

Status kepegawaian dosen pegawai negeri sipil yang menjadi hakim ad hoc tindak pidana korupsi berdasarkan undang undang nomor 46 tahun 2009 tentang pengadilan tindak pidana korupsi = Employment status of civil servant university lecturers serving as ad hoc judge to criminal acts of corruption as ruled by the virtue of law number 46 year 2009 on criminal acts of corruption

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Abstrak

Penelitian ini bertujuan untuk menjelaskan status kepegawaian dosen PNS yang menjadi hakim ad hoc tindak pidana korupsi dan menjelaskan mengenai penyelesaian permasalahan status kepegawaian dosen PNS yang menjadi hakim ad hoc tindak pidana korupsi dengan menggunakan metode penelitian yuridis normatif, tipologi penelitian yang digunakan adalah eksplanatoris dengan bentuk hasil penelitian preskriptif analitis. Penjelasan Pasal 16 Undang-Undang Nomor 46 Tahun 2009 menentukan dosen PNS yang menjadi hakim ad hoc Tipikor harus cuti di luar tanggungan negara, ketentuan tersebut membuat status kepegawaian dosen PNS yang menjadi Hakim ad hoc Tindak Pidana Korupsi tidak jelas, karena masa cuti di luar tanggungan negara lebih singkat dibandingkan dengan masa jabatan hakim ad hoc Tipikor. Selain itu, ketentuan cuti di luar tanggungan negara tersebut akan mengakibatkan hilangnya hak-hak kepegawaian dosen tersebut. Penjelasan Pasal 16 Undang-Undang Nomor 46 Tahun 2009 seharusnya dapat dikesampingkan. Penyelesaian status kepegawaian dosen PNS yang menjadi hakim ad hoc Tipikor dapat diselesaikan dengan menetapkan pembebasan sementara dari jabatannya tanpa kehilangan status sebagai pegawai negeri sipil.

*This study aims to clarify the employment status of civil servants lecturer serving as ad hoc judges for corruption crime and to explain the dispute resolution of its employment status. This study implements a normative research; a research typology uses an explanatory with analytical prescriptive form. Elucidation of Article 16 of Law Number 46 year 2009 determines that civil servants lecturer serving as ad hoc judges for corruption crime oblige to take a government unpaid leave, these provisions leads to an unclear employment status of the civil servant university lecturers serving as ad hoc Judge of Corruption crime, due to the duration for a government unpaid leave is shorter than the term given for ad hoc judges of Corruption crime. Moreover, provisions of government unpaid leave resulted in the loss of lecturers employment rights. The tenure judgeship of an ad hoc judge in the court of corruption crime is semi-permanent, whereas, this is different from ad hoc judges for special courts. Thus, the employment status of civil servants lecturer serving as ad hoc judges for corruption crime should clearly be defined. The elucidation of the article which causing the unclear employment status should be ruled out, the dispute of this employment status can be solved by establishing a temporary exemption from the judgeship tenure without losing one's status as a civil servant.*