

ABSTRAK

Elsa Julia, 105251100121. *Analisis Penyelesaian Sengketa Bisnis Syariah Melalui Mediasi di Pengadilan Agama Makassar.* Dibimbing oleh Mega Mustika, S.E.,Sy., M.H. dan Dr. Hasanuddin, S.E.,Sy., M.E.

Penelitian ini menganalisis pelaksanaan mediasi dalam penyelesaian sengketa bisnis syariah di Pengadilan Agama Makassar, dengan fokus pada kesesuaian proses dan efektivitasnya dalam mewujudkan penyelesaian yang efisien, adil, dan berlandaskan prinsip syariah. Mediasi dipandang sebagai mekanisme alternatif penyelesaian sengketa yang dapat mengurangi beban litigasi, namun efektivitasnya masih menjadi persoalan di lingkungan peradilan agama. Tujuan penelitian ini adalah untuk mendeskripsikan dan menganalisis implementasi mediasi dalam sengketa bisnis syariah di Pengadilan Agama Makassar mengidentifikasi faktor-faktor yang mempengaruhi keberhasilannya serta mengkaji tantangan yang dihadapi dalam praktik.

Jenis penelitian yang digunakan yaitu penelitian lapangan (*field research*) dengan pendekatan kualitatif dan teknik pengumpulan data melalui observasi, wawancara, dan studi dokumentasi.

Hasil penelitian menunjukkan bahwa secara prosedural mediasi di Pengadilan Agama Makassar telah dilaksanakan sesuai ketentuan Mayoritas sengketa berasal dari sektor perbankan syariah dengan akad murabahah yang kompleks. Meskipun mediasi memberikan manfaat kualitatif seperti ruang dialog, pemahaman perspektif lawan dan penguatan nilai islah, tingkat keberhasilannya masih rendah. Periode 2020–2024 menunjukkan dari 32 perkara ekonomi syariah hanya 2 yang berhasil diselesaikan melalui mediasi. Rendahnya efektivitas dipengaruhi oleh faktor struktural, prosedural, dan substantif seperti ketimpangan daya tawar, waktu mediasi yang terlambat, dan rigiditas akad. Temuan ini menegaskan perlunya reformasi model mediasi yang lebih kontekstual dengan mengintegrasikan keadilan substantif berbasis syariah.

Kata Kunci: Mediasi, Sengketa Bisnis Syariah, Pengadilan Agama.

ABSTRACT

Elsa Julia, 105251100121. Analysis of Sharia Business Dispute Resolution through Mediation at the Makassar Religious Court. Supervised by Mega Mustika, S.E., Sy., M.H. and Dr. Hasanuddin, S.E., Sy., M.E.

This study analyzes the implementation of mediation in resolving sharia business disputes at the Makassar Religious Court, focusing on the conformity of the process and its effectiveness in achieving efficient, fair, and sharia-based resolutions. Mediation is viewed as an alternative dispute resolution mechanism that may reduce litigation burdens; however, its effectiveness remains an issue within the religious court system. The purpose of this research is to describe and analyze the implementation of mediation in sharia business disputes at the Makassar Religious Court, to identify factors influencing its success, and to examine the challenges encountered in practice.

This research employs field research with a qualitative approach, using data collection techniques such as observation, interviews, and documentation study.

The findings indicate that, procedurally, mediation at the Makassar Religious Court has been carried out in accordance with the regulations. Most disputes originate from the Islamic banking sector, particularly complex murabahah contracts. Although mediation provides qualitative benefits such as creating dialogue, fostering mutual understanding, and strengthening the values of *islah* (reconciliation), its success rate remains low. Between 2020 and 2024, out of 32 sharia economic cases, only 2 were successfully resolved through mediation. The low effectiveness is influenced by structural, procedural, and substantive factors, including unequal bargaining positions, delayed mediation processes, and rigid contractual terms. These findings highlight the need for reforming the mediation model by integrating a more contextual approach that emphasizes substantive justice based on sharia principles.

Keywords: *Mediation, Sharia Business Dispute, Religious Court.*