

ABSTRAK

KEWENANGAN DEWAN ETIK DALAM MENJAGA DAN MENEGAKKAN KEHORMATAN, KELUHURAN MARTABAT DAN KODE ETIK HAKIM KONSTITUSI

Oleh

TIA NURHAWA

Mahkamah Konstitusi memiliki peran yang penting dalam menegakkan keadilan konstitusional bagi masyarakat. Dalam melaksanakan tugas-tugasnya, Mahkamah Konstitusi berpedoman pada Kode Etik dan Perilaku Hakim Konstitusi. Pada hakikatnya Hakim Konstitusi tetaplah seorang manusia yang berpotensi melakukan pelanggaran terhadap Kode Etik dan Perilaku Hakim Konstitusi. Guna mengawasi perilaku Hakim Konstitusi dibentuklah Dewan Etik Hakim Konstitusi melalui PMK No. 2 Tahun 2014 Tentang Majelis Kehormatan Mahkamah Konstitusi, yang memiliki kewenangan memeriksa dan memutus laporan pengaduan dari masyarakat/media terkait dugaan pelanggaran Kode Etik dan Perilaku Hakim Konstitusi. Dewan Etik Hakim Konstitusi berwenang untuk menjatuhkan sanksi teguran lisan terhadap pelanggaran ringan dan jika pelanggaran bersifat berat, Dewan Etik mengusulkan pembentukan Majelis Kehormatan Mahkamah Konstitusi dan pembebastugasan Hakim Terlapor. Terdapat koreksi terhadap pelaksanaan kewenangan Dewan Etik yaitu Dewan Etik belum tegas dalam menegakkan Kode Etik bagi Para Hakim Terlapor dan telah melampaui kewenangannya. Terdapat pula kelemahan kewenangan Dewan Etik, yaitu Dewan Etik tidak dapat menjangkau pihak-pihak terkait dalam laporan untuk dimintai keterangan apabila pihak yang bersangkutan tidak berkenan. Penelitian ini dilakukan secara normatif dengan mengkaji obyek berupa peraturan perundang-undangan dan keputusan Dewan Etik terkait pengawasan perilaku Hakim Konstitusi. Revisi UU MK merupakan solusi terpenting guna menguatkan kelembagaan Dewan Etik Hakim Konstitusi, serta membuat pengaturan yang mengikat tentang kewenangan Dewan Etik dalam pemanggilan pihak-pihak terkait dalam laporan. Dewan Etik juga harus lebih berhati-hati dalam menjalankan kewenangannya dan tetap berpedoman pada prinsi-prinsip yang sudah diatur.

Kata kunci : Pengawasan Hakim Konstitusi, Dewan Etik Hakim Konstitusi, Penegakkan Kode Etik

ABSTRACT

THE AUTHORITY OF ETHICAL COUNCILS IN MAINTAINING AND ENHANCING THE HONOR, DIGNITY AND THE CODE OF ETHICS OF CONSTITUTIONAL JUDGES

By

TIA NURHAWA

The Constitutional Court has an important role in upholding constitutional justice for the community. In carrying out its duties, the Constitutional Court is guided by the Code of Ethics and Conduct of Constitutional Judges. In essence, Constitutional Judges is still a human being who has the potential to make mistakes in implementing the Code of Ethics and Behavior of Constitutional Judges. In order to monitor the behavior of Constitutional Judges, the Ethics Council of Constitutional Judges was formed through PMK No. 2 of 2014 concerning the Honorary Assembly of the Constitutional Court, which has the authority to examine and decide on complaints from the public / media regarding alleged violations of the Code of Ethics and Conduct of Constitutional Judges. The Ethics Council of Constitutional Judges has the authority to impose sanctions on verbal offenses against minor violations and if the violations are serious, the Ethics Council proposes the establishment of a Constitutional Court Honorary Assembly and the temporary dismissal of Constitutional Judges. There is a correction to the Ethics Council in the exercise of its authority, namely the Ethics Council has not firmly upheld the Code of Ethics for the Reported Judges and has exceeded its authority. There are also weaknesses in the authority of the Ethics Council, namely the Ethics Council cannot reach the parties involved in the report for questioning if the party concerned is not pleased. This research was conducted normatively by examining objects in the form of UU and decisions of the Ethics Council regarding the supervision of the behavior of Constitutional Judges. The revision of the Constitutional Court UU is the most important solution to strengthen the institutional Ethics Council of Constitutional Judges, as well as make binding arrangements regarding the authority of the Ethics Council in the calling of relevant parties in the report. The Ethics Council must also be more careful in carrying out its authority and still be guided by the principles that have been regulated.

Keywords: Supervision of Constitutional Judges, Ethics Council of Constitutional Justices, The Enforcement of Code of Ethics