

## PERAN KOMISI NASIONAL HAK ASASI MANUSIA DALAM PENYELESAIAN PELANGGARAN HAK ASASI MANUSIA MELALUI MEDIASI

### INTISARI

Muhammad Qodrat Husni Putra,<sup>1</sup> Supriyadi<sup>2</sup>

Penelitian ini bertujuan untuk: *Pertama*, mendeskripsikan pelaksanaan penyelesaian pelanggaran hak asasi manusia melalui mekanisme mediasi yang dilakukan oleh Subkomisi Mediasi Komisi Nasional Hak Asasi Manusia selama tahun 2012-2017. *Kedua*, mendeskripsikan kriteria yang digunakan dalam mekanisme mediasi hak asasi manusia. *Ketiga*, merumuskan masalah dan kelemahan dalam mekanisme mediasi hak asasi manusia guna menghasilkan gagasan mengenai prospek pelaksanaan mekanisme mediasi hak asasi manusia di masa mendatang.

Penelitian ini bersifat deskriptif serta berbentuk preskriptif dan evaluatif. Metode penelitian yang digunakan merupakan penelitian hukum normatif, dengan menggunakan data primer dan data sekunder sebagai bahan penelitian yang diperoleh melalui wawancara dan study dokumen. Pendekatan yang digunakan adalah pendekatan undang-undang dan pendekatan konseptual. Analisis dalam penelitian ini menggunakan analisis kualitatif dan analisis kuantitatif atau analisis statistik.

Hasil penelitian menunjukkan: *Pertama*, telah terjadi penumpukan perkara pada Subkomisi Mediasi disebabkan sengketa masuk per tahun selalu lebih banyak daripada sengketa ditutup. *Kedua*, kriteria yang diberikan Peraturan Perundang-Undangan cenderung tidak jelas dan terlalu luas. Sementara itu, Subkomisi Mediasi memiliki kriteria tersendiri yang dituangkan dalam dokumen Indikator Prioritas Penyelesaian Sengketa (IPPS). *Ketiga*, Subkomisi Mediasi sebaiknya berkoordinasi dan berkerjasama dengan lembaga mediasi otoritatif lain untuk mengurangi penumpukan sengketa dan menghindari tumpang tindih kewenangan. Sedangkan penyelesaian pelanggaran terhadap *non derogable rights* melalui mekanisme mediasi sebaiknya dilakukan secara selektif dan terbatas hanya sebagai upaya reparasi, bukan untuk menyelesaikan sengketanya secara keseluruhan.

**Kata Kunci:** *Komisi Nasional Hak Asasi Manusia, Pelanggaran Hak Asasi Manusia, Mediasi*

---

<sup>1</sup> Mahasiswa Magister Hukum Litigasi Universitas Gadjah Mada, angkatan 2016.

<sup>2</sup> Dosen pengajar pada Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.

## THE ROLES OF NATIONAL COMMISSION ON HUMAN RIGHTS IN SETTLEMENT OF HUMAN RIGHTS VIOLATION THROUGH MEDIATION

### ABSTRACT

Muhammad Qodrat Husni Putra,<sup>1</sup> Supriyadi<sup>2</sup>

This study aims: *First*, to describe the implementation of the settlements of human rights violation through mediation mechanism conducted by the Mediation Sub-Commission of National Commission on Human Rights during 2012-2017. *Second*, to describe the criteria used in mechanism of human rights mediation. *Third*, to formulate the problems and weaknesses in mechanism of human rights mediation in order to generate ideas regarding to the prospects for the future implementation of human rights mediation mechanism.

This research is a descriptive research and in the form of prescriptive and evaluative research. The research methodology employed in this study is a normative research using primary and secondary data as research materials obtained by interview and literature review. The research approaches used are the statute approach and the conceptual approach. In this study, qualitative analysis is utilized to assess research materials that cannot be assessed by numbers and quantitative or statistical analysis is utilized to assess research materials that can be assessed by numbers.

This study shows: *First*, there is a heavy caseload in the Mediation Sub-Commission because incoming case per year is always more than case closed. *Second*, The criteria given by legislation tends to be unclear and be too broad. While the Mediation Sub-Commission of the National Commission on Human Rights has its own criteria contained in document named Indikator Prioritas Penanganan Sengketa (IPPS). *Third*, the Mediation Sub-Commission should coordinate and cooperate with other authoritative mediation institutions in order to minimize the heavy caseload and prevent the overlapped authority. Whereas the settlement of non derogable rights violation through mediation mechanism should be performed selectively and restrictively only as an effort for reparation, not as an effort for settlement of the dispute as a whole.

**Keywords:** *National Commission on Human Rights, Human Rights Violation, Mediation*

---

<sup>1</sup> A Post-graduated student of litigation law at Law Faculty of Gadjah Mada University, class of 2016.

<sup>2</sup> A lecturer at Law Faculty of Gadjah Mada University, Yogyakarta.