision can be far-reaching, judges must be sensitive to the social impact of the decisions they make. The judge's legal obligations in Corruption cases are crucial. Judges must decide cases based on the available evidence and ensure that all relevant information is taken into account. In Decision No. 1133 PK/Pid.Sus/2023, it is seen how the failure of the panel of judges to comprehensively assess the evidence resulted in a decision that was detrimental to the innocent party.

The theory of *fautes personnelles* indicates that the guilty individual must bear the consequences of the actions taken. In the context of Decision number 1133 PK/Pid.Sus/2023, the negligence of judges in assessing evidence reflects the legal responsibility inherent in their position, which can be seen as a form of liability based on error. Meanwhile, the theory of *fautes de services* emphasizes that the losses incurred from errors in decision-making by the panel of judges should be borne by the judicial institution, as an error in public service. This shows the importance of strong oversight mechanisms, both internal and external, to ensure that judges act in accordance with the expected standards of ethics and

⁶Ridwan HR, Op. Cit., p. 365.

⁷M. Agus Santoso, Op. Cit., p. 12.

professionalism.⁸In the perspective of Islamic law, the principle of 'adalah (justice) is the main foundation in every legal decision. The Qur'an mentions the importance of upholding justice: "Indeed Allah enjoins you to act justly and to do good..." (QS. An-Nahl: 90). In the context of the criminal justice system, a legal culture that supports justice and transparency is essential to protect the rights of the accused. If law enforcement officers and society in general have a negative legal culture, such as corruption or abuse of power, then the protection of the rights of the accused will be threatened.⁹For example, in the case of Decision No. 1133 PK/Pid.Sus/2023, there are indications that supervision of the judge's performance is not effective, which shows that a less supportive legal culture can result in injustice. Islamic law also emphasizes the importance of avoiding punishment for innocent people. The Prophet Muhammad SAW said:

"Avoid imposing punishment on a Muslim if there is doubt. It is better for a leader to forgive in doubt than to punish in doubt." (HR. Tirmidhi). Judicial decisions highlight the importance of the legal responsibilities that judges have in deciding cases.

In accordance with Law No. 48 of 2009 concerning Judicial Power, judges are required to decide cases fairly, independently, and based on applicable law. Although judges receive legal immunity while carrying out their duties, legal liability can still arise due to negligence that impacts the rights of the parties to the case.¹⁰Protection for judges is regulated to maintain independence and freedom in decision-making. However, this immunity does not fully protect from legal consequences if there is evidence of serious negligence that is detrimental to the parties to the case.¹¹The Judicial Commission acts as a supervisor in ensuring that the judge's decision is based on valid evidence and proper legal considerations. A strict oversight mechanism is essential to prevent judicial errors and ensure the justice expected by the public.¹²

Parties who are harmed by an erroneous decision can take legal action through a complaint to the Judicial Commission, which will facilitate further investigation into alleged negligence and ethical violations by judges.¹³In the case of Decision number 1133 PK/Pid.Sus/2023, this complaint plays an important role in

⁸Ibid., p. 365.

⁹Munir Fuady, Op. Cit.

¹⁰Ibid.

¹¹Ramadhan, F. (2024). "Accountability and financial conditions of special autonomous regions in the provinces of Aceh, Papua, and West Papua. *Journal of Economics and Public Policy*, 14(1), 33-45." <https://doi.org/10.22212/jekp.v14i1.2382>

¹²Sebayang, E. (2024). "Potential utilization of artificial intelligence technology as a product of criminal justice institutions in Indonesia. *Locus Journal of Academic Literature Review*, 3(4), 317-328." <https://doi.org/10.56128/ljoalr.v3i4.311>

¹³Haldiansyah, R. (2024). "Legal review of the crime of terrorism by convict Teuku Maulizansyah Ramli alias Maulidan alias Pon alias Si T alias Maulid bin T. Ramli Taeb (case study of the East Jakarta District Court decision number 231/pid.sus/2023/pn jkt. tim). *Postulat*, 2(1), 45-56." <https://doi.org/10.37010/postulat.v2i1.1462>

upholding the rights of the accused or convict who are harmed by the wrong decision. Through this mechanism, it is hoped that the accused's rights to obtain justice and compensation for material and immaterial losses can be protected, and the integrity of the legal system can be maintained.¹⁴

Islamic law places great emphasis on the responsibility of judges in carrying out their duties. Negligence of judges that results in punishment for innocent people is a violation of the principle of *maslahah* (public interest) and *maqashid sharia* (the main objective of sharia), namely protecting the soul (*hifzhun nafs*) and individual honor (*hifzhul 'irdh*). The Prophet Muhammad SAW reminded of the heavy responsibility of a judge: "There are three groups of judges: one in heaven and two in hell. The one in heaven is the judge who knows the truth and decides based on the truth ..." (HR. Abu Dawud). In the case of Decision No. 1133 PK / Pid.Sus / 2023, the judge's negligence can be categorized as a form of *taqsir* (negligence) that requires evaluation and correction. Islam teaches that judges who make mistakes must be held accountable according to the level of their mistakes, either through *hisbah* (public supervision) or other corrective mechanisms.

In the case of research that focuses on "Decision No. 1133 PK/Pid.Sus/2023 which was decided in a deliberation meeting of the Panel of Judges on October 24, 2023 by Soesilo, SH., MH as Chair of the Panel together with Member Judges H. Arizon Mega Jaya, SH., M.Hum and Jupriyadi, SH., M.Hum as per Article 191 Paragraph (2) of Law No. 8 of 1981 concerning Criminal Procedure Law, Law No. 48 of 1985 concerning judicial power, and Law No. 14 of 1985 concerning the Supreme Court as amended by Law No. 5 of 2004 and the second amendment by Law No. 3 of 2009 and other relevant laws and regulations, prove that the Panel of Judges of the Pontianak District Court Kusno, SH., M.Hum as Chief Justice, together with Member Judges Haryanta, SH., MH and Mardiantos, SH, also the Panel of Supreme Court Justices at the cassation level Dr. Salman Luthan, SH., MH as Chief Justice, together with Member Judges H. Syamsul Rakan Chaniago, SH., MH and MS Lumme, SH in the a-quo case are considered to have been negligent/careless resulting in sentencing the defendant who should have been innocent, even at the cassation level multiplying the sentence imposed in the first instance and appeal court decisions."

In this regard, the Judicial Commission and the Judges' Honorary Council have an important role to play in enforcing discipline among judges and ensuring that any negligence or ethical violations are investigated and, if necessary, given strict sanctions. This aims to maintain the integrity of the judicial system, protect the rights of the accused, and restore public confidence in the courts. Based on the theory of legal responsibility, a judge bears legal responsibility for the decisions

¹⁴Tambunan, E. (2024). "Analysis of the existence of ethics of constitutional court judges in realizing a judiciary with integrity and accountability (constitutional court decision no. 90/puu-xxi/2023). *Iblam Law Review*, 4(2), 50-61." <https://doi.org/10.52249/ilr.v4i2.406>

he makes, especially when there is an error that has a significant impact on the parties to the case. In the courts, a judge who is negligent or careless can be held accountable for the losses incurred, either through civil or criminal mechanisms, as shown in the theory of *fautes personnelles* by Kranenburg and Vegtig, which states that officials (in this case, judges) are individually responsible for actions that harm third parties.¹⁵

Enforcement of discipline and application of sanctions for negligent judges is not only to provide justice to the parties in the case, but also to restore public trust in the judicial institution as an entity based on the principles of justice and professionalism. Thus, the legal responsibility of judges in carrying out their duties is an effort to realize substantive justice, which means not only based on correct legal procedures, but also ensuring that justice is truly upheld in accordance with the rights and interests of the wider community.

In the perspective of Islamic law, the responsibility of a judge (*qadhi*) is an integral part of the great mandate given by Allah. Judges have the obligation to act fairly (*al-'adl*) as commanded in the Qur'an: "Indeed, Allah commands you to convey messages to those who are entitled to receive them, and when you determine a law between people, you must determine it fairly." (QS. An-Nisa: 58)

Mistakes or negligence in deciding a case without sufficient evidence can be considered a form of betrayal of the mandate, which not only has worldly consequences but also the afterlife. In the legal context, a judge who is negligent in a corruption case (*Tipikor*) as in Decision No. 1133 PK/Pid.Sus/2023 in Indonesia, faces significant consequences of accountability.

The theory of responsibility or liability, as explained by Hans Kelsen, divides legal responsibility into several types, including individual responsibility and absolute responsibility.¹⁶In this case, individual liability is the most relevant because the judge has a personal obligation to apply justice based on applicable law. If the negligence causes a detrimental impact, the judge is considered to have violated his professional responsibility and can be subject to legal sanctions as a form of accountability for his actions that are contrary to applicable rules.¹⁷

This theory is further emphasized in the *fautes personnelles* and *fautes de services* approaches, introduced by Kranenburg and Vegtig, where personal responsibility is imposed on officials if the fault is directly related to their actions, especially in cases of gross negligence that violate the principle of justice. In this case, the negligence of judges that results in public harm and undermines confidence in the justice system is considered a form of gross negligence, which requires them to be held individually responsible.¹⁸This is also in line with the concept of professional responsibility which requires a judge to act not only in his own interests but also

¹⁵Ridwan HR, Op. Cit., p. 365.

¹⁶Hans Kelsen, Op. Cit., 238.

¹⁷Busyra Azheri, Op. Cit., 54.

¹⁸Ridwan HR, Op. Cit., p. 365.

in the interests of society.

In facing the challenges and dynamics of legal developments, a reconstruction of regulations is needed that are firmer and clearer regarding criminal sanctions for judges who are negligent or involved in violations of the law, especially in cases related to corruption. This reconstruction aims to strengthen the integrity of the judicial system and increase the accountability of judges. New regulations must establish more detailed procedures for the investigation and prosecution of judges, ensuring that there is no room for immunity.

4. Conclusion

The legal responsibility of judges includes the obligation to ensure that decisions taken are based on strong evidence and a fair legal process. Violation of this responsibility as seen in the case of Decision number 1133 PK / Pid.Sus / 2023 which can damage public trust in the integrity of the justice system and violate the rights of the accused, then the panel of judges who decided at the first level, appeal level and cassation level who sentenced the accused who should have been innocent, proving that the panel of judges as mentioned above did not act impartially and independently for the sake of legal certainty and fair and transparent justice, it is appropriate to receive severe punishment consequences from the Judges' Honorary Court and the Judicial Commission, as well as civil and criminal lawsuits from the accused or the party who was the victim of the judge's negligence.

The legal consequences for a panel of judges who are negligent in handling a corruption case can be very serious, both for the judge himself and for the justice system as a whole. The consequences of punishment for a judge who is proven to be negligent can be subject to various sanctions, starting from administrative sanctions such as reprimands, temporary suspension, or removal from office by the Honorary Council of Judges to supervision by the Judicial Commission. In addition, in some cases, judges can also face civil or even criminal lawsuits if the negligence causes significant losses.

Judicial reform is needed to prevent negligence of the panel of judges in deciding cases and the importance of a recovery mechanism for victims of judicial errors, legal consequences and increasing the professionalism of judges for the sake of public trust and certainty of just law.

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