

**PELAKSANAAN DAN KEDUDUKAN HUKUM SURAT KESEPAKATAN
PERDAMAIAN BALE MEDIASI LOMBOK TIMUR DALAM PERALIHAN
HAK WARIS DI KECAMATAN AIKREL KABUPATEN LOMBOK TIMUR**

INTISARI

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Penelitian ini bertujuan untuk mengetahui dan menganalisis pelaksanaan dari surat kesepakatan perdamaian Bale Mediasi Lombok Timur dalam penyelesaian sengketa waris yang terjadi dimasyarakat Kecamatan Aikmel dan kedudukan hukum dari surat kesepakatan perdamaian sengketa waris dari hasil mediasi oleh Bale Mediasi Lombok Timur.

Penelitian ini merupakan perpaduan yuridis normatif dan empiris. Data diperoleh melalui studi kepustakaan dan penelitian lapangan. Studi kepustakaan yaitu dengan mengkaji bahan hukum primer, sekunder dan tersier. Penelitian lapangan yaitu dengan melakukan wawancara kepada responden serta narasumber. Data sekunder dan primer yang diperoleh dianalisis dan dipaparkan dalam bentuk deskriptif untuk memperoleh kesimpulan.

Berdasarkan hasil penelitian dan pembahasan dapat diketahui bahwa di Kecamatan Aikmel terdapat dua sengketa waris yang berhasil didamaikan oleh Bale Mediasi Lombok Timur, kedua sengketa yang berhasil damai ini dalam peralihan hak warisnya dilaksanakan dengan berpedoman kepada surat kesepakatan perdamaian. Sementara itu terdapat satu sengketa waris yang masih dalam proses dan satu sengketa gagal berdamai, sehingga sengketanya berlanjut melalui proses litigasi. Surat kesepakatan perdamaian hasil mediasi oleh Bale Mediasi Lombok Timur sah berlaku dan mengikat para pihak dengan iktikad baik, tetapi kedudukannya termasuk akta di bawah tangan, hal ini karena Bale Mediasi Lombok Timur bukan merupakan pihak yang dapat membuat akta otentik sebagaimana Pasal 1868 KUHPdata dan juga Bale Mediasi Lombok Timur bukan Lembaga peradilan sebagaimana Pasal 24 Ayat (2) Undang Undang Dasar 1945.

Kata Kunci: Perdamaian, Kedudukan Hukum, Peralihan Hak Waris.

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*IMPLEMENTATION AND LEGAL POSITIONS OF PEACE AGREEMENT
LETTER FROM BALE MEDIASI OF EAST LOMBOK IN TRANSITION OF
INHERITANCE RIGHTS IN AIKMEK DISTRICT EAST LOMBOK REGENCY*

ABSTRACT

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This study aims to determine and analyze the implementation of peace agreement letter from Bale Mediasi of East Lombok in settlement inheritance disputes that occur in society among Aikmel distric, and legal positions of agreement letter for settlement of inheritance disputes mediated by Bale Mediasi of East Lombok.

This research is a combination of normative and empirical juridical. The data obtained through literature studies and field research. Literature study with reviewing primary, secondary and tertiary legal materials. Field research with conduct interviews with respondents and resource persons. Subject determination research was conducted through purposive sampling technique. Secondary and primary data obtained are analyzed and presented in a descriptive form to reach a conclusion.

Based on the results of research and discussion in the District Aikmel had two inheritance disputes which were successfully reconciled by Bale Mediasi of East Lombok. The two successful disputes were in the transitions of rights his inheritance is carried out based on the peace agreement letter. Meanwhile there is one inheritance dispute that is still in process and one dispute that has failed to settle, the dispute continues through the litigation process. The resulting peace agreement letter mediation by Bale Mediasi of East Lombok is valid and binding on the parties in good faith, but his position includes underhand deed. This matter because the East Lombok Mediation Bale is not an authorized party make an authentic deed according to Article 1868 of the Civil Code and not judiciary as referred to in Article 24 Paragraph (2) of the 1945 Constitution.

Keywords: Peace, Legal Position, Transfer of Inheritance Rights.

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