

Menimbang dengan adil: studi sensitivitas gender hakim agama = Considering faintly : a study on gender sensitivity among religious court judges

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Abstrak

Skripsi ini mencari jawaban atas pertanyaan tentang gender dalam institusi peradilan. Pemahaman hakim mengenai gender dan isu-isu gender di Pengadilan Agama, sikap dan perilaku hakim berkaitan dengan gender dalam Pengadilan Agama, serta sensitivitas gender yang dimiliki hakim dan pengaruhnya terhadap putusan yang mereka keluarkan adalah tiga masalah pokok yang memandu penelitian ini. Tiga pokok masalah di atas dijawab dengan cara mewawancarai secara mendalam tiga orang hakim, dan mengamati sejumlah proses pengadilan yang mereka pimpin. Ketiga hakim tersebut dipilih karena ketiganya telah mendapatkan pelatihan sensitivitas gender.

Hakim yang memiliki pemahaman tentang gender secara umum diasumsikan akan paham tentang isu-isu gender di Pengadilan Agama yang sensitif gender, dan mereka juga akan mengeluarkan putusan yang sensitif gender. Namun penelitian ini menunjukkan bahwa sensitivitas gender yang dimiliki hakim tidak selamanya mengeluarkan keputusan yang sensitif gender. Untuk mengeluarkan putusan dengan sensitivitas gender, seorang hakim tidak hanya memerlukan pemahaman yang sensitif gender, tetapi ia juga harus memiliki kemauan dan kemampuan untuk mencari celah yang memungkinkannya mengeluarkan putusan yang adil gender.

.....This thesis seeks answers to questions about gender in judicial institutions. The judges understanding of gender and gender issues in the Religious Court, attitudes and behaviors related to gender issues of judges, as well as gender sensitivity owned by the judges and its influence on the decisions that they made are three main problems that guide this research. Three main problems above are answered by in-depth interview of three religious court judges and observe trials they lead. Those three judges were chosen considering all three have been trained in gender sensitivity training.

Judges with an understanding of gender are generally assumed to be aware of issues in the courts that are gender sensitive, and they will also issue a ruling that is gender sensitive. However, this study shows that gender sensitivity owned by the judges does not always mean that the judges would issue a gender sensitive ruling. To issue a decision with gender sensitivity, a judge not only requires an understanding of gender sensitive, but it is also important that they have the will and the ability to find openings that will enable them to issue a gender-fair decision.