

Implementation of Pancasila Education Values in Mediation in Court

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ABSTRAK

Pancasila sebagai pedoman hidup bangsa Indonesia mengandung nilai-nilai yang relevan untuk diimplementasikan dalam proses mediasi di pengadilan guna mencapai kesepakatan penyelesaian sengketa secara *win-win solution*. Data Mahkamah Agung RI tahun 2022 menunjukkan tren penurunan penyelesaian perkara melalui mediasi hanya 19,07% yang berhasil diselesaikan sedangkan 59,14 % tidak berhasil dan 20,21 % tidak dapat dilaksanakan. Keberhasilan mediasi yang menunjukkan tren penurunan tersebut dikaitkan dengan nilai-nilai Pancasila yang diimplementasikan dalam mediasi menarik untuk diteliti bagaimana mediasi dapat mengimplementasikan nilai-nilai Pancasila dan apa tantangan yang dihadapi dalam penerapan nilai-nilai Pancasila dalam mediasi di pengadilan. Penelitian ini menggunakan metode kualitatif dengan pendekatan studi pustaka (*library Research*), pengumpulan dan analisis data dari berbagai sumber tertulis, seperti buku, artikel jurnal, laporan, dan dokumen resmi yang relevan dengan topik penelitian. Hasil penelitian menunjukkan bahwa nilai-nilai Pancasila dapat diimplementasikan dalam mediasi di pengadilan yang menjadi acuan bagi pihak bersengketa, mediator, kuasa hukum dan hakim, agar proses mediasi dilandasi etika dan moral yang tinggi, perlakuan yang adil, dialog yang konstruktif untuk mendapatkan titik temu, serta partisipasi aktif para pihak sehingga solusi yang dihasilkan mencerminkan kesepakatan dan kemanfaatan bersama. Hambatannya antara lain faktor sosial budaya masyarakat yang menimbulkan berbagai sudut pandang tentang mediasi, skeptis terhadap pengalaman mediasi yang gagal, lemahnya pengetahuan dan pemahaman terhadap nilai-nilai Pancasila.

Keyword: Nilai Pancasila; Mediasi; Pendidikan Pancasila; Pengadilan

ABSTRACT

Pancasila as a guide to life for the Indonesian people contains values that are relevant to be implemented in the mediation process in court in order to reach an agreement to resolve disputes in a win-win solution. Data from the Supreme Court of the Republic of Indonesia for 2022 shows a decreasing trend in resolving cases through mediation, only 19.07% were successfully resolved, while 59.14% were unsuccessful and 20.21% could not be implemented. The success of mediation, which shows a downward trend, is associated with the Pancasila values implemented in mediation. It is interesting to examine how mediation can implement Pancasila values and what challenges are faced in implementing Pancasila values in mediation in court. This research uses a qualitative method with a library research approach, collecting and analyzing data from various written sources, such as books, journal articles, reports and official documents that are relevant to the research topic. The research results show that Pancasila values can be implemented in mediation in court which becomes a reference for disputing parties, mediators, legal representatives and judges, so that the mediation process is based on high ethics and morals, fair treatment, constructive dialogue to find common ground, as well as active participation of the parties so that the resulting solution reflects mutual agreement and benefit. Obstacles include social and cultural factors in society which give rise to various points of view about mediation, skepticism regarding failed mediation experiences, weak knowledge and understanding of Pancasila values.

Keyword: Pancasila Values; Mediation; Pancasila Education; Court

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The integration of mediation in court in resolving civil disputes in accordance with Supreme Court Regulation Number 1 of 2016 is an effort to reduce the burden of cases in court and provide space for more harmonious and fair resolution. One important aspect of mediation is the application of Pancasila values, which are the basic philosophy of the Indonesian state. Pancasila is not only a guide in national and state life, but also a basis for legal processes, including mediation.

Pancasila as the basis of the Indonesian state contains values that are very relevant in the context of mediation, including the values of humanity, social justice and unity. In practice, mediation aims to reach a mutually beneficial agreement for all parties involved in the dispute. According to data from the Supreme Court, the number of cases that resolved through mediation shows a downward trend. In 2022, the total number of cases submitted to religious courts and district courts will be 109,382, of these cases around 19.07% were successfully resolved through mediation, while 59.14% were unsuccessful and 20.21% could not be implemented. This shows that mediation is not yet an effective option for resolving disputes, even though all civil disputes that enter religious courts and district courts must be resolved first through mediation.

The importance of implementing Pancasila values in court mediation can be seen from how these values can create an atmosphere conducive to dialogue and negotiation. For example, moral values encourage parties to uphold the moral and ethical values taught by their respective religions, human values encourage parties to respect, appreciate and understand each other's positions. The value of Unity can create an atmosphere that is conducive to rebuilding harmonious relations between the two parties, the value of society encourages the parties to deliberate to reach an agreement and have the same opportunity to express their opinions and aspirations. The value of justice encourages parties to reach solutions for future interests. By prioritizing Pancasila values, it is hoped that mediation can run more effectively and produce sustainable solutions.

Pancasila, which includes aspects of divinity, humanity, unity, democracy and social justice, has values that can be applied in various aspects of life, including conflict resolution by prioritizing the fourth principle value, namely democracy led by wisdom in representative deliberations. Pancasila has a significant role in overcoming conflict by providing a moral and philosophical foundation that promotes dialogue, tolerance and justice. Conflict resolution is an effort to move towards a peaceful situation, an aspect of action that is forecasting, early warning & early systems, as well as appropriate handling. So that Pancasila as a whole is able to provide strong relevance as conflict resolution. including in mediation.

So Pancasila values can be used to analyze how Pancasila values play a role in shaping the attitudes and behavior of the parties in mediation. Mediation is a dispute resolution process in which the disputing parties try to reach an agreement with the help of a neutral third party. The process is carried out through negotiations to obtain an agreement between the Parties with the assistance of a Mediator who emphasizes dialogue, communication and the search for mutually beneficial solutions. According to Garry Goopaster in Syahril Abbas, mediation is a problem-solving negotiation process in which external parties are impartial (impartial) cooperate with the parties to the dispute to help them obtain a satisfactory agreement. According to Allan J. Stitt, in mediation, dispute resolution arises more from the wishes and initiative of the parties, so the mediator's role is to help them reach agreements.

Mediators in the pre-mediation process must consider and be aware of cultural differences, because they are very sensitive and can have a negative impact on the mediation process, there are cultural values where mediation can only be carried out by male figures, even in other cultural contexts the mediation task can only be carried out by a team of respected figures in society. In connection with these cultural differences, the values of Pancasila can be used as guidelines by the Mediator in conducting mediation.

The existence of a mediator as a third party really depends on the trust given by the parties to resolve their dispute. Apart from that, the mediator must have personal skills, including: the ability to build trust between the parties, the ability to show empathy, not judge and give positive reactions to statements made by the parties in the mediation process even though he himself does not agree with the statement, communication skills. good, clear and easy to understand, ability to establish interpersonal relationships

Based on data from the Supreme Court in 2022 which shows that the trend of decreasing cases that can be resolved through mediation is linked to Pancasila values which can create a conducive atmosphere for

dialogue and negotiation in mediation, it is interesting to research what Pancasila values are relevant in mediation in court, how the mediation process that implements Pancasila values can increase the effectiveness of dispute resolution, what are the challenges faced in implementing Pancasila values in mediation in court.

2. RESEARCH METHOD

In this research, researchers used qualitative methods with a library research approach. This approach was chosen to explore a deep understanding of Pancasila values in resolving disputes through mediation. The library study method involves collecting and analyzing data from various written sources, such as books, journal articles, reports, and official documents that are relevant to the research topic. This approach does not require collecting primary data through direct observation, but focuses more on collecting existing secondary data.

Data analysis was carried out carefully, involving examination and evaluation of the content of the various sources that had been collected. The aim of this analysis is to gain comprehensive insight into the values of Pancasila in resolving disputes through mediation, as well as to understand the various perspectives that have been expressed in existing literature.

The literature study approach is often used in research that aims to compile a literature review, conduct a literature synthesis, or carry out descriptive research that aims to describe a particular phenomenon or investigate different views in existing literature. Thus, this method is the right choice to answer research questions about the implementation of Pancasila values in court mediation, allowing researchers to collect and analyze relevant information carefully and systematically.

3. RESULTS AND DISCUSSION

A. *Pancasila Values*

Pancasila is the basis of the Republic of Indonesia which was inaugurated on August 18 1945. The term "Pancasila" comes from Sanskrit which means "five principles". Pancasila consists of five principles which serve as guidelines for national and state life. The meaning of Pancasila is not only limited to legal aspects, but also includes moral and ethical values that must be internalized by every citizen. According to Soekarno, Pancasila is "the source of all sources of law" which reflects the identity of the Indonesian nation. The concept of Pancasila as the source of all sources of law is currently implemented from the micro aspect, namely in the principles of forming laws and regulations, while from the macro aspect it is the basis of the rule of law and the development of the national legal system.

In the context of law and justice, Pancasila functions as a philosophical and ideological foundation that directs all legal processes in Indonesia. This includes the application of Pancasila values in various aspects of life, including in resolving disputes through mediation. Pancasila is a reference for creating justice and prosperity for all Indonesian people, as well as encouraging the creation of social harmony in a pluralistic society.

The value of belief in the Almighty God emphasizes the importance of recognizing the existence of one God. In the context of mediation, this value teaches that every individual has the right to respect and respect other people's beliefs. Mediation carried out in compliance with this principle can create an atmosphere of mutual respect and reduce tension between the parties to the dispute. Divine values, such as tolerance, mutual respect and love, are very effective in preventing conflict and building social harmony.

Fair and Civilized Human Values, emphasize the importance of justice and respect for human dignity. In mediation, this value is very relevant because the main goal of mediation is to reach a fair agreement for all parties. Therefore, a mediator must have the courage to defend truth and justice and uphold human values in accordance with the second principle of Pancasila.

The value of Indonesian Unity, underlines the importance of unity and unity in a diverse society. In the mediation process, this value can be realized through an inclusive approach, where all parties are given the opportunity to express their opinions and aspirations. Research by the National Legal Development Agency (BPHN) shows that mediation that actively involves all parties can create a sense of ownership and shared responsibility for the outcome of the agreement (BPHN, 2022).

The fourth principle of Pancasila emphasizes the importance of deliberation to reach consensus. In the context of mediation, this principle means that every decision taken must be based on mutual agreement, not coercion. A good mediation process must prioritize dialogue and deliberation, so that all parties feel involved in the decision-making process. For example, the case of mediation in family disputes involving inheritance, where decisions taken through deliberation can avoid prolonged conflict.

The fifth principle value, Social Justice, emphasizes the importance of fairness in the distribution of resources and opportunities. In mediation, this value can be applied by ensuring that all parties receive fair and equal treatment, so that a fair approach in mediation can create better relations between the two parties.

B. *Implementation Of Pancasila Values and Mediation*

The mediation process must be based on high ethics and morals, where both parties and the mediator are expected to act with integrity and honesty. Mediators who have good ethics and morals tend to be better able to manage conflict in an ethical way. This shows that appreciation of Godly values is possible strengthen the mediator's commitment to carrying out their duties. In this context, mediation is not just a dispute resolution process, but is also an effort to achieve justice in line with religious teachings. Therefore, the mediator's code of ethics and norms of practice have an important role in carrying out mediation with integrity and professionalism.

Mediators must comply with the rules and ethical standards in their professional code of ethics, as well as follow applicable mediation practice norms. Religion also plays an important role in encouraging conflict resolution, in many cases, religious values can be a bridge to reach agreement. The results of this research show that religion has a significant influence in resolving social conflicts. Moral values, ethics and peace teachings found in religion are often used as a guide in resolving conflicts. In addition, religious communities often act as mediators or facilitators of dialogue between parties involved in conflict. A mediator who understands and respects the religious background of the parties can create an atmosphere that is more conducive to dialogue.

Fair and civilized human values are an important basis for mediation in court. Every party involved in the mediation process has the right to receive fair and equal treatment. In this case, the mediator must be able to create an impartial environment and respect the rights of all parties. The mediator ensures that both parties are heard and get an equal opportunity to express their opinions. By applying fair humanitarian principles, the mediator succeeded in reaching an agreement that was satisfactory for both parties, which ultimately reduced the potential for future conflict.

The value of Indonesian Unity is very relevant in the context of mediation, especially in maintaining unity amidst differences. Mediation can function as a tool to defuse conflicts that have the potential to divide society. Through mediation that emphasizes the value of unity, the mediator succeeds in creating a constructive dialogue, where both parties can share views and find common ground. As a result, the agreement reached not only resolves the dispute, but also strengthens the relationship between both parties, so that mediation based on the value of unity can contribute to social stability.

Popular values led by wisdom are reflected in the importance of active participation of the parties in the mediation process. An effective mediation process requires the involvement of all parties involved, so that they feel they have a stake in resolving the dispute. In the mediation process, the presence and participation of the parties plays an important role and determines whether or not the mediation process will proceed in the future.

The mediator encourages all parties to actively contribute to the discussion, so that every voice is heard and considered. This approach does not only speeds up the settlement process, but also increases the satisfaction of the parties with the final result. Thus, active participation is key in creating fair and wise decisions. In mediation, the resulting decision must reflect mutual agreement and not only benefit one party. mediation that ends in consensus produces a more sustainable solution.

The value of Social Justice for All Indonesian People emphasizes the importance of access to mediation for all groups. Mediation must be accessible to all levels of society, regardless of social, economic status or cultural background. Therefore, all civil cases submitted to religious courts and district courts are required to follow dispute resolution procedures through mediation (Article 3 paragraph (1) Perma Number 1 of 2016). In line with the value of social justice in mediation is the resolution of disputes that benefits all parties. Mediation must produce a solution that not only satisfies one party, but also provides benefits for all parties involved. Mediation that is oriented towards a win-win solution has a higher level of satisfaction between the parties.

The mediator encourages the parties to work together to find solutions that not only resolve the problem, but also provide new opportunities for future cooperation. As a result, both parties feel benefited and are committed to maintaining good relations. Mediation that focuses on solutions that benefit all parties can support the creation of social justice in society.

C. *Challenges in implementing Pancasila Values in Mediation in Court*

The implementation of Pancasila values in court mediation is often hampered by cultural and social factors that exist in society. In Indonesia, which is a country with diverse ethnicities, religions and cultures, these differences can influence the way people view the mediation process. For example, in some cultures, conflict resolution prioritizes harmony and avoidance of confrontation, which can conflict with the principles of Pancasila which prioritize justice and deliberation for consensus. Local cultural values can be used as a medium for conflict resolution at the local level despite the fact that, changes and progress over time continue to erode existing local cultural values.

Skeptical attitudes towards the mediation process can also be influenced by negative experiences in the past. If someone has experienced mediation that was unsuccessful or unfair, they are likely to be hesitant to try again. Therefore, it is important for judicial institutions to provide education and clear information regarding the mediation process, as well as guarantee that the values of Pancasila will be implemented consistently in every case.

To overcome these cultural and social barriers, a more inclusive and participatory approach is needed, involving community figures and local leaders in the process of socializing Pancasila values and the benefits of mediation can help change people's views and increase their participation in the conflict resolution process through mediation. Mediation Socialization is very beneficial for parties or individuals involved in the dispute process, both as disputing parties, mediators or solution providers such as sub-district heads, village heads, village officials, families, traditional leaders, community leaders, and various levels of society to deepen understanding in the field of negotiation and mediation.

Limited public knowledge about Pancasila is also a challenge in implementing it in mediation. Even though Pancasila is the legally recognized basis of the state, many individuals do not fully understand the values contained in it. A survey conducted by the Indonesian Survey Institute (LSI) in 2023 showed that only 40% of respondents could properly explain the meaning of the Pancasila principles.

This lack of understanding has an impact on the application of Pancasila values in the mediation process. For example, the values of social justice contained in Pancasila should be the basis for mediators to ensure that all parties receive fair treatment. However, without adequate understanding, mediators may not be able to apply these principles effectively. This has the potential to cause dissatisfaction among the parties involved in mediation.

Apart from that, training for mediators also needs to be strengthened. Mediators who do not have a good understanding of Pancasila may not be able to carry out their role optimally. Training that prioritizes Pancasila values as the basis for mediation can help improve mediators' competence in carrying out their duties.

This is important to ensure that the mediation process runs in accordance with the expected principles. By increasing the knowledge of the community and mediators about Pancasila, it is hoped that the implementation of these values in mediation can run more effectively. Continued outreach and better education about Pancasila will help create an environment that supports peaceful and fair conflict resolution.

4. CONCLUSION

Pancasila values can be implemented in various aspects of life, including in resolving disputes through mediation in court which becomes a reference for disputing parties, mediators, attorneys and judges, so that all mediation processes are based on high ethics and morals, receiving fair treatment. and equally, creating a constructive dialogue, where both parties can sharing views and finding common ground, active participation of the parties in the mediation process so that the resulting decisions must reflect mutual agreement, and produce solutions that provide benefits for all parties.

The implementation of Pancasila values in mediation in court still faces various challenges, including social and cultural factors in society which give rise to various points of view about mediation, skepticism regarding failed mediation experiences, weak knowledge and understanding of Pancasila values.

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