

## The Reconstruction of The Code of Ethics and Guide to Judicial Conduct Based on The Principle of Al Haya' in Building Judges' Integrity In Indonesia

Achmad Rifai<sup>1</sup>, Nadir<sup>2</sup>

<sup>1,2</sup> Program Studi Hukum, Fakultas Hukum, Universitas Madura

Email: [riflaw94@unira.ac.id](mailto:riflaw94@unira.ac.id)<sup>1</sup>, [nadir@unira.ac.id](mailto:nadir@unira.ac.id)<sup>2</sup>

### Abstrak

Tujuan penelitian ini yaitu untuk menemukan model dan bentuk rekonstruksi kode etik dan pedoman perilaku hakim berbasis asas malu (*principle of al haya'*) untuk membangun integritas hakim di Indonesia dalam menyelenggarakan peradilan guna menegakan hukum dan keadilan. This research includes a normative juridical research, namely legal research which focuses on the analysis of the positive legal norms that have been established by the authorized official for this. The method of data collection and data processing in this research begins with literature study, which is an inventory of all legal data related to the subject matter, both primary legal data and secondary legal data. Hasil penelitian ini menunjukkan rekonstruksi terhadap kode etik dan pedoman perilaku hakim ini dilakukan dengan metode memasukkan unsur baru, yaitu: asas malu (*principle of al-haya'*) ke dalam butir pengaturan kode etik dan pedoman perilaku hakim. Adanya asas malu (*principle of al-haya'*) di dalam kode etik dan pedoman perilaku hakim ini mampu: (a) membentuk putusan hakim yang mencerminkan kebaikan, keadilan, kepastian dan kemanfaatan untuk semua pencari keadilan. (b) membentuk putusan hakim yang dilandasi keimanan dan ketaqwaan merupakan bagian dari pengamalan asas malu (*principle of al-haya'*)., sehingga akan menggeser *abuse of authority* dalam memutus perkara. (c) membentuk putusan hakim yang dilandasi taat asas dan taat hukum. (d) membentuk perilaku hakim yang adil, jujur, arif dan bijaksana, bersikap mandiri, berintegritas tinggi, bertanggung jawab, menjunjung tinggi harga diri, disiplin tinggi, berperilaku rendah hati, dan bersikap profesional.

**Kata Kunci:** Rekonstruksi, kode etik hakim, asas malu (*principle of al haya'*), integritas hakim.

### Abstract

The research objective was to find a model and form of reconstructing the code of ethics and guide judicial conduct based on the principle of al haya' to build the judges' integrity in Indonesia in administering justice to uphold law and justice. This research included normative juridical research, namely legal research, which focused on analyzing the authorized official's positive legal norms. This research's data collection method and processing began with a literature study as an inventory of all legal data related to the subject matter, primary and secondary legal data. The research results indicated that the reconstruction of the code of ethics and guide to judicial conduct was carried out by incorporating a new element, namely: the principle of al-haya', into the points of setting the code of ethics and guide to judicial conduct. The existence of the principle of al-haya' in the code of ethics and guide to judicial conduct was able to: (a) form judge decisions that reflected goodness, justice, certainty, and benefit for all justice seekers; (b) form judge decisions based on Faith and piety were part of the practice of the principle of al-haya' so that it would shift abuse of authority in deciding cases; (c) form a judge's decision that was based on obeying the principles and the law; (d) establish the conduct of judges who are fair, honest, sensible and wise, be independent, have high integrity, be responsible, uphold self-respect, have high discipline, behave humbly, and act professionally.

**Keywords:** Reconstruction, code of ethics for judges, the principle of al haya', judges' integrity.

## INTRODUCTION

Courts that are independent, neutral (impartial), competent, transparent, accountable and authoritative, and capable of upholding legal authority, legal protection, legal certainty, and justice are *conditio sine qua non* or absolute requirements in a country based on law. Courts as the central pillar of law enforcement and justice and the process of developing the nation's civilization. The enforcement of law and justice and respect for the nobility of human values are prerequisites for upholding the dignity and integrity of the State. Furthermore, as the leading actor or central figure in the judicial process, judges are always required to sharpen conscience sensitivity, maintain integrity and moral intelligence, and increase professionalism in upholding law and justice for the people. Therefore, all powers and duties judges possess must be carried out to uphold law, truth, and justice indiscriminately by not discriminating between people as stipulated in the pronouncement of a judge's oath, where everyone is equal before the law and judges. The enormous authority and duty of the judge demand a high responsibility. Hence, the court's decision pronounced with *irah-irah* "for the sake of justice based on belief in lordship of almighty God" indicates that the obligation to uphold the law, truth, and justice must be accounted for horizontally to all humans and vertically accountable to God Almighty. (Joint Decision of the Chief Justice of the Supreme Court of the Republic of Indonesia and the Chairman of the Judicial Commission of the Republic of Indonesia 047/KMA/SKB/P.KY/IV/2009).

Codes of ethics and guides to judicial conduct are norms for judges to behave in examining, adjudicating, and deciding cases. In reality, these guidelines cannot regulate judges in their behavior, so violations are found in deciding cases.

The occurrence of violations of the code of ethics and guide to judicial conduct in Indonesia has been caused by several factors, namely:

1. Legal Substance, namely the legal substance factor of the code of ethics and the guide to judicial conduct, does not provide stability in regulating them as internal regulations for judges in Indonesia.
2. Legal Structure, namely the factor of the judge himself as a law enforcer who not good mental behavior in examining and adjudicating cases. In this perspective, perhaps it is appropriate for prospective judges to have a psycho test to determine the prospective judges negative behavior as actors of judicial power in upholding law and justice in Indonesia.
3. Legal Culture, namely the factor of the legal community and law enforcement officers (including judges). In several cases that occurred in Indonesia, there were indeed ways to win the case or reduce the sentence.
4. Facilities factor, namely the critical factor to enforce the code of ethics and guide judicial conduct, the absence of enforcement facilities will make the norm sterile.
5. Institutional factor is crucial because when the code of ethics for judges and the guide to judicial conduct is formed, it requires an enforcement agency. The Supervisory Board of the Supreme Court and the Judicial Commission, or the Ethics Council of judges, in upholding the dignity of judges is not capable. If these institutions do not carry out their duties and authorities properly, then violations of the code of ethics and guide to judicial conduct in Indonesia will continue.
6. The factor of the absence of the principle of al-haya.' Perhaps, the violation of the code of ethics and guide to judicial conduct in Indonesia so far is due to the absence of the principle of al-haya' in their formulation as a norm for judges to behave in examining, adjudicating, and deciding cases.

Judges are representatives of God in the world. Therefore, as a representative of God, it is not arbitrary to decide cases, let alone violate the code of ethics and guiding judicial conduct as the norm in carrying out their profession.

Judges in The Black's Law Dictionary are defined as follows: *A public official appointed or elected to hear and decide legal matters in court. The term is sometimes held to include all officers appointed to decide litigated questions, including a justice of the peace and even jurors (who are judges of the facts). However, in ordinary legal usage, the term is limited to the sense of an officer who (1) is so named in their commission and (2) presides in a court. Judge is often used interchangeably with the court.* (Garner, B.A, 2001:916).

The absence of the principle of al-haya' in the code of ethics and guide to judicial conduct in Indonesia causes judges to lose control. Therefore, this research created philosophical, normative, theoretical, and socio-political problems.

## METHOD

This research included normative juridical research, namely legal research, which focused on analyzing the positive legal norms established by its authorized official (Salim HS & Erlies Septiana Nurbani, 2014). This research's data collection and processing method began with a literature study as an inventory of all legal data related to the subject matter, primary and secondary legal data. The analysis of legal data in this research was carried out by observing, tracing the identification of primary and secondary legal data collected, then analyzing them according to the problem by evaluating, analyzing, describing, and systemizing, guided by legal, scientific theories, and the concepts of legal science or principles of law.

## RESULTS AND DISCUSSION

### 1. Ethics and Guide of Judicial Conduct in Building Judges' Noble and Dignity

Ethics, in this case, is used to assess the integrity and personality of a judge in carrying out his duties and authority as representative of God in the world to uphold law and justice to achieve justice, certainty, and benefit. If traced, ethics comes from the Greek ethos (plural: *ta etha*), which means habit. Ethics can be distinguished in three meanings, namely: (1) ethics in the sense of moral values and norms that become a guide for a person or a group in regulating their behavior; (2) ethics in the sense of a collection of moral principles or values; and, (3) ethics as the science of good and evil.

Ethics as science can begin to explore seriously where Ethics is a systematic thought about Morality. (Franz Magnis-Suseno, 1987: 14-15). Ethics is not moral teaching like religious advice or customary advice. It is based on the historical background of ethics as a philosophical effort born from the collapse of the moral order in the Greek cultural environment around 2500 years ago.

In a judge's position as a profession, there is no position free from ethics as legal norms and morality for a judge, which is made procedurally for the holder of the office concerned. Therefore, the code of ethics for judges should be a guide to judicial conduct in carrying out their duties and daily life.

Ethics is related to the more teleological tradition of Aristotelian philosophical thought (associated with finality or purpose). (Haryatmoko, 2003: 18718). Meanwhile, "moral" is related to Immanuel Kant's philosophical thought tradition from Germany, a deontological point of view. Moral refers to obligations, norms, principles of action, and an imperative ("categorical," i.e., rules or norms that come from reason which refers to a necessity) to move on to the division of Ethics as a science of morality, namely Descriptive Ethics, Normative Ethics and Meta-Ethics.

Concerning ethics and morals, Ali argues that the system of values and norms that form the basis of ethics does not originate from values but only depends on the descriptive thinking of the formulators of the value system and ethics. Therefore, it is a temporary public agreement and is not impossible to be subjective. Another case is moral teachings that come from religious teachings, both the Qur'an and Al-hadith, as well as from the thoughts of religious leaders and traditional leaders, a collection of written and unwritten rules and regulations about how humans must live and act so that they become good human beings. The benchmark of moral judgment determines good or bad human actions as a human being. (Ali, Zainuddin, 2007: 22).

Judges as law enforcement officials are authorized to make decisions on cases they are trying. Carrying out their duties as officials authorized to impose sentences cannot be separated from the rules that determine them as judges. For example, a judge is an official who has a predicate *ius curia novit*. (Sudikno Mertokusumo, 2006:133). One of its implementations is emphasized in Article 184 paragraph (1) and Article 319 HIR, namely that judges must make reasons for decisions that are used as the basis for judging.

Judges in practice handling a case in court cannot be separated from and influenced by the value system adopted. Judges will always struggle and have a dialogue with the value system that resides in the realm of psychology and mentality of the judge. The judge will choose the crucial values and which priority is given to a case brought in front of him. (M. Syamsudin, 2011:131).

In carrying out their duties and authorities, judges must walk on their tracks to not slip through a road that is not their path. Nadir believes that generally, the profession of judges and especially the judges of the Constitutional Court is a noble profession and as a representative of God in the world because of his responsibilities of determining who is wrong and who is right in exercising judicial organs

of judgment must possess an impeccable personality and integrity. As a noble profession, the judges cannot be separated from the guide to judicial conduct of the Constitutional Court as the legal norms and morality for the members of the judicial profession are made by consensus to control the behavior in doing their responsibilities. In our legal system, judicial impartiality is a fundamental component of justice. We expect judges to be, above all else, impartial arbiters. Therefore, legal disputes are decided according to the law, with freedom from the influence of bias or prejudice. The principle of judicial impartiality is dictated by statutory and common law, is required by the guide to judicial conduct, and is essential to due process of law. (Nadir & Win Yuli Wardani, 2019:13 ).

## **2. Reconstruction of the Code of Ethics and Guide to Judicial Conduct Based on the Principle of *Al Haya'* in Building the Judges' Integrity in Indonesia**

The judge has a vital role in adjudicating a case. He functions himself as a law that the community must obey. Therefore, the form of law that the community can accept can create an orderly social order, create order and balance, achieving order in the community. In society, it is hoped that human interests will be protected. (Sudikno Mertokusumo, 1999:71).

Judges whose function is no longer *la bouche de la loi*. A reasonably high integrity judge is required. Therefore, it is reasonable if the Code of Ethics and Guide to Judicial Conduct is determined that judges must have high integrity. It is determined in the Joint Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia and the Chairman of the Judicial Commission of the Republic of Indonesia Number: 047/KMA/SKB/IV/2009 and Number: 02/SKB/P.KY/IV/2009 dated April 8, 2009. The abdication of judges is no longer *la bouche de la loi*. However, every decision that must be based on justice is the behavior of judges who sometimes deviate from *rechts zekerheid* (legal certainty). (Syafudin Kalo, 2007). The provisions of the rules that have been set by law which incidentally have the value of *rechts zekerheid*, will be deviated by the judge to create a justice-based decision.

Judges are state officials who have the predicate *ius curia novit*, (Sudikno Mertokusumo, 2006:133). but the judge cannot immediately determine his decision based on his own will. Judges still have to pay attention to the values of community justice as legal principles that must be obeyed in making decisions. In addition, judges must pay attention to the consistency of logic, certainty, and the principle of equality. (JJH.Bruggink, 2015:136).

In-Law Number 48 of 2009 concerning Judicial Powers, the duties of judges have been regulated, namely:

1. To adjudicate cases according to the law without discriminating against people (Article 4 paragraph (1)).
2. To assist justice seekers and try to overcome all obstacles and challenges to achieve a simple, fast, and low-cost trial (Article 4 paragraph (2)).
3. Judges are prohibited from refusing to examine, try, and decide on a case submitted on the pretext that the law does not exist or is unclear but are obliged to examine and try it (Article 10 paragraph (1)).
4. Judges are obliged to explore, follow, and understand the legal values and sense of justice that live in a society (Article 5 paragraph (1)).
5. The judge is obliged to pay attention to the good and evil nature of the defendant in considering the severity of the crime (Article 8 paragraph (2)).

In carrying out the above tasks, judges are required to be professional. Therefore, in applying the law, there are no mistakes. Therefore, their academic and empirical abilities must be implemented appropriately. In applying the law to a concrete event, the values of justice that live, grow, and develop in society cannot be ignored because they are sources of consideration in giving a fair decision.

In the Joint Decree of the Chairman of the Supreme Court of the Republic of Indonesia and the Chairman of the Judicial Commission of the Republic of Indonesia Number: 047/KMA/SKB/IV/2009 and Number: 02/SKB/P.KY/IV/2009 on April 8, 2009, fair means putting things in their place and giving what they are entitled to based on the principle that all people are equally based on the law's perspective. Therefore, the most basic demands of justice are to provide equal treatment and opportunity (equality and fairness) to everyone. Therefore, a person who carries out duties or professions in the justice field

which bear the responsibility of upholding a fair and proper law must always act pretty without discriminating against people.

Based on the description above, a court decision is regulated in Article 50 and Law Number 48 of 2009 concerning Judicial Power which stipulates that:

1. The court decision must contain the reasons and basis for the decision and articles from the relevant legislation or unwritten legal sources used to adjudicate.
2. Each court decision must be signed by a chairman, a judge who decides, and a clerk who participates in the session.

Based on Article 50 above, the judge must follow that provision and may not deviate from it. Therefore, this provision is very appropriate to be a parameter/benchmark for assessing the judge's decision in making decisions on concrete events. Errors in applying the law in the judge's decision violate the judge's code and guide to conduct because judges are considered to know the law (*ius curia novit*).

In principle, each judge has different legal considerations in deciding cases, including considerations of legal values that live in society. Besides, it must be based on a code of ethics and guide judicial conduct. One of them is must be sensible and wise, namely able to act in accordance with norms that live in society, both religious norms, moral norms, norms of decency, and legal norms.

According to realism, judges decide something according to their personal preferences and then build a legal analysis to justify the desired outcome. They try to show that the act of judging is not impersonal but has been influenced by the judge's values and has been influenced by the judge's values. (Sulistiyowati Irianto, 2017:15).

The contribution of legal realism is that law is conceptualized as an empirical phenomenon observed in the experience of society. Holmes, who later became known as a figure in legal realism, says that even though the law works on its logic, the life of the law has not been logical. It has been an experience. The experience can only be studied using a social science approach to law, for example, legal sociology, legal anthropology, and legal psychology. Therefore, to understand the problems of judges, it is necessary to use an interdisciplinary approach. (Sulistiyowati Irianto, 2017:17).

Satjipto Rahardjo (2003:225) stated that there are at least two types of judges. *First*, when examining, the judge asks his conscience or listens to the decision of his conscience and then looks for the articles in the regulations to support the decision. *Second*, a judge who, when making a decision, first consults the interests of his stomach and then looks for articles to give legitimacy to his stomach's decision.

The judge's position is exceptional. A judge is the embodiment of law and the face of abstract justice. Even the judge is the representative of God in the world to determine whether a person is wrong or not and determine whether or not someone is entitled to particular objects. However, recently, not a few decisions have gone out of line due to the wrong application of the law, so judges have lost their professionalism.

Judges have a vital position with all their authority; for example, a judge can transfer someone's ownership rights, revoke citizens' freedom, declare arbitrary government actions against the community illegal, and even order the removal of a person's right to life. (Machmudin, 2006:51). The judge's task is to consider his decision to determine the law for a particular fact and the legal norm. If there is no legal rule to solve a problem, then the solution to the problem must be sought in legal doctrine and moral values by complying with the code of ethics and the judge's code of conduct. Characteristics of judges who meet the ideal qualifications of judges must be judges who are fair, firm, able to control themselves, wise and knowledgeable, have a noble character, can organize and manage work processes and equipment, communicative, able to lead and be led, and carry out their duties optimally.

Courts as judicial powers must be independent of executive power. The freedom from influence and executive power has two main objectives: to ensure the implementation of a fair and just trial and to enable the judges to exercise control over government action. (Harahap, M. Yahya, 1997:5). In this case, the theory teaches that the law solely requires justice. This theory is called the ethical theory because, according to this theory, the content of the law must solely be determined by human ethical awareness of what is fair and what is unfair. Suppose the legislators instruct judges to pay



attention to justice in their decisions, but there is a danger that legal certainty will not be fully fulfilled. In that case, it is more concerning that the judiciary in Indonesia seems to have aspirations of expanding the principle of good faith, also doing so in terms of the law that does not point to him. (Van Apeldoorn, 2000: 12-13).

Excerpted from Bambang Sunggono (1991:54), the enactment of the law is a means to achieve this goal because, technically, the law can provide or do the following things:

1. Law is a means to guarantee certainty and provide predictability in people's lives;
2. Law is the government's means of imposing sanctions;
3. Governments often use the law as a means of protecting against criticism;
4. Law can be used as a means to distribute resources.

In this regard, Sutyoso and Puspitasari emphasized that two main factors influence the judge's decision, (Antonius Sudirman, 2007: 92-93), namely:

1. Internal factors affect the independence of judges in carrying out their duties and authorities that come from within the judges themselves, namely those related to Human Resources (HR), ranging from recruitment/selection to be appointed judges, judge education, and judge welfare.  
In the recruitment of judges, it is necessary to have intellectuality (related to the ability to master material law, ceremonial law, and legal discovery correctly and correctly); integrity (honesty); education, upgrading, refreshing, periodic meetings, and training; and measures for the efficiency and effectiveness of the training classes. (Research Team of Faculty of Law of Universitas Gadjah Mada, *Rekrutmen dan Karir di Bidang Peradilan*, Research Result, National Law Commission, Jakarta 2003.)
2. External factors affect the judge's decision that comes from outside the judge. External factors can also be everything that influences judges in creating justice, certainty, and benefits that arise from outside the judges themselves. It is closely related to the judicial system and law enforcement, including:
  - a. Legislation.
  - b. There is intervention in the judicial process.
  - c. Judge's relationship with other law enforcers.
  - d. There are various pressures.
  - e. Legal awareness factor, and
  - f. Government system factors.

Supervision and enforcement of judges' behavior are undoubtedly seen from the size of the existing Guide to Judicial Conduct and Code of Ethics used as measures. Therefore, it will avoid overlapping with other supervision outside the area of ethics or behavior. The urgency of monitoring the behavior of judges is very much needed in building a judiciary that the public can trust. Therefore, the wrong application of the law in the judge's decision violates the Guide to Judicial Conduct and Code of Ethics.

An effective supervisory system must fulfill several supervisory principles, namely the existence of a particular plan and the provision of instructions and powers to subordinates. The plan is a standard or measuring tool for the work carried out by subordinates. The plan indicates whether the implementation of the work is successful or not. The provision of instructions and authority is carried out to implement the monitoring system effectively. Apparent authority and instructions must be given to subordinates. It can be known whether the subordinates have carried out their duties properly. Based on the instructions given to subordinates, a subordinate's work can be monitored.

The application of the Code of Ethics and Guide to Judicial Conduct in point 10, the application of number 10.4, is urgent to be enforced to ensure that the judge's decision does not injure public justice. It is where the principle of *al-haya'* is needed in the code of ethics and guides judicial conduct to build the integrity of judges in giving decisions that have a broad impact on the community and the behavior of judges in daily life as state officials.

Norms are needed to control the behavior of judges. The norms that control ideal human behavior (including the behavior of judges and writers' cursive) in life together can be in the form of religious, ethical, and legal norms. The three systems of norms or rules arise naturally in the reality of

human life universally. Codes of ethics and guidelines for judges' behavior are norms for judges to behave in examining, adjudicating, and deciding cases. In reality, these guidelines cannot regulate judges in their behavior, so violations are found in deciding cases.

Shame is a universal principle. Philosophically it is attached to every human soul. Shame is a fundamental principle, especially for judges as judicial administrators, to uphold law and justice. Shame is a principle because shame is attached to or exists in every human soul as a moral in every association of life in society, nation, and state. The absence of shame in a person certainly causes the loss of the values of shame itself so that he acts out of their hearts.

Shame is an act or deed born from a person's inner attitude to avoid unworthy and inappropriate things and not correctly done because it is prohibited by religious, ethical, and legal norms that will humiliate him. (Nadir & Wardani, 2019:61). Embarrassment in carrying out actions or actions is considered contrary to the law, contrary to legal principles, and contrary to religion, morality, ethics, and morals, even though shame does not bring anything except goodness. (Nadir & Wardani, 2019:105).

Shame is a trait that must exist in a person in general and in judges in particular because shame is the dress of honor of a judge who has a high degree of values as a representative of God in the world who determines the guilt or innocence of someone being judged, for example, a judge who is accepting bribes for the cases that were decided. This act was a despicable act and was not commendable and violated the principle of al-haya'. This principle is fundamental in the code of ethics and guides judicial conduct.

The principle of al-haya' in this paper can be presented as a reconstruction of the code of ethics and guide to judicial conduct with the following indicators:

1. The formation of a judge's decision reflects goodness, justice, certainty, and benefit for all justice seekers.
2. The formation of judge decisions based on faith and piety is part of the practice of the principle of al-haya' so that it will shift abuse of authority in deciding cases.
3. The formation of a judge's decision is based on obeying the principles and obeying the law.
4. The formation of judges' behavior that is fair, honest, sensible and wise, independent, has high integrity, is responsible, upholds self-respect, has high discipline, behaves humbly, and behaves professionally.

**Table. 1**  
**Reconstruction of the Code of Ethics and Code of Conduct for Judges Based on the Principle of Al Haya' in Building the Integrity of Judges in Indonesia**

No	Legal Aspect	Old Construction	New Construction
1	Errors in Application of Law in Decisions	<div>1. Implementing errors cannot be accounted for because the procedural law system in Indonesia adheres to the principles of <i>Res Judicata pro-Veritate Habetur</i> and the principle of <i>ius curia novit</i>.</div> <div>2. The solution to the error in applying the law is only with ordinary and extraordinary legal remedies. Furthermore, there is no alternative solution to accommodate the community's justice, certainty, and benefit values.</div> <div>3. Errors in applying the law in decisions have not been qualified</div>	<div>1. Philosophically, there is no legitimate image authority without norms that govern it. Besides, there is no action without accountability. Therefore, all judges' decisions must be accounted for both morally, legally, and to God Almighty.</div> <div>2. Other legal efforts must be made to provide alternative solutions for errors in applying the law in decisions that can accommodate the community's justice, certainty, and benefit values.</div>

		<p>as violations of the code of conduct and code of the ethic</p> <p>4. Errors in applying the law in decisions have not been qualified as moral violations.</p> <p>5. Errors in applying the law in decisions have not been qualified as conditions that injure justice for the community</p>	<p>3. Errors in applying the law in decisions must be considered a violation of the guide to conduct and code of the ethic so that the principle of prudence is formed in making decisions.</p> <p>4. Errors in applying the law in the decision must be qualified as a moral violation. Therefore, there are sanctions from the community, including sanctions for delaying promotions and transferring positions</p> <p>5. Errors in applying the law in decisions must be qualified as conditions that injure justice for the community. It is so that there are no decisions that come out of the axis that the judge should have passed.</p>
2	Material Code of Ethics and Guide to Conduct for judges	The basic principles of the Code of Ethics and Guide to Judicial Conduct implemented in ten rules of behavior as follows: (1) Behave Fairly, (2) Behave Honestly, (3) Behave Wisely, (4) Be Independent, (5) High Integrity, (6) Responsible, (7) Uphold High Self-Esteem, (8) High Discipline, (9) Behave Humble, (10) Be Professional	<p>1. All new construction materials presented in the misapplication of law in decisions should be included in the guide to judicial conduct and code of the ethics of judges in Indonesia.</p> <p>2. Avoiding and/or minimizing errors in applying the law in decisions, from the ten basic principles in the old construction, philosophically, the principles of humanism and disgraceful acts are to act carefully in making decisions.</p>
3	Judge Supervision	Internal and external judges	Conducting public examinations (externally) as part of external supervision of judges' decisions
4	Building Judge Integrity	Compliance with the Code of Ethics and Code of Conduct of Judges	1. Incorporating a new element, namely: the principle of al-haya', into the items of setting the code of



			<p>ethics and guide to judicial conduct</p> <p>2. Forming a judge's decision that reflects goodness, justice, certainty, and benefit for all justice seekers</p> <p>3. Forming judge decisions based on faith and piety is part of practicing the principle of al-haya.' Therefore, it will shift the abuse of authority in deciding cases.</p> <p>4. Forming a judge's decision based on principles and obeying the law.</p> <p>Forming the behavior of fair, honest, sensible, and wise judges, be independent, have high integrity, are responsible, uphold self-respect, have high discipline, behave humbly, and act professionally.</p>
--	--	--	---

**Source:** The author's creation was processed from primary and secondary data

**CONCLUSION**

Based on the results and analysis above, it can be concluded that the reconstruction of the code of ethical norms and guide to judicial conduct based on the principle of al haya' was carried out to build the judges' integrity in Indonesia in administering justice to uphold law and justice.

The reconstruction of the code of ethics and the guide to judicial conduct was carried out by incorporating a new element, namely: the principle of al-haya', into the provisions of the code of ethics and guide to judicial conduct. The existence of the principle of *al-haya'* in the code of ethics and guide to judicial conduct can: (1) form judge decisions that reflect goodness, justice, certainty, and benefit for all justice seekers; (2) form judge decisions based on faith and piety are part of the practice of the principle of al-haya' so that it will shift abuse of authority in deciding cases; (3) form a judge's decision that is based on obeying the principle and obeying the law; and (4) form the behavior of judges who are fair, honest, sensible and wise, be independent, have high integrity, be responsible, uphold self-respect, have high discipline, behave humbly, and act professionally.

**DAFTAR PUSTAKA**

Ali, Zainuddin. (2007). Sosiologi Hukum. Jakarta: Sinar Grafika.

Garner, Bryan A. (2001). Black's Law Dictionary, 9<sup>th</sup> Ed., United States of America, West Publishing co.

Harahap, M. Yahya. (1997). Beberapa Tinjauan Mengenai Sistem Peradilan dan Penyelesaian Sengketa. Bandung: Citra Aditya Bakti.

Haryatmoko. (2003). Etika Politik dan Kekuasaan, Jakarta: Kompas.

Mertokusumo, Sudikno. (1999). Mengenal Hukum: Suatu Pengantar. Yogyakarta: Liberty. 71

Kalo, Syafrudin. (2007). Penegakan Hukum yang Menjamin Kepastian Hukum dan Rasa Keadilan Masyarakat”, a paper on the Inauguration of the Indonesian Footprint for the Regional Coordinator of North Sumatra. Medan.

Bruggink. JJ. H. (2015). Refleksi Hukum tentang Hukum Pengertian-Pengertian Dasar dalam Teori Hukum. Bandung: Citra Aditya.136.

- Joint Decree of the Chairman of the Supreme Court of the Republic of Indonesia and the Chairman of the Judicial Commission of the Republic of Indonesia Number: 047/KMA/SKB/IV/2009 and Number: 02/SKB/P.KY/IV/2009 on April 8, 2009.
- Irianto, Sulistyowati & Putro, W. D. et.al. (2017). *Problematika Hakim Dalam Ranah Hukum, Pengadilan, Dan Masyarakat Di Indonesia: Studi Sosio-Legal*, 1<sup>st</sup> edition, Secretariat General of the Judicial Commission of Republic of Indonesia, Jakarta. 15.
- Rahardjo, Satjipto. (2003). *Sisi-Sisi Lain dari Hukum Indonesia*. Jakarta: Kompas,.225.
- Machmudin, D. D. (2006). Peranan Keyakinan Hakimdalam Memutus suatu Perkara di Pengadilan, *Varia Justicia*, (252), October 2006, Supreme Court of Republic of Indonesia,51
- Harahap, M. Yahya. (1997). *Beberapa Tinjauan Mengenai Sistem Peradilan dan Penyelesaian Sengketa*. Bandung: Citra Aditya Bakti. 5.
- Van Apeldoorn. (2000). *Inleiding Tot de Studie Van Het Nederlandse Recht*, translated into Indonesian language by Otari Sadino, 28<sup>th</sup> edition. Jakarta: Pradnya Paramita. 12-13.
- Sunggono, Bambang. (1991). *Hukum dan Kebijaksanaan Publik*, cited from Esmi Warasih Pujirahayu, "Implementasi Kebijakan Pemerintah Melalui Peraturan Perundang-undangan Dalam Perspektif Sosiologis", Dissertation at Universitas Airlangga, Surabaya, 54.
- Sudirman, Antonius. (2007). *Hati Nurani Hakim dan Putusannya: Suatu Pendekatan Dari Perspektif Ilmu Hukum Perilaku (Behavioral Jurisprudensi) Kasus Hakim Bismar Siregar*. Bandung: Citra Aditya Bakti. 92-93.
- Research Team of Faculty of Law of Universitas Gadjah Mada, *Rekrutmen dan Karir di Bidang Peradilan*, Research Result, National Law Commission, Jakarta 2003.
- Nadir & Win Yuli Wardani. (2019). *Penerapan Asas Malu (Principle of Al- Haya') Sebagai Paradigma Baru Batu Uji Pemberhentian Presiden Indonesia: Filosofi, Teoretis Dan Implikasi Penerapannya*. Jakarta: Rajagrafindo Persada. 61.
- Nadir & Win Yuli Wardani. (2019). *The Evaluation Of Independent Norm Text And Impartial Judge On The Constitutional Court Of Indonesia*, in the *International Journal of Sociological Jurisprudence*, (2) 1.