

COURT-CONNECTED MEDIATION: RESOLUTION OF CIVIL DISPUTES BASED ON THE PRINCIPLE OF DELIBERATION

Indriati Amarini^{1*}, Noor Kholifah Hidayati², Izzatul Muna³

¹*Faculty of Law Universitas Muhammadiyah Purwokerto, Indonesia*
indriati.amarini@gmail.com

²*Faculty of Law Universitas Muhammadiyah Purwokerto, Indonesia*
noorkholifahhidayati@ump.ac.id

³*Islamic Economics and Finance Istanbul Sabahattin Zaim University, Turkey*
526022006@std.izu.edu.tr

*Corresponding Author

Article History

Received: 11 July 2025

Accepted: 30 July 2025

Keywords:

Mediation;

Court;

Principle of deliberation;

ABSTRACT

Mediation is a method for peacefully resolving disputes. In Indonesia, mediation has been part of the court dispute resolution process since the introduction of the Dutch East Indies court procedural law. The Supreme Court has since reinforced mediation through regulations to facilitate early dispute resolution. However, the practical application of mediation in courts has not reached its full potential. This research examines the court mediation model in light of Pancasila values. The study employs doctrinal research methods and analyzes secondary data, including laws, regulations, books, research findings, and academic journals, through qualitative analysis. Findings indicate that disputes are ideally resolved through deliberation, with court proceedings a last resort. Mediation aligns with Pancasila's philosophical foundations, emphasizing consensus-building through deliberation. This principle is crucial for national life and governance and is grounded in the Pancasila value of democracy guided by wise deliberation and representation. Court mediation, reflecting Pancasila values, involves a neutral third party, typically a judge, to facilitate a fair resolution, aiming not only for agreement but also for harmony, unity, and justice among the conflicting parties.

INTRODUCTION

The swift rise in mediation can largely be attributed to its adoption by the judiciary. Mediation is now an integral part of most civil justice systems, with lawyers, judges, and other court officials participating in mediation in a variety of roles, including as mediators.

The courts are a vital component of modern legal systems and are widely trusted by people worldwide. They serve as the final avenue for seeking justice and truth. Mediation is a widely accepted method for resolving conflicts, and its importance is recognized globally. In recent years, there has been a growing trend toward implementing mandatory court-annexed mediation programs around the world.

The mediation process for resolving disputes brings the disputing parties together in a private setting with the help of a neutral mediator. The mediator's role is to facilitate open

communication between the parties, help them see each other's perspectives, and guide them toward a fair and mutually beneficial solution. It is important for the mediator to remain impartial, promote positive interactions, communicate effectively with all parties involved, actively listen to their concerns, highlight common ground, and ultimately assist in reaching a resolution that satisfies all parties involved. The mediator helps the parties reach a mutual agreement by facilitating communication and a comprehensive exchange of information, and by helping the parties identify and recognize their needs and interests.

Mediation is a dispute resolution process in which the parties agree to engage a neutral mediator to help them communicate and find a solution. Courts are currently using mediation to settle disputes outside traditional courtroom settings. This approach, applied early in civil dispute resolution, aligns with the courts' duty to interpret civil procedural law, allowing judges to promote reconciliation among the parties involved.

Furthermore, the integration of mediation into the court case process is supported by practical considerations outlined by the Supreme Court.

First, the mediation process is designed to address the issue of case backlog by providing an alternative means for parties to resolve their disputes. Second, when a case goes to trial, the losing party frequently files an appeal or cassation, leading to a lengthy and drawn-out process that can take years to reach a resolution, from the initial court hearing to the final decision by the Supreme Court. Third, the Supreme Court still mandates that the parties make efforts to reconcile with the assistance of a mediator, as outlined in procedural laws. This requirement compels judges to facilitate reconciliation before proceeding with the decision-making process. Fourth, this new regulation is designed to shift the perspective of key stakeholders in the civil justice process, including judges and advocates, by emphasizing that the court institution is not solely responsible for rendering judgments but also for promoting reconciliation.

Court-connected mediation is a process in which individuals voluntarily participate in mediation sessions supervised by a judge, with the goal of reaching a resolution to their conflict that is agreeable to all parties involved.

Extensive research on court-annexed mediation has identified numerous areas for improvement within these institutions. One notable obstacle to the advancement of court mediation, as recognized by both judges and judge-mediators, is the overwhelming workload burdening judges. Some judges still believe that judge-mediators should not be responsible for court mediation, reinforcing the necessity for increased involvement of non-judge mediators in the court mediation process.

In 2003, Jordan introduced a mediation model based on Western practices and integrated it into the court system. However, the effectiveness of this approach has been limited. The mediation law in Jordan offers parties three options for selecting a mediator, including the option to choose a judge as the mediator. This presents parties with important considerations to weigh when making their selection, with the ultimate aim of increasing their understanding of the mediator's suitability for their case. Scholars have argued that legislative changes are necessary to encourage the wider adoption of mediation in Jordan.¹

The success of the mediation program in Jordan depends on several factors, including the efficiency of the civil litigation system, the competence and expertise of the mediators, the measures in place to prevent bias, the level of education provided to participants, and the extent of cultural and institutional support available. These elements play a crucial role in determining the effectiveness and overall outcomes of the program.

¹ Bakr Abdel Fattah Al Serhan, Wesam Faisal Al Shawawreh, and Pauline Collins, "Practice Insight: Court-Connected Mediation in Jordan—Considerations for Choosing a Mediator," *Conflict Resolution Quarterly* 40, no. 4 (May 1, 2023): pp 483–92, <https://doi.org/10.1002/crq.21383>.

The introduction of court-annexed mediation in Finland has had a profound impact on the culture of civil cases within the court system. This influence can be seen in three main areas: changes in legislation, advancements in theory, and practical implementation. Beginning in 2006, new legislation has gradually transformed the practice of mediation. Today, a considerable number of cases in district courts are referred to mediation as a means of resolution. Notably, this legislation also expanded the role of judges, defining them as mediators and subsequently leading to many judges receiving training and gaining experience in mediation. Furthermore, the theoretical foundation within the courts has evolved, with mediation theory becoming a relevant basis for the mediation process. This cultural transformation is not one-sided, as mediation has not only become integrated into the legalistic court environment but has also influenced the way the legal system approaches conflict resolution.

The study's findings reveal that the various mediation models (facilitative, evaluative, and transformative) share some listening goals while also having distinct ones. This implies that judges need a diverse set of listening skills to mediate effectively. Moreover, listening in facilitative mediation can be quite intricate, emphasizing the importance of building strong relationships. Additionally, the majority of judges exhibit a strong focus on the individuals involved in the mediation process, demonstrating exceptional skills in interpretation and evaluation.²

This legal research delves into doctrinal analysis to identify relevant legal sources that can be used to formulate new theories and address current challenges. The study meticulously assesses the principles, doctrines, and legal frameworks pertaining to court-annexed programs in Indonesia. The novelty of this research is the development of court-based mediation grounded in Pancasila. The initial phase of the research involved compiling a comprehensive list of laws concerning court-annexed mediation for civil dispute resolution in Indonesian courts. In this regard, the researcher will analyze the opportunities and challenges of court mediation, including (1) dispute resolution practices through court-annexed mediation, (2) court-annexed mediation in Indonesia based on Pancasila, and (3) the future development of court-annexed mediation. The research methodology employed a combination of legal conceptual analysis and comparative study.

DISCUSSION

Dispute Resolution Practices Through Court Connected Mediation

Mediation is widely recognized around the world, as court rules require parties to negotiate and use mediation to resolve disputes. Mediation is a process in which an impartial individual facilitates dialogue and helps conflicting parties reach agreements. The term mediation derives from the Latin word "medius," meaning middle, highlighting the mediator's role as a neutral intermediary. The mediator plays a crucial role in ensuring that all parties' interests are considered and respected, fostering a sense of fairness and trust throughout the resolution process.

The objective of a judicial process is not merely to establish culpability or the veracity of claims. It must also aim to restore or strengthen the social ties affected by the conflict. The achievement of social coherence is not limited to individual or collective domains but also extends to the vertical relationship between God and society. The idea of promoting harmony is universally appealing and can be implemented in different societal contexts.³

² Sanna Ala-Kortesmaa and Tuula-Riitta Valikoski, "Listening in Court-Connected Mediations," (*International Journal of Listening*, 2023): pp. 1–17, <https://doi.org/10.1080/10904018.2023.2185244>.

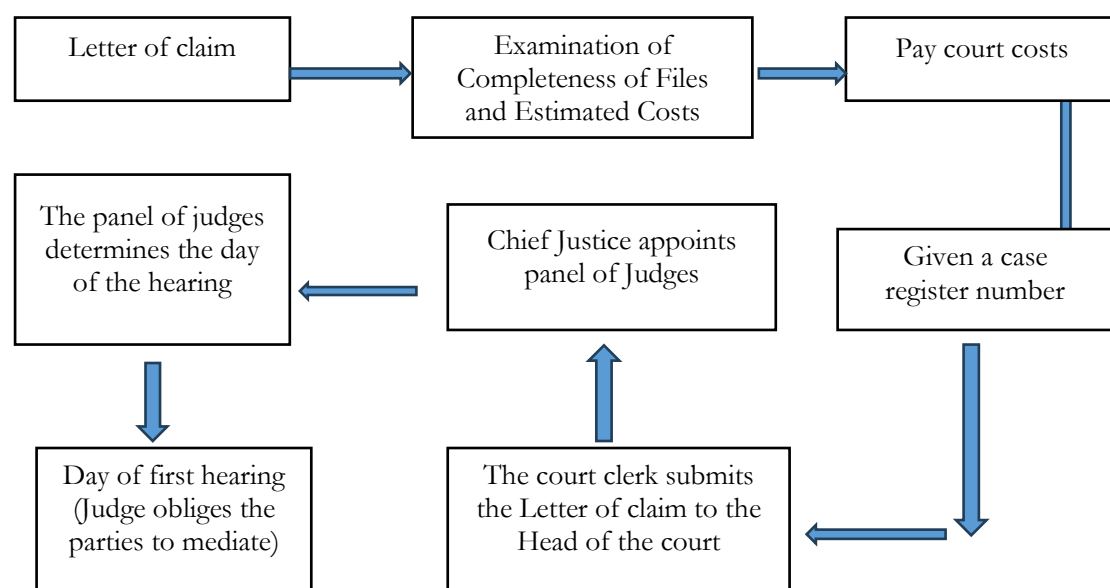
³ Karolus Kopong Medan, "Peradilan Berbasis Harmoni Dalam Dalam Guyub Budaya Lamaholot - Flores," *Jurnal Dinamika Hukum* 12, no. 2 (2012): pp. 209–20, <http://dx.doi.org/10.20884/1.jdh.2012.12.2.24>.

The concept of justice center on how rights and responsibilities are distributed. Certain rights are inherent to humans, known as natural human rights, and are bestowed upon them by God. These rights apply to all individuals, regardless of their ethnicity, race, nationality, or religion. In Indonesia, where there is great diversity, it is essential to develop laws that accommodate this heterogeneity. However, before creating laws that govern society, a more comprehensive philosophy of law is required to ensure that justice is served to all groups, regardless of their ethnicity, race, or religion.

A settlement agreement is a highly recommended way to resolve disputes, as it can prevent tension and disharmony between the parties involved. These negative emotions can escalate and result in long-lasting enmity, causing irreparable damage to relationships. Using a settlement agreement is strongly advised for resolving conflicts, as it can effectively mitigate tension and discord between parties. These negative feelings can intensify and lead to lasting animosity, ultimately harming relationships irreparably. To foster reconciliation, it is crucial to address the needs and concerns of all parties involved, ensuring that they feel content and fulfilled. This sense of satisfaction extends beyond the tangible aspects of the disagreement, encompassing emotional well-being that can be achieved through a settlement agreement.

The inclusion of settlement agreements in court processes aims to help disputing parties overcome challenges and achieve a straightforward, swift, and cost-effective resolution through negotiation and dialogue, rather than relying solely on legal procedures. Court mediation has emerged from the growth and strengthening of settlement institutions, prompting judges to take an active role in fostering peace between the parties. By integrating settlement agreements into court proceedings, the intention is to facilitate discussions and negotiations that lead to a mutually agreeable and efficient resolution outside the conventional legal framework. This strategy reflects the progress and enhancement of settlement institutions, which necessitate judges to actively seek amicable solutions in legal cases.⁴

Figure 1: Court Mediation Procedure based on the Supreme Court Regulation Number 1 of 2016



⁴ Bambang Heriyanto, *Pengkajian Tentang Penyelesaian Sengketa Tata Usaha Negara Melalui Perdamaiian: Dalam Perspektif Ius Constitutum Dan Ius Constituendum*, (Jakarta: Badan Litbang Diklat Hukum dan Peradilan Mahkamah Agung RI, 2015).

As stipulated by Supreme Court Regulation Number 1 of 2016, all parties in a civil case must participate in a mediation session. This mandatory procedure occurs on the first day of trial and is designed to promote negotiation and agreement between the parties. Mediation serves as a valuable tool for preventing conflicts and challenges that can arise when making tough choices. Consequently, it is imperative for courts at every level to prioritize mediation as a primary method for resolving civil disputes.⁵

Mediation offers advantages that extend beyond the parties involved in a dispute, as it also improves the overall efficiency of the court system. One key benefit is that mediation helps to alleviate the backlog of cases in the court system. By resolving disputes through mediation, the number of cases that actually need to go to trial is decreased. This ultimately helps to streamline the legal process and reduce the potential for intentional delays. Moreover, mediation is typically quicker and more affordable than traditional court proceedings, making it a popular choice for many individuals seeking resolution.

There are numerous benefits to using mediation in court to resolve disputes. One major advantage is that it is a quicker, more cost-effective way to reach a resolution that all parties find satisfactory. Furthermore, it helps avoid the need for further appeals and delays, thereby alleviating the burden on the court system. Mediation also empowers individuals and ensures equitable access to justice within the community. It is a private, confidential process with a high success rate, fostering the potential for ongoing positive interactions between the parties involved.

In summary, Article 4 paragraph (1) mandates participation in mediation for all civil disputes, including situations where individuals resist a court's ruling or refuse to comply with legally binding decisions. However, there are exceptions to this requirement, as outlined in the Supreme Court Regulation Number 1 of 2016. These exceptions include disputes with deadlines for resolution, cases where either party is absent during the legal proceedings, counterclaims or involvement of third parties, legal matters related to marriage (such as preventing, rejecting, annulling, or legitimizing a marriage), and disputes that have already undergone unsuccessful mediation with a licensed mediator appointed by the local court.

Mediation is a popular method for resolving disputes, especially in civil jurisdictions. It can be used to settle a wide range of civil disputes, including those related to family, inheritance, business, contracts, and banking. Its significance is underscored by its mandatory inclusion in court cases, where judges, mediators, and disputing parties are bound to adhere to the mediation process to avoid legal repercussions. Failure to engage in mediation can result in cases being declared invalid. Mediation is lauded for its expediency and cost-effectiveness in settling conflicts, ultimately fostering a sense of fairness by delivering mutually agreeable outcomes. The mediation process emphasizes collaboration and consensus-building among all parties involved, aiming to address the interests and concerns of each party in resolving the dispute.

The Supreme Court of Indonesia has initiated measures to shorten the duration of court proceedings by enhancing the mediation process in civil cases. The objective of this court-associated mediation is to offer a quick, cost-effective, and straightforward trial experience by using court institutions effectively and efficiently. By engaging in mediation early in the trial, disputing parties can reach a settlement agreement and bypass prolonged and laborious trial procedures. Consequently, litigants who successfully achieve a resolution through

⁵ Rika Saraswati et al., "Peranan Mediator Hakim Dan Mediator Non Hakim Melindungi Hak-Hak Anak Dalam Penyelesaian Sengketa Perceraian," *Justitia et Pax* 36, no. 2 (2020): pp. 159–79, <https://doi.org/10.24002/jep.v36i2.3164>.

mediation can bypass multiple stages of the trial process and proceed directly to the pre-examination stage.

The process of resolving disputes through court mediation is governed by the civil procedure law. However, this provision only allows the parties involved to reach a settlement on their own, as the judge presiding over the trial is not permitted to become too involved in the parties' issues. This is due to the ethical code and procedural law that require the parties themselves to take an active role in seeking resolution. In the past, settling disputes through court mediation or settlement was a voluntary choice; however, it has now become mandatory. This shift toward mandatory mediation reflects the progress and strengthening of the settlement institution, which gives judges a greater role in facilitating peace between conflicting parties.

The introduction of mediation in Indonesian courts dates back to Supreme Court Circular Number 1 of 2002. The circular aimed to empower first-level courts by encouraging the use of settlement institutions, as stipulated in Article 130 HIR/*Het Herziene Inlandsc Reglement/Staatblad* 1941-44 and Article 154 RBG/*Rechtsreglement voor de Buitengewesten/Saatblad* 1927-227. These articles require judges to facilitate reconciliation between parties before the formal hearing of their cases.

Furthermore, the Supreme Court has enhanced the provisions outlined in the Supreme Court Circular by issuing Supreme Court Regulation No. 2 of 2003, which sets out procedures and guidelines for court mediation proceedings. However, after its implementation, it became evident that Supreme Court Order No. 2 of 2003 posed certain challenges, prompting the need for a replacement. Consequently, Supreme Court Order No. 1 of 2008 was introduced as a substitute, aiming to address the issues encountered and enhance the efficacy of mediation within the realm of judicial proceedings. Notably, Supreme Court Order No. 1 of 2008 emphasizes the compulsory nature of mediation. Furthermore, Article 2, paragraph (4) of Supreme Court Order No. 2 of 2003 mandates that judges, when delivering their decision in a case, must acknowledge the mediation efforts by mentioning the mediator's name.

Supreme Court Regulation No. 1 of 2016 was issued by the Supreme Court following the introduction of Supreme Court Regulation No. 1 of 2008, which had been in effect for six years. This updated regulation delineates four distinct categories of settlement that the court will facilitate. The first category pertains to mandatory mediation, which is mandated by the presiding judge and must be concluded by the parties within 30 business days, with the option of a 30-day extension. This form of settlement is supervised by both a judge mediator and a certified non-judge mediator. The second category encompasses voluntary mediation during the case examination phase, while the third involves voluntary settlement agreements during the legal remedy phase. Lastly, the fourth category involves settlement outside the courtroom, either with or without the aid of a certified mediator, and can be formalized through a settlement deed in court.

The most recent regulation issued by the Supreme Court, officially referred to as Regulation Number 1 of 2016, supersedes earlier regulations and introduces updated guidelines to enhance the mediation process. These provisions set out the specific criteria that define deceitful behavior by parties during mediation, as well as the repercussions that may result from such actions. Additionally, the regulation establishes a framework for resolving disputes that may arise between the parties involved, as well as those directly related to the subject matter of the case at hand. It also delineates a clear sequence of steps to address any conflicts that may emerge during the mediation process. In addition to these provisions, the regulation provides further clarity regarding the various stages of mediation. It also allows judges who do not possess formal certification in mediation to engage in the same mediation

procedures as their certified counterparts, thereby broadening the pool of judges who can effectively facilitate the mediation process. Overall, Regulation Number 1 of 2016 represents a significant advancement in the legal framework governing mediation, aiming to foster a more equitable and efficient environment for all parties involved.

In addition to these measures, it is critically important to improve administrative procedures for documenting and reporting on mediation cases. Streamlining these processes will not only provide invaluable data for assessing the effectiveness of mediation but also help identify areas for further improvement. Alongside this, upgrading the physical facilities designated for mediation within court buildings is necessary to create a more conducive environment for these discussions. Comfortable, well-equipped mediation rooms can significantly influence the quality of interactions and negotiations during the mediation process. Moreover, establishing a clear and well-defined relationship between the Supreme Court and organizations responsible for mediator certification is crucial. This partnership can facilitate the development of standardized training and certification programs that ensure mediators possess the necessary skills and knowledge to handle various disputes effectively. By implementing these proposed changes, courts can greatly enhance the likelihood of achieving successful resolutions through mediation, ultimately benefiting all parties involved and contributing to a more efficient justice system. Furthermore, leadership within the court system must take a proactive role in championing mediation as a viable and beneficial alternative to traditional litigation. Judges, in particular, should be encouraged to take the initiative to clearly explain the advantages of mediation, as well as the step-by-step procedural elements involved, to all parties engaged in the dispute. This educational component is vital, as it can help demystify the mediation process and encourage more parties to consider it as a first option rather than a last resort.

Although there is no explicit legal framework governing mediation in Ukraine, the country's courts are actively seeking to use this pre-trial dispute resolution method. Special emphasis is placed on the courts' enforcement actions in both criminal and administrative matters, where there is a concerted effort to align conciliation procedures with those of mediation. This trend reflects a broader commitment to the principles outlined in the Resolutions and Recommendations put forth by the Committee of Ministers of the Council of Europe, as well as the jurisprudence established by the European Court of Human Rights (ECtHR). Notably, in the landmark case of *Golder v. United Kingdom* in 1975, the ECtHR asserted the fundamental importance of access to justice as an essential component of the rule of law. Nevertheless, the traditional view that courts should be the primary venue for dispute resolution is increasingly challenged by the rise of alternative dispute resolution methods, which can include both treaty-based and court-based approaches. This shift signifies a growing recognition of the value and effectiveness of diverse mechanisms for resolving disputes outside the conventional court system.

As a result, mediation has contributed to a redefinition of the court's culture by offering an alternative to conventional court proceedings. This shift has introduced new dimensions to the understanding of the court's role and functions, highlighting the importance of collaborative approaches to conflict resolution. Overall, the integration of mediation into the Finnish civil justice system represents a significant cultural evolution, reflecting a growing recognition of the value of alternative dispute resolution methods. Mediation plays a significant role in shaping the culture of civil courts in Finland. This influence can be examined through three key dimensions: legislative, theoretical, and practical transformations. A pivotal normative shift occurred with the introduction of new legislation in 2006, marking a turning point in how disputes are managed within the judicial system. Over time, this law has initiated a gradual evolution in court practices, leading to a substantial

increase in the number of cases processed through mediation in District Courts today. Furthermore, the theoretical underpinnings of mediation have evolved alongside these legal changes. Mediation theory has become increasingly relevant, providing a solid foundation for the mediation process and informing practitioners about best practices and methodologies. This theoretical advancement supports the integration of mediation into the court system and enhances the overall efficacy of dispute resolution. Under this legislative framework, judges are not only tasked with adjudicating cases but are also recognized as mediators. Many judges have undergone specialized training, equipping them with the skills and experience necessary to facilitate mediation effectively. This dual role enriches the judicial process and fosters a more collaborative atmosphere in the courtroom.⁶

Court Connected Mediation In Indonesia

The application of Court Connected Mediation in Indonesia has not been working well. Factors that interfere mediation and cause mediation to fail⁷:

1. Factors from the litigants who lack sincerity in their efforts to maintain their household or resolve the dispute at hand.
2. When the parties involved in mediation do not attend the session within the allotted time frame.
3. Limited number of certified mediators.

The settlement of civil cases in district courts and religious courts through mediation as per Supreme Court Regulation Number 1 of 2016 is illustrated in the following figure.

Figure 2: Data on Case Settlement through Mediation at District Courts and Religious Courts in 2024

Court		Number of Mediation Cases	Mediation Success Status			
			Succed	Not successful	Cannot to implemented	On Process
1	District Court	48.184	1.802	17.606	23.438	1.338
			4,08 %	39,85%	53,05 %	3,03%
2	Religious Courts	58.969	27.750	28.207	1.433	1.579
			47,06 %	47,83%	2,43%	2,68%
3	Amount	103.153	29.552	45.813	24.871	2.917
	Percentage		28,65%	44,41%	24,11%	2,83%

Source: Supreme Court Annual Report, 2024

The mediation success ratio in district courts increased by 11,35 percentage points to 4,08%, up from 3,66% in 2023. The success ratio of mediation in religious courts increased by 18,09 percentage points from 39,85% in 2023 to 47,06%. The national mediation success

⁶ Linnanmäki, "Mediation: A Change in Finnish Court Culture? BT - Rethinking Nordic Courts."

⁷ Supreme Court of the Republic of Indonesia, *Indonesia Supreme Court Performance Report*, (Jakarta, 2022).

rate increased by 11,97 percentage points from 25,59% in 2023 to 28,65%. A total of 24,871 (24,11%) mediation cases could not be implemented under Article 32 paragraph 2 of Supreme Court Regulation Number 1 Year 2016.

The implementation of mediation in courts varies across countries. In Malaysia, mediation has evolved since its early stages in the mid-1990s and has become an integral part of the country's judicial system. It offers an alternative to resolving disputes without going through the trial process. The program was meticulously crafted to be seamlessly integrated into the existing court process for civil litigation cases. This integration clearly conveys to all parties involved in litigation, as well as their legal representatives, that mediation has now become an official component of the judicial system. During the program's launch, officials revealed that 28 civil cases originating from the High Court had already been directed to the Kuala Lumpur Court Mediation Centre (K.L.C.M.C.) for mediation proceedings. Notably, the program boasts a commendable success rate of 52% in trial courts and 15% at the Court of Appeal. This data highlights the program's potential to provide a more efficient and effective pathway for dispute resolution within the civil litigation framework.

Judges hold a crucial position in the judicial system, tasked with upholding and enforcing laws and ensuring justice is served. The challenge they face is finding a way to apply the abstract concept of justice, which is rooted in certain values, in a tangible manner. It is the responsibility of judges, as the ultimate interpreters of the law, to translate these values into their rulings in order to gain acceptance from society. In diverse communities, judges play a vital role in preventing discrimination and promoting integration by ensuring equal treatment and opportunities for all individuals.⁸

The purpose of the law is to benefit humanity and promote prosperity, happiness, and harmony. It is important to prioritize local wisdom and mediation when resolving civil disputes, with a focus on win-win solutions that leave both parties satisfied and respected. This approach fosters inner peace and reinforces family values and a sense of community. In essence, the law should serve humans rather than humans serving the law.

In order for laws to be effectively enforced in local communities, it is essential that law enforcement officials have a comprehensive understanding of the issues and the areas under their jurisdiction.

When disagreements arise between parties, mediation can serve as an invaluable mechanism for facilitating negotiation and achieving resolution. Mediation involves the assistance of a mediator, but in the case of Court-Annexed Mediation, a judge fulfills this role. The mediating judge plays a crucial role in guiding the disputing parties toward a mutually advantageous agreement by taking into account the interests of both sides. Importantly, once a consensus has been reached through mediation, it carries legal weight and cannot be altered unless both parties provide their consent.

Mediation is frequently recommended in legal proceedings because it offers the opportunity for mutually agreed-upon settlements that consider the concerns and desires of both parties, rather than focusing solely on their entitlements. This prospect hinges on the belief that, through mediation, individuals can delve into deeper issues and devise innovative resolutions tailored to their unique circumstances. Negotiations in mediation go beyond simply dividing current assets; they can also create additional value or mutual advantages.

The legal view of court-connected mediation is that it promotes institutional efficiency and justice.

Mediation has proven advantageous for parties involved in disputes, as it reduces the time and cost required for resolution. By focusing on mutually beneficial solutions, mediation

⁸ Geoffrey Kamil, "The Role of the Judge in a Diverse Community," *ERA FORUM* 10 (2009): pp. 125–37, <https://doi.org/10.1007/s12027-009-0101-z>.

can also offer emotional relief to those in conflict by allowing them to have a say in the outcome. However, despite its advantages, mediation programs within the court system still struggle to achieve high success rates.

The judge bears the crucial responsibility of resolving conflicts presented to them by carefully analyzing the legal ramifications of the parties' actions and their legal positions in the given scenario. As John Marshall famously declared in the landmark case of *Marbury v. Madison*, the judge is tasked with interpreting and applying the law to the unique circumstances at hand. In fulfilling this vital function, the judge serves as a conduit for the values and principles that hold significance in society. Essentially, the judge functions as a tangible representation of the law and the community's core beliefs.

The manner in which judges interpret and implement laws is significantly affected by the specific context and environment in which they function. Historically, the duty of ensuring that laws are applied fairly and justly has primarily rested with law enforcement officials, including judges themselves. These individuals are entrusted with the important responsibility to act with integrity and impartiality in their roles. Yet it is essential to recognize that law enforcement is not merely an abstract or theoretical concept; rather, it is a practical activity subject to various external influences and pressures. Understanding law enforcement transcends a simple societal issue; it is also profoundly shaped by the distinctive circumstances, cultural dynamics, and social interactions that characterize a particular society. The interplay among these elements can significantly affect judicial decisions and the enforcement of laws, highlighting the complex relationship between legal frameworks and the environments in which they are enacted.

Both Article 130 of the HIR (*Hukum Acara Perdata*) and Article 154 of the RBG (*Reglement voor de Burgerlijke Rechtsvordering*) within the Civil Procedure Law establish a clear obligation for parties to engage in mediation as a means of resolving disputes. Specifically, Article 130 HIR outlines a procedure in which, if both disputing parties are present at the designated trial, the district court, aided by the chairman, will make an effort to facilitate reconciliation between them. Should the parties reach an agreement during this mediation attempt, a formal legal document will be drafted to encapsulate the terms of the resolution, and both parties are required to adhere to these stipulations. However, it is crucial to note that Article 130 HIR does not delineate specific guidelines or rules governing the mediation process itself. To address this gap and promote the effective execution of the mediation mandate, the Supreme Court has introduced additional regulations. The latest of these, known as Perma No. 1 Year 2016, pertains to the procedures for mediation within the court system and underscores the increasing importance of mediation as a vital component of the judicial process. This regulation not only clarifies the mediation process but also reinforces the idea that mediation serves as a key tool in facilitating dispute resolution, thereby enhancing the overall efficiency and effectiveness of the judicial system.

There are several reasons why court mediation may not be very effective, and one of these is the involvement of judges as mediators. The efficacy of mediation depends on various factors, such as the mediator's skills and personality, the parties and their representatives, and the overall support system for mediation. For mediation to be successful, the mediator must be committed to providing the parties with both procedural and substantive justice. Unfortunately, some judges may not approach their mediator role with the seriousness it deserves, resulting in the mediation process being treated merely as a formality. This lack of dedication from judges can significantly contribute to the low success

rate of mediation. Additionally, the success of mediation can be influenced by the personalities and cultural backgrounds of the parties involved.⁹

A mediator is an impartial individual who facilitates communication between parties in conflict, aiming to reach a resolution without imposing a decision. Mediation is a formal process in which the parties negotiate with the mediator's assistance to find a mutually agreed-upon solution. The mediator's primary role is to guide and support the discussion without making decisions for the parties. Responsibilities include setting a timeline for the mediation, encouraging active participation from all participants, and possibly suggesting private meetings (caucuses) to help the parties clarify their interests and explore settlement options.

Success in mediation depends on several key factors. First, the mediator must thoroughly prepare and assess the specific case or dispute. Next, it is essential to secure the commitment of all participants to engage in the mediation process. Additionally, ensuring that all parties are present is vital to fostering effective communication and negotiation. Adequate time, expertise, and information must also be available to both the parties and the mediator. Finally, the mediator's experience and professionalism are critical to a successful mediation outcome. In summary, a blend of these elements is necessary to achieve favorable results in mediation.

When fulfilling the role of a mediator, a judge is bound by a set of ethical principles that must be adhered to:

1. Self-determination

An important principle in mediation is that the individuals in conflict have the autonomy to choose how to address and resolve their issues. It is crucial for the mediator to maintain a neutral stance and refrain from influencing the parties in any particular direction. The Mediator Code of Conduct emphasizes the mediator's duty to facilitate the process in a way that upholds the parties' right to make decisions for themselves (Article 4, paragraph 1).

2. Fairness

The mediator has a crucial responsibility to maintain an impartial stance in their words, conduct, and behavior when dealing with all the parties engaged in a conflict. It is crucial for a mediator to be able to mediate only when they can uphold an unbiased and equitable perspective.

3. Conflict of interest

In order to effectively mediate a case, it is imperative for the mediator to avoid any potential conflicts of interest that may arise. These conflicts can arise if the mediator has any personal or professional ties to the case at hand, whether from previous involvement in similar cases or current relationships with the parties involved. It is of utmost importance for the mediator to maintain neutrality and objectivity throughout the mediation process to guarantee a fair and equitable outcome for all parties.

4. Ability

In order to fulfill their role effectively, a mediator must possess the necessary skills and qualifications that are deemed appropriate by all parties involved. They should also participate in relevant educational and training opportunities to enhance their expertise. Additionally, the mediator should have access to information that is pertinent to their training, educational background, experience, and preferred approach to mediation. This

⁹ Benny Riyanto, Hapsari Tunjung Sekartaji, and Dewi Nurul Musjtari, "The Repositioning Mediation Court Model in Civil Dispute Resolution with Justice," *IOP Conference Series: Earth and Environmental Science* 175, no. 1 (2018): pp. 1–7, <https://doi.org/10.1088/1755-1315/175/1/012183>.

information can play a critical role in ensuring that the mediator is able to effectively facilitate the negotiation process and find a mutually acceptable resolution.

5. Confidentiality

The principle of confidentiality is of utmost importance for mediators, who are required to maintain the secrecy of all information related to the case being mediated. During the course of mediation, the mediator is obligated to keep any statements or notes made by the parties confidential, as per Article 5. Failure to uphold this principle can have serious consequences and could compromise the entire mediation process. Therefore, mediators must exercise caution and diligence to ensure that confidentiality is maintained at all times.

6. Quality maintenance of the mediation process

An effective mediator is tasked with ensuring that the mediation they facilitate proceeds smoothly and is of the highest standard. Their primary objective is to ensure that the mediation process is carried out in a manner that strictly adheres to the agreed-upon timetable and is equitable for all parties involved.¹⁰

It is the duty of a mediator to adhere to the rules outlined in the Mediator Code of Conduct when handling disputes between parties. The primary objectives of court mediator certification training are to provide individuals with essential mediation principles and techniques, improve their proficiency in guiding the mediation process, enhance their communication abilities as mediators, instill ethical understanding, and support the advancement of the mediator profession.

Satjipto Rahardjo emphasizes that enforcing the law goes beyond merely following laws and procedures. It requires tapping into the emotional intelligence of law administrators, which includes not only knowledge of laws and regulations but also an inherent sense of morality in all individuals. This underscores the importance of understanding and upholding ethical principles for those involved in law enforcement and in seeking justice. Incorporating mediation into legal proceedings is crucial for resolving disputes in a fair and respectful manner. This approach ensures that both parties feel heard and valued, preventing feelings of defeat or humiliation. Ultimately, it recognizes the innate desire for respect and dignity that all individuals possess.

A wealth of literature explores the essential principles that underpin the practice of mediation, informing methodology and establishing a philosophical foundation for mediators as they engage in their work. It is imperative for those in the role of mediator to possess a comprehensive understanding of these philosophical tenets, as they offer a structured framework that guides their actions and ensures adherence to the core principles that govern the mediation process. Renowned scholars David Spencer and Michael Brogan highlight the work of Ruth Carlton, who has delineated five key principles that are widely recognized and accepted as the fundamental philosophies of mediation. These principles include the critical importance of maintaining confidentiality, the necessity of voluntary participation, the goal of empowering individuals involved in the mediation, the requirement for impartiality, and a sustained focus on identifying unique and tailored resolutions that cater to the specific needs of the parties involved. Understanding and integrating these principles into practice is essential for mediators to facilitate effective and meaningful dialogue, ultimately fostering an environment where disputes can be resolved amicably and collaboratively.

Developing Court Annexed Mediation In The Future Based Pancasila

¹⁰ Heriyanto, "Pengkajian Tentang Penyelesaian Sengketa Tata Usaha Negara Melalui Perdamaian: Dalam Perspektif Ius Constitutum Dan Ius Constituendum."

In 2003, an attempt to introduce Western-style court-connected mediation in Indonesian courts was unsuccessful, primarily because cultural differences were not adequately considered. Effective mediation in resolving disputes requires mediators to acknowledge and respect the diverse backgrounds of the parties involved and to incorporate traditional processes familiar to them. This requires mediators to be mindful of their own cultural biases and assumptions and to understand their clients' cultural perspectives.

Mediation can falter when it is viewed as a mere procedural step, leading to mediators neglecting their duties and resulting in a superficial resolution agreement.

The implementation of mediation in the court system in 2003 aimed to adopt a practice borrowed from the United States; however, its achievements were rather limited. The notion of legal systems being non-transferable, as expounded by Robert B. Seidman, emphasizes that a legal structure designed for one society cannot be effortlessly transplanted onto another group of individuals with diverse social and cultural backgrounds.

In the context of court disputes, it is crucial for judges to possess a deep understanding of society and culture, particularly when dealing with individuals who adhere to cultural traditions that prioritize unity and harmony. In such cases, consensus-based methods can be more effective in resolving conflicts. Scholars in North America have established a correlation between the practice of mediation and the influence of spiritual values rooted in Confucianism, which share a similar emphasis on the significance of harmony and peaceful resolution. The legal system in Japan, heavily influenced by Confucian culture, places great importance on harmony and peace, leading to a lower presence of lawyers and a reduced rate of litigation compared to other countries.¹¹

The mediation process operates on a consensus approach, meaning that any agreements reached must be agreed upon by all parties involved. Mediation can involve two or more parties and is heavily influenced by cultural factors. Societies that prioritize harmony are more likely to accept and use consensus methods such as mediation. Furthermore, mediation operates on the assumption that both parties in dispute are on equal footing in terms of power and that they are open to negotiation, as they rely on each other's cooperation to achieve their respective objectives or interests.

Disagreements and conflicts arise from the inherent variations in human nature and our individual desires. Whenever such disputes emerge within a society, there are numerous approaches and techniques to address and resolve them. Each of these methods is shaped by a distinct viewpoint, influenced by the objectives, traditions, or convictions of the individuals who are directly involved in the dispute. It is important to recognize that the underlying cause of the problem is not solely determined by the rules and regulations that govern the situation, but also by the individuals themselves who are participating in the dispute, including the judges, parties involved, and their respective advocates.

In recent years, mediation practices in various countries have undergone significant changes, with a growing focus on building and maintaining relationships and adopting a multidisciplinary approach to understanding conflict and emotions. However, the court-connected mediation system in Indonesia has not achieved the same level of success and differs markedly from what has been observed in other nations. This highlights the unique nature of the Indonesian context and calls for a distinct approach to mediation. The ineffectiveness of mediation in Indonesia cannot be attributed solely to internal factors such as mediator strategy or the chosen mediation model. External factors, including the psychological dynamics of the disputing parties, prevailing legal traditions in the country, and

¹¹ Masayuki Murayama, "Culture, Situation and Behaviour," in *The Changing Role of Law in Japan: Empirical Studies in Culture, Society and Policy Making* (Cheltenham, UK: Edward Elgar Publishing, 2014), pp. 189–206, <https://doi.org/10.4337/9781783475650.00021>.

court practices that do not align with local customs, also contribute to the lack of success. In Indonesia, the mediation process places significant emphasis on upholding societal values such as legal principles, religious beliefs, moral standards, ethics, and fairness, aiming to reach an agreement that aligns with these values. However, for mediation to be truly effective, systemic support is needed to enhance the quality of the process.

In 2008, the Indonesian judicial system officially incorporated mediation into sharia courts, marking a significant development in dispute resolution. Most mediators in these courts are male judges, who, under the civil procedure law, are required to seek an amicable resolution of conflicts before allowing cases to proceed to trial. The mediation process holds great promise as a cornerstone of legal reform in Indonesia, given its alignment with *musyawarah*, a traditional approach to dispute resolution that emphasizes consensus and collective decision-making. It is important to equip mediators with the awareness, knowledge, skills, and techniques needed to effectively identify, understand, and handle these sensitive cases. Mediators should be trained not only in the technical aspects of mediation but also in the dynamics of gender-based violence and the specific challenges women may face during the mediation process.

The integration of Pancasila values into the mediation profession is particularly significant because it reflects the principles set forth in Supreme Court Regulation Number 1 of 2016. Among these principles, the 4th Precept emphasizes deliberation to achieve consensus, a fundamental goal of effective mediation. To foster integrity within the mediation field, it is imperative to enhance mediators' qualifications through comprehensive certification training programs. Such training should not only cover mediation techniques but also instill a deep understanding of Pancasila values and promote a strong sense of Indonesian nationalism that aligns with the State Ideology. By prioritizing these efforts, both courts and the mediation community can work together to create a more harmonious and effective dispute resolution landscape that truly reflects the nation's cultural and ethical values.¹²

CONCLUSION

Courts are working to improve the quality and accessibility of justice, reduce costs, and speed case resolution by integrating mediation into the court system. Although the idea of integrating mediation has existed since 1848, its successful implementation in Indonesia has not been fully realized. Mediation is one of the philosophical foundations of the Indonesian nation, as stated in Pancasila, namely deliberation for consensus. Deliberation for consensus is an important principle in the life of the nation and state, namely democracy led by wisdom in deliberation/representation. In the context of Pancasila, mediation in court can be understood as the process of resolving conflicts or disputes in court by involving a neutral third party, namely the judge, to help find a fair settlement in accordance with Pancasila's principles. This process not only aims to reach an agreement but also to maintain harmony, unity, and justice between the disputing parties. The involvement of the disputing parties and judges' ability to act as mediators are among the factors that hinder the effective integration of mediation in the courts. Therefore, concrete steps are needed to integrate mediation into the courts, including improving judges' mediation skills and encouraging the participation of disputing parties.

¹² Luiza Romanadze, "Mediation in Post-War Restoration in Ukraine," *Special Issue Access to Justice in Eastern Europe* 4–2, no. 17 (2022): pp. 202–17, <https://doi.org/https://doi.org/10.33327/AJEE-18-5.4-n000432>; Yohanes Jeriko Giovanni, Rama Adi Saputra Sunadynatha, and Selvin Matthew Chandra, "Internalisasi Nilai-Nilai Pancasila Sebagai Profesi Hukum Mediator Dalam Rangka Membangun Integritas," *Jurnal Kewarganegaraan* 7, no. 1 (2023): pp. 925–28, <https://doi.org/https://doi.org/10.31316/jk.v7i1.5055>.

REFERENCES

- Abbas, Syahrizal. *Mediasi Dalam Hukum Syariah, Hukum Adat, Dan Hukum Nasional*. Jakarta: Prenada Media, 2017.
- Adrian, Lin. "The Role of Court-Connected Mediation and Judicial Settlement Efforts in the Preparatory Stage." In *Current Trends in Preparatory Proceedings: A Comparative Study of Nordic and Former Communist Countries*, edited by Laura Ervo and Anna Nylund, 209–31. Cham: Springer, 2016. <https://doi.org/10.1007/978-3-319-29325-7>.
- Agapiou, Andrew, and Deniz Artan Ilter. *Court-Connected Construction Mediation Practice: A Compative International Review*. Abingdon, Oxon: Taylor and Francis Inc, November 10, 2016. <https://doi.org/10.4324/9781315749686>.
- Ojelabi, Olufunmilola Akin. "Ethical Issues in Court-Connected Mediation." *Civil Justice Quarterly* 38, no. 1 (2019): 61–77. <https://researchrepository.rmit.edu.au/esploro/outputs/journalArticle/Ethical-issues-in-court-connected-mediation/9922176809601341>.
- Ala-Kortesmaa, Sanna, and Tuula-Riitta Valikoski. "Listening in Court-Connected Mediations." *International Journal of Listening* 37 (2023): 1–17. <https://doi.org/10.1080/10904018.2023.2185244>.
- Ali, Shahla F. "Practitioners' Perception of Court-Connected Mediation in Five Regions: An Empirical Study." *Journal of Transnational Law* 51, no. 4 (2018): 997–1025. <https://ssrn.com/abstract=3473587>.
- Amarini, Indriati. "Penyelesaian Sengketa Yang Efektif Dan Efisien Melalui Optimalisasi Mediasi Di Pengadilan." *Jurnal Kosmik Hukum* 16, no. 2 (2016): 87–88. <https://doi.org/10.30595/kosmikhukum.v16i2.1954>.
- Ardhira, Ajrina Yuka, and Ghansham Anand. "Itikad Baik Dalam Proses Mediasi Perkara Perdata Di Pengadilan." *Media Iuris* 1, no. 2 (2018): 200. <https://doi.org/10.20473/mi.v1i2.8821>.
- Bintoro, Rahadi Wasi. "Kajian Ontologis Lembaga Mediasi di Pengadilan." *Yuridika* 31, no. 1 (2016): 65. <https://doi.org/10.20473/ydk.v31i1.1959>.
- Choy, Choong Yeow, Tie Fatt Hee, and Christina Ooi Su Siang. "Court-Annexed Mediation Practice in Malaysia: What the Future Holds." *University of Bologna Law Review* 1, no. 2 (2016): 271–308. <https://doi.org/10.6092/issn.2531-6133/6751>.
- Court, Supreme. *Indonesia Supreme Court Performance Report*. Jakarta, 2024.
- Douglas, Kathy, and Rachael Field. "Therapeutic Jurisprudence: Providing Some Answers to the Neutrality Dilemma in Court-Connected Mediation." In *Proceedings: Third International Conference on Therapeutic Jurisprudence: Transforming Legal Processes in Court and Beyond*, 67–84. Australasian Institute of Judicial Administration Inc, 2007.
- Drozdov, Oleksandr, Oleh Rozhnov, and Valeriy Mamnitskyi. "Mediation and Court in Ukraine: Perspectives on Interaction and Mutual Understanding." *Access to Justice in Eastern Europe* 3, no. 11 (2021): 181–90. <https://doi.org/10.33327/AJEE-18-4.3-n000082>.
- Ervasti, Kaijus. "Court-Connected Court-Connected Meditation in Finland: Experiences and Visions." In *The Future of Civil Litigation: Access to Courts and Court-Annexed Mediation in the Nordic Countries*, edited by Laura Ervo and Anna Nylund, 121–35. Cham: Springer International Publishing, 2014. https://doi.org/10.1007/978-3-319-04465-1_7.
- Giovanni, Yohanes Jeriko, Rama Adi Saputra Sunadynatha, and Selvin Matthew Chandra. "Internalisasi Nilai-Nilai Pancasila Sebagai Profesi Hukum Mediator Dalam Rangka Membangun Integritas." *Jurnal Kewarganegaraan* 7, no. 1 (2023): 925–28. <https://doi.org/10.31316/jk.v7i1.5055>.

- Hanifah, Mardalena. "Kajian Yuridis : Mediasi Sebagai Alternatif Penyelesaian Sengketa Perdata Di Pengadilan." *Jurnal Hukum Acara Perdata ADHAPER* 2, no. 1 (2016): 1–13. <https://doi.org/10.36913/jhaper.v2i1.21>.
- Heriyanto, Bambang. *Pengkajian Tentang Penyelesaian Sengketa Tata Usaha Negara Melalui Perdamaian: Dalam Perspektif Ius Constitutum Dan Ius Constituendum*. Jakarta: Badan Litbang Diklat Hukum dan Peradilan Mahkamah Agung RI, 2015.
- Irawan, Candra. "Problematisasi Penerapan Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2008 Dalam Penyelesaian Sengketa Perdata Di Indonesia." *Jurnal Hukum Acara Perdata ADHAPER* 1, no. 2 (2015): 61–73. <https://doi.org/https://doi.org/10.36913/jhaper.v1i2.11>.
- Kamil, Geoffrey. "The Role of the Judge in a Diverse Community." *ERA Forum* 10 (2009): 125–37. <https://doi.org/https://doi.org/10.1007/s12027-009-0101-z>.
- Linnanmäki, Kirsikka. "Mediation: A Change in Finnish Court Culture?" In *Rethinking Nordic Courts*, edited by Laura Ervo, Pia Letto-Vanamo, and Anna Nylund, 235–54. Cham: Springer International Publishing, 2021. https://doi.org/10.1007/978-3-030-74851-7_13.
- Medan, Karolus Kopong. "Peradilan Berbasis Harmoni Dalam Guyub Budaya Lamaholot - Flores." *Jurnal Dinamika Hukum* 12, no. 2 (2012): 209–20. <https://doi.org/http://dx.doi.org/10.20884/1.jdh.2012.12.2.24>.
- Murayama, Masayuki. "Culture, Situation and Behaviour." In *The Changing Role of Law in Japan: Empirical Studies in Culture, Society and Policy Making*, 189–206. Cheltenham, UK: Edward Elgar Publishing, 2014. <https://doi.org/https://doi.org/10.4337/9781783475650.00021>.
- Riyanto, Benny, Hapsari Tunjung Sekartaji, and Dewi Nurul Musjtari. "The Repositioning Mediation Court Model in Civil Dispute Resolution with Justice." *IOP Conference Series: Earth and Environmental Science* 175, no. 1 (2018): 1–7. <https://doi.org/10.1088/1755-1315/175/1/012183>.
- Riyanto, R. Benny. "Remodelling and Repositioning of Court's Mediation in Indonesia." *Diponegoro Law Review* 1, no. 1 (2016): 28–46. <https://doi.org/10.14710/dilrev.1.1.2016.28-46>.
- Rokhim, Abdul. "Mediasi Menurut Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2008 Tentang Prosedur Mediasi Di Pengadilan." *Masalah-Masalah Hukum* 43, no. 3 (2014): 322–29. <https://doi.org/10.14710/mmh.43.3.2014.322-329>.
- Romanadze, Luiza. "Mediation in Post-War Restoration in Ukraine." *Access to Justice in Eastern Europe* 4–2, no. 17 (2022): 202–17. <https://doi.org/10.33327/AJEE-18-5.4-n000432>.
- Rumadan, Ismail. "Peran Lembaga Peradilan Sebagai Institusi Penegak Hukum Dalam Menegakkan Keadilan Bagi Terwujudnya Perdamaian." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 6, no. 1 (2017): 69–87. <https://doi.org/http://dx.doi.org/10.33331/rechtsvinding.v6i1.128>.
- Rundle, Olivia. "The Purpose of Court-Connected Mediation from the Legal Perspective." *ADR Bulletin* 10, no. 2 (2007). <http://epublications.bond.edu.au/adr/vol10/iss2/4>.
- Saraswati, Rika, V. Hadiyono, Yuni Kusniati, and Emanuel Boputra. "Peranan Mediator Hakim Dan Mediator Non Hakim Melindungi Hak-Hak Anak Dalam Penyelesaian Sengketa Perceraian." *Justitia et Pax* 36, no. 2 (2020): 159–79. <https://doi.org/10.24002/jep.v36i2.3164>.
- Serhan, Bakr Abdel Fattah Al, Wesam Faisal Al Shawawreh, and Pauline Collins. "Practice Insight: Court-Connected Mediation in Jordan—Considerations for Choosing a Mediator." *Conflict Resolution Quarterly* 40, no. 4 (May 1, 2023): 483–92. <https://doi.org/https://doi.org/10.1002/crq.21383>.

- Sidharta, B. Arief. "Etika Dan Kode Etik Profesi Hukum." *Veritas et Justitia* 1, no. 1 (2015): 220–49. <https://doi.org/https://doi.org/10.25123/vej.v1i1.1423>.
- Siregar, Taufik, and Zaini Munawir. "Mediasi Dalam Tiga Sistem Hukum Dan Perannya Di Dalam Terwujudnya Keberhasilan Tujuan Hukum Di Indonesia." *Journal of Education, Humaniora and Social Sciences (JEHSS)* 3, no. 1 (2020): 7–16. <https://doi.org/10.34007/jehss.v3i1.161>.
- Sourdin, Tania. "Poor Quality Mediation: A Systemic Failure?" *ADR Bulletin* 11, no. 8 (2010): 163–69. <https://doi.org/10.2139/ssrn.1553590>.
- Suhariyanto, Budi. "Kedudukan Perdamaian Sebagai Penghapus Pemidanaan Guna Mewujudkan Keadilan Dalam Pembaruan Hukum Pidana." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 6, no. 1 (2017): 1–20. <https://doi.org/http://dx.doi.org/10.33331/rechtsvinding.v6i1.127>.
- Sukadana, I Made. *Mediasi Dalam Sistem Peradilan Perdata Indonesia Dalam Rangka Mewujudkan Proses Peradilan Yang Sederhana, Cepat, Dan Biaya Ringan*. Jakarta: Prestasi Pustaka, 2011.
- Suparlan, Parsudi. "Bhinneka Tunggal Ika: Keanekaragaman Sukubangsa Atau Kebudayaan?" *Antropologi Indonesia* no. 72 (2014): 24–37. <https://doi.org/10.7454/ai.v0i72.3472>.
- Suwondo, Denny. "Mediating Civil Disputes Through Local Wisdom." *Jurnal Pembaharuan Hukum* 7, no. 1 (2020): 32–44. <https://doi.org/http://dx.doi.org/10.26532/jph.v7i1.11012>.
- Syukur, Fatahillah Abdul, and Dale Margaret Bagshaw. "Court–Annexed Mediation in Indonesia: Does Culture Matter?" *Conflict Resolution Quarterly* 30, no. 3 (2013): 369–90. <https://doi.org/https://doi.org/10.1002/crq.21067>.
- . "When Home Is No Longer 'Sweet': Family Violence and Sharia Court–Annexed Mediation in Indonesia." *Conflict Resolution Quarterly* 30, no. 3 (2013): 271–94. <https://doi.org/https://doi.org/10.1002/crq.21064>.
- Tvaronavičienė, Agnė, Natalija Kaminskienė, Irena Žemaitaitytė, and Maria Cudowska. "Towards More Sustainable Dispute Resolution in Courts: Empirical Study on Challenges of the Court-Connected Mediation in Lithuania." *Entrepreneurship and Sustainability Issues* 8, no. 3 (2021): 633–53. [https://doi.org/https://doi.org/10.9770/jesi.2021.8.3\(40\)](https://doi.org/https://doi.org/10.9770/jesi.2021.8.3(40)).
- Welsh, Nancy A, and Bobbi McAdoo. "Eyes on the Prize: The Struggle for Professionalism." *Dispute Resolution Magazine*, 2005. <https://scholarship.law.tamu.edu/facscholar/991>
- Yandi, Rus. "Peran Mediator Dan BP4 Mengatasi Persoalan Perceraian RUS." *Ensiklopedia Social Review* 1, no. 3 (2019): 340–47. <https://doi.org/10.33559/esr.v1i3.368>.