

JURNAL AL-QADĀU

PERADILAN dan HUKUM KELUARGA ISLAM

Professionalism of Female Judges at the Religious Court of Sungguminasa Class I B

Profesionalisme Hakim Wanita di Pengadilan Agama Sungguminasa Kelas I B

Widia Amelia, Achmad Musyahid, La Ode Ismail
Konsentrasi Syariah dan Hukum Islam Pascasarjana UIN Alauddin Makassar
Email: widiaamelia160796@gmail.com

Info Artikel	Abstract
<p>Received* September 29, 2022</p> <p>1st Revision* November 20, 2022</p> <p>2nd Revision* Desember 07, 2022</p> <p>Approved* Desember 15, 2022</p>	<p><i>This study aims to determine the professionalism of female judges in the Sungguminasa religious court as a requirement for female judges in implementing decisions with the values of responsibility as a fair court. This research is a qualitative study with a socio-legal research approach. The main data source of this research is interviews with female judges. Furthermore, data collection in this study uses observation, interviews and documentation. Meanwhile, data processing and analysis techniques are carried out through three stages, namely data reduction, data presentation and conclusion drawing. The results showed that the professionalism of female judges will show how the quality of decisions, so that female judges in the Sungguminasa religious court must be intellectual, experienced, responsible for legal and moral aspects and driven by the effectiveness of the caseload. Although female judges at the Sungguminasa religious court have good competence in terms of education, the lack of appealed decisions and their average experience of 15 years. However, it was found that there are several problems of female judges in maintaining their professionalism, including ineffective communication between judges and litigants, the existence of female judges' decisions that correlate with the woman solidarity, especially polygamy cases, there is still no time discipline, the imbalance in the ratio of the number of judges to the caseload will affect performance productivity because with the frequency of too many cases that must be tried by judges, it will affect the cognitive and emotional aspects of judges and support for increasing the professional capacity of judges has not been maximized. Moreover, in the age of technology, where judges must have competence in the IT field, it can be seen from the lack of opportunities to attend training or technical guidance. Moreover, in the age of technology, judges must have competence in IT. So it is necessary to attend training, especially senior judges.</i></p> <p><i>Keyword: Keywords: Profesionalism, Female Judges, Judge</i></p> <p><i>Penelitian ini bertujuan untuk mengetahui profesionalisme hakim wanita di pengadilan agama Sungguminasa sebagai syarat hakim wanita dalam melaksanakan putusan dengan nilai-nilai tanggungjawab sebagai pengadil yang adil. Penelitian ini merupakan penelitian kualitatif dengan pendekatan sosio-legal research. Sumber data utama penelitian ini yakni</i></p>

wawancara kepada hakim wanita. Selanjutnya pengumpulan data pada penelitian ini menggunakan observasi, wawancara dan dokumentasi. Sedangkan teknik pengolahan serta analisis data dilakukan melalui tiga tahapan yakni reduksi data, penyajian data kemudian penarikan kesimpulan. Hasil penelitian menunjukkan bahwa profesionalisme hakim wanita akan menunjukkan bagaimana kualitas putusan, sehingga hakim wanita di pengadilan agama Sungguminasa harus berintelektual, berpengalaman, bertanggung jawab pada aspek hukum maupun moral dan didorong oleh efektivitas beban perkara. Meskipun hakim wanita di pengadilan agama Sungguminasa memiliki kompetensi yang baik dilihat dari pendidikan, kurangnya putusan yang banding dan pengalamannya rata-rata 15 tahun. Namun didapati bahwa ada beberapa problem hakim wanita dalam menjaga profesionalitasnya di antaranya komunikasi yang kurang efektif antara hakim dengan berperkara, adanya putusan hakim wanita yang berkolerasi terhadap the woman solidarity terkhusus perkara poligami, masih ada tidak disiplin waktu, ketimpangan rasio dengan jumlah hakim dengan beban perkara akan berpengaruh pada produktivitas kinerja karena dengan frekuensi perkara terlalu banyak yang harus diadili oleh hakim akan mempengaruhi aspek kognitif dan emosi hakim dan dukungan terhadap peningkatan kapasitas profesi hakim belum maksimal. Apalagi zaman teknologi, di mana hakim harus memiliki kompetensi dalam bidang IT. Terlihat dari minimnya kesempatan mengikuti pelatihan atau bimbingan teknis. Apalagi zaman teknologi, di mana hakim harus memiliki kompetensi dalam bidang IT. Sehingga perlunya mengikuti pelatihan terutama hakim senior.

Kata Kunci : Profesionalisme, Hakim Wanita, Hakim

A. PRELIMINARY

Judges are officials who carry out their duties in court and are empowered by law to resolve disputes and lawsuits in the criminal and civil fields because the officials themselves cannot handle duties in court. The realization of the objectives of the judiciary is largely determined by the integrity, capacity, and capability of law enforcement officials. Because of their very decisive responsibility for people's lives, law enforcers are often described as "God's representatives on earth". Especially in the scope of religious courts based on Islamic law, the main source of which is the Koran and the hadith of the Prophet Muhammad SAW.

A judge must be able to process and adapt data obtained during the trial, from witnesses, presumptions, documentary evidence, confessions or oaths expressed during the trial. So that decisions to be taken can be based on a sense of fairness, discretion, responsibility, objectivity, and professionalism.¹

One of the codes of ethics for judges, namely professionalism, has become a topic of discussion in recent years. Because professionalism is a milestone in the success of a decision on a case in order to produce decisions that can be accounted for and contain the values of truth and justice. Because basically the behavior of a judge greatly

¹Karmawan, "Profesionalisme Hakim dalam Penyelesaian Perkara Perdata Islam di Pengadilan Agama Provinsi Banten", *Mumtaz Journal* (Vol. 3, No. 1, 2019), p. 252.

influences a judge's decision. The logic is simple: how will you decide cases well if the personal law is not right. This shows that the judge in carrying out his duties is determined by the ethics inherent in him. Because in carrying out their duties, a judge has the authority to make decisions without intervention from any party, including the government.

As happened in 2022, a judge and clerk in Surabaya were involved in an OTT (hand-catching operation) case. Thus making the public question the reform of the Indonesian legal system. The public hopes for the justice system and law enforcement in Indonesia to provide a sense of justice. Ironically, this hope was dashed when law enforcers actually started litigation.² In addition, abuse of authority was found which resulted in law enforcers in their decisions not containing a sense of justice. This can be seen from the large number of corruptors who were freed from legal bondage and reduced sentences for being polite, causing controversy in society.³ This includes the discovery of buying and selling of cases of gravity and money laundering between law enforcers and justice seekers, as happened some time ago which ensnared the former head of the Constitutional Court, namely Akil Mukhtar.⁴

There are still many public reports received by the Judicial Commission which are suspected of being violations of the judge's code of ethics, which raises questions about how a judge performs. According to data from the 2021 Judicial Commission report, 1346 reports of alleged violations of the judge's code of ethics and 258 reports are unacceptable. 85 judges were proven to have violated with 7 people recommended heavily. This data rose 6.4% from the previous year. Where reports of civil cases dominate as many as 632 reports, followed by criminal cases 355 reports and religion 86 reports.⁵

The next problem lies in the gender of the judge profession which is considered to be the cause of not creating judge professionalism. Because the profession of a judge cannot be separated from the nature inherent in him as a woman or a man. In divorce cases, empirically, female judges understand more based on their senses. So divorce cases are very complicated matters for female judges. Especially if there are children who must be separated from their mothers. Then there is a woman's instinct that cannot be separated from female judges so that in communication with parties it will be different between female and male judges.⁶

² Andi Saputra, "Hakim PN Surabaya Kena OTT, MA: Terima Kasih KPK", *DetikNews.com* (accessed January 21, 2022). <https://news.detik.com/berita/d-5907840/hakim-pn-surabaya-kena-ott-ma-terima-kasih-kpk>

³ Salomo Tarigan, "Berlaku Sopan di Sidang, Hukuman Mantan Menteri Ini Disunat Jadi 5 Tahun, Sebelumnya 9 Tahun Penjara", *TribunMedan.com* (accessed March 10, 2022). <https://medan.tribunnews.com/2022/03/10/berlaku-sopan-di-sidang-hukuman-mantan-menteri-ini-disunat-jadi-5-tahun-sebelumnya-9-tahun-penjara>

⁴ Ambaranie Nadia Kemala Movanita, "Kasus Suap Penanganan Sengketa Pilkada Akil Mochtar yang Menggurita", *Kompas.com* (December 27, 2014). <https://nasional.kompas.com/read/2014/12/27/15533261/Kasus.Suap.Penanganan.Sengketa.Pilkada.Akil.Mochtar.yang.Menggurita>

⁵ Agung Sandy Lesmana, "Sepanjang 2021: 85 Hakim Terbukti Melanggar, Cuma 7 Orang Direkomendasi Kena Sanksi Berat", *Suara.com* (accessed December 21, 2021) <https://www.suara.com/news/2021/12/21/171437/sepanjang-2021-85-hakim-terbukti-melanggar-cuma-7-orang-direkomendasi-kena-sanksi>

⁶ Karmawan, "Profesionalisme Hakim dalam Penyelesaian Perkara Perdata Islam di Pengadilan Agama Provinsi Banten", *Mumtaz Journal*, p. 260.

In Islam, issues related to the profession of female judges are polemic, especially among classical ulama. Most of them believe that a woman has inherent weaknesses and can potentially fail in leading in the public sphere, including becoming a judge. In addition, there is a gender bias, in which classical ulama argue that Allah SWT gave men an advantage over women in terms of strength and intelligence. In fact, intellectual intelligence (hard competency) is one of the standards of the Supreme Court to identify professional judges.

Based on that, after making initial observations that one of the male judges at the Sungguminasa religious court said that the influence of gender often makes female judges less objective, especially in polygamy cases. Even though it was clear that the one who submitted it was his wife. So that the decisions of female judges often have a positive correlation with the woman's solidarity, especially if there are two female judges in the assembly.⁷

In addition, a woman has other obligations outside of her duties which are considered heavy. As stated in chapter 34 clause (2) it is stated that the wife is obliged to manage household affairs as well as possible.⁸ The task of women in the domestic sphere is an obligation that a wife cannot ignore. So that it can affect other responsibilities. So women who become judges have a heavier burden to endure. In one aspect she must be responsible for the domestic sphere, in another aspect she must also be responsible for his work in public as a judge at the Religious court. So this can affect professionalism at work because they have to divide themselves into two roles. Where these two roles must be carried out as well as possible. Moreover, if the female judge is transferred and far away from her family. So this will affect the feelings and emotions of a judge if his family is not in good condition.

With the various problems above, the authors are of the opinion that it is necessary to study more deeply the professionalism of female judges at the Sungguminasa Religious Court. Where there are many female judges who have served or are currently on duty at the trial. Moreover, the province of South Sulawesi is the 10th province with the highest number of reports regarding violations of the judge's code of ethics.

B. METHODS

The study method used to analyze the issues in this paper is qualitative research in the form of field research. In the sense that the aim of this research is to study social phenomena or individual circumstances in religious courts, both orally and in writing, as well as real behavior. The goal is to describe precisely the nature of an individual, a particular symptom, or a condition.

This research is social research conducted at a religious court in South Sulawesi, precisely at the Sungguminasa religious court, Jl. Masjid Raya, Kec. Somba Opu, Gowa Regency, South Sulawesi 92114. This research uses a socio-legal research approach (sociological legal research) or it can be said as empirical legal research because the

⁷ Interview at August 29, 2022.

⁸ Indonesian Republic, RI Law No. 1 Year 1974 About Marriage article 34 clause (1) dan (2).

object studied in the field will analyze the law seen from people's behavior patterns in people's lives.

Primary data is information obtained directly from the field, which is information from interviews or surveys of research objects. So that the primary data in this study are women who serve as judges at the Sungguminasa court. The primary legal material in this study is the law of authority, that is positive law (laws on the judiciary and the book of laws on civil law), and Islamic law, specifically the Koran and the Hadith of the Prophet Muhammad. about being a professional judge who decides cases fairly. Then it is supported by documents of various information related to research.

C. RESULT AND DISCUSSION

The polemic of female judges in Islam

In general, classical, medieval, and contemporary ulama regard women as judges in three opinions, namely as follows;

1. Allow for Civil Cases, not for Criminal Cases

This opinion was pioneered by Imam Hanifah who has a rational wing. Imam Abu Hanifah considered that when the Prophet saw. conveying the prohibition of women being leaders which form the basis for the prohibition of women being judges, the capacity of the prophet saw. not as Prophets and Apostles who support the truth of revelation but as ordinary people to anticipate the worst possibility if, in the future, women become leaders.⁹

Ibnu Hammaām, one of the figures of the Hanafiyah madhhab, argues that the prohibition on women being allowed to be judges in civil cases only is confirmed by the testimony of women who are not accepted in criminal law. The eligibility to be a judge goes hand in hand with the eligibility to be a witness. The opinion of the Hanafiyah regarding the permissibility of women as judges is based on the word of Allah SWT. in QS al-Taubah/9:71 which states the equality of men and women.¹⁰

2. Prohibiting or Rejecting Women as Judges

Ulama who absolutely reject women as judges adhere to the hadith texts which prohibit women from becoming leaders in a government. So that these circles concluded that women are also not allowed to be judges. It also adheres to the text of QS al-Nisa/4:34 which means that women cannot be leaders in the household so it becomes the basis that they cannot play a bigger role in the public space, including being judges.

⁹ Uswatul Fikriyah, "Pandangan Tokoh Masyarakat Kota Malang terhadap Keabsahan Putusan Hakim Wanita di Pengadilan Agama dalam Sistem Hukum Indonesia dan Hukum Islam, *Musāwa Journal*. (Vol. 15 No. 2 July 2016), p. 218.

¹⁰ Ihyak, "Relevansi Konsep Hakim Wanita dalam Peradilan Agama Indonesia", *Inklusif Ejournal*, (1th ed, Vol. 1, 2016), p. 18.

Another reason is that the ulama consider women are lack intelligence or insight, are physically weak, lack association, and limited interaction with the opposite sex. Because a woman's lack of sense will cause her testimony to be half worth compared to the testimony of men. Then they also assume that women will attend open courts where there are men and will sit together, so they are afraid that slander will arise between them.¹¹

3. Allows for All Cases, Both Civil and Criminal

This opinion was pioneered by Ibn Jarir al-Tabari who argued that it is permissible for women to become mufti so that they are allowed to become judges. He is the judge whose job is to uphold justice so that women also have this competence and ability.¹²

Ibn Hazm justifies women as judges absolutely according to QS al-Nisā/4:58. According to Ibn Hazm the *damir* (pronoun) contained in the word *حكمتكم* includes men and women. So according to him those who are ordered to decide cases in the verse are not only men but women too.

Furthermore, contemporary figures such as M. Quraish Shihab explained that the understanding of classical scholars who prohibited women from becoming judges was allegedly influenced by the social conditions of their time. Especially when referring to the hadith prohibiting women from being judges. If examined with contextual understanding, the hadith is intended when a Persian ruler named Kisra died and was replaced by his daughter who did not have the capacity to become a leader.¹³

In order to better understand the differences of opinion among Islamic ulama regarding female judges, the following table illustrates;

Comm unity View	Ulama	Figur es Name	Basis Of Opinion
Allows female judges only in civil law	1. Classical Ulama	1. Imam AbuHanifah	1. The legal basis used is the argument naqli based on QS al-
	2. Medieval	2. Al-Syaukani	Nisa/4:34 and QS al-

¹¹ Husein Muhammad, *Fiqh Perempuan: Refleksi Kiai atas Wacana Agama dan Gender* (1th ed; Yogyakarta: IRCiSoD, 2020), p. 191.

¹² Djazimah Muqoddas, *Kontroversi Hakim Perempuan Pada Peradilan Islam di Negara-Negara Muslim* (Asy-Syariah Vol. 17, No.2, August 2015), p. 2.

¹³ M.Quraish Shihab, *Islam Yang Disalahpahami: Menepis Prasangka Mengikis Kekeliruan* (1th ed; Tangerang: Lentera Hati, 2018), p. 168-169.

	<p>Ulama</p>	<p>3. Al-Zamahkasyari 4. Ibn Hammam 5. Al-Kasani</p>	<p>Taubah/9:71, and the hadith of the Prophet. (Unlucky a people who surrender their leadership to women). Meanwhile, the argument for aqli and ijthad is affirmed by prohibiting women from being witnesses in criminal cases.</p> <p>2. The style of interpretation of legal texts in this group seems to be more contextual and thematic.</p> <p>3. Changes in cultural, political, and social conditions do not make women's issues the judge.</p> <p>4. This group accepts women as judges in civil cases, not criminal cases based on naqli and aqli arguments.</p>
<p>Absolute ly Forbid Women to Become Judges</p>	<p>1. Classical Ulama 2. Medieval Ulama 3. Contemporary Ulama</p>	<p>1. Imam Syafi'i 2. Imam Malik 3. Imam Hanbali 4. Al-Mawardi 5. Abu Ya'la 6. Bakri Syata 7. Zakaria al-Anshari 8. Junaed Al-</p>	<p>1. The legal basis used is the naqli argument based on QS al-Nisa/4:34 and the hadith of the Prophet. (Unlucky a people who surrender their leadership to women). Meanwhile, the arguments of aqli and ijthad namely kiyas to the prohibition of women being prayer of salat.</p>

		Bagdadi	2.	The style of interpretation of legal
	9.	Muhammad Battaji		texts in this group is more normative, textual, and literal.
	10.	Ibrahim al-Syirazi Ibnu Khaldun	3.	Conditions in the pre-Islamic period showed the socio-historical condition of society in a patriarchal culture, in which the position of men was higher than that of women. So that the opportunity for women to become leaders in the public space is limited.
	11.	Wahbah al-Zuhaili		
	12.	Ibnu Katsir		
Absolute ly allow female judges, both civil and criminal	1.	Classical Ulama	1.	Ibn Jarir al-Tabari
	2.	Medieval Ulama	2.	Ibn Hazm
	3.	Contemporary Ulama	3.	Muhammad Abduh
	4.	Feminist Figure	4.	Allamah Tabataba'i
			5.	Nashr Abu Zaid
			6.	M. Quraish Shihab
			7.	Hasan al-Bashri
			8.	Husen Muhammad
			9.	Ibn Zahiry al-Tabrani
				1.
			2.	Meanwhile, the argument for aqli and ijtihad is that, according to the law, it is permissible for women to become muftis, women can become judges
			3.	The style of interpretation of legal texts in this group seems to be more contextual.

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|-----------------|---|
| 10. Amina Wadud | 4. Changes in socio-historical conditions in society so that they can |
| 11. Musda Mulia | reject or accept women as judges. |
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Professionalism Standards for Female Judges in the Sungguminasa Religious Court

According to the Supreme Court (MA), the standards for professional judges include intellect (hard competency), expertise or experience, and integrity (soft competency). In addition to these three things, the measure of professionalism according to Sedarmayanti can also be seen from aspects of effectiveness and responsibility.¹⁴

1. Competence

The ability of a judge to make decisions is obtained from education before becoming a judge and experience gained during his career. As Soejono Koesoemo Sisworo said, the decision taken by the judge can occur instinctively after the judge briefly and carefully examines the facts of the case handled.¹⁵

Professional judges can be obtained in two ways, which are education or knowledge of law obtained before becoming a judge and continuing training or technical guidance after becoming a judge. Professional behavior as judges is inseparable from the education they receive, as stated by Satjipto Rahardjo by giving a large portion of the discourse around higher education in law because education is the most valuable long-term investment in the process of social change for the better.¹⁶

In a broad outline, women who become judges at the Sungguminasa religious court have a very qualified capacity to become judges. This capacity has the same level as male judges. It can be seen that for the past 2 years the Sungguminasa religious court has been led by female judges. And on average they have a minimum education level of masters (S2). Like Dr. Hj. Martina Budiana Mulya, M.H, Ruhana Faried, S.H.I., M.H., Mun'amah, S.H.I., M.H., Dra. Hj. Hadidjah, M.H, Hadrawati, S.Ag., M.H.I., Mudhirah, S.Ag., M.H.

In addition, to develop the capacity of a judge. Female judges at the Sungguminasa Court get the opportunity to attend training, even though it is not maximized. Because according to one of the judges, education and training or technical guidance training should be held at least once a year. However, according to the data that the author obtained, this is not the case. Often within a year or more, judges do not attend training and do not even get the opportunity to attend training or the like.

2. Experience

Work experience is needed in increasing the effectiveness of human resources. The longer someone works at a company, the more experience they have. If someone

¹⁴ Sedarmayanti, *Reformaasi Administrasi Publik, Reformasi Birokrasi dan Kepemimpinan Masa Depan : Mewujudkan Pelayanan Prima dan Pemerintahan yang Baik* (Bandung: Refika Aditama, 2010), p. 96

¹⁵ Indriati Amarini, *Keaktifan Hakim dan Peradilan Administrasi* (Purwokerto: UMPurwokerto Press, 2017), p. 273.

¹⁶ Awaluddin Marwan, *Satjipto Rahardjo Sebuah Biografi Intelektual dan Pertarungan Tafsir terhadap Filsafat Hukum Progresif* (Yogyakarta: Thafa Media, 2013), p. 318.

has a lot of experience in his work, then their ability will be better when carrying out work, someone will be more motivated at work so that they have higher performance. Therefore, the more experience one has, one's performance will increase.¹⁷

At the Sungguminasa Court, two female judges who will serve as judges in 2022 are judges who have sufficient experience in handling cases in court. Mun'amah has been involved in the world of justice for 13 years while Maryam has carried out her profession as a judge for 8 years.

Meanwhile, female judges who have served at the Sungguminasa religious court (2020-2022), have had a lot of experience as judges, on average they have around 15 years of experience. Here are the details;

No	Name	Experiences
1.	Dra. Hj. Martina Budiana Mulya, M.H.	24 Years
2.	Hadrawati, S.Ag., M.H.I.	15 Years
3.	Mudhirah, S.Ag., M.H.	16 Years
4.	Dra. Hj. Fahimah, S.H.M.H.	10 Years
5.	Dra. Hj. Nurlinah K, S.H., M.H.	23 Years
6.	Mun'amah, S.H.I., M.H.	13 Years
7.	Maryam Fadhilah Hamdan, S.H.I	8 Years

3. Case Effectiveness

In addition to psychological factors, external factors such as the number of cases that must be resolved will affect a judge to be critical and concentrate in handling cases. There are too many cases every day, which must be handled by judges which can lead to poor-quality decisions because judges will be in a hurry in resolving cases. Especially with the demands of the head who requires case files to be completed quickly. Such conditions bring judges as law machines without giving space for expression, creation, and finding inductive and deductive logical reasoning. In addition, the judge will prioritize the completion of cases rather than avoiding erroneous judgments, legal discoveries and reasoning.¹⁸

In the Sungguminasa religious lawsuit itself, 1513 cases were terminated in 2021, while in 2022 (January-September) 888 cases were terminated. Where in 2022, the number of judges in Sungguminasa will be six judges and in September 2022 there will be five judges. Whereas in 2019-2020 the number of judges was 11 people with a total of 1814 cases in 2019 and 1637 cases in 2020. According to the judges, 20 to 40 cases were heard in a day.

The caseload ranges from 20 to 60 cases daily, while the number of judges on duty is only five, occurring at the Sungguminasa religious assembly starting September 2022. So with a limited number of judges, only one panel can convene at any time. As a result, the trial was ineffective because one trial was waiting for another session to finish. This condition can also affect the cognitive and emotional aspects of judges so that their decisions tend to be the same as previous decisions. Moreover, it is not only

¹⁷ Muhammad Ilham, "Peran Pengalaman Kerja dalam Meningkatkan Kinerja Karyawan", *Journal of MM UNRAM* (Vol.11, No.1, February 2002), p.19.

¹⁸ Karmawan, "Profesionalisme Hakim dalam Penyelesaian Perkara Perdata Islam di Pengadilan Agama Provinsi Banten", *Mumtaz Journal*, p.264-265.

divorce cases that are tried but cases such as inheritance disputes and joint property disputes.

4. Responsibility

Legal responsibility can be seen in the following;

a. Discipline in Work

Being a judge does not only rely on good intellect but must be responsible for his profession. One of them is obeying the regulations that apply in the judiciary including discipline in working which is in line with the ideals of the judiciary which upholds the value of discipline so that it forms the good character of individuals in court.

Discipline here means obeying the rules that have been determined and also means discipline in the use of time, one of which is the hour of arrival and return to work as well as when the trial starts. According to the regulation of the Supreme Court of the Republic of Indonesia No. 7 of 2016 concerning enforcement of the work discipline of judges, article 4 that the working hours for judges are Monday to Thursday from 08.00 to 16.30 local time and Friday from 08.00 to 17.00 local time.

This study found that there were still female judges at the Sungguminasa religious court who had come past the appointed hour. Although the presentation is very small. This can be seen from the absence manual, where several judges arrived after 08.00 WITA.

b. Prioritizing Judicial Duties Compared to Personal Interests

One of the applications of the judge's code of ethics in the realm of being professional is being responsible for the duties or mandates they have received. A judge must prioritize their responsibilities as a judge above other interests. Moreover, a female judge, apart from carrying out her profession in the public sphere, which is becoming a judge, at the same time has responsibilities in the domestic sphere as a mother and wife. Both have the same burden, meaning that it is obligatory for a judge to carry out these two responsibilities as well as possible. Especially if the two responsibilities clash, they must be carried out at the same time. Moreover, there is an article about 34 Republic of Indonesia's Law No. 1 of 1974 concerning marriage states that the wife is obliged to take care of household affairs as well as possible.

The two female judges at the Sungguminasa Religious Court are responsible for their profession as judges according to their respective portions according to the rules that apply in their profession.

Moral responsibility relates to the integrity of a judge. According to previous research on the integrity of judges, sociologically, there are 3 types of judges as follows;¹⁹

1) The type of judge is called a "dredger". This type of judge has a broken character from the beginning. For example not producing a fair decision and accepting bribes from litigants.

2) The type of judge who does not receive gratuity but due to intervention from various parties and financial needs, receives "gifts" from various parties.

¹⁹ Sulistyowati Irianto,dkk. , *Problematika Hakim dalam Ranah Hukum, Pengadilan dan Masyarakat di Indonesia: Studi Sosio-Legal Legal* (1th ed; Jakarta: Sekretariat Jenderal Komisi Yudisial RI, 2017), p. 137.

3) The idealistic type of judge. The type of judge who has high integrity and will not be affected by any circumstances. This type tries every decision to produce a decision that contains justice for anyone regardless of whether the poor or the rich, have a social position or not.

In this study, there were judges who often received intervention from litigants or the defendant's family. She admits that she never received any of these offers. She still maintains a firm stance on the ethics of his profession. Apart from that, to overcome these temptations, she increased her spiritual activities and drew closer to Allah SWT.

Problems of Female Judges at the Sungguminasa Religious Court in Maintaining Professionalism

1. Language (Effective Communication)

Albertina Ho²⁰ explained that communication skills greatly determine the pattern of relationships, for example among court officials and the community. Effective communication is when the person invited to communicate can understand and also understand the message or information received.

She continued, as a judge, during the trial must pay attention to several things. For example, you must be able to put yourself in the position of the person being questioned, pay attention to non-verbal aspects, ask questions and respond appropriately. In addition, the judge must also ask questions in a language that is easy to understand. If communication is good, then the decision will be good too.²¹

Looking at Albertino's opinion, the Sungguminasa Religious Court faced obstacles related to creating effective communication between judges, especially female judges, and local residents. Because many people in Sungguminasa do not understand Indonesian. So the trial mainly uses the local language, which is the Makassar language. Meanwhile, the two female judges who were respondents and currently on duty at the Sungguminasa religious court were passive in the Makassar language because they were born in Bugis-speaking culture.

2. Lack of Training Programs in Increasing Competence

The profession of a judge who is deciding a case has its own challenges because in deciding, it is as if the judge is determining the fate of other people. In addition, in deciding a judge is required to be sensitive to the parties in the case. Judges are also always required to be sensitive to the development of the times, especially legal issues or new laws and regulations. Therefore, a judge must be supported with good capacity.²²

With continuous training, it is hoped that judges will not only act as legal machines that judges are trapped in modern laws that are designed in a formal rational way. So the law does not need to be examined further. It's like just pressing a button, the

²⁰ Albertina Ho, M.H is a former judge in Indonesia who is nicknamed the Srikandi of Indonesian court law

²¹ Festy, dkk, "Hakim Albertina Ho Berbagi Tips Komunikasi di Persidangan", *Komisiyudisial.go.id* (accessed November 06, 2022). komisiyudisial.go.id/frontend/news_detail/1318/hakim-albertina-ho-berbagi-tips-komunikasi-di-persidangan

²² Indriati Amarini, "Evaluasi Program Peningkatan Kompetensi Hakim Melalui Pelatihan yang Terintegrasi dan Berkelanjutan di Indonesia", *Journal of Law Lus Quia Lustum Faculty of Law* (Vol. 25, Issue 1, January 2018), p.127.

decision has been made correctly, the judge doesn't need to bother trying to find the moral values and implied meaning in the case to be decided.²³

At the Sungguminasa Court, it was found that training or technical guidance so that the competence of judges kept up with the times was not carried out optimally. Because there are some judges who never get the chance to attend training or another event like that. In order for their knowledge to increase and develop related to legal and technical knowledge in court, they only rely on their self-awareness to read books.

All judges who were respondents in this study were of the opinion that training or training is very much needed to improve competence. However, looking at the data, the participation of judges, especially female judges at the Sungguminasa religious court, in training or education and training is still minimal. For example, Dr. Hj. Martina Budiana Mulya, M.H., who has been a judge for 24 years, has only attended training or training 8 times.

3. Matters Related to Gender

According to several judges at the Sungguminasa religious court, cases related to gender often make female judges at the Sungguminasa religious court less objective. For example in the case of polygamy. The decisions of female judges often have a positive correlation with woman's solidarity.

As one judge said that "when I was in court I myself was a man. It seems that female judges lack respect when there is a case of polygamy. Even though it was clearly someone else's wife who filed the request. It's the same as in determining alimony, sometimes there is a female instinct there".²⁴

Agree with the other judges that related to gender matters such as polygamy, cases like this often affect gender in decision making. Moreover, in the panel there are 2 female judges and one male judge. Often the decision will lead to the subjectivity of female judges.²⁵

4. Inequality in the ratio of the number of judges and The burden

Sungguminasa religious court, the trial begins by the judge at 09.00 in the morning and ends at 03.00 Monday to Thursday. This time is used by judges to try cases consisting of 20 to 60 cases. According to the judges, they were of the same opinion that the problems handled were numerous. Because the frequency of too many problems that must be tried by judges will affect the judge's emotional aspects and cognitive aspects. The judge will be in a hurry so that the decision is far from what it should be because basically it is not much different from previous decisions. Moreover, in one day of trial, there is not only one problem that must be resolved with different levels of difficulty, for example divorce, land disputes and inheritance.

In this study it was found that the ratio of the number of judges was not directly proportional to the caseload. Comparison of the number of judges which is less than the number of cases found in the Sungguminasa court. This can be seen in 2019-2020, the number of judges at the Sungguminasa religious court was 11 people and the number of cases in 2019 was 1814 cases and in 2020 there were 1637 cases. The number of cases in that year was almost the same as in the last year (September 2021-August 2022) as many as 1225 cases with a total of six or five judges. In contrast to the Makale religious

²³ Satjipto Rahadjo, *Hukum dan Perubahan Sosial* (Bandung: Alumnus, 1979), p. 119.

²⁴ Interview at August 29, 2022

²⁵ Interview at August 30, 2022

court which has a total of 6 judges. However, the number of cases that were terminated in 2022 was 96 and in 2021 there were 121 cases. Likewise at the watansoppeng court, which has the same number of judges as the Sungguminasa religious court of six people with a total burden of cases in 2021 of 636 cases and 253 cases in 2022.

D. CONCLUSION AND SUGGESTION

Conclusion

The professionalism of female judges is a requirement for judges in carrying out decisions in accordance with the values of truth and justice. To determine professional judges can be seen from various criteria, namely competence (intellectual) possessed by judges, experience of judges in handling cases, responsibilities of judges both from a legal perspective (time discipline and exalting judicial mandate above personal interests) and from a moral or ethical perspective. integrity and look at the effectiveness (frequency of problems) between the problem load and the number of judges. Of the four criteria, female judges at the Sungguminasa Court are sufficient, including female judges who are very experienced, have good competence in the educational stages.

Based on the analysis of the professionalism of judges at the Sungguminasa Religious Court, it was found that there were four things that became problematic for female judges at the Sunggumina Religious Court in maintaining professionalism, namely first, less effective communication between female judges and litigants because female judges were passive in the local language, only words that she often hears what she understands. Because as a judge, you have to ask questions in a language that is easy to understand. If communication is good, then the decision will be good too. Second, cases related to gender often make female judges at the Sungguminasa religious court less objective. For example in the case of polygamy. So that the decisions of female judges often have a positive correlation with the woman solidarity. Third, support for increasing the capacity of the judge profession has not been maximized. This can be seen from the lack of opportunities to attend training and it is not sustainable. There are female judges who have been judges for more than 20 years but have participated in training less than 10 times and there are even female judges who have never attended training and the like. Fourth, there is an imbalance in the ratio between the number of judges and the caseload. This will affect the productivity of performance because the frequency of too many cases that must be tried by judges will affect the cognitive and emotional aspects of judges.

Suggestion

After conducting research at the Sungguminasa Religious Court regarding the professionalism of female judges at the Sungguminasa Religious Court, the authors can suggest that in order for effective communication to occur between judges and cases, it is best to provide translators, training or technical guidance for judges should be equitable and sustainable, the proportion of judges should be adjusted to the caseload so that the judge's performance is maximized.

BIBLIOGRAPHY

Amarini, Indriati. "Evaluasi Program Peningkatan Kompetensi Hakim Melalui Pelatihan yang Terintegrasi dan Berkelanjutan di Indonesia". *Jurnal Hukum Lus Quia Lustum Faculty of Law*. Vol. 25, Issue 1, Januari 2018.

- Amarini, Indriati. *Keaktifan Hakim dan Peradilan Administrasi*. Purwokerto: UMPurwokerto Press, 2017.
- Fikriyah, Uswatul. "Pandangan Tokoh Masyarakat Kota Malang terhadap Keabsahan Putusan Hakim Wanita di Pengadilan Agama dalam Sistem Hukum Indonesia dan Hukum Islam." *Jurnal Musāwa*. Vol. 15 No. 2 Juli 2016.
- Herlina. "Hakim Wanita Menurut Ulama Klasik, Ulama Kontemporer dan Undang-Undang Kehakiman". *Skripsi*. Cirebon: IAIN Syekh Nurjati, 2017.
- Ihyak. "Relevansi Konsep Hakim Wanita dalam Peradilan Agama Indonesia", *Ejournal Inklusif*. Edisi 1, Vol. 1, 2016.
- Irianto, Sulistyowati dkk., *Problematika Hakim dalam Ranah Hukum, Pengadilan dan Masyarakat di Indonesia: Studi Sosio-Legal Legal*. Cet. I; Jakarta: Sekretariat Jenderal Komisi Yudisial RI, 2017.
- Karmawan. "Profesionalisme Hakim dalam Penyelesaian Perkara Perdata Islam di Pengadilan Agama Provinsi Banten". *Jurnal Mumtaz*. Vol. 3, No. 1, Tahun 2019.
- Marwan, Awaluddin. *Satjipto Rahardjo Sebuah Biografi Intelektual dan Pertarungan Tafsir terhadap Filsafat Hukum Progresif*. Yogyakarta: Thafa Media, 2013.
- Muhammad Ilham. "Peran Pengalaman Kerja dalam Meningkatkan Kinerja Karyawan". *Jurnal MM UNRAM*. Vol. 11, No. 1, Februari 2002.
- Rahadjo, Satjipto. *Hukum dan Perubahan Sosial*. Bandung: Alumni, 1979.
- Republik Indonesia, Undang-Undang RI Nomor 1 Tahun 1974 Tentang Perkawinan pasal 34 ayat (1) dan (2).
- Sedarmayanti. *Reformaasi Administrasi Publik, Reformasi Birokrasi dan Kepemimpinan Masa Depan : Mewujudkan Pelayanan Prima dan Pemerintahan yang Baik*. Bandung: Refika Aditama, 2010.
- Shihab, M. Quraish. *Islam Yang Disalahpahami: Menepis Prasangka Mengikis Kekeliruan*. Cet. I; Tangerang: Lentera Hati, 2018.
- Sumber Internet;
- Festy, dkk, "Hakim Albertina Ho Berbagi Tips Komunikasi di Persidangan", *Komisiyudisial.go.id* (06 November 2022). komisiyudisial.go.id/frontend/news_detail/1318/hakim-albertina-ho-berbagi-tips-komunikasi-di-persidangan
- Lesmana, Agung Sandy. "Sepanjang 2021: 85 Hakim Terbukti Melanggar, Cuma 7 Orang Direkomendasi Kena Sanksi Berat", *Suara.com* (21 Desember 2021) <https://www.suara.com/news/2021/12/21/171437/sepanjang-2021-85-hakim-terbukti-melanggar-cuma-7-orang-direkomendasi-kena-sanksi>
- Movanita, Ambaranie Nadia Kemala. "Kasus Suap Penanganan Sengketa Pilkada Akil Mochtar yang Menggurita", *Kompas.com* (27 Desember 2014). <https://nasional.kompas.com/read/2014/12/27/15533261/Kasus.Suap.Penanganan.Sengketa.Pilkada.Akil.Mochtar.yang.Menggurita>
- Saputra, Andi. "Hakim PN Surabaya Kena OTT, MA: Terima Kasih KPK", *DetikNews.com* (21 Januari 2022). <https://news.detik.com/berita/d-5907840/hakim-pn-surabaya-kena-ott-ma-terima-kasih-kpk>
- Tarigan, Salomo. "Berlaku Sopan di Sidang, Hukuman Mantan Menteri Ini Disunat Jadi 5 Tahun, Sebelumnya 9 Tahun Penjara", *TribunMedan.com* (Kamis, 10 Maret 2022). <https://medan.tribunnews.com/2022/03/10/berlaku-sopan-di-sidang-hukuman-mantan-menteri-ini-disunat-jadi-5-tahun-sebelumnya-9-tahun-penjara>