

CHAPTER V

CONCLUSION AND RECOMMENDATIONS

A. Conclusion

The implementation of Code of Conduct of Judges in the Constitutional Court is working, but it is not effective yet. It because the internal supervision of the Constitutional Court did not work effectively.

There are some violations occurred in the Constitutional Court. The violation occurred because the Constitutional Court Judges did not apply some basic principles of the judge's ethical code which contained the duty and prohibition of judges in carrying out their duties and authorities.

Based on the cases, the Constitutional Court Judge is still easily affected to violate the Code of Conduct and not fully understand the contents of the regulation no. 02/PMK/2003 on the Code of Conduct and constitutional guidance of Constitutional Court Judges. To prevent this, the Supreme Court, House of Representative and also President must be more selective in choosing candidates for the Constitutional Court Judges.

In addition, the role of the internal supervisory body of Constitutional Judges themselves in terms of supervising the Constitutional Court Judges has not been maximized. When the supervision is only done by the internal supervisor such as the board of ethics, it has a huge opportunity for the Constitutional Court to abuse the

power and the absence of transparency to other institutions outside the Constitutional Court.

Therefore, the Constitutional Court requires an external supervisory body outside the Constitutional Court to minimize the violation the Code of Conduct of Constitutional Judges. It is also to run a check and balances system among state agencies. Then the quality of constitutional judges can be maintained and violations of ethical Codes of Conduct can be avoided.

B. Recommendations

- 1) The recommendation to the Constitutional Court Judges.

The Constitutional Court Judges have to internalize about the basic principles of judges in carrying out their duties and authorities.

- 2) The recommendation to the Constitutional Court

The Constitutional Court needs to strengthen the institutional institute of the Ethics Council and to finalize the position of the Honorary Council of the Constitutional Court to exercise supervision and examination of violations of the professional code of ethics and the conduct of judges against the judges of the Constitutional Court.

- 3) The recommendation to the House of Representative and the President.

The House of Representative and the President should form the external supervisor body of the Constitutional Court. Thus, the

House of Representative and the President is necessary to conduct judicial review of the Law on the Constitutional Court. In addition, the House of Representative, the President and the Supreme Court should be more selective in the election of Constitutional Justices in order to produce a Judge who has good integrity and personality, not only understand about accountability to society but also accountability to God.