

ABSTRAK

Sengketa antar individu seringkali muncul karena keinginan yang tidak terpenuhi dalam konteks perselisihan warisan seperti perbedaan pendapat dan ketidakpuasan ahli waris terhadap harta peninggalan si pewaris menjadi memicu utama konflik tersebut. Jika tidak diatasi dengan baik maka terjadi perpecahan di antara pihak-pihak yang bersengketa dan merusak hubungan antar keluarga. Mediasi merupakan cara penyelesaian sengketa dari hasil negosiasi dan perundingan dengan meminta satu pihak untuk menjadi penengah disebut mediator. Tujuan penulisan skripsi ini untuk mengetahui proses mediasi sebagai alternatif penyelesaian sengketa waris Nomor 1098/Pdt.G/2023/PA.Bkl di Pengadilan Agama Bangkalan.

Metode penelitian yang digunakan yaitu penelitian kualitatif dengan jenis penelitian yang digunakan adalah lapangan (*field reseach*) dengan pendekatan yuridis empiris bersifat deskriptif analisis yaitu peneliti menganalisis dengan mengambil studi putusan kasus di Pengadilan Agama Bangkalan. Teknik pengumpulan data melalui observasi, wawancara dan dokumentasi.

Hasil penelitian ini menunjukkan bahwa proses mediasi sengketa waris Nomor 1098/Pdt.G/2023/PA.Bkl di Pengadilan Agama Bangkalan telah sesuai dengan Perma Nomor.1 Tahun 2016 tentang prosedur mediasi di Pengadilan meliputi tiga tahapan yaitu tahapan pramediasi, tahapan proses, dan tahapan pascamediasi berupa laporan mediasi berhasil/tidak berhasil. Dalam perkara ini proses mediasi tidak berhasil akan tetapi di luar mediasi telah rukun dan damai kembali. Prosedur pelaksanaan mediasi penyelesaian sengketa waris tersebut di Pengadilan Agama Bangkalan telah sesuai dengan Peraturan Mahkamah Agung No. 1 Tahun 2016 tentang prosedur mediasi di Pengadilan. Semua alur dan Proses mengenai mediasi telah mengikuti pasal demi pasal yang telah termuat dalam Perma tersebut. Semua yang terkandung di dalamnya terlaksana dengan baik dari awal majelis hakim mewajibkan mediasi sampai tahap akhir yaitu hasil.

Kata kunci : Mediasi, Sengketa Waris, Perma No. 1 tahun 2016

ABSTRACT

Disputes between individuals often arise due to unfulfilled desires in the context of inheritance, such as differences of opinion and heirs' dissatisfaction with the heir's inheritance, which are the main triggers for these conflicts. If it is not handled properly, divisions will occur between the parties in the dispute and damage relationships between families. Mediation is a way of resolving the results of negotiations and negotiations by asking one party to become an intermediary who is called a mediator. The purpose of writing this thesis is to understand the mediation process as an alternative settlement for inheritance settlement Number 1098/Pdt.G/2023/PA.Bkl at the Bangkalan Religious Court.

The research method used is qualitative research with the type of research used is field research with an empirical approach that is descriptive analysis, namely the researcher analyzes by taking a study of case decisions at the Bangkalan Religious Court. Data collection techniques through observation, interviews and documentation.

The results of this research indicate that the mediation process for settling inheritance Number 1098/Pdt.G/2023/PA.Bkl at the Bangkalan Religious Court is in accordance with Perma Number 1 of 2016 concerning mediation procedures in the Court which includes three stages, namely the pre-mediation stage, the process stage, and the post-mediation stage in the form of a successful/unsuccessful mediation report. In this case the mediation process was unsuccessful however, outside of mediation, there has been harmony and peace again. The procedure for carrying out mediation for resolving inheritance disputes at the Bangkalan Religious Court is in accordance with Supreme Court Regulation No. 1 of 2016 concerning mediation procedures in court. All flows and processes regarding mediation follow article by article as contained in the Perma. Everything contained in it was carried out well from the start, the panel of judges guaranteed the mediation until the final stage, namely the results

Keywords : Mediation, Inheritance Dispute, Perma No. 1 year 2016