

## **INDEPENDENSI HAKIM DARI PENGARUH *TRIAL BY THE PRESS* DALAM PERKARA PIDANA**

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### **INTISARI**

Penelitian ini bertujuan untuk mengetahui independensi Hakim dari pengaruh *trial by the press* dan peran Badan Pengawasan Mahkamah Agung Republik Indonesia (BAWAS MA RI) dalam menjaga independensi hakim dari pengaruh *trial by the press* tersebut.

Penelitian ini merupakan jenis penelitian yuridis empiris dan bersifat deskriptif. Disamping itu, penelitian ini menggunakan tiga pendekatan yaitu pendekatan statuta, konseptual, dan studi kasus. Penelitian ini meneliti data primer yang diperoleh dengan wawancara dengan responden dan narasumber, serta data sekunder dari studi pustaka. Terhadap data-data tersebut kemudian dianalisis secara kualitatif dengan disajikan secara deskriptif dan ditarik kesimpulan secara induktif.

Hasil Penelitian menunjukkan dua kesimpulan. Pertama, bahwa independensi hakim dari pengaruh *trial by the press* dalam putusan pengadilan dapat dilihat dari relevansi konstruksi putusan hakim dengan kebenaran materiil. Independensi hakim terpengaruh *trial by the press* ditunjukkan dengan adanya konstruksi putusan yang subjektif, tidak relevan dengan kebenaran materiil yang ada. Kedua, BAWAS MA RI dalam menjaga independensi hakim dari pengaruh *trial by the press* diwujudkan dengan upaya represif berupa penegakan KEPPH berdasarkan pengaduan dan preventif dengan upaya internalisasi butir KEPPH dalam setiap kegiatan pelatihan, pendidikan, sertifikasi dan kegiatan lainnya dimana BAWAS terlibat didalamnya.

**Kata Kunci:** Independensi Hakim , *Trial by The Press*, Perkara Pidana

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## **INDEPENDENCE OF JUDGES FROM THE INFLUENCE OF TRIAL BY THE PRESS IN CRIMINAL CASES**

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### **ABSTRACT**

*This legal research aims to find out the independence of judges from the influence of trial by the press and the role of the Badan Pengawasan Mahkamah Agung Republik Indonesia (BAWAS MA RI) in maintaining the independence of judges from the influence of trial by the press.*

*This research is a type normative-empirical legal research with the descriptive type. In addition, this research uses three approaches, namely statute, conceptual, and case study approaches. This research examines primary data obtained by interviews with respondents and sources, as well as secondary data from literature studies. The data is analyzed qualitatively by presenting it descriptively and drawing conclusions inductively.*

*Based on this legal research showed two conclusions. First, that the independence of judges from the influence of trial by the press in judge decision can be seen from the relevance of the construction of judges' decisions to the material truth. The independence of judges affected by trial by the press is shown by the construction of subjective decisions that are not relevant to the existing material truth. Second, BAWAS MA RI in maintaining the independence of judges from the influence of trial by the press is realized by repressive efforts in the form of enforcement of KEPPH based on complaints and preventive efforts by internalizing KEPPH points in every training, education, certification and other activities where BAWAS is involved.*

**Keywords:** Judge Independence, Trial by The Press, Criminal Case

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