
CIVIL SOCIETY MONITORING REPORT ON SUPREME COURT JUDGES' CANDIDATES SELECTION

2020-2021

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CIVIL SOCIETY MONITORING REPORT ON SUPREME COURT JUDGES' CANDIDATES SELECTION

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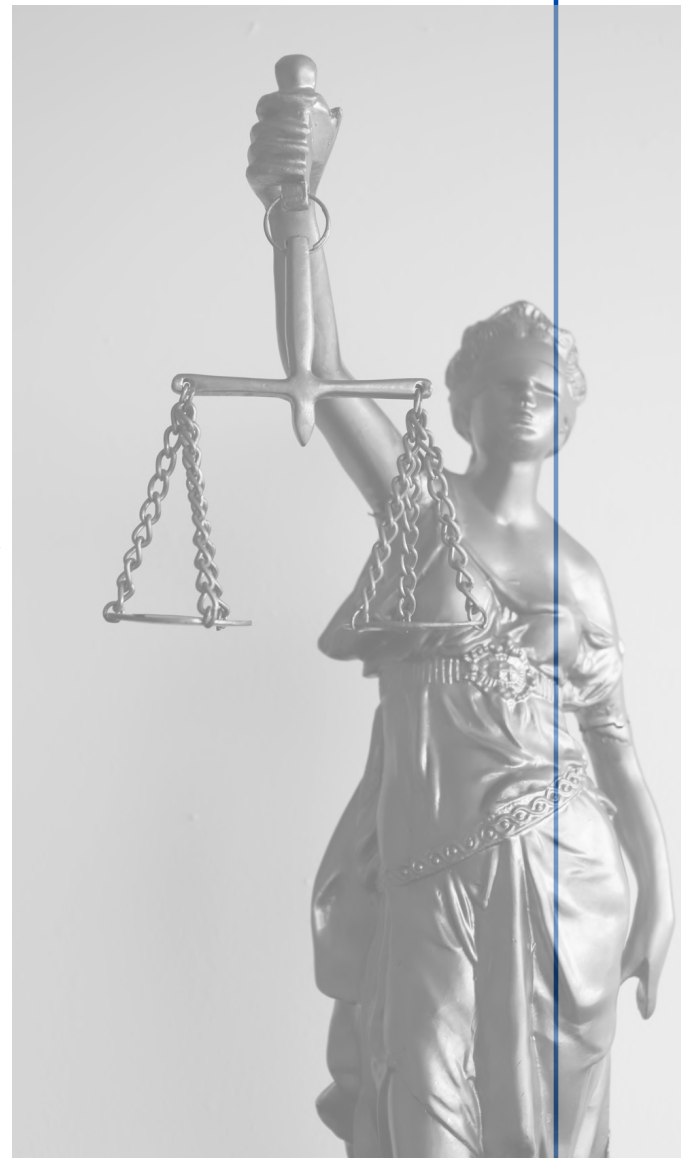


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LIST OF ABBREVIATIONS

DPR Dewan Perwakilan Rakyat (House of Representatives)

HAM Hak Asasi Manusia (Human Rights)

ICEL Indonesian Center for Environmental Law

ICW Indonesia Corruption Watch

KDRT Kekerasan Dalam Rumah Tangga (Domestic Violence)

KPK Komisi Pemberantasan Korupsi (Corruption Eradication Commission)

KPP Koalisi Pemantau Peradilan (Judicial Monitoring Coalition)

KTP Kartu Tanda Penduduk (Identity Card)

KY Komisi Yudisial (Judicial Commission)

LBHM Lembaga Bantuan Hukum Masyarakat (Community Legal Aid Institute)

LeIP Lembaga Kajian dan Advokasi Independensi Peradilan (Judicial Independence Research and Advocacy Institute)



LIST OF ABBREVIATIONS

LHKPN Laporan Harta Kekayaan Penyelenggara Negara (State Officials' Wealth Report)

MA Mahkamah Agung (Supreme Court)

MaPPI FH UI Masyarakat Pemantau Peradilan Indonesia Fakultas Hukum Universitas Indonesia (Indonesian Judicial Monitoring Society Faculty of Law, University of Indonesia)

NPWP Nomor Pokok Wajib Pajak (Taxpayer Identification No.)

Ormas Organisasi Masyarakat (Community Organizations)

PBHI Perhimpunan Bantuan Hukum dan Hak Asasi Manusia Indonesia (Indonesian Association of Legal Aid and Human Rights)

TII Transparency International Indonesia

YLBHI Yayasan Lembaga Bantuan Hukum Indonesia (Indonesian Legal Aid Foundation)



CHAPTER I

INTRODUCTION

A. Synthesis of Report of Monitoring the Selection of Candidates for Supreme Court Justices 2020-2021

The Judicial Commission (KY) has held the final stage of selection for Supreme Court judge candidates (CHA) in the form of interviews (fit and proper tests) of 24 candidates on August 3-7 2021. This series of CHA selections was held by KY to meet the number of Supreme Court Judges **13 people requested by the Supreme Court (MA) with details of 2 Supreme Judges of the Civil Chamber, 8 Supreme Judges of the Criminal Chamber, 1 Supreme Judge of the Military Chamber, and 2 Supreme Judges of the State Administrative Chamber specifically for taxes.**

The Judicial Monitoring Coalition (KPP) noted several issues regarding openness that occurred during the CHA interview held by KY. **First**, several CHAs who passed the interview stage were suspected of having problematic track records, ranging from an unreasonable amount of assets to allegations of violations of integrity and professionalism. **Second**, the Coalition considers that several panelists and commissioners gave an intimidating impression when asking questions, but in fact there was no meaningful depth in substance.

Third, the process of deepening the profile in the form of clarifying CHA's track record in the CHA interview was carried out behind closed doors by turning off the sound (mute) during live YouTube, but on the second day this mechanism was changed and can be watched online by the public.

B. Purpose

1. Reporting the results of monitoring and tracing the track record of Candidates for Supreme Court Judges by the Judicial Monitoring Coalition (KPP);

2. Provide recommendations to the House of Representatives (DPR) and the Judicial Commission (KY) based on the results of monitoring and tracing the track record of Candidates for Supreme Court Judges conducted by the KPP;

INTRODUCTION

The second and third points show that the interview stage was not fully carried out in a transparent, accountable and participatory manner. This is not in line with the Judicial Commission Law and Judicial Commission Regulation No. 2 of 2016 concerning Selection of Candidates for Supreme Court Justices which stipulates that **"the selection of candidates for Supreme Court justices shall be carried out in a transparent, participatory, objective and accountable manner."** In this KY Regulation, it is stipulated in Article 21 paragraph (6) that interviews are taking place behind closed doors in the event that new information regarding disability becomes available.

The coalition also notes that this time the CHA selection is a setback for the Judicial Commission. After an interview process that was not transparent, accountable and participatory, the process for announcing the CHA that passed to the People's Representative Council (DPR) was not made public by KY. After the interview at KY which ended on August 7 2021, there was no news regarding the results of the CHA selection either on KY's website and social media or in the mass media. Until Friday, August 27 2021, a file letter regarding the Submission of Names for Candidates for Supreme Court Justices for 2021 was circulated, which was sent by the Judicial Commission to the Chair of the People's Representative Council (DPR) and Chair of Commission III of the DPR. The letter is dated August 9 2021 and contains 11 names of CHA which have been declared passed by the KY and will be further selected by the DPR.

The selection process at the DPR has started today September 17, 2021 with the first agenda of writing papers by the CHA. Furthermore, a fit and proper test will be carried out in the form of a CHA interview on Monday-Tuesday, 20 and 21 September 2021. Commission III of the DPR will make a decision regarding CHAs who qualify to become Supreme Court justices on Tuesday 21 September 2021. **The coalition also demands the House of Representatives to have the courage to carry out the process selection of Candidates for Supreme Court judges openly and can be accessed by the public online (online).** In this case, the DPR can apply the practices that have been carried out by the KY in the previous stage.

From the results of monitoring and tracing the track record that has been carried out by the KPP, there are several records regarding the suitability of the candidate in terms of integrity, independence, competence, as well as the candidate's perspective on Human Rights (HAM).

C. SCOPE AND LIMITATIONS

Monitoring was carried out on eleven Supreme Court Justice Candidates. Monitoring for each Candidate cannot be the same in terms of depth and breadth given the limitations of information, sources, and/or sources of clarification.

CHAPTER II

MONITORING METHODS

Monitoring is carried out on each candidate and involves journalists or regional partners in the process of exploring the candidate's track record in the area where the candidate previously worked. Monitoring can be carried out by the community collectively with various other elements of society. In this guide, community groups that actively monitor the selection process are called **Trackers**.

The monitoring process carried out by the Trackers includes:



No. 01 – Interview the Sources

Interview with the level of the source:

- Circle 1: family, neighbors;
- Circle 2: co-workers, alma mater;
- Circle 3: political associations, organizations, community organizations, etc.



No. 02 – Media Tracking

Conduct secondary searches based on information from official government websites, news channels - mass media and social media history. Search can utilize the social network analysis method



No. 03 – Court Decision Analysis

Tracking and analysis of case report documents and court decisions



No. 04 – Wealth Report Tracking

Tracing of State Officials Wealth Report (LHKPN) documents



No. 05 – Business Relationship Tracking

Tracing for business documents/company name and position in the company related to the candidate



No. 06 – Professional Track Record Tracking

Tracing of professional performance documents at the candidate agency/institution



MONITORING METHODS

The criteria for Candidates for Supreme Court Judges (CHA) refer to **Article 24A of the 1945 Constitution**: "A Supreme Court Justice must have integrity and personality that is flawless, fair, professional, and experienced in the field of law". In this monitoring, the Tracker divides monitoring indicators into four main aspects, namely: **integrity, independence, competence, and the perspective of Candidate Supreme Court Judges (CHA) and Ad Hoc Judge Candidates for Corruption on Human Rights (HAM)**. This is based on the records of the Civil Society Coalition on the ideal criteria of the CHA and Candidates for Ad Hoc Corruption Judges, including the following:

1. CHA and Ad Hoc Tipikor Judge Candidates who have a clear vision and mission as Supreme Court Justices and Tipikor Ad Hoc Judges;
2. CHA and Ad Hoc Corruption Judge Candidates who do not have a poor integrity record;
3. CHA and Ad Hoc Corruption Judge Candidates who have reasonable assets;
4. CHA who has a qualified understanding of law and justice according to the case room chosen;
5. CHA and Candidate Ad Hoc Judges for Corruption Crimes who are committed to play an active role in justice reform, especially in the Supreme Court;
6. CHA and Candidate Ad Hoc Judges for Corruption Eradication who understand the role of judges and courts in fulfilling human rights according to the position of the court in the concept of a rule of law state; as well as
7. CHA and Candidates for Ad Hoc Corruption Judges who have partiality for vulnerable groups, namely women, children, the poor and minority groups, as well as environmental protection.

Four Main Aspects of Monitoring:

- a. Integrity***
- b. Independence***
- c. Competence***
- d. Human Rights Perspective***



MONITORING INDICATORS

Key Indicators	Sub-Indicators	Documents
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1. INTEGRITY

Appropriate Candidates in the aspect of integrity are measured based on administrative compliance, Candidate compliance with law and ethics, as well as data on the Candidate's assets that are considered reasonable or not.

- a. Administrative Compliance
- b. Legal and Ethical Compliance
- c. Reporting Compliance and Fairness of Assets

- Administrative documents for candidates
- Tax compliance
- Individual and business obligations of the Candidate
- Ethics report
- Reporting of receipt of gratification
- LHKPN report

2. INDEPENDENCE

The candidate's suitability in the independence aspect is measured based on the candidate's political activity, the candidate's affiliation with community organizations (Ormas), the candidate's affiliation with business and the candidate's track record of handling cases.

- a. Political Activity
- b. Affiliation with Community Organizations (Ormas)
- c. Business Affiliation
- d. Track Record of Case Handling

- Candidate involvement with political parties, political party wings or sympathizers
- Involvement in Ormas both in management-membership and sympathizers
- Connection with financial support from the private sector and corporations involved in corruption cases



MONITORING INDICATORS



Key Indicators

Sub-Indicators

Documents

3. COMPETENCY

The suitability of a candidate in the competency aspect is measured based on the candidate's work experience, the relevant achievements of the candidate related to the elected chamber as well as in terms of eradicating corruption and justice reform, the candidate's academic background, as well as the candidate's comments/opinions in the public sphere.

- a. Work experiences
- b. Achievement
- c. Academic Background
- d. Comments/Opinions in Public Spaces

- Track record in legal substance and case management
- Achievements on the agenda of eradicating corruption and judicial reform
- Track record of academic product
- Views of candidates regarding legal issues, judicial reform, and anti-corruption issues in the mass media and/or social media

4. HUMAN RIGHTS PERSPECTIVE

The adequacy of the candidate in the aspect of human rights perspective is measured based on several sub-aspects, including the candidate's perspective on gender and sexual orientation, social impact, vulnerable and minority groups, environment and punishment.

- a. Gender and Sexual Orientation
- b. Social Impact
- c. Vulnerable Groups and Minorities
- d. Environment
- e. Death Penalty

- Background on sexual crimes and violence against women and minority groups such as domestic violence, sexual harassment, and information on polygamy/polyandry
- Candidate's understanding of the social impact of corruption
- Tolerance of candidates for vulnerable groups, racial, cultural and religious diversity
- Support for environmental justice
- Views on the death penalty

CHAPTER III

GUIDELINES FOR QUERIES

A. STEPS TO MONITORING THE TRACK RECORD OF PROSPECTIVE SUPREME JUDGES AND PROSPECTIVE AD HOC JUDGES FOR THE CRIME OF CORRUPTION (TIPIKOR)

1.

Primary Source of Information

Sources, media and institutions concerned

2.

Resource Interview

- a. Circle 1: family, neighbors;
- b. Circle 2: colleagues, alma mater;
- c. Circle 3: political association, organizations, community organizations, etc.

3.

Secondary Information Sources

The Tracker includes other sources deemed relevant

4.

Data Compilation

Tracker has included sources of information (media, interview results, or other sources)

5.

Data Confidentiality

The tracker records the identity of the source: name, agency, position, and contact telephone number and ensures confidentiality

6.

Data Validation

Tracker has included supporting documents. Example: news clippings or links from mass media/documents

7.

Impartiality

Tracker does not conduct interviews with candidates

8.

Data Completeness

The tracking time is objectively stated



CHAPTER IV

MONITORING RESULTS

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES

Compiled by: Judicial Monitoring Coalition (KPP)

September 2021

Name	Aviantara S.H., M.Hum.
Background	Inspector for Region I Supervision Agency of the Supreme Court of the Republic of Indonesia
Chamber	Criminal
Findings	Supporting Evidence
Work experience: <ul style="list-style-type: none">Chairman of the Selong District Court, East Lombok (2014 - 2015)Vice Chairman District Court Ambon (2015)	https://www.pn-selong.go.id/link/2017052112555220249627605921c6980d663.html https://webcache.googleusercontent.com/search?q=cache:10Gp-CvEGlgJ:https://anzdoc.com/download/mutasi-hakim-dan-panitera-yang-sudah-di-bayarkan-direktorat-.html+&cd=12&hl=id&ct=clnk&gl=id&lr=lang_en%7Clang_id%7Clang_nl https://fdokumen.com/download/hasil-rapat-tpm-hakim-tanggal-27-mei-2015-page-1-of-6-no-nama-hasil-mutasi-1
Regional Inspectors and High Supervisory Judges at the Supervisory Board of the Supreme Court are seen as judges with good integrity due to the strict selection and parameters set by the Supervisory Agency. Therefore, a CHA with a background in the Supreme Court Supervisory Board is believed to have good integrity.	

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES
Compiled by: Judicial Monitoring Coalition (KPP)
September 2021

Name	H. Dwiarso Budi Santiarto, S.H., M.Hum.
Background	Head of the Supreme Court Oversight Body
Chamber	Criminal
Findings	Supporting Evidence
<p>Has served as:</p> <ul style="list-style-type: none"> Chairman of the Depok District Court (2011 - 2014) Chairman of the Semarang District Court (2014 - 2016) Head of Central Jakarta District Court (2016 - 2017) High Court Judge of PT Denpasar (May 2017) Supreme Court Supervisory Judge (October 2017) Inspector for Region IV Supreme Court Supervisory Board (June 2018 - October 2020) 	<p>https://www.viva.co.id/siapa/read/418-dwiarso-budi-santiarto http://pt-semarang.go.id/main/index.php/tentang-pengadilan/kegiatan-pengadilan/973-pengambilan-sumpah-pelantikan-dan-serah-terima-jabatan-ketua-pengadilan-negeri-kpn-semarang https://www.liputan6.com/news/read/2947958/ketua-majelis-hakim-sidang-ahok-naik-jabatan https://mahkamahagung.go.id/id/berita/2880/sekretaris-mahkamah-agung-melantik-hakim-tinggi-pengawas http://www.pn-amuntai.go.id/berita/berita-m-a/454-pengambilan-sumpah-jabatan-dan-pelantikan-ketua-pengadilan-tingkat-banding-dan-kepala-badan-pengawasan-mahkamah-agung-ri</p>
<p>"In 2016-2017 while serving as Chairman of Central Jakarta Court, he was chairman of the panel of judges handling the blasphemy case of Basuki Tjahaja Purnama (Ahok) for quoting Surat Al Maidah during a speech in the Thousand Islands, September 2016. Sentenced Ahok a 2-year prison sentence. After a few months then, news emerged that he had received a promotion to become a High Court Judge at PT Denpasar, but there has been no news/coverage/release regarding his inauguration. On the contrary, in October 2017 he was appointed as High Supervisory Judge at the MA Bawas."</p>	<p>https://www.cnnindonesia.com/nasional/20170509080949-12-213328/ahok-divonis-dua-tahun-penjara https://m.suarakarya.id/detail/138966/Hakim-Penghukum-Ahok-Diusulkan-Jadi-Hakim-Agung https://news.detik.com/berita/d-3498346/ketua-majelis-sidang-ahok-dipromosikan-jadi-hakim-tinggi-denpasar https://mahkamahagung.go.id/id/berita/2880/sekretaris-mahkamah-agung-melantik-hakim-tinggi-pengawas</p>
<p>In 2015, handled a land dispute case covering an area of 237 hectares at the Center for Recreation and Development Promotion in Central Java between PT Indo Perkasa Usahatama as the Plaintiff against the Governor of Central Java held by Ganjar Pranowo. Declare the Governor of Central Java guilty of PMH in issuing the HPL certificate for the land.</p>	<p>https://tirto.id/menelisik-hakim-dwi-yang-akan-mengadili-basuki-b8Ki https://www.tribunnews.com/nasional/2016/12/05/rekam-jejak-hakim-ketua-di-sidang-ahok?page=2</p>

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES
Compiled by: Judicial Monitoring Coalition (KPP)
September 2021

Name	H. Dwiarso Budi Santiarto, S.H., M.Hum.
Background	Head of the Supreme Court Oversight Body
Chamber	Criminal
Findings	Supporting Evidence
<p>Have experience as a judge of corruption, including the following:</p> <ul style="list-style-type: none"> In 2015, as Chairman of the Panel of Judges, he was sentenced to 6 years in prison, a fine of Rp. 500 million, and a compensation of Rp. 7,873,491,200, subsidiary of 3 years in prison against the Karanganyar Regent for the Corruption Crime case, deviation of subsidized funds from the Ministry of Public Housing (Kemenpera) 2007 s.d. 2008 which was earmarked for the construction of Griya Lawu Asri Housing, Kab. Karanganyar. In 2014, he sentenced Asmadinata to 5 years in prison and a fine of Rp. 200 million, a professional colleague and former ad hoc judge at the Semarang Corruption Court for receiving gratuities when he was still an ad hoc judge. There was one Republika report that said he had once handed down a life sentence to BLBI corruptors, but this news was only found in one other newspaper (Waspada). 	<p>https://tirto.id/menelisis-hakim-dwi-yang-akan-mengadili-basuki-b8Ki http://kt-jateng.kejaksaan.go.id/main/detail/berita/104.html https://www.republika.co.id/berita/opoa3r396/mengenal-sosok-ketua-majelis-hakim-yang-memvonis-ahok-2-tahun-penjara https://webcache.googleusercontent.com/search?q=cache:S00W9ip2h4sJ:https://issuu.com/waspada/docs/waspada_rabu_10_mei_2017+&cd=26&hl=id&ct=clnk&gl=id&lr=lang_en%7Clang_id%7Clang_nl</p>
<p>Regional Inspectors and High Supervisory Judges at the Supreme Court Oversight Body are seen as judges with good integrity because of the selection and strict parameters set by the Oversight Agency. Therefore, CHAs with a background in the Supreme Court Oversight Body are believed to have good integrity.</p>	

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES

Compiled by: Judicial Monitoring Coalition (KPP)

September 2021

Name	Jupriyadi, S.H., M.Hum.
Background	High Supervisory Judge at the Supreme Court Supervisory Board
Chamber	Criminal
Findings	Supporting Evidence
<p>Previously served as:</p> <ul style="list-style-type: none"> Chairman of the Limboto District Court (2012 - 2014) Deputy Chairman of the Balikpapan District Court; Head of Tanjungpinang District Court Vice Chairman of North Jakarta District Court (... - 2017) Chairman of the Bandung District Court (May 2017 - September 2018) High Court Judge of PT Palembang (September 2018 - January 2019) 	<p>http://pn-limboto.go.id/TentangPengadilan/sejarahhttps://tirto.id/kisah-hakim-kasus-ahok-memvonis-wali-kota-dan-mantan-menteri-b8Kkhttps://pt-palembang.go.id/index.php/berita/berita-pengadilan/berita-terkini/796-pengambilan-sumpah-jabatan-dan-pelantikan-bapak-jupriyadi-sh-m-hum-dan-bapak-kemal-tampubolon-sh-mh-sebagai-hakim-tinggi-pengadilan-tinggi-palembanghttps://badilum.mahkamahagung.go.id/index.php?option=com_attachments&task=download&id=184https://mahkamahagung.go.id/id/berita/3371/sekretaris-ma-melantik-9-hakim-tinggi-pengawas-2-pejabat-eselon-ii-dan-8-pejabat-fungsional</p>
<p>In 2011, Gelora Tarigan, attorney for Koran Purba, was reported to the Chief Justice of the Supreme Court for violations of the Criminal Procedure Code, the Code of Ethics, and the Behavior of Judges for conducting trials without the presence of member judges and the accused, even though the trial was attended by the Prosecutor and Legal Counsel in the end. decided that the trial be adjourned by a week.</p>	<p>https://tirto.id/kisah-hakim-kasus-ahok-memvonis-wali-kota-dan-mantan-menteri-b8Kk</p>
<p>ICW noted that they had acquitted 6 corruption defendants at the manpower and transmigration service and the sale of state land while serving at the Muara Bulian District Court, Jambi, April 2009, Their transfer as career judge of choice to serve at the Tipikor Court in 2009 was considered by ICW to have violated Article 56 paragraph (4) Law No. 30/2002 because it was not announced by the Chairman of the Supreme Court</p>	<p>https://tirto.id/kisah-hakim-kasus-ahok-memvonis-wali-kota-dan-mantan-menteri-b8Kk</p>
<p>In 2016 - 2017 he handled the Ahok case together with Dwiwarso Budi</p>	<p>https://nasional.kompas.com/read/2021/08/03/19482961/jupriyadi-yang-turut-tangani-perkara-ahok-kini-bersaing-untuk-jadi-hakim</p>

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES

Compiled by: Judicial Monitoring Coalition (KPP)

September 2021

Name	Jupriyadi, S.H., M.Hum.
Background	High Supervisory Judge at the Supreme Court Supervisory Board
Chamber	Criminal
Findings	Supporting Evidence
<p>Have experience as a judge of corruption, including the following:</p> <ul style="list-style-type: none">• In May 2011, the Mayor of Tomohon, Jefferson Soleiman Montesquie Rumajar, handed down a criminal sentence of 9 years in prison, a fine of Rp. 200 million, and a compensation of Rp. 31 billion. → Based on Tirto's article. But in March 2011, he was still a judge at the Central Jakarta District Court.• In March 2011 as a member of the Panel of Judges at the Central Jakarta District Court, he sentenced former Minister of Social Affairs Dr. (HC) Bachtiar Chamsyah, S.E., for the crime of corruption, abuse of authority to win over certain parties in the procurement of sewing machines, procurement of beef cattle, and procurement of sarongs, causing losses to the state of IDR 33.7 billion.• In 2011, as a member of the Panel of Judges, the Corruption Court sentenced former Sesmenkokesra Drs. Soetedjo Wuwono for corruption in the procurement of medical equipment for the handling of bird flu in 2006, which caused losses to the state of Rp. 40 billion.	<p>https://tirto.id/kisah-hakim-kasus-ahok-memvonis-wali-kota-dan-mantan-menteri-b8Kk https://pdf.usaid.gov/pdf_docs/PBAAH658.pdf</p>

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES

Compiled by: Judicial Monitoring Coalition (KPP)

September 2021

Name	Jupriyadi, S.H., M.Hum.
Background	High Supervisory Judge at the Supreme Court Supervisory Board
Chamber	Criminal
Findings	Supporting Evidence
Have experience as a judge of corruption, including the following: <ul style="list-style-type: none">• In 2011, as a member of the Panel of Judges, the Tipikor Court sentenced North Sumatra Governor H. Syamsyul Arifin to 2 years and 6 months in prison and a fine of Rp. 150 million because during his tenure as Langkat Regent 2000-2007, the Defendant disbursed part of the funds from the Regional Treasury of Langkat Regency to fulfill personal and family interests so as to cause losses to the state of Rp. 98 billion.• In November 2010, as a member of the Panel of Judges, he sentenced former DKI Jakarta Provincial Government Legal Bureau Jurnal Effendi Siahaan to 8 years in prison and fined Rp. 200 million for winning a certain company in the procurement of legal advertisements for 2006-2007 and disbursement of expert honorarium funds.• In April 2010, as Chair of the Panel of Judges, he sentenced former Health Minister Achmad Sujudi to 2 years and 3 months in prison and a fine of Rp. 100 million in a case involving the procurement of medical devices at the Ministry of Health;	https://tirto.id/kisah-hakim-kasus-ahok-memvonis-wali-kota-dan-mantan-menteri-b8Kk https://pdf.usaid.gov/pdf_docs/PBAAH658.pdf
Regional Inspectors and High Supervisory Judges at the Supreme Court Oversight Body are seen as judges with good integrity because of the selection and strict parameters set by the Oversight Agency. Therefore, CHAs with a background in the Supreme Court Oversight Body are believed to have good integrity.	

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES

Compiled by: Judicial Monitoring Coalition (KPP)

September 2021

Name	Dr. Prim Haryadi, S.H., M.H.
Background	Director General of the General Courts of the Supreme Court
Chamber	Criminal
Findings	Supporting Evidence
<p>Previously served as:</p> <ul style="list-style-type: none"> Deputy Registrar of Civil of the Supreme Court Chairman of the South Jakarta District Court Chairman of the Depok District Court 	<p>https://www.liputan6.com/news/read/33929/mutasi-prim-haryadi-ditunda</p>
It was reported that the Chief Justice of the Supreme Court at that time, Hatta Ali, actually held the last several positions occupied by the Candidates. In fact, they did not fully meet the requirements.	
<p>Candidates also tend to think closed way. One of them is marked by issuing the Director General of Badilum Circular No. 2 of 2020 concerning Procedures for Attending Trials. This Circular stipulates "taking photos, sound recordings, TV recordings must have the permission of the Head of the relevant District Court". This SE has drawn criticism from the public because it closes public access to courts. Even though the Supreme Court continues to encourage the court to be an open and transparent institution. Due to public pressure and criticism, the Chief Justice of the Supreme Court at that time (Hatta Ali) immediately ordered the Candidates to revoke this Circular Letter for the Director General of Badilum. The candidate also apparently did not consult the Supreme Court first to make this SE.</p>	<p>https://news.detik.com/berita/d-4918577/ketua-ma-perintahkan-dirjen-cabut-aturan-larangan-memfoto-sidang</p>
<p>The candidate is pro death penalty. In a CHA interview at the Judicial Commission on August 4 2021, the candidate stated "The death penalty is still needed in Indonesia for certain cases. For example, in narcotics cases." The candidate has previously decided on the death penalty for a case narcotics where there are convicts who have been executed.</p>	<p>https://www.komisiyudisial.go.id/frontend/news_detail/1508/cha-slamet-sarwo-edy-kejahatan-muncul-bisa-di-mana-saja-termasuk-tnihttps://www.tribunnews.com/nasional/2021/08/05/calon-hakim-agung-prim-haryadi-sebut-pidana-mati-untuk-kasus-narkotika-dan-korupsi-masih-dibutuhkanhttps://nasional.tempo.co/read/442148/kisah-ola-8-ini-profil-hakim-yang-vonis-mati</p>
<p>In a CHA interview at the Judicial Commission on 4 August 2021, the Commissioner for the Judicial Commission said that based on the report, the Candidate cheated during the 2019 CHA profile assessment. The Candidate clarified that he did not cheat during the 2019 profile assessment. there is a supervisor. And according to him, this can be proven by CCTV.</p>	<p>https://news.detik.com/berita/d-5669626/calon-hakim-agung-ini-diklarifikasi-ky-soal-dugaan-nyontek-hingga-main-golf</p>

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES
Compiled by: Judicial Monitoring Coalition (KPP)
September 2021

Name	Dr. Subiharta, S.H., M.Hum.
Background	High Judge at Bandung High Court
Chamber	Criminal
Findings	Supporting Evidence
<p>Previously served as:</p> <ul style="list-style-type: none"> Chairman of the Sukoharjo District Court Medan District Court Judge (2013) Kendari High Court (2013 - 2015) High Court Judge of PT East Kalimantan (2015-2020) 	<p>http://www.pn-medankota.go.id/v3/index.php?option=com_content&view=article&id=237:pengantar-tugas&catid=153&Itemid=328 http://pn-meulaboh.go.id/media/files/20151125140323135855979556555d3b9e0de_20151125140509_Hasil_Rapat_TPM_Hakim_Tgl._25_November_2015_.xls_.pdf https://fh.unmul.ac.id/archive/read/art_09NHRdLy6X https://badilum.mahkamahagung.go.id/index.php?option=com_attachments&task=download&id=579</p>
Founded the Center for Law and Economic Studies while serving at the Medan District Court.	
Active teaching at Faculty of Law UMSU, Faculty of Law at Prima University, and Faculty of Law at Widyagama Mahakam University, Samarinda.	
In 2020, as a member of the Panel of Judges, he strengthened the Depok District Court Decision which imposed the death penalty in the case of buying and selling narcotics	https://news.detik.com/berita/d-5114460/vonis-mati-terdakwa-kasus-37-kg-sabu-di-depok-dikuatkan-di-tingkat-banding
In 2021 he will become a speaker on legal arguments in PKPA HSTC	https://www.youtube.com/watch?v=qoRTVxS1H_A
In 2015 he published an article on Legal Morality in Praxis Law as a Priority	https://jurnalhukumdanperadilan.org/index.php/jurnalhukumperadilan/article/view/53

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES

Compiled by: Judicial Monitoring Coalition (KPP)

September 2021

Name	Suradi, S.H., S.Sos., M.H.
Background	High Supervisory Judge at the Supervisory Board of the Supreme Court of the Republic of Indonesia
Chamber	Criminal
Findings	Supporting Evidence
Previously served as: <ul style="list-style-type: none">Chairman of the Pamekasan District Court (2017)Vice Chairman of Mataram District Court (... - 2019)-Jambi High Court Judge (June 2019 - ...)	https://www.pn-pamekasan.go.id/berita/pengambilan-sumpah-jabatan-dan-pelantikan-panitera http://www.pt-jambi.go.id/main/index.php/8-berita/383-pengambilan-sumpah-jabatan-dan-pelantikan-bapak-suradi-sh-s-sos-mh-sebagai-hakim-tinggi-pengadilan-tinggi-jambi https://www.mahkamahagung.go.id/id/berita/3689/sekretaris-ma-lantik-5-hakim-tinggi-pengawas
Regional Inspectors and High Supervisory Judges at the Supreme Court Oversight Body are seen as judges with good integrity because of the strict selection and parameters set by the Oversight Body. Therefore, a CHA with a background in the Supreme Court Supervisory Board is believed to have good integrity.	
Calon mendukung pidana mati tetap dimasukkan dalam KUHP sebagai bentuk pidana khusus dalam hal-hal tertentu, bukan pidana pokok.	https://www.tribunnews.com/nasional/2021/08/03/calon-hakim-agung-suradi-pidana-mati-masih-tetap-diperlukan

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES

Compiled by: Judicial Monitoring Coalition (KPP)

September 2021

Name	Yohanes Priyana, S.H., M.H.
Background	High Court Judge of Kupang
Chamber	Criminal
Findings	Supporting Evidence
<p>Currently serving as a Judge at PT Pontianak (9 August 2021)</p> <p>Previously served as:</p> <ul style="list-style-type: none">• Head of Kabanjahe District Court (2010 - 2011)• Deputy Chairman of the Blitar District Court (2014-2015)• Central Jakarta District Court Judge (2015 -)• Kupang High Court Judge (... - August 2021)	<p>https://www.pt-pontianak.go.id/main/index.php/26-profil-pegawaihttps://www.pn-kabanjahe.go.id/tentang-pengadilan/profile-pengadilan/2015-05-30-06-25-03.htmlhttps://www.pn-kabanjahe.go.id/tentang-pengadilan/profile-pengadilan/2015-05-30-06-25-03.htmlhttps://www.pn-blitar.go.id/index.php/8-berita/2-pengambilan-sumpah-jabatan-dan-pelantikan-bapak-yohanes-priyana-s-h-m-hhttps://webcache.googleusercontent.com/search?q=cache:LmCLU4McGvoJ:https://adoc.tips/download/data-hakim-pengadilan-negeri-yang-sudah-bersertifikasi-tipik.html&cd=13&hl=id&ct=clnk&gl=id&lr=lang_en%7Cclang_id%7Cclang_nlhttps://webcache.googleusercontent.com/search?q=cache:10Gp-CvEGlgJ:https://anzdoc.com/download/mutasi-hakim-dan-panitera-yang-sudah-di-bayarkan-direktorat-.html&cd=18&hl=id&ct=clnk&gl=id&lr=lang_en%7Cclang_id%7Cclang_nl</p>
<p>In 2021, as Chair of the Panel of Judges, he sentenced 13 years in prison and a fine of Rp. 700 million to the Head of the NTT Bank Branch, Didakus Leba, for a corruption case in the provision of working capital and long-term investment credit facilities which caused losses to the state of Rp. 134 billion. The decision handed down by the Panel of Judges of Appeal at PT Kupang was heavier than the decision at the first instance of the Kupang District Court which sentenced him to 7 years in prison and a fine of IDR 750 million.</p>	<p>https://www.kriminal.co/2021/01/26/kasus-bank-ntt-cabang-surabaya-didakus-leba-divonis-13-tahun-penjara/ https://putusan3.mahkamahagung.go.id/direktori/putusan/zaeb5b974eb2d030b1a5313031383138.html</p>

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES

Compiled by: Judicial Monitoring Coalition (KPP)

September 2021

Name	Yohanes Priyana, S.H., M.H.
Background	High Court Judge of Kupang
Chamber	Criminal
Findings	Supporting Evidence
In 2020 as Chair of the Panel of Judges handed down 2 times heavier sentences against Linda Liudanto and Handmen Puri for the fictitious credit case of Bank NTT KCU Kupang. Note: there were several first instance decisions, appeals and cassation that ensnared Linda Liudanto and Handmen Puri, including some who were tried by Yohanes Priyana at the appellate level.	https://kupang.tribunnews.com/2020/09/10/banding-perkara-korupsi-kredit-fiktif-bank-ntt-linda-dan-hadmen-puri-diganjar-hukuman-berat
He once handled the Siti Fadillah Supari corruption case	https://www.komisiyudisial.go.id/frontend/news_detail/1513/cha-yohanes-priyana-ungkap-dasar-pertimbangan-vonis-lebih-ringan-dari-tuntutan-jaksa-atas-kasus-korupsi
Once served as Head of the Public Relations Section of the Central Jakarta District Court, at that time the Central Jakarta District Court refused to broadcast the trial of the e-KTP mega corruption case live	https://www.youtube.com/watch?v=Me-tuBHg3S https://www.aji.or.id/read/berita/620/aji-memprotes-larangan-siaran-langsung-sidang-e-ktp.html

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES

Compiled by: Judicial Monitoring Coalition (KPP)

September 2021

Name	Ennid Hasanuddin, S.H., C.N., M.H.
Background	Banten High Court High Court Judge
Chamber	Civil
Findings	Supporting Evidence
Previously served as: <ul style="list-style-type: none">• Central Jakarta District Court Judge• High Judge at the Indonesian Supreme Court Kumdil Education and Training Center (Pusdiklat Teknik Peradilan)	
During his time as a High Court Judge at the MA Judicial Technical Training Center, he was actively involved in various trainings carried out by the Supreme Court himself and training conducted by the Supreme Court with other institutions including research institutions and non-governmental organizations	https://leip.or.id/pertemuan-pelatih-trainers-convention-penerapan-pasal-penodaan-agama-berdasarkan-prinsip-hak-asasi-manusia/
Valued as a good judge by many parties because he granted it and gave a good precedent in a citizen law suit case (BPJS case, National Examination). The candidate has also handled a citizen lawsuit case regarding the use of the Garuda symbol on the soccer jersey.	https://news.detik.com/berita/d-1636195/ky-apresiasi-gebrakan-hakim-ennid-hasanudin-dalam-kasus-un https://news.detik.com/tokoh/d-1636097/hakim-ennid-hasanudin-pembuka-celah-bagi-warga-gugat-pemerintah https://www.liputan6.com/news/read/339126/hakim-tolak-gugatan-penggunaan-garuda-pancasila

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES

Compiled by: Judicial Monitoring Coalition (KPP)

September 2021

Name	Dr. H. Haswandi, S.H., S.E., M.Hum.
Background	Deputy Registrar of Special Civil of the Supreme Court of the Republic of Indonesia
Chamber	Civil
Findings	Supporting Evidence
Has served as: <ul style="list-style-type: none">Chairman of the South Jakarta District CourtJakarta Corruption Court JudgeDirector for Development of Technical Personnel at the Directorate General of Badilum of the Supreme Court of the Republic of Indonesia	
When he was a judge at the Jakarta Tipikor Court, he decided that the investigation into the case of Hadi Poernomo (Director General of Taxes of the Ministry of Finance) was illegal in accepting objections from PT BCA taxpayers.	https://www.cnnindonesia.com/nasional/20150527065024-12-55912/kpk-kritisi-pertentangan-putusan-hakim-haswandi-dulu-dan-kini
Often handles major corruption cases, including: Cases of Susno Duadji, Andi Mallarangeng and Anas Urbaningrum	https://nasional.tempo.co/read/669791/ini-profil-hakim-haswandi-yang-tumbangkan-kpk/full&view=ok
Have been reported to the Supreme Court and the Judicial Commission regarding the receipt of a Judicial Review submitted by PT Geo Dipa Energi (v.PT Bumi Gas Energi in the PLTP case)	https://nasional.kontan.co.id/news/terima-pk-2-kali-ketua-pn-jaksel-dilaporkan-ke-ky https://www.tribunnews.com/metropolitan/2014/12/12/dianggap-salah-mengeluarkan-putusan-ketua-pn-jaksel-diadukan-ke-ma

TRACK RECORD OF 11 CANDIDATE SUPREME JUDGES
Compiled by: Judicial Monitoring Coalition (KPP)
September 2021

Name	Brigjen TNI Dr. Tama Ullinta Br Tarigan, S.H., M.Kn.
Background	Deputy Head of the Main Military Court
Chamber	Military
Findings	Supporting Evidence
<p>Has served as:</p> <ul style="list-style-type: none"> • Head of High Military Court I Medan • Development and Supervision of Kadilmilti I Medan • High Supervisory Judge at the Supreme Court Supervisory Board 	<p>https://tni-au.mil.id/pangkosekhanudnas-iii-hadiri-pisah-sambut-ketua-pengadilan-tinggi/ https://www.youtube.com/watch?v=NbXYKicZiwc</p>
<p>Have a good perspective on the judge's supervision model and agree with strengthening the KY</p>	<p>https://nasional.kompas.com/read/2021/08/06/14191651/calon-hakim-agung-ini-nilai-kewenangan-penyadapan-ky-mesti-diperkuat https://www.komisiyudisial.go.id/frontend/news_detail/847/cha-tama-ulinta-br-tarigan-yang-mendiamkan-oknum-hakim-melanggar-kepph-harus-ikut-dihukum https://www.idx.co.id/StaticData/NewsAndAnnouncement/ANNOUNCEMENTSTOCK/From_EREP/202108/3da285a312_48d433c324.pdf</p>
<p>If elected, she will become the first female military justice. This is very good for providing a new perspective on the Supreme Court military chamber and increasing the number of women justices</p>	
<p>"Regional Inspectors and High Supervisory Judges at the Supreme Court Supervisory Board are seen as judges with good integrity because of the strict selection and parameters set by the Supervisory Agency. Therefore, CHAs with a background in the Supreme Court Supervisory Board are believed to have good integrity."</p>	<p>https://nasional.tempo.co/read/1485735/selain-brigjen-faridah-faisal-berikut-jenderal-perempuan-tni-ad-lainnya/full&view=ok</p>

CHAPTER V CLOSING

A. CONCLUSION

Eleven prospective Supreme Court justices (CHA) who passed the selection at the Judicial Commission (KY) underwent a fit and proper test at Commission III of the DPR, Monday (20/9). Of the eleven candidates, Commission III of the DPR RI decided that 7 names passed to become Supreme Court Justices, namely 5 names in the Criminal Chamber, 1 name in the Civil Chamber and 1 name in the Military Chamber today Tuesday (21/9). The seven names are: Dwiarso Budi Santiarto, Prim Haryadi, Jupriyadi, Suharto, and Yohanes Priyana, Haswandi, and Tama Ulinta Br Tarigan. These seven names were approved at the DPR Plenary Session and then sent to the President.

From the results of monitoring during the selection process at the Judicial Commission and the fit and proper test process at the DPR, **the Judicial Monitoring Coalition (KPP) asked the DPR not to endorse candidates for Supreme Court justices with bad track records and problems with integrity.** The KPP underlined the rejection of two candidates for supreme justices in the criminal chamber and one in the civil chamber, namely:

01

Yohanes Priyana

Candidates for Supreme Court justices are suspected of committing plagiarism during a paper-writing session at Commission III of the DPR RI, Friday (17/9). During the fit & proper test session, member of Commission III of the DPR from the PDIP faction, Ichsan Soelistio, assessed that Yohannes's paper was strongly suspected of including plagiarism because it did not include footnotes in the required citations.

The DPR should be consistent in eliminating every candidate who is deemed to have committed fraud. As is well known, Commission III of the DPR decided not to continue the fit & proper test process for the candidate for Supreme Court Justice, Triyono Martanto, in January 2021. In addition, when the Candidate served as Head of the Public Relations Section of the Central Jakarta District Court, at that time the Central Jakarta District Court refused to live broadcast the trial of the e-KTP mega corruption case.

CHAPTER V CLOSING

A. CONCLUSION

02

Prim Haryadi

In a CHA interview at the Judicial Commission on August 4 2021, the Judicial Commission Commissioner said that based on the report, the Candidate cheated during the 2019 CHA profile assessment, even though the Candidate denied it during the interview process. The candidate is also suspected of participating in the 'Healthy Golf Together' activity chaired by the former Chief Justice of the Supreme Court (MA). This activity also invited the Association of State Banks (Himbara).

A number of these alleged violations are certainly contrary to the Code of Ethics and Conduct of Judges, and raises the potential for a strong conflict of interest. In addition, the candidate who serves as the Director General of Badilum MA, has issued Circular Letter of the Director General of Badilum No 2 of 2020 concerning Rules for Attending Trials. This rule was rejected by the public because it was considered to close the community to court services, before being repealed at a later date. This policy confirms that the Candidate does not support the justice reform agenda.

Therefore, **KPP encourages Commission III of the DPR to consider the public's input not to endorse the following three candidates.** KPP also reminded the DPR to elect candidates for Supreme Court justices who have **integrity and are fully committed to eradicating corruption, have a clear vision and mission, and have a good understanding of law and justice and must also have a commitment to support justice reform.**

CHAPTER V CLOSING

A. CONCLUSION

03

Haswandi

The candidate once ruled that the investigation process by Hadi Poernomo (Director General of Taxes of the Ministry of Finance) was illegal regarding the objections of PT BCA taxpayers with the odd consideration that the KPK investigators were not from the National Police, even though in the Andi Mallarangeng and Anas Urbaningrum cases, non-Polri KPK investigators were not questioned.

In addition, the Candidate has also been reported to the Supreme Court and the Judicial Commission for receiving a Judicial Review on a Judicial Review submitted by PT Geo Dipa Energi, causing legal uncertainty.

JUSTICE MONITORING COALITION

Transparency International Indonesia (TII), Indonesia Corruption Watch (ICW), Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI), Perhimpunan Bantuan Hukum & Hak Asasi Manusia Indonesia (PBHI), Lembaga Bantuan Hukum Jakarta, Public Interest Lawyer Network (PILNET), Lembaga Bantuan Hukum Masyarakat (LBHM), Lembaga Kajian dan Advokasi Independensi Peradilan (LeIP), Lembaga Studi dan Advokasi Masyarakat (ELSAM), Institute for Criminal Justice Reform (ICJR), Indonesia Judicial Research Society (IJS), Pusat Studi Hukum dan Kebijakan Indonesia (PSHK), Imparsial, Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan (KontraS), Pusat Kajian dan Advokasi Perlindungan dan Kualitas Hidup Anak (PUSKAPA), LBH Apik Jakarta

CHAPTER V CLOSING

B. RECOMMENDATION

Based on the findings that have been described and several notes related to the track record of Candidates for Supreme Court Judges, civil society requests the Judicial Commission to pay further attention to Candidates who have a poor track record and have a record that is lacking in terms of integrity, independence, competence, and candidate perspective regarding Human Rights (HAM).

The Judicial Commission also needs to encourage Candidates for Supreme Court Judges who have a clear vision and mission as Supreme Court Justices, Candidates for Supreme Court Judges who have a qualified understanding of law and justice, Candidates for Supreme Court Judges who understand the role of judges and courts in fulfilling human rights according to the position of the court in the concept of a rule of law, and Candidates for Supreme Court Justices who have partiality for vulnerable groups, namely women, children, the poor and minority groups, as well as environmental protection.

These several aspects are important to produce judges with integrity and support judicial reform, especially at the Supreme Court.



Ideal Chief Justice Value:

- a. Integrity***
- b. Independence***
- c. Competence***
- d. Human Rights Perspective***

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