

## SUMMARY

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**RESOLUTION BY MEDIATION DISPUTE FOR  
DEFAULT OF PERTAMINAD ODO SPOT  
CONSTRUCTION CONSTRUCTION WORK  
CONTRACT BETWEEN CV. ERAS GROUP WITH  
PT. PINTU RIMEGAYO ENERGY (Research Study In  
(Dr. Marlia Sastro S.H., M.Hum and Dr. Ramziati,  
S.H., M.Hum)**

*Mediated settlement of defaults in the implementation of the gas station construction work contract between CV. Eras Group with PT. Pintu Rime Gayo Energi was carried out due to a breach of contract in the form of a delay in the distribution of funds by one of the parties which resulted in a delay in completing the construction of the gas station which had been agreed upon by both parties based on contract No.1/SPK-SPBU/PRGE-ERAS/III/2022. Defaulting on the work contract results in losses for the parties and society. The purpose of this research is to examine and analyze the mediation resolution of defaults on construction work contracts for the construction of the Pertamina Dodo Pintu Rime Gayo Energi gas station, to analyze and examine the obstacles and efforts in resolving mediation defaults on construction work contracts for the construction of Pertamina Dodo Pintu Rime Gayo Energi gas stations.*

*This research uses a qualitative type of research, an empirical juridical research approach, this research is prescriptive in nature, the research location is in Gemasih Village, Pintu Rime Gayo District, Bener Meriah Regency, data collection sources consist of primary and secondary data.*

*The results of the research show that the results of mediation in resolving the default on the construction work contract for the construction of the Pertamina Dodo gas station between CV. Eras Group with PT. Pintu Rime Gayo Energi, namely the parties agree to extend the contract payment time, continue cooperation, give a warning letter to villages that have not paid their deposits, deposit funds directly into BUMDESMA's account, stop construction temporarily, the first party details all transactions to BUMDESMA. The obstacles in implementing mediation are the lack of professionalism of the mediator in facilitating the parties, the difficulty of determining the time and place to carry out mediation and the lack of supporting infrastructure. Efforts made to resolve defaults on the construction work contract for the construction of the Dodo Pintu Rime Gayo Energi gas station were to maximize the smoothness of mediation, carry out outreach, provide warnings to the parties to improve their professionalism and quality of work.*

*It is recommended that in carrying out mediation on disputes over default on the construction work contract for the construction of the Pertamina Dodo gas station, more intense cooperation should be carried out between the mediator and the parties so that obstacles in the mediation can be controlled well. Apart from that, it is also recommended that both parties continue to work together in completing the construction of the gas station.*

*Keywords: Settlement, mediation, default, employment contract*

# BAB I PENDAHULUAN

## A. Latar Belakang Masalah

Sengketa atau konflik dapat diselesaikan dengan dua upaya penyelesaian sengketa, yaitu melalui proses litigasi yang merupakan penyelesaian sengketa melalui jalur pengadilan dan non-litigasi yaitu proses penyelesaian sengketa diluar jalur pengadilan.<sup>1</sup> Litigasi merupakan proses penyelesaian sengketa dimana semua pihak yang bersengketa saling berhadapan satu sama lain untuk mempertahankan hak-haknya dimuka pengadilan.

Hasil akhir dari suatu penyelesaian sengketa melalui litigasi adalah putusan yang menyatakan *win-lose solution*.<sup>2</sup> Prosedur dalam jalur litigasi ini sifatnya lebih formal dan teknis, menghasilkan kesepakatan yang bersifat menang kalah, cenderung menimbulkan masalah baru, lambat dalam penyelesaiannya, membutuhkan biaya yang mahal, tidak responsif dan menimbulkan permusuhan diantara para pihak yang bersengketa, kondisi ini menyebabkan masyarakat mencari alternatif lain yaitu penyelesaian sengketa di luar proses peradilan formal. Penyelesaian sengketa di luar proses peradilan formal ini lah yang disebut dengan "*Alternative Dispute Resolution*" atau ADR.<sup>3</sup>

Pasal 1 angka 10 Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase. Alternatif Penyelesaian Sengketa yaitu lembaga penyelesaian sengketa atau perbedaan pendapat melalui prosedur yang disepakati para pihak,

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<sup>1</sup> Gunawan Widjaja, *Alternatif Penyelesaian Sengketa*, Raja Grafindo Persada, Jakarta, 2022, hlm.12.

<sup>2</sup> Frans Hendra Winarta, *Hukum Penyelesaian Sengketa Arbitrase Nasional Indonesia dan Internasional*, Jakarta, Sinar Grafika, 2011. hlm.20.

<sup>3</sup> I Made Widyana, *Alternatif Penyelesaian Sengketa (ADR)*, Jakarta, IBLC, 2007, hlm. 40.