
Jurnal Dinamika Hukum

Vol. 24 Issue 1, 2024

E-ISSN 2407-6562 P-ISSN 1410-0797

National Accredited Journal, Decree No. 21/E/KPT/2018

DOI: [10.20884/1.jdh.2024.24.1.3987](https://doi.org/10.20884/1.jdh.2024.24.1.3987)

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Strengthening Judicial Commission Authority in Indonesia Judicial Power Institutions, Link to Trias Politica Theory

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Submitted: 29/11/2023

Revised: 15/03/2024; 29/03/2024

Accepted: 05/04/2024

Abstract

The People's Consultative Assembly amended the 1945 Constitution to improve various aspects related to Indonesia's downturn. One crucial demand is improvement in law enforcement so that it is more independent from the interference of other powers outside the judiciary. The practice of judicial power in the New Order era was carried out under two institutional roofs. Powers relating to judicial processes and law enforcement in the courts were under the roof of the Supreme Court, while powers relating to the budget in the judicial process were under the roof of the Ministry of Justice. The 3rd amendment to the 1945 Constitution has placed the Supreme Court and the Constitutional Court as holders of judicial powers and the Judicial Commission as stipulated in Article 24 of the 1945 Constitution. It has placed the Judicial Commission as an institution with the authority to supervise judges, as Article 24 B of the 1945 Constitution stipulated. The research method uses a normative approach with a qualitative research model. The model of qualitative research is an approach to implementing research purposed toward natural phenomena or symptoms. Results of this research show there has been an imbalance in position between the Supreme Court, the Constitutional Court, and the Judicial Commission, which, in the end, the supervisory function of judges, which is the task of the Judicial Commission, becomes less than optimal and needs to be strengthened.

Keywords: Authority; Judicial Commission; Judiciary; Trias Politica.

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INTRODUCTION

The Renaissance era was a movement of resistance against the hegemony of church power, which for almost 10 centuries had shackled human freedom to think and use reason in choosing the right path for humans. That era was a time of rebirth of the world and humans who were free to think critically using their rationale, as the Greek philosophers did (Choiriyah, 2018). The Greek era gave birth to great philosophers such as Socrates, Plato, Epicurus, Zen, and Polibios, the birth of thinkers. This time was great because humans had the freedom to think and use their rationality in providing critical thoughts to the state and government. In contrast, in the Middle Ages, which had been in power for almost 10 centuries, there were few great philosophers, except for ST. Augustine and Thomas Aquinas, coincidentally, were not only philosophers but also spiritualists because, at that

time, there was no freedom of thought and rationality because of the doctrines of religious revelation (Izzulhaqq et al., 2023). Good thoughts about the state were born with the birth of the Renaissance. Law, social, and political, for example, Immanuel Kant with *Rechtsstaat*, Niccolò Machiavelli with *Machstaat*, Carl V. Savigny with *Volkgeist*, and of course also John Locke and Montesquieu with their *Trias Politica* (Irfan Taufan Asfar & Iqbal Akbar Asfar, 2019).

Thoughts about the separation of powers within the State originated from the theory of John Locke and were continued by Montesquieu (1689-1755) the famous French scholar and the inventor or author of the book "*L'Esprit des Lois*" which originated in the form of reaction against the absolute power that a person has. The *Trias Politica* theory is a theory that was born from the ideas of John Locke in order to provide a change from the system of state management with an absolutism model in which state power is held by only one person, family, or group, carried out continuously without limits, converted into power in the country which is carried out with the existence of restrictions or distribution of powers regulated by statutory regulations. *Trias Politica* divides state power into three powers: legislative power, which has the task of making laws; executive power, which has the duty of implementing laws; and federative power, which has the duty of carrying out relations with outside countries (Ruhenda et al., 2020).

Along with the passage of time and the rapid changes in society, the theory of *Trias Politica* as an effort to limit power in the state John Locke perfected by his student Montesquieu divides power in the state into legislative power, which has made laws, the power of executive which has the task of implementing the law and the judiciary which has the task of supervising the implementation of the law. The change from Montesquieu was that John Locke's power in the federative field was changed to judicial power with the view that the executive power in its implementation could exercise it. John Locke's view that the task of the executive branch also has the authority to form laws is seen by Montesquieu as inappropriate because law enforcement should not have intervention from the government. Therefore, the government is more focused on exercising government power, including the authority to build international cooperation with other countries (Izzulhaqq et al., 2023) .

The second *Trias Politica* concept was put forward a few years later by Montesquieu in 1748 where his thinking was still influenced by John Locke. He stated that the separation between the executive and the legislature has a function to regulate matters related to interstate law, while the judicial power is related to matters relating to civil law. This thought was stated in his book entitled *The Spirit of Law*. Montesquieu's thought also stated that the independence of a country

would be guaranteed if state power was not only held by one ruler but by three separate Power Bodies. Montesquieu considered that there would be no independence if the executive and legislative powers were united in one person or institution (Qamar, 2012). The division of power referred to in the Trias Politica concept is the division of power within the state, the implementation of which is regulated in statutory regulations. The division of power is one of the principles adopted in the the rule of law concept to limit the overpowering of the state. Immanuel Kant explains that a country can be a legal state if state administration is carried out with a separation of powers whose implementation is regulated by law. Because of this, there is a robust connection between Montesquieu's Trias Politica concept and Immanuel Kant's concept of the rule of law, which regulates judicial power as one part of power in the state (Isnaeni, 2021).

In the practice of the Indonesian Constitution, based on the 3rd amendment to the 1945 Constitution, a new era was entered with fundamental reforms in the judicial power field. Where in the regulations of Article 24 (1) of the 1945 Constitution, the original text states that "power of judicial held by a Supreme Court and other institutions of judicial according to regulation," meaning that power of judicial in the Indonesia legal system, is held by the only institution, namely the Supreme Court with authorities in the field of justice including the power to supervise the integrity of judges. While in Article 24 (2) of the 1945 Constitution, after the amendment, states, "Power of Judicial is held by an Supreme Court and the institutions of judicial under a subsidiary in the field of the general court, the field of the religious court, field of the military court, the field of the court of State administrative and by a Constitution of Court." Furthermore, Article 24B (1) states, "The Judicial Commission is impartial in nature which have the power to submit the appointment of justices supreme and has other authorities in the cases of maintaining and enforcing the honor, nobility, and behavior of judges." Taking into account the two provisions mentioned above, in the field of power of judicial in the Indonesian legal system, there has been an expansion with the establishment of other institutions, namely the Constitutional Court and the Judicial Commission (Priskap, 2020).

Public expectations of the existence of the Judicial Commission in law enforcement in Indonesia are elevated. This fact has been proven by receiving of 7,200 complaints from various levels of society in 33 Indonesian provinces. In approximately 5 years since its establishment, the Judicial Commission has demonstrated its successful hard work in processing thousands of complaint reports, with recommendations including that 50 judges be sanctioned, both by dismissal and administrative punishment, while there are also reports not supported by relevant evidence. Recently, the role of the Judicial Commission has

emerged as one of the spearheads for eradicating the judicial mafia. The Judicial Commission is back to playing its role as guardian of judges' behavior amid euphoria from the pressures on the judiciary, whose image is currently failing. Cases that have recently emerged as public issues have highlighted the dilapidation of the judiciary. In the "Tax Mafia" case, three judges were predicted to be "role elements" of the judicial mafia (Sutiyoso, 2011).

As explained above, the legal politics of changes to the 1945 Constitution, in the field of the power of judicial with the establishment of a new institution that has a supervisory function for judges, namely the Judicial Commission, the existence of the Judicial Commission institution has experienced ups and downs in doing out its the functions and duties as an independent institution in providing supervision against other judicial institutions as stated in the Constitution of 1945. In practice, it is not as easy as one might imagine how the authority of the Judicial Commission to provide oversight to judges, both judges in the Constitutional Court and Supreme Court institutions, and even get opposition from these judicial institutions alone. Even with the Constitutional Court Decision No. 005/PUU-IV/2006, it is clear that the authority of the Judicial Commission in supervising judges does not apply to the Constitutional Court and Supreme Court judges. This edict has degraded the Judicial Commission's authority in supervising the integrity of judges as mandated in the 1945 Constitution. Ultimately, implementation in the field of judicial power as meant in Montesquieu's Trias Politica theory, has yet to be implemented optimally. Therefore, this research will analyze how the position of the Judicial Commission as part of the Indonesian judiciary is related to the ideal theory, namely Trias Politica (Effendi et al., 2023).

Several articles have reviewed the Judicial Commission issue: First, Jabbar. Et. Al (2022), in this article, explains how important it is to strengthen the authority of the Judicial Commission in an effort to keep the honor, dignity, and authority of judges in law enforcement in Indonesia. Second, Nasution, H. A. (2020) in this article explains how the implementation of the amendments to the 1945 Indonesian Constitution is intended to provide a strengthening function to the Judicial Commission. Third, Yunita. Et. Al (2021), this article explains how important it is to strengthen the Judicial Commission, from the context and constitutional perspective. Fourth, Imran, I. (2022), and in this article, how important it is to strengthen the position and function of the Judicial Commission in the Indonesian Constitutional System. From the four studies mentioned above, this research focuses on how efforts to strengthen the position of the Judicial Commission in the power of judicial are connected to the trias politica theory.

RESEARCH PROBLEM

From the above explanation, the problem is formulated as follows:

1. How is the position of the Judicial Commission institution as part of the judiciary power institution related to Montesquieu's Trias Politica theory?
2. How is the importance of strengthening the authority of the Judicial Commission in the Indonesian judiciary power institution related to Montesquieu's Trias Politica theory?

RESEARCH METHODS

The research used in this study is descriptive in this context, aimed at providing a comprehensive portrayal of a particular condition or issue under research. This research uses a normative legal research method, part of the doctrinal research typology. The qualitative model was used in this research. Qualitative research produces descriptive data in the form of written or spoken words from observable people or behavior; the approach is directed to the background and individuals holistically. The data used in this study is secondary data obtained by researchers or collectors indirectly. It is said to be indirect because the data is obtained through intermediaries: (a) through other people or (b) through documents. Secondary data consists of (a) primary legal materials, namely all laws and regulations related with the position and function of Judicial Power and Judicial Commission; (b) secondary legal material, namely the opinion of experts in the field of law related to the authority of Judicial Commission; and (c) tertiary legal materials, namely supporting data obtained through magazines, journals, and websites which related with research material.

DISCUSSION

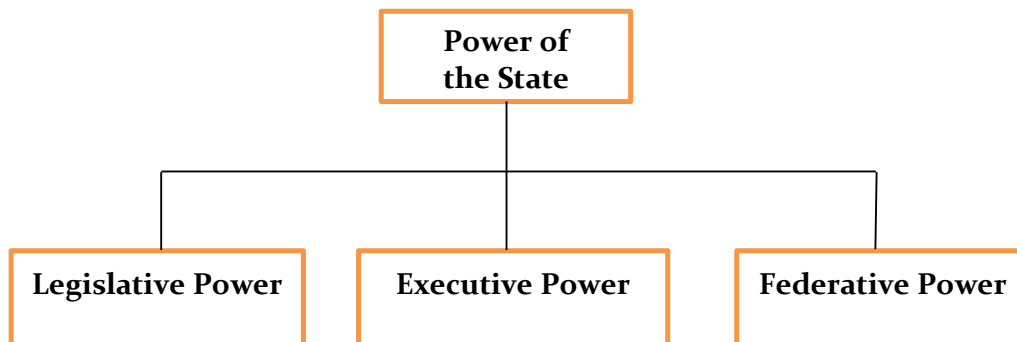
- 1. The position of the Judicial Commission institution as part of the judiciary power institution relates to Montesquieu's Trias Politica theory**

The concept of Trias Politica's theory is a normative principle that powers should not be handed over to one single individual to avoid violation of power by those ruling. This idea means that the Trias Politica concept from Montesquieu, written in his book *L'esprit des Lois* (The Spirit of Laws), offers a concept of state life by implementing a power of separation which is purposed to be mutually exclusive in an equal position so that each other can check and balance. Besides, cross-checking and balancing are expected to limit power so that there is no centralization of power on the one hand which will later give rise to arbitrariness. One of the Trias Politica's crucial powers is the existence of judicial power

institutions in addition to legislative and executive powers. Judicial power is an institution that has the duty of carrying out supervision in the field of justice, which includes supervision of the judges contained therein (Yunita et al., 2021).

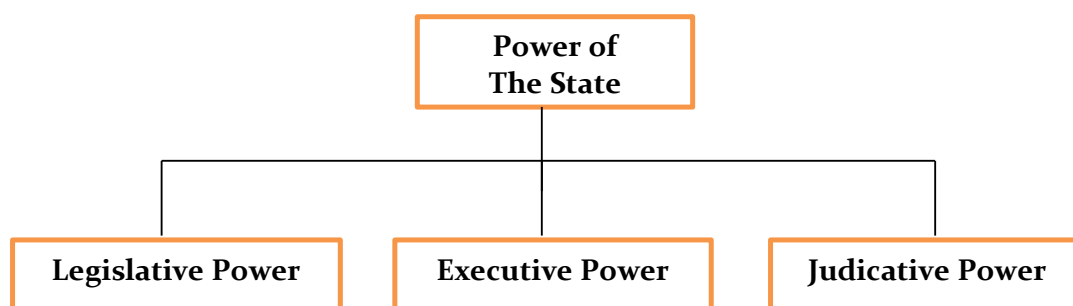
The Power of Judicial is the third pillar in the system of modern power. In Indonesia, this third function of power is often called the "judicative" power branch, from the Dutch term *judictief*. In English, besides the term legislative executive, the term judicative has yet to be discovered. Thus, the same meaning is usually used in terms of judicial, judiciary, or judicature (Gita et al., 2023). In the system of the modern state, the power of the judicial branch or judiciary is a branch that is separately organized. Therefore, said John Alder, "The separation principles of powers is particularly paramount of the judiciary field". It may even be because Montesquieu was a judge (France). In his book "L'Esprit des Lois", he dreamed of the importance of the separation of external powers between the legislative branches, executive branches, and especially judicial powers. In state activities, the position of a judge is essentially special. In a triadic relationship of interests between the state, the market and civil society, the position must be in the middle. Likewise in the relationship between the state and citizens, judges must also be between the two in a balanced way. Therefore, one of the models that is considered important in any state of democratic law (*democratische rechtsstaat*) or a law-based democracy (constitutional democracy) is the existence of an impartial judicial power (Asshiddiqie, 2006).

Diagram 1. Trias Politica of John Locke



The diagram above illustrates how John Locke, with his trias politica theory, wanted to apply one of the concepts of the rule of law initiated by Immanuel Kant, namely the importance of limiting power in a country or government, so that abuse of power does not occur as happened in the past with the existence of limited power, absolute or tyrannical. Immanuel Kant stated that a state can be said to be a law state if the government is implemented based on legislation, there is protection of human rights for its people regulated by law, and there is a state administrative court to resolve disputes between the government and its people.

Diagram 2. *Trias Politica of Montesquieu*



The diagram above illustrates how Montesquieu was able to perfect the triad theory initiated by his teacher, John Locke by changing federative power to judicial power, which ultimately gave birth to power in the field of justice. In Montesquieu's view, power in the field of cooperation with other countries in the world can be exercised by power in the field of government. Because of this, the institution of judicial power was born as an effort to supervise the implementation of the law by the executive and legislative institutions.

Judicial power institutions within the Indonesian state division are regulated in Article 24 (2) of the 1945 Constitution, which mentions that: "the Supreme Court has authorities of the religious court, military court, state administrative court and by the Constitutional Court". Thus, the position of the Constitutional Court is as the perpetrator of judicial power together with the Supreme Court. The Constitutional Court has a very strategic place because the Constitutional Court has the authority that is directly related to the parties, both the power holders and the parties trying to get that power. The Constitutional Court is one of the executors of judicial power that is independent to administer justice to enforce justice and law. The Constitutional Court is also bound by the general principles of judicial power, administering is impartial and avoids the effect of other institutional powers in enforcing justice and law. In implementing its authority, the Constitutional Court adheres to the "checks and balances" principles, which determine that all institutions of the state are in a position of equality. So that there is an administration balance of the state and provides an opportunity to mutually correct of state institution performance (Dwi Wahyudi, 2021).

Regarding the existence of the Supreme Court institution, which has authority in the field of the general court, religious court, military court, and state administrative court, then the existence of the Constitutional Court institution, which has the power to review a statutory regulation with the 1945 Constitution, decide over authority disputes among institutions of the state whose powers are given by the 1945 Constitution, deciding on the political parties dissolution and deciding on the results general election disputes, with the various weaknesses that

occur in current practices of state administration (Suparto, 2019). However the existence of the Supreme Court and the Constitutional Court is part of the existence of the state institution of the judicial power of Indonesia as the implementation of the powers separation from Montesquieu's Trias Politica (Fadli, 2021).

Meanwhile, the existence of a Judicial Commission as part of independent judicial power is regulated in article 24B (1) of the 1945 Constitution and has the duty of proposing the appointment of supreme judges and having other authorities in order to keep and maintain the honour, dignity, and behavior of judges. The authority of the Judicial Commission referred to was previously carried out by the Supreme Court under one roof of power of the judicial and in connection with the beginning of the reform era, which saw the role of the Supreme Court being less effective in carrying out its duties of monitoring the behavior and honour of judges, a Judicial Commission institution was formed which is part of the branch of judicial power. as intended in the Trias Politica (Lestari, 2022).

2. The Importance of Strengthening the Authority of the Judicial Commission in the Indonesian Judiciary Power Institution.

The Supreme Court, as part of the judiciary power institution in its history of development, has authority, as stipulated in Article 25 of Judicial Power Law (1970), regarding the main regulations of the judicial power (Farid et al., 2016). Furthermore, based on the provisions of Supreme Court Law (1985) regarding the power of judicial, it regulates the supervision of judges by the Supreme Court. This provision stated that the authority to supervise includes the conduct of the judiciary, the work of the court, and the behavior of the judges in all judicial environments, the supervision carried out on notaries insofar and legal advisers as it concerns the judiciary, and instructions as needed, reprimands and giving warnings (Priskap, 2020); Requesting considerations from the Court in all judicial environments, the General of Attorney makes regulations as a complement to fill deficiencies or legal voids needed for the smooth running of the judiciary and other officials entrusted with the task of prosecuting criminal cases, regulate their administration both justice and general administration (Dwi Wahyudi, 2021).

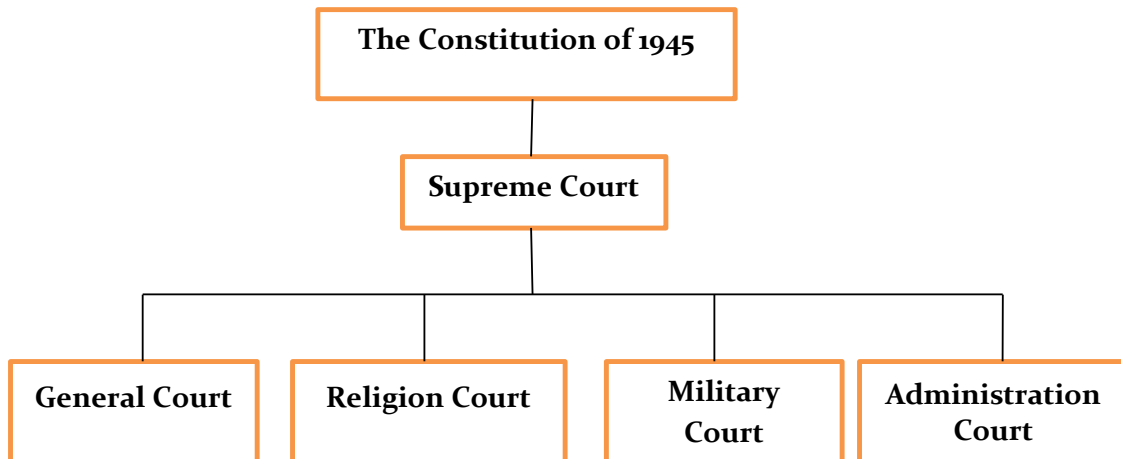
Furthermore, in current developments, the authority of the Supreme Court can be seen in the regulation Article 11 paragraph (2) of Judicial Power Law (2004), Chapter II concerning judicial bodies and their principles, explains that the Supreme Court has the authority to adjudicate at the level of cassation against decisions given at the last level by courts in all jurisdictions under the Supreme Court; Examine statutory regulations under the law against the law; and other authorities granted by law. It is emphasized that in Article 11 paragraph (4), the

Supreme Court carries out the highest supervision over the actions of courts within the judiciary under it based on statutory provisions. Contingent above, in general, the functions of the Supreme Court are a judicial function, a supervisory function, a regulatory function, an advisory function, and an administrative function (Nasution, 2021).

The power of the Indonesian Constitutional Court in the Judicial Review field is aimed at reviewing laws against the Constitution from the perspective formal and material, commonly termed reviewing constitutionalism. The basic for the Constitutional Court to the constitutionality review are found in the 1945 Constitution RI on Article 24C, and it is also regulated in the Constitutional Court Law (2003) on Article 10 and its amendments to the Supreme Court Law (Amendment 2011). The power of the Indonesian Constitutional Court in leading a Judicial Review is limited only to statutory regulations in the sense of *Wet*, which were born after the amendment to the 1945 Constitution. In the previous law, it was not the authority of the Constitutional Court to conduct a Judicial Review. However, in fact, empirically, the Constitutional Court has made breakthroughs with reasons for the sake of upholding constitutionalism (Qamar, 2012).

The existence of the Constitutional Court as part of the judicial power institution of the Republic of Indonesia is an expansion of authority with regard to the amendments to the 1945 Constitution, which deals with the government system which previously adopted a parliamentary system of government in which the dominance of parliament was powerful in holding state sovereignty so that all democratic processes were carried out through a representative system, for all positions in the legislative and executive institutions (Syahrin & Sapitri, 2020). With a representation system, the results of the legislative and executive general elections are resolved by the government through the general election agency, and no general election disputes are brought to the Supreme Court. After turning into a presidential system where people's sovereignty is held directly by the people whose implementation is carried out through direct elections by the people for both legislative and executive institutions, disputes over the results of general elections for legislative and executive institutions are resolved through courts, in this case, the Constitutional Court as part of the judicial power institution (Felicia, 2022).

Diagram 3. Structure of Judicative Institution based of UUD 1945 (Original text).



The diagram above, as stipulated in the regulation of the 1945 Constitution, applies the trias politica theory as initiated by Montesquieu, placing the Supreme Court as the holder of judicial power, apart from the existence of other institutions, namely the holder of executive power and legislative power.

The above has explained the duties and functions of the Supreme Court. There, it becomes clear that Supreme Court is the highest institution in the field of law and has the highest authority in matters of justice. In particular, the Supreme Court, in the context of overseeing the duties of judges, has an important role as an internal supervisor. It is said to be an internal supervisor because the Supreme Court is also a judge who is appointed through the judicial career path and also the non-career path (Farid et al., 2016). The Supreme Court is an internal oversight institution that holds the function of the internal control of the judge's performance so that they comply with the Constitution's mandate. The Supreme Court is the highest court and has the highest control over the actions of the Court compared to the Supreme Court, which does not only functions in the field of justice but also has other functions. So if it is concluded, the Supreme Court has several functions, namely: Judicial function (Justitiele functie); Oversight function (Toeziende functie); Regulating function (Regelende functie); Advisory function (Advieserende functie); and Administrative functions (Administrative functie) (Fadli, 2021). The establishment of the Judicial Commission is essentially a mandate from the constitution as formulated in Article 24 A (3) and 24 B of the Constitution of 1945. Article 24 (3) states: "Candidates for the Supreme Court are submitted by the Judicial Commission to the People's Representative Council to get approval and are subsequently decided as Judge of Supreme Court, by the President." Furthermore, Article 24 B states: "(1) The Judicial Commission institution is independent, which has the authority to submit the appointment as

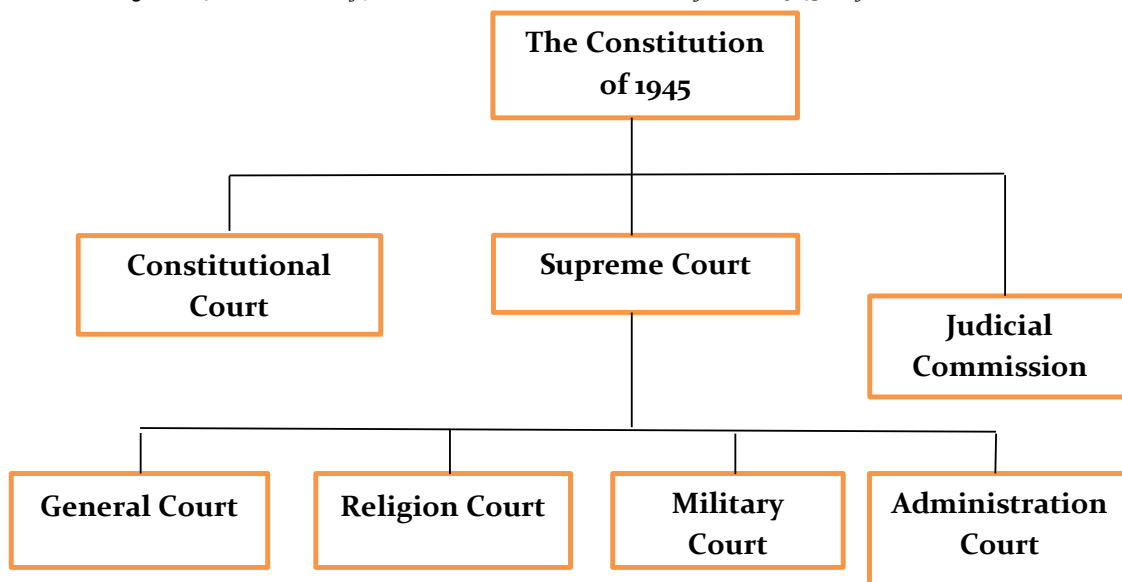
the judge of Supreme Court and has other powers in order to keep and uphold the honor, dignity, and behavior of judges. (2) the Judicial Commission members must have knowledge and experience in the field of law as well as have integrity and personality that is beyond reproach. (3) the Judicial Commission members are appointed and dismissed by the President with the approval of the People's Representative Council. (4) The composition, position, and membership of the Judicial Commission are regulated by law (Sutiyoso, 2011).

The formation of the Judicial Commission is also a consequence of the unification of the power of the judiciary under one roof at the Supreme Court. It turns out that the unification under one roof has the intends to create a monopoly on the power of the judiciary by the Supreme Court. In other things, it is feared that the Supreme Court shall not be able to do the administrative, personnel, financial, and judicial organizational powers that have been carried out by the justice department (Darusman et al., 2020). A quite pessimistic view states that the Supreme Court cannot properly carry out the functions carried out under one roof because it alone cannot care for itself. The dream of realizing an independent judiciary can only be achieved by letting the judiciary run independently with the support of other institutions. The institution that is formally given the task and role of realizing the power of judicial independence through the candidating of Supreme Court judges and monitoring the behavior of judges is the Judicial Commission (Ruhenda et al., 2020).

In this regard, the researcher observes that the Constitutional Court Decision Number 005/PUU-IV/2006 has legal implications for the Judicial Commission and the Constitutional Court, and produces residues for the societal paradigm. Researchers often encounter the general public or even legal academics who pragmatically have the paradigm that the Constitutional Court is currently of a higher rank than the Supreme Court regarding to its "Untouchable" status (Mohd et al., 2022). In this regard, state institutional law believes that to assess the standing status of an agency or institution, it is necessary to go through a holistic study whose review is carried out in a comprehensive manner based on legal facts associated with relevant state institutional theory. The birth of Judicial Commission Law (2004, Amendment 2011) is intended to create the institution independence that has the power to protect the dignity, ethics, and behavior of judges as the front guard in maintaining the implementation of a good and fair trial. The supervisory authority over the marwah, ethics, and behavior of judges held by the Supreme Court so far has been felt to be unethical because the supervisory agency for judges is carried out by a sub-division that is under the Supreme Court itself so the dignity of the judiciary is maintained as part of its powers. justice is very difficult to achieve (Yunita et al., 2021).

The birth of Constitutional Court decision no. 005/PUU-IV/2006 is an effort to review Article 34 Paragraph (3) of the Judicial Power Law (2004) with Article 24B of the 1945 Constitution submitted by the Supreme Court judges who objected to the authority interpreted regarding the authority of the Judicial Commission based on a request that the Judicial Commission supervision of Judges in judicial bodies in all judicial environments including Supreme Court Judges at the Supreme Court and Judges at the Constitutional Court is contrary to Article 24B of the 1945 Constitution because what is meant by "Judge" in Article 24B does not include Judges of the Supreme Court and Judges of the Supreme Court. Meanwhile, in the interpretation of the Judicial Commission, the contents of Article 34 Paragraph (3) of the Judicial Power Law (2004), that the authority of the Judicial Commission in supervising the behavior and morals of judges can be exercised by all levels of judges, namely Constitutional Court judges, Supreme Court judges and judges in lower judicial institutions. In the author's view, decision No. 005/Puu-IV/2006 is an arrogance of power that aims to weaken the authority of the Judicial Commission as an independent institution in supervising the behavior and morals of judges. Moreover, this is inconsistent with the spirit of the division/limitation of power in the state as envisioned by the Trias Politica theory (Ija Suntana & Alfaridah, 2022).

Diagram 4. Structure of Judicative Institution based of UUD 1945 (After Amendment).



The diagram above illustrates that after the amendment to the 1945 Constitution, the structure of judicial power institutions has also changed with the existence of the Supreme Court, Constitutional Court, and Judicial Commission. The legal policy of establishing a Judicial Commission is intended to create an independent institution that can supervise the behavior of judges in judicial institutions. Accordingly, the holder of judicial power, as mandated by the 1945

Constitution, can maintain the independence of judges from interference from other powers.

CONCLUSION

The task of supervising the implementation of justice so that the dignity and good ethics of court officials can be maintained in the context of achieving justice followed by rules and based on the feelings of the community is already an integral part of the duties and authorities of the judiciary. Although in practice, some unite the duties of supervising the implementation of justice in the judiciary, for example, the authority to supervise the judiciary by the Supreme Court based on the provisions of the 1945 Constitution before the amendment, some separate the duties of supervising the implementation of justice in the judiciary, for example, the authority to carry out judicial supervision by the Supreme Court is based on the regulations of the 1945 Constitution after the amendment, with the formation of the Judicial Commission institution. However, unification or separation in carrying out judicial oversight duties is part of the judiciary concerning Montesquieu's Trias Politica theory. The legal politics of the establishment of the Judicial Commission as regulated in the 1945 Constitution after the amendment, is intended so that the judicial institutions (Supreme Court and Constitutional Court) as holders of judicial power in the system of the Indonesian constitution, can maintain the integrity, dignity, and ethics in administering justice independently as intended in Montesquieu's Trias Politica theory. Therefore, the Judicial Commission institution, which has the authority from the 1945 Constitution to supervise the implementation of justice, should be able to supervise the judiciary apparatus, which includes judges and judicial administration, without having to differentiate which judiciary institutions may be supervised and which judiciary may not be supervised.

In order to maintain and monitor the behavior, ethics, morals, and honor of judges within the judiciary, there should be no distinction between supreme judges and ordinary judges within the judiciary so that the Judicial Commission, as an independent institution, can supervise the judges within all levels without exception of the supreme judges at the Supreme Court and the constitutional judges at the Constitutional Court, so that the dignity and honor of judges at all levels can be well maintained and supervised. Therefore, the ideal way is to re-evaluate Constitutional Court decision No. 005/Puu-IV/2006 and restores the interpretation of Article 34 paragraph (3) of Judicial Power Law (2004) in its original position.

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