

Penguatan Komisi Yudisial Melalui Redesain Tugas-Tugas Wewenang Menjaga dan Menegakkan Kehormatan, Keluhuran Martabat, Serta Perilaku Hakim = Strengthening The Judicial Commission Through Redesigning The Duties of the the Authority to Maintain and Uphold the Honor, Dignity and Behavior of Judges

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Abstrak

Tugas-tugas Komisi Yudisial dari penjabaran wewenangnya yang diatur pada Pasal 24B ayat (1) UUD 1945 selama ini dianggap sempit atau kecil. Dikatakan demikian karena penjabaran dari wewenang lain tersebut hanya terdiri atas tiga tugas yang diatur di dalam UU Nomor 18/2011. Seyogyanya apabila memperhatikan sejarah berdirinya, Putusan MK Nomor 005/PUU-IV/2006, dan praktik di negara-negara lain, seharusnya tidak dimaknai seperti demikian. Hal ini dikarenakan ketiga aspek tersebut mengarah pada perluasan peran KY. Permasalahan-permasalahan tersebut akan dijawab dengan menggunakan metode penelitian normatif, tipologi preskriptif-analitis, dan hasil penelitian yang disusun secara deskriptif analitis. Dengan metode penelitian seperti itu, telah diketahui penguatan KY melalui redesain tugas-tugas wewenang lain yang diatur dalam Pasal 24B ayat (1) UUD 1945, ditinjau dari aspek sejarah, Putusan MK Nomor 005/PUU-IV/2006, UU Nomor 18/2011, dan praktik di negara-negara lain, yakni a) bentuk lembaga yang mandiri, b) menghormati independensi kekuasaan kehakiman di dalam melaksanakan tugas pengawasan eksternal, c) menjalin hubungan kemitraan yang baik dengan MA, karena kedudukannya adalah state auxiliary organs, d) tugasnya tidak hanya pengawasan, melainkan juga tugas pembinaan etika profesional hakim. Jadi fokus pada pembentukan integritas dan profesional hakim, khususnya pada hakim agung, e) untuk menjaga hubungan kemitraan dengan MA, sehingga pelaksanaan tugas pembinaan etika profesional hakim berjalan dengan optimal, maka sebaiknya salah satu unsur dari keanggotaan KY adalah hakim aktif, bukan mantan hakim, f) bentuk keluaran dari hasil pengawasan eksternalnya adalah rekomendasi mengikat. Hal ini pun sebaiknya dilakukan jika MA dan KY telah melakukan hubungan kemitraan yang baik, terutama dalam hal menyelesaikan perbedaan tafsir teknis yudisial dan teknis pelaksanaan pemeriksaan bersama, g) Rumusan tugas-tugas baru dari penjabaran wewenang menjaga dan menegakkan kehormatan, keluhuran martabat, serta perilaku hakim adalah menjaga kehormatan, keluhuran martabat, serta perilaku hakim, seleksi hakim, promosi dan mutasi hakim, pelatihan hakim, pengupayaan peningkatan kesejahteraan hakim, perlindungan atau advokasi hakim, sementara tugas dari rumusan Menegakkan kehormatan, keluhuran martabat, serta perilaku hakim adalah menyusun kode etik hakim dan pengawasan perilaku hakim, sudah termasuk penjatuhan sanksi etik.

.....The tasks of the Judicial Commission from the elaboration of its powers as regulated in Article 24B paragraph (1) of the 1945 Constitution have so far been considered narrow or small. It is said so because the elaboration of the other powers only consists of three tasks regulated in Law No. 18/2011. It should be noted that when considering the history of its establishment, the Constitutional Court's Decision Number 005/PUU-IV/2006, and practices in other countries, should not be interpreted as such. This is because these three aspects lead to the expansion of the role of KY. These problems will be answered using normative research methods, prescriptive-analytical typology, and research results compiled in analytical descriptive

manner. With this research method, it is known that the KY has been strengthened through the redesign of the duties of other authorities as regulated in Article 24B paragraph (1) of the 1945 Constitution, in terms of historical aspects, Constitutional Court Decision Number 005/PUU-IV/2006, Law Number 18/2011 , and practices in other countries, namely a) form an independent institution, b) respect the independence of the judiciary in carrying out external oversight duties, c) establish a good partnership relationship with the Supreme Court, because its position is state auxiliary organs, d) its duties not only supervision, but also the task of fostering the professional ethics of judges. So focus on establishing the integrity and professionalism of judges, especially Supreme Court judges, e) to maintain a partnership relationship with the Supreme Court, so that the implementation of the task of fostering professional ethics for judges runs optimally, so it is better if one of the elements of the KY membership is an active judge, not a former judge. f) the form of output from the results of external supervision is a binding recommendation. This should also be done if the Supreme Court and KY have established a good partnership relationship, especially in terms of resolving differences in the technical interpretation of the judicial and technical interpretations of the joint examination, g) The formulation of new tasks from the elaboration of the authority to maintain and uphold honor, dignity, and behavior Judges are to maintain the honor, dignity and behavior of judges, selection of judges, promotion and transfer of judges, training of judges, efforts to improve the welfare of judges, protection or advocacy of judges, while the task of the formulation of upholding honor, dignity, and behavior of judges is to develop a code of ethics. judges and supervision of judges' behavior, including the imposition of ethical sanctions.