
Independence of Judges and Public Opinion

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Abstract

The research article titled "Independence of Judges and Public Opinion" delves into the intricate relationship between the freedom of judges and public opinion, two intangible yet impactful forces that shape the judicial landscape. The freedom of judges and public opinion are two things that cannot be seen, but both can be reflected. This freedom seems an absolute power in making decisions, even though this freedom still has limitations. Unfortunately, we cannot find the judge's standing point in the decision because the judge did not provide his arguments, making it difficult to identify whether the judge was influenced by public opinion or not. This article examined the relationship between the judge's independence and the judge's power in making decisions and the effects of public opinion on the judge's independence. This article is a normative juridical research with interdisciplinary method research by using perspectives from other scientific disciplines that used to support discussions related to the problem which still use the law as a standpoint. This article discussed not only from a normative perspective, but other aspects such as sociology, culture, and psychology. The result of this research, the relationship between the judge's independence and the judge's power in making decisions must be maintained by the judge's integrity, and public opinion as a long-life problem could affect the judges through pressure. There must be a regulation that orders the judges to provide the arguments according to the case which can be assessed by anyone, and surveillance according to the decision that has to give feedback to the judges itself. Besides, there must be an accountability system for the supervision of judges related to the contents of the decision, to society, people, organization, and state.

Keywords: Independence; Judges; Public Opinion.

I. INTRODUCTION

In contemporary times, heightened attention from the public has been directed towards the performance of law enforcement agencies in Indonesia, underscored by prominent cases like that of Brigadier J. Saragih, (2022). The public reacted greatly to the case and voiced their opinion aloud regarding the justice that must be provided by the state. Weakness in law enforcement in various cases has made people more courageous to involve themselves in criticizing the actions of law enforcers, including judges. The court is the last place for justice seekers, and the decisions made by judges represent justice by carrying out judicial functions following the provisions of applicable regulations by the judges. The judges must uphold the law and justice. In this regard, in making a decision, the judge must pay attention to three very important things, namely justice (*gerechtigheit*), certainty (*rechtsecherheit*), and expediency (*zwachmatigheit*) Rosadi, (2016).

However, the process of uncovering a judge's rationale behind their decision is often challenging. This lack of explicit reasoning within judicial decisions renders it arduous for readers to discern the foundational underpinnings guiding the outcomes. As a result, readers find it difficult to find the basic

reasons for issuing the decision. The judge's argumentation can provide answers and explanations for the reasons underlying the judge's decision. I realize that this is a long-life problem, it will never be resolved. But there must always be an effort to solve the problem even though when it's finished, there must be another problem. The judges' position is always targeted (reachable) by people with money and power to side with their interests. Besides, the mass media has a big influence in this regard, but the mass media can also be a product of the elite which can lead to opinions of their interests, compared to the media that voices truth and facts. In other words, the media is like two blades. Thus, the description of the judge's argument in his decision is urgently needed as evidence of transparency to the public.

Several authors have examined the topic of independence and public opinion at a normative level, which is mean examining the regulation and the application according to the specific problem. This article will discuss at the theoretical level the independence of judges in making decisions in the middle of public opinion by using perspectives from other scientific disciplines that I used to support discussions related to the problem and still looking at it from the standpoint of law. From the results of a survey conducted by Indonesian Political Indicator Zulfikar, (2022), it can be interpreted that the public does not fully trust the law enforcement process in Indonesia, including the judge's decision. Regarding the independence of judges in making decisions in the middle of public opinion, there are two conditions which must be understood. First, the public opinion formed by society demands severe sanctions be imposed on those accused of committing violations. This is motivated by a society that prioritizes conscience, feeling, and togetherness, in its quest for justice. The second, the judge passed a decision based on the process at trial. We all know that anyone who commits a violation must be subject to sanctions.

However, everyone who is accused of committing these violations is not necessarily guilty before receiving a guilty verdict from the judges, while the judges' decision depends on the trial process that is being held. If the evidence at trial does not match the accusations, does the judge dare to impose light sanctions on the person? Or if the person accused of committing an offence is not proven guilty in court, will the judge dare to acquit that person? Or the judge is afraid of facing the masses so he gives a verdict as the public has led him to?

II. METHOD

This article is organized to describe systematically, factually, and accurately the factors related to the relationship between the independence of judges and public opinion in making a decision. This article is a normative juridical research with interdisciplinary method research by examining secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials from several scientific disciplines such as sociology, culture, and psychology, to then be analysed using qualitative analysis methods. The qualitative analysis allows for in-depth exploration and interpretation of the multifaceted factors influencing the freedom of judges in decision-making amidst the backdrop of public opinion. The approach seeks to uncover underlying themes, patterns, and interconnections within the data, offering a holistic portrayal of the subject matter. I examined the factors correlated with the freedom of judges in making decisions in the middle of public opinion. In this regard, I will discuss the problem in two discussions. First, the relationship between the independence of judges and the power of judges in making a decision. Second, how public opinion influences the independence of judges in deciding cases. Further, the purpose of this article is to clarify the limits of the power of judges in making a decision and to analyses the influences of public opinion on judges, with the hope of providing complete information for readers, especially for judges and the public.

III. RESULTS AND DISCUSSION

3.1 The Relationship between the Independence of Judges and the Power of Judges in Making Decision

a. Judges and their power

The term power has two meanings, namely the meaning of objects (ability, strength), and the meaning of nature. This power can be seen through other forms such as authority and rights Luthan, (2007). According to Robert A. Dahl, the term power covers a category of human relations, for example, relationships involving the influence of authority, persuasion, encouragement, violence, pressure, and

physical force accompanied by sanctions for violators Nambo & Puluhuluwa, (2005). In my opinion, power is a person's ability to influence other people to think and behave according to the person's will.

Judicial power is the power of an independent state to administer justice to uphold law and justice based on the Pancasila and the Constitution of the Republic of Indonesia 1945 (Constitution 1945), for the establishment of the legal state of the Republic of Indonesia (Law Number 48 of 2009 on Judicial Power, 2009:Article 1 number 1). The source of power comes from two major groups, namely sources of power between individuals which include formal power and personal power, and sources of structural power. Formal Power is a power based on individual position in an organization. Personal power is a power that comes from the unique characteristics of an individual. The source of structural power is the source of group power Marianti, (2011).

Ideally, power comes from a formal authority which gives authority or power to a particular person or institution. So, it can be said that the power comes from the law, namely legal provisions governing the granting of authority Lili Rasjidi in Alfons, (2018). Bearing in mind that the law requires coercion, the law requires strength in its enforcement, because without power, the law is nothing but a social rule that contains valid recommendations Juanda, (2017). From this opinion, we know that an important factor in law enforcement is coercive power, and judicial power is one of the pillars granted authority by the constitution which confers "freedom" in exercising this authority. In the system of judicial power, the word freedom is used for judicial institutions (an independent judicial power), and judges (freedom of judges) as apparatus Kaeng et al., (2022). Then the independence and freedom of judges contain two aspects. First, judges are independent and free from the influence of executive or legislative powers, even from judicial powers. Second, the independence and freedom of judges are only limited to the function of judges as executors of judicial power, namely to establish laws in concrete circumstances Manan & Magnar, (1997).

Some interpret that the freedom of judges is a freedom that is not absolute (the judge's job is to uphold law and justice which must be based/bound to the foundation of Pancasila) Budiardjo, (1991) so that the freedom of judges cannot be separated from the element of responsibility. Thus, the freedom of judges is not absolute and boundless freedom which tends to lead to arbitrariness Bertens, (1999). But, some unscrupulous judges interpret this freedom in an absolute sense, meaning that the judge is free to do whatever he thinks is right for the sake of issuing a decision.

The judge is a person appointed by the authorities and settles charges and disputes. The existence of judges is needed to resolve disputes that arise in social life that require legal assistance, to solve the problems Harahap, (1993). For judges, in adjudicating a case, the priority is the facts or legal events, not the law. The rule of law is only a tool, while the determining thing is the legal event Mertokusumo, (2009). The judge made a decision only based on the facts revealed at the trial which was accompanied by the judge's conviction "Demi Keadilan Berdasarkan Ketuhanan Yang Maha Esa" (Gultom, (2017). Therefore, it is possible that in a legal event, the decision given is different from one case to another, by applying the same legal rules, but from a different judge.

According to John Z. Loudee, establishing the law is so easy, but finding legal provisions in the law on a case is not always easy. In deciding a case, the judge must be independent and free from the influence of any party. Therefore, judges must be able to be objective in following applicable law, and relevant legal norms and judges are only bound by relevant facts Adonara, (2015). On the one hand, judges must maintain legal certainty is interpreted as the law of certain situations because there is concrete legality of the law and a form of protection for justiciable (justice seekers) Sidiqah, (2023), and on the other hand, judges must be able to reflect justice from the application of the law itself. Because the law is dynamic, the judge (with the principle of the independence of the judge) only views codification (statutory regulations) as a guide so that there is legal certainty, but in making his decision the judge must also consider and remember the sense of justice that lives in society so that law is flexible (*rechtslenigheid*) Nurdin, (2012).

Pancasila and the Constitution of 1945 are the basic foundations of judicial power. Pancasila as a material object must be viewed and interpreted from the perspective of Pancasila philosophy as the nation's way of life, and the Constitution of 1945 as its constitutional juridical basis Adonara, (2015). Pancasila as a basic value or fundamental value contains an abstract, general, and universal meaning for the Indonesian people in particular and the world in general which is ideal and allows it to be translated into the fields of

philosophy, law, social, economics, and so on Soejadi, (1999). Thus, the philosophical values contained in Pancasila can be used as a tool to reflect on the true meaning of the freedom of judges in the context of law enforcement in Indonesia. Judges must be able to reflect the law related to the facts found in court into decisions that contain Pancasila values and basic constitutional values in the 1945 Constitution. Concretely, the decision must contain three points of balance consisting of considerations of philosophical justice, considerations of sociological justice, and considerations of juridical justice.

b. The limits on the power of judges

The independence of the judicial power principle implies protection for judges as law enforcers to be free from influences and directives that can come from: Sutatiek, (2013)

- 1) Institutions outside the judiciary, both executive and legislative, and others;
- 2) Internal institutions within the judiciary itself;
- 3) The influences of the litigants;
- 4) Community influences and pressures, both national and international; and
- 5) Influences that are “trial by the press”.

To prevent abuse of power by judges in the name of freedom, there are boundaries related to the relationship between the independence of judges and the power of judges. First, judges only decide according to the law. The legal rules are the limitations for judges in exercising their independence, both procedural law and substantive law. The decision must be able to clearly show the legal provisions that are applied in a concrete case. This is in line with the principle of legality that an action must be based on the rule of law. So that all decisions of judges must not only contain the reasons and grounds for the decision, but they must also contain certain articles of the relevant regulations or unwritten sources of law which are used as the basis for adjudicating. In this corridor, judges will continue to control themselves so that they refer to the applicable law and not act arbitrarily. The independence of judges is bound by accountability, it becomes sides of a coin that are mutually attached and cannot be separated. Philosophically, Pancasila is the value that limits the independence of these judges when judges exercise their independence to decide on a case. Judges are subject to the law, so judges can freely reject any internal or external intervention, judges have no obedience to submit to any institution, including the judge's institution. Hans Kelsen argues ‘The judges are, for example, ordinarily ‘independent’ that is, they are subject only to the laws and not to the orders (instructions) of superior judicial or administrative organs Kelsen, (1961).

Second, revive the rule of law. In realizing the principle of the independence of judges, I liken a body which is a series of legal rules filled with the spirit of justice. The rules of law are present amid society, live or incarnate because there is a spirit of justice in them. This spirit of justice is of course filled with the second precept of Pancasila “just and civilized humanity”. Judges, regardless of their position, must be able to identify as vigilantes (people who fight for the law). The judge does not only read the law but must absorb it with enthusiasm to show the meaning of the law. Then, the judge must have awareness and belief that the law wants good things to happen to people, the law is not just a series of words and sentences but is a message that requires realization Badriyah, (2011). If the judge cannot apply the applicable law, the judge is obliged to make a finding law. Finding law is a process of interpreting laws while still paying attention to general principles of law and general principles of justice or in terms of regulations that already exist, but it is not clear how to implement them in a concrete case, not only done by judges but also by legal scientists or legal enforcers Helmi, (2020). Finding law is done by exploring the values that exist in people's lives because of its principles, the law is for humans not humans for law. When society changes, judges must be able to enforce the law by following the dynamics of life in society.

Third, faith and conscience. All religions provide various orders and prohibitions. The orders to do commendable deeds and prohibitions to do despicable deeds. Religious teachings can be used as a judge's limit for himself. If the judge can hold on tight based on religious teachings, it can be ascertained that judges can use the independence of judge honesty, for example, they will give transparency, so that the public can know the facts used by judges in issuing a decision, and will be aware of the responsibility to God. But, when the judge loose in adhering to his religious teachings, the judge can abuse the independence he has

for his interests. Therefore, the judge must have a strong and sturdy fortress of faith as a guideline and shield from various things that can interfere with his independence.

Fourth, judge intelligence. From a sociological point of view, judges are increasingly required to take into account all important developments in society. They must be able to deal with changes in social, economic, technical, moral and other conditions. Because the complexity of social relations in modern society has increased fundamentally, judges have to develop their laws and sometimes have to take over tasks that were originally required to be filled by legislators. The judges were used as temporary substitutes. This seems unavoidable and people can only hope that this brings reasoning into the process of finding law Simanjuntak, (2019). Judges must have in-depth knowledge of law through finding law so that judges are not weak in finding the basics of consideration Rahman et al., (2022), because the judge is a seeker of legal values or norms that live in society, so he must be able to feel, explore and understand all aspects grow in society.

Fifth is the human nature of judges. The judges are also human beings, who are endowed with various tastes of endless dissatisfaction. The biggest enemy of the judge is himself who is unable to control his lust. In practice, there is a legal culture which is very bad. Unscrupulous judges use “shortcuts” by selling the law to those who can afford to buy the law. We can call it “kasih uang, habis perkara” Pujiyono, (2012). Other factors such as culture (race, ethnicity, religion) can also influence. A human tends to defend other people who are in the same group as that human.

Sixth, moral degradation. An Indonesian legal sociologist, Satjipto Rahardjo said that judges need to be given sufficient salaries so that they are not burdened with worldly affairs. Thus, they can read a lot, weigh, and ponder carefully the problems they face to make a decision and provide justice. The work of upholding law and justice is not as easy and clear as the law says, but there are many obstacles to various interventions, both social, economic and political. Even Hikmahanto Juwana said that scathing criticism of the judges should not have been made before the welfare of the judges had been fulfilled by the state and government. As long as the welfare of judges has not been fulfilled, legal (judicial) reform may be mere nonsense Gultom, (2017). This is evidenced by the many acts of Corruption-Collusion-Nepotism (CCN). The lack of prosperity of judges is a big trigger for judges to take disgraceful actions, for example, “trading the law” of a case. The judge is more concerned with fulfilling the needs of himself and his family than the sense of justice of the justiciable. The judge put aside the honesty and mandate given to him to uphold the law and provide justice. As a human being who always wants to be satisfied, he will repeat his actions and, in the end, do not want to stop, or in other words “while there is still a chance, why not?” – “take advantage of adversity”.

From the six aspects above, I conclude the integrity of judges that the judges should maintain at every moment.

2. The Effect of Public Opinion on the Independence of Judges

a. The emergence of public opinion

Public distrust of the judge's decision occurs for several reasons. It causes the public trusts the decisions made by the press because of the easy access to public information in the press media, rather than the official judiciary because there is very limited access to follow the update of a case; there is limited public understanding about the law and the development of legal theories because the public only sees the law on the crimes charged and the legal sentences without paying attention to the procedural law process in court; and the ability of the press to present legal cases in a very neat and attractive way.

Declining public trust towards the judiciary is also caused by confusion in understanding the principle of freedom of judges which is synonymous with freedom of the judiciary. Some judges have understood the freedom of judges inherent in themselves as absolute freedom, he feels free to decide whatever he wants. Decisions made haphazardly, without considering the value of justice for the justiciable, created fear for the people who witnessed the inequality of law enforcement. Usually, such decisions cause controversy in the community and generate various public opinions.

In 2009, the public was shocked by the case of Prita Mulyasari, a housewife with two children who were imprisoned. Prita Mulyasari had been detained since May 13th 2009 at the Tangerang Women's Penitentiary as a suspect in a defamation case at Omni International Hospital, Alam Sutera, Serpong, South

Tangerang (detikNews, 2012). At that time, almost all levels of society highlighted this legal case until the discourse “coins for Prita” was created as an act of solidarity with the people who were concerned about the fine of Rp. 312,000,000 which was imposed on Prita (ded, 2009). This case ended with a Judicial Review decision No. 22 PK/Pid.Sus/2011 on September 17th 2011, with the Judicial Review Assembly chaired by Supreme Court Judge Djoko Sarwoko, SH., MH. with members of the Supreme Court Prof. Dr. Surya Jaya, SH., M. Hum., and H. Suhadi, SH., MH. The Justice Review decision annulled the Supreme Court's cassation decision in the criminal defamation case which was decided on June 30th 2011. Prita also avoided convict status and escaped a suspended sentence of 6 months in prison Sufa, (2012).

Still, in 2009, the public was shocked by the case of Mrs. Sanrudi alias Minah who was caught in the act of stealing 3 cocoa pods and had to undergo a judicial process at the Banyumas District Court. This has become the focus of public attention, and the print and electronic media have been continuously reporting on this legal event for several months. The community was also provoked to provide views and arguments regarding this matter, in which most people questioned the value of justice that was not upheld in this case. Regarding this case, the Panel of Judges in Decision Number: 247/PID.B/2009/PN.Pwt on the crime of cocoa theft by the defendant Minah imposed 3 months of probation (detikNews, 2009).

Public opinion is a term that is created amid society related to a matter. Elisabeth Noelle-Neumann separates the term public opinion into two, namely the term “opinion” and the term “public”. First, opinion is a statement of attitude, which can vary in terms of intensity and stability, or be the degree of approval or degree of agreement of a particular society M.A., (2009). Second, the public. The public has three meanings, namely: Noelle-Neumann, (1993)

- 1) Contains a legal meaning, which refers to something open to everyone, such as the term “public area” which is protected by law. In other words, public areas may only be used for public activities, and people are considered to have committed an unlawful act if they carry out private activities in a public area;
- 2) Related to all matters relating to society as the term “company public responsibility” or “public responsibility of journalists”; and
- 3) Represents the social psychological side of society. In this case, people do not only think inwardly but also think outwardly, namely thinking about their relationships with other people. The term is “public eye”, that is individuals know whether they are being exposed or otherwise protected from the public eye, and therefore individuals will adjust themselves to the direction of the public eye.

Thus, Elisabeth Noelle-Neumann defines public opinion as attitudes or behaviors one must express in public if one is not to isolate oneself; in areas of controversy or change, public opinions are those attitudes that one can express without running the danger of isolating oneself Noelle-Neumann, (1993). Furthermore, Neumann said that public opinion can be influenced by who approves or rejects a view M.A., (2009). Meanwhile, Stephen W. Littlejohn and Karen A. Foss define public opinion as publicly expressed opinions, opinions regarding public affairs, and opinions of the public as a group rather than of smaller groups of individuals Littlejohn & Foss, (2011). Public opinion can also be interpreted as a process that combines thoughts, feelings, and proposals expressed by private citizens towards policy choices made by government officials who are responsible for achieving social order in situations that contain conflict, debate, and disagreements about what to do and how to do it Nimmo, (2006). In my perspective, public opinion is an opinion that has been successfully formed by individuals regarding their thoughts, feelings, ideas, hopes, complaints, and criticisms which are supported and approved by other individuals.

The strength or not of a public opinion that emerges to the surface of all levels of society is inseparable from the role of the media in reporting. The media can give positive impact and negative impacts (Putri et al., 2016:51), even the media often creates controversy over a topic. The media can influence the attitudes and behaviour of a person or group of people or society Cahyono, (2016). The media is a powerful weapon because it can influence the views of society in the process of forming opinions Holilah, (2020). From these symptoms we can see that the characteristics of public opinion consist of always being known from statements, being a synthesis or unity of many opinions, and having a large number of supporters. Public opinion is considered in government because public opinion has no responsibility to the community, public

opinion is not based on sufficiently mature thoughts even though it is based on a social discussion. Usually, public opinion takes action spontaneously so it doesn't think far ahead Rahma, (2014).

According to Lawrence M. Friedman, what constitutes law is not “public opinion”, but social forces that are deployed. Public opinion as part of social power Friedman, (2009). The tactical objective of public opinion is to influence court decisions, whether for acquittal, light punishment, heavy punishment, or unacceptable. The strategic objective of public opinion itself is to undermine public confidence in the law enforcement process, for example with the existence of sharp downward blunt legal terms.

b. Relations between public opinion and the media

The emergence of public opinion in society is inseparable from the existence of freedom of the press owned by the media. The word freedom is a word that covers various aspects, ranging from philosophical, political, psychological, economic and sociological. In this perspective, freedom of the press means a condition in which press workers are not forced to do anything, but only do whatever they want. In the pre-reform era, the press was always under pressure from the government because the press was prohibited from reporting “discriminate” news related to the government. Every mass media publication is under the supervision of the government, namely through the information department. In fact, for the press who did not heed the warning, the government revoked their publishing license. For example, in 1994, several mass media such as Tempo, deTIK, and the editor had his publishing license revoked after issuing an investigative report on various problems of misappropriation by state officials. The ban was announced directly by the minister of information at the time. Even though at that time the press was strictly monitored by the government, it turned out that many mass media were against politics and government policies (Pranata, 2021).

Since the reform in 1998, the national press has enjoyed press freedom again. This is in line with the nature of reform, openness and democracy that the Indonesian people are fighting for. In the reform regime, the government issued Law Number 39 of 1999 on Human Rights and Law Number 40 of 1999 on Press (Press Law). According to the Press Law, the national press performs the following roles:

- 1) fulfil the public's right to know and obtain information;
- 2) upholding the basic values of democracy, encouraging the realization of the rule of law and human rights, and respecting diversity
- 3) develop a public opinion based on correct, accurate and correct information;
- 4) carry out supervision, criticism, correction, and suggestions on matters relating to the public interest; and
- 5) fighting for justice and truth.

The press during the reform era was always synonymous with democracy, free to speak and express opinions, and positioned itself as an intermediary between the people and the government, as a medium of communication between the people and the government. Communities use the press as a means to channel people's aspirations, and conversely, the government uses the press as a means to disseminate various policies that have been taken, the government uses the press as a benchmark for whether the community approves or rejects these policies. After that, the press functions to control the policies that have been made by the government and approved by the community.

Unfortunately, there has been friction in the values championed by the press. The press, which was originally fought for connecting people's aspirations to the government, has turned used by certain parties for personal commercial gain. For example, there are members of the press who sell fake news only to make profits for their own companies. The press person makes controversial news that cannot be justified for the truth only to attract public attention and generate profits for the company. There are members of the press who do not maintain a code of ethics, do not protect the privacy of news sources, do not process news objectively, and so on. From the perspective of the press, there is also a division between the press which carries the original values of justice for society and conversely, there is a press which has only commercial purposes for personal gain. For example, if the press is controlled by one of the parties, then he will create reports that only benefit himself, trying to gain public sympathy with the scenarios he arranges. In other words, there can be two kinds of public opinion created by the media, genuine public opinion containing

criticism and honest monitoring of a discrepancy, or simply public opinion which will only cause chaos in it.

Based on media theory by Fred S. Sieberd, Theodore Peterson and Wilbur Schramm, the type of Indonesian press system, which originally had Pancasila characteristics, is increasingly leading to social responsibility – a libertarian press. The libertarian type of press is where the mass media are generally privately owned, aiming to inform, entertain, and especially control the government. This type of social responsibility can be seen from the existence of government control to remove obstacles to communication channels and ensure the implementation of the spirit of liberal philosophy Ardiyanto et al., (2012). What is meant by minimal control from the government is that the mass media has absolute freedom as a medium that carries out its functions properly (information media, social control, entertainment, education, political control), but the government limits it by serving as a filter, namely the Indonesian Broadcasting Commission (KPI). This unlimited freedom is only subject to the press community's internal code of ethics, and will only resolve all disputes related to press coverage through the Press Council.

c. Public opinion and the independence of judges

The independence of judges can be seen in the independence of the institution, the independence of the trial process, and the independence of the judges' personnel. Judicial institutions must be independent in the sense that they do not depend on other institutions to ensure that the independence of judicial power cannot be influenced by other institutions. The court process must be free from interference from other parties, starting from the examination of cases, and evidence, up to the imposition of a decision. While the independence of judge personnel is certainly essential, the ability and resilience of judges in maintaining moral integrity and commitment in carrying out their duties and authority from other parties in the judicial process will bring authority to the judiciary and of course the trial process. Several things must be considered in exploring the influence of public opinion on the independence of judges:

First, modernization and globalization of the mindset of judges. Information that is quickly and easily obtained by various groups (including judges) is indirectly stored in the brain and processed by the mind in the human body. For example, the information he read contains modern thinking ideas about a phenomenon. In this thought process, readers (including judges) are unconsciously led to approve or reject the contents of what they have read. This, of course, was accidentally or subconsciously believed by the judge. Modernization and globalization of judges' mindsets can also be arrowheads in two directions, namely those that lead to the formation of better laws and can lead to moral degradation.

Second, the judge's mental test. The public's distrust of the judiciary arises because of the many disappointments witnessed as a result of the trading of law by unscrupulous judges. The context of this legal sale and purchase arises when one of the parties to litigation persuades him to be released or the lawsuit is won and then the judge accepts the inducement. While the facts known to the public are the opposite. Thus, many people give their judgment that in the end the truth can be traded but at a high price, which can only be paid by people with power and money. Law is considered something that can be traded by the authorities to satisfy their desires. Public opinion, which can come from anywhere, can be toxic in law enforcement, for example shaking the judge's conviction. Judges are also human beings who have feelings of weakness and fear, so judges may change their judgment by preferring certain public opinions that they feel will be safer. Judges can be influenced by public opinion that is currently sticking out in society so it interferes with the neutrality and independence of judges in deciding a case.

Third, playing on the sense of brotherhood and unity of judges. As social human beings, judges naturally also live in society from various backgrounds. His profession as a judge does not mean that he and his family isolate themselves from socializing with society or living as neighbours only with other judge colleagues. As human beings in society, judges have a moral obligation to interact with other people in their social environment. However, therein lies the social contamination that can affect the morale and integrity of judges. Judges who can be used by the community, are affected by the complaints experienced by the community because in truth a human being can feel what other humans are feeling. The advantages of the media which are broad and fast, give an advantage to an individual's opinion to be able to reach other individuals. However, this cannot be separated from the existence of the media institution itself. This means that the substance of the news presented by the media in practice still pays attention to the interests of the

media itself (media owners or certain elites). Thus, the media through its content will bring the interests of certain parties to attract public attention and influence the mindset and attitude of the public regarding the things they report.

Forth, judges are also human. As an ordinary human being, judges certainly have feelings that can be felt by every human being. In responding to the public opinion that is currently sticking out, the judge must feel the same way about what is currently being discussed. By this human feeling, the judge in making his decision can consider various factors. It could be, that public opinion is used as a reference by the judge as a form of confidence in giving legal considerations to a case. Judges, like most people, of course, still communicate with other people, read the news, watch television, and listen to the radio. This will directly or indirectly affect the mindset and mood of the judges. Judges must stick to positive law and consider the facts at trial in drafting their decisions. In theory, the existence of an open judicial process can reduce allegations of the judicial mafia. Whether or not the accused is guilty is determined by the objective conditions of the case itself. However, the role of the mass media which tends to shape public opinion since cases are handled at the investigative level often leads the public to justify the truth of the case. For example, in corruption cases, the mass media tends to corner the suspect from the start of the trial. The rise of reports that lead to public opinion has led to the phenomenon of fear of going against the grain among law enforcers. Law enforcers tend not to do things that go against public opinion and hurt people's sense of justice.

The strong impact of public opinion that creates a trial by the press can trigger unexpected actions that can interfere with the independence of judges. For example, it is easy for the community to carry out acts of violent protest accompanied by vandalism and violence in several courts. For example, the destruction of the Temanggung District Court building, Central Java, was sparked by mass discontent over the five-year prison sentence for the defendant for blasphemy, Antonius Richmond Bawengan. South Jakarta District Court when the panel of judges tried the blowfish case. The target is not only limited to acts of vandalizing the court but has also threatened the panel of judges which of course affects the independence of judges.

IV. CONCLUSION

In conclusion, the intricate relationship between the independence of judges and the authority they wield in decision-making is a complex construct that necessitates safeguarding through six key aspects that collectively embody the judge's integrity. In making a decision, what is felt in the heart, what is in mind, must be consistent with what it is doing. This must be seen in the legal arguments outlined in the decision. I suggest to Supreme Court make a regulation that orders the judges to provide the arguments according to the case which can be assessed by anyone so that it becomes qualified. Besides, there must be surveillance according to the decision that has to give feedback to the judges themselves.

The media can't be banned and it can't be restricted, it must be affecting the judges. The influence of public opinion on the independence of judges in making decisions can be directed at the case being handled and can be directed at the judges themselves in the form of modernization and globalization of judges' mindsets, pressure for judges' mentality, playing the sense of brotherhood and unity of judges, and affecting the weakness of the human nature of judges. To maintain the integrity of the judge, it is necessary to create an accountability system for the supervision of judges related to the contents of the decision. Besides, the accountability system is formed not only by judges to God, but also to society, to people, to organization, and to state.

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