

ABSTRAK

Komisi Yudisial dalam melaksanakan peranannya sebagai pengawas hakim wajib menaati norma, hukum, dan ketentuan peraturan perundang-undangan, dengan mengusulkan penjatuhan sanksi terhadap Hakim yang diduga melakukan pelanggaran kepada Mahkamah Agung. Tujuan Penelitian adalah: menganalisis dan menemukan Kewenangan Komisi Yudisial Dalam Menegakkan Kode Etik Hakim Saat Ini; menganalisis dan menemukan Kelemahan-Kelemahan Pelaksanaan Kewenangan Komisi Yudisial Dalam Menegakkan Kode Etik Hakim Saat Ini; dan merekonstruksi Kewenangan Komisi Yudisial Dalam Menegakkan Kode Etik Hakim Berbasis Nilai Keadilan. Metode penelitian: paradigma yang digunakan pada penelitian ini adalah Paradigma konstruktivisme, dengan metode pendekatan *juridic empiris*. Jenis penelitian yang dilakukan adalah *deskriptif analitis*. Sumber data penelitian terdiri dari sumber data primer dan sumber data sekunder, sumber data primer dan sekunder. Menggunakan analisis deskriptif kualitatif. Hasil temuan menunjukkan bahwa Dalam menjalankan fungsi pengawasan hakim, Komisi Yudisial mengawasi perilaku hakim dengan menerima laporan masyarakat, meminta laporan secara berkala kepada badan peradilan berkaitan dengan perilaku hakim, memeriksa hakim, dan memanggil serta meminta keterangan dari hakim yang diduga melanggar kode etik hakim dan selanjutnya laporan hasil pemeriksaan disampaikan kepada Mahkamah Agung, serta ditembuskan kepada presiden dan DPR. Kelemahan-Kelemahannya, bahwa Pengaturan dalam Pasal 22D Undang-Undang Nomor 18 Tahun 2011 Tentang Komisi Yudisial tersebut masih menimbulkan kerancuan, khususnya dalam wewenang Komisi Yudisial dalam penegakan Kode Etik dan Pedoman Perilaku Hakim (KE-PPH) tersebut. Dalam Pasal tersebut, Komisi Yudisial berwenang hanya sebatas mengusulkan, yaitu apabila dalam dugaan pelanggaran Kode Etik dan/atau Pedoman Perilaku Hakim dinyatakan terbukti, Komisi Yudisial hanya dapat mengusulkan penjatuhan sanksi terhadap Hakim yang diduga melakukan pelanggaran kepada Mahkamah Agung. Merekonstruksi rumusan Pasal 22D ayat (1), (3) dan Pasal 2E ayat (1), (2), (3), dan (4) Undang-Undang Nomor 18 Tahun 2011 Tentang Perubahan Undang-Undang Nomor 22 Tahun 2004 Tentang Komisi Yudisial. Untuk Merekonstruksi Kewenangan Komisi Yudisial Dalam Menegakkan Kode Etik Hakim Berbasis Nilai Keadilan, maka perlu diterapkan **Teori Penegakan Kode Etik Hakim Berkeadilan Pancasila**, artinya Teori Penegakkan Kode Etik dan/atau Pedoman Perilaku Hakim yang dilaksanakan oleh Komisi Yudisial bersama Mahkamah Agung memberikan dan sanksi terhadap Hakim yang diduga melakukan pelanggaran guna mewujudkan peradilan yang bersih dan berwibawa yang Berkeadilan dan Berkeadilan Pancasila.

Kata Kunci: Rekonstruksi, Kode Etik Hakim, Komisi Yudisial, Keadilan

ABSTRACT

The Judicial Commission in carrying out its role as supervisor of the judge must obey the norms, laws, and provisions of legislation, by proposing the imposition of sanctions on Judges who allegedly committed violations to the Supreme Court. The research objectives were: analyzing and finding the authority of the Judicial Commission in Enforcing the Current Code of Ethics for Judges; analyze and find weaknesses in the implementation of the authority of the Judicial Commission in upholding the current code of ethics of judges; and reconstructing the Authority of the Judicial Commission in Upholding the Code of Ethics for Judges Based on Justice. Research method: the paradigm used in this study is the constructivism paradigm, with an empirical juridical approach method. The type of research is descriptive analytical. The source of research data consists of primary data sources and secondary data sources, primary and secondary data sources. Using descriptive qualitative analysis. The findings indicate that in carrying out the supervisory function of judges, the Judicial Commission oversees the behavior of judges by receiving public reports, requests periodic reports to the judiciary regarding the conduct of judges, examines judges, and calls and inquires from judges suspected of violating the judge's code of ethics and subsequently the report on the results of the examination is submitted to the Supreme Court, and sent to the president and the DPR Weaknesses, that the Arrangement in Article 22D of Law Number 18 Year 2011 concerning the Judicial Commission still creates confusion, especially in the authority of the Judicial Commission in the enforcement of the Code of Ethics and Code of Conduct for Judges (KE-PPH). In the Article, the Judicial Commission has the authority only to propose, if in the alleged violation of the Code of Ethics and / or the Code of Conduct the Judge is proven, the Judicial Commission can only propose the imposition of sanctions on Judges who allegedly committed violations to the Supreme Court. Reconstructing Article 22D paragraph (1), (3) and Article 2E paragraph (1), (2), (3), and (4) Law Number 18 Year 2011 concerning Amendments to Law Number 22 Year 2004 concerning the Commission Judicial To reconstruct the authority of the Judicial Commission in upholding the code of ethics of judges based on justice values, it is necessary to implement the Pancasila Justice Code of Ethics Enforcement, meaning that the Code of Ethics Enforcement and / or Judicial Code of Conduct carried out by the Judicial Commission together with the Supreme Court provides and sanctions judges allegedly committed a violation in order to realize a clean and authoritative judiciary that has the balance and justice of the Pancasila.

Keywords: *Reconstruction, Judicial Code of Ethics, Judicial Commission, Justice*