

PELAKSANAAN PENYELESAIAN SENGKETA JUAL BELI TANAH MELALUI MEDIASI DI PENGADILAN NEGERI SLEMAN (STUDI PUTUSAN NO. 217/PDT.G/2016/PN.SLMN)

oleh:
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INTISARI

Tujuan penulisan hukum ini untuk mengetahui pelaksanaan mediasi dalam penyelesaian sengketa jual beli di Pengadilan Negeri Sleman dan untuk mengetahui pelaksanaan penyelesaian sengketa jual beli tanah melalui mediasi telah sesuai dengan Perma Nomor 1 Tahun 2016. Penelitian ini merupakan penelitian Normatif dan Empiris yang menggunakan data sekunder dan data primer. Cara pengumpulan data dilakukan dengan wawancara narasumber dan responden, sedangkan alatnya dengan daftar pertanyaan. Data dianalisis dengan metode kualitatif.

Berdasarkan hasil penelitian, diketahui bahwa pelaksanaan upaya perdamaian dengan menggunakan mediasi di awal sidang pada Putusan No. 217/Pdt.G/2016/PN.Slmn telah diupayakan oleh hakim namun, tidak berhasil. Perkara dilanjutkan dengan sidang pemeriksaan perkara. Pada saat pemeriksaan perkara, Para Pihak meminta kepada ketua majelis hakim untuk dilakukan mediasi. Mediasi di dalam proses pemeriksaan perkara disebut sebagai mediasi sukarela. Di dalam mediasi sukarela, mediator harus berasal dari salah satu majelis hakim. Para pihak akan membuat kesepakatan perdamaian di hadapan mediator apabila para pihak setuju untuk berdamai. Kesepakatan perdamaian akan dimasukkan ke dalam Akta perdamaian dan Hakim akan memutus dengan Putusan Perdamaian. Pada tahun 2016 hasil mediasi di pengadilan Sleman jumlahnya tidak cukup banyak.

Berdasarkan hasil penelitian dan pembahasan maka disimpulkan bahwa mediasi jual beli tanah yang dilakukuan di Pengadilan Negeri Sleman sudah sesuai dengan Perma Nomor 1 Tahun 2016 dan Perkara No. 217/Pdt.G/2016/PN.Smn. dalam pelaksanaannya melakukan mediasi sesuai dengan pengaturan prosedur mediasi yang terdapat di Perma Nomor 1 Tahun 2016. Saran yang diberikan ialah hakim seharusnya terus mengupayakan mediasi di setiap persidangan agar hasil mediasi meningkat.

Kata kunci: Mediasi, Mediasi Jual Beli tanah, Alternatif Penyelesaian Sengketa, Studi Putusan, Pengadilan Negeri Sleman.

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**IMPLEMENTATION OF DISPUTE RESOLUTION ON LAND
SALE AND PURCHASE THROUGH MEDIATION
ON DISTRICT COURT OF SLEMAN (STUDY ON
VERDICT NO. 217/PDT.G/2016/PN. SLMN)**

by:
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ABSTRACT

This study aims to know the mediation process as dispute resolution in District Court of Sleman and to check the consistency of the mediation process done with the Supreme Court Regulation. This study is a normative and empirical research using both secondary and primary data. The data obtained by doing interview to interviewee and respondent using a series of listed questions. The data then analyzed quantitatively.

Based on the study, it was identified that the implementation of mediation as reconciliation effort at the beginning of court session on Verdict No. 217/Pdt.g/2016/PN.Slmn has been attempted out by the judge but ended unsuccessfully. The case was then proceeded with case examination. At the time of case examination, the involved Parties requested the chairman of Judge Panel to conduct a second mediation. A mediation done during the case review is referred as voluntary mediation. In this voluntary mediation, the mediator must be one of the Judge Panel. The Parties would arrange a reconciliation agreement in the presence of mediator if the Parties were willing to reconcile. The reconciliation agreement would then be included in reconciliation Deed and the Judge would decide on a Reconciliation Verdict. In 2016, the cases resolved with mediation in District Court of Sleman were not in a considerable number. The Judge is expected to continue to urge the Parties in Dispute to resolve the conflict through mediation.

Based on the research and discussion, it was concluded that the land sale and purchase mediation done in District Court of Sleman had been consistent with Indonesia Supreme Court Regulation Number 1 of 2016 and Case No. 217/Pdt.G/2016/PN.Smn. It is suggested that The Judge continue to urge the Parties in Dispute to resolve the conflict through mediation.

Keywords: Mediation, Mediation on Land Sale and Purchase, Conflict Resolution Alternative, Verdict Study, District Court of Sleman.

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