COMMUNITY PARTICIPATION ON THE QUALITY OF JUDGE'S DECISIONS THROUGH LEGAL ANNOTATIONS

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ABSTRACT

The rise of corruption cases in judicial corruption institutions that are difficult to detect in general, especially for legal products from judicial institutions, namely judges' decisions, because corruption in judicial institutions can only be seen by examining the results of permanent decisions by experts whether the legal product is in accordance with the principles of justice, certainty and benefit for justice seekers or the wider community. This is inseparable from the authority and privileges of judges in countries that adhere to the continental European system (civil law system), one of which is that judges are not required to follow the previous judge's decision. The principles that strengthen the position of judges in deciding cases are res judicata pro veritate habetur or the judge's decision must be considered correct and the principle of ius curia novit or judges have the right to explore laws where the law does not regulate it. With these two principles, judges seem to have unlimited power so that if the legal product contains elements of judicial corruption, it is not easy to detect in general. Here the role of the community is needed to participate in supervising legal products, especially the judge's decision products. The community in this case are academics and legal practitioners who have special abilities to review and make legal annotations on judges' decisions that already have permanent legal force in krach van gewijsde, especially for decisions that contain controversial and violate the principles of certainty, justice and expediency must get the attention of academics and practitioners to carry out legal annotations, with legal annotations it is hoped that an independent and corruption-free judicial system will be created. To maximize the role of the community in carrying out legal annotations to judge decisions, the state institution that functions as a judge supervisor, namely the Judicial Commission, must be able to enforce the principles of punishment and reward. With the legal annotation and the firmness of the Judicial Commission, it will systemically affect the performance of judges to be better, and judges in carrying out their duties can act more professionally so as to avoid judicilla corruption.

Keywords*:* Community participation, legal annotations, quality of judge's decisions

1. INTRODUCTION

Like breaking a vicious circle, Judicial Corruption or what is known as corruption in the judiciary is still an unresolved problem. Both from the Police level to the top Judiciary Level, with various methods, both conventional and even the most sophisticated methods. Even though efforts to resolve this case have been carried out by many groups and various organs, ranging from NGOs (Non-Governmental Organizations), Academics, Practitioners to the judicial internal supervisory agency itself. However, the output is still very disappointing, even the methods used are increasingly sophisticated and difficult for the general public to know. Based on research from the Indonesia Corruption Watch (ICW) Team, Judicial Corruption that occurs in the criminal justice environment, stated that the prevalence of corruption in the criminal justice system, from the investigation stage to the execution stage, shows that our judicial institutions have not changed. The reform mandate, one of which was related to cleaning up Corruption, Collusion and Nepotism, did not get a response in the judiciary. So it is reasonable to say that criminal justice is not called an integrated criminal justice system but an integrated corruption system. When translated into Indonesian, it is not an integrated criminal justice system but an integrated corruption system. not received in the court environment. So it is reasonable to say that criminal justice is not called an integrated criminal justice system but an integrated corruption system. When translated into Indonesian, it is not an integrated criminal justice system but an integrated corruption system. not received in the court environment. So, it is reasonable to say that criminal justice is not called an integrated criminal justice system but an integrated corruption system. When translated into Indonesian, it is not an integrated criminal justice system but an integrated corruption system.[1]

Actually, the sophistication of the mode Judicial Corruption is not untraceable, but finding the crime requires certain skills and abilities. For example, in the prosecutor's indictment, because of the elements of the criminal act of Judicial Corruption to fulfill the interests of the perpetrators, the indictment is made *obscuur libel* by individuals so that they can acquit the demands of those concerned. Another example is related to the judge's decision, namely in their legal considerations they do not pay attention to the evidence and legal facts presented in the trial to make a decision. Some people do not pay attention to this, in addition to not having special skills and expertise in seeing these very complicated problems, the actions carried out by those individuals in the law enforcement officers above are very unpopular and difficult to identify. Judicial Corruption as described above is closely related to legal decisions made by law enforcement officials. The rise of judicial corruption has resulted in judges' decisions whose quality is far from a sense of justice, in other words, decisions that are not populist.

In fact, normatively the judge's decision is a representation of justice. Namely, decisions that have the direction of Justice Based on the One Godhead scientifically, ethically, and formally juridically, have the meaning that each judge is required to account for the truth of the legal decisions, which he stipulates to at least 6 (six) parties at once cumulatively, namely to:

[1] . ICW.A Brief About Tommy's Case Examinationin black and white. 5th edition 2002. p.17

1. superior officials in legal proceedings;
2. superior administrative officials as state officials;
3. the scientific community in general;
4. intellectuals/theorists and legal practitioners;
5. state and nation based on God Almighty; and
6. God (according to his faith, his human conscience).[2]

In order to prevent the practice judicial corruption which has an impact on the quality of judges' decisions, of course there is still a need for an institution that can minimize the space for judicial mafia. The institution in question is an institution that can test the products of judges' decisions which are organizationally outside the judiciary itself, so that their objectivity and role can run optimally. Supervision of the judiciary is needed, so that there are no more decisions that can injure the public's sense of justice. This supervision can be in the form of internal control or external supervision. Internal control is carried out by and within the judiciary itself. The internal control system in the judiciary is divided into 2 (two), namely inherent supervision and functional supervision.

Legal annotations consist of two forms, namely internal annotations which are also known as internal examinations and external annotations or often known as public examinations. Internal examinations are examinations carried out within the scope of the judiciary itself and the results are not disseminated to the public. In contrast to internal examinations, public examinations of judges' decisions are basically intended to examine or examine decisions issued by judges, which according to the general public are controversial decisions. field but does not close for the general public to conduct examinations. As time goes by, the results of the examination are widely expected to help judges in deciding a case that has the same substance. Based on the background that has been described above, it has become the basis for researchers to conduct research in the form of drafting legal writing (thesis) with the title "**COMMUNITY PARTICIPATION ON THE QUALITY OF JUDGE'S DECISIONS THROUGH LEGAL ANNOTATION".**

There are two problem formulations in this study, namely first, how is the urgency of legal annotations as a form of community participation on the quality of judge decisions. Second, how is the relevance of legal annotations as a form of community participation in the quality of judge decisions.

Regarding the objectives and benefits of this research, namely: to find out and analyze the urgency of legal annotations as a form of community participation on the quality of judges' decisions and toknowing and analyzing the relevance of legal annotationsas a form of community participation in the quality of judges' decisions. While the theoretical benefits can be a contribution to support the teaching and learning process and further research in higher education especially in the law faculty. And practically it is hoped that it can contribute thoughts and considerations to the government to consider legal annotations in order to have a clear legal basis.

RESEARCH METHODS

This thesis research applies normative legal research with a statutory and conceptual approach. That is reviewing all laws and regulations related to the legal issues discussed and by referring to the doctrines that have been put forward by experts related to the issues raised by researchers, which then draw conclusions from these doctrines and then serve as solutions to the issues raised. by the researcher in this thesis. The theory used in this research is the Theory of Community Participation, Theory of Justice, and Theory of Freedom of Judges. The source of data in this study is secondary data in the form of primary, secondary, and tertiary legal materials. The technique of collecting legal materials in this thesis is to collect materials through literature studies related to legal issues. Then the researcher conducted a document study by studying legal books, laws related to legal issues, articles and legal journals related to the legal issues that the author raised. The data analysis used is descriptive qualitative.

RESULTS AND DISCUSSION

A. The Urgency of Legal Annotations as a Form of Public Participation in the Quality of Judges' Decisions

Supervision is an attempt to keep an action as it should be.[3]Indeed, supervision exists to avoid a possible deviation or deviation from the goals to be achieved, through supervision it is hoped that a goal can be fulfilled efficiently and effectively. In relation to the judiciary, supervision is one way to realize a clean, transparent judiciary and reflect a sense of justice by creating an effective supervision system, both internal control (internal control) and external control (external control), besides that there is also community supervision. (social control).

[2] Nikolas Simanjuntak, Acara Pidana Indonesia dalam Sirkus Hukum, Ghalia Indonesia, Bogor, 2012, hlm.236
[3]Djoko Prakoso, Peranan Pengawasan Dalam Penangkalan Tindak Pidana Korupsi, Cetakan Pertama, Aksara Persada Indonesia, Jakarta, 1990, hlm. 9

At the judicial level, internal control is carried out by the Supreme Court,[4]while external supervision is carried out by the Judicial Commission.[5] The supervisory duties of the Supreme Court include,

1. Supervise the courts under it (the courts of first instance and the courts of appeals) within the general courts, religious courts, military courts, and state administrative courts. This supervision is carried out through a judicial mechanism, namely in the form of legal remedies for appeal, cassation, and review;[6]
2. Carry out the highest supervision on the implementation of administrative and financial tasks;[7]
3. Carry out internal control over the behavior of judges.[8]

In carrying out its supervisory function, the Supreme Court established the Supreme Court Supervisory Body (Bawas MA). The Supreme Court carries out routine or legal supervision, including supervision of judicial administration, namely case administration, trial administration and implementation of decisions, and judicial management.[9] In addition to routine supervision, the Supreme Court also provides services to the public, judicial members, judicial institutions or other agencies or the mass media.[10]

However, the supervision carried out by the Supreme Court (internal supervision) which is basically supervision carried out by fellow judges, of course has the spirit to defend fellow corps while the supervision of the Judicial Commission is only in the realm of enforcing codes of ethics and/or judges' behavioral guidelines. While the principles of supervision are independence, objectivity, competence and integrity.[11]So that external-social supervision by the community is one solution to support the existing supervision. Public examination is present as a form of supervision of the judicial process, especially the judge's decision.

Supervision through public examination is independent and objective, and is carried out by competent and integrity people because it is carried out by academics, as well as other parties who basically have no direct interest in the case. The principle of "res judicata pro varitate habetur" which states that a judge's decision must be considered correct, of course, does not mean that every judge's decision is true, there are still judges' decisions that injure the sense of justice in society and the existence of unequal application of the same crime or with In other words, criminal disparity. Of course this is not just an unfounded statement, based on monitoring carried out by one of the non-governmental organizations, Indonesian Corruption Watch (ICW), in 2016 there were at least 12 judges and court officials involved in corruption cases, this was stated by the head of the MaPPI FHUI monitoring division, Muhamammad Rizal in a discussion in Jakarta.[12] Based on annual report data from the Corruption Eradication Commission in 2017, a total of 17 judges have become perpetrators of Corruption Crimes.[13] This is also proven by the arrest of a judge at the Corruption Court for accepting bribes, including the following cases:

1. ad-hoc judges at the Semarang Corruption Court Kartini Marpaung, Heru Kisbandono;
2. Semarang Corruption Court judge Pragsono;
3. the presiding judge of the Bandung District Court Setyabudi Tedjocahyo;
4. ad-hoc judge of the Semarang State Corruption Court, Asmadinata; and,
5. ad-hoc judge of the Bandung District Corruption Court Ramlan Cornel[14]

The high level of corruption in the Indonesian judiciary is the highest among the countries of Ukraine, Venezuela, Russia, Colombia, Egypt, Jordan, Turkey, Malaysia, Brunei, South Africa, Singapore and others, based on Daniel Kaufman's notes in the Bureaucratic and Judiciary Bribery report in 1998. The results of a national survey on corruption conducted by the Partnership for Governance Reform in 2002 also placed the judiciary as the most corrupt institution according to public perception.[15] The 2017 Global Corruption Research also explains that the judiciary is one of the most corrupt institutions in addition to the DPR, the

[4] Pasal 32A ayat (1) Undang-Undang Nomor 3 Tahun 2009 tentang Perubahan Kedua Atas Undang-Undang Nomor 14 Tahun 1985 tentang Mahkamah Agung

[5] Pasal 32A ayat (2) Undang-Undang Nomor 3 Tahun 2009 tentang Perubahan Kedua Atas Undang-Undang Nomor 14 Tahun 1985 tentang Mahkamah Agung.

[6] Lihat Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dalam Bab IX dari Pasal 24, 24A dan 24B Undang-Undang Dasar Republik Indonesia; Pasal 39 UndangUndang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman; Pasal 32 Undang-Undang Nomor 3 Tahun 2009 tentang Perubahan Kedua Atas Undang-Undang Nomor 14 Tahun 1985 tentang Mahkamah Agung

[7] Lihat Pasal 39 Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman; Pasal 32 Undang-Undang Nomor 3 Tahun 2009 tentang Perubahan Kedua Atas Undang-Undang Nomor 14 Tahun 1985 tentang Mahkamah Agung

[8] Lihat Pasal 39 Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman

[9] Sumadi, Pengawasan dan Pembinaan Pengadilan Fungsi Manajemen Mahkamah Agung Terhadap Pengadilan di Bawahnya Setelah Perubahan UUD 1945, Cetakan Pertama, Setara Press, Malang, 2013, hlm. 194

[10] The official website created by the Supreme Court Oversight Body *ww.siwas.mahkamahagung.go.id*

[11] In *http://www.pa-polewali.net/image*/PDF/pedoman_pengawasan.pdf accessed on 5 September 2018

[12] https://national.kompas.com/read/2016/12/21/13305701/korupsi.peradilan.masih.menjad sortan in 2018

[13] Laporan Tahunan 2017 "Demi Indonesia untuk Indonesia", Komisis Pemberantasan Korupsi, Jakarta, 2017, hlm. 171

[14] Hasil Eksaminasi Publik terhadap Putusan Praperadilan Penetapan Tersangka Nomor Register Perkara: 04/Pid.Prap/2015/.JKT.SEL (Komjen Pol Budi Gunawan), Indonesia Corruption Watch, Jakarta, 2016, hlm. 1

[15] Emerson Yuntho, et.al., Panduan … Op.Cit, hlm. 10

Police, the Government Bureaucracy, the Directorate General of Taxes and the Ministry.[16] Chambliss argues that corruption is an integral part of a bureaucracy that meets a handful of businessmen, law enforcers, and politicians that are difficult to dismantle. A perfect corruption network will involve elites at the center of power, be it the political elite, top executives of the judiciary or the business community.[17] Of course, this statement is true if we look at the elements behind corruption cases in Indonesia, almost all of them have authority, power and position. Like the adage of Lord Acton which is still often quoted until now, that power tends to corrupt, and absolute power tends to corrupt absolutely.

Mochtar Kusumaatmadja there are at least six factors that are the background of public dissatisfaction with the judicial process so far, these factors are as follows:[18]

1. Slow settlement of cases;
2. There is an impression that the judge is not trying to decide the case seriously based on his legal knowledge;
3. Often cases of bribery or attempted bribery of judges cannot be proven;
4. The case being examined is beyond the knowledge of the judge concerned, due to the complexity of the problem and the laziness of the judge concerned to open the reference book;
5. Unprofessional lawyers act on behalf of clients;
6. Justice seekers themselves do not see the court process as a way to seek justice according to the law, but only as a means to win their case in any way.

When viewed from the two opinions, there are compatibility such as the slowness of case settlement, the lack of seriousness of the judge in deciding the case so that it does not reflect legal certainty to the dishonesty of the judge due to external factors in the form of bribes. The high level of public distrust of the judiciary, because there are still many abuses of the authority of law enforcement officers*judicial corruption*and criminal disparities are the main factors why examination is present as an urgent matter to be developed and maintained.

Supervision by the Supreme Court still has limitations and is still part of the problem that potentially and factually distorts the honor, nobility, dignity and behavior of judges.[19]In addition, the weak judicial oversight by the Supreme Court is also influenced by the spirit of defending fellow corps (esprit dec corps) which causes the sentencing of problematic judges to be disproportionate to what it should be.[20]

Relevant to the above factors, on the other hand, the presence of the Judicial Commission is also still lacking to carry out supervision because the Judicial Commission's authority only extends to the level of supervision of the code of ethics and behavior of judges. In carrying out its duties and functions, the Judicial Commission can analyze court decisions that have permanent legal force as the basis for recommendations for transferring judges. But of course this is not held regularly, only at the time of the transfer of judges,[21]ie once in 4-5 years. And the decisions that are examined are the best decisions of the judges concerned so that the supervisory function is not achieved.

The lack of supervision carried out by the Supreme Court and the Judicial Commission also occurs due to disharmony between these two institutions. For example, in carrying out its functions, the Judicial Commission conducts an examination of alleged violations of the Code of Ethics and/or Code of Conduct of Judges, if the judge is proven to have committed a violation, the Judicial Commission will provide a proposal for imposing sanctions, this proposal will then be given to the Supreme Court to impose sanctions.[22] However, in practice there are often differences of opinion between the Supreme Court and the Judicial Commission in the imposition of sanctions. This disharmony has occurred since 2005, when the Judicial Commission examined the panel of judges of the West Java High Court, which decided the Depok regional election case. The judges who examined the pair agreed with Badrul Kamal-Shihabuddin Ahmad's claim, and as a result the pair Nur Mahmudi Ismail-Yuyun Wirasaputra failed to become Mayor and Deputy Mayor of Depok. The panel of judges examining the case was considered negligent in paying attention to and enforcing the existing formal rules, assuming that a number of people who were not registered in the Depok election automatically chose the Badrul Kamil-Shihabuddin Ahmad pair. For this reason, the Judicial Commission sent a recommendation to the Supreme Court to dismiss the Chief Justice of the Panel of Judges examining the case, who was also the Chairman of the West Java High Court at the time, and to issue a stern warning in writing to the other two judges. However, this recommendation was not immediately followed up by the Supreme Court and prompted the Judicial Commission to send a warning

[16] https://news.detik.com/berita/d-3460397/todung-pengadilan-salah-one-institutioncorruption-in-Indonesia accessed on Wednesday 20 April 2022

[17] William J. Chambliss, Vice Corruption, Buraucracy and Power, "in Chambliss (ed) Sociological Reading in the Conflict perspective page, 358-359 or in training materials on corruption investigations 9-11 July 2001, PSHK-MTI-ICW, in Wasingatu Zakiyah , et.al., Disclosing the Judicial Mafia, Setara Press and Indonesia Corruption Watch, Jakarta, 2016, p. 14

[18] A.M Asrun Muhammad, Krisis Peradilan Mahkamah Agung di bawah Seoharto Lembaga Studi dan Advokasi Masyarakat, Jakarta, 2004 halaman 24 dalam Eksaminasi Publik Sebagai Kontrol dalam penegakan hukum di Pengadilan Tata Usaha Negara, Jakarta, 2004, hlm. 6

[19] Bambang Widjojanto, "Komisi Yudisial: Checks and Balances dan Urgensi Kewenangan Pengawasan", dalam bunga rampai Komisi Yudisial Republik Indonesia, Sekertariat Jenderal Komisi Yudisial Republik Indonesia, Jakarta, 2006, hlm. 112

[20] Achmad Santoso, Menjelang Pembentukan Komisi Yudisial, KOMPAS, 2 Maret 2005, dalam Bunyamin Alamsyah, Kedudukan dan Wewenang Komisi Yudisial dalam Sistem Ketatanegaraan Indonesia, Penerbitan Yayasan Pendidikan Islam Al-Musdariyah Cileunyi, Bandung, 2010, hlm. 246

[21] Pasal 42 Undang-Undang Nomot 48 Tahun 2009 tentang Kekuasaan Kehakiman

[22] Ahmad Fadlil Sumadi, Pengawasan dan… Op.Cit,, hlm. 268

letter to the Supreme Court. The decision of the West Java High Court judge became a hot discussion at the time, the article was that this controversial decision was considered by the public as a form of judge error in making a decision. Against this controversial decision, Public examination as a form of normative scientific study of court decisions that are suspected to have deviated or injured the sense of justice in the community is important, the results of the examination can then be considered by the Supreme Court and the Judicial Commission as well as other relevant institutions. Because the examination contains;[23]

1. Considerations and objectives of establishing the examination board;
2. The introduction containing the case position is described clearly and in detail, starting from outlining the process or stages of the judiciary in the case being examined, answering the answers between the defendant and the plaintiff to the judge's decision and legal considerations;
3. Analysis of the law and judge's behavior, this section is very important because it contains and discusses matters relating to formal legal issues and material law of the decision. The judge's behavior is also discussed and studied so that it can be seen whether there is a violation of the code of ethics or behavior carried out by the judge during the trial process;
4. Conclusions and recommendations that contain comprehensive conclusions that can be drawn up based on each level of justice.
5. As well as providing recommendations on the existing conclusions in the form of what steps should be taken by law enforcement institutions, this is also related to if there is a violation of the provisions of the code of ethics.

B. The Relevance of Legal Annotations as a Form of Public Participation in the Quality of Judges' Decisions

Monitoring determines what has been achieved, evaluates and implements corrective actions, if necessary, ensures results are in line with plans.[24] In the context of supervision of the implementation of judicial power, supervision can be interpreted as an activity to find, correct, and assess whether there has been a deviation or to prevent such deviations from occurring by judges in carrying out their duties, with the aim of creating an authoritative judiciary. Supervision itself becomes very important in the context of judicial power, Imam Anshori Saleh in his book quotes what Paul E. Lotulun said as follows:[25]"…the need for judicial independence does not mean that judges must be immune from any critics or controls. As a counter-balance of its independence there must be judicial accountability or judicial responsibility for preventing the denial and miscarriage of justice. Mechanism of control should be developed by the judiciary itself and the society as a means of ensuring the accountability of judges."

> "…the need for judicial independence does not mean that judges cannot be criticized or monitored. As a balance of independence, there must always be judicial accountability or judicial responsibility to prevent injustice. The mechanism must be developed by the judiciary itself and the community in the sense of being accountable a judge."

Supervision by the community can be carried out in various ways, such as monitoring and reporting on alleged violations. Another well-known form of surveillance is examination. Basically, examinations have been known since time immemorial, since 1967, namely internal examinations carried out within the judiciary. However, over time this internal control has shifted its function until it is no longer used. Therefore, it is necessary to optimize supervision from other parties, such as the community, one of which can be through public examination.

The first public examination was carried out in 2001, namely the examination of the judicial review decision with the defendant Tommy Suharto. Unfortunately, examinations, especially public examinations, do not have a clear legal umbrella in which they are located.

Since around 2000, Indonesia Corruption Watch (ICW) has facilitated universities to institutionalize public examinations. Basically conducting public examinations for ordinary people is not an easy thing, to be part of the agent of change through the social control function, especially to assess whether a decision issued by a judge or judicial institution is in accordance with the expected sense of justice. Therefore, the people referred to here in a narrow sense are academics, because the ability to assess this is only owned by academics. With the hope that the results of this examination can be a form of social control. The benefits of public examinations include:

1. can increase public trust in judicial institutions, especially courts because the results of public examinations can be accessed by the public and can be one of the parameters of the actions of the judiciary;
2. it is hoped that judges, prosecutors and investigators can be better in carrying out their duties;
3. reduce the occurrence of criminal disparities;

[23] Emerson Yunto, at.al., Panduan … Op.Cit, hlm. 50-51

[24] Muchsan, Sistem Pengawasan terhadap Perbuatan Aparat Pemerintah dan Peradilan Tata Usaha Negara dikutip dari Imam Anshori Saleh, Konsep Pengawasan Kehakiman:Upaya Memperkuat Kewenangan Konstitusional Komisi Yudisial dalam Pengawasan Peradilan, Cetakan Pertama, Setara Press, Malang, Mei 2014, hlm. 126

[25] Paulus E. Lotulung, Kebebasan Hakim dalam Sistem Penegakkan Hukum, Makalah disampaikan pada Semnar Pembangunan Hukum Nasional VIII dengan Tema Penegakan Hukum dalam Era Pembangunan Berkelanjutan, yang diselenggarakan oleh Badan Pembinaan Hukum Nasional Departemen Kehakiman dan Hak Asasi Manusia, Denpasar 14-18 Juli 2003, dalam Imam Anshori Saleh, Konsep Pengawasan Kehakiman Upaya Memperkuat Kewenangan Konstitusional Komisi Yudisial dalam Pengawasan Peradilan, Cetakan Pertama, Setara Press, Malang, 2014, hlm. 19

4. can be one of the guidelines or material for judges in reviewing a case so that it is hoped that the decisions made can reflect justice.

Suparman Marzuki in his book entitled ethics and code of ethics for the legal profession suggests that one of the problems with the existence of the legal profession is the public's response, as a result of the lack of public trust in the legal profession, causing this profession to lack positive appreciation, and even tend to be distrusted.[26] Distrust is an urgent matter to be overcome, by returning the law to what it should be and free from interference from power and politics or the influence of non-legal interests.[27] Public examination can be a gateway to rebuild public trust, because the initiation, process, and finalization are intended for the benefit of the community and are independent, objective and scientific, and transparent.

Examples of concrete evidence of the benefits of public examination, can be found errors and mistakes made by judges, based on the results of research conducted by Indonesian Corruption Watch on 20 cases of corruption in 2012, found forms of judges' mistakes, which include:[28]

1. The judge treated the Subsidiary Indictment alternatively.
2. Violation of Article 52 of the Criminal Code. The judge actually used the reason that he had served as a state official as a mitigating reason.
3. The judge did not maximally explore the facts of the trial for the purpose of seeking material truth and developing the case to other actors/actors.
4. The acquittal is often preceded by the judge's consideration that is more in favor of the defendant (from the start), thus ignoring the evidence from the public prosecutor and the judge does not explore the material truth.

The following are 5 of the 20 corruption cases examined by Indonesia Corruption Watch and their findings,[29]

No.	Case	Classification of Findings	Description
1.	Agusrin Najamuddin , Governor of Bengkulu	Evidence in court	1. Decisions that do not have permanent legal force are made by the judge as a balance, resulting in the defendant being acquitted. 2. The judge did not consider other evidence and only focused and based on one legal fact. The 4 (four) written evidence submitted by the Public Prosecutor are: a. Bengkulu Governor's Letter to the Minister of Finance b. Letter of the Governor of Bengkulu concerning Addition of Regional Accounts copies); c. Letter of the Governor of Bengkulu concerning Addition of Regional Accounts copies); and d. Letter of the Governor of Bengkulu concerning the Addition of Regional Account Numbers addressed to the Minister of Finance of the Republic of Indonesia.
		Judge's compliance with criminal procedural law	The imbalance of opportunity between the prosecutor and the defendant, this violates Article 160 paragraph (1) letter C of the Criminal Procedure Code
		Judge's Decision	1. A decision that does not contain an order to detain or release the accused violates Articles 197 and 199 of the Criminal Procedure Code. 2. The acquittal handed down by the judge contradicts the legal facts proven at trial.
2.	Ahmad Sujudi, Indonesian Minister of Health	Judge's compliance with criminal procedural law	1. The judge conducted evidence in an alternative way, by directly selecting the “nearest” indictment, while the public prosecutor arranged the indictment on a subsidiary basis. 2. In the trial the judge took inappropriate actions, namely: a. Use of mobile phones while the trial is in progress; b. The presiding judge joked with one of the member judges during the pledoi reading agenda; c. One of the member judges who was seen in and out of the courtroom during the agenda for reading the indictment and witness testimony.

[26] bid, hlm. 27

[27] Mudzakir, Eksaminasi Publik Terhadap Putusan Pengadilan: Beberapa Pokok Pikiran dan Prospeknya ke Depan, dalam Wasingatu, et.al. (editor), Eksaminasi Publik: Partisipasi Masyarakat Mengawasi Peradilan, Indonesia Corruption Watch, Jakarta, 2003, hlm.93

[28] Febri Diansyah. et.al., Laporan... Op, Cit hlm. 17

[29] bid, hlm. 18-26

		Judge's decision	1. The difference in the method of calculating state financial losses, where the difference is very significant between the Prosecutor's Indictment 84 and the District Court's Decision. 2. The defendant does not need to pay replacement money without sufficient explanation. 3. The justification given by the judge that the defendant does not enjoy the proceeds of corruption cannot be justified, because the element of offense is not a mitigating reason.
3.	Anggodo Widjoyo	Evidence in court	The evidence is not optimal to dismantle the legal engineering against the KPK because the judge did not grant the prosecutor's request to listen to the recording of the KPK wiretapping against Anggodo and a number of state officials.
		Judge's obedience to the law	Regarding the evidence of the KPK wiretapping records, the judge violated Article 181 paragraphs (1) and (2) of the Criminal Procedure Code.
		Judge's decision	1. The second indictment that was not proven in the decisions of the PN and PT. 2. The KPK criminalization scandal was not exposed even to the stage of the Supreme Court's decision, which according to the examination panel of this case could be extended to 14 related parties.
4.	Muchtar Muhammad	Evidence in court	1. The judge ruled out the BPKP auditor's testimony that there were findings of 13 fictitious activities without a clear reason. 2. The judge's error in interpreting, a. discretionary institution/freis emmersen. b. the element of "giving or promising something" in accordance with the defendant's role as the party who ordered the bend based on Article 55 paragraph (1) 1st. c. evil conspiracy. 3. Drawing a wrong conclusion by the judge regarding the evidence of the element "with the aim of benefiting oneself/others". 4. The judge ignored the existing evidence, namely the payment of the defendant's personal credit installment of Rp 639,000,000.
		Judge's compliance with criminal procedural law	The judge's insincerity in examining the defendant and ignoring a number of evidences in the trial. This violates Article 185 paragraphs (4) and (6) of the Criminal Procedure Code.
		Judge's Decision	1. Judges do not consistently define the element of "everyone". 2. The acquittal verdict handed down by the judge was considered wrong, which was caused by the evidence and the judge's basic error.
5.	Satono	Evidence in court	1. Proof and disproportionate considerations are carried out by judges related to the conception of state finances and regional finances. 2. Partial understanding of Article 27 of Law Number 1 Year 2004 by the judge. So that judges tend to follow the opinion of the defendant's legal counsel regarding discretion in regional finance. 3. Regarding the cash back evidence against the defendant, the judge did not explore the material truth. As well as the loan motive and the relationship between Alay (private sector) and the defendant also failed to be explored more deeply by the judge.
		Judge's compliance with criminal procedural law	1. Not listening to both parties proportionally. 2. Ignoring a number of important evidence that can be evidence that corruption has occurred. 3. There was a violation of the ius curia novit principle, the judge allowed 88 legal experts to go too far into the elements of the article and case material.
		Judge's decision	The acquittal that was handed down by the judge was not correct, this was due to the lack of willingness of the judge to explore the material truth.

If we examine the data above, we can see that there are several things that must be corrected by the judge. Starting from the examination in court until the judge's decision becomes the object of examination and discrepancies are found, so it is hoped that the judge can be more careful and thorough in deciding a case.

There are 3 corruption cases that have been examined by Indonesian Corruption Watch which show good results. This good result is evidenced by the similarities between the findings of irregularities, weaknesses and others from the examination process with the Supreme Court's decision, the three cases are 3 corruption cases that were acquitted and canceled by the Supreme Court, namely:

1. Agusrin Najamuddin, Governor of Bengkulu (non-active) who was acquitted by the Central Jakarta District Courtbased on decision number 2113/Pid.B/2010/PN.JKT.PST. Then on January 10, 2012, the Supreme Court sentenced Agus Najamuddin to guilty because he was found guilty of corruption and sentenced to 4 years in prison.
2. Muchtar Muahammad, Mayor of Bekasi (non-active) who was acquitted based on the decision of the Bandung Corruption Court Number 22/Pid.Sus/TPK/2011/PN.BDG dated 11 October 2011. The Supreme Court then on 7 March 2012 sentenced guilty to Muchtar Muhammad with a sentence of 6 years in prison.
3. Satono, East Lampung Regent (non-active) on October 13, 2011 was sentenced to acquittal by the Tanjung Karang District Court based on decision number 304/Pid.Sus/2011/PN.TK. The Supreme Court then on March 19, 2012 handed down a sentence of 15 years, this sentence was 3 years higher than the prosecutor's demand.

The examination becomes relevant as a form of public supervision of the judge's decision because the results of the examination will then be conveyed to the press, namely through Media Briefing or it can be called a public discussion of the results of the examination.[30] This public discussion was conducted as a form of accountability for the examinations that had been carried out. Then the results of this public examination are submitted to the leadership of the judiciary. This result is expected to be a recommendation to related state institutions such as the Corruption Eradication Commission (KPK), the Attorney General's Office, and the Court.

As for cases handled by the KPK. The results of the examination conducted by Indonesia Corruption Watch were then used as learning materials by the KPK. The Japanese ice grant train case and the bribery case in the election of the Senior Deputy Governor of Bank Indonesia, Miranda S. Gultom with the defendant Dudhie Makmum Murod. Based on the recommendations from the examination of the bribery case for the 2004 election of the Senior Deputy Governor of Bank Indonesia, the KPK finally examined witnesses who, according to the examination records, had never been examined before, namely Deputy President Commissioner Sutrisno Gunawan and two commissioners of PT. First Mujur FX, namely Ronald Harijanto and Yan Eli Mangatas Stahaan.

Although it does not have a clear legal umbrella in which it is located, the results of the examination have so far been a contribution from the community to the handling of justice in Indonesia, of course, this contribution in the form of recommendations and notes is not intended to discredit the existing judicial system. However, as a form of supervision carried out by the community on decisions or legal products that are considered deviant, or as a public space that must be started to be built so that state institutions cannot be separated from public control.[31]

CONCLUSION

1. Legal Annotations as a form of public participation in supervising judge decisions to improve the quality of judge decisions have an urgency to complement the existing supervision by the
   Supreme Court and the Judicial Commission. Because the examination contains;

   a. Considerations and objectives of establishing the examination board;
   b. The introduction containing the case position is described clearly and in detail, starting from outlining the process or stages of the judiciary in the case being examined, answering the answers between the defendant and the plaintiff to the judge's decision and legal considerations;
   c. Analysis of the law and judge's behavior, this section is very important because it contains and discusses matters relating to formal legal issues and material law of the decision.
   d. Conclusions and recommendations that contain comprehensive conclusions that can be drawn up based on each level of justice.
   e. As well as providing recommendations on the existing conclusions in the form of what steps should be taken by law enforcement institutions, this is also related to if there is a violation of the provisions of the code of ethics.

[30] bid, hlm. 14

[31] Alex K. Kurniawan, "Eksaminasi Publik Sebagai Instrumen Pengawasan Publik", dalam Jurnal Peradilan Indonesia MaPPI FH UI, Vol. 6 Edisi Juli-Desember 2017, halaman 38

2. Legal Annotations as a form of community participation in supervising judge decisions to improve the quality of judge decisions are relevant to be encouraged, because:

   a. There have been many results of public examinations that can be used as guidelines for judges to make decisions.
   b. The public examination has become a recommendation to the Supreme Court and the Judicial Commission in carrying out their supervisory functions.
   c. The results of this examination can be a form of social control over decisions or legal products that are considered deviant.
   d. The results of the examinations will be conveyed to the press through a Media Briefing or it can be called a public discussion of the results of the examination.

With the urgency and relevance of legal annotationsthe form of public participation in supervising the judge's decision as the result of the research above, the researcher hereby recommends the government to consider making a clear legal basis regarding legal annotations (public examination).

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