

## ABSTRAK

### **EFEKTIVITAS MEDIASI ELEKTRONIK BERDASARKAN PERATURAN MAHKAMAH AGUNG NOMOR 03 TAHUN 2022 TENTANG MEDIASI DI PENGADILAN SECARA ELEKTRONIK (Studi di Pengadilan Agama Tanjung Karang)**

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Mediasi sebagai satu aturan wajib ketika proses penyelesaian sengketa perdata di Pengadilan Agama. Perkara perdata di pengadilan wajib dilaksanakan mediasi agar putusan tidak terjadi batal demi hukum. Perkembangan teknologi menyebabkan mediasi yang biasanya dilakukan secara tatap muka dapat dilakukan secara virtual melalui media elektronik sesuai amanat dalam pasal 5 ayat 3 PERMA No. 1 Tahun 2016. Kondisi pandemipun turut mendorong pelaksanaan mediasi elektronik. kemudian secara lebih rinci, prosedur dan kebijakan mengenai mediasi elektronik ditegaskan dalam PERMA No. 3 Tahun 2022. Pengadilan Agama Tanjung Karang telah menerapkan mediasi elektronik sejak keberlakuan Perma tersebut. Penelitian ini bertujuan melihat apakah mekanisme mediasi elektronik di Pengadilan Agama Tanjung Karang sesuai dengan PERMA No. 3 Tahun 2022, serta akan mengkaji efektivitas dan hambatan mediasi elektronik di Pengadilan Agama Tanjung Karang.

Jenis penelitian ini adalah penelitian hukum normatif-empiris dengan tipe penelitian deskriptif. Pengumpulan data dilakukan dengan wawancara, studi pustaka, dan studi dokumen. Data penelitian diolah melalui pemeriksaan data, klasifikasi, sistematika dan dianalisis secara kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa mekanisme dari penerapan mediasi secara elektronik di Pengadilan Agama Tanjung Karang yang ditinjau dari PERMA No. 3 Tahun 2022 telah berkesuksesan, mulai dari proses pra-mediasi sampai kepada putusan mediasi yang memuat lingkup kesepakatan antar para pihak. Dalam melaksanakan mediasi elektronik, administrasi elektronik, penunjukan mediator, penentuan media aplikasi, dan pengaturan jadwal mediasi secara elektronik. Pada dasarnya, secara efektivitas penyelesaian sengketa telah efektif, namun terdapat berbagai kendala dari pelaksanaan mediasi secara elektronik, terutama pada konektivitas jaringan yang tidak terprediksi dan mediasi secara elektronik memiliki kelemahan utama yaitu kurangnya pendekatan psikologis kepada para pihak yang bersengketa.

**Kata Kunci: Efektivitas Hukum, Mediasi Elektronik, PERMA Nomor 3 Tahun 2022**

**ABSTRACT****THE EFFECTIVENESS OF ELECTRONIC MEDIATION BASED ON  
SUPREME COURT REGULATION NUMBER 03 OF 2022 CONCERNING  
ELECTRONIC MEDIATION IN COURTS  
(Study at the Tanjung Karang Religious Courts)****By****AKBAR SETIAWIJAYA**

*Mediation as a mandatory rule when the process of resolving civil disputes in the Religious Court. Civil cases in court must be mediated so that the decision is not null and void. Technological developments have resulted in mediation which is usually carried out being carried out virtually through electronic media in accordance with the mandate in Article 5 paragraph 3 of PERMA No. 1 of 2016. The pandemic conditions that also encouraged the implementation of electronic mediation, then in more detail, the procedures and policies regarding electronic mediation are emphasized in PERMA No. 3 of 2022. The Tanjung Karang Religious Court has implemented electronic mediation since the enactment of the norm. This study examines whether the electronic mediation mechanism at the Tanjung Karang Religious Court is in accordance with PERMA No. 3 of 2022, and will examine the effectiveness and obstacles to electronic mediation at the Tanjung Karang Religious Court.*

*This type of research is normative-empirical legal research with a descriptive research type. Data collection was carried out through interviews, literature studies, and document studies. Research data is processed through data examination, classification, systematics and analyzed qualitatively.*

*The results of the study and discussion show that the mechanism of implementing electronic mediation at the Tanjung Karang Religious Court as reviewed from PERMA No. 3 of 2022 has been appropriate, starting from the pre-mediation process to the mediation decision which contains the scope of the agreement between the parties. In implementing electronic mediation, electronic administration, appointment of mediators, determination of application media, and arrangement of mediation schedules electronically. Basically, in terms of the effectiveness of dispute resolution, it has been effective, but there are various obstacles to the implementation of electronic mediation, especially in unpredictable network connectivity and electronic mediation has a major weakness, namely the inability to touch the feelings of the disputing parties.*

**Key Words: Legal Effectiveness, Electronic Mediation, PERMA Number 3 of 2022**