

The Independence and Accountability of the Judge's Decision in The Process of Law Enforcement in Indonesia

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Abstract: This research examines problems about 1). How is the independence and accountability of judges in the decision-making process in the examination of cases ?, 2). How is the independence and accountability of judges in deciding cases equitably ?, 3). What factors influence the independence and accountability of judges in deciding cases? The purpose of this study, intends to understand, analyze and find facts and theories, regarding the independence and accountability of judges in terms of decision making in the examination of cases, in terms of deciding cases in a fair manner and in terms of factors that influence in deciding cases.

Keywords: Independence, Accountability, Judge's Decision

Date of Submission: 06-01-2020

Date of Acceptance: 21-01-2020

I. INTRODUCTION

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, states that the Republic of Indonesia is a State of Law. The rule of law is the rule of law of the Pancasila, namely Indonesia as a state based on Pancasila as the state ideology.¹

One branch of state power in the practice of administering state power is judicial power. Judicial power according to the Indonesian constitutional system is an independent power exercised by the Supreme Court and the judicial body under it, and by a Constitutional Court, to administer justice to uphold law and justice.

The independence and accountability of judicial authorities in Indonesia are also emphasized in Law Number 48 of 2009 concerning Judicial Power as well as in Law No. 3 of 2009 concerning the Second Amendment to the Law. No. 14 of 1985 concerning the Supreme Court.

In Article 1 point 1 of Law No. 48 of 2009² concerning Judicial Power is emphasized that: Judicial power is the power of an independent state to administer justice to enforce law and justice based on the Pancasila and the 1945 Constitution of the Republic of Indonesia, for the sake of the implementation of the Republic of Indonesia.

The independence and accountability of judicial power guaranteed by the basic law of the state and the legislation below, is a guideline for court judges of the judiciary in all judicial environments in carrying out the functions of power in the field of justice.

II. STATEMENT OF THE PROBLEM

1. What is the independence and accountability of judges in the decision making process in the case investigation?
2. How is the independence and accountability of judges in deciding cases equitably?
3. What factors influence the independence and accountability of judges in deciding cases?

¹Pasal 1 ayat (3) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

²Pasal 1 Butir 1 Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman. Lembar Negara Republik Indonesia Tahun 2009 No. 157. Tambahan Lembar Negara No. 5076.

III. THEORETICAL FRAMEWORK

A. Theoretical Basis

1. Rule of Law Theory

Fahmiron³, in relation to the rule of law, said that in order to realize the goal of the state as a rule of law, a judicial institution was formed which assumed the task and authority to enforce the law. The authority of judicial bodies is one of the characteristics of a state that calls itself a rule of law.

H. La Ode Husen⁴, explained that the term of the rule of law that is used, can be analogous to the equivalent used in foreign languages in Continental European countries or countries adopting Civil Law systems, among others in the Dutch language known as *Rechtsstaat* which is contrasted with the term *machstaat*, in Germany it is called *Rechtsstaat*, in French it is called *Etat de Droit*, in Italian it is called *Stato de Diritto*.

In countries that adhere to the common law or the Anglo-Saxon legal system, among others, England and America, the rule of law is termed the rule of law. For countries that are socialist, the rule of law is termed socialist legality, and for countries that embrace Islamic ideology, the rule of law is termed the terminology of Islamic Nomocracy (the Moslem Country).⁵

2. Judge Independence Theory

It can be said that the independence of judges in judicial institutions is an important issue for countries that embrace the rule of law whether it is *rechtsstaat*, rule of law, socialist legality, nomocracy or the rule of law of Indonesia. Imagine, because it is on the shoulders and hammers of the trial the judge is expected by the state and society to uphold law and justice.

In this regard, HF Abraham Amos, said that the independence of the judiciary is one of the important pillars in the rule of law, because after all the external factors of the independence of the apparatus and the judiciary are an inseparable part of the community's assessment, and if a judge's decision is not in accordance with reality applies in a sovereign society, where it is also certain that it can lead to various forms of controversy in the opinion that the judiciary has no objective value in deciding cases.⁶

H. Ahmad Kamil⁷, argued that the independence of judicial authority (hereinafter referred to as independence) has long been deemed necessary in the justice system, but the concept did not receive significant attention in practice. However, the independence of judicial power as a concept has received full attention and is a subject of study.

Bagir Manan⁸, in this connection, said that because of the independence of the judiciary power is more about a perception than reality. That thinking is included in the reasons for guessing whether a trial has been biased or biased.

The independence of judicial and / or judicial authority must be placed on the principle of:

a. The independence of the judiciary from various pressures from other institutions, politically from other state power circles and / or other pressure groups from within the community.

b. The independence of a judge as an official authorized by the state to provide justice for litigants.

The modern conception of the independence of judicial power cannot be limited to the independence of individual judges and to their personal or substantive independence. The independence of the judicial authority should also include collective independence from the judicial authority itself as a branch of state power.

3. Judge's Accountability Theory

Referring to the concept of independence of judicial power, it can be taken into understanding that the independence of judicial power (independence of judiciary) must be balanced with judicial accountability. In this connection then gave birth to the concept of accountability or judicial accountability.

Barda Nawawi Arief⁹ explained about the accountability of judicial judges that accountability is not only related to the issue of individual responsibility, but also institutional responsibility. Individual responsibility requires

³Fahmironi. (2016). Independensi dan Akuntabilitas Hakim dalam Penegakan Hukum Sebagai Wujud Independensi dan Akuntabilitas Hakim. *Jurnal Litigasi, Universitas Pasundan, 17*(2), p. 3467. doi: <http://dx.doi.org/10.23969/litigasi.v17i2.158>

⁴Husen, La Ode. (2019). *Negara Hukum, Demokrasi dan Pemisahan Kekuasaan*. Makassar: CV. Social Politic Genius (SIGn), p. 1 – 5.

⁵Azhary, Muhammad Tahir. (2009). *Negara Hukum: Suatu Studi tentang Prinsip-Prinsipnya Dilihat dari Segi Hukum Islam, Implementasinya pada Periode Negara Madinah dan Masa Kini*. Jakarta: Kencana Prenada Media Group, p. 49.

⁶Amos, H. F. Abraham. (2007). *Katastropi Hukum & Quo Vadis Sistem Politik Peradilan Indonesia: Analisis Sosiologi Kritis terhadap Prosedur Penerapan dan Penegakan Hukum di Indonesia*. Jakarta: PT. Raja Grafindo Persada, p. 331.

⁷Kamil, Ahmad. (2012). *Filsafat Kebebasan Hakim*. Jakarta: Kencana Prenada Media Group, pp. 202 – 207.

⁸Manan, Bagir. (1997). *Peranan Hukum Administrasi Negara dalam Pembentukan Peraturan Perundang-Undangan di Indonesia*. Jakarta: Ind-Hill Co., p. 78.

the maturity of moral integrity and conscience of the parties involved in the administration / justice process. Institutional responsibility requires good judicial management / administration to support sustainable development.

Based on the understanding described above it can be said that justice accountability includes:

- a. Accountability associated with individual or personal responsibilities. The essence of accountability lies in developing moral commitment and conscience.
- b. Accountability related to institutional responsibility. The essence of accountability is addressed to the public about how justice institutions carry out their duties and responsibilities in the administration of good judicial management and administration.

The existence of accountability is important to ensure that the authority of judicial authority is properly implemented and resources are used properly. Thus the independence of judicial power is not used for other matters outside the interests of upholding law and justice. This has become one of the important parameters regarding whether or not the independence of the judicial authority is realized in the practice of conducting justice. If there is no mechanism, there is a concern that there will be a "judicial tyranny" which in the end will just break down the principle of independence of the judiciary itself.

According to Muladi¹⁰, the independence of judicial power is part of the effort to protect human rights, but simultaneous with the independence of human beings is also questioning to what extent such independence also contains responsibility. Judicial liability is basically a "value laden concept" that reflects a certain relationship between judges and social values.

4. Legal Purpose Theory

Algra¹¹, stated that in its function as a protection of the interests of human law has a purpose. The law has a goal to be achieved. The main purpose of law is to create an orderly community order, creating order and balance. The achievement of order in society is expected to protect human interests. To achieve this goal the law is tasked with dividing rights and obligations between individuals in society, sharing authority and regulating how to solve legal problems and maintaining legal certainty.

Another with Soerojo Wignjodipoero¹², who said that the goal of law is oriented to two goals, namely the first target with the aim of justice, the second target is the benefit or usefulness besides justice, usefulness and certainty, with the terminology of conventional legal teachings and modern legal teachings with priority goals.

Apart from the aforementioned views, a further systematic theory of legal objectives is elaborated as follows:

a. Legal Purposes According to Justice Theory

One supporter of ethical theory, is Francois Geny. Van Apeldoorn, said that according to ethical theory the law was solely aimed at justice. The content of the law is determined by our ethical beliefs about fair and unjust. In other words, law according to this theory aims to realize or realize justice.¹³

1) Plato's Theory of Justice

Plato in his writings entitled *Georgias*, which was later recorded in a book called *Republic*, gave a doctrine of justice based on goodness. In realizing justice requires retaliation in every evil behavior, but the retaliation is carried out to realize goodness, besides that Plato also stressed the principle of high morality by emphasizing that it is better to suffer in justice than to do it, and that it is better to obey the law which is legitimate rather than evasive from it.¹⁴

2) Aristotle's Theory of Justice

Aristotle's opinion of justice can be found in his *nichomachean ethics*, politics, and rhetoric. Specifically it can be seen in the book *Nicomachean ethics*, the book is entirely devoted to justice, which is based on Aristotle's legal philosophy, even though it is considered the core of his legal philosophy, because law can only be determined in relation to justice.¹⁵

Justice according to Aristotle's¹⁶ view is divided into two types of justice, distributive justice and commutational justice. Distributive justice is justice that gives each person a portion according to his

⁹*Ibid.*

¹⁰*Ibid.*

¹¹Algra, Nikolaas Egbert. (1983). *Mula Hukum*. Bandung: Bina Cipta, p. 256.

¹²Mertokusumo, Sudikno. (2004). *Penemuan Hukum Sebuah Pengantar* (2 ed.). Yogyakarta: Liberty, p. 48.

¹³Wignjodipoero, Soerojo. (2005). *Pengantar Ilmu Hukum*. Jakarta: Gunung Agung, pp. 10 – 12.

¹⁴Kelsen, Hans. (2008). *Teori Hukum Murni: Dasar-Dasar Ilmu Hukum Normatif*. Bandung: Nusamedia& Nuansa, p. 116.

¹⁵Friedrich, Carl Joachim. (2004). *Filsafat Hukum: Perspektif Historis* (RaisulMuttaqien, Trans.). Bandung: Nuansa dan Nusamedia, p. 239.

¹⁶Apeldoorn, Lambertus Johannes van. (1985). *Pengantar Ilmu Hukum*. Jakarta: PT. Pradnya Paramita, pp. 11 – 12.

achievements. Commutational justice gives as much to each person regardless of their achievements in this regard as to the role of the exchange of goods and services.

3) Roscoe Pound's Theory of Justice

Roscoe Pound¹⁷, sees justice in the concrete results that are usually given to the public. Yes, see that the results obtained should be in the form of satisfying human needs as much as possible with the smallest sacrifice. Roscoe Pound himself said that he was pleased to see, the increasingly widespread recognition and satisfaction of human needs, demands or desires through social control; increasingly widespread and effective guarantee of social interests; an attempt to eliminate continuous and more effective waste and avoid clashes between people in enjoying resources, in short, more effective social engineering.

4) John Rawls Justice Theory

The concept of justice put forward by the American philosopher at the end of the 20th century, was by John Rawls, in his books *A Theory of justice*, *Political Liberalism*, and *The Law of Peoples*, which gave a considerable influence on the discourse of the values of justice.¹⁸

John Rawls¹⁹, who is seen as a liberal perspective on egalitarian of social justice, argues that justice is the main virtue of the presence of social institutions. However, virtue for the whole society cannot rule out or challenge the sense of justice of everyone who has obtained a sense of justice. Especially the weak people seeking justice.

5) Hans Kelsen's Theory of Justice

Hans Kelsen²⁰ in his book *General Theory of Law and State*, believes that law is a social order that can be declared fair if it can regulate human actions in a satisfactory way so that they can find happiness in them.

According to Hans Kelsen²¹ that the dualism between positive law and natural law makes the characteristics of natural law similar to the metaphysical dualism of the world of reality and the world of Plato's model ideas. The heart of Plato's philosophy is his doctrine of the world of ideas. Containing profound characteristics. The world is divided into two different fields: the first is the visible world that can be captured through the senses called reality; the second is the world of ideas that are not visible.

b. Legal Purposes According to Utility Theory

Adherents of the theory of Utilities, including Jeremy Bentham. Utilistic legal goal theory, wants to guarantee as much happiness as possible for humans in the greatest number (the greatest good of the greatest number). The legal purpose of this theory is that law must provide as much happiness, benefits and pleasure for humans as possible.

Utilistic theory is oriented towards the purpose of law to provide benefits and or happiness for the community. The law must be able to provide the maximum benefit for human happiness. Therefore, in general, he views this theory as a theory aimed at expediency.

According to utilitarianism, if a machine is measured by its utility, then social institutions, including legal institutions, must also be measured by its benefits. Therefore, the element of "benefit" (utility) is a criterion for humans to obey the law "and the test of what laws are there to be, and what laws are to obeyed, was utility"²²

c. The Purpose of Law According to Positivism Theory

Positivism theory or also commonly called juridical-normative theory with the aim of definite legal law, is derived from the flow of legal or positivistic positivism which tends to see law as something that is autonomous, independent. For adherents of this theory the law is nothing but a collection of rules, therefore, the law is nothing but just aimed at realizing certainty. He identified the law with the official rules that were put in place.

d. Theory of Legal Purpose Priority Scale

Theory of priority legal objectives, looking at legal objectives must be scaled according to their priorities. This theory is divided into two streams, namely standard priority scale flow and casuistic priority scale. The standard priority scale flow recognizes that the three objectives of law, justice, expediency and

¹⁷Pound, Roscoe. (1978). *An Introduction to the Philosophy of Law*. New Haven: Yale University Press, p. 47.

¹⁸Faiz, Pan Mohamad. (2009). Teori Keadilan John Rawls. *Jurnal Konstitusi, Mahkamah Konstitusi RI*, 6(1), p. 135.

¹⁹*Ibid.*, pp. 139 – 140.

²⁰Rawls, John. (2006). *Teori Keadilan: Dasar-Dasar Filsafat Politik untuk Mewujudkan Kesejahteraan Sosial dalam Negara* (Uzair Fauzan & HeruPrasetyo, Trans.). Yogyakarta: Pustaka Pelajar, p. 219.

²¹*Ibid.*, p. 115.

²²Mill, John Stuart. (1962). *Utilitarianisme on Liberty, Essay on Bentham*. New York: World Publishing Company, p. 140.

certainty are general objectives of the law, however, in the implementation of the law it is necessary to consider priorities that must take precedence. certainty, then its benefits must come first.²³

5. Law Enforcement Theory

Muladi²⁴, law enforcement itself must be seen in a broad framework. First of all it must be interpreted as a “total enforcement concept”, where the judge is expected to enforce the law as a whole both the norms and all values that are behind the norm. This is not possible, because the law in the framework of “due process of Law” also limits itself (self derogated), among others, with strict procedural law. Second, the full enforcement concept “which is expected to be fully enforced, after experiencing” self derogated “turns out to have a” gray area “which is full of discretion due to various limitations both in the fields of legal substance, structure and legal culture. What remains is the” actual enforcement concept “.

a. Responsive Law Enforcement Theory

This responsive legal theory was born with the background of social problems in the United States in the 1950s such as mass protests, poverty, crime, environmental pollution, urban unrest, and abuse of power by the government at that time. The law in force at the time was apparently not able to accommodate these problems. In order to solve this problem two legal experts namely Phillip Nonet and Philip Selznick are trying to find a way to change so that the law can overcome these problems.

A responsive institution maintains strong things that are essential for its integrity while still paying attention to the existence of new forces in its environment. To do this, responsive law strengthens the ways in which openness and integrity can support each other despite the conflict between the two. Responsive institutions consider social pressures as a source of knowledge and opportunities for self-correction. Furthermore, the application of responsive legal theory can have implications for the reconstruction of policies that are no longer in accordance with the times, or in other words are no longer feasible for society.²⁵

b. Progressive Law Enforcement Theory

Progressive law does not accept law as an absolute and final institution, but is largely determined by its ability to serve humans. In that context of thought, law is always in the process of continuing to be or develop. Law is an institution that continually builds and transforms itself towards a better level of perfection. This quality of perfection can be verified in terms of justice, welfare, care for the people and so on. This is the nature of the law which is always in the process of becoming (law as a process, law in the making). The law does not exist for oneself, but the law is to serve humans.²⁶

c. Theory of Integrative Law Enforcement

Integrative legal theory, proclaimed by Romli Atmasmita starting from the view of the two theories above, namely the theory of development law and progressive legal theory that was coined by Mochtar Kusumaatmadja and Satjipto Rahardjo. In development law theory starts with systems of norm, progressive legal theory starts with system behavior, while integrative law theory Romli adds that law must also start with system of values.²⁷

B. Judicial Power in Indonesia

The theory of judicial power, is a derivation or derived from the theory of division of power and / or separation of power (Division or Separation of Power) as taught by John Locke and De La Montesquieu.

This is in line with the thinking of H. Lao Ode Husen²⁸, that John Locke in his book entitled “Two Treaties of Government”, has proposed that power within a country be distributed and / or divided into several different state organs.

The birth of judicial power as part of the executive branch of power according to the theory of John Locke, was motivated by absolute king power. Therefore, it is natural that originally the judicial power was as part of the executive power (Executive Power) in the hands of the king, revoked alias taken over and handed over to the new state organ namely the judiciary as the executor of judicial power.

Satjipto Rahardjo²⁹, said that it is no exaggeration to say that the principle of law is at the heart of the rule of law. He said so because he is the broadest foundation for the birth of a rule of law. With the principle of law, the law is not just a collection of regulations, it is caused by the principle that contains ethical values and demands.

The exercise of judicial power must be carried out based on the principles of law and legislation that apply positively in the area of judicial power. In this way, the exercise of independent and accountable judicial power can be expected by justice seekers.

²³ *Ibid.*, p. 35.

²⁴ *Ibid.*

²⁵ S., Ahmad Gunawan B., & Ramadhan, Mu'ammarr (Eds.). (2006). *Menggagas Hukum Progresif Indonesia*. Yogyakarta: Pustaka Pelajar, p. 1.

²⁶ *Ibid.*, p. 2.

²⁷ Atmasmita, Romli. (2012). *Teori Hukum Integratif*. Yogyakarta: Genta Publishing, p. 96.

²⁸ Husen, La Ode. (2019). *Op. Cit.*, p. 59.

²⁹ Rahardjo, Satjipto. (2007). *Biarkan Hukum Mengalir: Catatan Kritis tentang Pergulatan Manusia dan Hukum*. Jakarta: Kompas, p. 26.

C. Judges as Acting Judicial Power

Judges' profession is part of the legal profession group, so they must also comply with the code of ethics of the Indonesian judges profession. The professional code of ethics for judges in Indonesia has been prepared based on a joint decision between the Supreme Court and the Judicial Commission. The purpose of the code of ethics, so that judges as legal professionals can carry out functions based on the authority granted by legislation by upholding the ethical standards of the judge's profession.

An independent, neutral (competent), competent, transparent, accountable and authoritative court that is able to uphold the legal authority, legal protection, legal certainty and validity is a *conditio sine qua non* or absolute requirement in a state based on law. The court as a main pillar in law enforcement and justice as well as the process of national civil development.

The upholding of law and justice and respect for the nobility of human values are prerequisites for the establishment of the dignity and integrity of the State. And judges as the main actors and central figures in the judicial process always demanded to hone conscience, maintain integrity, moral intelligence and improve professionalism in upholding law and justice for the people at large. Therefore, all authority and duties possessed by judges must be exercised in order to uphold the law, truth and justice indiscriminately by not discriminating against people as regulated in a judge's oath, in which everyone is equal before the law and the judge.

The enormous authority and duties of the judge demanded a high level of responsibility, so that the court's decision pronounced in the words of "For Justice Based on Godhead" shows the obligation to uphold the law, truth and justice must be held horizontally accountable to all humans, and vertically accountable to God Almighty.

To realize a court as above, it is necessary to carry out maximally internal and external oversight duties by the Indonesian Supreme Court and the Indonesian Judicial Commission. The authority and supervisory duties are oriented to ensure that all judges as the main executors of the judicial function have high integrity, honesty and professionalism, so as to gain the trust of the public and justice seekers.

D. Independence and Accountability of Judges as Law Enforcers in the Judicial Power Environment

The independence of judges as executors of judicial power in Indonesia is inseparable from Montesquieu's teachings on the need to separate the powers of state institutions to guarantee the existence and implementation of political liberty for members of society as citizens.

Constitutional independence, is independence that is connected with the teachings of Trias Politia, with the system of division of power. Institutional judicial authority must be independent. Functional independence, relating to judges in their function as executors of judicial powers who must enforce the law in their decisions. Substantial independence related to the responsibility of judges in deciding cases must be clear legal basis. The personal independence of the judge is related to the integrity of the independence of the judge in carrying out its functions as the executor of judicial authority.

However, it is universally³⁰ recognized that the independence of judges in law enforcement is one element of the Principle of the Independence of the Judiciary which is one of the universal human rights documents.

The independence of judges in judicial power is part of efforts to protect human rights, but simultaneous with such independence humans also question to what extent this independence also contains responsibilities.

E. Judge's Decision

Judges as state officials who are given functions and authorities in the judicial field, in the judicial power system in Indonesia, have the functions and authorities given by the law to examine, hear and decide on cases according to their competence. Therefore, judges have a very urgent function in upholding law and justice in a judicial environment.

With regard to this matter, in Article 1 point 8 of Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP)³¹, it is explicitly stated that Judges are state court officials who are authorized by the law to adjudicate.

Doctrinally, the judge's decision is none other than the statement of the judge as a state court official, which is pronounced in an open court hearing, to settle or end a case.

With regard to judges' decisions in the Court, doctrinally, several related matters were found, including the principles of the decision. The judge in issuing a decision must pay attention to this matter.

³⁰Muladi. (2002). In *Tanggung Jawab Hakim sebagai Pejabat Negara dalam Sistem Peradilan Indonesia* (2 Oktober ed.). Jakarta: BPHN Departemen Kehakiman dan HAM.

³¹Pasal 1 Butir 8 Undang-Undang Republik Indonesia Nomor 8 Tahun 1981 tentang Hukum Acara Pidana. Lembar Negara Republik Indonesia Tahun 1981 No. 76. Tambahan Lembar Negara No. 3209.

Decisions of court judges, which can be implemented, are only final decisions that have permanent legal force (incraht van gewijks). Except from that, also the decision of the judge who took the petition to request the decision was immediately.

With regard to this matter, Abdulkadir Muhammad³², stated that decisions that have permanent legal force are those that according to the provisions of the law there is no longer any opportunity to use ordinary legal remedies against those decisions, while those that do not have permanent legal force are those that according to the provisions of the law are still open opportunities to use legal efforts to fight the decision, for example verzet, appeal and cassation.

Based on this, the implementation of the decision or execution is a forced act carried out by the court with the help of public power, in order to carry out the court's decision that has obtained permanent legal force, so that efforts and actions can be carried out.

IV.DISCUSION

A. Independence and Accountability of Judges in the Decision Making Process in Case Examination

The independence and accountability of judges in the decision-making process at the hearing of a case is an urgent matter to complete the examination of a case that is handled by them, both within the general court and in the special court environment.

The judge in leading the proceedings of the trial, after the process of proof at the trial is complete, then the judge is faced with assessing the facts and the evidence revealed at the trial in order to make a decision.

Regarding this matter, Sudikno Mertokusumo³³, Said that the judge in making a decision to end the examination of the case, was faced with an atmosphere of mysticism to find the law that would be determined in its decision.

When observing legal phenomena relating to the process of law enforcement through litigation, there are very many highlights and sharp criticisms aimed at the performance of judges as law enforcers in the judicial process. However, justifying this requires a scientific study.

For this reason, research has been carried out whose results can be described as follows:

Table 1. Knowledge of Respondents About the Independence of Judges as Law Enforcement in the Process of Deciding Cases

No	Statement	Frequency	Percentage
1	Knowing	89	84,76
2	Not knowing	15	14,28
3	Do not know	01	0,96
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the statement of the respondents as in table one above, it shows that 89 (eighty nine) respondents or 84.76% know about the independence of judges as law enforcers in the case process. More than 15 or 14.28% of respondents did not understand, and the rest 1 or 0.96% did not know.

The results of the study, showed that actually the public or respondents are popullist, the percentage is relatively general knowing about the independence of judges as law enforcers in the process of deciding cases that are confronted with them. Therefore, it is very natural, if the justiasibel community expects judges as case breakers to be able to uphold the law and justice independently and accountably through its decisions.

Judges should not argue about their independence, without being accompanied by moral awareness about their professional responsibility as law enforcers who have been sworn in according to the law and the teachings of their religion.

In this regard, the researcher has conducted research on the accountability of judges in carrying out their independence as law enforcers in deciding a case as follows:

³²Muhammad, Abdulkadir. (2000). *Hukum Acara Perdata Indonesia*. Bandung: PT. Alumni, p. 158.

³³Mertokusumo, Sudikno. (2004). *Loc. Cit.*

Table 2. Knowledge of Respondents About the Accountability of Judges as Law Enforcers in the Process of Deciding Cases

No	Statement	Frequency	Percentage
1	Knowing	90	86,26
2	Not knowing	15	12,18
3	Do not know	0	0
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Taking into account the results of the research in table two above, it shows that in general the public knows that judges must be accountable as law enforcers in the process of deciding a case.

The results of the study prove that 90 or 86.82% of the research respondents knew about the accountability of judges as law enforcers in the process of deciding a case, only 15 (12.18%) respondents did not know about it.

For more details about the knowledge and understanding of the public about the authority of judges as independent and accountable law enforcers, in the process of law enforcement in accordance with their authority, research results are needed on this matter, and for this reason, research has also been carried out regarding this matter, as stated in table three as follows:

Table 3. Knowledge of Respondents About Judges as Elements of Law Enforcement in Judicial Processes to Decide Cases

No	Statement	Frequency	Percentage
1	Including Law Enforcement	150	100
2	Not Included	0	0
3	Do not know	0	0
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

The data in table three above, shows that in general the public and especially research respondents, know and understand that judges are one element of law enforcement in the judicial power system in Indonesia, therefore it has become a necessity for judges in carrying out their functions of law enforcement independent and responsible.

The results of this study indicate that 100% of respondents know that judges are law enforcers, so expect that judges in carrying out their functions in terms of, examining, adjudicating and adjudicating cases are truly motivated by law enforcement, not other motivations, therefore, must be independent and accountable.

The function of judges as law enforcers is crucial for justice seekers in the process of law enforcement through the courts, because for the people who are faced with legal issues, they have high hopes on the judge as the breaker of a case before the court.

With regard to the urgency of the function of judges as law enforcers, research has been carried out for that matter, the results of which can be seen in table four as follows:

Table 4. Urgency of the Function of Judges in the Law Enforcement Process

No	Statement	Frequency	Percentage
1	Very urgent	150	100
2	Urgent	0	0
3	Less urgent	0	0
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on table four, the reality is that the public views that the function of judges as law enforcers is very urgent. in giving birth to a decision.

Public understanding of the urgency of the function of judges as law enforcers has an impact on the strength of community control over each decision, so it is not surprising that many judges' decisions receive public attention

The urgency of the authority of judges as law enforcers in Indonesia is seen by the public as determining the fate of justice seekers, however many are disappointed at the performance of judges as law enforcers.

In this regard, research has been conducted regarding the urgency of judges as law enforcers in the judicial process, as in table five as follows:

Table 5. The Urgency of Judges as Law Enforcement in Determining Judicial Processes

No	Statement	Frequency	Percentage
1	Very Decisive	150	100
2	Less Decisive	0	0
3	Not Specifying	0	0
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on table five above, it can be seen that in general the research community (respondents) holds that the urgency of judges as law enforcers in the judicial process is very decisive, it is evident that 100% of respondents think so.

So the public or respondents in general already understand that judges as law enforcers in the judicial process are very decisive functions, so that when judges are not independent and accountable in the implementation of their functions, it directly affects the law enforcement function through the judicial process.

If the judge does not carry out a fair, fair and impartial law enforcement function in the judicial process, it will invite serious attention by justice seekers, with various complaints about unjust judges. For this reason, judges are expected to carry out their law enforcement functions fairly and responsibly and with the dignity of professional dignity.

In this regard, researchers have conducted research as set out in table six as follows:

Table 6. Judges as Law Enforcement are Reflected in Their Decisions

No	Statement	Frequency	Percentage
1	Reflected	79	75,23
2	Less Reflected	17	16,19
3	Not Reflected	09	8,58
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on table six above, it is clear that judges' decisions reflect law enforcement, so that if judges' decisions are judged to be unfair and just, the judge is considered to have done the opposite as law enforcers, in the sense that judges' decisions can be seen in their reflection in the implementation of functions law enforcement from the judge.

This fact shows that 79 or 75.23% of respondents stated that law enforcement by the judge was reflected in the verdict, which said that it was not reflected as much as 17 or 16.19% of respondents stated that it was less reflected, while only 9 or 8.58% stated that it was not reflected.

Knowledge and understanding of the public about judges as law enforcers whose reflection can be seen from the verdicts that were born, the community can be of the view that judges' decisions can be judged fairly or vice versa based on judges' decisions. For this reason, research has been carried out in regard to the following matters:

Table 7. The Justice of the Judge's Decision Reflected in the Judgment

No	Statement	Frequency	Percentage
1	Reflected	51	48,57
2	Less Reflected	9	8,57
3	Not Reflected	45	0,58
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the results of research on whether the court judge's decision reflects justice, the facts show that the public or respondents think that the justice of the court judge's decision can be seen in the decision, as many as 51 (48.57%) respondents thought so, the remaining 9 or 8.57% opinion is not reflected, while those that are not reflected are 45 or 42.86%.

The opinion of these respondents, it can be interpreted that the justice of the court judge's decision can be seen or measured from the decision that was born, so that the judge's decision is closely related to the independence of judges who must be accounted for both on the side of God Almighty, and in the eyes of the public and especially for the justifiable.

Judges' decisions as law enforcers should reflect the values of justice, because those who are confronted with legal issues all expect good judges' decisions, their dictum is accompanied by clear legal considerations linked to facts revealed in the trial process.

To that end, researchers have sought respondents' opinions about the fairness of the judge's decision in the law enforcement process, reflected in the judge's decision, as in the following table:

Table 8. The Justice of the Judge's Decision in the Law Enforcement Process is Reflected in the Judgment Because of the Judge's Independence in Deciding the Case

No	Statement	Frequency	Percentage
1	Independence of Judges	71	67,68
2	Not Independence	30	28,51
3	Others	04	3,81
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the table eight, it shows that if the judge's decision in the process of law enforcement in the court reflects the value of justice, it is because of the independence of the judge in deciding the case, so that the judge if in carrying out his judicial function is not independent, then it is difficult to expect a fair decision.

The public or respondents view that the judge's decision as a law enforcer can give birth to a fair decision in the judicial process if it is independent, this can be seen as many as 71 or 67.68% of these views, the remaining 30 or 25.81% of respondents think not because of the judge's independence, and only 4 or 3.81% thought otherwise.

Decision of a fair court judge, is a decision based on the law handed down by a court judge based on evidence and legal facts that are revealed during the trial process before an objective and fair court forum. For this reason, researchers have conducted research in this regard, as stated in the table as follows:

Table 9. Implementation of Judge Independence Requires Accountability

No	Statement	Frequency	Percentage
1	Required	89	84,75
2	Required Enough	11	10,48
3	Others	05	4,77
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on table nine above, it can be seen that respondents who believe the independence of judges as law enforcers need accountability, are as many as 89 or 84.75%, assuming that enough is needed as much as 11 or 10.48%, the remaining 5 or 4.77% which says not needed.

This means that the public or respondents generally believe that the independence of judges must be accompanied by accountability, so that judges in carrying out their law enforcement functions are independent and accountable, so that judges do not take advantage of their independence at will, in the sense that they wish, but rather in their independence inherent in the obligation of accountability.

The implementation of the independence of judges in Indonesia has attracted much serious attention by observers of law enforcement in Indonesia, especially legal intellectuals from various universities, for example Soekarno Aburaera in his dissertation has written that if you lose a goat, then there is no need to be prosecuted because there is no possibility of confusion. you also lost.

In this regard, researchers have also conducted research on the need for independence and accountability of judges in the process of law enforcement in the court in order to give a fair and just verdict, as in table 10 as follows:

Table 10. Judge Independence and Accountability Needed in the Law Enforcement Process to Give birth to Fair and Fair Decisions

No	Statement	Frequency	Percentage
1	Required	81	77,14
2	Less Needed	19	18,10
3	Not Required	05	4,76
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Table ten shows that of 81 or 77.14% of the public or respondents argued that the independence and accountability of judges is needed in the process of law enforcement to give birth to a fair and just judge's decision, the remaining 19 or 18.10 respondents thought less needed, the remaining 5 or 4.76% think not needed.

Thus, it can be said that the public or respondents already view that the independence and accountability of judges is needed in the process of law enforcement to get a fair and just judge's decision.

Doctrinally in the khazana of jurisprudence, it has been learned that independence from the beginning was given by law to judges as law enforcers in exercising judicial power, containing suspicion of being abused, so accountability is needed. This means that in the independence of judges a professional accountability is demanded.

Because of this, it can be said that if the independence and accountability of judges are not implemented by judges in the law enforcement process, the verdict is doubted or even feared unfair and unjust.

In this regard, the researcher has examined whether the judge has been independent or functionally independent, institutionally and responsibly in deciding cases, the following results are obtained:

Table 11: Independence and Accountability of Judges in Functional and Institutional Personality in Deciding Cases

No	Statement	Frequency	Percentage
1	Already Independent and Accountable	50	47,61
2	Less Independent and Accountable	55	52,39
3	Others	0	0
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the eleventh table, it can be seen that respondents who declared independence and accountability of judges in functional and institutional personalities in deciding cases were 50 or 47.61%, the rest who stated less independent and accountable were 55 or 52.39%, meaning greater percentage which argues that the independence and accountability of the judge both personally functional and institutional in deciding the case.

Based on the results of the research above, related to the theory of independence and accountability of judges, it shows that the theory of the independence and accountability of judges as law enforcers in the decision-making process in case hearings is generally factually understood by the public, however, the implementation of the principle the independence and accountability of judges is seen as relatively lacking in its executive level.

Based on this research, the independence and accountability of judges as law enforcers in the process of giving birth to a decision, is relatively still less independent and accountable

B. Independence and Accountability of Judges in Deciding Case Equitable

The main function of a judge as a law enforcer is none other than to decide on a case he is handling or confronted with him in a fair trial or to decide a case fairly.

In this regard, the research has been carried out regarding how the independence and accountability of judges in deciding cases equitably, where the results of the research referred to are outlined in the following tables:

Table 12. Independence and Accountability of Judges Decide on Cases in the Judicial Process

No	Statement	Frequency	Percentage
1	Independent and Accountable	50	47,62
2	Less Independent and Accountable	42	40,69
3	Not yet Independent and Accountable	12	11,42
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the results of the questionnaire on 105 research respondents, it has been found empirical fact that 50 or 47.62% of respondents think that the judge has been independent and accountable in deciding the case. The statement referred to came from the respondent's element of court judges. However, from other respondents, from the non-court judge elements, namely advocates or justified parties and the judicial commission, argued that 43 or 40.96% of judges were still less independent and accountable in deciding cases, and there were also 12 or 11.42% of respondents even said no independent and accountable judge in deciding cases.

To be more synchronous to the statements of the respondents mentioned above, researchers have also examined the independence and accountability of judges in judicial practice, as set out in the table as follows:

Table 13. Independence and Accountability of Judges in Judicial Process

No	Statement	Frequency	Percentage
1	Independent and Accountable	50	47,62
2	Less Independent and Accountable	41	39,5
3	Not yet Independent and Accountable	14	13,33
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the statement of the respondents in the above table, it is closely related to the statements of the respondents in the previous table, where 50 or 47.62% of respondents view that the judge has been independent and accountable in judicial practice, the rest are 41 or 39.05% plus 14 or 13, 33% of respondents who think are still lacking and are not independent and accountable by judges in judicial practice.

Based on these facts, then if a judge is said to be relatively lacking and even not independent and accountable in judicial practice, then of course it will also influence the independence and accountability of judges in deciding cases.

In this regard, it has also been investigated whether the independence and accountability of judges can be measured from the verdict, on this matter the responses of respondents have been obtained as in the following table:

Table 14. The Independence and Accountability of Judges can be Measured from the Verdict

No	Statement	Frequency	Percentage
1	Measured	105	100,00
2	Less Measured	0	0
3	Immeasurable	0	0
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the statement of the respondents in the table, it shows that the total respondents or 105 (100.00%) are of the opinion that the independence and accountability of judges are measurable or can be measured from the decisions made in the court proceedings.

Thus, it is agreed that all respondents believe that the decision made by a judge is a measure of the attitude of independence and accountability of judges in the judicial process in court. Therefore, the judge in deciding a case that he leads in court, is required to give birth or determine a good and fair decision, this has become the spotlight for the public, especially for justisiabel.

Researchers have also conducted research on whether the decisions of judges in practice reflect the independence and accountability of judges, as set out in the table as follows:

Table 15. Judges' Decisions in Practice Much Reflect Their Independent and Accountable Judges

No	Statement	Frequency	Percentage
1	Much to Reflect	55	52,38
2	Less Reflect	40	38,10
3	Does not Reflect	10	9,52
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

The table above shows that the decisions of judges in practice reflect the independence and accountability of judges, this clearly obtained data from respondents as many as 55 or 52.38% said that, the rest 40 or 38.10% of respondents who stated less reflect, the remaining 10 or 9.52% of respondents said they did not.

So in terms of judges' decisions in practice seen by many respondents reflect the independence and accountability of the judge, it was evident from the 105 respondents who were asked for information, 52.38% of whom thought so, who did not think so were only respondents from the element of the judge itself.

In this regard, researchers have dug up data and information from respondents that so far many of the judges' decisions have been in the public spotlight whether because of their independence and accountability of judges, the answers to these are outlined in the following table:

Table 16. Judges' Decisions Are Public Highlights Because of Their Independent and Accountable Judges

No	Statement	Frequency	Percentage
1	Reflected	55	52,38
2	Less Reflected	50	47,62
3	Not Reflected	0	0
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

The table above shows that 55 or 52.38% of research respondents think that the decisions of judges that are in the public spotlight are caused by the independence and accountability of the judges, while the remaining 50 or 47.62% are of the opinion that the judges are less independent and accountable.

It is imperative for judges to be independent and accountable in deciding a case, so that the decision can be accepted as a decision that reflects the value of justice, in which case the research has been carried out as shown in the following table:

Table 17. Judges Should Be Independent and Accountable In The Decision Making Process

No	Statement	Frequency	Percentage
1	Required	105	100,00
2	Less Required	0	0
3	Not Required	0	0
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the statement of the respondents, it can be interpreted that the whole respondent or as many as 105 samples consisting of 50 elements of judges, the rest from the elements of the judicial commission and advocate and justisiabel, all of them argued that judges must be independent and accountable in the decision making process.

With regard to the data in the table above, the researcher has also conducted research on independent and accountable judges in the judicial process that will give birth to a fair or just decision, the results of this study, are contained in the following table:

Table 18. An Independent and Accountable Judge in the Judicial Process Will Give Birth to a Just Decision

No	Statement	Frequency	Percentage
1	The Verdict is Fair	99	94,29
2	Less Certainly	6	5,71
3	Not Sure	0	0
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the results of the statements of 105 respondents who have been used as research samples, it shows that 99 or 94.29% of respondents who think that an independent and accountable judge in the judicial process will give birth to a fair or just decision, the rest found 6 or 5.71% who think less certainly.

Based on the results of the statements of 105 respondents who have been used as research samples, it shows that 99 or 94.29% of respondents who think that an independent and accountable judge in the judicial process will give birth to a fair or just decision, the rest found 6 or 5.71% who think less certainly.

In this connection, researchers have also explored information from respondents about the justices of judges who are born from independent and accountable judges in carrying out their judicial functions as law enforcers, which are clearly set out in the following table:

Table 19. Decisions of Justices Judges Are Those Born of Independent and Accountable Judges in Carrying Out Their Judicial Functions As Law Enforcement

No	Statement	Frequency	Percentage
1	True	105	100,00
2	Incorrectly	0	0
3	Incorrect	0	0
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the data in the table above, it has been shown that all 105 respondents have the same view that a true judge's decision is justly born from an independent and accountable judge in carrying out his judicial function as a law enforcer.

This means that all elements of the respondent determined as the research sample confirm that the justices of the judge are born of independent and accountable judges in carrying out their judicial functions as law enforcers, so that if the judge is not independent and accountable in deciding a case, then it is assumed the decision is determined by an unfair judge, even the possibility of injuring the values of legal justice and society.

The justice of the judge's decision, is very desirable for every justice seeker through a judicial process carried out by the judge, so that the judge really must understand that each judge's decision is expected to represent the value of justice in it.

Regarding this matter, further information was also explored so far many judges' decisions did not reflect justice, as stated in the table as follows:

Table 20. Many Judges' Decisions do not Reflect Justice

No	Statement	Frequency	Percentage
1	Lots	55	52,38
2	Not much	50	47,62
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the data in the table above, it shows that many respondents who have the view that the judge's decisions do not reflect justice as much as 55 or 52.38% are sourced from non-judge elements, while respondents from the judges are 50 or 47.62%, are of the opinion not much. This means that respondents from the judges' element were also aware that there were justices that were unfair, due to the lack of independence and accountability of the judge who decided the case.

In this connection, researchers have also explored data and information from respondents regarding the independence and accountability of judges in deciding fair cases, so judges must be free to make decisions, and decisions can be accounted for. This is further set forth in the following table:

Table 21. The Independence and Accountability of Judges in Deciding Cases of Fair Freedom Taking Decisions and Decisions Be Accountable

No	Statement	Frequency	Percentage
1	True	81	77,14
2	Incorrectly	9	8,67
3	Incorrect	15	14,29
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Referring to the above table, it can be disclosed that respondents who are of the view that it is true that the independence and accountability of judges in deciding cases that are just and independent make decisions and their decisions can be accounted for obtained from 81 or 77.14%. While respondents who think incorrectly are 9 or 8, 67%, while respondents who claim to be incorrect are 15 or 14.29%.

Based on data extracted from research respondents, it can be stressed that the independence and accountability of judges in deciding cases equitably are born of judges' independence as executors of judicial power in the judicial process, where the independence of judges themselves is born from the spirit, motivation and integrity of independence and judge accountability.

C. Factors That Influence the Independence and Accountability of Judges in Deciding Cases

Judges are very urgent in their function in the process of law enforcement through the judiciary, so that people who are confronted with legal issues that crave the legal process as seekers of justice highly depend their hopes on the judge who has the authority to examine, hear and decide cases in the court.

Based on the results of the study, it can be known and revealed that there are several factors that influence the judge in deciding a case, as discussed as follows:

Table 22. Judges Who Are Not Independent And Accountable In Deciding Cases, Generating Social Reaction From Justiasibel

No	Statement	Frequency	Percentage
1	Cause Reaction	99	94,28
2	Less Provoke a Reaction	3	2,86

3	Does Not Cause	3	2,86
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the data in the table above, it shows that 99 or 94.28% of the research respondents are of the view that judges who are not independent and accountable in deciding on a case, cause a social reaction from justiasibel, the remaining 3 or 2.86% who answer less provoke a reaction, likewise it is stated that it does not cause social reactions.

Judges in carrying out their functions as law enforcers who are demanded to be independent and accountable without influence from other parties, apparently are not free from various influences.

The birth of a judge's ruling that caused social upheaval of justice seekers (justifiable), allegedly was the ruling of a judge who was born because of several influencing factors, this has been investigated by respondents, the results of which can be seen in the following table:

Table 23. The Presence of Factors That Influence the Independence and Accountability of Judges in Deciding Cases

No	Statement	Frequency	Percentage
1	Many factors	77	73,33
2	Less Many Factors	21	20,67
3	Not true	07	6,67
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the data extracted from the respondents mentioned above, it shows that 77 or 73.33% of respondents think that there are many factors that influence the independence and accountability of judges in deciding cases, respondents who think that there are less factors that affect as much as 21 or 20.00%, while which assumed no factor was only 7 or 6.67%.

To be more convincing of the factors that influence the judge in deciding a case, further investigation is also given to this matter, as can be seen in the table as follows:

Table 24. The Independence and Accountability of Judges in Deciding a Case is Influenced by Several Factors

No	Statement	Frequency	Percentage
1	Be influenced	96	91,42
2	Less affected	4	3,81
3	Not affected	5	4,76
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on these data, it shows that 96 or 91.42%, respondents who think that the independence and accountability of judges in deciding a case are influenced by several factors, the rest there are only 4 or 3.81% who think less affected, and 5 or 4.76 The% that states are not affected.

Thus, respondents in general or in general have considered that several factors have influenced the independence and accountability of judges in deciding a case.

If the independence and accountability of judges in deciding cases are influenced by several factors, it will have an impact on the decisions made by the judge. This has also been confirmed by research respondents, and the following responses were obtained:

Table 25. The Influence of Various Factors on the Independence and Accountability of Judges Impacts on Judges' Decisions

No	Statement	Frequency	Percentage
1	Impact	99	94,29
2	Less Impact	1	0,95
3	No Impact	5	4,76
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

In fact the population and the percentage of respondents who think that the influence of various factors on the independence and accountability of judges has a greater impact on the decisions of judges compared to those who say they have less or no impact. This shows that the respondent understands that when the independence and accountability of the judge is affected, it will have an impact on the decisions that are born. The existence of several factors which are seen by respondents to influence the independence and accountability of judges in deciding cases, need to know what factors are meant. In this regard, it is interesting to explore the factors that have influenced the independence and accountability of judges as law enforcers in setting decisions.

Based on the research conducted, according to data obtained from respondents, three main influential factors were found, namely the factor of professional moral integrity, the factor of law enforcement integrity, and the factor of scientific integrity.

For this reason, it has been examined as in the table as follows:

Table 26. Factors of Professional Moral Integrity, Integrity of Law Enforcement, Scientific Integrity Influence the Judge's Independence and Accountability in Setting Decisions

No	Statement	Frequency	Percentage
1	Be Influenced	100	95,24
2	Less Affected	3	2,86
3	No Affected	2	1,90
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the data in the table above, it shows that 100 or 95.24% of respondents who view these three factors influence the independence and accountability of judges in making or setting decisions. Only five respondents considered lacking and had no effect.

To further support this data, the researcher has also dug up information from respondents about judging a judge in deciding a case supported by the motivation of the three things above, then the decision potential is fair.

Table 27. Suppose the Judge Decides on a Case Supported by Motivation of the Three Factors Then the Verdict is Fair

No	Statement	Frequency	Percentage
1	True	100	95,24
2	Incorrectly	2	1,90
3	Not True	3	2,86
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

To find out about whether the aforementioned three factors are needed by the judge in supporting and sustaining his independence and accountability in deciding the case, obtained answers from the respondents as follows:

Table 28. Judges Need for Professional Moral Integrity, Integrity of Law Enforcement and Scientific Integrity in Deciding Independent and Accountable Cases

No	Statement	Frequency	Percentage
1	Needed	91	86,67
2	Less Needed	9	8,57
3	Not Needed	5	4,76
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Population and percentage of respondents who stated the factors mentioned above are needed by the judge in deciding a case are very dominant compared to those who stated otherwise, it can be seen that 91 or 86.67% of respondents argued so, the rest only 9 or 8.57% thought that less needed, and only 5 or 4.76% said they were not needed.

To further measure the influence of these three factors, partially, the researchers have explored data from the research respondents as follows:

Table 29. The Influence of the Moral Integrity Factor of the Professional Judge to Give Birth to a Fair Decision

No	Statement	Frequency	Percentage
1	Influential	91	86,67
2	Less Influential	9	8,57
3	No Effect	5	4,76
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Partial testing of the influence of the professional moral integrity factor on the independence and accountability of judges in making a fair decision turned out to be very significant effect, because in general respondents or 91 or 86.67% thought that the factor was influential, the rest who stated less or no effect only around 13.33%. This means that the factor has a big influence.

What about the influence of the integrity factor of law enforcement on the independence and accountability of judges in deciding cases, this has been examined and can be seen in the following table:

Table 30. The Effect of Integrity Factors on Law Enforcement by Judges To Give Birth to a just Ruling

No	Statement	Frequency	Percentage
1	Influential	99	94,29
2	Less Influential	4	3,81
3	No Effect	2	1,90
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the above table, it shows that the fact that the influence of the law enforcement integrity factor is greater or stronger than the influence of the moral integrity factor of the profession of judges on independence and accountability results in a fair decision. This can be seen as a percentage that if the professional moral integrity factor is 91 (86.67%) then the integrity factor of law enforcement is 99 (94.29%). Furthermore, what about the influence of scientific integrity, this can be seen in the following table:

Table 31. The Influence of Judge Scientific Integrity Factors for Giving Birth of a Fair Verdict

No	Statement	Frequency	Percentage
1	Influential	100	95,24
2	Less Influential	01	0,95
3	No Effect	04	3,81
Total		105	100,00

Source: Processed from the Research Questionnaire, 2019

Based on the data in the table above, it gives clues and or information that in reality the influence of the judge's scientific integrity factor is greater than the influence of the other two previous factors, namely the moral integrity factor of the profession and law enforcement. It can be seen that respondents who are of the opinion that the influence of judges' scientific integrity factors on the independence and accountability of judges in deciding cases is 100 or 95.24%. so it can be emphasized that of the three factors, the large percentage of influence is the factor of scientific integrity, partially, but simultaneously all have a strong influence simultaneously.

Based on the data that has been outlined in the form of the tables above, it can be affirmed that in the implementation of the independence and accountability of judges in deciding a case, at least there are three factors that influence, namely the moral integrity factor of the profession, the integrity factor of law enforcement and scientific integrity factors. Simultaneously these three factors have significant effects on the integrity and accountability of judges in deciding fair cases. Partially, the dominant influence of these three factors is the integrity of the judge's knowledge.

V. INCLUSION

1. The independence and accountability of judges in the decision-making process in the case examination process, is still relatively less independent and accountable, because factually justifiable to judge judges in decision making in the judicial process is loaded with various influences that interfere with their independence and accountability.

2. The independence and accountability of judges in deciding cases in a fair manner, is in fact relatively lacking, independent and accountable, because justifiable assesses many judges' decisions that do not reflect the values of justice and are controversial, causing rejection reactions from justice seekers.

3. Factors that influence the independence and accountability of judges in deciding cases are factors of integrity for judges regarding the moral integrity of the profession, integrity of law enforcement and scientific integrity. These three factors, simultaneously influential and partially also each influential, but the most significant influence is the factor of scientific integrity.

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