

Kompleksitas pembentukan jabatan fungsional penata kehakiman di komisi yudisial = The complexity of establishment of a functional position of judicial administrator in the judicial commission.

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Abstrak

Komisi Yudisial sebagai lembaga pengawas dan penjaga etika hakim, memiliki peran penting dalam tegaknya kekuasaan kehakiman yang bersih. Lembaga ini memiliki keterbatasan dalam menjalankan tugas dan wewenangnya karena dengan sumber daya manusia yang terbatas harus menaungi ribuan hakim yang tersebar di seluruh Indonesia sebagai obyek pengawasan Komisi Yudisial. Permasalahan yang diangkat adalah kompleksitas pembentukan jabatan fungsional penata kehakiman dan kesiapan Komisi Yudisial atas keberadaan dan pembentukan jabatan fungsional tersebut. Metode penelitian yang digunakan yuridis normatif, menggunakan terutama data sekunder menganalisis Peraturan Menteri Pemberdayaan Aparatur Negara dan Reformasi Birokrasi Nomor 84 Tahun 2020 tentang Jabatan Fungsional Penata Kehakiman dan peraturan-peraturan terkait, dengan pendekatan kualitatif. Hasil penelitian bahwa jabatan fungsional penata kehakiman adalah yang pertama dan satu-satunya yang berada di bawah pembinaan Komisi Yudisial, Pembentukan Jabatan ini kompleks karena menggabungkan tugas dan fungsi pencegahan, penegakan, serta seleksi Calon Hakim Agung dan Calon Hakim Ad Hoc di Mahkamah Agung yang tujuan pelaksanaannya sangat berbeda dan memiliki peraturan pelaksanaannya masing-masing yang belum terharmonisasi, serta masih adanya kendala dalam penempatan unit pembina. Adapun kesiapan Komisi Yudisial selaku instansi Pembina masih dalam tahap awal dan persiapan Komisi Yudisial terkendala dengan belum adanya pusat pendidikan dan pelatihan, belum adanya harmonisasi peraturan, dan jumlah persediaan pegawai yang belum memadai. Perlu adanya harmonisasi peraturan pelaksana, pengaturan perbantuan tugas dan perpindahan pegawai, pembentukan pusat pendidikan dan pelatihan, serta langkah-langkah lain yang diperlukan.

.....The Judicial Commission as a supervisory institution and guard of judge ethics, has an important role in upholding a clean judicial power. This institution has limitations in carrying out its duties and authorities because with their limited human resources, they must oversee thousands of judges spread throughout Indonesia as the object of supervision of the Judicial Commission. The issues raised are the complexity of establishing the functional position of judicial administrator and the readiness of the Judicial Commission for the presence and establishment of the functional position. The research method used is normative juridical, using mainly secondary data to analyze PANRB Ministerial Regulation Number 84 of 2020 concerning the Functional Position of the Judiciary and related regulations, with a qualitative approach. The results of the research that the functional position of the judiciary is the first and the only one functional position belonging to the Judicial Commission. The formation of this position is complex because it combines the duties and functions of preventing, enforcing, and selecting Candidates for Supreme Court Justices and Candidates for Ad Hoc Judges at the Supreme Court whose implementation objectives are very different and have their respective implementing regulations that have not been harmonized, and there are still obstacles in the placement of the supervisory unit. As for the readiness of the Judicial Commission as the founder agency, it is still in the early stages and the preparation of the Judicial Commission is constrained as it should be equipped with an education and training center, there is no harmonization of

regulations, and the number of staff supplies is not adequate. Based on these matters, There is a need for harmonization of implementing regulations, arrangements for task assistance and employee transfer, establishment of education and training centers, as well as other necessary measures.