

EFEKTIVITAS PENERAPAN DEWA SENGKETA KONSTRUKSI DALAM PENYELESAIAN SENGKETA PADA PROYEK KONSTRUKSI DI INDONESIA

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The increase of infrastructure development in Indonesia is growing following various needs, such as growing needs for facilities and infrastructure for the people, as well as technological advancement. In a construction project contract, the dynamics of the contract can cause changes in the duration of implementation, the complexity of the size and price of the agreed contract at any time, which is done through amendment mechanisms. This dissertation discusses the legal benefits that are implemented in construction management in Indonesia.

Referring to Law No.2 of 2017 concerning Construction Services, stages of dispute resolution efforts can be done through Mediation, Conciliation, and Arbitration, as well as forming a Dispute Board. Dispute Board (Construction), or also known as Dispute Resolution Board, has been widely applied in various countries, which has been developed from Alternative Dispute Resolution (ADR). One of the legal culture in Indonesia is consensus for consensus, this component of law has also affected the work of the legal system. Eastern society also preferred harmonization values as their application of law in solving problems. They tend to reject the application of the law for problem solving because they consider it as a rift to the social relations in society. The value of harmony and tendency to cover the problem is the culture of eastern society, and this is certainly very different from the view and attitude of western society in looking at the law.

Currently, although a verdict has been reached in the Court, it can still be escalated until the Supreme Court level and can even be brought to Reconsideration (PK), so dispute settlement through the Court (Litigation) will be prolonged. The scope of this research is in Jakarta, Indonesia, and the dispute resolution strategy has been tested statistically using 5 variables and 27 indicators. The responses received from the questionnaire indicates that the construction industry community prefers dispute resolution that can be immediately resolved right after recommendation from the Team (Construction Dispute Board) is received. Statistical test using Partial Least Squares-Structural Equation Modeling (PLS-SEM), proves that the Dispute Board is a good dispute resolution system for the people of Jakarta, Indonesia. In addition, it is also good for raising awareness or preventing the occurrence of disputes. Dispute resolution must be handled promptly and accurately by independent, trusted and respected experts, from the start to the end of the project, so that the project can still continue progressing while the settlement of a claim or dispute is in process.

Keywords: claim, dispute resolution, construction projects.