

ABSTRAK

Muhammad Ilham. NIM .0121-02-43-2015. Efektifitas Pelaksanaan Mediasi Dalam Penyelesaian Perkara Perceraian Di Pengadilan (Studi Kasus- Kasus Di Pengadilan Agama Kelas 1 Makassar) dibimbing oleh. H.Said Sambara. selaku ketua komisi pembimbing dan Hasan Kadir. selaku anggota komisi pembimbing.

Tujuan penelitian: (1) untuk mengetahui sejauh mana efektifitas Pelaksanaan Mediasi di Pengadilan Agama Makassar; (2) untuk menganalisis faktor faktor apa saja yang mempengaruhi Efektifitas Pelaksanaan Mediasi Di Pengadilan Agama Makassar

Metode penelitian ini adalah penelitian hukum sosiologis (Emperis) dengan data primer terdiri dari mediator dan pihak-pihak yang berperkara dengan melalui wawancara langsung kepada responden. Dalam mengumpulkan data pada penulisan tesis ini, penulis menggunakan metode *Library Research* dan *Fierd Research*. Data dianalisis dengan menggunakan metode induksi,deduksi serta metode persentase.

Hasil penelitian menunjukkan bahwa pelaksanaan mediasi di Pengadilan Agama Kelas 1 Makassar berdasarkan Peraturan Mahkamah Agung Nomor 1 Tahun 2008 Dan Peraturan Mahkamah Agung Nomor 1 Tahun 2016 Tentang Prosedur Mediasi di Pengadilan kurang efektif. Ada beberapa faktor penghambat atau mempengaruhi pelaksanaan mediasi di Pengadilan Agama Makassar yaitu, *pertama* substansi hukum *kedua* struktur hukum, *ketiga* kultur /budaya hukum masyarakat

Berdasarkan analisis hasil penelitian pokok permasalahan maka diperlukan upaya percepatan untuk meningkatkan efektifitas pelaksanaan mediasi di Pengadilan Agama Makassar dengan sesegera mungkin merekrut mediator non hakim sehingga dapat mengurangi beban hakim serta perlunya dukungan fasilitas untuk melaksanakan mediasi seperti penambahan ruangan pertemuan sehingga dimungkinkan melaksanakan pertemuan yang lebih khusus, baik secara bersamaan maupun sendiri-sendiri dengan pihak-pihak yang bersengketa.

ABSTRACT

Muhammad Ilham. Studen Identification Number .0121-02-43-2015. Effectiveness of Mediation Implementation in Court Solving Divorce Case (Study Cases in Religious Courts Class 1 Makassar) is guided by. H.Said Sampara. As chairman of the commission pembabating and Hasan Kadir. As a member of the supervising commission.

This research is conducted with the aim of: (1) to know the extent of effectiveness of Mediation Implementation in Makassar Religious Court; (2) to analyze what phoktor factors influence the effectiveness of Mediation Implementation in Makassar Religious Courts

The type of this research is sociological legal research (Emperis) with primary data consisting of mediator and parties litigate by through direct interview to respondent. In collecting data on the writing of this thesis, the author uses the method of Research and Fierd Research Library. Data were analyzed using induction method, deduction and percentage method.

The results showed that the implementation of mediation in the Religious Courts Class 1 Makassar under Supreme Court Regulation No. 1 of 2008 And Supreme Court Regulation No. 1 of 2016 About Mediation Procedure in the Court is less effective. There are several factors inhibiting or influencing the implementation of mediation in the Religious Courts of Makassar, namely, the first legal substance of the two legal structures, the three culture / culture of communitylaw

Based on the analysis of the research results of the subject matter, it is necessary to accelerate efforts to improve the effectiveness of mediation in the Religious Courts of Makassar by immediately recruiting non-judicial mediators so as to reduce the burden of judges as well as the need for support facilities to carry out mediation such as the addition of a meeting room so it is possible to carry out a more special meeting. Either simultaneously or individually with the parties to the dispute.