

Synergy of PERMA No. 3 of 2017 and the 10 Points of the Code of Ethics for Judges in Realizing Fair Trials for Women Facing the Law

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Article Info

Article history:

Received 2025-12-11

Revised 2025-12-30

Accepted 2025-12-30

Keywords:

Code of Ethics for Judges

Gender Sensitivity

PERMA No. 3 of 2017

Protection of Women

Substantive Justice

ABSTRACT

This study examines the implementation of Supreme Court Regulation (PERMA) Number 3 of 2017 and the 10-Point Code of Ethics and Guidelines for Judges' Conduct in realizing fair trials for women in Indonesia. Although the principle of gender equality has been normatively guaranteed, trial practice shows that women still face structural and cultural discrimination. A qualitative normative legal approach is used through analysis of documents, legal literature, and court decisions to assess the application of substantive norms and judicial ethics. The results show that PERMA No. 3 of 2017 provides substantive guidelines emphasizing non-discrimination, respect for women's rights, and substantive justice, while the judicial code of ethics serves as a moral foundation that guides judicial behavior. The synergy between these two instruments enhances gender sensitivity in judicial decisions, though its implementation remains influenced by differences in judicial understanding, patriarchal legal culture, and limited resources. This study emphasizes the importance of internalizing ethics and gender sensitivity training as strategies to ensure fair, humane, and non-discriminatory trials.

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1. INTRODUCTION

Protection of women in the judicial system is one of the main indicators in assessing the quality of a state based on the rule of law that upholds substantive justice. Although normatively the principle of equality before the law is guaranteed by the constitution and various laws and regulations, practice in the field shows that women often experience unequal treatment when dealing with the law, whether as victims, defendants, witnesses, or litigants. This inequality is often influenced by patriarchal social constructions, gender stereotypes, and a lack of gender justice perspectives in the courtroom, which ultimately impacts decisions that do not fully reflect substantive justice [1].

Several legal studies emphasize that women who come into conflict with the law face particular vulnerabilities, such as psychological trauma, economic dependence, unequal power relations, and social stigma attached to their gender identity [2]. These factors are often not adequately considered in the case examination process, resulting in women experiencing re-victimization during trials. In this context, the existence of gender-responsive legal instruments is crucial to ensure that the judicial process emphasizes not only legal certainty but also justice and humanity.

In response to these conditions, the Supreme Court of the Republic of Indonesia issued Supreme Court Regulation (PERMA) Number 3 of 2017, concerning Guidelines for Adjudicating Cases of Women in Conflict with the Law. This PERMA is a breakthrough step because it clearly integrates the principles of non-discrimination, gender equality, respect for human dignity, and substantive justice in every stage of the examination of cases involving women. Previous research has shown that PERMA No. 3 of 2017 has helped judges formulate legal considerations that are more sensitive to the conditions of women, especially in cases of domestic violence and gender-based crimes [3].

However, the effectiveness of PERMA is highly dependent on the main actor in the trial, namely the judge. Judges are not only interpreters of legal norms into decisions, but also guardians of the values of justice in judicial practice. In this regard, the Code of Ethics and Guidelines for Judges' Conduct (KEPPH), which contains ten basic principles of judicial behavior, is an important instrument that complements PERMA No. 3 of 2017. KEPPH emphasizes the values of justice, honesty, wisdom, integrity, independence, and professionalism of judges, which directly influence how judges treat women in the courtroom [4].

Various academic studies have shown that the implementation of a judicial code of ethics is strongly correlated with the quality of decisions and procedural justice [5]. Judges who do not internalize ethical values tend to be formalistic and may even reproduce gender bias during trials. Conversely, judges who use a code of ethics as a moral foundation in exercising their authority are better able to uphold the principles of substantive justice, including in cases involving women [6].

However, previous research generally views PERMA No. 3 of 2017 and the Code of Ethics for Judges as two independent instruments. Studies on the implementation of PERMA usually focus on normative and legal aspects, whereas research on the code of ethics for judges is more focused on issues of supervision, ethical violations, and the integrity of judges in general [7]. To date, there are still few studies that examine the synergy between substantive gender-based guidelines and ethical norms of judge behavior within a single comprehensive analytical framework.

The urgency of this research lies in the need to build an understanding that justice for women is not sufficiently realized through substantive regulations alone, but also through the internalization of ethical values in the behavior of judges. Without such synergy, the implementation of PERMA No. 3 of 2017 risks being formalistic and ineffective in guaranteeing women's rights in the courtroom [8]. Therefore, an analysis linking the implementation of PERMA with the professional ethics of judges is crucial so that the

principle of gender justice does not stop at the normative level, but is realized in everyday judicial practice.

The novelty of this research lies in its integrative approach, which examines PERMA No. 3 of 2017 and the 10-Point Code of Ethics for Judges as complementary instruments in realizing fair trials for women. This research not only reviews the normative substance of each instrument but also explores its functional relationships to assess the extent to which this synergy can address the challenges of gender justice in trial practice. This approach broadens the study of procedural law and judicial ethics, which have so far remained fragmented [9].

The objectives of this study are: (1) to analyze the role of PERMA No. 3 of 2017 in building a paradigm of fair trials for women facing the law; (2) to examine the relevance and implementation of the 10 Points of the Code of Ethics and Guidelines for Judges' Conduct in supporting gender justice in the courtroom; and (3) to formulate a form of synergy between the two instruments to create fair, humanistic, and non-discriminatory trials. Thus, this study is expected to provide theoretical and practical contributions to the development of procedural law, the development of the judicial profession, and the strengthening of legal protection for women in Indonesia [10].

2. METHOD

This study employs a qualitative, normative legal approach to analyze legal norms and practices using relevant legal documents, regulations, and literature. This method was chosen because the focus of the research is an in-depth understanding of the interaction of written legal norms, specifically PERMA No. 3 of 2017 and the 10 Points of the Code of Ethics for Judges, in the context of protecting women in conflict with the law [11].

Types and Approaches of Research

The research method used is normative legal research. This approach emphasizes analysis of legislation, doctrine, court decisions, and other legal literature as the primary data sources [12]. Normative legal research enables researchers to assess law as a system of norms and to analyze the synergy among legal instruments in trial practice [13].

In addition, this research is also supported by a comprehensive literature review, including scientific articles, legal textbooks, national journals, and related policy documents. The literature review aims to build a systematic theoretical framework and provide a historical and conceptual context for the implementation of PERMA and the code of ethics for judges [14].

Objects and Data Sources

Research objects include:

- a. PERMA No. 3 of 2017 concerning guidelines for adjudicating women's cases in conflict with the law;
 - b. 10 Points of the Code of Ethics and Guidelines for Judges' Conduct;
 - c. Relevant court decisions and legal literature related to the practice of implementing the two instruments.
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The data sources used are secondary data, obtained through the study of legal documents and literature:

- a. Primary legal materials include statutory regulations, PERMA, court decisions, and other official documents [12].
- b. Secondary legal materials, in the form of legal textbooks, national scientific journal articles, academic publications, and relevant literature reviews [13], [14].
- c.

Data Collection and Analysis Techniques

Data were collected through a systematic literature review and legal document analysis. Researchers examined regulatory texts, codes of ethics, and court decisions to identify:

- a. Legal principles relevant to the protection of women;
- b. Implementation of legal norms and judicial ethics in trials;
- c. Synergy between the normative provisions of PERMA and the principles of the code of ethics for judges.

The analysis was conducted through systematic content analysis, including identifying themes, grouping data based on legal norms and ethical principles, and mapping the relationship between written rules and trial practices. This approach allows researchers to gain a deep understanding of the effectiveness of PERMA No. 3 of 2017 in the context of implementing judicial ethics [12], [14].

Data Validity and Reliability

To ensure validity, this study applies source triangulation, combining legislation, court decisions, and academic literature. This triangulation helps ensure the findings are consistent and reliable. Data reliability is maintained through a systematic approach to document study, data grouping based on legal and ethical categories, and an in-depth literature review [13].

Methodological Justification

The normative approach was chosen because the research focuses on the analysis of written legal rules and judges' ethical principles, without direct interaction with the subjects. This approach emphasizes law as a system of applicable norms (law on books) and the ability of the code of ethics and PERMA to provide substantive legal protection for women. Thus, this research can assess the synergy between normative legal instruments and professional ethics in trial practice, while also providing theoretical and practical contributions to the development of procedural law in Indonesia [12], [14].

3. RESULTS AND DISCUSSION

3.1. Results

Implementation of PERMA No. 3 of 2017 in Judicial Practice

PERMA No. 3 of 2017 emphasizes gender-responsive principles, including the principles of non-discrimination, respect for women's rights, and substantive justice, which must be used as guidelines by judges in every stage of the examination of cases involving

women [15]. This norm is not merely a procedural guideline; it provides substantive direction for judges to avoid gender bias, both conscious and unconscious, in trial practice. Analysis of documents and literature indicates that some judges have begun applying PERMA principles. For example, in divorce cases involving child custody, judges consider the safety, health, and psychological interests of the child, as well as the economic and social conditions of the woman [16]. However, PERMA implementation still shows significant variation across courts. This variation is largely related to differences in judges' understanding of gender perspectives and their professional experience. This suggests that formal regulations alone are not enough; education, technical guidance, and internalization of substantive justice principles are necessary for PERMA norms to be truly effective in practice.

In addition, the study also found that some judges tend to follow formal procedures without adjusting legal considerations to the gender context, so that the potential for discrimination against women still exists, even if unintentional [15]. This indicates an implementation gap between formally established norms and actual courtroom practice.

Ethical Norms of the Judicial Profession and Judicial Behavior

The Code of Ethics and Guidelines for Judicial Conduct provide a moral and professional foundation for judges, encompassing integrity, independence, and professionalism [17]. Internalizing these values is a key factor in ensuring judicial decisions are free from gender bias and uninfluenced by external factors, such as social and political pressure.

Specifically, the 10-Point Code of Ethics and Guidelines for Judicial Conduct provides a comprehensive ethical framework for upholding substantive justice, particularly in cases involving women. The first point, integrity, requires judges to act honestly and maintain moral consistency so that personal interests or external pressures do not influence decisions. Second, independence ensures judges are free from the influence of any party, including patriarchal social or cultural pressures that can harm women. Third, professionalism emphasizes legal competence and the judge's ability to analyze facts and evidence objectively, including understanding the psychological and economic context of women. The fourth point, honor, directs judges to uphold the dignity of their profession and respect all parties, so that women are treated fairly and respectfully. Fifth, responsibility, emphasizes consideration of the consequences of decisions on all parties, especially women in vulnerable positions. The sixth point, justice, is a key principle that demands decisions free from discrimination based on gender, social status, or other factors that can give rise to inequality. Seventh, confidentiality protects women's privacy, especially in sensitive cases such as domestic violence or sexual harassment, thereby preventing re-victimization. Eighth, compliance with the law, ensuring judges uphold laws and human rights principles, so that decisions are not merely formal but also legitimate and just. Ninth, self-control, helps judges manage their emotions and avoid patriarchal or subjective bias in court proceedings. Tenth, politeness and etiquette, emphasizing humane and professional behavior, ensure women feel respected and safe during court proceedings.

By internalizing these ten principles, judges can balance legal certainty and substantive justice. The code of ethics serves as an internal control that ensures judicial decisions are responsive to gender contexts, taking into account women's safety, psychological well-being, and economic rights. The synergy between the 10 points of the code of ethics and Supreme Court Regulation No. 3 of 2017 enables the law to be applied not only to normative but also to practical matters in the field, encouraging fair, humane, and non-discriminatory trials.

Studies show that judges who understand ethical norms in depth tend to take into account the social, psychological, and economic context of women in trials, so that the resulting decisions are more humane, just, and in accordance with human rights principles [18]. Thus, the code of ethics serves as a substantive complement to PERMA, ensuring that the protection of women is not only formal but also realized in judicial practice.

Gender Sensitivity in Judges' Decisions

The results of the literature review indicate that there is variability in judges' gender sensitivity. Judges who are sensitive to gender issues can minimize patriarchal stereotypes and provide fairer legal considerations for women, both as victims and defendants [19].

For example, in cases of domestic violence, judges who understand the dynamics of violence and the position of women can formulate decisions that not only consider legal aspects, but also the safety, psychological recovery, and social protection for victims [20]. Conversely, judges who are less sensitive to gender perspectives tend to focus solely on legal formalities and evidence, so that the resulting decisions can be detrimental to women, especially those in vulnerable positions.

This phenomenon confirms that relying solely on formal norms without internalizing ethical and gender values is not enough to realize substantive justice trials.

Obstacles to the Implementation of Substantive and Ethical Norms

Several obstacles have emerged in implementing PERMA and the code of ethics, particularly regarding judges' understanding of gender issues and the weak oversight mechanisms for violations of the code of ethics [21]. Although norms are formally available, their implementation in the field remains suboptimal, so the protection of women in the courtroom has not been fully realized.

In addition, empirical studies show that some judges face difficulties in balancing legal certainty with substantive justice. This is caused by a combination of structural factors, such as high caseloads and limited resources, and cultural factors, namely patriarchal social norms that remain strong in society [22].

Synergy of Substantive Norms and Ethics in the Courtroom

Overall, the synergy between PERMA and the code of ethics has a positive impact on the quality of decisions and the fulfillment of women's rights. The simultaneous application of both results in fairer and more non-discriminatory decisions, although structural and cultural barriers still need to be addressed. This synergy emphasizes that

procedural law and professional ethics must work hand in hand to achieve comprehensive substantive justice [23].

3.2. Discussion

PERMA No. 3 of 2017 as a Substantive Norm Instrument

PERMA No. 3 of 2017 requires judges to consider gender aspects so that women do not experience discrimination at every stage of case examination [15]. This norm not only serves as a procedural guideline but also provides a substantive basis for judges in upholding justice. The implementation of PERMA emphasizes respect for women's rights, protection for victims of violence, and the principle of non-discrimination. This indicates that Indonesian procedural law is beginning to incorporate a gender perspective into the principle of substantive justice.

Implementation studies show that PERMA principles are beginning to be applied in legal considerations related to child custody, post-divorce support, and the division of joint property [16]. However, implementation at the court level still varies, indicating an implementation gap between formal norms and actual practice. This difference arises because judges' understanding of gender aspects is uneven, leading to variations in interpretations of norms depending on the experience and background of the judges concerned.

Furthermore, PERMA's effectiveness also depends on synergy with external factors, such as legal culture, social pressure, and public awareness of women's rights. If judges rely solely on formal regulations without internalizing gender justice values, the protection of women in the courtroom may be symbolic rather than fully guarantee substantive justice [15]. This underscores the importance of integrating PERMA principles into legal education and gender-sensitivity training for judges.

The Role of the Judicial Code of Ethics in Upholding Professional Ethics

The Code of Ethics and Guidelines for Judicial Conduct provide moral and professional guidance that every judge must internalize, including integrity, independence, and professionalism [17]. Judges who deeply understand ethical norms tend to make fairer decisions, taking into account the social, psychological, and economic contexts of women. These ethical norms serve as an internal control to ensure judges do not act in a discriminatory or formalistic manner during the trial process.

In more detail, the 10-Point Code of Ethics and Guidelines for Judicial Conduct encompass interrelated principles and serve as a holistic ethical guide. Integrity requires judges to be honest and consistent in all legal considerations, ensuring that decisions regarding women victims of violence or divorce disputes are free from personal interests and gender bias. Independence emphasizes that judges must be free from social, political, and patriarchal cultural pressures, which often influence perceptions of women. Professionalism emphasizes a thorough understanding of the law, the ability to analyze evidence and the socio-economic context of women, and the application of objective legal methods. Honor requires judges to uphold the dignity of the profession while treating women with respect, which is crucial in sensitive cases such as harassment or domestic violence. Responsibility

requires judges to consider the impact of their decisions on women's psychological and social well-being, while the principle of justice ensures that decisions are non-discriminatory, inclusive, and grounded in human rights. Confidentiality is a crucial tool for protecting women's sensitive data and information, preventing stigma or re-victimization. Compliance with the law emphasizes that every decision must comply with the law and human rights standards, thereby providing legal legitimacy. Self-control helps judges manage emotions and resist subjective bias, while politeness and etiquette maintain humane interactions in court, making women feel safe and respected.

The practical application of these 10 points can be seen in various cases: for example, judges who internalize integrity and independence can resist pressure from the defendant's family in domestic violence cases; professional and fair judges weigh the psychological and economic impact on the mother in child custody disputes; the principles of confidentiality and courtesy are applied when listening to victims of sexual violence, maintaining their privacy and ensuring they feel safe speaking. By internalizing all these principles, judges' decisions are not only formal but also substantive, responsive to the needs of women, and reflective of humanistic justice. The synergy between PERMA No. 3 of 2017 and the internalization of these 10 points of the code of ethics makes judicial decisions not only legalistic but also oriented towards protecting the rights, safety, and dignity of women in the courtroom.

Empirical studies show that judges who internalize ethical code values tend to consider women's social and psychological dynamics, resulting in more humane decisions and responsiveness to the needs of vulnerable parties [18]. For example, judges who consistently uphold professional ethics can issue decisions that prioritize the safety and rights of women as victims of domestic violence, rather than simply emphasizing the legal formalities of evidence.

In addition, professional ethics also strengthens the legitimacy of judicial institutions in the eyes of the public [24]. When judges adhere to a code of ethics, the public sees that the decisions they make are not based solely on the judge's own interests or external pressures, but rather on ethical and fair considerations. Thus, internalizing a code of ethics is important not only for the quality of decisions but also for building public trust in the judicial system.

Challenges of Gender Sensitivity in Judicial Decisions

Although substantive and ethical norms exist, gender sensitivity among judges in practice still shows disparities. Some judges still emphasize formal evidence and ignore the gender context, especially in cases of domestic violence or post-divorce alimony [19], [20]. This shows that formal law alone is not enough to guarantee substantive justice and requires support for the internalization of ethics and training regarding gender perspectives. This difference in application is related to the institutional legal culture, which is still patriarchal. Judges who grow and develop their careers in a system that is not fully gender-sensitive tend to maintain existing stereotypes and biases, so that decisions are sometimes not responsive to the needs of women as parties facing the law [25]. This phenomenon

underscores the importance of institutional reform and ongoing gender education in the judicial environment.

In addition, structural challenges such as high caseloads, limited resources, and weak supervisory mechanisms also hamper the implementation of substantive justice [21], [22]. Without these structural and cultural improvements, the implementation of PERMA and the code of ethics risks becoming mere formalities, while legal protection for women remains limited. Therefore, an integrated strategy is needed, including institutional reform, strengthening supervisory mechanisms, and gender-sensitive training for judges so that judicial decisions truly reflect substantive justice [26].

Implementation of PERMA No. 3 of 2017 with 10 Points of the Code of Ethics and Guidelines for Judges' Behavior in Realizing Fair Trials for Women in Conflict with the Law

The implementation of PERMA No. 3 of 2017 in judicial practice is closely linked to the internalization of the 10-Point Code of Ethics and Guidelines for Judges' Conduct, as these two instruments complement each other in creating fair, humane, and responsive trials for women in conflict with the law. PERMA provides substantive guidelines regarding the principles of non-discrimination, respect for women's rights and dignity, and substantive justice, including protection of victims of violence, consideration of child custody, division of joint property, and the socio-economic conditions of women. Meanwhile, the 10-Point Code of Ethics, which includes integrity, independence, professionalism, honor, responsibility, fairness, confidentiality, compliance with the law, self-control, and politeness, serves as a moral and professional foundation for judges so that the substantive norms of PERMA can be internalized and applied consistently in the courtroom.

In practice, the principles of integrity and independence encourage judges to resist external pressures and patriarchal cultural influences that can harm women, ensuring that their decisions remain objective and free from gender bias. Professionalism and adherence to the law ensure that judges thoroughly analyze facts, evidence, and the socio-economic context, ensuring that decisions are based not only on formal procedures but also on the women's real needs, such as in cases of domestic violence, divorce, or child custody disputes. The principles of respect, courtesy, and confidentiality enable judges to maintain a humane interaction with women, protecting them from re-victimization and social stigma, and ensuring that sensitive information is not disseminated.

The principles of responsibility and justice direct judges to assess the social, psychological, and economic impacts of their decisions on women, ensuring that decisions are oriented toward the well-being and recovery of victims rather than solely toward formal legal aspects. Self-control is a crucial tool for judges to manage emotions, avoid stereotypes, and mitigate personal biases that might influence legal judgment. By internalizing these ten principles, judges' decisions can fully accommodate the Supreme Court's substantive guidelines (PERMA), making legal protection for women more concrete and tangible.

The synergy between PERMA and the code of ethics creates a dual mechanism that enhances decision quality. PERMA provides a gender-based normative framework, while the code of ethics serves as an internal control to ensure that these guidelines are truly

internalized in judges' professional practice. In cases of sexual or domestic violence, judges who adhere to the code of ethics will consider the physical and psychological safety of victims, maintain the confidentiality of victim data, and remain independent from family or community pressure, in line with PERMA's principle of respecting women's rights and dignity. The simultaneous application of these two instruments ensures that judicial decisions are not merely legalistic but also substantive, humane, and non-discriminatory, and builds the legitimacy of judicial institutions in the eyes of the public. This synergy emphasizes that substantive justice for women before the law can be achieved only through a combination of gender-responsive legal norms and the internalization of judges' professional ethics, thereby making judicial practice an effective means of legal protection oriented toward human rights.

4. CONCLUSION

Based on the research results, it can be concluded that PERMA No. 3 of 2017 serves as a substantive guideline that emphasizes the principles of non-discrimination, respect for women's rights, and substantive justice in every stage of the trial, while the 10-Point Code of Ethics and Guidelines for Judges' Conduct serve as a moral and professional foundation that guides judges so that PERMA's substantive norms can be internalized and consistently applied. The synergy between these two instruments has been proven to increase gender sensitivity in decisions, reduce bias, and ensure more effective legal protection for women. The code of ethics provides internal control for judges to uphold the principles of justice, integrity, and independence, so that the implementation of PERMA is not merely formalistic, but is realized in real trial practice. However, implementation in the field still faces obstacles, such as disparities in judges' understanding, a patriarchal legal culture, high caseloads, and limited resources. Therefore, the internalization of ethical values, gender-sensitivity training, and institutional reform are important steps toward fair, humane, and non-discriminatory trials for women, while ensuring that substantive guidelines and professional ethics work hand in hand effectively.

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