



Urgency Of Public Examination As Social Control Mechanism In Combating Judicial Corruption

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Abstract

The emergence of a judicial corruption phenomenon, namely corruption carried out by judicial officials, is an irony of a law, because the apparatus who should maintain the legal spirit of the law is actually trapped in betrayal of the law in committing corruption. The existence of public distrust of the underlying legal institution is carried out by public examination, namely supervising judicial institutions by criticizing or testing products produced by judicial institutions. The purpose of this study is to examine the urgency of public examination as a social dick in combating judicial corruption and how the legal position of public examination in the judicial system in Indonesia. This research method uses the juridical method normative by using the legislation approach and concept analysis approach. The urgency of public examination aims to build public trust in law and law enforcement which is an important aspect in the current Indonesian rule of law. The existence of public examination as a social control aimed at strengthening the accountability of the judicial institution and minimizes the practice of judicial corruption, thus supporting the establishment of the principles of the rule of law and substantive justice. Public examination has not been explicitly regulated in the form of formal binding laws. However, the examination has an indirect normative and legal foundation of the principles of openness, public participation and the right to justice and mastery of judiciary.

Keywords: Corruption, Examination, Judicial, Public

A. Introduction

The judicial institution has a strategic position in the constitutional system because it acts as an enforcement of justice and guards of the rule of law. However, in practice the judicial institution does not escape various serious problems, one of which is judicial corruption. Corruption practices in the judicial environment such as bribery, buying and selling cases, power interventions and abuse of authority by law enforcement officials, have damaged public trust in the legal system and harming the value of justice.

The emergence of a judicial corruption phenomenon, namely corruption carried out by judicial officials, both carried out by judges and clerks, is truly an irony of a law because the apparatus who should maintain the legal spirit of the law is actually trapped in betrayal of the law in committing corruption. This judicial corruption also apparently not only occurred within the court institution but also occurred in the prosecutors and the police.¹ Corruption in the Judicial Institution or commonly called the Judicial Corruption today, including the most bad corruption, is almost like an organized mafia organization even though it is not in the form.

The condition of a corrupt judicial institution has been going on for a long time, since entering the regime of rotten practice reforms in the judicial institution, it looks clearer and vulgar. Almost in every

¹. Esmy Warassih, 2016, *Pemikiran hukum Spritual Pluralistik*, Yogyakarta: Thafa Media Art, p.58



line and stages of the Judicial Corruption practices well.² Indonesian Corruption Watch (ICW) recorded corruption practices since starting to enter the court, corruption in court was carried out in various patterns such as, buying and selling panel of judges, negotiations of decisions and asking for repayment money. The four judges were Chairman of the South Jakarta District Court Muhammad Arif Nuryanta and Central Jakarta Corruption Criminal Judge Djuyamto, Agam Yarif Baharuddin, and Ali Muhtarom. The Attorney General's Office also named a suspect of three other people, namely Advocate Ariyanto and Marcella Santoso, and Registrar Wahyu Gunawan. This corruption involves all several actors in it ranging from judges, clerks, lawyers and the community seeking justice itself. This alleged bribery shows ulcers in the judicial institution there are strong indications of the judicial mafia collusion.

Based on ICW monitoring, from 2011 to 2024, there were 29 judges named as suspected corruption. They are suspected of receiving bribes to "regulate" the results of the decision. The bribe value reached Rp109.027.53.031.³ The phenomenon of corruption practices in the judicial institution has tarnished the face of the law in this country if corruption practices in judicial institutions cannot be eradicated, it can be ascertained most of the legal products of Judicial institutions will not reflect a sense of justice and legal certainty. Corruption in judicial corruption in Indonesia is a social reality that is difficult to eradicate and proven through procedures provided by the ordinary criminal legal system. Not only because the practice of corruption was carried out by law enforcement officials, but also because law enforcement officials and institutions that have the authority determine the policy still alive and work in the territory covered by The Culture of Corruption.⁴ In practice the court as the holder of judicial power is very closed by arguing free and independent judicial power. The number of cases that show closure is very potential to trigger a variety of deviations, for example interactions between prosecutors, lawyers, clerks, and judges in bribery practice in court.⁵

This corruption practice becomes increasingly uncontrolled when the supervision in the internal judicial institution does not function properly, while the external controls carried out by the community have not been running optimally. This is because for ordinary people, carrying out the control function of the judicial institution is not easy, especially in conducting an assessment of the

² Aradila Caesar Irfamaini Idris, *Eksaminasi Terhadap Putusan Pengadilan Tindak Pidana Pada Pengadilan Negeri Jakarta Pusat Atas Nama Terdakwa Amir Fauzi (Putusan Nomor: 127/Pid.Sus/Tpk/2015/Pn.Jkt.Pst)*, *Jurnal Integritas*, Vol.3 No 1 Tahun 2017

³ Indonesia Corruption Watch, *Suap Hakim Korupsi Minyak Goreng: Perselingkuhan Jahat Mafia Peradilan dan Oligarki Sawit*, <https://antikorupsi.org/id/suap-hakim-korupsi-minyak-goreng-perselingkuhan-jahat-mafia-peradilan-dan-oligarki-sawit>, accessed 15 April 2025

⁴ Frans Hendra Winarta, 2003, *Mencegah Judicial Corruption Melalui Eksaminasi Mungkinkah ?*. Dalam *Eksminasi Public : Partisipasi Masyarakat Mengenai Peradilan*, Jakarta : ICW, p.12

⁵ Bambang Widjojanto, *Harmonisasi Peran Penghak Hukum dalam Pemberantasan Korupsi*, *Jurnal Legislasi Indonesia* Vol. 4. No.1. Maret 2007.



decision issued by the judicial institution. From an angle This view of efforts to develop testing activities for judicial decisions (examination) becomes very strategic because it involves active community participation in order to oversee the course of a clean, transparent and integrity judicial process.

Public Examination is motivated by the loss of public trust in the performance of law enforcement officials in carrying out the judicial process caused by a judge's decision which is considered not in accordance with the principles, principles or rules of applicable law.⁶ The community can play a role in supervising the judicial institution in various ways, one of which is supervision through how to criticize or test the products produced by the judicial institution. So far, supervision by criticizing or testing judicial products is better known as public examination or legal annotation.⁷

Public examination is only one part of the public control process in overseeing the judicial institution. During this time the parties who conduct an organized judicial monitoring can be calculated on the fingers. Not many are monitoring in court let alone examine judicial products. This is one of the reasons why the examination of the judicial institution decisions by the community needs to be encouraged and grown so that steps to restore the image, authority, and independence of the judicial institution and decide the network of crime that has been rooted. Because so far the judges' deliberations in making and preparing the decision are carried out in a closed manner, so The community can no longer follow and watch. In fact, in the deliberation process, there is often a subjective, one -sided decision process and does not meet the sense of justice of the community, due to various factors, including the bribery factor.⁸

In the context of the rule of law, accountable and integrity judiciary does not only reflect the honesty and moral responsibility of law enforcers, but also shows the ability of judicial institutions to answer public criticism after carrying out their duties professionally. Accountability in justice means that judges and judicial institutions are responsible for every decision and legal action taken, and can be tested and supervised by the public through formal and non -formal mechanisms. This form of accountability is not only through Internal supervision such as the Supreme Court and the Judicial Commission, but also public participation, namely public examination.⁹

⁶ Hasrul Halili, 2003, *Eksamiasi Publik, Dari Persoalan Independensi Sampai Ke Isu Partisan, Dalam Eksaminasi Public, Partisipasi Masyarakat Mengawasi Peradilan*, Jakarta: ICW, p. 79

⁷ Chaeruddin, dkk, 2009, *Strategi Pencegahan & Penegakan Hukum Tindak Pidana Korupsi*, Bandung: PT Refika Aditama, p. 50

⁸ E. Sundari, 2003, *Menciptakan Lembaga Eksaminasi Sebagai Social Control Terhadap Putusan Pengadilan, Yang Independen, Obyektif dan Bernilai*, Jakarta: ICW, p.31

⁹ Komisi Yudisial Republik Indonesia (KYRI), 2020, *Laporan Tahunan Komisi Yudisial: Menjaga Martabat Dan Perilaku Hakim*, Jakarta: KY RI, p.31



According to Roscoe Pound, the law functions as a law as a tool of social engineering, which is a means of social engineering that maintains the balance of individual, public and social interests. Judicial Corruption is a serious threat to social interests because it damages the integrity of the judicial institution and reduces public trust. In this context, public examination can be understood as a form of non-formal social control that is in line with pound theory. Although it is not a formal legal mechanism, public examination plays a role in maintaining judicial integrity through assessment and criticism of decisionsJudges, so that they function to protect social interests and restore legal legitimacy in the eyes of the community. The urgency of public examination as a social control tool is increasingly relevant in the context of modern justice which is required to be more transparent, accountable, and responsive to the voices of society. Through public examination it becomes a means to build legal awareness, encourage judicial reform, and strengthen the principles of checks and balances outside of formal mechanisms. Therefore, it is important to examine more deeply the extent of the urgency of public examination as a social dick in combating judicial corruption and how the legal position of public examination in the justice system in Indonesia.

B. Research Methods

This research is a type of normative juridical research (legal research),that is, an approach that uses the concept of positive legis and states that law is synonymous with written norms made and promulgated by authorized institutions or officials.¹⁰ However, this research does not only stop at the level of law (law in books), but also connects it to social reality (law in action) through the analysis-descriptive method. With this method, the implementation of public examination of the judicial decision is found factually, described descriptively, then analyzed to find a relatively ideal pattern for the development of public examination in Indonesia. Thus, this research places public examination not only as an object of normative study, but also as a social control instrument that supports the role of law in society. The facts found in the study will be used as a basis for formulating an ideal pattern of implementing public examination, so that public examination is truly able to function as an effective supervisory mechanism of judicial corruption and at the same time strengthen the role of the law as a means of social engineering in Maintain justice and judicial integrity

C. Results and Discussion

1. The Urgency Of Public Examination In Repeating The Practice Of Judicial Corruption

The reality of the rise of judicial corruption has become an undeniable phenomenon when law enforcers are caught watching the judicial process. PhenomenonJudicial Corruption is truly an irony of

¹⁰. Soemitro, Ronny Hanitijo, 2000, *Metode Penelitian Hukum*, Jakarta: Ghalia Indonesia, p.11



a rule of law, because the apparatus who should maintain the legal spirit of the law is actually trapped in betrayal of the law by committing corruption. Building public trust in law and law enforcement is an important aspect in the current Indonesian rule of law. Law and law enforcement that has lost their identity due to the abuse of the authority of law enforcement officials (judicial corruption) has been contaminated with corruption, so the urgent thing is how to restore the law to its habitat. Judicial Corruption is a form of serious violations because it undermines the main pillars of the rule of law, namely clean and impartial justice.

Various studies and reports show that judicial corruption is not a new issue. Practices such as bribery, intervention on decisions, buying and selling cases, and judicial mafia are still rife. Eradication Commission Institute Corruption (KPK) has even arrested a number of judges, including at the Supreme Court level in the arrest operation (OTT).¹¹ Indonesia Corruption Watch (ICW) stated that during 2023 there were 59 defendants of corruption who were convicted and freely released by the first level court. He mentioned the court that dropped the most free and free decisions on the defendant in a corruption case. The court includes 15 Makassar District Courts; PN Tanjung Pinang 9 people; Pontianak District Court 8 people; PN Medan 6 people; And finally, Jayapura District Court 3 people.¹² In that case, the free decision on the defendant corruption led to the suspicion of public abuse, negligence of law enforcement, even indications of judicial corruption.

The reality of law enforcement in Indonesia today has not fully reflects the ability of law in realizing justice. The law that ideally functions to protect and protect the dignity and dignity of the community is often unsuccessful by the judiciary. The court that should be the last fortress in upholding justice often loses its wisdom. Normatively, Investigators, public prosecutors, and judges have an obligation to realize legal goals, namely justice, benefits, and legal certainty. But in practice, not all law enforcement officials are aware of the essence, so law enforcement often moves away from the ideals of the law itself. The gap between ideality and reality is increasingly visible in a number of corruption case decisions that have become the object of public examination. For example, in the Jiwasraya insurance case, the state loss reached Rp16.8 trillion, but the assets that were successfully executed were only around Rp3.1 trillion. This fact shows that although the court dropped the decision, the aspect of

¹¹ Komisi Pemberantasan Korupsi. (KPK), 2022, *Laporan Tahunan KPK: Penindakan Terhadap Korupsi di Sektor Yudisial*, Jakarta:KPK RI, p. 46-47

¹² Tempo, Catatan ICW: Ada 59 Terdakwa Korupsi Divonis Bebas Dan Lepas Sepanjang 2023, https://www.tempo.co/arsip/catatan-icw-ada-59-terdakwa-korupsi-divonis-bebas-dan-lepas-sepanjang-2023-86557#goog_rewarded, accessed 14 Oktober 2024



recovery of state losses and the deterrent effect had not been running optimally.¹³ Likewise in the case of Rachmat Yasin, a 5-year prison sentence was considered far from the maximum, because the judge's consideration paid less attention to the socio-economic impact of corruption and did not explicitly revoke the political rights of the perpetrators.¹⁴ Public Examination conducted by ICW of corruption cases also found a tendency for a lighter verdict compared to charges or demands, as seen in the case of Angelina Sondakh and others. This shows that the legal purpose of justice, benefits, and legal certainty is often not achieved. Thus, public examination functions important as a social control mechanism, which reminds that law enforcement is not just procedural, but must be oriented to the value of substantive justice.

Law enforcement is actually an effort to uphold public values, ethics, and morality through legal instruments, therefore in law the values of public morality will be found, with the emergence of judicial Corruption shows how law enforcers do not show the values of public morality in their law enforcement work.¹⁵ The emergence of Judicial Corruption has demeaned the dignity of law enforcement and made appreciation for law enforcers disappear. The court, which is often likened to the last fortress of justice, has become devastated because the court itself has become a medium of transactions for justice seekers.

The emergence of judicial corruption also makes the credibility of the law fall because ideally the law cannot be negotiable it turns out the opposite, so the law loses its credibility. The law is ideally believed to be a medium for solving problems, however, once a judicial corruption appears, the public trust becomes collapsed instantly. So it is no exaggeration to be called judicial corruption cause public distrust of law or public distrust. Building a judicial system that is free from judicial corruption is not just a legal issue, but also political, cultural, and institutional morality. In this context public participation and civil society supervision are a balancing factor that cannot be ignored.

The existence of public distrust of law enforcement in Indonesia today, so as to underlie the need for the examination of the public to increase public participation and awareness in overseeing or evaluating a controversial legal product that is felt to not meet the sense of justice of the community. Public Examination has a strategic urgency in dealing with the practice of judicial corruption which

¹³ Indonesia Corruption Watch, Eksaminasi Publik terhadap Putusan dalam Perkara Tindak Pidana Korupsi PT Asuransi Jiwasraya (Persero), <https://antikorupsi.org/id/eksaminasi-publik-terhadap-putusan-dalam-perkara-tindak-pidana-korupsi-pt-asuransi-jiwasraya> accessed 22 juli 2024

¹⁴ Yuntho, E. *Eksaminasi terhadap Putusan Pengadilan Tindak Pidana Korupsi pada Pengadilan Negeri Kelas I A Khusus Bandung Atas Nama Terdakwa Rachmat Yasin*. *Integritas: Jurnal Antikorupsi*, 2(1), 2018, p.235-267

¹⁵ Esmy Warassih, *Op.cit*, p.58-59



undermines the integrity of justice in Indonesia. Public distrust of judicial institutions in Indonesia is not a mere assumption, but has been proven through various national surveys. The results of the Kompas Kompas Kompas Komnas Human Rights Survey 2021 showed that 56% of respondents considered the judge's decision in the corruption case was unfair, even 22.1% stated that it was very unfair.¹⁶ A similar phenomenon is also found in the Survey of the Indonesian Survey Institute (LSI) in 2025 related to the Harvey Moeis case, of which 89.3% of respondents considered a sentence of 6.5 years in prison and a fine of Rp1 billion was not worth it with the state losses caused, although the prosecutor had previously demanded 12 years in prison.¹⁷

Examination comes from "Examination", which means to pay attention or examine something with fullbe careful and accuracy. Public Examination is the process of assessing or critical assessment of a court decision carried out by parties outside the judiciary, such as academics, legal practitioners, non -governmental organizations, or independent legal communities.¹⁸ In Zakiya's opinion, as quoted by Andi Hamzah, the examination is also often referred to as "Legal Annotation", namely legal notes on a court decision or prosecutor's indictment.¹⁹ Public examination is present as a horizontal control mechanism of the community to independent judicial power but must remain accountable

In the theory of social control society has a certain mechanism to supervise and control deviant behavior, goodthrough formal control (legal institution) and informal control (social norms, community pressure). Public examination is a social control of the practice of deviations in the justice system, especially against the judge's decision that does not reflect justice or allegedly fiber with the practice of corruption. Public examination developed in response to the crisis of public trust in judicial institutions. The public examination process usually involves:²⁰

- a. Analysis of the decision document in depth
- b. Legal logic test and norm consistency used by judges
- c. Assessment of the context of the Soail and substantive justice caused by the decision.

The existence of public examination will familiarize the community to see a full picture of the material of the decision of the decision and the judicial process. Is it in accordance with procedures according to the procedural law that applies or does not hurt the public interest. The next thing to be

¹⁶ Mimin Dwi Hartono, *Survei Putusan Perkara Korupsi Tidak Adil*, Available on website :<https://pelitabar.com/survei-putusan-perkara-korupsi-tidak-adil>, accessed 10 Desember 2021

¹⁷ Daffa Siddiq Al-fajri, *Survei LSI Sebut Publik Tidak Puas dengan Vonis Hukuman Harvey Moeis*, Available on website:<https://goodstats.id/article/harvey-dihukum-20-tahun-penjara-survey-terakhir-89-masyarakat-menilai-tidak-setimpal-3FY9j>, accessed 19 Februari 2025,

¹⁸ Indonesia Judicial Research Society (IJRS), 2021, *Eksaminasi Public Atas Putusan Kontroversial:Trategi Mendorong Akuntabilitas Peradilan*, Jakarta:IJRS, p.6

¹⁹ Chaerudin dkk, *Op.cit.* p. 49.

²⁰ Indonesia Judicial Research Society (IJRS), *Op.cit.*, hlm 6-8



achieved after the community is able to carry out this examination, is to encourage a transparent, accountable and participatory judicial process.²¹ Public Examination becomes very strategic in supervising the decision of the judicial institution, so that the community can play a role in eradicating judicial corruption and building a clean, just, and transparent judicial system. As for the detailed objectives of the public examination below:²²

- a. Analysis of legal considerations on legal products or decisions of the panel of judges or indictments of the proceedings in the court and the behavior of prosecutors and judges during the trial. The hope can be known to what extent Legal considerations referred to in accordance with the principles of law with procedures for procedural legal procedures and also with legal justice, moral justice and social justice as well as the code of ethics of law enforcement behavior
- b. Encourage and empower public participation to be further involved in the process of a case and decision on the case, especially a controversial case and hurt the hearts of the community.
- c. Encourage and socialize the examination institution by familiarizing the public to submit assessment and testing of a process of justice and the decision of law enforcement institutions and a sense of justice
- d. Encourage the creation of the independence of law enforcement agencies including accountability and transparency to the public.
- e. Encourage judges to increase their moral integrity, credibility and professionalism in examining and deciding a case so as not to become a controversial decision so as to live a sense of justice of the community.

Public Examination carried out openly and systematically often put moral pressure on judges and judicial institutions, especially when the results of the examination reveal the weaknesses of legal logic, the inconsistency of the application of norms, or allegations of allegations in the decision. This pressure can trigger institutional shame, tighter community supervision, as well as the urge to make systemic improvements.²³ If carried out objectively and based on academic studies, public examination functions as a non-judicial accountability mechanism that encourages judges to be more careful, transparent, and argumentative in preparing legal considerations. In other words, moral pressure through public examination can be a balancing tool between judges' independence and public accountability.²⁴

²¹ E. Sundari, *Op,cit*, p. 32

²² Sulis Setyowati, *Tinjauan Hukum Normatif Terhadap Hasil Eksaminasi Publik Atas Putusan Pengadilan Dalam Perkara Tindak Pidana Korupsi, Jurnal Surya Kencana Satu :Dinamika Masalah Hukum Dan Keadilan*, Vol. 9 No 1 Maret 2018

²³ Lubis, Todung Mulya, 2005, *In Search of Human Rights: Legal-Political Dilemmas of Indonesia's New Order 1966–1990*, Jakarta: PT Gramedia, p.134-136

²⁴ Indonesia Judicial Research Society (IJRS), *Op,cit* ,p. 7



In the United Nations Office on Drugs and Crime (UNODC) reports, accountability is considered as one of the important indicators in realizing independent justice and free from political and economic interventions. The uncoded judicial system is very vulnerable to a means of power and loss of legitimacy in the public.²⁵ Public Examination with Moral Stress and Legal Logic delivered by Civil and Academic Communities, can be a means to dismantle the practice of dishonesty in the judicial process. In line with Satjipto Rahardjo's view, public examination is part of progressive law that rejects the law as a means of power alone, and instead places the community as an active subject in maintaining legal morality.²⁶

In the modern legal system, judicial power must be accounted for, not only through the supervisory institution, but also externally to the public. Public examination becomes a form of judges and social judges to the community who demand transparency and integrity in each decision taken. Public Examination as a social control aimed at strengthening the accountability of the judicial institution and minimizes the practice of judicial corruption, thus supporting the establishment of the principles of the rule of law and substantive justice.

2. The Legal Position Of Public Examination In The Justice System In Indonesia

Public examination has not been explicitly regulated in the form of laws or legislation that are formally binding. However, the examination has an indirect normative and legal foundation of the principles of openness, public participation, and the right to justice and mastery of judiciary. Public Execution is an academic practice or civil society that is non-formal juridical, but has significant moral and social forces.

Public examination is basically an academic practice and civil society initiative that is non-judicial formal, but has significant moral and social power in overseeing judicial integrity. The importance of public examination can be seen from a number of data that shows the low public confidence in the judicial institution. The results of the Kompas Kompas Kompas Komnas Human Rights Survey 2021 showed that 56% of respondents considered the judge's decision in the corruption case was unfair, even 22.1% stated that it was very unfair.²⁷ Low Level of Trust This shows an urgent need for participatory mechanisms that can assess the judge's decision independently.

The urgency of public examination is increasingly visible when it is associated with practice. In the Jiwasraya insurance case, despite the state loss of Rp16.8 trillion, assets that were successfully

²⁵ United Nations Office On Drugs And Crime (UNODC), 2011, *The Bangalore Principles Of Judicial Conduct: Implementation Measures*. Vienna: UNODC, p.45

²⁶ Satjipto Rahardjo, 2006, *Hukum Progresif: Hukum untuk Manusia*, Jakarta: Kompas, p. 14-15

²⁷ Mimin Dwi Hartono, *Op,cit*



executed were only around Rp3.1 trillion.²⁸ This fact raises public questions regarding the effectiveness of court decisions in restoring state losses. Likewise, in the case of Rachmat Yasin, the sentence of 5 years 6 months in prison is considered too light compared to the social impact of corruption, causing broad criticism from the community.²⁹ oversee transparency, accountability, and morality of justice. Thus, the urgency of public examination lies in its ability to bridge the gap between formalistic legal decisions with the demands of substantive justice that live in society

Normatively, public examination obtains legal legitimacy through several laws and regulations that guarantee the right to information and openness in the judicial process. Article 28F of the 1945 Constitution guarantees the rights of everyone obtain information, which also includes a court decision. Furthermore, Law Number 14 of 2008 concerning Openness of Public Information states that the court decision is a public information that must be announced and can be accessed by the public. Supreme Court Regulation (Perma) Number 1 of 2007 concerning Access to Information in Courts also supports this by requiring judicial institutions to provide access to decisions and trial processes.

In addition, Law Number 48 of 2009 concerning PowerThe judiciary confirms that the trial is in principle open to the public, and the verdict is read openly to the public, and the court's decision is read openly. Article 5 paragraph 1 in the law requires judges to explore and follow the values of justice that live in the community. Thus, public examination can be considered a reflection of the aspirations and values of justice that develops in society, as well as a measure of whether the judge's decision has been in line with the principle of substantive justice.

In 2011, ICW, MSI, USAID and KPK conducted public examination. Public examination was carried out on 20 court decisions in corruption cases. As many as 14 of them were corruption cases handled by the KPK, 4 cases handled by the Prosecutor's Office, 2 corruption cases handled by the police. 3 cases of corruption that were jointly excamped showed good results. The Supreme Court canceled 3 verdicts free of corruption cases.³⁰ Three Supreme Court Cassation Decisions can be recorded as one of the achievements of the implementation of this Public Examination Program. Findings about irregularities, weaknesses and others from the examination process delivered to the public seem to be confirmed when the Supreme Court finally canceled the free/released verdict of a number of cases that are ready to be excamped. The aim is to evaluate legal considerations in court decisions, and encourage the accountability of judicial institutions.

²⁸ Indonesia Corruption Watch (ICW), *Eksaminasi Publik Putusan Jiwasraya* (Jakarta: ICW, 2021), <https://antikorupsi.org/id/eksaminasi-publik-terhadap-putusan-dalam-perkara-tindak-pidana-korupsi-pt-asuransi-jiwasraya>

²⁹ Yuntho, E, *Op,cit* p. 235-267.

³⁰. Alek K. Kurniawan, *Eksaminasi Publik Sebagai Instrumen Pengawasan Publik, Jurnal Peradilan Indonesia*, Vol. 6, Juli-Desember 2017



Even though it is not legally binding, the results of public examination are often used as references to assess judges' integrity, even being taken into consideration in the ethical supervision process by the Judicial Commission. However, public examination has not yet had an explicit legal basis in the Indonesian legislation system. This unclear legal results in the absence of procedural standards, the absence of legal protection for the executor of the examination, as well as the potential to be misinterpreted as a form of intervention on the independence of judges.³¹ As a result many public examination initiatives are only ad hoc, have no structural influence on judicial institutions, and risk of conflict with the judiciary. In fact, if accommodated legally through regulations, public examination can be a democratic and scientific mechanism that supports the transparency, justice, and professionalism of judges.³² Therefore, the state needs to provide legal recognition of public examination, both in the form of regulation in laws, judicial regulations, or ethic guidelines, so this step is an important part of the reform of judiciary based on public participation and accountability. By Therefore, the role of future public examination institutions is greatly determined by the performance of judicial institutions. Public Examination Institutions are required to be able to make a more qualified examination and have better quality than the examination of the decision.³³

The strengthening of the examination by the community as a form of social control needs to be intensified because theoretically internal supervision by the judge of his partners or juniors will be very subjective. In addition, in the community the stigma has been formed that in the judicial environment there has been a relationship of mutualism symbiosis among law enforcers, Especially fellow judges in enjoying the results of tribute, gifts or juice from the litigant parties. With the existence of public examination the community can find out, the extent to which legal considerations from judges that decide the case are in accordance with the legal principles and whether the legal procedures of the event have been applied correctly, and whether the decision has touched a sense of justice and, encouraging judges to make a decision with good and professional considerations.³⁴

The purpose of public examination in general is to supervise legal products produced as well as proceedings by law enforcement agencies including legal practitioners. This supervision is carried out with the assumption that many legal processing that deviates both materially and formally. These

³¹ Komisi Yudisial Republik Indonesia (KYRI), 2020, *Laporan Tahunan Komisi Yudisial: Mengawal Perilaku Hakim*, Jakarta: KY RI, p.38

³² Institute For Criminal Justice Reform (ICJR), 2022, *Tantangan Dan Prospek Pengawasan Partisipatif Terhadap Lembaga Peradilan Di Indonesia*, Jakarta: ICJR, p.54

³³. E. Sundari, *Op.cit*, p.22-23

³⁴. Adi Nugroho, 2003, *Eksaminasi Publik: Partisipasi Masyarakat Mengawasi Peradilan*, Jakarta: ICW, p.7



deviations cannot be seen. The naked eye is like a bribery.³⁵ It is necessary to study a separate product produced by the authorities, therefore public examination needs to be done in realizing legal certainty and justice.

The law is ideally regulated in such a way that the legal products produced not only provide legal certainty but also meet the principles of justice and benefits. This is where the public examination obtains its urgency, which is a moral and social mechanism that can help the Supreme Court, the Attorney General's Office, as well as the Corruption Eradication Commission (KPK) to correct the performance of its apparatus. By making Pancasila and the 1945 Constitution as the main reference in evaluation, the resulting legal products are expected to really side with the interests of the people and realize substantive justice.

The results of the examination do not intend to intervene in the legal process, but only the contribution of thought from the community of the legal community. But the examination of decisions or legal products that are considered to deviate more as a public space that must be constructed so that state institutions cannot be separated from control public. Although it does not have formal legal force to cancel or change the decision, the results of the examination can be an evaluation material and moral pressure on the judiciary. It also functions as a public education instrument and critical and participatory legal learning.³⁶

Public examination emerged as a form of social control over court decisions, as well as a form of community participation in overseeing the judicial net. The absence of a firm legal umbrella makes public examination often debated in terms of legality. Even though public examination can strengthen the accountability and transparency of court if it is operated appropriately. With the institution of public and procedural examination, it is expected that a more accountable, transparent and responsive judicial system will be realized, as well as. The community can also actively participate in legal reform without violating judicial independence. Therefore, it is necessary to strengthen regulations and institutional reforms so that public examination is not only accepted by academic, but is recognized and institutionalized. With the preparation of strict regulations, integration in the judicial supervision system, and the formation of credible public examination institutions, it is hoped that the Indonesian justice system can move towards transparency, accountability, and substantive justice. Public examination is not a threat to justice, but it is precisely a critical partner in building public trust in law and justice.

³⁵. Sulis Setyowati, *Tinjauan Hukum Normatif Terhadap Hasil Eksaminasi Publik Atas Putusan Pengadilan Dalam Perkara Tindak Pidana Korupsi*, *Jurnal Surya Kencana Satu : Dinamika Masalah Hukum Dan Keadilan*, Vol.9 No 1 Maret 2018

³⁶. Topo Santoso, *Eksaminasi Public Dan Etika Putusan Hakim*. *Jurnal Hukum Dan Pembangunan*, Vol 44, No 2 Tahun 2014



D. Conclusion

Based on the results of the research obtained, it can be concluded that judicial corruption is a systematic threat to the upholding of the rule of law and the principle of justice in Indonesia. The practice of corruption in judicial institutions not only damages the legitimacy of legal decisions, but erodes public trust against the judicial system. The existence of public distrust of law enforcement in Indonesia today is due to the large number of judicial corruption phenomena, so as to underlie the need for the examination of the public to increase public participation and awareness in overseeing or evaluating a controversial legal product that is felt to not meet the sense of justice of the community. Public examination is a social control of the practice of deviations in the justice system, especially against the judge's decision that does not reflect justice or allegedly fiber with the practice of corruption. Public Examination developed in response to the crisis of public trust in judicial institutions. With the existence of public examination as social control aimed at strengthening the accountability of judicial institutions and to minimize the practice of judicial corruption, thus supporting the establishment of the principles of the rule of law and substantive justice.

Public examination has not been explicitly regulated in the form of formal binding laws or regulations. Nevertheless, this practice obtains normative legitimacy from principles Openness, public participation, and rights to justice and supervision of judicial institutions. Although it does not have a formal legal force to cancel or change the decision, the results of public examination still have important meaning as an evaluation material, moral pressure on judicial institutions, as well as public education instruments to build critical and participatory legal awareness. The absence of a clear legal umbrella does make the existence of public examination often debated in terms of legality. In fact, if it is institutionalized appropriately, public examination can strengthen the accountability and transparency of court. Strengthening regulations on public examination is a necessity, because with a clearer regulation, justice can be more effectively enforced. In terms of theoretical, strengthening this regulation also expands the understanding of how the law works. The law is not only seen as a set of written norms, but also as a mechanism social that gives space for public participation. Thus, public examination can provide more individual analysis of each case, so as to be able to bring substantive and responsive justice to the aspirations of the community.

BIBLIOGRAPHY

Chaerudin, Syaiful ahmad, Syarif Fadillah. 2009. *Strategi Pencegahan dan Penegakan Hukum Tindak Pidana Korupsi*. Bandung:PT. Refika Aditama.



- Halili, H. 2003. *Eksaminasi Publik: Dari Persoalan Independensi Sampai Ke Isu Partisan. Dalam Eksaminasi publik: Partisipasi masyarakat mengawasi peradilan*. Jakarta: Indonesia Corruption Watch
- Lubis, T. M. 2005. *In search of human rights: Legal-political dilemmas of Indonesia's New Order 1966–1990*. Jakarta: Gramedia.
- Nugroho, A. 2003. *Eksaminasi publik: Partisipasi masyarakat mengawasi peradilan*. Jakarta: Indonesia Corruption Watch.
- Rahardjo, S. 2006. *Hukum progresif: Hukum untuk manusia*. Jakarta: Kompas.
- Soemitro, R. H. 2000. *Metode penelitian hukum*. Jakarta: Ghalia Indonesia.
- Sundari, E. 2003. *Menciptakan lembaga eksaminasi sebagai social control terhadap putusan pengadilan yang independen, obyektif dan bermibawa*. Jakarta: Indonesia Corruption Watch.
- Warassih, E. 2016. *Pemikiran hukum spiritual pluralistik*. Yogyakarta: Thafa Media Art.
- Winarta, F. H. 2003. *Mencegah judicial corruption melalui eksaminasi, mungkinkah? Dalam Eksaminasi publik: Partisipasi masyarakat mengawasi peradilan*. Jakarta: Indonesia Corruption Watch.
- Komisi Yudisial Republik Indonesia. 2020. *Eksaminasi publik: Mendorong akuntabilitas putusan hakim*. Jakarta: Komisi Yudisial.
- United Nations Office on Drugs and Crime (UNODC). 2011. *The Bangalore Principles of Judicial Conduct: Implementation Measures*. Vienna: United Nations Office on Drugs and Crime.
- Indonesia Judicial Research Society (IJRS). 2021. *Kajian Eksaminasi Publik Terhadap Putusan Pengadiluan di Indonesia*. Jakarta: Indonesia Judicial Research Society
- Bambang Widjojanto, 2007. *Harmonisasi Peran Penghak Hukum dalam Pemberantasan Korupsi*, Jurnal Legislasi Indonesia Vol. 4. No.1. Maret
- Idris, A. C. I. 2017. *Eksaminasi Terhadap Putusan Pengadilan Tindak Pidana Pada Pengadilan Negeri Jakarta Pusat Atas Nama Terdakwa Amir Fauzi (Putusan Nomor: 127/Pid.Sus/Tpk/2015/Pn.Jkt.Pst)*. *Jurnal Integritas*, 3(1). 191-123 . DOI : <https://doi.org/10.32697/integritas.v3i1.162>



- Kurniawan, A. K. 2017. Eksaminasi Publik Sebagai Instrumen Pengawasan Publik. *Jurnal Peradilan Indonesia*, Vol 6(Juli–Desember).
- Setyowati, S.2018. Tinjauan Hukum Normatif Terhadap Hasil Eksaminasi Publik Atas Putusan Pengadilan Dalam Perkara Tindak Pidana Korupsi. *Jurnal Surya Kencana Satu : Dinamika Masalah Hukum Dan Keadilan*, 9 (1), 101–124. DOI : <https://doi.org/10.32493/jdmhkdmhk.v9i1.1179>
- Topo Santoso. 2014. Eksaminasi Public Dan Etika Putusan Hakim. *Jurnal Hukum Dan Pembangunan*, Vol. 44. No. 2
- Yuntho, E. (2018). Eksaminasi terhadap Putusan Pengadilan Tindak Pidana Korupsi pada Pengadilan Negeri Kelas I A Khusus Bandung Atas Nama Terdakwa Rachmat Yasin. *Integritas: Jurnal Antikorupsi*, 2(1), 235-267. <https://doi.org/10.32697/integritas.v2i1.133>
- Indonesia Corruption Watch. *Suap hakim korupsi minyak goreng: Perselingkuhan jahat mafia peradilan dan oligarki sawit*. Available on website:<https://antikorupsi.org/id/suap-hakim-korupsi-minyak-goreng-perselingkuhan-jahat-mafia-peradilan-dan-oligarki-sawit>. Accessed on 15 April 2025
- Indonesia Corruption Watch, *Eksaminasi Publik terhadap Putusan dalam Perkara Tindak Pidana Korupsi PT Asuransi Jiwasraya (Persero)*, Available on website: <https://antikorupsi.org/id/eksaminasi-publik-terhadap-putusan-dalam-perkara-tindak-pidana-korupsi-pt-asuransi-jiwasraya> .Accessed on 22 juli 2024
- Tempo, *Catatan ICW: Ada 59 Terdakwa Korupsi Divonis Bebas Dan Lepas Sepanjang 2023*, Available on website:https://www.tempo.co/arsip/catatan-icw-ada-59-terdakwa-korupsi-divonis-bebas-dan-lepas-sepanjang-2023-86557#goog_rewarded. Accessed on 14 Oktober 2024
- Mimin Dwi Hartono, *Survei Putusan Perkara Korupsi Tidak Adil*, Available on website :<https://pelitabarbaru.com/survei-putusan-perkara-korupsi-tidak-adil>. Accessed on 10 Desember 2021
- Daffa Siddiq Al-fajri, , *Survei LSI Sebut Publik Tidak Puas dengan Vonis Hukuman Harvey Moeis*, Available on website:<https://goodstats.id/article/harvey-dihukum-20-tahun-penjara-survey-terakhir-89-masyarakat-menilai-tidak-setimpal-3FY9j>. Accessed on 19 Februari 2025