

Mediasi dalam proses beracara di pengadilan : studi mengenai mediasi di Pengadilan Negeri proyek percontohan Mahkamah Agung RI

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Abstrak

ABSTRACT

Integrating mediation into the process of civil procedure in court can be one of effective instruments to overcome cases backlog problems in the court and to strengthen and maximise the function of the court in setting disputes in addition to the court process which is of adjudicatory nature. However, the implementation of the Supreme Court Regulation Number 02 of the year 2003 and also under the Supreme Court Regulation Number 01 of the year 2008 is still far behind expectation. The percentage of success mediate cases on this regulation in district court pilot project of the Supreme Court of Republic of Indonesia is below 2,5 %, in spite of the contradiction between the amicable tradition of Indonesian people. The constraints which have been hampering the implementation of court-annexed mediation in district court pilot project are categorized into three factor, such as structure, substance and legal culture. Although court-annexed mediation is still far behind expectation, there are still so many things to be optimal in the effort to make court-annexed mediation success in Indonesia. There is a need to improve the procedures of court-annexed mediation by involving all stakeholders. The big hope comes from judges, mediator, advocates and the nature of Indonesian people's way resolving conflict or disputes through amicable settlement.