



THE REPUBLIC OF INDONESIA
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

DECIDES:

To stipulate:
LAW ON JUDICIAL COMMISSION

CHAPTER 1
GENERAL PROVISIONS

Article 1

Hereinafter referred to as

1. Judicial Commission means a state institution as meant in the 1945 Constitution of Republic of Indonesia.
2. Supreme Court means the agent of judicial power as meant in the 1945 Constitution of Republic of Indonesia.
3. House of Representatives, hereinafter referred to as DPR, means the House of Representative as meant in in the 1945 Constitution of Republic of Indonesia.
4. Supreme judges mean the member judges of the Supreme Court.
5. Judges mean the supreme judges and judges of court bodies in all courts under the preview of the Supreme Court and judges of the Constitutional Court as meant in the 1945 Constitution of the Republic of Indonesia.
6. Courts mean court bodies under the preview of the Supreme Court, covering public court, religious court, military tribunal, and state administrative court as well as special court under the preview of the courts.
7. Days mean working days.

CHAPTER 2 POSITION AND STRUCTURE

Part One Position

Article 2

The Judicial Commission is a self-reliant state institute that is free from intervention or influence from other power in exercising its authority.

Article 3

The Judicial Commission is domiciled in the capital of Republic of Indonesia

Part Two Structure

Article 4

The Judicial Commission is made up of leaders and members.

Article 5

The leader of the Judicial Commission consist of a chairman and a deputy chairman that concurrently serve as members.

Article 6

- (1) The Judicial Commission has 7 (seven) members.
- (2) The members of the Judicial Commission shall be state officials.
- (3) The membership of the Judicial Commission as meant in paragraph (1) shall consist of former judges, law practitioner, law academicians and sosial members.

Article 7

- (1) The leadership of the Judicial Commission shall be elected from and by the members of the Judicial Commission.
- (2) The procedure of electing the leadership of the Judicial Commission is to be stipulated by the Judicial Commision.

Part Three Protocol and Financial Rights and Police Action

Article 8

The protocol position and financial rights of the chairman and members of the Judicial Commission shall be based on the law regulation applicable to state officials.

Article 9

All expenses incurred by the Judicial Commission are borne by the State Budget.

Article 10

- (1) The chairman, deputy chairman and member of the Judicial Commission can be arrested or detained only at the request of the Supreme Judge after receiving approval from the President, except when they are caught
 - a. red-handed committing a criminal offence, or
 - b. based on sufficient, preliminary evidence that they are believed to have committed a criminal offence punishable by death sentence or a criminal offence against state security.
- (2) The arrest or detention as meant in paragraph (1) shall be reported to the Supreme Judge 2 X 24 (twice within 24 hours) at the latest.

Part Four Secretariat General

Article 11

- (1) The Judicial Commission is assisted by a Secretariat General led by a Secretary General.
- (2) The Secretary General shall be chosen from a civil official.

Article 12

- (1) The Secretariat General is tasked to give technical and administrative support to the Judicial Commission.
- (2) Provisions on the organizational structure, tasks, responsibilities and work mechanism of the Secretariat General are to be stipulated by a Presidential Decree.

CHAPTER III AUTHORITY AND TASKS

Article 13

The Judicial Commission has the authority to:

- a. propose the appointment of Supreme Judges to the DPR; and
- b. uphold the honor and dignity of judges and control their attitudes.

Article 14

- (1) In carrying out the authority as meant in Article 13 letter a, the Judicial Commission is tasked to;
 - a. register Supreme Judge candidates;
 - b. select Supreme Judge candidates;
 - c. establish Supreme Judge candidates;
 - d. propose Supreme Judge candidates to the DPR.
- (2) When the term of office of Supreme Judge expires, the Supreme Court shall send the Judicial Commission a list of relevant Supreme Judge in no more than 6 (six) months before the term of office expires.
- (3) The tasks as meant in paragraph (1) shall be executed in no more than 6 (six) months after the Judicial Commission has received a notification from the Supreme Court about the vacant post of Supreme Judges.

Article 15

- (1) In no more than 15 (fifteen) days after receiving the notification about the vacant post of Supreme Judges, the Judicial Commission shall announce a plan to register Supreme Judge candidates for 15 (fifteen) consecutive days.
- (2) The Supreme Court, the Government, and the public can propose Supreme Judge candidates to the Judicial Commission.
- (3) The Supreme Judge candidates as meant in paragraph (2) shall be proposed in no more than 15 (fifteen) days after the plan to register Supreme Judge candidates as meant in paragraph (1) is announced.

Article 16

- (1) The Supreme Judge candidates proposed to the Judicial Commission shall meet requirements as Supreme Judges as meant in the existing law.
- (2) In addition to the requirements as meant in paragraph (1), the Supreme Judge candidates shall meet administrative requirements as follows:
 - a. a curriculum vitae, including work experience;
 - b. original diploma already validated;
 - c. a certificate of good health from a doctor working for a state hospital;

- d. a list of wealth and a source of income; and
- e. taxpayer code number.

Article 17

- (1) In no more than 15 (fifteen) days after the deadline for proposing the Supreme Judge candidates as meant in Article 15 paragraph (3), the Judicial Commission shall select the Supreme Judge candidates based on administrative requirements.
- (2) The Judicial Commission shall announce a list of Supreme Judge candidates that meet administrative requirements in no more than 15 (fifteen) days.
- (3) The public have the right to give information or views to the Supreme Judge candidates within 30 (thirty) day after the announcement as meant in paragraph (2) is made.
- (4) The Judicial Commission shall examine the truth of information or views from the public as meant in paragraph (3) in no more than 30 (thirty) days after the deadline for giving such information or views has passed.

Article 18

- (1) The Judicial Commission shall conduct a selection test on the quality and personality of Supreme Judge candidates who have met administrative requirements based on the given standards.
- (2) The Judicial Commission shall oblige Supreme Judge candidates to draw up a scientific work with the given topic.
- (3) The scientific work as meant in paragraph (2) shall reach the Judicial Commission in no more than 10 (ten) days before the selection test as meant in paragraph (1) is conducted.
- (4) The selection test as meant in paragraph (1) shall be conducted transparently in no more than 20 (twenty) days.
- (5) In no more than 15 (fifteen) days after the selection test as meant in paragraph (4) is completed, the Judicial Commission shall name and propose 3 (three) Supreme Judge candidates to the DPR for each vacant post of Supreme Judge, with a copy addressed to the President.

Article 19

- (1) The DPR shall determine the names of Supreme Judge candidates for further conveyance to the President in no more than 30 (thirty) days after receiving the names of Supreme Judge candidates as meant in article 18 paragraph (5).
- (2) The President shall issue a decree on the appointment of Supreme Judge candidates in no more than 14 (fourteen) days after receiving the names of Supreme Judge candidates proposed

by the DPR.

- (3) In case the period of times as meant in paragraph (1) has passed without the nomination of Supreme Judge candidates by the DPR, the President shall have the authority to appoint Supreme Judges from the candidates proposed by the Judicial Commission as meant in article 18 paragraph (5).

Article 20

In executing the authority as meant in Article 13 letter b the Judicial Commission shall be tasked to control the attitudes of judge in an effort to uphold their honor and dignity and improve their attitudes.

Article 21

In executing the authority as meant in Article 13 letter b the Judicial Commission shall be tasked to propose the imposition of sanction on judges to the leadership of the Supreme Court and/or the Constitutional Court.

Article 22

- (1) In conducting the control as meant in Article 20, the Judicial Commission shall
 - a. receive tip-offs from the public about the attitudes of judges;
 - b. ask for periodic reports from court bodies about the attitudes of judges;
 - c. examine alleged violations of codes of ethic by judges;
 - d. summon and ask for information from judges who have allegedly violated codes of ethic; and
 - e. make reports on the result of examination in the form of recommendations to the Supreme Court and/or Constitutional Court, with copies addressed to the President and the DPR.
- (2) In conducting the control as meant in paragraph (1), the Judicial Commission shall
 - a. comply with norms, laws and regulations; and
 - b. keep the confidentiality of information which because of its nature constitutes the confidentiality of the Judicial Commission and is obtained based on its position as a member.
- (3) The execution of tasks as meant in paragraph (1) shall not reduce the freedom of judges in examining and deciding cases.
- (4) Court bodies and judges shall give information or data requested by the Judicial Commission to control the attitudes of judges in no more than 14 (fourteen) days after receiving the request from the Judicial Commission.
- (5) If the court bodies or judges fail to meet the obligation as

meant in paragraph (4), the Supreme Court and/or the Constitutional Court shall issue a warning forcing the court bodies or judges to give the requested information or data.

- (6) If the court bodies or judges continue to ignore the obligation despite the warning as meant in paragraph (5), the leaders of the relevant court bodies or the relevant judges shall be subject to sanction in accordance with the law and regulation in the personnel field.
- (7) All the information and data as meant in paragraph (4) shall be confidential in nature.
- (8) The procedure of executing the tasks as meant in paragraph (1) is to be stipulated by the Judicial Commission.

Article 23

- (1) According to the levels of violations committed, the proposed sanction against the judges as meant in Article 21 may be in the form of;
 - a. written warning;
 - b. suspension; or
 - c. dismissal.
- (2) The proposal for the imposition of sanction as meant in paragraph (1) letter a along with reasons for committing the violations shall be binding and be conveyed by the Judicial Commission to the leadership of the Supreme Court and/or the Constitutional Court.
- (3) The proposal for the imposition of sanction as meant in paragraph (1) letter b and letter c shall be conveyed by the Judicial Commission to the Supreme Court and/or the Constitutional Court.
- (4) The judges who will receive the sanction as meant in paragraph (3) shall given an adequate chance to make self defence before the Honorary Council of Judges.
- (5) If the self defence is rejected, the Supreme Court and/or the Constitutional Court shall convey the proposal for the dismissal of the judges to the President in no more than 14 (fourteen) days after the Honorary Council of Judges reject the self defence.
- (6) The President shall issue a decree on the dismissal of the judges in no more than 14 (fourteen) days after receiving the proposal from the Supreme Court.

Article 24

- (1) The Judicial Commission may ask the Supreme Court and/or the Constitutional Court to give awards to judges in recognition of their achievements and services in upholding their honor and

dignity and controlling their attitudes.

- (2) The criteria of granting such awards are to be stipulated by the Judicial Commission.

Article 25

- (1) Any decision of the Judicial Commission shall be made by means of deliberations to reach an agreement.
- (2) If no decision can be made by means of deliberations, such a decision shall be based on majority votes.
- (3) The decision as meant in paragraph (2) will be valid if the meeting is attended by at least 5 (five) members of the Judicial Commission, except decisions on the nomination of Supreme Judge candidates to the DPR and on the proposal for the dismissal of Supreme Judges and/or Constitutional Court Judges with the meeting attended by all members of the Judicial Commission.
- (4) In case of 3 (three) consecutive delays in the implementation of decisions on the nomination of Supreme Judge candidates to the DPR and on the proposal for the dismissal of Supreme Judges and/or Constitutional Court Judges, the decisions shall be considered valid if the meeting is attended by 5 (five) members.

CHAPTER IV APPOINTMENT AND DISMISSAL

Part One Appointment

Article 26

Members of the Judicial Commission shall meet the following requirements:

- a. Indonesian citizen;
- b. religiously devout;
- c. aged a minimum of 40 (Forty) and a maximum of 68 (Sixty eight) at the time of being elected;
- d. having experience in the field of law for a minimum of 15 (fifteen) years;
- e. having no disgraceful integrity and personality;
- a. physically and mentally healthy;
- g. never being sent to jail for committing a criminal offence; and
- h. reporting a list of their wealth

Article 27

- (1) The President appoints members of the Judicial Commission with approval from the DPR
- (2) The DPR shall give the approval as meant in paragraph (1) to the President in no more than 45 (forty five) days after receiving the candidates nominated by the President for the membership of the Judicial Commission.
- (3) The President shall issue a decrees on the appointment of members of the Judicial Commission in no more than 15 (fifteen) days after receiving the approval from the DPR as meant in paragraph (2).

Article 28

- (1) Before nominating candidates for the membership of the Judicial Commission to the DPR, the President shall form a Committee for selecting Members of the Judicial Commission.
- (2) The Committee as meant in paragraph (1) shall consist of elements from the government, law practioners, law academicians, and society members.
- (3) The Committee is tasked to:
 - a. announce a plan to recruit members of the Judicial Commission within a period of 15 (fifteen) days;
 - b. register and select candidates for the membership of the Judicial Commission in terms of administrative requirements, quality, and integrity within a period 60 (sixty) days after the announcement on the recruitment of members of the Judicial Commission is over;
 - c. determine and submit as many as 14 candidates for the membership of the Judicial Commission by observing the lineup of the Judicial Commission as meant in Article 6 paragraph (3) in no more than 30(thirty) days.
- (4) In carrying out its tasks as meant in paragraph (3) the committee shall work transparently by involving the public.
- (5) In no more than 15 (fifteen) days after receiving the names of candidates from the committee, the President shall propose as many as 14 candidates for the membership of the Judicial Commission as meant in paragraph (3) letter c to the DPR.
- (6) The DPR shall select and determine 7 (seven) candidates for the membership of the Judicial Commission in no more than 30 (thirty) days after receiving a proposal from the President.
- (7) In no more than 15 (fifteen) days after the end of election date the leadership of the DPR shall submit the elected candidates to the President for endorsement.
- (8) The President shall endorse the elected candidates in no more

than 15 (fifteen) days after receiving a letter from the leadership of the DPR.

Article 29

The term of office of members of the Judicial Commission is 5 (five) years and they can be re-elected for one term of office.

Article 30

- (1) Before assuming their post, members of the Judicial Commission shall take a joint oath of pledge according to their religion before the President.
- (2) Members of the Judicial Commission who fall to take a joint oath or pledge as meant in paragraph (1) due to an unavoidable reason shall take an oath or pledge before the Chairman of the Judicial Commission.
- (3) The oath or pledge as meant in paragraph (1) shall read as follows:
 - "I sincerely swear/pledge that I, to execute these tasks, directly or indirectly, by using any name or way, will neither give nor pledge anything to anybody'.
 - "I swear/pledge that I, to do or not do anything in these tasks will never directly or indirectly receive any pledge or give from anybody".
 - "I swear/pledge that I will be loyal to and will defend and practice Pancasila as a state foundation, the 1945 Constitution of the Republic of Indonesia, as well as laws and regulations prevailing in the Republic of Indonesia'.
 - "I swear/pledge that I will always execute my tasks and authority, seriously, thoroughly, objectively, honestly, bravely and fairly without discriminating against posts, tribes, religions, ethnic groups, genders and certain groups and will perform my obligations properly with a full sense of responsibility to God Almighty, the public, the nation and the state".
 - "I swear/pledge that I will always reject or will not receive or will be unwilling to be influenced by intervention by anybody and I will remain firm to execute my authority and tasks mandated by the law to me".

Article 31

Members of Judicial Commission are banned from concurrently becoming:

- a. state official or administrator in accordance with the law;
- b. judge;
- c. lawyer;

- d. notarial public and/or conveyancer of land titles;
- e. entrepreneur, manager or employee of state private firm;
- f. civil servant; or
- g. member of political party's executive board.

Part 2 Dismissal

Article 32

The chairman, deputy chairman and members of the Judicial Commission are honorably dismissed from their posts by the President at the proposal of the Judicial Commission:

- a. if they die;
- b. at their own request;
- c. because of chronic physical or mental illness; or
- d. if their terms of office expires.

Article 33

(1) The chairman, deputy chairman and members of the Judicial Commission are dishonorably dismissed from their posts by the President with the approval of the DPR at the proposal of the Judicial Commission if they:

- a. violate of the official oath;
- b. are sent to jail for committing a criminal offence based on a court verdict with irrevocable power;
- c. commit disgraceful deeds;
- d. continue to ignore their obligations in carrying out their tasks and jobs; or
- e. violate a ban on dual position as meant in article 31.

(2) A proposal for the dishonorable discharge due to the reasons as meant in paragraph (1) letter c and letter d is made after relevant party is given an adequate changes to make self defence before the Honorary Council of the Judicial Commission.

(3) The organizational structure and work mechanism as well as the procedure of forming the honorary Council of the Judicial Commission are to be stipulated by the Judicial Commission.

Article 34

(1) Before being dishonorably discharged as meant in Article 33 paragraph (1), the chairman, deputy chairman and member of the Judicial Commission can be suspended from their posts by the President at the proposal of the Judicial Commission.

- (2) The proposal for the suspension as meant in paragraph (1) shall also be subject to provisions as meant in Article 34 paragraph (2).

Article 35

- (1) In case of an order for the arrest and detention of a member of the Judicial Commission, the relevant member of the Judicial Commission shall be suspended from his/her post.
- (2) If a member of the Judicial Commission is brought to justice for a criminal offence without being detained as meant in Penal code, the relevant member of the Judicial Commission may be suspended from his/her post.

Article 36

The honorable discharge, dishonorable discharge and suspension as well as the rights of members of the Judicial Commission in their capacity as state officials are treated in accordance with the existing law.

Article 37

- (1) In case of the vacant post of member of the Judicial Commission, the President shall propose candidates twice as many as the number of vacant post to the DPR as replacement.
- (2) The procedures of nominating candidates as replacements and of selecting candidates for the membership of the Judicial Commission shall follow provisions in Article 26, Article 27 and Article 28.

CHAPTER V

RESPONSIBILITY AND REPORT

Article 38

- (1) The Judicial Commission shall be responsible to the public through the DPR.
- (2) To take the responsibility to the public as meant in paragraph (1) the Judicial Commission shall
 - a. publish an annual report; and
 - b. provide access to complete and accurate information.
- (3) The report as meant in paragraph (2) letter a shall at least contain
 - a. a report on the use of budget;
 - b. data related to its control activities; and

- c. data related to the recruitment of Supreme Judges.
- (4) The report as meant in paragraph (2) letter a shall also be conveyed to the president.
- (5) The finance of the Judicial Commission shall be audited by the State Audit Board in accordance with the existing law.