



JLPH: Journal of Law, Politic and Humanities

E-ISSN: 2962-2816
P-ISSN: 2747-1985<https://dinastires.org/JLPH> ✉ dinasti.info@gmail.com ☎ +62 811 7404 455DOI: <https://doi.org/10.38035/jlph.v6i2>
<https://creativecommons.org/licenses/by/4.0/>

Alternative Dispute Resolution Through Mediation to Reduce Case Delays in Indonesian Courts

RidwanUniversitas Islam Bandung, Indonesia, hidayahridwan780@gmail.com*Corresponding Author: hidayahridwan780@gmail.com

Abstract: The backlog of civil cases in court is a crucial issue in the Indonesian judicial system because it causes delays in dispute resolution, increases litigation costs, and reduces public trust in judicial institutions. In response to this situation, the Supreme Court has mandated mediation as the initial stage of civil case resolution through Supreme Court Regulation No. 1 of 2016. This policy reflects efforts to reform the judicial system to make it more efficient and oriented towards peaceful resolution. This study aims to evaluate the role of mediation in reducing case backlogs and increasing the efficiency of dispute resolution. In addition, this study compares the application of mediation in the General Court and the Religious Court. The method used is normative legal research with a legislative, conceptual, and philosophical approach. The results of the study show that mediation in the General Court tends to be formalistic, so its impact on reducing cases is still limited. In contrast, mediation in the Religious Court is more effective because it uses a persuasive, cultural, and religious approach. The efficiency of mediation should be interpreted not only as procedural acceleration but also as the realization of sustainable substantive justice.

Keyword: Mediation; Case Backlog; Legal Efficiency; Religious Court; Pancasila Legal Theory.

INTRODUCTION

The Indonesian legal system has long grappled with the structural and systemic challenge of an expanding case backlog, a condition that reflects deeper institutional, procedural, and managerial complexities within the judiciary. The accumulation of unresolved cases not only prolongs the adjudication process but also undermines the fundamental principle of timely justice, which is intrinsically linked to the constitutional guarantee of legal certainty and equal protection before the law. Procedural formalism, limited judicial resources, uneven distribution of caseloads, and insufficient integration of alternative dispute resolution mechanisms have further exacerbated delays in dispute settlement. As cases remain pending for extended periods, litigants bear escalating financial burdens, including court fees, attorney expenses, and opportunity costs, thereby restricting meaningful access to justice, particularly for economically vulnerable groups. Moreover, persistent delays erode public trust in judicial institutions, fostering perceptions of inefficiency, inconsistency, and diminished accountability. In the long term, such conditions risk weakening the legitimacy of the rule of

law itself, as societal confidence in the judiciary constitutes a cornerstone of democratic governance and institutional credibility (Mertokusumo, 2010).

This situation prompted the Supreme Court of the Republic of Indonesia to strengthen the institutional framework of alternative dispute resolution by integrating mediation as a mandatory and integral stage of civil litigation. The policy is formally regulated under Supreme Court Regulation Number 1 of 2016 on Court-Annexed Mediation Procedures, which obliges judges to direct parties in every civil case to undergo mediation prior to the substantive examination of the dispute. Normatively, this regulation reflects a paradigm shift from a purely adjudicative model toward a more conciliatory and restorative approach, emphasizing efficiency, proportionality, and access to justice. By institutionalizing mediation within the procedural structure of the courts, the Supreme Court seeks not only to reduce case backlog and procedural delays but also to promote consensual settlements that preserve social relationships and minimize litigation costs. Furthermore, the regulation establishes detailed procedural standards regarding mediator qualifications, time limits, good faith participation, and the legal force of settlement agreements, thereby enhancing legal certainty and procedural accountability within the mediation process (Mahkamah Agung Republik Indonesia, 2016).

Mediation plays a pivotal role in alleviating case backlogs within the judicial system by offering disputing parties an alternative pathway that circumvents the rigid, procedural, and often protracted nature of formal litigation. Unlike adversarial court proceedings, which typically require multiple hearings, extensive evidentiary submissions, and strict adherence to procedural rules, mediation emphasizes dialogue, mutual understanding, and collaborative problem-solving. This process not only expedites dispute resolution but also reduces administrative burdens on courts, allowing judicial resources to be allocated more efficiently to cases that genuinely require adjudication. Furthermore, mediation fosters party autonomy by empowering individuals to craft mutually acceptable solutions tailored to their specific interests, rather than relying on a binding judicial determination that may not fully satisfy either side. By minimizing delays, lowering litigation costs, and preserving social and commercial relationships, mediation contributes to a more responsive and accessible justice system while simultaneously enhancing public confidence in legal institutions (Rahmadi, 2017).

Cases resolved through mediation are removed from the adjudicative docket, thereby alleviating judicial caseloads and allowing courts to allocate institutional resources more efficiently to matters requiring formal adjudication. This procedural diversion not only streamlines case management but also enhances overall court performance by minimizing delays and reducing administrative burdens associated with prolonged litigation. Moreover, agreements achieved through mediation are typically the product of voluntary participation, mutual recognition of interests, and collaborative problem-solving, which fosters a greater degree of compliance among the parties. Because the resolution is constructed by the disputants themselves rather than imposed by judicial decree, it tends to address underlying concerns and relational dynamics that might otherwise remain unresolved in adversarial proceedings. Consequently, mediated settlements contribute to legal certainty and social stability by diminishing the probability of subsequent disputes, appeals, or renewed claims arising from dissatisfaction with the outcome (Goodpaster, 1985). The use of mediation methods also speeds up conflict resolution in terms of time and cost. The mediation process is usually faster than traditional litigation and reduces the costs incurred by all parties (Moore, 2014). In addition, active participation from all parties in finding solutions increases satisfaction with the outcome of conflict resolution and strengthens the legitimacy of the agreement that has been reached (Boulle, 2011).

In Australia, mediation constitutes a central pillar of a highly institutionalized Alternative Dispute Resolution (ADR) framework that is systematically embedded within the civil justice system. Legislative instruments and procedural rules at both federal and state levels

authorize courts to refer disputing parties to mediation at various stages of proceedings, reflecting a policy commitment to efficiency, proportionality, and access to justice. This judicial authority is not merely facilitative but, in certain circumstances, mandatory, underscoring the expectation that litigants actively pursue consensual resolution before resorting to a full adjudicative process. Moreover, the obligation to participate extends beyond formal attendance; parties are required to engage genuinely and constructively, with an emphasis on transparency, reasonableness, and procedural fairness. Courts retain discretion to impose adverse costs orders where a party's conduct demonstrates noncompliance or a lack of sincere effort, thereby reinforcing the normative force of mediation within the broader litigation landscape. Through this integrated model, mediation operates not as an optional adjunct but as a structurally significant mechanism that promotes timely dispute resolution, reduces judicial backlog, and enhances the overall effectiveness of the justice system (Australian Law Reform Commission, 2000).

Singapore has developed a sophisticated court-connected mediation framework that integrates judicial processes with specialized dispute resolution institutions, notably the Singapore Mediation Centre (SMC) and the Singapore International Mediation Centre (SIMC). This institutional synergy reflects a deliberate policy choice to position mediation not merely as an alternative to litigation, but as an integral component of the justice system designed to enhance efficiency, reduce procedural delays, and promote consensual outcomes. The collaboration between courts and professional mediation bodies ensures standardized procedures, high ethical standards, and the appointment of accredited mediators with subject-matter expertise, particularly in complex commercial disputes. Empirical performance indicators demonstrate consistently high settlement rates, reinforcing Singapore's reputation as a leading hub for transnational dispute resolution. Furthermore, the legal infrastructure is strengthened by Singapore's role in championing and adopting the United Nations Convention on the Recognition and Enforcement of Agreements Resulting from Mediation (the Singapore Convention on Mediation), which provides cross-border enforceability of mediated settlement agreements. This multilevel framework combining institutional capacity, judicial endorsement, and international legal recognition consolidates mediation as a credible, reliable, and globally competitive mechanism for resolving commercial conflicts (Singapore Convention on Mediation) (Lee & Alexander, 2019).

On the other hand, Japan recognizes *wakai* (judicial settlement) and *chōtei* (court-annexed mediation) as integral components of its dispute resolution framework, enabling judges or designated mediation panels to actively facilitate amicable agreements at multiple procedural stages. Rather than functioning merely as supplementary mechanisms, these processes are structurally embedded within the civil justice system and reflect a normative orientation toward conciliation over adversarial confrontation. The judiciary plays a constructive role by guiding parties toward mutually acceptable solutions, often emphasizing practical compromise and relational repair instead of rigid legal vindication. This institutional design corresponds with Japan's socio-legal tradition, which prioritizes social harmony (*wa*), collective balance, and consensus-building as foundational values. Consequently, mediation is not perceived as an alternative to litigation but as a culturally resonant pathway for resolving disputes efficiently while preserving interpersonal and commercial relationships. By channeling conflicts into cooperative dialogue, *wakai* and *chōtei* contribute significantly to docket management, procedural economy, and sustained public confidence in the administration of justice (Oda, 2009).

Mediation in this context is intended to encourage peaceful dispute resolution, reduce the workload of the courts, and expedite the settlement process through agreements reached by the parties. The implementation of mediation as a mandatory procedure also reflects a paradigm shift in dispute resolution from an adversarial approach that emphasizes legal battles to an

approach that prioritizes consensus, dialogue, and substantive justice (Solum, 2004). Thus, this article focuses on two main issues, namely how mediation contributes to reducing the backlog of cases in court and how its implementation can improve efficiency in dispute resolution.

THEORETICAL FRAMEWORK

The theoretical framework of this study was developed by combining Alternative Dispute Resolution (ADR) Theory, Legal Efficiency Theory, and Pancasila Legal Theory to conduct a critical analysis of the application of mediation as a mandatory mechanism in the settlement of civil cases in Indonesian courts. Alternative Dispute Resolution (ADR) Theory, as regulated in Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, covers various methods for resolving disputes outside of formal litigation processes, such as negotiation, mediation, conciliation, and arbitration.

The emergence of ADR was a response to criticism of the conventional litigation system, which was considered formalistic, costly, time-consuming, and prone to producing win-lose solutions (Galanter, 1974). In the view of ADR, dispute resolution should focus on consensus, convenience, and the active involvement of all parties. (Sander, 1976). Among all ADR methods, mediation is considered the most adaptable and participatory instrument because it places participants as the main actors in dispute resolution, with the mediator acting as a neutral and fair facilitator (Boulle, 2011). Mediation enables the creation of win-win solutions that not only comply with existing legal norms, but also take into account social, economic, and interpersonal interests (Moore, 2014).

From a theoretical perspective, ADR is rooted in basic principles such as voluntariness, confidentiality, independence of the parties, and neutrality of the mediator (Hariadi & Anindito, 2024). However, in the context of mandatory mediation in court as regulated in Supreme Court Regulation Number 1 of 2016, the principle of voluntariness has undergone a change in meaning. Mediation does not fully arise from the free will of the parties, but rather becomes a procedural obligation in civil procedure law. This situation creates conceptual tension between the basic character of ADR, which emphasizes consensus, and the coercive nature of mediation, which has been formally understood by the state. At the practical level, the mediation process in court still faces a number of obstacles, such as the tendency to view mediation as an administrative procedure prior to case examination, the lack of quality mediators, the inequality of bargaining positions between the parties involved, and the strong dominance of the litigation approach. As a result, mediation has not yet fully fulfilled its role as a tool for transforming conflict, but remains trapped in an adversarial pattern of dispute resolution (Rahmah, 2019).

The Theory of Legal Efficiency emphasizes that the legal system must achieve its objectives as efficiently as possible while minimizing the use of resources (Posner, 2014). In this view, the effectiveness of law is assessed based on its ability to resolve conflicts quickly, at low cost, and provide legal certainty. The integration of mediation into the legal system through Perma Number 1 of 2016 is an application of the principle of legal efficiency, as it is hoped that mediation can reduce the caseload, reduce litigation costs, and accelerate the resolution of disputes (Mertokusumo, 2010). However, the legal efficiency approach risks becoming reductionist if efficiency is understood only as accelerating case resolution without considering other aspects. An excessive focus on procedural efficiency can sacrifice the quality of agreements and neglect aspects of substantive justice, especially for parties with weaker bargaining positions. In this case, mediation can become trapped as merely an administrative tool for resolving cases, rather than a method of dispute resolution oriented towards justice and the restoration of social relations. Therefore, legal efficiency in mediation must be viewed holistically, namely efficiency that continues to respect the values of justice, equality, and protection of the rights of all parties involved (Aziz dkk., 2025).

Within the framework of the Indonesian legal system, ADR theory and legal efficiency are interrelated with Pancasila Legal Theory as the philosophical basis of national law. Pancasila Law views law not only as a technical tool, but also as a means of realizing justice rooted in human values, morality, and social justice (Bedner, 2020). Fundamentally, mediation is in line with the fourth principle of Pancasila, which emphasizes democracy led by wisdom in deliberation or representation. The process of communication, agreement, and compromise in mediation reflects the nature of Indonesian law, which emphasizes social harmony and peaceful dispute resolution (Santosa, 2021). However, if mediation is only considered a procedural obligation without placing value on deliberation, the essence of Pancasila has the potential to become merely a normative symbol. From the perspective of Pancasila Law, it is important to critique mediation practices by questioning the extent to which the process truly reflects social justice, equality between parties, and fair and civilized humanity. Mediators should not only function as technical facilitators, but also as guardians of the values of justice, propriety, and social balance in carrying out the dispute resolution process (Wibowo, 2022).

Previous studies on mediation in Indonesian courts have generally focused on normative and implementative effectiveness, such as mediation success rates and its role in reducing case backlogs. These studies tend to view mediation as a technical tool for reforming civil procedure law, with a primary focus on time and cost efficiency, without delving deeper into the tension between the consensual nature of mediation and the mandatory character of compulsory mediation. Research linking mediation to legal efficiency theory usually comes from a legal economics perspective that assesses the achievements of mediation based on the legal system's ability to save judicial resources. However, this approach often ignores aspects of substantive justice, the power dynamics between the parties, and the social and philosophical values inherent in the Indonesian legal system. In view of these shortcomings, the innovation in this study lies in its attempt to position court mediation not only as a tool for administrative efficiency, but also as a practice of discussion based on Pancasila Legal Theory. By combining ADR Theory, Legal Efficiency Theory, and Pancasila values, this study provides a balanced analytical framework between legal efficiency and substantive justice in the implementation of mediation in Indonesian courts.

METHOD

This study applies a normative legal method, which focuses on the study of applicable legal norms, legal principles, doctrines, and legal theories related to the subject under study (Soekanto & Mamudji, 2015). This method was chosen because the main objective of the study is to analyze the normative and conceptual structure of mediation in the civil justice system in Indonesia, particularly as regulated in Law Number 30 of 1999 and Supreme Court Regulation Number 1 of 2016, and to evaluate its compatibility with the principles of legal efficiency and the values of Pancasila (Marzuki, 2017).

The approaches used in this study include the legal approach (statute approach), the conceptual approach, and the philosophical approach (Fabra-Zamora & Villa Rosas, 2021). The legal approach is used to conduct a systematic analysis of the norms governing mediation, as part of alternative dispute resolution (ADR) mechanisms and also as an important element in civil procedural law. The conceptual approach is used to examine legal doctrines and theories, such as ADR Theory, Legal Efficiency Theory, and Pancasila Legal Theory, with the aim of developing a comprehensive and critical analytical framework. Meanwhile, the philosophical approach is used to investigate the fundamental values underlying mediation practices, particularly the principles of deliberation, substantive justice, and humanity, which are characteristic of the Indonesian legal system.

The types of legal materials applied in this study include primary, secondary, and tertiary legal materials. Primary legal materials include relevant legislation, such as Law No.

30 of 1999 on Arbitration and Alternative Dispute Resolution, Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Court, and court decisions related to the application of mediation. Secondary legal materials include law books, accredited scientific journals, research results and dissertations, and official documents from the Supreme Court that provide insights into mediation policies and practices in court. Meanwhile, tertiary legal materials such as legal dictionaries and encyclopedias are used to explain terms and concepts relevant to this study. The collection of legal materials was carried out through a literature study approach, in which the researcher searched for existing regulations, scientific works, and official documents related to the research theme. All legal materials collected were then grouped and arranged according to their relevance to the research questions (Penulis, 2024).

The analysis of legal materials was conducted qualitatively using the deductive method, which means drawing conclusions from general principles and legal theories and then applying them in actual mediation practices in court (Rahardjo, 2021). In this analysis process, the legal norms governing mediation are not only examined in terms of their text, but also critically assessed from the perspective of legal efficiency and the values contained in Pancasila Law. With this approach, the research not only focuses on normative descriptions but also attempts to provide a critical assessment of the extent to which mediation in court functions as a means of dispute resolution that is not only efficient but also reflects substantive justice. Through the methodology used, the study is expected to produce a deep understanding of the position and role of mediation in the civil justice system in Indonesia, as well as provide a theoretical contribution to the development of the concept of mediation that is not only procedurally effective but also in line with the philosophical values of Pancasila, which form the basis of national law (Wignjosoebroto, 2020).

RESULTS AND DISCUSSION

The findings of this normative study indicate that mediation, as structured under Supreme Court Regulation No. 1 of 2016, is not merely a procedural supplement but a strategic institutional mechanism aimed at addressing systemic congestion within the judiciary while fostering more responsive civil justice. By embedding mediation into the framework of civil procedural law, the Supreme Court has advanced a paradigm shift that reorients adjudication from adversarial contestation toward consensual problem-solving grounded in party autonomy and procedural efficiency. This regulatory design reflects a broader transformation in judicial policy, emphasizing proportionality, accessibility, and the preservation of social relationships alongside legal certainty. Within the theoretical framework of Alternative Dispute Resolution (ADR), mediation embodies a participatory model of conflict management in which disputants retain substantive control over both the process and the substantive terms of settlement. Such positioning reinforces the principle that justice is not exclusively derived from authoritative judicial determination, but may also emerge through facilitated dialogue that accommodates the interests, needs, and negotiated commitments of the parties involved (Susskind, 2021).

The effectiveness of mediation in addressing case backlogs reveals a significant divergence between the General Courts and the Religious Courts, particularly in terms of institutional orientation and practical application. Within the General Courts, mediation is frequently treated as a mandatory procedural prerequisite that must be completed prior to the substantive adjudication of a dispute, rather than as a genuinely facilitative mechanism for consensual resolution. This formalistic approach often reduces the process to administrative compliance, limiting meaningful engagement between disputing parties and diminishing the transformative potential of alternative dispute resolution. As a consequence, mediation in this setting may contribute only marginally to reducing judicial congestion, since unsuccessful sessions simply return cases to the litigation track without altering adversarial dynamics. In contrast, a more integrative and value-driven application commonly observed in Religious

Courts tends to emphasize reconciliation, relational repair, and social harmony, thereby enhancing the likelihood of settlement and more effectively alleviating institutional burdens (Rahmadi, 2022). With the dominance of the litigation approach, mediation is often carried out rigidly, resulting in a low success rate and cases continuing to trial. This shows that the role of mediation in reducing case backlogs in the General Courts tends to be normative rather than substantive.

Conversely, within the jurisdiction of the Religious Courts, mediation assumes a more substantive and transformative function in addressing and preventing the escalation of family disputes. In cases involving divorce, child custody, inheritance, and marital property, the facilitative approach adopted by mediators often enables parties to articulate underlying interests, clarify emotional tensions, and explore mutually acceptable arrangements beyond rigid adversarial claims. As a result, a considerable number of disputes conclude with negotiated settlements or voluntary withdrawal of petitions following constructive dialogue. This practice demonstrates that mediation in Religious Courts transcends its procedural characterization as a mandatory pre-litigation step; rather, it operates as a normative mechanism that integrates legal resolution with ethical and relational considerations. By prioritizing consensus, preserving familial bonds, and safeguarding the interests of vulnerable parties particularly women and children mediation contributes to sustainable dispute settlement and reinforces the broader objective of social harmony within the community (Karmawan, 2025).

From the perspective of Legal Efficiency Theory, mediation is considered a tool to accelerate the resolution of legal problems, reduce court costs, and conserve resources in the judicial system. The application of mediation as regulated by Perma No. 1 of 2016 reflects a systematic effort to improve efficiency in the civil justice system. However, analysis shows that in the General Court, this efficiency has not been significantly achieved due to the low rate of agreements reached through mediation. Meanwhile, the practice of mediation in Religious Courts shows more profound efficiency results. The success of mediation not only ends the case process earlier but also reduces the possibility of further conflict between the parties involved. Thus, the efficiency gained is not only procedural but also substantive because disputes are resolved thoroughly and sustainably (Kasim & Karim, 2025).

These findings suggest that legal efficiency should not be narrowly construed as the mere acceleration of procedural timelines or the reduction of case backlogs, but rather understood as a multidimensional concept encompassing the durability, fairness, and transformative capacity of dispute resolution outcomes. Measuring efficiency exclusively through quantitative indicators such as clearance rates or time-to-disposition risks obscuring the normative foundations of mediation, which are rooted in dialogue, voluntariness, and the restoration of social relationships. A purely expedient orientation may incentivize superficial settlements that resolve cases administratively while leaving underlying conflicts unaddressed, thereby undermining long-term stability and public confidence in the justice system. Consequently, a more holistic framework is required, one that integrates procedural economy with substantive justice, ensuring that mediated agreements reflect informed consent, equitable bargaining positions, and sustainable compliance. Without such balance, the instrumental pursuit of efficiency may erode the very principles that legitimize mediation as an alternative mechanism for resolving disputes (Saifullah dkk., 2024).

The disparity in mediation effectiveness between the General Courts and the Religious Courts can be critically analyzed through the operationalization of core mediation principles, particularly voluntariness, good faith, and parity of the disputing parties. Although mediation is formally mandated within the procedural framework of the General Courts, this obligatory character frequently distorts the substantive meaning of voluntariness by compelling litigants to engage in the process as a procedural formality rather than as a genuine effort to achieve

consensual resolution. Such compulsion tends to undermine the cultivation of authentic dialogue, diminish the parties' commitment to constructive negotiation, and weaken the mediator's capacity to facilitate meaningful compromise. Consequently, mediation in this setting is often reduced to a preliminary administrative stage preceding adversarial adjudication, rather than functioning as an alternative dispute resolution mechanism oriented toward reconciliation and mutual accommodation. In contrast, where mediation is internalized as a value-driven process grounded in sincerity and balanced participation, the likelihood of sustainable and restorative outcomes becomes significantly greater (Kasim & Karim, 2024).

In contrast, mediation practice within the Religious Courts demonstrates a more substantive adherence to the principles of voluntariness and good faith, notwithstanding its formally mandatory character. Although procedural law obliges disputing parties to undergo mediation, court-appointed mediators frequently employ culturally sensitive and religiously grounded approaches that resonate with the normative values of the litigants. By integrating moral reasoning, ethical reflection, and references to shared spiritual commitments, mediators are able to transform what might otherwise be perceived as a procedural formality into a meaningful deliberative forum. This method reduces adversarial tension and fosters a cooperative atmosphere in which the parties feel morally and socially encouraged rather than coerced to explore reconciliation. Consequently, mediation is reframed not merely as a prerequisite to litigation, but as a constructive pathway toward equitable resolution that safeguards relational harmony. Such an approach enhances procedural integrity, strengthens the parties' engagement in dialogue, and ultimately increases the probability of achieving a durable and mutually acceptable settlement (Aziz, 2022).

From the standpoint of Pancasila Legal Theory, mediation constitutes a normative embodiment of the philosophical foundations of the Indonesian legal order, particularly the values of humanity (*kemanusiaan*), deliberative democracy (*permusyawaratan*), and social justice (*keadilan sosial*). As a dispute resolution mechanism, mediation transcends procedural formalism by prioritizing dignity, empathy, and mutual recognition among the parties, thereby operationalizing the second principle of Pancasila within concrete legal practice. Its dialogical and participatory character institutionalizes the fourth principle, which mandates that collective decisions be reached through wisdom and representation grounded in deliberation rather than adversarial contestation. In this framework, consensus is not merely a pragmatic compromise but a moral outcome derived from inclusive communication and balanced consideration of interests. Moreover, mediation advances substantive justice by seeking equitable solutions that restore social harmony, prevent further marginalization, and reinforce communal solidarity. Accordingly, mediation under Pancasila Legal Theory should be understood not only as an alternative procedural avenue, but as a transformative juridical process that integrates ethical values with the pursuit of legal certainty and societal cohesion (Hidayat, 2024).

The analysis indicates that mediation practices within the Religious Courts more consistently embody principles of restorative justice and communitarian ethics. In this setting, mediation is designed not merely as a procedural mechanism to dispose of cases, but as a transformative process intended to reconcile disputing parties, rebuild fractured social bonds, and safeguard individuals in structurally disadvantaged positions, particularly in family-related disputes. The mediators' approach often reflects sensitivity to moral, cultural, and relational dimensions, thereby situating conflict resolution within a broader social context rather than limiting it to adjudicative finality. By contrast, mediation in the General Courts tends to prioritize docket management and procedural expediency, emphasizing settlement rates and administrative efficiency over dialogical engagement. Although such an orientation contributes to reducing case backlogs, it frequently constrains opportunities for meaningful deliberation and limits the pursuit of substantive justice. Consequently, the normative ideals of participatory

decision-making and equitable outcomes have yet to be comprehensively institutionalized within the general judicial framework (Al-Fatih, 2023).

From this discussion, it can be inferred that the effectiveness of mediation is fundamentally shaped by the conceptual framework guiding its implementation. Empirical practice within the Religious Courts demonstrates that a model grounded in social solidarity, ethical-religious principles, and humanitarian considerations fosters more meaningful engagement between disputing parties. Such an approach situates conflict resolution within a broader moral and communal context, encouraging dialogue, empathy, and mutual understanding rather than mere procedural compliance. By contrast, mediation conducted in a rigid and purely formalistic manner tends to reduce the process to a technical obligation, often limiting the opportunity for genuine reconciliation. The value-oriented paradigm not only enhances the likelihood of reaching agreement but also strengthens the durability and legitimacy of outcomes, as parties perceive the process to be fair, culturally resonant, and responsive to their lived realities. Accordingly, the integration of normative and relational dimensions into mediation practice appears to be a decisive factor in achieving sustainable dispute resolution (Hopt & Steffek, 2021).

CONCLUSION

Based on normative and conceptual analysis of the application of mediation in the civil justice system in Indonesia, it can be concluded that mediation, which is mandatory under Supreme Court Regulation No. 1 of 2016, was normatively created as a tool to reduce the accumulation of cases and increase efficiency in resolving disputes. However, the effectiveness of mediation in achieving these objectives is highly dependent on the mindset and quality of its implementation within the judicial environment. This study shows that in the context of the General Court, mediation is often carried out rigidly and understood as a procedural step before the main examination of the case. This means that the contribution of mediation to reducing the accumulation of cases and increasing efficiency in resolving disputes is still limited and more visible in normative aspects than substantive ones. Conversely, mediation practices in Religious Courts demonstrate a higher level of effectiveness, especially in family cases, because mediation is conducted using a persuasive, cultural, and religious approach that supports the realization of peaceful agreements and the restoration of social relations. From the perspective of Legal Efficiency Theory, this study emphasizes that efficiency in mediation cannot be understood solely as the acceleration of case resolution and reduction of litigation costs. Procedural efficiency without substantive justice has the potential to transform the meaning of mediation into a mere administrative tool. Therefore, legal efficiency in mediation must be understood comprehensively, namely efficiency that continues to ensure balance between the parties, quality of the process, and sustainability in dispute resolution.

REFERENCE

- Al-Fatih, S. (2023). The Role of Court-Annexed Mediation in Strengthening Substantive Justice in Religious Courts. *Hasanuddin Law Review*, 9(3), 389–404.
- Australian Law Reform Commission. (2000). *Managing Justice: A Review of the Federal Civil Justice System* (Report No. 89). ALRC.
- Aziz, M. F., Hamzah, & Rohaini. (2025). Efektivitas Penyelesaian Sengketa Melalui Mediasi sebagai Alternatif di Luar Pengadilan dalam Sistem Hukum Indonesia. *Al-Zayn : Jurnal Ilmu Sosial & Hukum*, 3(6), 8808–8816. <https://doi.org/10.61104/alz.v3i6.2770>
- Aziz, N. (2022). Efektivitas Mediasi Wajib di Pengadilan Agama dalam Perspektif Keadilan Substantif. *Jurnal Hukum dan Peradilan*, 11(2), 155–172.
- Bedner, A. (2020). *Indonesian Legal System in Transition*. Cambridge University Press.
- Boulle, L. (2011). *Mediation: Principles, Process, Practice*. LexisNexis Butterworths.

- Fabra-Zamora, J. L., & Villa Rosas, G. (Ed.). (2021). *Conceptual Jurisprudence: Methodological Issues, Classical Questions and New Approaches*. Springer Cham. <https://doi.org/10.1007/978-3-030-78803-2>
- Galanter, M. (1974). Why the “Haves” Come Out Ahead. *Law & Society Review*, 9(1).
- Goodpaster, G. (1985). A Review of Alternative Dispute Resolution. *Ohio State Journal on Dispute Resolution*, 1(1).
- Hariadi, W., & Anindito, T. (2024). Alternative Dispute Resolution (ADR) in Law in Indonesia. *Jurnal Pendidikan Kewarganegaraan Undiksha*, 8(3). <https://doi.org/10.23887/jpku.v8i3.28627>
- Hidayat, F. (2024). Good Faith Principle in Mandatory Mediation under Indonesian Civil Procedure. *Hasanuddin Law Review*, 10(1), 1–18.
- Hopt, K. J., & Steffek, F. (2021). Mediation: Principles and Regulation in Comparative Perspective. *Journal of Dispute Resolution*, 2021(2), 123–150.
- Karmawan, K. (2025). Mediation in the Religious Courts of Indonesia. *AHKAM: Jurnal Ilmu Syariah*, 20(1). <https://doi.org/10.15408/ajis.v20i1.13249>
- Kasim, N. M., & Karim, F. (2024). The Impact of Mediation on the Settlement of Divorce Cases in Religious Courts. *Jurnal Ius Constituendum*, 10(1). <https://doi.org/10.26623/jic.v10i1.10912>
- Kasim, N. M., & Karim, F. (2025). The Impact of Mediation on the Settlement of Divorce Cases in Religious Courts. *Jurnal Ius Constituendum*, 10(1). <https://doi.org/10.26623/jic.v10i1.10912>
- Lee, J., & Alexander, N. (2019). *International Commercial Mediation*. Kluwer Law International.
- Mahkamah Agung Republik Indonesia. (2016). *Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016 tentang Prosedur Mediasi di Pengadilan*.
- Marzuki, P. M. (2017). *Penelitian Hukum*. Kencana.
- Mertokusumo, S. (2010). *Hukum Acara Perdata Indonesia*. Liberty.
- Moore, C. W. (2014). *The Mediation Process: Practical Strategies for Resolving Conflict*. Jossey-Bass.
- Oda, H. (2009). *Japanese Law*. Oxford University Press.
- Penulis, T. (2024). *Buku Ajar Metode Penelitian & Penulisan Hukum*. IKAPI.
- Posner, R. A. (2014). *Economic Analysis of Law*. Aspen Publishers.
- Rahardjo, S. (2021). *Ilmu Hukum Progresif: Pendekatan Kritis dalam Penegakan Hukum*. Kompas.
- Rahmadi, T. (2017). *Mediasi: Penyelesaian Sengketa melalui Pendekatan Mufakat*. RajaGrafindo Persada.
- Rahmadi, T. (2022). Efektivitas Mediasi dalam Penyelesaian Sengketa Perdata di Indonesia Pasca PERMA Nomor 1 Tahun 2016. *Jurnal Hukum Ius Quia Iustum*, 29(3), 487–505.
- Rahmah, D. M. (2019). Optimalisasi Penyelesaian Sengketa Melalui Mediasi di Pengadilan. *Jurnal Bina Mulia Hukum*, 4(1), 1–16.
- Saifullah, M., Anwar, K., Murtadho, A., Mubarak, F. K., & Kurniawan, C. S. (2024). Failure of Good Faith in Mediating Divorce Cases in Religious Court. *International Journal Ihyā' 'Ulum al-Din*, 26(1), 94–107. <https://doi.org/10.21580/ihya.26.1.20313>
- Sander, F. E. A. (1976). Varieties of Dispute Processing. *Federal Rules Decisions*, 70.
- Santosa, B. (2021). Mediasi sebagai Instrumen Penyelesaian Sengketa Perdata dalam Perspektif Efisiensi Peradilan. *Jurnal Hukum Ius Quia Iustum*, 28(3), 455–472.
- Soekanto, S., & Mamudji, S. (2015). *Penelitian Hukum Normatif*. Rajawali Pers.
- Solum, L. B. (2004). Procedural Justice. *Southern California Law Review*, 78.
- Susskind, R. (2021). Online Courts and the Future of Alternative Dispute Resolution. *Harvard Negotiation Law Review*, 26(2), 115–140.

- Wibowo, A. (2022). Reaktualisasi Teori Hukum Pancasila dalam Pembentukan dan Penegakan Hukum Nasional. *Jurnal RechtsVinding*, 11(2), 187–204.
- Wignjosoebroto, S. (2020). *Hukum: Paradigma, Metode dan Dinamika Masalahnya*. Elsam.