

Pengaturan Penegakan Kode Etik dan Pedoman Perilaku Hakim dalam Lingkungan Peradilan Berdasarkan Keputusan Bersama Ketua Mahkamah Agung RI dan Ketua Komisi Yudisial RI Nomor 047/KMA/SKB/IV/2009 - 02/SKB/P.KY/IV/2009 = Regulation For Enforcement of The Code of Ethics and Guidelines of Conduct of Judges in a Judicial Environment Based on a Joint Decision of The Chairman of The Supreme Court Republic of Indonesia and The Chairman of The Judicial Commission Republic of Ind

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Abstrak

Hakim sebagai peran terpenting dalam dunia persidangan diharuskan untuk menjaga perilaku dan perbuatannya baik mengenai substansi dalam persidangan maupun berkegiatan sehari-hari di luar persidangan. Melalui Keputusan Bersama Ketua Mahkamah Agung RI dan Ketua Komisi Yudisial RI Nomor 047/KMA/SKB/IV/2009 – 02/SKB/P.KY/IV/2009, Kode Etik dan Pedoman Perilaku Hakim dibentuk sebagai pedoman bagi hakim dalam berperilaku yang dimana wewenang Komisi Yudisial sebagai pengawas eksternal hakim memiliki peran dalam penegakan kode etik dan pedoman perilaku hakim, namun seberapa besar wewenang yang dimiliki oleh Komisi Yudisial dalam fungsi pengawasan hakim tersebut dan hakim tidak dapat serta merta dihukum apabila melanggar prinsip dasar kode etik dan pedoman perilaku hakim, terdapat penyelesaian hukum untuk membuktikan perbuatan pelanggaran oleh hakim dan penjatuhan sanksi kepada hakim yang terbukti melanggar kode etik dan pedoman perilaku hakim. Peneliti memakai metode penelitian Yuridis Normatif dengan sifat deskriptif analisis yang memakai data sekunder dari menerapkan alat pengumpul data meliputi studi kepustakaan dengan Metode analisis data secara Kualitatif. Pertanyaan penelitian Hasil dari penelitian ini menunjukkan bahwa lemahnya fungsi pengawasan dari Komisi Yudisial terhadap penjatuhan sanksi yang hanya berupa rekomendasi merupakan fokus utama dalam membenahan hubungan antara Mahkamah Agung dan Komisi Yudisial. Hal ini juga turut memberikan implikasi terhadap penyelesaian hukum yang dimana seharusnya para pengawas hakim saling bahu membahu dalam menegakkan prinsip-prinsip dasar Kode Etik dan Pedoman Perilaku Hakim.

.....Judges as the most important role in the world of trial are required to maintain their behavior and actions both regarding substance in the trial and daily activities outside the trial. Through a Joint Decision of The Chairman of The Supreme Court Republic of Indonesia and The Chairman of The Judicial Commission Republic of Indonesia Number 047/KMA/SKB/IV/2009 – 02/SKB/P.KY/IV/2009, the Code of Ethics and Guidelines of Conduct for Judges was established as a guide for judges in their behavior which The authority of the Judicial Commission as an external supervisor of judges has a role in enforcing the code of ethics and guidelines of conduct for judges behavior, but how much authority does the Judicial Commission have in the supervisory function of these judges and judges cannot be immediately punished if they violate the basic principles of the code of ethics and guidelines of conduct for judges behavior, there is a legal settlement to prove violations by judges and the imposition of sanctions on judges who are proven to have violated the code of ethics and guidelines of conduct for judges. The researcher uses a normative juridical research method with descriptive analysis that uses secondary data from applying data collection tools

including literature study with qualitative data analysis methods. The results of this study indicate that the weak supervisory function of the Judicial Commission against the imposition of sanctions that are only in the form of recommendations is the main focus in improving the relationship between the Supreme Court and the Judicial Commission. This also has implications for legal settlements where supervisory judges should work hand in hand in upholding the basic principles of the Code of Ethics and Guidelines of Conduct of Judges.