

**KEBIJAKAN REFORMASI PERADILAN DALAM PENGELOLAAN
JABATAN HAKIM SETELAH PERUBAHAN UNDANG-UNDANG DASAR
1945**

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INTISARI

Hampir sebagian besar negara yang melawati fase transisi politik, kebijakan reformasi peradilan menjadi salah satu agenda strategis dalam perubahan konstitusi. Kajian riset ini difokuskan pada kebijakan reformasi peradilan dalam pengelolaan jabatan hakim setelah perubahan UUD. Riset ini memiliki tujuan antara lain (1) menguraikan gagasan reformasi peradilan dalam perubahan UUD, (2) memberikan preskripsi pelaksanaan kebijakan reformasi peradilan, (3) menganalisa faktor penghambat pelaksanaan kebijakan reformasi peradilan, (4) memberikan alternatif konsep dalam konteks pembaharuan kebijakan reformasi peradilan. Jenis penelitian ini merupakan yuridis normatif dengan menggunakan pendekatan historis, perundang-undangan, konseptual, dan komparatif. Hasil penelitian menunjukkan : (1) gagasan reformasi peradilan terhadap pengelolaan jabatan hakim dalam perubahan UUD, melahirkan dua pola yaitu kebijakan *one roof system* dan pelembagaan Komisi Yudisial (2) pelaksanaan kebijakan reformasi peradilan cenderung masih mencari bentuk yang definitif akibat besarnya fase tarik ulur kepentingan selama hampir dua dekade. (3) faktor penghambat pelaksanaan disebabkan oleh lima faktor yaitu, problem politik legislasi, arus resistensi kelembagaan, soal adjudikasi konstitusional, status quo peranan Komisi Yudisial, dan kuantitas korupsi peradilan. (4) Alternatif pembaharuan dapat dilakukan melalui tiga jalur. Masing-masing bisa dilakukan melalui institusionalisasi RUU Jabatan Hakim, revisi undang-undang, atau dengan amandemen kelima UUD.

Kata Kunci : (1) Reformasi Peradilan (2) One Roof System (3) Komisi Yudisial (4) Jabatan Hakim

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JUDICIAL REFORM POLICY IN MANAGING THE POSITION OF JUDGE AFTER THE AMENDMENT INDONESIAN CONSTITUTION 1945

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ABSTRACT

In most of the states that have been through the phase of political transition, judicial reform policy have become one of the strategic agendas in the amendment of the constitution. This research is focused on judicial reform policies in managing judge position after the amendment Indonesian constitution. This research objectives are: (1) to elaborate the idea of judicial reform in the amendment to the constitution, (2) to provide prescriptions for implementing judicial reform policies, (3) to analyze the obstacle factors in implementing judicial reform policies, (4) to provide alternative concept in renewal judicial reform policies. This research is normative law research that use historical, statue, conceptual, and comparative approaches. The result of this research shows that : (1) the idea of judicial reform on the management of the judge position in the amendment of constitution, resulted in two patterns namely the one roof system policy and the institutionalization of the Judicial Commission (2) the implementation of judicial reform policy still find the definitive form due to the magnitude of the tug of interest for almost two decades. (3) there are five obstacle factors in the implementation of judicial reform policy, namely the problem of political legislation, the flow of institutional resistance, the matter of constitutional adjudication, status quo of the role of the Judicial Commission, and the quantity of judicial corruption. (4) The alternative renewal can be done through three ways. Each one can be done through the Bill on institutionalization of the Judge Position, the revision of the law, or with the fifth amendment to Indonesian constitution.

Key Words : (1) Judicial Reform (2) One Roof System (3) Judicial Commission (4) Judge

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