

THE JUDICIAL COMMISSION'S AUTHORITY TO SUPERVISE THE ETHICAL BEHAVIOR OF JUDGES ON SOCIAL MEDIA

Afkar Raihan Winfy Harahap, Farid Wajdi

Email: afkarraihan@gmail.com

Universitas Muhammadiyah Sumatera Utara

ABSTRACT

This study discusses the Judicial Commission's role in supervising the ethical behavior of judges on social media. In today's digital era, many people indirectly use social media inappropriately. Law enforcement officers, especially judges, are trusted by the Indonesian people. The Judicial Commission must supervise judges to create a good and clean image of the judiciary in the eyes of the public. The Judicial Commission has the primary authority to supervise the ethical behavior of judges, including on social media. According to Law Number 18 of 2011, to prevent the decline of the dignity of the judiciary, which can intentionally or unintentionally make judges violate their code of ethical behavior on social media. Therefore, the Judicial Commission's supervision of social media is essential to prevent the decline of the dignity of the judiciary due to judges' bad behavior on social media. Public trust and judges' ability to maintain judicial integrity are crucial.

The type of research used in this thesis is normative legal research. This normative legal research method focuses on the study of applicable legal norms or rules. This method is often used in research in the field of law or other sciences related to certain norms or rules. The results of this research are the limits of the Judicial Commission's authority in overseeing the ethical behavior of judges on social media, which is only focused on monitoring judges' activities on social media, conducting verification and closed investigations, and proposing sanctions to the Supreme Court.

The Judicial Commission does not have the authority to interfere in the substance of decisions or the judicial process to maintain judicial independence. Forms of judicial behavior on social media that could be considered a violation of the code of ethics include posting statuses or comments that are racially and ethnically sensitive, open support for certain candidates, and inappropriate content that demeans the dignity of the people. Therefore, strengthening the role of the Judicial Commission through specific regulations, digital ethics

guidelines, and synergy with the Supreme Court is crucial to maintaining the integrity and authority of the judiciary in the social media era.

Keywords: Judicial Commission Authority, Supervision of Judicial Behavior Ethics, Judges on Social Media, Regulation of Judicial Digital Ethics.

A. Introduction

Indonesia is a state governed by the rule of law, based on the 1945 Constitution of the Republic of Indonesia. Therefore, in everyday life, people are inextricably linked to various legal regulations. As a collection of binding norms, law plays a vital role in maintaining order, justice, and certainty in various aspects of life. Law plays a crucial role in regulating life in society, the nation, and the state.¹ Without clear and firm laws, social life will tend to experience chaos, because there are no guidelines that regulate the rights and obligations of each individual.

In the introduction to the Science of Constitutional Law in Indonesia, the principle of checks and balances is adopted, this principle emphasizes the principle that regulates the division of state power into 3 main branches, namely:

- a. Legislative, namely the institution tasked with creating or formulating laws required by the state.
- b. Executive, namely the institution or branch of state power that is tasked with implementing laws and running the wheels of government.
- c. Judiciary, namely the branch of government that is responsible for enforcing law and justice through the courts and judicial system.

One of the institutions included in the principle of checks and balances is the Judicial Commission. The Judicial Commission is a state institution that was formed after the 3rd amendment to the 1945 Constitution. The Judicial Commission is an independent state institution, which has the authority to propose the appointment of supreme court judges and has other authorities in order to maintain and uphold the honor, dignity, and behavior of judges.²

In the Indonesian state system, the Judicial Commission has several important roles, namely:

¹Sepriano, et.al., 2025, Introductory Reference Book of Indonesian Law, Jambi: PT. Sonpedia Publishing Indonesia, page 20.

²Norma Yunita, 2016, UUD 1945 and Amendments, Jakarta: Kunci Aksara, page 40.

- a. Realizing judicial power through the nomination of supreme judges.
- b. Conduct transparent and participatory supervision of judges, in order to maintain and uphold the honor, nobility, dignity and behavior of judges.

Supervision is not only regulated by law, but is also regulated in the Qur'an, namely, QS. At-Taubah (9): 105.

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ سَرَدُونَ إِلَىٰ عِلْمِ الْغَيْبِ وَالشَّهَادَةِ فَيُنَبِّئُكُمْ بِمَا كُنْتُمْ تَعْمَلُونَ **God bless you**

Meaning: And say, “Work, so Allah will see your work, and so will His Messenger and the believers, and you will be returned to the Knower of the unseen and the seen, and He will inform you of what you used to do.”

The Judicial Commission is a state institution established during the reform era and, in exercising its authority, is free from interference or influence from other powers. The primary purpose of establishing the Judicial Commission is to oversee the reform agenda in the law enforcement sector, ensuring that the judiciary and the rule of law operate in accordance with the demands of reform, namely, freedom from Corruption, Collusion, and Nepotism (KKN).³

The Judicial Commission in order to uphold the honor and dignity and maintain the behavior of judges in Indonesia which is given through the amendment of the 1945 Constitution and then described in Law Number 2 of 2004 answers to the public as a step in improving the judicial system in Indonesia, and the Judicial Commission includes monitoring and supervision of the behavior of judges, which receives reports from the public regarding violations of the Code of Ethics and Guidelines for Judges' Conduct, conducts verification, clarification, and investigation of the report in private, and decides whether or not the report of violations is true. The Judicial Commission also has the authority to take legal action and other steps against individuals or groups who undermine the honor of judges.

Obstacles faced by the Judicial Commission in supervising the Code of Ethics and Guidelines for the Conduct of Judges in order to create a clean, independent and accountable judiciary as mandated by Article 24B of the 1945 Constitution include:

1. The judge who was summoned did not come,
2. Lack of public understanding to participate in monitoring the behavior of judges (lay people),

³Maradaman Harahap, 2016, Optimizing the Authority of the Judicial Commission in Creating Judges with Integrity, Central Jakarta: Secretariat General of the Judiciary of the Republic of Indonesia, page 27.

3. The Judicial Commission's proposed sanctions recommendations were not followed up by the Supreme Court.

4. The Judicial Commission has no authority to “wiretap” to strengthen and expedite the process of supervision to make it more repressive.

The Judicial Commission has the authority to propose disciplinary action against the leadership of the Supreme Court and the Constitutional Court if a judge is found to have violated statutory provisions. These actions can include a written warning, temporary suspension, or even permanent suspension with permanent legal force.⁴The Judicial Commission's authority over judges is a crucial mechanism to ensure that judges carry out their duties and authority in accordance with the code of ethics, the law, and the principles of justice. In this regard, oversight is carried out to prevent unethical behavior or abuse of power that could damage and erode public trust in the judiciary. The 1945 Constitution guarantees judicial independence, a crucial component of Indonesia's constitutional state structure. This independent authority to investigate, try, and decide a case is known as judicial independence, and it is a constitutional requirement.

Article 13 letter b of Law Number 18 of 2011 explains that the Judicial Commission's authority is to maintain and uphold the honor, dignity, and behavior of judges. It is clear that the Judicial Commission is a protective institution for judicial power. This is also explained in Article 19 A of Law Number 18 of 2011, in order to maintain the honor, dignity, and behavior of judges, the Judicial Commission is guided by the Code of Ethics and/or Guidelines for Judges' Conduct established by the Judicial Commission together with the Supreme Court.

The Judicial Commission has the authority to oversee the ethical behavior of judges, including their use of social media, based on their constitutional mandate and relevant regulations. The Judicial Commission's role is to ensure that judges maintain integrity, independence, and professionalism in their use of social media to avoid violating the Code of Ethics and Guidelines for Judicial Conduct (KEPPH). This oversight is crucial because social media can influence the image and public trust in the judiciary. The Judicial Commission actively monitors judges' wise use of social media by maintaining impartiality, remaining unaffected by public opinion, and refraining from interventions that could disrupt the judicial

⁴A. Ahsin Thohari, 2021, *Judicial Commission & Judicial Reform*, Jakarta: Elsam, page 25.

process. Judges are reminded not to allow social media to become a source of controversy or a source of ethical violations.

The Judicial Commission also emphasizes the need for judges to use social media professionally without abusing their authority, so that judges continue to work as a "silence corps" that maintains the authority of the judiciary. Furthermore, the Judicial Commission also plays a role in providing guidelines and strengthening judges' awareness of ethical boundaries in social media. Social media is not prohibited for judges, but its use must be clear and in accordance with guidelines to avoid violations. The Judicial Commission also continues to collaborate with other judicial institutions and the mass media to maintain transparency and integrity of the judicial profession. The Judicial Commission's authority includes enforcing a code of ethics whose function is to maintain an independent and accountable judicial system in accordance with the constitution.

One example of a judge violating the code of ethics for social media occurred at the Muara Enim Religious Court. A judge was deemed to have violated ethics after posting a controversial social media post that failed to uphold the dignity of the judiciary. This case drew the attention of the Judicial Commission, which then attempted to mediate to uphold the judge's dignity and resolve the conflict stemming from the social media post. Another case stemmed from a public report handling a case involving a judge who suffered losses due to a social media post deemed to demean the judge's dignity institutionally. The Judicial Commission resolved the case through mediation to balance the interests of upholding the judge's image with freedom of expression.

Violations of the code of ethics are usually related to a lack of neutrality, expressing opinions that could create the perception of bias, and spreading content that is inappropriate for a judge.⁵ Therefore, this research is important to be conducted to see how the Judicial Commission's authority in supervising the ethical behavior of judges on social media, based on the description above the author feels the need to conduct further research, so the researcher is encouraged to conduct an in-depth study whose results are stated in a thesis with the title: The Authority of the Judicial Commission in Supervising the Ethical Behavior of Judges on Social Media.

B. Research Methods

⁵Farbadi, et.al. (2025). "Ethical and Professional Violations in the Legal Bribery Case of Judges." Ronald Tannur: A Critical Analysis of the Integrity of Law Enforcement in Indonesia, No. 2, page 2.

A study cannot be called research if it does not have a research method.⁶ Research methods are one of the factors of a problem that will be discussed. The study was conducted using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from research results, studies, and reviews of several writings which are then summarized into a scientific paper.⁷

C. Discussion

1. The Limits of the Judicial Commission's Authority in Supervising the Ethical Behavior of Judges on Social Media

The Judicial Commission of the Republic of Indonesia was established in response to the need to enforce ethics within the judiciary. Based on Article 24B of the 1945 Constitution, the Judicial Commission has full independence in carrying out its duties without intervention from other authorities. It should be emphasized that the Judicial Commission is not a judicial, executive, or legislative institution. The Constitutional Court, through Decision Number 005/PUU-IV/2006, affirmed that the Judicial Commission is a supporting element aimed at improving the quality of judicial office and ensuring the accountability of judicial power through behavioral oversight.

There is a clear demarcation line in the supervision of judges. Under Law No. 18 of 2011, the Judicial Commission (KY) is only authorized to oversee behavior, not the substance of decisions. Any errors in the application of the law fall within the jurisdiction of the Supreme Court through legal remedies such as appeals or cassation. The KY cannot interfere with the independence of judges in deciding cases. However, if the error in the decision is based on intent or corrupt behavior, the KY can intervene to examine the ethical aspects behind the action.

In the digital era, social media poses a new challenge to judicial integrity. While judges have a fundamental right to express themselves, their profession demands certain restrictions to maintain the dignity of the judiciary. Ethical violations often arise in the form of uploading photos with political figures or showing off unreasonable wealth. The Judicial Commission

⁶ Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. *Jurnal IUS Kajian Hukum dan Keadilan*, 14(1).

⁷ Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 24(1), 3554-3462.

(KY) has the authority to process public reports regarding this digital behavior through prima facie verification to determine whether the actions tarnish the image of the judiciary.

The Judicial Commission's oversight of social media faces complex challenges. First, the Judicial Commission lacks proactive authority to monitor judges' accounts en masse due to constraints imposed by the Personal Data Protection Law. Second, oversight effectiveness is often hampered because the Judicial Commission's final output is limited to recommendations, which the Supreme Court sometimes fails to act on if deemed to be part of freedom of expression. The dual oversight relationship with the Supreme Court Inspectorate also often leads to differing opinions regarding the extent to which a digital post constitutes a disciplinary or ethical violation.

For example, the case of criticism of a young judge in Jambi demonstrates that oversight does not always result in sanctions, but rather guidance to direct criticism through appropriate channels. Going forward, the Judicial Commission's authority must be clarified through regulatory synchronization with the Supreme Court. Although limited to ethical and administrative-ethical aspects, the Judicial Commission's role is crucial as a moral guardian to prevent social media from becoming a free space that undermines public trust in the integrity of Indonesian judges.

2. Forms of Judicial Behavior on Social Media That Can Be Considered Violating the Code of Ethics

Judges are often viewed as representatives of God who must serve as moral role models in society. However, in today's digital age, judges are no longer figures isolated from technology. Post-COVID-19 pandemic, digital transformation has encouraged many judges, especially younger generations, to become active on social media. While initially intended for transparency and legal education, this activity presents new challenges. The boundaries between personal and professional life are becoming blurred, potentially threatening the dignity of the office if not managed wisely and in accordance with the code of ethics.

The Head of the Judicial Commission's Judicial Supervision Division emphasized that judges must be careful in their speech, both in real life and online. Social media often traps judges in digital polemics through algorithms that encourage virality. Clear violations occur when a judge provides a personal opinion on an ongoing case or demonstrates digital closeness to the litigants. This directly violates the principle of impartiality and can undermine public trust in the objectivity of the judiciary.

Let's look at the real-world impact. In Indonesia, there have been cases of judges dishonestly discussing their profession on social media, as well as judges who posted arrogantly about execution proceedings. Internationally, the cases of Mabel Jansen and James Oakley demonstrate that racist comments in the digital public sphere can lead to severe sanctions and resignations. A key lesson here is the "eternal" and "fluid" nature of social media. Once sent, a message can spread to thousands of people and persist as a digital footprint for years, even after the original post has been deleted.

In facing these challenges, judges must strengthen their integrity. A judge's responsibility extends beyond legal technicalities to moral ones. The concept of "Silence Corps," or working in silence, is often considered preferable for judges to avoid inadvertent involvement in public debates on social media. Judges must be aware that every action online reflects their identity as enforcers of justice. Solid integrity is the only bulwark to maintain the dignity of the judicial institution amidst complex digital dynamics.

In closing, we see a lack of specific regulations regarding the digital ethics of judges in Indonesia. The Judicial Commission and the Supreme Court need to immediately develop standard guidelines to prevent judges from becoming confused when socializing. We can follow the example of other countries or international standards to create clear rules regarding the boundaries of digital friendships and uploaded content. The goal is not to restrict judges' human rights, but rather to ensure that public trust in justice remains intact amidst inevitable technological developments.

3. The Judicial Commission's Role in Strengthening Oversight of Judicial Ethics on Social Media

The Judicial Commission's existence is firmly rooted in the concept of a modern rule of law, which aims to achieve social justice and general welfare. Following the amendments to the 1945 Constitution, the Judicial Commission emerged as an independent institution that plays a crucial role in maintaining the balance of power, or checks and balances. Through the constitutional legitimacy of Article 24B, the Judicial Commission is not merely an administrative institution, but rather a bulwark to ensure that the judiciary remains independent, professional, and imbued with integrity, free from the influence of external political interests.

Digital transformation has transformed the law enforcement landscape. With over 185 million internet users in Indonesia, social media has become a double-edged sword for judges. On the one hand, it is a communication space; on the other, judges' freedom of expression on

platforms like Instagram or X can erode public trust. Every post, comment, or even a flaunting of a luxurious lifestyle can be considered a violation of the KEPPH (Indonesian Constitutional Court Regulation). Therefore, the Judicial Commission (KY) is fully responsible for overseeing these digital activities to ensure that judges' dignity is maintained and they are not affected by public pressure or digital bias.

To strengthen oversight, the Judicial Commission (KY) no longer simply issues recommendations without substance. Under Law No. 8 of 2011, the KY offers a range of sanctions, from warnings to permanent dismissal. Crucially, there is certainty of enforcement; if the Supreme Court ignores the KY's recommendation for sanctions for 60 days, the sanctions automatically become legally binding. This mechanism ensures that any ethical violations, including inappropriate behavior on social media, face firm and concrete consequences to uphold the dignity of the judiciary.

Data shows increasing public awareness of the need to monitor judicial behavior. In 2025 alone, the Judicial Commission (KY) received more than 2,600 public reports. Of these thousands of reports, 124 judges have been proposed for sanctions. This trend demonstrates the KY's high responsiveness to reports received, both through postal mail and online channels. One concrete example is the handling of the case of a judge criticized for his social media posts in Jambi, where the KY immediately took action to provide guidance and supervision to ensure judicial integrity remains strong amidst the digital landscape.

Facing the future, the Judicial Commission's challenges will become increasingly complex. We need a reformed code of ethics that specifically defines boundaries in the digital world. Integrity, independence, propriety, and impartiality are essential for every judge. The Judicial Commission is committed to continued proactive monitoring and ongoing training. Synergy between the Supreme Court's internal supervisors and the Judicial Commission's external supervisors is key. With uncompromising firmness, we are optimistic that we can build a legal culture where true justice stands, free from digital taint, for the sake of the Indonesian people's trust.

D. Conclusion

The Judicial Commission's authority to oversee the ethical behavior of judges on social media is preventive and recommendatory, focusing on the Supreme Court's (KPPH) to maintain the independence and dignity of the judiciary, but not executive, as it relies on the Supreme Court and the Court of Ethics of Judges, thus requiring institutional synergy for optimal effectiveness.

It only supervises the KEPPH without touching on the substance of decisions. The KY can receive reports, investigate violations such as political comments, and recommend sanctions to the Supreme Court, but not impose direct penalties. Judicial behavior on social media deemed to violate the KEPPH includes comments related to case decisions, political or campaign-related statements, promotion of personal businesses or commercial interests, and content that undermines the authority of the judiciary, such as provocative posts that contradict judicial independence. These violations are frequently reported by the public and investigated by the Judicial Commission, acting as an external supervisor, because they have the potential to undermine public trust in the integrity of the judiciary. Therefore, judges are required to behave professionally, cautiously, and neutrally in the digital space to uphold the honor of their office. The Judicial Commission's role in strengthening oversight of judicial ethics is to receive and investigate public reports related to the KEPPH (Corruption Eradication Commission), particularly on social media. As an external supervisor, the Judicial Commission recommends sanctions to the Supreme Court to uphold integrity, while also encouraging the development of stricter digital conduct guidelines to maintain judicial independence and dignity. Thus, the Judicial Commission's role is not only preventive through outreach, but also repressive to restore public trust in the judiciary.

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