

Reformulation Design of the Constitutional Judge Code of Ethics Council: A Comparative Study for Strengthening the Constitutional Court

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ABSTRACT

The current regulatory framework and institutional structure of the Ethics Council are perceived as weak, limiting its capacity to uphold ethical standards among constitutional judges. this research using normative legal research methods, with statutory, conceptual, and comparative approaches. Legal data were analyzed qualitatively through descriptive analysis and teleological interpretation, focusing on the purpose and effectiveness of existing legal norms governing judicial ethics. This research show a restructured model for Indonesia, proposing the establishment of a permanent Ethics Council composed of former constitutional justices, legal academics, and Judicial Commission members. It also advocates the creation of an independent Expert Panel for appointing council members and emphasizes continuous ethics training for judges. This reformulation is essential to reinforce judicial integrity, enhance public confidence in the Constitutional Court

INTRODUCTION

A judge is a position that has a great responsibility to accept, process, and decide cases. If the law has ambiguity, incomplete, or even absent, then the judge must find the law or make legal discoveries. All of that can be intended to find a material truth and in the end only the judge is responsible for everything has decided (Pertwi & Abdullah, 2020).

A judges, as administrators of judicial power, are subject to error in the performance of their duties. A constitutional judge is not allowed to simply pour out what is in the rule of law, but the judge also needs to have the competence of individual behavior accompanied by judicial behavior. Therefore, the high authority of the position of constitutional judges cannot be left without a supervisor as a counterweight to this authority (Jurdi et al, 2020)

Regulations concerning judges codes of ethics play a crucial role in upholding the stability and integrity of judges conduct. These guidelines function as a means of monitoring judicial behavior and ensuring compliance with established standards. Any breach of these rules may result in disciplinary action or sanctions against the judge involved.

Ethics is basically related to the concept that is owned by a person or group to judge whether the actions or deeds performed are right or wrong and good or bad. Ethics and profession have a close relationship, especially in terms of the legal profession. Ethics itself is a guideline to behave properly and be able to give professional services to person who need legal assistance. These actions are carried out to create optimal performance and fulfill obligations as part of the legal profession in providing professional legal services to the community (Suuzeta & Kayowuan, 2023).

If a Constitutional Court judge is found to have breached the code of ethics and judicial conduct, appropriate sanctions will be applied based on the severity of the violation. This is regulated in Article 23 as follows:

1. In accordance with the level of offense committed, the proposed sanctions against judges may be:
 - a. Written reprimand
 - b. Temporary dismissal, or
 - c. Dismissal
2. The proposal for the imposition of sanctions as referred to in paragraph (1) letter a along with the reasons for the error shall be binding, submitted by the Judicial Commission to the head of the Supreme Court and/or Constitutional Court.
3. The proposal for the imposition of sanctions as referred to in paragraph (1) letter b and letter c shall be submitted by the Judicial Commission to the Supreme Court and/or the Constitutional Court
4. Judges who will be sanctioned as referred to in paragraph (3) shall be given sufficient opportunity to defend themselves before the Judges' Honor Council.

5. In the event that the self-defense is rejected, the proposal to dismiss the judge shall be submitted by the Supreme Court and/or Constitutional Court to the President no later than 14 (fourteen) days after the self-defense is rejected by the Honorary Panel of Judges.

Since the establishment of the Ethics Council at the end of 2013, it has handled many cases of ethical violations, both minor and serious, some of which have caused controversy because the sanctions given are not proportional to the deviant actions committed, resulting in underestimation of the position of the Constitutional Court. Therefore, it is necessary to strengthen the supervision of the institution in order to strengthen the ethics and behavior of judges.

LITERATURE REVIEW

Legal System Theory

Law is a collection of norms, both written and unwritten, relating to human behavior, right or wrong, obligations and rights. According to John Chipman Gray, law is a provision outlined by the government to regulate legal rights and obligations. Law at a certain stage is a social product. Based on the structure and regulations, the definition of law has 3 phenomena, namely First, the existence of certain social and legal forces that urge the formation of law (input). Second, the emergence of the law itself and Third, the impact of law on the outside world (output) (Harahap et al, 2022).

Lawrence Meir Friedman stated that the legal system is a legal entity that has three elements. The three main components of a legal system are legal structure, legal substance and legal culture (Ali, 2009). The guarantee of the function of law as a social engineering towards a better direction does not stop at the availability of rules or regulations but also includes a guarantee regarding the realization of legal rules into legal practice. So that it produces good law enforcement. So that the law works not only as a function of its legislation, but also the activities of its implementing bureaucracy (Fuady, 2007).

The three elements above will describe how the legal system has been arranged in detail starting from what is run by the legal system; how the legal system runs it; and seeing the level of awareness of the law. From thoughts and influences outside the law that make the legal system stop or move. According to Lawrence M. Friedman, these three elements can be used to describe what is run by the legal system (Friedman, 2001).

The theory of the legal system is used as an analytical tool in an effort to reformulate the institutional design of the ethics council in order to strengthen the integrity and accountability of Constitutional Court judges. In the perspective of this theory, law is understood as a system consisting of elements that interact in a structured manner, including norms and institutions themselves. Therefore, the existence of the ethics council cannot be separated from the entire system that supports the upholding of constitutional judicial ethics (Dimitrova,2024). Reformulation of the institutional design of the ethics council must consider the principles of integration, differentiation of functions, and effective coordination in the legal system. Thus, strengthening the ethics council is not only procedural,

but also systemic as part of an effort to maintain the dignity of the Constitutional Court as a guardian of the constitution and guardian of constitutional morality.

METHODOLOGY

This research employed a normative legal research method to address the identified legal issues. Normative legal research focuses on formulating legal norms, principles, and doctrines that serve as the foundation for constructing legal arguments aimed at resolving specific legal problems (Christiani, 2016). This research approach used statute approach, conceptual approach and comparative approach. The data analysis technique used in this paper is qualitative, which is a descriptive analytical data analysis method that refers to a specific problem which is then linked to the opinions of legal experts and based on applicable laws and regulations (Soekanto, 1990). Furthermore, regarding the three legal materials, an interpretation will be made of the legal materials that have been processed. The method of legal interpretation used is teleological interpretation, which seeks the purpose or intent of a regulation so that it can help understand the implications of the legal rules to achieve the desired objectives (Muhaimin, 2020).

RESULTS

A Comparative Analysis of Judicial Ethics Oversight Mechanisms for Constitutional Court Judges in Indonesia, France, and Australia

To promote an independent and accountable judiciary, many countries have established new bodies such as Judicial Commissions. According to the International Foundation for Electoral Systems (IFES), these institutions play a vital role in reinforcing judicial independence and developing effective mechanisms for ensuring judicial accountability through comparative institutional frameworks. (Sholeh, 2014).

Around 43 countries, including Indonesia, have enshrined the Judicial Commission within their constitutions. In the context of the European Union, the establishment of Judicial Commissions reflects a commitment to safeguarding judicial independence and enhancing the efficiency and quality of judicial administration and management (Kumar et al, 2024). While Indonesia's Judicial Commission primarily serves as an independent body tasked with upholding the ethical standards and integrity of judges, its authority is generally limited to oversight and does not extend to organizational, administrative, or financial matters within the judiciary. In contrast, Judicial Commissions in many European countries, such as France possess broader powers, including involvement in judicial administration, budgeting, recruitment, and disciplinary actions, thereby playing a more direct role in ensuring both the independence and effective functioning of the judiciary (Garoupa & Ginsburg, 2009).

In America Latin, judicial commissions have been established to protect judicial independence from government and parliamentary interference and to strengthen the functioning of the judiciary through the use of independent oversight mechanisms. This approach has also been adopted in countries in Asia and Africa, where judicial commissions have developed as a counterbalance to judicial power (Caedenas & Chaver, 2007).

In order to strengthen the role of the Constitutional Court in the state system in general and the judicial system in particular, the institutional design of the Ethics Committee needs to be reconsidered. The composition of the Ethics Committee does not take into account broader needs, and its legal basis is weak.

In general, the background to the establishment of judicial commissions in several countries is the result of one or more of the following five factors (Huda, 2007):

- a. Weak internal oversight
- b. Absence of an institution acting as an intermediary between the executive and judicial branches
- c. Technical problems related to non-legal matters that burden judicial institutions
- d. Inconsistency of judicial institutions, as each decision is not subject to assessment or oversight by a specific specialized institution
- e. The current system of appointing judges is considered too provocative in relation to political issues.

The history of the Judicial Commission has sparked new discussions about Indonesia constitutional system. The following is a comparison of the models and powers of the Ethics Council or Judicial Council as judicial oversight bodies in Indonesia, France, and Australia.

Table 1. Comparison of Judicial Ethics Oversight Institutions in Indonesia, Australia, and France

Country	The Supervisory Control	Duties Authorities	And	Membership Structure	Working Mechanism
Indonesia	Honorary Council of the Constitutional Court	<ol style="list-style-type: none"> 1. The Honorary Council has the authority to uphold the dignity and honor of the Court. 2. The Honorary Council referred to in paragraph (1) also has the authority to investigate and adjudicate alleged violations of the Code of Ethics and Conduct of Constitutional Court Judges. 3. Alleged violations of the Code of Ethics and Conduct for Constitutional Court Judges as referred to in paragraph (2) may be investigated and decided within a maximum of 30 (thirty) working days from the date the report is 		<ol style="list-style-type: none"> 1. One constitutional judge 2. One public figure 3. One academic with a background in law 	<ol style="list-style-type: none"> 1. Honorary council meeting to discuss reports or findings of alleged violations of the code of ethics and conduct of constitutional judges. 2. Discussing reports or findings, the MKMK requests clarification from the reported judge or parties related to the findings. 3. Reports that are not pursued by the honorary council are notified to the reporter. 4. Reports or findings are pursued by the secretariat and recorded in the e-BRLTP.

		recorded in the e-BRLTP.		
		4. In the event that the 30 (thirty) day period referred to in paragraph (3) has not been completed, it may be extended for a maximum of 15 (fifteen) working days.		
Australia	<i>Judicial Commission of New South Wales</i>	<ol style="list-style-type: none"> 1. Assisting the Courts in achieving consistency in sentencing 2. Organizing and supervising appropriate schemes for the continuing training and education of judicial officers 3. Investigating complaints against judicial officers 4. Advising the Attorney General on matters required by the Judicial Commission of New South Wales. 	<ol style="list-style-type: none"> 1. Chief Justice of the Supreme Court of New South Wales 2. President of the Court of Appeal of New South Wales 3. Chief Commissioner of the New South Wales Industrial Relations Commission, 4. Chief Judge of the Land and Environment Court of New South Wales 5. Chief Judge of the District Court of New South Wales 6. Chief Judge of the Local Court of New South Wales 	<p>Receive complaints submitted to the Commission and</p> <p>Categorize them as serious or minor. If the nature of the complaint is serious, it will be transferred to the Behavior Division.</p> <p>If it is related to allegations of corruption or criminal acts, it will be transferred to the appropriate law enforcement agency.</p>

			7. An Australian legal practitioner proposed by the Minister, President of the New South Wales Bar Association and President of the New South Wales Law Society, and	
			8.3 (three) persons proposed by the Minister and the Chief Justice.	
France	CSM (<i>Conseil superieur de la magistrature</i>)	Judicial Appointment and Disciplinary Considerations	<ol style="list-style-type: none"> 1. The President, as Chair of the CSM 2. The Minister of Justice as his deputy 3. Four members selected by the President of the Senate, the President of the National Assembly, from the Conseil d'Etat and finally from the Cour de comtes (Office of the Auditor General) 4. Twelve members, six of whom are sitting 	In order to discipline judges who commit violations, the CSM will issue sanctions in the form of warnings or prohibitions on performing certain duties , up to and including the withdrawal of pension rights for judges who commit violations.

magistrates
and six of
whom are
members of the
Public
Prosecutor's
Office through
a
representative
system.

Australia adopts a common law legal system, where a judge must have high independence in carrying out his duties. The Supreme Court does not have the authority to supervise judges below it. This is based on its constitutional system and the form of state adopted, namely a federal state. In order to assess the accountability of public institutions, Australia uses a survey method. Through the survey, it was proven that the public institution that is most trusted by the public is the Judicial Institution (Judicial Institution, 2017).

Judges realize that the challenges arising in the judicial environment make it difficult for them to initiate reforms. Based on tradition, the executive branch is responsible for court administration, which makes judges feel unprepared to manage the judiciary. In addition, judges, with their professional training, rarely cooperate with the judicial council. This is done in order to maintain their independence (Bunjevaca, 2011).

The transfer of administrative judicial powers to a Judicial Council that operates independently from the executive branch represents a structural transformation designed to reinforce judicial autonomy and enhance the efficiency of judicial operations. This transformation is anticipated to broaden public access to justice and promote improvements in judicial governance. Initiatives to fortify judicial supervision align with the doctrine separation of powers, which serves as a foundation for preserving judicial impartiality. Within this context, judicial independence is inherently linked to a well-managed and professional system of judicial administration, as both policy development and execution ultimately fall under the judiciary's authority. (Nicholson, 1993).

In Australia, the public expects judges to have the freedom to decide cases without interference from the executive branch. Judges can only be removed if they violate ethical rules or procedural rules. Before the Judicial Commission was established, there was no procedure for trying judges suspected of misconduct (Mason, 1993). The Judicial Commission of New South Wales Australia, serves as the body responsible for ensuring consistency in judges rulings, regulating and overseeing the education and training system for judges, and reviewing reports related to complaints against judges (Caruana, 2018).

The membership of the New South Wales Judicial Commission consists of 10 people, with 6 people being official members, where the six members are (Potas, 2001):

- 1) Chief Justice of the Supreme Court of New South Wales
- 2) President the Court of Appeal of New South Wales
- 3) Chief Commissioner of the Industrial Relations Commission of New South Wales,
- 4) Chief Judge of the Land and Environment Court of New South Wales
- 5) Chief Judge of the District Court of New South Wales
- 6) Chief Judge of the Local Court of New South Wales.

According to The Judicial Officer Act 1986 the functions of the Judicial Commission of New South Wales (Griffith, 1998):

- 1) Assist the courts in ensuring consistency in sentencing
- 2) Organize and oversee an appropriate system for the continuing education and training of court officials
- 3) Review complaints against court officials
- 4) Advise the Attorney General on such matters as the Commission deems necessary

The Judicial Commission in New South Wales that is interesting to consider is complaints against judicial officers. This complaint function is expressly ordered by law in order to receive public complaints directed at judicial officers. Complaints by the public are carried out completely and in detail in accordance with the mandate of the law. Then each form of complaint must be accompanied by reasons. Complaints from the public will then be classified along with further action whether they are stopped, considered simple or even quite serious.

The Commission is responsible for receiving and processing public complaints concerning the conduct of judicial officers. Any individual may submit a complaint, which is subsequently classified as either serious or minor (Martinez, 2020). Complaints involving serious breaches of judicial ethics and conduct are referred to the Conduct Division, while less severe matters may be directed to the Chief Justice. Allegations involving corruption or criminal behavior are forwarded to the relevant law enforcement authorities for further investigation.

The main function of the Conseil superieur de la magistrature (CSM) is to consider the appointment and discipline of its judges. Based on the constitutional system in France, judges do not have the same position as most colleagues outside their country. The French constitutional system regulates very rigidly and is full of hierarchy (Komisi Yudisial RI, 2014).

The CSM owned by France, in addition to playing a role in appointments and promotions, the CSM also plays an important role in providing disciplinary sanctions. The CSM acts as an institution that issues sanctions for sitting magistrate members. These sanctions can be in the form of a warning or a prohibition on carrying out certain duties, up to the most severe, which is the withdrawal of the pension rights of the violating judge (Bahar, 2018).

The institution of the from a membership that is mostly part of the Judicial Institution. The chairman of the CSM is the President of France, while his deputy is the Minister of Justice. The four members are each selected by the Chairman of the Senate, the Chairman of the Assemblée Nationale, from the Conseil d'Etat environment and finally from the Cour de Comtes (Office of the Prosecutor General). The membership consists of twelve members, six of whom are selected by the sitting magistrate based on a representative system. Then the last six members are selected by members of the Prosecutor's Office (Prosecutor's Office) through a representative system (Snidevych et al, 2023).

The results of the comparison between Australia and France show similarities, namely that in supervising judges, each supervisory institution has the right to give sanctions in the form of reprimands, prohibitions, or warnings, then in the case of judges who commit serious violations, the supervisory institution has the right to propose dismissal. The supervisory institution for judges in each country also has the right to make recommendations.

The difference between Australia and France is related to the members of each supervisory institution for judges themselves. The membership of the supervisory institution for judges includes elements from other state institutions, namely the executive and legislative. Unlike in Indonesia, supervision of constitutional judges and supreme court judges may only be carried out by the judiciary. Supreme court judges by the judicial commission while constitutional judges by the Ethics Council and Honorary Council of the Constitutional Court. Then in Australia there is routine training related to ethics and integrity for constitutional judges.

In each of these countries, in order to realize transparency in the judicial power, in accordance with the mandate of the country's constitution, a Judicial Council was formed. The independence of the judicial power certainly plays a very important role considering that as a country that aspires to justice. The dark history related to the damage to the image of the judiciary against the dignity of judges is the main reason why the country's Constitution regulates the supervisory institution rigidly in the body of the constitution.

It can be concluded that the supervisory model owned by each country aims to maintain the independence of a judge. Both Indonesia, Australia, and France have different characteristics of supervisory institutions. This is due to the differences in the form of the state, culture, legal system applied, and historical background which are important elements in the formation of the Judge's supervisory institution. However, there are similarities such as transparency and the principle of independence in the Judicial Power environment must be maintained and protected, similarities in the legal system where France adheres to the civil law system and Australia adheres to common law, while Indonesia is a mixture of civil law and common law, in the sense of taking what is good and in accordance with the character of the nation and country.

Reformulation Design of the Constitutional Court Judges Code of Ethics Council

Ethical violations are classified into serious and minor violations. Minor violations are determined based on the assessment of the Ethics Council. Meanwhile, serious violations are defined as minor violations that have been committed more than three times. Sanctions for minor violations will be in the form of verbal warnings, while for serious violations, the Ethics Council will propose the formation of the Constitutional Court Honorary Council (MKMK) and also propose temporary suspension from duty (Wiryanto, 2016).

The position, duties, and authority of the Ethics Council for Constitutional Court Judges and the Honorary Council of the Constitutional Court (MKMK) are outlined in the following table

Table 2. The position, duties, and authority of the Ethics Council for Constitutional Court Judges and the Honorary Council of the Constitutional Court (MKMK)

Aspect	The Ethics Council	Honorary Council of the Constitutional Court (MKMK)
Position	Permanent	The position will be established by the Constitutional Court if proposed by the Ethics Council.
Members	Three Members	Five Members
Membership requirements	<ul style="list-style-type: none"> a. Honest, fair, and impartial; b. At least 60 years of age; c. Demonstrates substantial knowledge of judicial ethics, morality, and professional standards; and d. Possesses integrity and an unimpeachable character. 	<ul style="list-style-type: none"> a. Honest, fair, and impartial; b. Minimum age of 60 years for MKMK members (from representatives of former constitutional judges, professors and community leaders); c. Broad insight in the field of ethics, morals and the profession of judges, and; d. Have integrity and an impeccable personality
Members term of office	3 years and cannot be re-elected	Tentative
Duties	<ul style="list-style-type: none"> a. collect, process and review reports and/or information on alleged violations committed 	<ul style="list-style-type: none"> a. Processing and reviewing reports submitted by the Ethics Council regarding alleged

	by constitutional judges and	serious violations committed by
	b. submit a written report on the implementation of duties every year to the constitutional court	reported or suspected judges, as well as regarding reported or suspected judges who have received three verbal warnings;
		b. Submitting the Honorary Council's decision to the Constitutional Court.
Authority	a. Providing written opinions on questions from constitutional judges regarding acts that may constitute ethical violations;	a. Summoning and examining the reported/suspected judge proposed by the Ethics Council;
	b. Summoning and examining the reported/suspected judge;	b. Summoning and requesting information from the reporter, witnesses and/or other parties related to the alleged serious violation committed by the reported/suspected judge; and
	c. Summoning and requesting information from the reporter, witnesses and/or other related parties;	c. Imposing a decision in the form of sanctions or rehabilitation
	d. Imposing sanctions in the form of verbal warnings;	
	e. Proposing the formation of an MKMK; and	
	f. Proposing the dismissal of the reported/suspected judge.	

Based on the table, the relationship between the Ethics Council and A Constitutional Court's Honorary Court can be described based on the duties and authorities of the two institutions as follows:

Table 3. Relationship between the Ethics Council and A Constitutional Court's Honorary Court

The Ethics Council	Honorary Council of the Constitutional Court (MKMK)
a. Summoning and examining alleged ethical violations b. Proposing the formation of MKMK for serious violations or violations with sanctions of verbal and/or written warnings 3 times	a. Examine and issue decisions on alleged serious violations or violations with sanctions of 3 verbal and/or written warnings.

According to researchers, the position of the institution responsible for enforcing the code of ethics and conduct of judges in the Constitutional Court Law is still weak, which can have an impact on the professionalism of constitutional judges in handling cases of ethical violations, thereby damaging public trust in the Constitutional Court. Therefore, there is a need to strengthen the system so that existing cases can be properly dealt with.

Reformulation is an effort that can be made to maximize the performance of the ethics council due to the weak position of the regulations governing the Constitutional Court's honorary council, including its membership composition. The ideal future vision for the Constitutional Court Ethics Council is as follows: (Ayuni & Ismawati, 2024):

- a. Changes in the composition of the ethics council membership
 - Article 27A paragraph 2 of the Constitutional Court Law should contain:
 - (2) To enforce the Code of Ethics and Guidelines for the Conduct of Constitutional Judges as referred to in paragraph (1), a permanent Constitutional Judge Ethics Council shall be formed with membership consisting of:
 - a. 1 (one) former constitutional judge
 - b. 1 (one) Professor in the field of law
 - c. 1 (one) member of the Judicial Commission
 - b. Article 27A paragraph 3 of the Constitutional Court Law should contain: (3) The requirements to become a member of the Constitutional Judge Ethics Council are a senior statesman with integrity and morality, an irreproachable personality, understanding of the constitution, and having no criminal record.
 - c. The Honorary Council of Constitutional Judges is elected by a committee of experts appointed by decree of the Chief Justice of the Constitutional Court on the basis of the Council of Judges.
 - d. Article 27A paragraph 4 of the Constitutional Court Law should contain: (4) The Expert Panel is a group of people who serve as selectors for prospective candidates for the Constitutional Justice Ethics Honorary Council. The Expert Panel is ad hoc with its membership consisting of:
 1. 1 (one) former Constitutional Justice;
 2. 1 (one) academic in the field of law; and

3. 1 (one) former member of the Ethics Council or Honorary Council
- e. Complete provisions for the Expert Panel are regulated by the Constitutional Court Regulation in accordance with Article 27A paragraph (7) of the Constitutional Court Law.
- f. The Constitutional Justice Ethics Honorary Council is tasked with evaluating the performance of Judges and conducting periodic supervision as a preventive control against possible violations committed by Constitutional Justices.
- g. There is ongoing training for judges related to ethics

Future arrangements for MKMK membership include a proposal to exclude active constitutional court judges, so as to avoid overlapping authority, given that active constitutional court judges have a role in reviewing and adjudicating cases in the Constitutional Court (Ayuni & Ismawati, 2024). MKMK members will be selected and appointed by a panel of experts in a rigorous and accountable manner. The Expert Panel is ad hoc in nature, with membership consisting of:

- a. 1 (one) former Constitutional Justice;
- b. 1 (one) academic in the field of law; and
- c. 1 (one) former member of the Ethics Council or Honorary Council

All members are appointed by the Constitutional Court, so their positions remain internal to the institution. To avoid perceptions of insufficient independence and suspicions that Constitutional Court justices are protected by an internal oversight body, the composition of both the expert panel and MKMK members should ideally consist of individuals with strong reputations and high levels of public trust.

CONCLUSIONS AND RECOMMENDATIONS

Reformulating the structure and authority of the Constitutional Judge Ethics Council in Indonesia, aligning it with international best practices as observed in Australia and France. The proposed reformulation membership Ethics Council with transparent selection through an independent expert panel. This model emphasizes ethical competence, integrity, and oversight as key elements that have been incorporated by Australia and France through their judicial commissions. Furthermore, the study recommends integrating routine ethics training and establishing preventive supervision to sustain ethical behavior among constitutional judges. The implications of these reformulation can strengthen credibility of Constitutional Court, mitigate the risk of internal conflicts of interest, and bring Indonesia's judicial oversight mechanism in closer conformity with global standards. Future legal development should focus on embedding these reforms within constitutional and statutory frameworks to ensure their legitimacy, sustainability, and independence from political or judicial influence.

REFERENCES

- Ali, A. (2009). *Menguak teori hukum (legal theory) dan teori peradilan (judicialprudence) termasuk interpretasi undang-undang (legisprudence)*. Jakarta: Kencana.
- Ayuni, S.E, Ismawati, (2024). Institutional Strengthening for the Enforcement of the Code of Ethics and Conduct for Constitutional Court Judges. *East Asian Journal of Multidisciplinary Research (EAJMR)* 3, 5585 -5596
- Bahar, U. (2018). Strengthening the roles of Judicial Commission. *Padjajaran Journal of Law*, (2)
- Bunjevac, T. (2011). Court governance in context: Beyond independence. *International Journal for Court Administration*
- Caedenas, E. J., & Chaver, H. M. (2007). *Corruption, accountability and discipline of judges in Latin America*. Cambridge University Press.
- Christiani, T. A. (2016). Normative and empirical research methods: Their usefulness and relevance in the study of law as an object. *Procedia - Social and Behavioral Sciences*, 219, 201-207. <https://doi.org/10.1016/j.sbspro.2016.05.006>
- Dimitrova, D. (2024). The Importance of Professional Legal Ethics for the Independence of the Judiciary. *Perspectives of Law and Public Administration*. <https://doi.org/10.62768/plpa/2024/13/4/12>.
- Friedman, L. M. (2001). *Hukum Amerika: Sebuah pengantar* (W. Basuki, Ed.). Jakarta: Tatanusa
- Fuady, M. (2007). *Sosiologi hukum kontemporer*. Yogyakarta: PT Citra Aditya Bakti.
- Garoupa, N., & Ginsburg, T. (2009). Guarding the guardians: Judicial council and judicial independence. *The American Journal of Comparative Law*, 57(1), 103-134.
- Griffith, G. (1998). *Judicial accountability [Background Paper]*. Parliament of New South Wales.
- Harahap, M., Hizbullah, M., & Haidir, H. (2022). Law: Social Justification, Social Control and Social Development. *TAQNIN: Jurnal Syariah dan Hukum*. <https://doi.org/10.30821/taqnin.v3i02.10597>.
- Huda, N. (2007). *Lembaga dalam masa transisi demokrasi*. Yogyakarta: UII Press.

- Jurdi, F., Hanapi, R. A., & Hidayat, T. (2020). Optimalisasi fungsi pengawasan Dewan Etik Mahkamah Konstitusi. *Jurnal Hukum dan Pembangunan*, 50(3), 692.
- Komisi Yudisial RI. (2014). Studi perbandingan Komisi Yudisial di berbagai negara. Sekretariat Jendral Komisi Yudisial RI.
- Komisi Yudisial. (2017). Kunjungi KY, Prof. Simon Bronitt jelaskan judicial accountability. Komisi Yudisial Republik Indonesia. Diakses 20 Maret 2025, pukul 15.00 WIB.
- Kumar, R., Ali, S., Singh, J., Rani, S., Joshi, K., & Shah, C. (2024). Silver Lining Between Judicial Independence and Judicial Accountability in Judicial Appointments. *South Eastern European Journal of Public Health*. <https://doi.org/10.70135/seejph.vi.2264>.
- Martinez, V. (2020). Avoiding Judicial Discipline. *Northwestern University Law Review*, 115, 953-986.
- Mason, A. (1993). The independence of the bench, the independence of the bar and the bar's role in the judicial system. *Australian Bar Review*, 1, 756.
- McAlinn, G. P., Rosen, D., & Stern, J. P. (2010). *An introduction to American law*. Caroline Academic Press.
- Muhaimin. (2020). *Metode penelitian hukum*. Mataram University Press.
- Nicholson, R. D. (1993). Judicial independence and accountability: Can they co-exist? *Australian Law Journal*, 6, 404-426.
- Pertiwi, H., & Abdullah, A. G. (2020). Mekanisme penegakan hukum terhadap hakim yang melakukan pelanggaran kode etik di Mahkamah Konstitusi yang memenuhi unsur pidana (Studi Putusan Nomor 01/MKMK-SPL/11/2017). *Jurnal Hukum Adigama*, 3(1), Juli 2020.
- Potas, I. (2001). The Judicial Commission of NSW: Treading a Fine Line between Judicial Independence and Judicial Accountability. *Law in context*, 18, 102.
- Sholeh, I. A. (2014). *Konsep pengawasan kehakiman: Upaya memperkuat kewenangan konstitusional Komisi Yudisial dalam pengawasan peradilan*. Setara Press.
- Snidevych, O., & Khotynska-Nor, O. (2023). Judicial ethics as a component of professional ethics of a member of the Supreme Council of Justice. *Uzhhorod National University Herald*. Series: Law. <https://doi.org/10.24144/2307-3322.2022.75.3.19>.

Soekanto, S., & Mamudji, S. (1990). Penelitian hukum normatif: Suatu tinjauan singkat. Rajawali Press.

Suzeeta, N. S., & Kayowuan, K. (2023). Pelanggaran kode etik oleh hakim Mahkamah Konstitusi terkait dengan Putusan Mahkamah Konstitusi Nomor 90/PUU-XXI/2023. *Madani: Jurnal Ilmiah Multidisiplin*, 1(11), 258.