Optimization of the Judicial Commission Liaison Function in Strengthening Judicial Independence in South Sumatra

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ABSTRACT

Judicial independence is a fundamental principle in a democratic legal system, aiming to ensure that judicial decisions are not influenced by external forces. In South Sumatra, the Judicial Commission (KY) plays an important role in maintaining this independence by overseeing the performance of judges. The KY liaison in this region serves as a key player in bridging communication between KY, the judiciary, and the public. However, the implementation of the KY liaison function in South Sumatra faces various challenges, such as limited human resources, ineffective inter-institutional coordination, and political and social pressures that may influence the objectivity of judges. This study analyzes the role and challenges of the KY liaison in strengthening judicial independence in South Sumatra, using a normative approach that focuses on existing regulations, such as Law No. 18 of 2011 on the Judicial Commission. It is hoped that this research will provide recommendations for optimizing the KY liaison function to realize a transparent, accountable, and independent judicial system.

Keywords: Judicial Independence; Judicial Commission; Judicial Commission Liaison; Judicial Oversight.

1. INTRODUCTION

Judicial independence is one of the fundamental principles in a democratic legal system and serves as a key pillar in achieving true justice. Without an independent judiciary that is free from external influences, the public will lose trust in the existing legal system[1]. In Indonesia, including in South Sumatra, the issue of judicial independence is highly relevant, given the various challenges related to the transparency and accountability of the judiciary. This independence not only pertains to the freedom of judges in making decisions, but also to how the judiciary operates without political,

[1] (Parakas, 2012)

economic, or social interventions that could influence the decisions made. Therefore, maintaining and strengthening judicial independence is crucial in building a just legal system.

The Judicial Commission (KY) plays a crucial role in maintaining judicial independence by overseeing the performance of judges and addressing ethical violations within the judicial system. In this context, the Judicial Commission liaison in South Sumatra holds a strategic position, as they are responsible for bridging communication between the Judicial Commission, local judicial institutions, and the public. The KY liaison function in this region must be optimized to ensure effective oversight of judges and the preservation of judicial independence. The main task of the KY liaison is to ensure that judges act objectively, impartially, and are free from external pressures, whether from the government, political parties, or other influences[2].

However, despite the very important role of the Judicial Commission liaison, its implementation is still faced with various challenges. One of the biggest challenges is the limited number of competent human resources to carry out this task. In addition, there is still a lack of coordination between the institutions involved in the judicial system, including the Supreme Court, District Courts, and other agencies, which results in less effective oversight of judges. It is also not uncommon for the public to be unaware of the role and function of the KY, which leads to less public attention towards judicial oversight. This certainly reduces the effectiveness of the KY liaison function in strengthening judicial independence in South Sumatra.

Furthermore, social and political influences in society also have the potential to affect judicial independence. In some cases, judges may be influenced by political pressures or certain interests, which ultimately affects the decisions they make. Therefore, the KY liaison must have the ability to identify potential external interventions and maintain a distance between the judicial system and political or economic powers. This is where the role of the KY liaison is crucial, as they must ensure that the judicial system in South Sumatra continues to operate freely, fairly, and without interference from external forces that could undermine its integrity.

The success of the KY liaison in overseeing judicial independence also greatly depends on their efforts to establish good relationships with other judicial institutions. Synergy between the KY liaison, the Supreme Court, and the District Court must be strengthened so that judicial oversight can be carried out effectively[3]. Good coordination among these institutions will strengthen the position of the KY in carrying out its oversight duties and ensure that the judiciary operates fairly and impartially. The KY liaison must also collaborate with educational and training institutions to enhance the capacity of judges in performing their duties with high integrity and professionalism.

[2] (Yoshua Alexander, Nurhidayatuloh, Agus Ngadino, 2012)
[3] (Subrata, 2024)

One of the important tasks of the KY liaison in South Sumatra is to enhance the transparency and accountability of the judiciary. Transparency in the judicial system is crucial so that the public can know and understand how legal decisions are made. Without transparency, the public will have doubts about the legal system, which can ultimately undermine public trust in the judiciary. The KY liaison must ensure that every step taken in overseeing judges can be clearly accountable to the public, either through public reports or programs that can increase the public's understanding of the existing judicial system.

In addition, the KY liaison also plays a role in educating the public about the importance of the KY's role in maintaining judicial independence. Socialization programs conducted by the KY liaison can help the public understand the duties and functions of the KY, as well as the importance of maintaining the independence of judges to ensure justice is upheld. Through effective socialization, the public will become more open and supportive of the efforts made by the KY to strengthen the judicial system in South Sumatra. Furthermore, with a good understanding of the KY's duties, the public will also be more active in reporting any indications of ethical violations by judges.

Education and training for the KY liaison are also very important to enhance their ability to carry out oversight duties4. The KY liaison needs to be equipped with sufficient knowledge and skills so they can identify ethical violations by judges and handle cases involving violations wisely. Additionally, the KY liaison must also have the ability to resolve issues diplomatically, in order to maintain harmonious relationships with the judiciary and the public.

Evaluation of the performance of the KY liaison should also be conducted regularly to ensure that the oversight duties carried out yield optimal results. This evaluation will provide an overview of whether the KY liaison function is optimal or if there are shortcomings that need to be addressed. By conducting routine evaluations, the KY liaison can continuously improve their performance and make necessary adjustments to ensure that their role in strengthening judicial independence becomes more effective.

The optimization of the Judicial Commission liaison function in South Sumatra is crucial to strengthen judicial independence in the region. Through the optimal role of the KY liaison, it is expected that a judicial system free from external influences, fair, and accountable to the public can be created. In this way, public trust in the legal system will increase, and the judiciary in South Sumatra can become more transparent and accountable.

Therefore, the KY liaison in South Sumatra must be committed to continuously improving institutional capacity, strengthening synergy among institutions, and establishing better

[4] (Hasan, 2024)

communication with the public. With these steps, it is hoped that the judiciary in South Sumatra can function better, more fairly, and more independently, thereby delivering justice for all layers of society.

Although the Judicial Commission (KY) plays a crucial role in maintaining judicial independence in South Sumatra, the implementation of its functions is often hindered by various issues, such as the limited number of competent human resources, ineffective coordination between judicial institutions, and a lack of public understanding about the role of KY in overseeing judges. Furthermore, the political and social pressures that still occur can influence the objectivity of judicial decisions, while the lack of transparency in the judicial process worsens public trust in the legal system. As a result, the function of the Judicial Commission liaison in the region has not been optimal, causing the judicial independence that should be well maintained to sometimes be disrupted.

2. METHOD

The research method used in this study is a normative approach, focusing on literature review and analysis of relevant regulations [5]. This study will conduct an in-depth analysis of the role and function of the Judicial Commission liaison in strengthening judicial independence in South Sumatra based on existing regulations, such as Law No. 18 of 2011 on the Judicial Commission and other related regulations. In addition, this study will explore legal theories underlying judicial independence and judicial oversight to identify existing issues and provide recommendations for optimizing the function of the Judicial Commission liaison in accordance with the applicable legal framework.

3. RESULT AND DISCUSSION

Judicial independence is one of the fundamental principles in a democratic legal system. In the context of a rule of law, an independent judiciary aims to ensure that every decision made by a judge is not influenced by external forces, whether political, economic, or social[6]. Therefore, strengthening judicial independence is very important, especially in regions that face challenges in maintaining objectivity and fairness in the judicial process. In South Sumatra, one of the institutions that plays a role in safeguarding and overseeing judicial independence is the Judicial Commission (KY). Based on Law No. 18 of 2011 on the Judicial Commission, KY has the duty to oversee the conduct of judges and ensure that the decisions made by judges are in line with the principles of justice and applicable law.

[5] (Irwansyah, 2022)
[6] (Joko Sriwidodo, 2020)

However, despite KY's strategic role, the implementation of its functions in South Sumatra still faces various challenges. One of the main issues is the limited number of competent human resources to carry out this oversight duty. Oversight of judges requires special expertise in law and ethics, as well as a deep understanding of the judicial system. Therefore, it is crucial to improve institutional capacity and provide adequate training for KY liaisons so that they can perform their duties more effectively[7].

In addition, coordination issues between institutions also present a significant challenge. The Judicial Commission functions as an oversight institution that works in collaboration with various judicial bodies, such as the Supreme Court and District Courts. However, coordination between the KY and these judicial institutions is sometimes less than optimal. This is due to differences in understanding regarding the duties and functions of each institution, which leads to inefficiencies in overseeing judges[8]. Therefore, it is important to strengthen synergy between judicial institutions so that the oversight of judges can be carried out in a more coordinated and focused manner.

Law No. 18 of 2011 on the Judicial Commission provides a clear legal basis for the KY's duties in overseeing judges. Article 4, paragraph (1) of this law stipulates that the KY functions to oversee the conduct of judges in performing their duties and to provide recommendations regarding the dismissal of judges who violate the code of ethics. This shows that oversight of judges is a duty that must be carried out by the KY, and the KY liaison in the region plays an important role in implementing this task effectively[9].

However, despite the clear legal basis, its implementation often encounters obstacles, especially in terms of transparency and accountability. The oversight of judges carried out by the KY needs to be conducted openly and be accountable to the public. Transparency in this oversight process is crucial to ensure that the public can understand how the judicial process is carried out and that the decisions made by judges are fair and objective[10]. Therefore, the KY liaison in South Sumatra needs to be more active in enhancing transparency in every step of the oversight process.

Oversight of judges should not only cover technical aspects of the judiciary but also aspects of integrity and ethics. In carrying out their duties, judges must adhere to the ethical code established, as outlined in the Code of Ethics for Judges regulated by the KY. The KY liaison in South Sumatra must ensure that every judge in the region understands and follows this code of ethics. If any violations occur, the KY liaison must address the issue promptly, with an objective approach and in accordance with the established procedures.

[7] (Syam & Lowoleba, 2023)
[8] (Puspitasari, 2007)
[9] (Siahaan et al., 2024)
[10] (Suparto, 2018)

One of the biggest challenges faced by the KY liaison is the political and social pressures that can influence judicial independence. In certain regions, including South Sumatra, political dynamics often have the potential to affect the decisions made by judges, both directly and indirectly. The KY liaison must have the ability to identify these potential external interventions and ensure that judges can work freely, without undue influence from external parties.

In this regard, it is also important to strengthen the oversight of judges at the community level. The public needs to be empowered to understand the role of the KY and the importance of overseeing judges' conduct. With a good understanding from the public, they will be more active in reporting suspected violations by judges, making oversight more effective. The KY liaison in South Sumatra needs to intensify socialization about the role of the KY, not only to judges but also to the wider community.

The KY liaison in South Sumatra must also be more proactive in establishing communication with other judicial institutions, including the Supreme Court and District Courts. Good synergy between these institutions will strengthen the oversight system for judges. With better coordination, oversight can be carried out in a more structured and targeted manner, thereby achieving the goal of maintaining judicial independence. Additionally, the KY liaison must ensure that every report or complaint received is processed quickly and accurately, without any bureaucratic obstacles that slow down the oversight process.

Enhancing the institutional capacity of the KY liaison is also crucial to strengthening judicial independence. The KY liaison in the region must have a deep understanding of law, ethics, and procedures related to the oversight of judges. Ongoing training and education for KY liaisons will ensure that they can carry out their duties more effectively and professionally. Therefore, the KY needs to pay more attention to the development of its liaisons' capacity, both in terms of knowledge and skills[11].

In addition, the KY liaison must also ensure that the existing oversight system operates efficiently. Bureaucratic and time-consuming oversight can hinder the effectiveness of the KY's duties. Therefore, a clear and efficient mechanism is needed to handle every report of ethical violations by judges. This will allow the KY liaison to expedite the resolution process and ensure that the judiciary in South Sumatra remains independent and fair.

[11] (Asep Rahmat Fajar, 2007)

Keterangan:Pertemuan Jejaring Komisi Yudisial Sumatera Selatan

One of the key aspects that the KY liaison in South Sumatra must pay attention to is the importance of maintaining good relationships with the public. A public that understands the role of the KY will be more supportive of the KY's efforts in safeguarding judicial independence. The KY liaison needs to be active in establishing communication with the public, through social media, seminars, and other activities that can enhance the public's understanding of the KY's role and the importance of judicial oversight.

The oversight of judges carried out by the KY must also ensure that legal processes are conducted fairly, and that no party is disadvantaged. Every judge must be able to perform their duties with high professionalism and make decisions based on applicable law, not influenced by external factors. Therefore, the KY liaison must ensure that every judge in South Sumatra has a good understanding of law, ethics, and the moral responsibilities inherent in their duties.

In facing these challenges, the KY liaison in South Sumatra must have a firm yet wise approach in carrying out oversight duties. Oversight of judges must be conducted with full objectivity, without any bias toward any party. In this way, the KY can ensure that the judiciary in South Sumatra operates independently and in accordance with the principles of justice expected.

Keterangan: Pertemuan Praktisi dan Akademisi di Komisi Yudisial Sumatera Selatan

Optimizing the function of the Judicial Commission liaison in South Sumatra is essential to strengthen judicial independence in the region. With effective, transparent, and accountable oversight, it is hoped that the judiciary in South Sumatra can deliver true justice for all of society. Therefore, the KY liaison must be committed to continuously improving institutional capacity, strengthening synergy between judicial institutions, and establishing good communication with the public, in order to achieve this goal.

4. CONCLUSION

The optimization of the Judicial Commission liaison function in South Sumatra is crucial to strengthen judicial independence in the region. Although the Judicial Commission has a clear role based on Law No. 18 of 2011, challenges such as limited human resources, lack of coordination between institutions, and external influences that can affect judicial decisions still pose significant barriers. Therefore, it is important to improve the institutional capacity of the KY liaison, strengthen synergy between judicial institutions, and ensure transparency and accountability in the oversight process of judges. With these steps, it is hoped that the judicial system in South Sumatra can operate more fairly, objectively, and independently, and gain the full trust of the public.

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