

DYNAMICS OF IMPLEMENTATION AND ENFORCEMENT OF CODE OF ETHICS AND GUIDELINES FOR JUDGES' CONDUCT FOR MILITARY JUDGES

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ABSTRACT

It is reasonable to expect good judges to render decisions that uphold the law and demonstrate a sense of justice. The purpose of this study is to demonstrate how, if the Code of Ethics for Guidelines for Judges' Conduct (KEPPH) is followed in carrying out these responsibilities and in other contexts, both directly and indirectly, the perceptions and expectations of justice seekers will ultimately change. restored in the realization of military justice. noble, not cloudy, and free from sinful beliefs and actions. In qualitative research, data were collected methodically, factually, and quickly using descriptive methodology in accordance with the description at the time of the study. The findings of this study indicate that openness, participation, accountability, placing the right person in the right place, and objectivity must be prioritized in the recruitment and selection process to produce competent Military Judges. Although the recruitment and selection process has succeeded in producing Military Judges who uphold the principles of KEPPH and become God's representatives on earth, Military Judges are also human beings and therefore prone to error. Therefore, they require continuous education and training.

Keywords: Code of Ethics for Judges, Military Judges, Military Courts, Military Justice.

INTRODUCTION

All levels of judges play an important role in the legal system. They must be able to uphold justice and law in this important role. It is reasonable to expect that only competent judges will make decisions that are consistent with the law and demonstrate a sense of justice. There are different opinions about what is meant by a good judge, such as having the ability to uphold state law, acting independently and impartially, having sufficient experience, being honest, having good health, representing the community, having sound reasoning, having broad insight, being able to write and speak effectively, and having administrative and efficient skills. The Code of Ethics and Guidelines for Judges' Conduct provide standards of moral and behavioral priorities (KEPPH) to judges, in their work and in their social interactions outside of work. This is intended that by making KEPPH a model of judicial morality and behavior, judicial power will be realized through the emergence of judges with noble morals or *Officium Nobile*. an independent, impartial, and powerful judicial institution in accordance with the constitutional mandate regarding judicial power

As an important and inseparable component of the judicial power structure in Indonesia, military judges have a special and strategic responsibility to protect the supremacy of law and justice while still considering the defense and security of the country. (Author: military interests). Military Judges have two different identities: the first is a member of the military, and the second is a judge, which is then embedded in their military personality. The

Soldier's Oath, Sapta Marga, Eight Obligations of the TNI, and the Officer's Code of Ethics have all formed the moral and mental integrity of soldiers, and these characteristics should always be reflected in a soldier's posture. In addition to other accompanying restrictions, he is also required by the Military Discipline Law and Military Discipline restrictions. Starting with Military Judges, Military Courts are an integral part of Indonesia's judicial power. Thus, a Military Judge is also subject to the KEPPH which is manifested in the following ten (10) principles of behavior:

- a. Behaving fairly;
- b. Behaving honestly;
- c. Behave wisely and wisely;
- d. Be independent;
- e. High integrity;
- f. Responsible;
- g. Upholding self-esteem;
- h. Highly disciplined;
- i. Behave humbly;
- j. Be professional.

Implementation provisions in the application and enforcement of 10 (ten) fundamental principles of KEPPH behavioral norms for military judges need to be carefully observed so that a standard of behavior can be established. The uniqueness of law enforcement in an militarized environment, which is the main responsibility of a commander and an militarized unit, is the implementation of the principle of unity of command. This also has psychological and sociological impacts by forcing all subordinates under the command to submit and obey the commander and military unit. Military court leaders do not participate in the supervision process and enforcement of the code of ethics of judges and clerks as military unit commanders in the military justice environment. This gives rise to a number of problems because it divides the application of the principle of unity of command which is the basis of the military community.

METHODS

This legal research uses several approaches, among others to answer the problems studied: 1) legal approach, 2) conceptual approach, 3) comparative approach, and 4) historical and philosophical approach. Data digestion is a qualitative process. Written legal papers are produced based on concerns that are examined after collection. After that, by using relevant theoretical frameworks, legal content is reviewed and interpreted based on existing problems. After that, this methodical legal data is assessed to provide appropriate responses to questions about interpretation, status, and potential of its legal sequences.

RESULTS AND DISCUSSION

Having a great and demanding mandate is what it means to be a Military Judge. Of course, some people will not be able to handle it. Only those with a sufficient level of scientific knowledge are able to handle this heavy duty. Not only is not everyone able to do it, but not just anyone will be given the responsibility to serve as "God's representative on earth". Military Judges have two different identities: the first is a member of the military, and the second is a judge, which is then embedded in their military personality. The moral and mental image of the TNI should always reflect the attitude of soldiers that has been formed by the Sapta Marga, the Soldier's Oath, the Eight Obligations of the TNI, and the TNI Officer's Code of Ethics. The

Military Discipline Law and Military Discipline Regulations also bind them, as well as other regulations that accompany them (eg Internal Service Affairs Regulations).

The main implementation problem does not lie in the cognitive realm of knowledge and understanding of this matter. But more than anything, it is about adopting a good and caring approach that can support the psychomotor or noble behavior needed in this sector, both in conducting official business and in everyday life (in addition), building public trust.

Being able to pay attention to the following principles and characteristics of military life is a prerequisite for having greater ability as a Military Judge. This is in addition to being able and competent in legal science and military law (specifically) which complement each other as implementers in enforcing law and justice:

a. The principle of unity of command.

Because of the structure of the military organization, a commander holds an important position and is fully responsible for his unit and subordinates.

b. The idea that a leader is responsible to his subordinates (the principle of superiors-subordinates).

As a result of the dual role of a commander as a father, educator, trainer, and leader in the TNI organizational structure, they are ultimately responsible to their units and subordinates. The principle of unity of command is implemented with this principle.

c. The principle of military interests.

Military interests replace group and individual interests in order to maintain national security and defense. However, military and legal interests are always balanced, especially in the legal system.

To achieve the vision and mission of the court, Military Judges in Military Courts must meet the same requirements as General Court Judges, Religious Court Judges, and State Administrative Court (TUN) Judges. These requirements are in accordance with the ten (10) principles of KEPPH. Very good. The hopes and perceptions of justice seekers towards the formation of a large Military Court that is free from corrupt attitudes and behavior will ultimately be renewed if we uphold the principles of KEPPH in all aspects of carrying out these duties and outside of duty, both directly and indirectly.

Obligations and Prohibitions for Judges from the 10 (Ten) KEPPH Principles

Because of the constitutional need that Military Judges in Military Courts become one of the components of the Indonesian judicial power, Military Judges are subject to the 10 (ten) KEPPH principles. However, it is also important to realize that Military Judges, as members of the armed forces, have certain ideals that are only possessed by the military (Identity of the Indonesian National Army), which cannot be applied in the lives of other judges, including in the State Administrative Court, Religious Court, and General Court. In other words, Military Judges adhere to the same standards and rules as TNI Soldiers, including the principle of personality and the broad idea that military law always applies in all situations, anytime, anywhere, and however.

The ten KEPPH principles are ethical guidelines that must be followed by military judges in carrying out their official duties and interacting with the community both inside and outside the military. Because they have a moral responsibility to live side by side with the community, military judges are also subject to ethical standards and must adopt customs from other areas of public life. The following is a description of the obligations and prohibitions for Judges from the 10 (ten) KEPPH principles in full as follows:

a. Behaving Fairly

- 1) Because everyone is equal before the law, acting properly means putting everything in its place and paying one's debts. Therefore, the most basic need for justice is to treat everyone equally and offer equal opportunities (i.e. equality and justice). Therefore, anyone who carries out official duties or works in the legal system and is tasked with enforcing fair and correct laws must always be impartial and not favor one group of people over another.
- 2) The Judge's obligations in implementing fair behavior are:
 - a) Without expecting any reward, the judge has an obligation to uphold the principle of the presumption of innocence in order to fulfill his legal obligations.
 - b) It is the judge's responsibility to uphold and increase the trust of justice seekers by remaining impartial both inside and outside the courtroom.
 - c) The judge has an obligation not to take actions that could revoke his authority to try the case being handled.
 - d) In the trial, the judge has an obligation to ask all participants to refrain from expressing preferences, bias, discrimination, or harassment on the following grounds: race, sex, religion, national origin, physical or mental disability, age, or social status. financially or through intimate relationships with those seeking justice or those involved in the legal system, either through actions or words.
 - e) The judge has a duty to provide justice to all parties, not only those seeking punishment.
 - f) All parties seeking justice or their attorneys who have an interest in a judicial process must be given equal opportunity by the judge.
- 3) Prohibitions for Judges in implementing fair behavior are:
 - a) Judges are prohibited from conveying to any party participating in a case—or to their attorneys, such as witnesses and prosecutors—that they have a unique ability to influence the judge concerned.
 - b) In carrying out their judicial duties, judges are not allowed to express preferences, bias, discrimination, or harassment against any group or individual, including race, gender, religion, national origin, age, socioeconomic status, differences in physical or mental abilities, or close relationships with the applicant. justice or the parties in the legal process, either in words or actions.
 - c) Judges must apply the same standards of behavior to advocates, prosecutors, court employees, and other parties involved. They are also prohibited from acting in a manner that appears to be biased, intimidating, threatening, or cornering a party or their attorney, or witnesses. iWith the guidance and supervision of the judge concerned.
 - d) Judges are not permitted to give orders that could cause court personnel or other parties to direct, control, or influence the course of the trial, so as to cause the parties to the case to be treated differently.
 - e) Judges are not permitted to speak to parties outside the courtroom unless this is done in the courthouse and is necessary for a transparent and open trial process that meets the standards of fairness and impartiality.

b. Behaving honestly

- 1) Being competent and having the courage to say what is right is right and what is wrong is an important component in acting honorably. Being honest fosters the development of strong character and increases understanding of what is right and what is wrong. This will foster a personal attitude that is impartial towards everyone, both inside and outside the courtroom.
- 2) The judge's obligation to behave honestly is:
 - a) The judge has an obligation to act honorably and fairly, and not to commit dirty acts.
 - b) Honest (fair) behavior is required of judges, and they must refrain from any action that may appear dishonorable.
 - c) To ensure that the public, other law enforcement institutions, and litigants continue to trust judges and judicial institutions, judges must ensure that their attitudes, behavior and actions—both inside and outside the court—consistently uphold that trust and foster that trust. .
 - d) The judge has thirty (30) working days from the date of receipt of the gratuity to report in writing to the Corruption Eradication Council (KPK), the Deputy Chair of the Supervision of the Supreme Court, and the Chair of the Judicial Commission regarding his satisfaction,
 - e) Before, during, and after taking office , the judge is obliged to provide a wealth report to the Corruption Eradication Commission. They must also agree to have their assets inspected.
- 3) Prohibitions for Judges in behaving honestly are:
 - a) Judges are prohibited from asking for or accepting promises, gifts, grants, inheritances, prizes, awards, loans, or facilities from their spouses, parents, children, or other family members:
 - 1) Advocates;
 - 2) Prosecutor;
 - 3) People who are currently on trial;
 - 4) Any other party who is likely to be guilty shall be prosecuted.
 - 5) Every reasonable (reasonable) party who has a direct or indirect interest in a case that is being tried or is expected to be tried by the judge involved, should be deemed to have the intention or intention to influence the judge in carrying out his judicial duties.

Gifts from family or items on special occasions such as weddings, birthdays or holidays are exceptions to this rule, because these gifts are not to be interpreted or intended to influence the judge in carrying out his judicial duties in any circumstances. religious ceremonies, traditional ceremonies, farewells, or other celebrations in accordance with the relevant customs, with a maximum value of Rp 500,000 (five hundred thousand rupiah). The gift is included in the definition of the Corruption Law regarding gifts known as gratification.

- b) Employees The court and other parties who are under the influence, direction or authority of the judge concerned are not permitted to request or receive gifts, grants, inheritances, grants, loans or assistance in any form whatsoever in connection with anything the judge concerned does. not do , or may not do in connection with his duties or functions:

- 1) Advocate;
 - 2) Prosecutor;
 - 3) Person being tried by the Judge;
 - 4) Other parties who are likely to be tried by the Judge.
 - 5) parties who have a direct or indirect interest in a case that is being considered or will be tried by the relevant judge, and who can be assumed to be trying to influence the judge in carrying out his duties. his/her trial.
- 4) In order to uphold the principle of immorality, judges are allowed to accept gifts and/or payments from parties who do not have a conflict of interest for costs incurred during extrajudicial activities, provided that this does not interfere with the implementation of the judge's official duties.
- c. Behaving wisely and wisely
- 1) This includes the ability to consider existing situations and conditions, behaving in accordance with social norms, such as legal standards, religion, customs, and immorality, as well as being able to consider the advantages and disadvantages of a decision. The formation of a person who is merciful, patient, broad-minded, tolerant, polite and polite is encouraged by wise and wise actions.
 - 2) The judge's obligation to implement wise and prudent behavior.
 - a) The judge is obliged to avoid reprehensible actions.
 - b) Judges have an obligation to avoid situations that could give rise to questions about their impartiality or suspicion in their personal interactions with other members of the legal profession who frequently appear in court.
 - c) The judge must be neutral in carrying out his judicial duties, free from the influence of his family and other parties.
 - 3) The prohibition for a judge in implementing wise and prudent behavior is:
 - a) It is a violation of the law if the judge makes a decision if there is a family member who represents a party or interest in the case.
 - b) Judges are prohibited from allowing a person in the legal profession to entertain clients or other members of the same profession at their residence.
 - c) Judges are prohibited from using their position of authority for personal, family or other external interests.
 - d) Judges are prohibited from using the information they learn during the legal system for any other reason that is not related to their judicial responsibilities and powers.
 - e) The judicial process is fair, impartial, and impartial and cannot be influenced, hindered, or intervened by the judge's statement to the public.
 - f) The judge is prohibited from sharing information or opinions regarding the main points of the case with parties outside the trial process, whether those parties are involved in the case that is being considered or has been resolved or not.
 - g) Under no circumstances may a judge provide information, views, criticism or justification openly regarding a case or court decision, regardless of whether the matter has a fixed legal effect or not.
 - h) Except in a scientific environment where the results are not intended to be published and may influence the judge's decision in a different case,

- a judge is not permitted to openly share information, opinions, comments, criticism, or justification for a court decision that has permanent legal force .
- i) Members and administrators of political parties are not allowed to serve as judges.
 - j) Judges are not allowed to display their party affiliations in public.
 - k) Judges are not allowed to be involved or present in any action that may give rise to suspicion that they are supporters of political parties.
- 4) In relation to the application of wise and prudent behavior, Judges are allowed to:
- a) Form or join groups that focus on judges, or take part in circles that advance the interests of judges.
 - b) Conduct activities outside the law, such as writing, giving lectures, teaching, and participating in events related to law, the legal system, administration, justice, or matters related to them, as long as they do not hinder the implementation of judicial duties.
 - c) Based on official assignments from the Court, inform the public about court procedures or other matters not related to the subject matter of the case.
 - d) providing information, writing articles for publication such as newspapers or magazines, and providing other contributions aimed at educating the public about the general practice of law or the administration of justice that has nothing to do with the specific matters of a case.
 - e) Writing, speaking, giving instructions, and taking part in scientific efforts or efforts to improve the legal system, law, judicial and non-legal administration and administration, are all acceptable as long as they are not intended to exploit the position of judges when a case is tried. is being discussed.
 - f) Serve as administrators or members of non-profit organizations that aim to improve the law, legal system, judicial administration, educational and social institutions, as long as it does not affect the independent attitude of the Judge.
 - g) Engage in voluntary efforts and community service that maintain the impartiality of judges.
- d. Behave independently
- 1) This includes the freedom to act on one's own initiative, without the assistance of third parties, and without the influence or interference of outside parties. An independent mindset encourages the development of strong judgment behavior, upholding moral obligations and relevant legal requirements while adhering firmly to beliefs and principles.
 - 2) The obligations of judges in implementing independent behavior are:
 - a) Judges are required to carry out their duties impartially and without coercion, inducement, threats, or inducements from outside or within the country.
 - b) Judges must be free to interact inappropriately with the executive, legislative, and other government institutions as well as with other groups that may endanger their independence and the judicial institutions.
 - c) To increase public trust in the justice system, judges must act impartially.

e. Behaving with high integrity.

- 1) This includes having a comprehensive, authoritative, honest, and firm mindset and character.
- 2) High integrity is mostly demonstrated by a dedicated and resilient attitude in upholding relevant standards or ideals in carrying out duties.
- 3) High integrity will prioritize the demands of the conscience to defend truth and justice and support the creation of humans who dare to reject temptations and all forms of intervention. This will also motivate society to always try to carry out their obligations as well as possible to achieve the best goals.
- 4) The obligations of judges in implementing high integrity behavior are:
 - a) Judges must behave beyond reproach.
 - b) Judges are required to refrain from making direct or indirect contact with lawyers, public prosecutors, and parties involved in the case being examined.
 - c) Judges are required to limit their personal relationships, both direct and indirect, with attorneys who frequently bring cases to the courts where they serve.
 - d) Judges are required to be transparent and disclose any personal interests to anyone who demonstrates that they do not have a conflict of interest when handling a case.
 - e) The judge must be aware of his own financial situation as well as other financial obligations, and must take reasonable steps to find out about the financial situation of his family members.
 - f) The judge is obliged to recuse himself, review, and adjudicate the case at issue if there is a conflict of interest. iiTo minimize the potential for harm to the justice system or the impression that justice is not being administered in a fair and impartial manner, the decision to recuse itself should be taken as soon as possible.
 - g) If a Judge is in doubt about his or her duty to recuse, review, and decide a case, he or she should seek the advice of the Chief Justice.
- 5) Prohibitions for Judges in implementing behavior with high integrity are:
 - a) In the event of a conflict of interest arising from personal or family relationships, or other relationships suspected of containing a conflict of interest, the judge is prohibited from making a decision in the matter.
 - b) Judges are prohibited from bargaining in making decisions. Unless otherwise specified by law, slowing down the review of the case, postponing the execution, or appointing a specific advocate to represent the client in court.
 - c) A judge cannot decide on a case if he has a relationship with the chairman of the panel, another judge, prosecutor, lawyer, or clerk who handles the case.
 - d) It is a violation of the law if a judge decides on a case if they have a close relationship with the parties involved, prosecutors, lawyers, or clerks who handle the case.
 - e) The judge cannot decide on a case if he participates in the trial process as a prosecutor, advocate, or court clerk in a lower court.
 - f) A judge who has handled a case or party affairs while carrying out other duties or working in another field before becoming a judge is not permitted to decide the case in that position.

- g) It is a violation of the law if the judge accepts anyone who appears to have special authority who can unfairly influence the judge in carrying out his/her judicial duties.
 - h) If a judge is currently or has previously been actively involved in an organization or community group, they are not permitted to preside over a case in which one of the parties is a group or association.
 - i) If a judge is or has ever been involved in a political party, he/she is not allowed to decide a case in which one of the parties is a political party.
 - j) Judges are prohibited from using their authority for their own financial interests or the interests of their families.
 - k) Judges are not allowed to allow third parties to create the impression that a person is in a unique situation that allows them to gain financial advantage.
 - l) If the judges have prejudices about one of the parties or are aware of relevant facts or evidence, then they are not allowed to try the case.
 - m) Although the clause does not impact the execution of judicial duties, judges are barred from receiving promises, gifts, grants, gifts, loans, or other perks, especially those of a routine or on going nature, from the Regional Government.
- 6) Regarding the implementation of high integrity, the Chief Justice, as long as the case is not related to a case currently being tried or is believed to be submitted to the Court, can establish good relations with the executive and legislative parties and provide information, considerations, and legal advice.
- f. Behave responsibly.
 - 1) This includes the willingness to carry out the duties of anyone under their jurisdiction and their responsibilities as best they can, and having the courage to face any impacts of those actions.
 - 2) The obligations of judges in implementing responsible behavior are:
 - a) Judges are prohibited from abusing their positions for their own interests, those of their families, or those of other parties.
 - b) It is a violation of the law for judges to disclose or use personal information to which they have been granted access for purposes unrelated to their legal responsibilities.
- g. Behaving in a manner that upholds self-respect
 - 1) This means that everyone has an obligation to protect and uphold human dignity and worth.
 - 2) Maintaining self-esteem is a virtue that will help shape strong and resilient human beings—especially judges—who will always maintain their honor and dignity as judicial authorities.
 - 3) The obligations of judges in implementing self-esteem are:
 - a) Both inside and outside the court, judges are responsible for upholding the legitimacy and authority of their profession and the judiciary.
 - b) Judges have an obligation to advise their relatives so that they do not carry out any activities that could take advantage of their position as judge.
 - 4) Prohibitions for judges in implementing behavior that upholds their own values are:

- a) Judges are not permitted to be involved in business or financial matters that enable them to obtain benefits from their position as judges.
 - b) Judges are prohibited from working as advocates or in other capacities related to the case.
 - c) Judges are not allowed to work or perform duties related to advocacy until:
 - 1) the judge becomes a party to the trial:
 - 2) provides free legal advice to friends or family of fellow judges who have legal problems.
 - d) Unless they are functioning in a capacity specifically mandated or authorized by law or other regulation, judges are not permitted to serve as arbitrators in their respective capacities.
 - e) Unless they are performing a role specifically mandated or authorized by law or other regulation, judges are not permitted to serve as mediators in their own capacities.
 - f) Judges are not permitted to act as executors, administrators, or other personal agents, except for the personal affairs of their family members, and may only do so if such matters do not unduly interfere with their ability to carry out their duties.
 - g) Judges may not hold two concurrent positions as regulated in statutory regulations.
- 5) Former judges are encouraged to adopt self-respecting behavior and, as far as possible, not to become advocates in the courts, especially in the judicial environment where they have served, for at least two (2) years after retirement or dismissal as judges.
- h. Behaving in a disciplined manner
- 1) means obeying the customs or laws that are viewed as a noble calling to fulfill the mandate and trust of the justice-seeking community.
 - 2) Strong discipline will encourage the development of people who obey procedures, are sincere in their work, aspire to be role models for others around them, and do not abuse the trust that has been given to them.
- i. Behave humbly.
- 1) This means being humble towards one's own shortcomings, avoiding perfection, and avoiding all arrogance.
 - 2) A realistic mindset that is willing to learn new things, appreciate other people's points of view, is tolerant of others, and is aware of the need for gratitude, simplicity, and sincerity in completing work, all of which will be fostered by humility.
 - 3) Judges are required to behave humbly and sincerely; Their work is a mandate that will make them responsible to society and God Almighty, not just to earn a living.
 - 4) Judges must act humbly and refrain from acting in a way that can make them liked, recognized, or flattered by others.
- j. Professional.
- 1) This refers to a moral mindset that is based on a commitment to completing the chosen task earnestly, supported by competence derived from comprehensive knowledge, ability, and insight.

- 2) A professional attitude will foster individuals who always uphold the quality of their work and strive to improve their skills and abilities, thus facilitating the achievement of the best work results efficiently and successfully.

In order for the intent and purpose of KEPPH to be intended for Judges, it is necessary to pay attention to and adapt it to the values, norms, and special provisions that apply in military life by adhering firmly to the explanation of the obligations and limitations for Judges. Assessing from the 10 (ten) principles of KEPPH. The TNI, which is essentially a TNI soldier, can be integrated and socialized well.

CONCLUSIONS

1. The birth of a high-achieving and honorable Military Judge (*Officium iudiciale*) is greatly influenced by KEPPH. The 10 (ten) principles of KEPPH can only be obtained by military judges through recruitment, selection, coaching, and training continuously and continuously.
2. Prioritizing transparency, accountability, involvement, the right person in the right place, and objectivity will certainly result in the appointment of Military Judges who officially have the title of nobility. Recruitment, selection, and professional education must be carried out promptly and with demonstrable thoroughness. Although the recruitment and selection process has succeeded in producing Military Judges who uphold the principles of KEPPH and are God's representatives in front of the motherland, Military Judges are also human beings and are therefore susceptible to error. Therefore, they require continuous education and training. It is hoped that the achievements of this training and education will help build an extraordinary and contemporary Military Justice system.

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