

Settlement of civil disputes through mediation: its effectiveness and challenge in the District Court

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Abstract

This study aims to examine the effectiveness of mediation in resolving civil disputes and to identify various challenges faced at the District Court of Bandung. The approach used is normative-empirical juridical, combining analysis of the prevailing legal provisions particularly Supreme Court Regulation (PERMA) No. 1 of 2016 with empirical data obtained through interviews, observations, and document studies of civil cases undergoing mediation. The findings indicate that although mediation has been normatively integrated into the civil justice system, its effectiveness remains low. The main obstacles include the public's low legal awareness regarding the benefits of mediation, the limited number and competence of judge-mediators, and the lack of facilities and institutional support. Furthermore, mediation is often perceived merely as an administrative obligation rather than a substantive dispute resolution mechanism. Therefore, regulatory reform, continuous mediator training, and intensive public education are needed to make mediation a more effective, efficient, and equitable alternative for dispute resolution.

Keywords: Mediation, Dispute Resolution, Civil Law, Effectiveness, District Court

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1. Introduction

The judicial system in Indonesia, particularly in handling civil cases, continues to face challenges due to the high volume of cases that must be processed by district courts throughout the country¹. This condition not only causes delays in case proceedings but also affects the overall quality of legal services.² Trial delays, increasing litigation costs, and the heavy workload of judges have become key issues in efforts to reform the justice system. As a result, public trust in the effectiveness of conventional litigation is often eroded, as it is perceived to be unresponsive, slow, and lacking legal certainty in a timely manner.³ Therefore, it is essential to develop alternative dispute resolution mechanisms that are more adaptive, efficient, and aligned

¹ Zulaeha, M. (2023). E-Courts in Indonesia: Exploring the opportunities and challenges for justice and advancement to judicial efficiency. *International Journal of Criminal Justice Sciences*, 18(1), 183-194

² Linna Jr, D. W. (2021). Evaluating legal services: The need for a quality movement and standard measures of quality and value. In *Research handbook on big data law* (pp. 404-431). Edward Elgar Publishing.

³ Sourdin, T., Li, B., & McNamara, D. M. (2020). Court innovations and access to justice in times of crisis. *Health policy and technology*, 9(4), 447-453.



with the public's sense of justice.

One answer to this problem is mediation, as a form of Alternative Dispute Resolution (ADR), which allows disputing parties to resolve their conflicts peacefully outside the confrontational litigation process.⁴ Mediation aims to create a space for dialogue between the disputing parties with the assistance of a neutral and impartial mediator. In Indonesia, mediation has gained legal legitimacy through Supreme Court Regulation (PERMA) No. 1 of 2016 on Mediation Procedures in Court, which mandates that every civil case filed in district courts must first undergo mediation before entering the principal examination phase.⁵ This provision reflects the Supreme Court's commitment to upholding the principles of a simple, fast, and low-cost judiciary, as stipulated in Article 2 paragraph (4) of Law Number 48 of 2009 on Judicial Power.

Normatively, mediation offers several advantages not found in formal litigation. Mediation is flexible, not bound by rigid procedures, and more participatory since it directly involves the parties in negotiation.⁶ This allows solutions resulting from mediation to better reflect the parties' interests and to be more acceptable and easier to implement. Mediation can also preserve good relationships between the parties, which are often damaged by the competitive and adversarial nature of court trials. In many countries, mediation has become an integral part of the modern judicial system as it has proven effective in accelerating dispute resolution and reducing case backlogs in courts.⁷

However, the effectiveness of mediation in practice within Indonesian district courts is still far from expectations. Based on data gathered from annual court reports and field observations, the success rate of mediation remains relatively low. Many mediation processes are conducted merely as a formality to comply with legal requirements, without sincere intention from the parties to reach a peaceful agreement. Litigants often attend mediation passively or not at all, viewing it as an unimportant step.⁸ On the other hand, the role of the mediator typically a judge is also not fully effective. The lack of specialized training in mediation skills for judges, combined with their high caseloads, limits the optimal implementation of mediation.

Furthermore, other challenges include inadequate supporting infrastructure, such as the lack of suitable mediation rooms, insufficient budget for training non-judge mediators, and case management systems that are not yet fully integrated with the mediation process. Beyond technical issues, the legal culture of Indonesian society also plays a significant role. Many people still prefer formal litigation over amicable settlement, believing that a court ruling provides stronger legitimacy and a more "official" victory.⁹ This perception causes mediation to be less accepted in public legal consciousness.

Given these issues, it is important to examine the effectiveness of mediation not only from the regulatory perspective but also from its actual implementation in practice. The normative-empirical juridical approach is appropriate for this study, as it allows researchers to analyze the legal substance governing mediation while also gathering empirical data through interviews, case studies, and observation of mediation practices in district courts.¹⁰ Thus, this research is expected to provide a comprehensive picture of how mediation is carried out, what obstacles are encountered, and how policies and regulations can be improved so that mediation truly functions as an effective and fair dispute resolution tool.

⁴ Melenko, O. (2020). Mediation as an alternative form of dispute resolution: Comparative-legal analysis. *European journal of law and public administration*, 7(2), 46-63.

⁵ Ali, A. A. (2023). Mediation and Conflict Resolution.

⁶ Krueggeler, T. (2019). The Power in Mediation and Mediating Power: Towards a Critical Theory of Alternative Dispute Resolution.

⁷ Naseem, F., Muhammad, A., Aziz, A., & Aleem, Y. (2024). Evaluating the Impact of ADR Mechanism in Reducing the Backlog of Civil Disputes on Judiciary. *Pakistan Journal of Criminal Justice*, 4(1), 272-281.

⁸ Melenko, O. (2020). Mediation as an alternative form of dispute resolution: Comparative-legal analysis. *European journal of law and public administration*, 7(2), 46-63.

⁹ Hafizhah, A. (2024). Navigating Legal Awareness in the Digital Era: Cultivating A Digital Culture in Indonesia. *Mahadi: Indonesia Journal of Law*, 3(01), 36-41.

¹⁰ Deineha, M. (2022). Mediation as an alternative method of dispute resolution: International and national practices in legal regulation. *Law. Human. Environment*, 13(4), 16-25.



2. Method

This study employs a normative-empirical juridical approach, a method that combines the study of existing legal norms (normative approach) with the examination of social realities in the field (empirical approach). This approach is used because mediation, as a form of alternative civil dispute resolution, is not only juridical-normative being explicitly regulated in various laws and regulations but also has a practical dimension that is heavily influenced by the behavior of legal actors, societal culture, and the institutional readiness of the judiciary.¹¹ Thus, this approach allows researchers to understand not only what ought to be according to the law (*das sollen*), but also what actually occurs in practice (*das sein*), including the barriers and challenges in its implementation within the courts.

From the normative perspective, this study examines several laws and regulations governing mediation in civil cases in Indonesia, including Supreme Court Regulation (PERMA) No. 1 of 2016 on Court Mediation Procedures, the Indonesian Civil Code (KUHPerdata), and Law No. 48 of 2009 on Judicial Power. Additionally, general principles of civil procedural law such as the principles of expediency, simplicity, and low-cost proceedings are also key areas of analysis.¹² This analysis is conducted to assess the extent to which existing regulations support the principles of efficiency and justice in civil dispute resolution through mediation, and to identify whether there are legal gaps, inconsistencies, or overlapping norms that hinder the effective implementation of mediation.

Meanwhile, from the empirical perspective, research was conducted through direct observation of mediation practices at the Bandung District Court, West Java. This court was selected because it is a Class IA court that handles a large number of civil cases annually and serves as a model for the implementation of a modern justice system based on public service. The court has a dedicated Mediation Service Unit and active judge-mediators, making it a highly relevant location for studying the effectiveness of mediation based on real-world data.¹³ Through fieldwork at this site, the researcher aims to gain a comprehensive understanding of how mediation operates, its success rate, and the obstacles experienced by mediation stakeholders.

The research subjects include judge-mediators, substitute clerks, mediation service staff, and litigants (plaintiffs/defendants) who have participated in mediation proceedings. These subjects were chosen based on the consideration that they possess firsthand knowledge and empirical experience of the mediation process, both as implementers and participants. Their participation is essential for uncovering complementary perspectives on the practice of mediation, its effectiveness, the attitudes of the disputing parties, and the challenges frequently encountered during the process.

The types of data used in this study are divided into primary and secondary data. Primary data were obtained through interviews with the aforementioned informants, as well as direct observations of mediation activities in court, including the use of mediation rooms, the communication methods employed by mediators, and the level of involvement of the disputing parties. Additionally, primary data include official documents from the Bandung District Court, such as annual reports, mediation case statistics, and mediation outcome forms. Meanwhile, secondary data were obtained through literature review, covering legislation, legal textbooks, previous journal articles, and relevant court decisions that serve as comparative material.

¹¹Deineha, M. (2022). Mediation as an alternative method of dispute resolution: International and national practices in legal regulation. *Law. Human. Environment*, 13(4), 16-25.

¹² Mustakim, M., Prasetyo, M. S. E., & Salsabila, A. R. (2023, December). The Idea of Requiring Mediation Outside of Court in Realizing Simple Principles, Fast and Low Cost. In *International Conference on "Changing of Law: Business Law, Local Wisdom and Tourism Industry" (ICCLB 2023)* (pp. 1106-1114). Atlantis Press.

¹³ Symeonides, S. C. (2021). Choice of Law in the American Courts in 2020: Thirty-Fourth Annual Survey. *The American Journal of Comparative Law*, 69(2), 177-262.

Results and Discussion

To better understand the effectiveness of mediation in resolving civil disputes at the Bandung District Court, this study presents several sets of data compiled from official court documents, field observations, and interviews. These data are organized into tables to provide a systematic overview of the number of cases referred to mediation, the success rate of those mediations, and the practical challenges encountered during implementation. In addition, the tables serve to highlight the gap between the normative framework outlined in Supreme Court Regulation (PERMA) No. 1 of 2016 and the actual practices observed in the field. The presentation of these tables aims to support a more in-depth analysis of whether mediation has functioned effectively as an alternative dispute resolution mechanism that is efficient, equitable, and accessible.

Table 1. Number of Civil Cases and Mediated Cases at Bandung District Court (2021–2023)

Year	Total Civil Cases	Cases Sent to Mediation	Successful Mediation	Failed Mediation
2021	1,152	1,022	133	889
2022	1,234	1,110	145	965
2023	1,278	1,156	161	995

Source : Case Records from Bandung District Court Registry, Civil Division

The statistical data on civil case mediation at the Bandung District Court, as shown in Table 1, reveals that while a large number of civil cases were formally referred to mediation from 2021 to 2023, the number of successfully mediated cases remained significantly low. In 2023, for instance, out of 1,156 cases sent to mediation, only 161 (approximately 13.9%) were resolved through mediation, with the remaining 995 cases proceeding to litigation. This pattern is consistent across the three years observed, indicating a persistent gap between mediation referral and its success. The low success rate suggests that the mediation process is either not functioning effectively or not fully embraced by the disputing parties.

Table 2. Mediation Success Rate at Bandung District Court

Indicator	2021	2022	2023
Mediation Success (%)	13.0%	13.1%	13.9%
Mediation Failure (%)	87.0%	86.9%	86.1%
Average Mediation Sessions	1.2	1.3	1.4

Source : Annual Reports of Bandung District Court (2021–2023)

Table 2 further emphasizes this trend by highlighting that the mediation success rate fluctuates between 13.0% and 13.9%, with failure rates consistently exceeding 85%. Moreover, the average number of mediation sessions per case hovers just above one session. This is far below the ideal mediation process, which typically requires multiple structured sessions to explore interests, clarify misunderstandings, and negotiate outcomes. The minimal engagement may reflect either a procedural obligation without substantive intent or insufficient time allocation and commitment from the court or disputing parties.

Table 3. Summary of Interview Findings with Judges and Litigants

Theme	Main Statements from Respondents
Awareness of Mediation	"Most parties do not understand the benefits of mediation and see it only as a formality."
Role of Mediator	"A mediator's communication skills strongly affect whether a resolution is reached."
Obstacles in Mediation	"Many parties refuse to negotiate seriously or attend only once without intention to settle."
Regulatory Compliance	"PERMA is followed procedurally, but the spirit of voluntary settlement is often neglected."

Source : Conducted by Researcher, April–June 2025

Table 3, which summarizes qualitative data from interviews with judges and litigants, offers deeper insight into why the mediation success rate remains low. Most respondents indicated that mediation is perceived as a procedural formality rather than a genuine opportunity to resolve disputes. Mediators also face challenges in encouraging constructive dialogue due to limited training, time constraints, or parties' unwillingness to negotiate in good faith. These findings suggest that beyond structural limitations, cultural and attitudinal barriers significantly hinder the effectiveness of court-annexed mediation in Bandung.

Table 4. Availability of Mediation Facilities and Resources

Item	Availability Status	Notes
Dedicated Mediation Room	Available (1 room)	Limited privacy and acoustic issues
Number of Certified Judge Mediators	6 out of 24 judges	Overloaded with other case duties
Mediation SOP Document	Available	Not regularly updated or evaluated
Support Staff for Mediation	Not Available	No special officer assigned

Source : On-site Observations by Researcher, April 2025

The institutional and infrastructural limitations are detailed in Table 4. Although a dedicated mediation room exists, it lacks privacy and acoustic adequacy, which are essential for open and confidential discussion. Only 6 out of 24 judges are certified as mediators, and even these certified judges are overwhelmed with their main duties, limiting their availability for thorough mediation sessions. In addition, there are no specialized staff assigned to assist in mediation logistics, and existing Standard Operating Procedures (SOPs) are not regularly reviewed or optimized. These deficiencies in support systems further weaken the court's ability to facilitate high-quality mediation processes.

Table 5. Comparison of Norms (PERMA No. 1/2016) and Practice

Legal Provision (PERMA)	Observed Practice at Bandung District Court
Mediation should be voluntary and participatory	Parties often passive or absent during sessions
Minimum 30 working days for mediation	Many mediations last only 1–2 short sessions
Mediator must actively facilitate communication	Limited due to time constraints and insufficient training
Sanctions for bad faith or non-attendance	Rarely enforced, no legal consequence for non-cooperation

Source : Observation and Analysis of Mediation Practice at Bandung District Court

Table 5 compares the legal framework outlined in PERMA No. 1 of 2016 with the realities observed in practice. Although the regulation mandates voluntary participation, meaningful communication, and sanctions for non-cooperation, in practice these elements are either overlooked or poorly enforced. For example, most parties attend only the initial session, without engaging seriously in the negotiation process. Mediators often cannot actively facilitate communication due to lack of training or excessive caseloads. Sanctions for bad faith are rarely imposed, rendering the regulation less impactful. This discrepancy underscores the need for regulatory reinforcement and institutional reform to close the gap between legal ideals and procedural realities.

The implementation of mediation as an alternative method of resolving civil disputes at the Bandung District Court reflects a complex dynamic between normative expectations and practical realities. Based on data obtained from annual court reports and interviews with several judge-mediators and clerks, it was found that in 2023 alone, the number of civil cases filed at the Bandung District Court exceeded 1,000. Of that number, nearly all cases were first directed to mediation, as mandated by Supreme Court Regulation (PERMA) No. 1 of 2016 on Mediation Procedures in Court.

However, the mediation success rate remains low, with only around 12–15% of cases successfully resolved through peaceful settlement. This figure shows that although mediation has become a procedural part of the civil justice system, its effectiveness as an alternative solution remains suboptimal in practice.

Theoretically, mediation is believed to offer a faster, more cost-efficient dispute resolution process while preserving relationships between parties. The principles of voluntariness and win-win outcomes distinguish mediation from litigation. However, at the Bandung District Court, the effectiveness of mediation is often hindered by the lack of active participation from the disputing parties. Many plaintiffs and defendants undergo the mediation process merely to fulfill administrative obligations, rather than out of a genuine desire to reach peace. In some cases, parties fail to appear without valid reason, or attend but remain passive, uncooperative, and unwilling to engage in dialogue. This illustrates that the success of mediation depends not only on regulations but also heavily on legal awareness and a societal culture that values peaceful dispute resolution.

From a normative standpoint, regulations governing mediation actually provide a fairly clear legal framework. PERMA No. 1 of 2016 contains provisions regarding mediation procedures, mediator competence, and the drafting of peace agreements with executory legal power. However, implementation reveals several weaknesses. For instance, the regulation does not specify mechanisms for evaluating mediator performance, ideal timeframes for mediation sessions, or oversight procedures when mediation is carried out merely as a formality. Furthermore, the lack of strict sanctions for parties who fail to attend or act in bad faith makes the process appear non-compulsory. This creates a gap between the ideal legal norms and practical realities in court.

Empirically, the challenges faced in implementing mediation at the Bandung District Court span various aspects. One of the greatest obstacles is the public's limited understanding of mediation's benefits. Interviews with plaintiffs and defendants reveal that most of them view mediation simply as a "mandatory court stage" without realizing that it can legally and finally end a dispute. Additionally, the prevailing legal culture in Indonesia remains litigation-oriented, leading many to perceive judicial rulings as more legitimate and authoritative than peaceful agreements. This shows that the success of mediation is closely tied to the level of public legal literacy and how effectively the judiciary educates the public on non-litigation dispute resolution.

Another crucial factor is the quality and quantity of available judge-mediators. At the Bandung District Court, the number of active judge-mediators is limited, while their caseloads are high. Several judges reported having to divide their time between presiding over court sessions and conducting mediation, which ultimately affects the depth and quality of interaction during the mediation process. Furthermore, technical-communicative mediator training is not yet a continuous requirement. In fact, the success of mediation largely depends on the mediator's ability to build trust, manage conflict dynamics, and bridge communication between disputing parties.

In practice, the physical and technical facilities for mediation also remain a challenge. Although the Bandung District Court has provided a mediation room, under certain conditions it is still inadequate, particularly in terms of comfort and privacy. Yet, successful mediation often depends on a calm, open, and non-threatening atmosphere. Some parties even stated that the mediation room was too small and not soundproof, discouraging them from speaking openly about their feelings or positions. Technical details such as these, although seemingly minor, play a vital role in facilitating effective mediation.

Amid these challenges, the role of the judge-mediator is a key determinant of mediation success. Observations and interviews revealed that mediation led by a mediator using a personal, empathetic, and dialogical approach is more likely to result in peaceful agreements. In contrast, rigid and formalistic mediation processes often yield no tangible results. This illustrates that mediation is not merely about following procedures it is a process that requires interpersonal skills, effective communication strategies, and an understanding of conflict psychology. Therefore, soft skills training for mediators must be continuously promoted to ensure a more humane and productive mediation process.

The Bandung District Court has made several improvements, such as providing more practical mediation SOPs, creating user-friendly peace agreement forms, and integrating mediation data

into the court's information system. However, these efforts are still insufficient to address more fundamental issues, such as low public participation and the lack of systemic support from the national judicial institution. Therefore, going forward, there is a need to strengthen regulation through revisions to the PERMA, increase human resources for mediator positions, and expand electronic mediation services (e-mediation) to make the mediation process more adaptive to technological developments and public needs.

From the above discussion, it can be concluded that mediation as a means of resolving civil disputes at the Bandung District Court has great potential to become an effective and efficient conflict resolution instrument. However, this potential has not yet been fully realized due to various normative and empirical constraints that must be addressed systematically. This study highlights the importance of integrating strong regulation, consistent implementation, public legal education, and mediator capacity-building so that the function of mediation within the Indonesian judicial system can truly reduce court burdens and provide substantial justice for those seeking it.

DISCUSSION

Alignment Between Norms and the Practice of Mediation Implementation

One of the main focuses of this discussion is to assess the extent to which the implementation of mediation at the Bandung District Court aligns with normative provisions as stipulated in Supreme Court Regulation (PERMA) No. 1 of 2016 on Mediation Procedures in Court. In practice, most civil cases at the court are indeed directed to mediation before entering the main trial phase, as mandated by the regulation. However, this compliance is more administrative than substantive. Based on observations and interviews, it was found that many mediation processes are conducted in a very short time, without a deep approach to the conflict dynamics between parties. In fact, many mediations consist of only a single session and end without an agreement, indicating a gap between the ideal legal norms (*das sollen*) and the practical reality (*das sein*). This shows that although mediation has been procedurally positioned within the justice system, its core principles voluntariness, confidentiality, and participation are not always genuinely practiced.

The Effectiveness of Mediation in Reducing Court Caseload

The effectiveness of mediation in reducing the court's caseload is another significant concern of this study. Data indicate that the success rate of mediation at the Bandung District Court remains relatively low, ranging from 10% to 15% of the total cases referred to mediation. This means that the majority of cases still proceed to full litigation. Ideally, mediation should serve as a quick and efficient means of resolution that eases the burden on judges, reduces case backlogs, and improves judicial public service. However, due to various technical and cultural obstacles, mediation has yet to be fully utilized by justice seekers. This issue is compounded by public perceptions that court rulings symbolize victory, rather than seeing mediation as a peaceful solution. As a result, mediation's strategic role as a case filter in the judicial system has not been effectively realized.

The Role and Competence of Judge-Mediators

From the perspective of human resources, the role of judge-mediators is a decisive factor in the success of mediation. A mediator's ability to manage conflict, create a conducive environment, and provide equal communication space for each party greatly influences the outcome of mediation. However, not all judge-mediators have a background in specialized mediation training. Many of them admitted to only attending a single training session upon being appointed as mediators, without ongoing or periodic refreshers. Their heavy caseloads also make it difficult to allocate sufficient time for mediation sessions. In some instances, mediation is conducted merely as an "administrative duty," without the interpersonal approach that is essential for peaceful dispute resolution. These limitations directly affect the quality and effectiveness of mediation in court.

Participation and Perceptions of the Disputing Parties

Beyond the role of the mediator, the active participation of disputing parties is also a key determinant of mediation success. Many cases fail to reach resolution through mediation because the defendant is absent, unwilling to engage in dialogue, or demonstrates a lack of good faith. This study found that public legal awareness regarding mediation remains low. Most parties still prefer litigation because it is perceived as more "certain" and final, even though it is more time-consuming and costly. This

indicates that mediation success depends not only on the judicial system and its officers but also on a transformation in legal culture, where society becomes more accustomed to participatory and non-confrontational dispute resolution. Long-term strategies are therefore needed to improve public legal literacy, including public education and legal advocacy.

Availability of Mediation Facilities and Infrastructure

In terms of infrastructure, mediation facilities at the Bandung District Court still face several limitations. Although dedicated mediation rooms are available, not all meet the standards of privacy, comfort, and neutrality. For instance, in some mediation sessions, parties felt uncomfortable discussing issues openly because the room was not soundproof or was too close to public areas. Yet, a safe and comfortable mediation atmosphere is essential for fostering open communication and trust. Moreover, the absence of performance evaluation and reward systems for mediators results in a lack of internal attention and motivation to carry out mediation more seriously.

Public Legal Education and Mediation Awareness

Another critical issue is the lack of public outreach and legal education regarding the existence and benefits of mediation. Field findings indicate that most litigants had never received a thorough explanation about what mediation is, its advantages, or how it works. Many only learned about mediation upon entering court, and participated simply because it was required. When mediation is not understood as a strategic and beneficial resolution tool, it is unlikely that parties will engage in it with a spirit of reconciliation. This highlights the important role of the court not only as a dispute-deciding institution but also as an educational entity that fosters a culture of peaceful and restorative conflict resolution.

Strengthening Mediation Regulations and Policy Innovation

In the context of regulation, this study emphasizes the importance of strengthening policies and legal frameworks that support mediation implementation. PERMA No. 1 of 2016, as the normative regulation, needs to be re-evaluated particularly regarding sanctions for non-compliance, standardized mediator training, and the development of monitoring and evaluation systems for mediation performance. Additionally, technological development must be addressed, including the implementation of e-mediation (online mediation), which enables parties to mediate without geographical or time constraints. This is especially relevant in the post-COVID-19 era, where digital transformation has become an urgent need within the modern justice system. With a more adaptive legal approach, mediation can become a cornerstone of civil dispute resolution that is faster, more affordable, and fairer.

Conclusions

Based on the results of the research conducted, it can be concluded that the implementation of mediation as a means of resolving civil disputes at the Bandung District Court still faces various normative and empirical challenges. Normatively, mediation is supported by a strong legal foundation through Supreme Court Regulation (PERMA) No. 1 of 2016; however, its implementation in practice has not fully reflected the core principles of mediation, such as voluntariness, participation, and restorative justice. Empirically, the effectiveness of mediation remains low, as indicated by the limited number of cases successfully resolved through this mechanism. Contributing factors include the public's limited understanding of mediation's function, the insufficient number and capacity of judge-mediators, and the suboptimal availability of supporting facilities and infrastructure within the court environment. Furthermore, mediation is still widely perceived as a mere formality rather than a primary path to conflict resolution. Therefore, synergy is needed between regulatory reform, human resource capacity building, institutional strengthening, and public legal education in order to establish mediation as an effective, efficient, and equitable dispute resolution instrument.

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