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## OVERLAPPING AUTHORITY IN JUDICIAL OVERSIGHT: KOMISI YUDISIAL V. BADAN PENGAWAS MAHKAMAH AGUNG

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### **Abstrak**

*Pengawasan terhadap hakim merupakan elemen penting dalam menjaga integritas dan akuntabilitas kekuasaan kehakiman dalam sistem negara hukum. Di Indonesia, fungsi pengawasan ini dijalankan oleh dua lembaga, yaitu Komisi Yudisial dan Badan Pengawas Mahkamah Agung. Namun, kewenangan keduanya kerap kali tumpang tindih, yang tidak hanya menimbulkan konflik yurisdiksi, tetapi juga berdampak pada inefisiensi kelembagaan serta ketidakpastian hukum. Penelitian ini bertujuan untuk menganalisis pengaturan kewenangan masing-masing lembaga berdasarkan peraturan perundang-undangan dan praktik kelembagaan, serta mengevaluasi dampaknya terhadap efektivitas sistem pengawasan hakim. Dengan pendekatan normatif dan deskriptif-analitis, kajian ini menemukan bahwa ketidaktegasan pembagian kewenangan antara Komisi Yudisial dan Badan Pengawas Mahkamah Agung telah menghambat fungsi pengawasan, menciptakan pemborosan sumber daya, serta melemahkan kepercayaan publik terhadap lembaga peradilan. Penelitian ini merekomendasikan perlunya harmonisasi regulasi antarlembaga atau bahkan restrukturisasi pengawasan hakim guna menciptakan sistem yang lebih efisien, terintegrasi, dan menjamin kepastian hukum tanpa mengorbankan independensi kekuasaan kehakiman.*

**Kata kunci:** *Hakim, Komisi Yudisial, Mahkamah Agung, Pengawasan, Tumpang Tindih.*

### **Abstract**

Judicial oversight is a crucial element in maintaining the integrity and accountability of the judiciary in a state based on the rule of law. In Indonesia, this oversight function is carried out by two institutions namely Komisi Yudisial and Badan Pengawas Mahkamah Agung. However, their authority often overlaps, which not only gives rise to jurisdictional conflicts but also leads to institutional inefficiency and legal uncertainty. This study aims to analyze the authority of each institution based on laws and institutional practices, and to evaluate its impact on the effectiveness of the judicial oversight system. Using a normative and descriptive-analytical approach, this study finds that the unclear division of authority between Komisi Yudisial and Badan Pengawas Mahkamah Agung has hampered the oversight function, created waste of resources, and weakened public trust in the judiciary. This study recommends the need for inter-institutional harmonization of regulations or even restructuring of the judicial oversight institution to create a more efficient, integrated system that ensures legal certainty without sacrificing judicial independence.

**Keywords:** *Judge, Komisi Yudisial, Mahkamah Agung, Overlaps, Supervision.*

### **I. Introduction**

*Trias Politica* in state science is a view that the power of the state is divided into 3 (three) types, namely executive, legislative, and judicial. The concept of *trias politica* was first put forward by John Locke and further developed by Montesquieu. This doctrine provides limitations and separation of authority for the 3 (three) major powers in a state.

Ideally, the executive body is not allowed to interfere in legislative and judicial affairs. Conversely, the same also applies to the legislative and judicial bodies. This *trias politica* concept strives to create the independence of state institutions for the realization of a clean and just state system.<sup>1</sup>

Indonesia, as a country that applies the *trias politica* concept, has never truly separated the authority between state institutions. This means that the executive, legislative, and judicial bodies have not been completely independent. For example, Komisi Yudisial (“KY”), whose main task is to conduct the selection of Supreme Court Justice Candidates, must involve Dewan Perwakilan Rakyat of Indonesia (“DPR RI”) to choose which Supreme Court Justice Candidates will be appointed. Several times, the Supreme Court Justice Candidates submitted by KY were flatly rejected by DPR RI, even though these candidates had gone through various strict and structured selection processes by KY. The mixing of authority among executive, legislative, and judicial institutions is often the reason that hinders the independence of an institution.

Furthermore, in fact, the mixing of authority also occurs among judicial institutions, namely between KY and Mahkamah Agung (“MA”). The KY is mandated by the 1945 Constitution of the Republic of Indonesia (“UUD NRI 1945”) to propose the appointment of Supreme Court Justices to the DPR RI and has other authority in maintaining and upholding the honor, dignity, and conduct of judges. Furthermore, in Undang-Undang Nomor 22 Tahun 2004 tentang Komisi Yudisial jo. Undang-Undang Nomor 18 Tahun 2011 tentang perubahan atas Undang-Undang Nomor 22 Tahun 2004 tentang Komisi Yudisial (“UU KY”), to support the authority held by KY, KY is tasked with carrying out oversight of judicial conduct. Normatively, the authority to oversee judges has been fully delegated to KY.

The implementation of this authority is also evident from Keputusan Bersama Ketua Mahkamah Agung dan Ketua Komisi Yudisial Nomor 047/KMA/SKB/IV/2009 dan 02/SKB/P.KY/IV/2009 tentang Kode Etik dan Pedoman Perilaku Hakim (“KEPPH”). Furthermore, in terms of enforcing the Code of Ethics and Guidelines for Judicial Conduct, MA and KY ratified the Joint Regulation on Guidelines for KEPPH Enforcement. In principle, the handling of reports of KEPPH violations committed by a Judge will be further handled by KY. KY will then propose the imposition of sanctions against the reported Judge to MA, which will then impose the sanction.<sup>2</sup>

However in practice, the authority and duties mandated to KY are also assumed by Badan Pengawas MA. Actually, Badan Pengawas MA is tasked with carrying out oversight, enforcing the code of ethics, and imposing sanctions on all stakeholders within the Supreme Court judicial body, ranging from the First Level Court to the Supreme Court, and from Non-Civil Servant Government Employees to Judges. The oversight

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<sup>1</sup> Christiani Junita Umboh, “Penerapan Konsep Trias Politica Dalam Sistem Pemerintahan Republik Indonesia,” *Lex Administratum* 8, no. 1 (2020).

<sup>2</sup> Keputusan Bersama Ketua Mahkamah Agung Dan Ketua Komisi Yudisial Nomor 047/KMA/SKB/IV/2009 Dan 02/SKB/P.KY/IV/2009 Tentang Kode Etik Dan Pedoman Perilaku Hakim, Pub. L. 047/KMA/SKB/IV/2009 dan 02/SKB/P.KY/IV/2009 (2009).

function of the Badan Pengawas MA over Judges creates an overlap of authority with KY. Although it is often said that the Badan Pengawas MA functions as an internal supervisor and KY functions as an external supervisor, this often leads to confusion regarding who has the authority to oversee judges.<sup>3</sup> This overlap of authority is also often a form of inefficiency in handling public reports. Such inefficiency then potentially leads to legal uncertainty regarding the oversight of Judges in Indonesia.

Based on this hypothetical description of the overlapping authority, the author intends to examine and analyze how the authority for judicial oversight is regulated and mandated to KY and Badan Pengawas MA within the Indonesian judicial system, the implications of the overlapping oversight authority between KY and Badan Pengawas MA on the effectiveness and independence of the mechanism, and the ideal formulation for regulating judicial oversight authority to avoid jurisdictional conflicts between KY and MA.

## II. Discussion

### 1. The Construction of Judicial Oversight Authority in the Constitutional System

In the Indonesian constitutional system, the principle of checks and balances is the main foundation to prevent power from being centralized in one institution. One form of implementing this principle is seen in the oversight system of judicial power, especially the supervision of judicial conduct. Although judicial power is independent as stipulated in Article 24 of the 1945 Constitution, this does not mean that this power is free from oversight mechanisms. Judicial oversight is an important element to ensure the integrity and accountability of the judiciary as one of the pillars of the rule of law.<sup>4</sup>

Since the amendment of the 1945 Constitution, two institutions have emerged with the authority to oversee judges, namely KY (as regulated by Undang-Undang Nomor 22 Tahun 2004 Tentang Komisi Yudisial) and MA through its Supervisory Body (as regulated by Peraturan Presiden Nomor 13 Tahun 2005 Tentang Sekretariat Mahkamah Agung). Komisi Yudisial as an independent state institution, was formed to maintain and uphold the honor, dignity, and conduct of judges. On the other hand, MA as the head of the general judiciary, also has an internal oversight mechanism for the judges under it. This condition creates a new dynamic in the oversight system, especially regarding the overlap of authority and jurisdictional boundaries between these institutions.<sup>5</sup>

This overlap is not only administrative but also raises constitutional issues. In some cases, there are differences in interpretation between KY and MA regarding who has the authority to process reports against judges and what the mechanism for action

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<sup>3</sup> Rusmandi Ismail, "Membangun Hubungan Harmonis Dalam Pelaksanaan Fungsi Pengawasan Hakim Oleh Mahkamah Agung Dan Komisi Yudisial Dalam Rangka Menegakkan Kehormatan, Keluhuran Dan Martabat Hakim," *Jurnal Hukum Dan Peradilan* 5, no. 2 (2016): 209–26.

<sup>4</sup> Charles Simabura, "Membangun Sinergi Dalam Pengawasan Hakim," *Jurnal Konstitusi* 6, no. 2 (2009): 43–62.

<sup>5</sup> Alwi Al Hadad, "Pola Hubungan Kewenangan Antara Badan Pengawas Hakim Mahkamah Agung Dengan Komisi Yudisial Dalam Menangani Pelanggaran Kode Etik Hakim Mahkamah Agung," preprint, UIN Sunan Gunung Djati Bandung, 2021.

should be. This situation leads to legal uncertainty and potentially disrupts the independence of the judiciary, as judges may feel pressured by two oversight systems that do not always align.<sup>6</sup> Therefore, in-depth study is needed on the ideal construction of judicial oversight in the context of the Indonesian constitutional system.

Thus, it is important to build a legal construction that is firm, measurable, and non-conflicting between institutions in carrying out the oversight function. The regulation of authority must consider the balance between maintaining judicial independence and ensuring a control mechanism against the possibility of abuse of power.<sup>7</sup> The restructuring/harmonizing the authority relationship between KY and MA is a strategic step to strengthen an accountable oversight system and guarantee the supremacy of law and public trust in the Indonesian judiciary.

Simply put, KY is a state institution explicitly regulated in Article 24B of the amended 1945 Constitution. This article states that the KY is independent and has the authority to propose the appointment of Supreme Court Justices and to maintain and uphold the honor, dignity, and conduct of judges. This constitutional mandate is reinforced by Undang-Undang Nomor 18 Tahun 2011 tentang perubahan atas Undang-Undang Nomor 22 Tahun 2004 tentang Komisi Yudisial, which regulates in more detail the functions, authority, and procedures for implementing oversight by KY.<sup>8</sup>

In Article 13 letter a of UU KY, it is stated that KY has the authority to propose the appointment of Supreme Court Justices to the DPR, while letter b states that the KY has the duty to maintain and uphold the honor, dignity, and conduct of judges.<sup>9</sup> To carry out this oversight function, KY is authorized to receive public reports, perform verification, clarification, and examination of alleged violations of the code of ethics and/or judicial conduct. However, KY does not have the authority to impose sanctions, as the recommendations from its examination results must be submitted to MA depending on the position of the judge concerned.

Meanwhile, MA through its Supervisory Body carries out the function of internal oversight over judges and judicial apparatus under its jurisdiction. This authority is regulated in Article 32A of Undang-Undang Nomor 5 Tahun 2004 tentang Perubahan atas Undang-Undang Nomor 14 Tahun 1985 tentang Mahkamah Agung.<sup>10</sup> This article emphasizes that MA oversees the administration of justice in all judicial environments

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<sup>6</sup> Edi Setiadi, "Hubungan Ideal Komisi Yudisial Dan Mahkamah Agung," *Jurnal Wawasan Yuridika* 5, no. 2 (2021): 161–76.

<sup>7</sup> Ratu Tasya Salsabila et al., "Analisis Kewenangan Antara Mahkamah Agung Dengan Komisi Yudisial Dalam Pengawasan Hakim Berdasarkan Peraturan Perundang-Undangan," *Limbago: Journal of Constitutional Law* 4, no. 1 (2024): 65–83.

<sup>8</sup> Soni Irawan and Saut Parulian Panjaitan, "Tugas Pengawasan Komisi Yudisial Terhadap Perilaku Hakim Pasca Berlakunya Undang-Undang Nomor 18 Tahun 2011 Tentang Perubahan Atas Undang-Undang Nomor 22 Tahun 2004 Tentang Komisi Yudisial," *Lex Lata*, 2022.

<sup>9</sup> Undang-Undang Nomor 22 Tahun 2004 Tentang Komisi Yudisial (2004).

<sup>10</sup> Undang-Undang Nomor 14 Tahun 1985 Tentang Mahkamah Agung Jo. Undang-Undang Nomor 5 Tahun 2004 Tentang Perubahan Atas Undang-Undang Nomor 14 Tahun 1985 Tentang Mahkamah Agung (1985). Pasal 32A Ayat (1) dan (2) berbunyi, "(1) Pengawasan internal atas tingkah laku hakim agung dilakukan oleh Mahkamah Agung. (2) Pengawasan eksternal atas perilaku hakim agung dilakukan oleh Komisi Yudisial."

below it. Badan Pengawas MA functions as the technical implementer of this provision and has the authority to examine judicial conduct, including investigating alleged disciplinary and administrative violations.

Furthermore, the duties and functions of Badan Pengawas MA are regulated in Peraturan Presiden Nomor 13 Tahun 2005 tentang Sekretariat Mahkamah Agung (“Perpres 13/2005”). Perpres 13/2005 affirms that oversight is carried out through two channels, namely inherent supervision by direct superiors and functional supervision by Badan Pengawas MA. Unlike KY, Badan Pengawas MA can impose administrative sanctions on judges if disciplinary violations are found, in accordance with the examination results and internal mechanisms established by Badan Pengawas MA.

The overlap of authority between KY and Badan Pengawas MA arises because both claim to be the supervisor of judicial conduct. KY claims its authority based on the constitution, while MA through the Supervisory Body feels that as the leader of the judiciary, MA has direct responsibility for the integrity of its judicial apparatus. This causes friction, especially when KY submits sanction recommendations that are not responded to or are even ignored by MA.<sup>11</sup> This situation indicates a disharmony in the institutional construction that should be complementary, not competitive.

Constitutional Court Decision Number 005/PUU-IV/2006 clarifies the position of KY in judicial oversight.<sup>12</sup> In this decision, the Mahkamah Konstitusi (“MK”) stated that KY can only oversee Supreme Court Justices and judges below them in the context of ethical and moral violations, not in the aspect of judicial technique. MK also affirmed that the implementation of KY's recommendations remains in the hands of MA, thereby implicitly placing KY only as an external oversight institution that is moral and ethical, not structural and sanctioning.

In practice, this overlap negatively impacts the effectiveness of oversight and causes institutional confusion, both among judges and the public. Reports submitted to KY are often viewed lightly by MA because MA feels that only its institution has the authority to impose sanctions. On the other hand, the public views KY as an institution of hope for voicing criticism of judicial integrity, due to its independent nature from the judicial structure.<sup>13</sup> This lack of integration weakens the judicial accountability system and creates room for impunity.

By considering various normative provisions and institutional practices, a reformulation of the regulation of authority between KY and MA needs to be carried out in the future, either through law revision or the establishment of a clear and measurable coordination mechanism. Ideally, judicial oversight should be carried out synergistically between internal supervision by Badan Pengawas MA and external supervision by KY,

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<sup>11</sup> S R I Haryanti, “Dualisme Kewenangan Pengawasan Hakim Oleh Mahkamah Agung Dan Komisi Yudisial Dalam Sistem Peradilan Di Indonesia,” *Jurnal Hukum Prodi Ilmu Hukum Fakultas Hukum Untan (Jurnal Mahasiswa SI Fakultas Hukum) Universitas Tanjungpura* 4, no. 3 (2016).

<sup>12</sup> Putusan Mahkamah Konstitusi Nomor 005/PUU-IV/2006 (2006).

<sup>13</sup> Awaluddin Awaluddin et al., “Membangun Hubungan Ideal Mahkamah Agung Dan Komisi Yudisial Dengan Pendekatan Budaya: Sipakatau, Sipakalebbi, Dan Sipakainge’,” *Riau Law Journal* 6, no. 1 (2024): 33–47.

with clear and complementary boundaries. The ultimate goal is not merely to reaffirm who has the authority, but to ensure that the judicial oversight system truly runs effectively, fairly, and is oriented toward restoring public trust in the judiciary.

## **2. Resource Inefficiency and Legal Uncertainty in the Judicial Oversight System**

The judicial oversight system in Indonesia has a strategic role in maintaining the integrity and professionalism of the judiciary. However in reality, this system is often faced with various serious institutional problems, especially related to the inefficiency of resource use and legal uncertainty. These two issues are closely intertwined, causing judicial oversight to be suboptimal and even tending to weaken public trust in the judicial system.

Resource inefficiency occurs when two institutions, namely KY and Badan Pengawas MA, use budget, personnel, and time to carry out overlapping oversight functions. Each institution has its own organizational structure, examination mechanism, and reporting system, which ultimately leads to duplication of work and waste of state budget. In conditions of limited national resources, such waste is not only ineffective but also reflects weak coordination between state institutions.

Besides budgetary issues, inefficiency is also seen in the overlap of duties and functions. For example, when there is a public report of unethical judicial conduct, both KY and Badan Pengawas MA can conduct an examination of the same case, although the results may differ. This not only makes the oversight system time-consuming but also confuses the reporting and reported parties. Human resources in both institutions are preoccupied with long administrative processes, while the main goal of oversight, which is the moral and professional improvement of judges, is not optimally achieved.

In various crucial cases, such as the examination of the Central Jakarta District Court judges regarding the election postponement ruling, Badan Pengawas MA took proactive steps by deploying a special team to conduct an internal investigation. This move reflects MA position of having an inherent organizational oversight mechanism, where they feel fully authorized to assess the technical integrity and conduct of judges under the judicial umbrella without necessarily waiting for or depending on processes within external institutions.

On the other hand, although KY holds a constitutional mandate to uphold judicial honor, MA often operates on its own track in following up on reports from the public or other agencies, such as Komisi Pemberantasan Korupsi complaint regarding alleged ethical violations by the judicial panel in the Gazalba Saleh case. This phenomenon illustrates that both institutions (KY dan Badan Pengawas MA) operate in parallel, driven by the conviction that each possesses the legal legitimacy to conduct independent examinations. This creates a dynamic where MA strengthens its internal authority through supervisory body, while KY continues to perform its function, indirectly reaffirming the existence of separate oversight paths to ensure that every judicial action remains within the corridors of law and ethics from two distinct authoritative perspectives.

This inefficiency directly impacts legal uncertainty. When two institutions produce different recommendations or findings on one violation report, a pull of authority will occur. For example, KY may state that a judge has violated the code of ethics, while MA does not follow up on the recommendation with any sanctions. This creates uncertainty in the enforcement of judicial ethics and gives the impression that the oversight system lacks clear and binding legal force.

Legal uncertainty is exacerbated by the disharmony in regulations between the laws governing KY and MA. UU KY gives KY the authority to oversee judicial conduct, but does not explicitly state that its recommendations are binding on MA. On the other hand, MA through various PERMAs and internal provisions, affirms that the authority to impose sanctions rests entirely within their jurisdiction. This conflict of norms creates a grey area in positive law, resulting in the weak coercive power of the oversight system. The impact of this legal uncertainty is felt not only by judges but also by the public seeking justice. The public reporting alleged judicial violations often does not get certainty as to whether their report will be followed up or ignored. They also do not know whether to report to KY or MA, or even both. This situation creates procedural confusion and weakens public trust in the corrective mechanisms within the judiciary.

Legal uncertainty in judicial oversight also threatens the principle of the rule of law and the accountability of state institutions. When there is no certainty as to who is authorized and how reports are followed up, the principle of legal certainty as part of the rule of law (*rechtstaat*) is neglecte.<sup>14</sup> This ambiguity can provide a loophole for impunity for judges who abuse their authority, due to the absence of a firm and consistent oversight mechanism.

Therefore, a reconstruction/harmonization of the oversight system is needed, emphasizing institutional effectiveness and regulatory harmonization. The alignment of duties between KY and MA must be carried out, either through law revision or the establishment of a permanent coordination forum that ensures no duplication of work. In this regard, the government and DPR RI as lawmakers must also be actively involved in clarifying jurisdictional boundaries and strengthening the effectiveness of oversight with a clear legal basis.

With a more coordinated and legally clear system, judicial oversight will not only be a formal symbol but a substantive mechanism to ensure justice. Resource efficiency and legal certainty must be the two main pillars in the reform of judicial oversight in Indonesia, so that judges are not only independent in deciding cases but also accountable in carrying out their duties.

### **3. Finding the Ideal Model for Judicial Oversight: Harmonization vs. Restructuring**

In light of the eroding integrity of the Indonesian legal landscape, the need for effective oversight of judges is becoming increasingly urgent. Various cases of code of

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<sup>14</sup> Rokilah Rokilah, "Dinamika Negara Hukum Indonesia: Antara Rechtsstaat Dan Rule Of Law," *Nurani Hukum* 2, no. 1 (2020): 12–22.

ethics violations and abuse of authority by judicial officials show that the current oversight system has not functioned optimally. This condition is exacerbated by the overlap of authority between the two oversight institutions, namely KY and Badan Pengawas MA. This situation raises a major question about the ideal model of judicial oversight through the harmonization of authority or whether it requires a complete institutional restructuring.

Harmonization is the first approach that is most likely to be implemented in the near future. This model presupposes that both institutions, KY and Badan Pengawas MA are maintained but with a clearer and more synchronized arrangement of cooperation and division of authority. In this framework, KY can be focused as an external supervisor dealing with the ethical and integrity aspects of judges, while Badan Pengawas MA is focused on the internal oversight aspects of the Supreme Court other than Judges. This means that the oversight and enforcement of ethical sanctions on Judges can only be carried out through KY. MA is obliged to report all alleged ethical violations. Thus, the process of oversight and enforcement of the judicial code of ethics is through one door, namely through KY.

This kind of harmonization will minimize conflicts of authority and encourage the formation of a joint standard operating procedure that binds both institutions. However, it cannot be denied that the harmonization approach is not without its weaknesses. As long as each institution still has a different legal interpretation of their authority, the potential for conflict will still arise. Furthermore, harmonization requires strong political and institutional commitment, as well as the willingness of each institution to mutually recognize and respect the position of the other. Without that, harmonization is merely coordination rhetoric without substance. Moreover, the difference in the legal structures governing KY and MA makes harmonization difficult to achieve without regulatory adjustments.<sup>15</sup>

The other alternative is the institutional restructuring approach. In this approach, one of the two oversight institutions (KY or Badan Pengawas MA) is fundamentally reformed, or even unified into one integrated oversight institution that is independent of the Supreme Court. This restructuring can meet the needs for effectiveness, efficiency, and legal certainty, as the entire process of judicial oversight will be under a single chain of command and an integrated system. In this case, KY can be strengthened as the sole institution for overseeing the ethics and conduct of judiciary with certain sanctioning authority. This single oversight model has been implemented in several countries with modern judicial systems, such as in the Philippines where judicial oversight is carried out by an independent commission with full authority over public reports, investigations, and the imposition of ethical sanctions.<sup>16</sup> The advantage of restructuring lies in the simplification of mechanisms and the increase in accountability.

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<sup>15</sup> Valery Divia Lubis et al., “Optimalisasi Wewenang Pengawasan Hakim Oleh Mahkamah Agung Dan Komisi Yudisial Melalui Penerapan Sistem Satu Atap,” *Lex Privatum* 13, no. 4 (2024).

<sup>16</sup> Maria Ela L Atienza, “The Philippine Judiciary: Strengthening the Third Branch of Government,” University of The Philippine, 2023.

However, the risk of politicization of the institution and the challenge of maintaining the independence of the oversight body also need to be carefully considered. In the Indonesian context, whichever approach is chosen must consider the basic principles of the rule of law, such as the independence of judicial power, checks and balances, and public accountability. The choice between harmonization or restructuring should not be based solely on administrative efficiency, but also on constitutional considerations, public legitimacy, and the needs of long-term reform.

Therefore, the formulation of the ideal oversight model must involve cross-institutional participation, namely MA, KY, DPR RI, and civil society. Both approaches have their potential and challenges. Harmonization can be implemented faster because it does not require constitutional change or the formation of new institutions, but it tends to be weak in effectiveness. Conversely, restructuring is more promising in creating a complete and focused system but requires a longer legal and political process.

Thus, finding the ideal model should begin with harmonization as a transitional step while preparing for restructuring as a long-term solution. Ultimately, the main goal of reforming the judicial oversight model is to ensure the creation of a clean, transparent, and publicly trustworthy judiciary. Both harmonization and restructuring must address the needs of a judicial system that not only upholds judicial independence but also places judges within a framework of real accountability. With ideal oversight, judges will not only be independent in deciding cases but also responsible for every conduct and decision they make before the law and the public.

### **III. Conclusion**

The overlap of authority between KY and Badan Pengawas MA in the judicial oversight system reflects a serious problem in the constitutional structure and legal institutional arrangement in Indonesia. Although both have a legitimate legal basis, there is no firm and complementary division of authority, instead it creates normative and institutional conflict. KY acts as an external ethical and moral supervisor, while Badan Pengawas MA carries out internal supervision in administrative and disciplinary aspects. However in practice, these two institutions often overlap in handling public reports and examining judges, which results in duplication of work, budget waste, and inefficiency in enforcing judicial discipline.

On the other hand, the difference in views regarding MA's obligation to follow up on KY's recommendations creates legal uncertainty that is counterproductive to the principle of accountability. This situation also has a detrimental impact on public trust in the judicial system because the oversight mechanism, which should be a means of correction, actually causes doubt. Therefore, concrete and systematic steps are needed to formulate an ideal judicial oversight model, either through the harmonization of authority by clarifying the boundaries of each institution's duties in the form of synchronized regulations, or through institutional restructuring that unifies the oversight function into one independent and legally strong entity. This reform is important to ensure that judicial

oversight runs effectively without sacrificing the principle of judicial independence and still guarantees the upholding of justice and the supremacy of law in Indonesia.

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