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Optimizing Mediation Assistance as a Realization of Fair Dispute Resolution through the "Ayo Mediasi" Application

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Abstract: Mediation, as defined in Article 1 point 1 of the Supreme Court Regulation (PERMA) No. 1 of 2016 concerning Mediation Procedures in Court, is a method of settlement that uses a negotiation process to reach an agreement between the parties with the assistance of a Mediator. Mediation must be used as a tool to reduce the number of civil cases in court. This study intends to achieve the ease of implementing mediation with high transmission, confidentiality of the parties' names, shorter phases, a quick process, and easy access to the community. This is a descriptive analytical study that takes a normative legal approach. The results of this research show that mediation service providers use the "Ayo Mediasi" application to resolve civil matters outside of prosecution, collaborate with mediators from professional law firms, and are eager to invite the parties to reconcile.

Keyword: Mediation, Optimization, Resolve Civil, Application, Justice.

INTRODUCTION

Disputes and their resolution are an inseparable part of human life. In a legal context, optimizing dispute resolution is becoming increasingly important considering the complexity of the dispute and its very broad impact. The judiciary as the executor of judicial power in a legal state has an important role in suppressing any violations of law and public order by playing a role in upholding truth and justice. In every civil lawsuit case, peace efforts must be made as specified in Article 130 HIR. With the Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Court, the parties are obliged to take mediation procedures.

Mediation is an option for dispute resolution in Indonesia which has many advantages to be implemented. Mediation based on the provisions of Article 1 point 1 of the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016 concerning Mediation Procedures in Court is the resolution of disputes by negotiating to obtain agreement from the parties with the assistance of a mediator. Specific legal provisions relating to mediation are

regulated in Article 6 Paragraph (3), Paragraph (4), and Paragraph (5) of Law of the Republic of Indonesia Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. The advantage of resolving disputes through mediation itself is that the resolution is informal. Mediation is a dispute resolution that involves a conscience approach, not based solely on law. Both parties broke away from the rigidity of legal terms (legal term) towards an approach from a conscience and moral perspective. Dispute resolution through mediation is a move away from the doctrinal approach as well as the principle of evidence towards mutually beneficial equality of perception. Mediation dispute resolution is carried out by the parties themselves and is not left to the will of the judge or arbitrator, so that decisions can be reached according to their nature. win-win solution. Equality or justice in this case will be easily achieved. The time period for resolving disputes through mediation is fast, generally only 1 or 2 weeks or a maximum of between 5 and 6 weeks. Dispute resolution through mediation does not require expensive costs which can actually burden both parties as in the litigation process. The rules of evidence do not need to be used in mediation, this is because there is no fierce battle between the disputing parties to dispute each other and overthrow the opposing party through formal evidentiary systems and principles, as well as very tedious technicalities as in the arbitration and court processes. The mediation process is confidential or confidential. This is because the resolution process is closed to the public and the only party who knows the specifics of the dispute apart from the disputing party is the mediator. Mediation is very important for the continuity of the parties. For example, a dispute in the economic sector, which occurred between 2 companies in Indonesia. This certainly threatens the sustainability of the two companies as well as affecting the national economy which of course also affects the wider community. Therefore, it is urgent to pay attention to the implementation of dispute resolution in order to save things in a sustainable manner, both regarding the direct aspects of the dispute and the impact on the national economy. There are several factors that make the mediation process in court run optimally. Apart from tending to protect their image and good name in matters that are ongoing in court, the parties are also constrained by limited time and space. Therefore, regarding this problem, it is necessary to optimize the implementation of mediation as a manifestation of fair dispute resolution through the "Ayo Mediasi" application.

METHOD

The research method used is doctrinal legal research or normative legal research. This type of research is descriptive analytical in nature, where an approach is taken to primary and secondary data. Descriptive analysis is a data analysis activity that includes the content and structure of positive law by determining the content and meaning in legal rules to be used as a reference or basis for resolving legal problems that are the object of study. The type or form of approach used by the author in solving this research is the statutory approach and the analytical approach. The statutory approach (Statute Approach) is an approach to problems that is studied in the light of applicable legislation and related regulations. Meanwhile, the Analytical Approach is an approach to legal materials regarding each meaning or term used in a particular rule as well as the implementation of laws and legal decisions. In legal analysis, research examines, among other things, the meaning of law, principles, rules, legal systems and other juridical concepts. The data collection method used is literature study which consists of primary legal materials in the form of statutory regulations and judges' decisions as material for consideration, secondary legal materials in the form of books, scientific papers, journals, articles and other types of writing related to problems in the legal field.

RESULTS AND DISCUSSION

Mediation is a case resolution that can be carried out outside of court with the role of a mediator as a negotiation mediator between disputing parties. The background to why the Supreme Court

of the Republic of Indonesia requires the parties to undergo mediation before the case is decided by a judge is based on several reasons. First, the mediation process is expected to overcome the problem of backlog of cases. Second, the mediation process is seen as a faster and cheaper way of resolving disputes compared to the litigation process. Third, the implementation of mediation is expected to expand access for the parties to obtain a sense of justice. A sense of justice can not only be obtained through the litigation process, but also through the process of consensus deliberation by the parties. By implementing mediation into the formal justice system, people seeking justice in general and disputing parties in particular can first seek to resolve their disputes through a consensus deliberation approach assisted by a mediator called a mediator. Fourth, the institutionalization of the mediation process into the justice system can strengthen and maximize the function of court institutions in resolving disputes. The basis for this mediation effort is that the government has implemented laws and regulations, namely Republic of Indonesia Supreme Court Regulation No. 1 of 2016, dated 3 February 2016 concerning "Mediation Procedures in Court".

According to Article 1 Number 1 of Supreme Court Regulation Number 1 of 2016 concerning mediation procedures in court, mediation is dispute resolution through a negotiation process to obtain agreement between the parties with the assistance of a mediator. The principles of fair mediation are as follows:

1. Justice and Equality

The mediator must ensure that all parties have the same opportunity to express their opinions and participate in the mediation process.

2. Confidentiality

The mediation process must be conducted confidentially to protect sensitive information and create a safe environment for open communication.

3. Impartiality

The mediator must be neutral and impartial, and not influence the decisions or preferences of the parties involved.

4. Voluntary Participation

All parties must participate in mediation voluntarily and without coercion, so that the mediation results are more acceptable and sustainable.

5. Compliance with Law and Ethics:

The mediation process must comply with applicable laws and ethical standards, to ensure legal and fair results. By following these principles and rules, mediation can be an effective and fair dispute resolution method, providing a satisfactory middle ground for all parties involved.

The mediator's authority is contained in Article 1 Number 2 of Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Court that a mediator is a judge or other party who has a mediator certificate as a neutral party who assists the parties in the dispute resolution process without using the method of deciding or forcing a resolution. . Apart from the task of being a mediator to unite opinions and goals, there are duties and responsibilities of the mediator, among others, the Mediator is obliged to prepare a proposed mediation meeting schedule for the parties to discuss and agree on, the Mediator is obliged to encourage the parties to directly play a role in the mediation process, If deemed necessary, the mediator can hold a caucus or separate meeting during the mediation process, and the Mediator is obliged to encourage the parties to explore and explore their interests and look for various resolution options that are best for the parties.

In carrying out their duties and functions, there are principles that underlie the mediator's code of ethics, including the Basic Principles of Mediator (Ground Rules), the principle of Neutrality, the Principle of Self-Determination, the Principle of Confidentiality, and the Principle of Freedom from Conflict of Interest. It is specifically regulated in Article 14 of Perma No.1 of 2016 that mediators can carry out their duties, namely:

1. Introduce yourself and give the parties an opportunity to introduce themselves;
2. Explain the purpose, objectives and nature of mediation to the parties;
3. Explain the position and role of a mediator who is neutral and does not make decisions;
4. Make rules for implementing mediation with the parties;
5. Explain that a mediator can hold a meeting with one party without the presence of the other party (caucus);
6. Arrange a mediation schedule with the parties;
7. Fill out the mediation schedule form
8. Provide opportunities for parties to convey problems and peace proposals;
9. Inventory problems and schedule discussions based on priorities;
10. Facilitate and encourage parties to: explore and explore the interests of the parties;
11. Finding the best solution options for the parties;
12. Work together to find problems;
13. Assist the parties in creating and formulating a peace agreement
14. Follow up the peace agreement through a peace deed (if a peace agreement has been reached between the parties);
15. Submit a report on the success, failure and/or inability to carry out mediation to the judge examining the case;
16. Declaring that one or the parties are not in good faith and conveying to the examining judge.

Mediation has not run optimally and advocates consider the mediator judge in court to be incompetent. The existence of this statement shows that the success rate of offline mediation is still not optimal. In the current era of digitalization, dispute resolution must be the final solution for parties to resolve cases outside of court. Therefore, the importance of creating a mediation application is a technology-based platform that facilitates the mediation process, often by providing space for communication, documentation, and scheduling. The following factors make it necessary to optimize mediation:

1. **Problem Complexity**

Mediation cases often involve many aspects and details that must be considered. The more complex the case, the greater the need for tools that can help manage information and ensure the mediation process runs smoothly. In this case, mediation applications can handle various types of data, provide effective search and filter features, and offer flexible solutions for varying case complexity;

2. **The Need for Time Efficiency**

An inefficient mediation process can cause delays in dispute resolution, which can have a negative impact on all parties involved. Optimizing mediation applications involves developing user-friendly interfaces and automation features, such as automatic reminders, online scheduling, and rapid reporting to increase time efficiency;

3. **Accessibility and Affordability**

Not all parties have easy access to a mediator or mediation location. This can be an obstacle, especially in the context of cross-regional or national disputes. In this case, mediation applications can provide remote access through video conferencing and real-time communication features, so that all parties can participate without having to be in the same location;

4. **Need for Security and Confidentiality**

In mediation, confidentiality of information is very important to maintain trust between the disputing parties and the mediator. Optimizing mediation applications involves implementing a strong security system, including data encryption, access control, and audit trail features to ensure that all sensitive information is protected;

5. **Quality and Suitability of Mediator**

The quality of the mediator and the compatibility between the mediator and the disputing parties greatly influence the outcome of the mediation. In this case, mediation applications can provide features for selecting mediators based on expertise, experience and preferences, as well as allowing assessment and feedback from the parties to the dispute.

Therefore, optimizing mediation applications is very important to increase the efficiency, accessibility and effectiveness of the mediation process. By overcoming factors such as case complexity, the need for time efficiency, accessibility, security, mediator quality, interoperability, and data management, mediation applications, the author created the "Ayo Mediasi" application as a maximum effort and benefit for all parties involved in the settlement process dispute. This application provides a place for disputing parties to consult. The application development team will accompany the disputing parties to resolve their problems through mediation with the advantages inherent in resolving through mediation. The advantages of mediation applications are as follows:

1. Accessibility and Convenience

With the mediation application, parties to a dispute can access mediation services from anywhere and at any time, without having to be physically present. This is especially helpful for those who live in far-flung locations or have busy schedules.

2. Time and Cost Efficiency

The mediation process through the application can save time and travel costs, as well as speed up the dispute resolution process compared to traditional mediation or litigation in court.

3. Flexibility

This application allows flexible scheduling of mediation, adapting to the time availability of the parties and the mediator.

4. More Guaranteed Confidentiality

Some mediation applications offer encryption and other security measures to ensure that conversations and documents remain safe and private.

5. Digital Documentation

All communications, documents and agreements can be documented digitally, making access and archiving easy.

With the "Ayo Mediasi" application as a form of optimizing mediation, it is hoped that it will increase its efficiency, accessibility and effectiveness, especially in the current context of digitalization which is sufficient to be able to resolve problems outside of court.

CONCLUSION

Mediation is a method of resolving disputes outside of court that involves a mediator as a mediator. The Indonesian Supreme Court requires mediation before a case is decided to overcome the backlog of cases, speed up and reduce settlement costs, and expand access to justice. Optimizing mediation processes is essential to increase their efficiency, accessibility and effectiveness, especially in the current context of digitalization. Through the "Ayo Mediasi" application, it is hoped that it will play a crucial role as a service provider to manage the complexity of cases, increase time efficiency, and ensure the security and confidentiality of information. With advanced features, technological support, and professional skills and experience, the mediator chosen by the party proposing mediation is expected to be able to improve the quality of negotiations in the current era of digitalization and be able to offer the right solution to produce an agreement as a form of resolving the problem.

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