

ABSTRAK

Pelaksanaan mediasi sengketa perdata di Pengadilan Negeri (PN) menjadi wajib untuk dilaksanakan bagi setiap perkara perdata, kecuali yang ditentukan pada Pasal 4 ayat (2) PERMA No. 1 Tahun 2016. Pertemuan mediasi pada umumnya dilaksanakan secara tatap muka, namun tetap diperbolehkan untuk melaksanakan mediasi secara jarak jauh menggunakan media komunikasi audio visual jarak jauh, namun maraknya penyebaran Covid-19 di Indonesia sejak bulan Maret 2020 memiliki dampak yang tinggi kepada sektor pengadilan. Dalam rangka pencegahan penyebaran Covid-19, diwajibkan bagi seluruh masyarakat untuk menghindari pertemuan secara langsung, termasuk dalam pelaksanaan mediasi di Pengadilan Negeri.

Penelitian ini bertujuan untuk mengetahui bagaimana pelaksanaan mediasi sengketa perdata selama pandemi Covid-19 di PN Semarang dan mengetahui hambatan dalam pelaksanaan mediasi selama pandemi Covid-19 di PN Semarang serta upaya mengatasinya.

Metode penelitian dalam penulisan hukum ini menggunakan pendekatan yuridis empiris. Pengumpulan data dalam penulisan hukum ini bersumber pada data primer yang diperoleh dari penelitian lapangan dan data sekunder yang diperoleh dari penelitian kepustakaan. Data-data yang dikumpulkan kemudian diolah dan dianalisis menggunakan metode analisis deskriptif-kualitatif.

Hasil penelitian menunjukkan bahwa PN Semarang tetap mengutamakan pelaksanaan mediasi sengketa perdata secara tatap muka selama pandemi Covid-19. Pelaksanaan mediasi secara tatap muka tetap harus dilaksanakan dengan memerhatikan protokol kesehatan sesuai kebijakan pemerintah. Pada sisi lain, PN Semarang tetap mengizinkan pihak Tergugat untuk menghadiri mediasi sengketa perdata secara *hybrid* dengan menggunakan media elektronik yang disediakan secara mandiri oleh Tergugat. Adapun media elektronik yang kerap digunakan dalam pelaksanaan mediasi elektronik meliputi *Whatsapp Video Call*, dan *Zoom Meeting*. Hal ini dikarenakan beberapa hambatan seperti belum adanya anggaran untuk penyediaan fasilitas penunjang mediasi elektronik, dan kurang terampilnya mediator dalam pelaksanaan mediasi elektronik. Hasil penelitian juga menemukan hambatan umum seperti kurangnya pemahaman yang merata mengenai pelaksanaan mediasi secara elektronik dari masyarakat, ketidakhadiran salah satu pihak dalam mediasi, dan ego para pihak yang tinggi saat melaksanakan mediasi. Untuk mengatasi hambatan umum tersebut, dibutuhkan peran mediator dan advokat untuk menghimbau para pihak mengikuti mediasi dan menurunkan egonya saat mempertahankan kepentingannya.

Kata kunci: *Mediasi, Sengketa Perdata, Pandemi Covid-19, Pengadilan Negeri.*

ABSTRACT

The implementation of civil dispute mediation in the District Court (PN) is mandatory for every civil case, except as stipulated in Article 4 paragraph (2) PERMA No. 1 of 2016. Mediation meetings are generally held face-to-face, but it is still permissible to carry out mediation remotely using remote audio-visual communication media, however the widespread spread of Covid-19 in Indonesia since March 2020 has had a high impact on the justice sector. In order to prevent the spread of Covid-19, it is mandatory for all people to avoid face-to-face meetings, including during mediation at the District Court.

This study aims to find out how civil dispute mediation was carried out during the Covid-19 pandemic at the Semarang District Court and to find out the obstacles in carrying out mediation during the Covid-19 pandemic at the Semarang District Court and efforts to overcome them.

The research method in writing this law uses an empirical juridical approach. Data collection in writing this law is based on primary data obtained from field research and secondary data obtained from library research. The data collected were then processed and analyzed using descriptive-qualitative analysis methods.

The results of the study show that the Semarang District Court continues to prioritize face-to-face mediation of civil disputes during the Covid-19 pandemic. Face-to-face mediation must still be carried out with due observance of health protocols according to government policy. On the other hand, the Semarang District Court continues to allow the Defendant to attend civil dispute mediation in person hybrid by using electronic media provided independently by the Defendant. The electronic media that are often used in the implementation of electronic mediation include: Whatsapp Video Call, and Zoom Meeting. This is due to several obstacles such as the absence of a budget for the provision of supporting facilities for electronic mediation, and the lack of skilled mediators in carrying out electronic mediation. The results of the study also found general obstacles such as the lack of an even understanding of the implementation of electronic mediation from the community, the absence of one of the parties in mediation, and the high ego of the parties when carrying out mediation. To overcome these common obstacles, the role of mediators and advocates is needed to urge the parties to participate in mediation and lower their egos when defending their interests.

Keywords: *Mediation, Civil Dispute, Covid-19 Pandemic, District Court.*