

## ABSTRAK

Musdalifah. 105 251 1073 20. 2024. *Analisis Efektivitas Mediasi Dalam Penyelesaian Sengketa Ekonomi Syariah (Studi Kasus Pengadilan Agama Makassar)*. Dibimbing oleh Ulil Amri, S.Sy., S.H., M.H dan Andi Muhammad Aidil, S.H., M.H.

Penelitian ini menggunakan metode kualitatif yaitu bertujuan untuk mengetahui bagaimana Proses Mediasi dalam Sengketa Ekonomi Syariah dan bagaimana Efektivitas Mediasi dalam Sengketa Ekonomi Syariah. Penelitian ini dilaksanakan di Pengadilan Agama Makassar.

Berdasarkan data yang peneliti peroleh didapatkan bahwa dari tahun 2019 hingga 2023 ada sekitar 31 sengketa yang diterima di pengadilan agama Makassar. Namun dari 31 sengketa, hanya 4 sengketa saja yang berhasil di mediasi dan sisanya gagal di mediasi.

Hasil penelitian menunjukkan bahwa (1) Pada Tahapan Pramediasi: Pertama, hakim pemeriksa perkara memberikan penjelasan kepada para pihak mengenai mediasi. Kedua, para pihak menandatangani formulir penjelasan mediasi. Ketiga, para pihak memilih mediator. Sedangkan Pada Tahapan Proses mediasi: Pertama, para pihak bertemu dengan mediator untuk membuat jadwal mediasi. Kedua, pada pertemuan selanjutnya para pihak menyerahkan resume perkara kepada mediator lalu mediator melakukan mediasi dengan mendiskusikan berbagai topik permasalahan yang dialami para pihak selama diskusi. Ketiga, ketika proses mediasi selesai, maka selanjutnya mediator akan menangkap kesimpulan dari mediasi yang telah dilakukan. Keempat, selanjutnya melaporkan hasil mediasi kepada majelis hakim pemeriksa perkara untuk di proses lebih lanjut. (2) Efektivitas mediasi dalam penyelesaian sengketa ekonomi syariah Mediasi di Pengadilan Agama Makassar itu efektif apabila ditinjau dari segi prosedur jika mediasi telah dilaksanakan, tetapi tidak efektif dari segi hasil karna banyaknya sengketa ekonomi syariah yang tidak berhasil di mediasi. Tidak efektifnya mediasi karena adanya beberapa faktor yang tidak diteliti dan tidak mencari solusi dari beberapa faktor tersebut yang menyebabkannya mediasi itu.

**Kata kunci:** Mediasi, Sengketa ekonomi syariah, Efektivitas.

## ABSTRACT

Musdalifah. 105 251 1073 20. 2024. *Analysis of the Effectiveness of Mediation in Sharia Economic Dispute Resolution (Case Study of the Makassar Religious Court)*. Supervised by Ulil Amri, S.Sy., S.H., M.H and Andi Muhammad Aidil, S.H., M.H.

This research uses a qualitative method, which aims to find out how the Mediation Process is in Sharia Economic Disputes and how effective Mediation is in Sharia Economic Disputes. This research was carried out at the Makassar Religious Court.

Based on the data obtained by researchers, it was found that from 2019 to 2023 there were around 31 disputes received in the Makassar religious courts. However, of the 31 disputes, only 4 disputes were successful in mediation and the rest failed in mediation.

The research results show that (1) At the Premediation Stage: First, the chairman of the panel provides an explanation to the parties regarding mediation. Second, the parties sign a mediation explanation form. Third, the parties choose a mediator. Meanwhile, at the stages of the mediation process: First, the parties meet with the mediator to make a mediation schedule. Second, at the next meeting the parties submit a resume of the case to the mediator and then the mediator carries out mediation by discussing various problem topics experienced by the parties during the discussion. Third, when the mediation process is complete, the mediator will then draw conclusions from the mediation that has been carried out. Fourth, then report the results of the mediation to the panel of judges examining the case for further processing. (2) The effectiveness of mediation in resolving sharia economic disputes. Mediation at the Makassar Religious Court is effective if viewed from a procedural perspective if mediation has been carried out, but is not effective in terms of results because many sharia economic disputes are not successful in mediation. The ineffectiveness of mediation is due to several factors that were not researched and solutions were not sought for these factors which caused the mediation.

**Keywords:** Mediation, Sharia economic disputes, Effectiveness.