

RINGKASAN

**Nuralima Pulungan
220510142**

**Analisis Penerapan Kode Etik Dan Pedoman
Perilaku Hakim Dalam Putusan Bebas
Terhadap Kasus Penganiayaan Yang
Menyebabkan Kematian (Studi Putusan
Nomor: 454/Pid-B/2024/PN.Sby)
(Dr. Yusrizal, S.H., M.H Dan Dr. Umami Kalsum,
S.H., M.H)**

Hakim dalam menjalankan tugas dan fungsinya harus sesuai dengan asas independensi dan profesionalisme dalam menerima, memeriksa, dan menjatuhkan putusan, sebagaimana diatur dalam Keputusan Bersama Ketua Mahkamah Agung RI Dan Ketua Komisi Yudisial RI Nomor 047/KMA/SKB/VII/2009 02/SKBP/KY/IV/2009. Kemudian, kedua asas ini adalah sebagai cerminan dari fungsi kekuasaan kehakiman yang diatur dalam Pasal 1 ayat (1) Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman. Penelitian ini bertujuan untuk mengetahui dan menganalisis penerapan asas independensi dan profesionalisme hakim dalam putusan bebas nomor: 454/Pid-B/PN.Sby terhadap kasus penganiayaan yang menyebabkan kematian serta untuk mengetahui dan menganalisis pertimbangan hakim dalam putusan tersebut.

Penelitian ini menggunakan metode penelitian yuridis normatif dengan menggunakan pendekatan perundang-undangan dan studi kasus. Bahan hukum yang digunakan terdiri atas bahan hukum primer, sekunder, dan tersier. Pengumpulan bahan hukum dilakukan melalui studi kepustakaan, kemudian dianalisis secara kualitatif.

Hasil penelitian bahwa, penerapan asas independensi dan profesionalisme hakim dalam Putusan Nomor 454/Pid.B/2024/PN.Sby belum terlaksana secara optimal karena diduga adanya intervensi yang memengaruhi proses pengambilan putusan. Akibatnya, putusan bebas yang dijatuhkan dinilai belum sesuai dengan fakta hukum, alat bukti, keterangan saksi, keterangan ahli, dan *Visum et Repertum* yang terungkap di persidangan. Berdasarkan analisis aspek yuridis, filosofis, dan sosiologis, pertimbangan hakim juga belum sepenuhnya mencerminkan kepastian hukum, keadilan, dan kemanfaatan, sehingga belum sepenuhnya mencerminkan pelaksanaan kekuasaan kehakiman yang merdeka sesuai Undang-Undang Nomor 48 Tahun 2009 dan Kode Etik serta Pedoman Perilaku Hakim.

Hakim diharapkan senantiasa menjaga independensi, integritas, dan profesionalisme dalam memeriksa serta memutus perkara dengan mempertimbangkan seluruh fakta hukum dan alat bukti secara objektif.

Kata Kunci: Kode Etik dan Pedoman Perilaku Hakim, Putusan Bebas, Penganiayaan Yang Menyebabkan Kematian.

SUMMARY

Nuralima Pulungan
220510142

Analysis of the Application of the Code of Ethics and Guidelines for Judges' Conduct in Acquittals in Cases of Assault Resulting in Death (Study of Decision Number: 454/Pid-B/2024/PN.Sby)
(Dr. Yusrizal, S.H., M.H and Dr. Umami Kalsum, S.H.,M.H)

Judges in carrying out their duties and functions must be in accordance with the principles of independence and professionalism in receiving, examining, and issuing decisions, as regulated in the Joint Decree of the Chief Justice of the Republic of Indonesia and the Chairman of the Judicial Commission of the Republic of Indonesia Number 047/KMA/SKB/VII/2009 02/SKBP/KY/IV/2009. Then, these two principles are a reflection of the function of judicial power regulated in Article 1 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power. However, the fact is that in the Decision of the Surabaya District Court Number: 454Pid.B2024PN.Sby, it is an acquittal, even though the defendant is clearly the main perpetrator of the crime of murder and has clearly committed the act as proven by valid and convincing evidence. In this case, the judge did not implement the principles of independence and professionalism, because there was intervention from the defendant's family which resulted in a decision that did not reflect justice,

This study aims to determine and analyze the application of the principles of independence and professionalism of judges in the acquittal decision number: 454/Pid-B/PN.Sby in the case of assault resulting in death and to determine and analyze the judge's considerations in the decision.

This study employs a normative juridical research method with a statutory approach. The data used are secondary data in the form of primary and tertiary legal materials. Data collection, conducted through literature study techniques and qualitative analysis of legal materials, was conducted.

Judges are expected to be more effective in upholding justice in trials by maintaining independence and professionalism in the judiciary and adhering to the code of ethics to avoid violations that could impact the outcome of decisions. Legal academics and court judges are encouraged to continue reviewing and developing the concept of a code of ethics and guidelines for judicial conduct for more effective implementation.

Keywords: Code of Ethics and Guidelines for Judges' Conduct, Acquittal, Assault Resulting in Death.