

NEGOSIASI SEBAGAI PENYELESAIAN SENGKETA DALAM KONTRAK KERJA KONSTRUKSI PASCA UNDANG-UNDANG NOMOR 6 TAHUN 2023 TENTANG CIPTA KERJA (STUDI KASUS: PELEBARAN JALAN CAWAS – KALISOGO KABUPATEN KLATEN)

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INTISARI

Penelitian ini mengkaji negosiasi sebagai metode penyelesaian sengketa konstruksi pasca berlakunya Undang-Undang Nomor 6 Tahun 2023 tentang Cipta Kerja, studi kasus proyek Jalan Cawas–Kalisogo Klaten. Penelitian ini bertujuan menganalisis penerapan negosiasi sebagai tahapan awal wajib guna menjamin kepastian hukum nonlitigasi serta mengidentifikasi berbagai faktor hambatan keberhasilan negosiasi di lapangan. Kehadiran regulasi ini memberikan pergeseran paradigma ke arah pendekatan yang lebih efisien dan kolaboratif melalui kewajiban menempuh musyawarah mufakat sebelum pihak membawa perkara ke forum formal lainnya.

Metode penelitian menggunakan yuridis empiris dengan pendekatan sosiologis-hukum pada proyek Jalan Cawas–Kalisogo. Data primer diperoleh melalui wawancara PPK, kontraktor, dan konsultan, sedangkan data sekunder melalui studi dokumen UU Cipta Kerja serta kontrak. Teknik pengumpulan data meliputi studi pustaka serta lapangan, yang dianalisis secara kualitatif deskriptif untuk menggambarkan keberhasilan dan hambatan penyelesaian sengketa tersebut.

Hasil penelitian menunjukkan penerapan negosiasi pasca UU Cipta Kerja menjamin kepastian hukum jika diformalisasikan dalam Berita Acara atau Adendum Kontrak. Namun, terdapat tujuh hambatan utama, terutama kurangnya iktikad baik dan ketimpangan posisi tawar antara PPK dan penyedia jasa. Tekanan jadwal serta minimnya dokumentasi administratif juga memperlemah negosiasi, sehingga hasilnya sering kali tidak memiliki kekuatan hukum mengikat tanpa adanya penguatan aspek legal-formal. Hal ini menjadi evaluasi penting bagi optimalisasi penyelesaian sengketa konstruksi di masa depan.

Kata kunci: Negosiasi, Undang-Undang Cipta Kerja, Kepastian Hukum.

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**NEGOTIATION AS A DISPUTE RESOLUTION METHOD IN
CONSTRUCTION WORK CONTRACTS AFTER THE ENACTMENT OF
LAW NUMBER 6 OF 2023 ON JOB CREATION
(Case Review: Widening Of The Cawas–Kalisogo Road Klaten Regency)**

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ABSTRACT

This research examines negotiation as a dispute resolution method in construction contracts following the enactment of Law Number 6 of 2023 concerning Job Creation, using the Cawas–Kalisogo Road project in Klaten as a case study. This study aims to analyze the implementation of negotiation as a mandatory initial stage to ensure legal certainty in non-litigation settings and to identify various factors hindering its success in the field. The enactment of this regulation marks a paradigm shift toward a more efficient and collaborative approach by requiring deliberation for consensus before parties escalate disputes to formal forums.

The research method employs an empirical-judicial approach with a socio-legal perspective on the Cawas–Kalisogo Road Project. Primary data were collected through interviews with the Commitment-Making Officer (PPK), contractors, and consultants, while secondary data were obtained from a document review of the Job Creation Law and contracts. Data collection techniques included library and field studies, which were analyzed using descriptive qualitative methods to illustrate the successes and challenges in dispute resolution.

The results indicate that the application of negotiation post-Job Creation Law ensures legal certainty if the outcomes are formalized in a Minutes of Agreement or Contract Addendum. However, seven primary obstacles persist, notably the lack of good faith and the imbalance of bargaining power between the PPK and service providers. Project time pressure and limited administrative documentation further weakened negotiations, often resulting in outcomes with no binding legal force without formal legal reinforcement. These findings offer important insights for optimizing future construction dispute resolutions.

Keywords: Negotiation, Job Creation Law, Legal Certainty.

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