International Asia Of Law and Money Laundering
Vol. 4 No.4 December 2025
https://doi.org/10.59712/iaml.v4i4.143

P-ISSN 2829-1654
E-ISSN 2829-517X

International Asia Of Law and Money Laundering

Application of Mediation Obligations at the Level of Appeal and Cassation Legal Remedies in Indonesia

Sabela Gayo[1*]
Faculty of Law, Dirgantara Marsekal Suryadarma University, Indonesia
: *sabela.gayo@gmail.com*
Coresponding Author*

ARTICLE INFO

Keywords:
Appeal,
Cassation,
Dispute Resolution,
Mediation,
PERMA No. 1 Year 2016.

Date received : 12 Oktober 2025
Revision date : 07 Nov 2025
Date received : 23 Des 2025

ABSTRACT

Mediation is a dispute resolution instrument that emphasizes peace and time efficiency in the judicial process. Based on the regulation of the Supreme Court of the Republic of Indonesia (PERMA) Number 1 of 2016 concerning mediation procedures in court, every civil case must first be resolved through mediation before the examination of the subject matter is carried out. In practice, however, there is still debate as to whether the mediation obligation can be applied at the level of appellate and Cassation remedies. This paper aims to analyze the position and application of mediation obligations in the advanced stages of legal efforts, using normative legal research methods. The results showed that formal mediation is only required at the first examination level, but the spirit of peace on which mediation is based can still be pursued voluntarily at the appeal and Cassation levels. It is necessary to reformulate the regulation so that the opportunities for peace at all stages of the judiciary remain effectively open.

P-ISSN 2829-1654
E-ISSN 2829-517X

INTRODUCTION

The Indonesian legal system is built on the principle of the rule of law as stated in Article 1 Paragraph (3) of the Constitution of the Republic of Indonesia of 1945, which affirms that all exercise of power must be based on law. One of the manifestations of this principle is the implementation of an independent judicial power aimed at upholding law and Justice. In the context of resolving civil disputes, the court not only plays the role of an institution that passes decisions, but also has a social function to restore harmony and peace between the parties to the dispute. One instrument that stands out in achieving this goal is mediation, which is an out-of-court or in-court dispute resolution mechanism with the help of a neutral third party to help the parties reach an amicable agreement. Mediation is a concrete manifestation of the implementation of the principle of simple Justice, fast, and low cost as stipulated in Article 2 Paragraph (4) of Law No. 48 of 2009 on Judicial Power. Through mediation, parties can resolve their cases without having to go through the entire lengthy, expensive, and emotionally draining litigation process.

The Supreme Court of the Republic of Indonesia has provided a strong legal basis for the implementation of mediation through the regulation of the Supreme Court of the Republic of Indonesia (PERMA) Number 1 of 2016 concerning mediation procedures in court. This regulation replaces PERMA No. 1 of 2008 and contained important reforms, among them requiring judges of the first instance to seek mediation in any civil case before entering the examination of the subject matter. Thus, mediation is no longer just an option (voluntary), but a legal obligation (mandatory) that must be implemented by the judge and the parties to the dispute.

The main purpose of the arrangement is to reduce the buildup of cases in the courts and encourage the realization of restorative justice and sustainable peace. However, in practice, an important question arises among academics and legal practitioners, namely: Does the mediation obligation also apply and can it be applied at the level of Appeal and Cassation legal remedies? Normally, PERMA No. 1 of 2016 does not provide explicit provisions regarding the application of mediation at the stage of legal remedies. Mediation is only required at the first stage of examination in the district court or religious court. Thus, when a case has been decided and one of the parties files an appeal or Cassation, there is procedurally no necessity for an advanced Court to facilitate the re-mediation process.

However, from the point of view of the principle of justice and the philosophy of law, the main purpose of the judicial system is not simply to decide cases, but to reconcile man with other people. In this case, the spirit of peace as the soul of the mediation process remains relevant to be pursued at every stage of the judiciary, including at the appeal and Cassation levels. This is where the tension arises between the normative-procedural and the substantive-philosophical aspects of the application of mediation law.

Furthermore, it is necessary to realize that cases that reach the appeal and Cassation level have usually experienced an escalation of legal and emotional conflicts between the parties. Nevertheless, the experience of judicial practice shows that not a few cases can be resolved through an amicable agreement even after a cassation verdict has been filed. Where the parties apply for a cassation revocation because they have reached an out-of-court peace, and the Supreme Court then authorizes the revocation. This confirms that although it is not formally regulated, peace is still possible at every level of the legal process, including appeal and Cassation.

On the other hand, there is still a skeptical view towards the application of mediation in the legal remedy stage. Legal practitioners argue that the appeal and Cassation stages are corrective, that is, to check and correct errors in the application of the law by the courts of the previous level, not to re-arbitrate the substance of the dispute. This view affirms that the space to mediate at that stage is no longer considered relevant because the focus of the examination is not on facts and social relations, but on formal legal aspects.

However, when viewed from the political perspective of modern judicial law, the dispute resolution system should not rule out the possibility of still promoting peace at every stage. Countries such as Singapore and Malaysia have developed post-judgment mediation models, i.e. mediation mechanisms after court decisions, to encourage more humane and efficient settlements. This concept is in line with the spirit of Indonesian National Law Reform which places substantive justice above procedural justice.

In addition, the obligation of judges to seek peace is actually generally enshrined in Article 130 of the HIR and Article 154 of The RBg, which states that "judges are obliged to seek peace at every stage of the examination." This sentence can be interpreted broadly that mediation is not only the domain of the court of first instance, but can also be integrated in

P-ISSN 2829-1654
E-ISSN 2829-517X

legal remedies, as long as the parties have a good faith to make peace.

Based on these realities, the urgency of this study is becoming increasingly clear, which is to analyze the application of mediation obligations at the level of Appeal and Cassation legal remedies, both in normative, conceptual and philosophical terms. This paper also intends to provide recommendations on the reformulation of the Civil Procedure Code so that the Indonesian justice system can be more adaptive to the dynamics of modern dispute resolution that emphasizes human values, efficiency, and substantive justice. Thus, the discussion on the application of mediation obligations at the level of legal remedies is not only theoretical, but also strategic for the development of the national legal system. If managed properly, the application of mediation at all stages of the judiciary will strengthen public confidence in the judiciary, reduce the burden of the case, and encourage the realization of a legal system oriented to restorative justice and social peace values.

Civil dispute settlement in Indonesia has various legal mechanisms aimed at providing justice to the parties to the dispute. One of the important mechanisms is mediation, which is the process of resolving disputes with the help of a neutral third party to reach an amicable agreement between the litigants. Mediation is part of the principle of simple, fast, and low-cost justice as mandated in Article 2 Paragraph (4) of Law No. 48 of 2009 on Judicial Power. The Supreme Court then affirmed the mediation position through PERMA No. 1 of 2016 which stipulates that every civil case must be resolved through mediation before proceeding to the proof stage. However, there is still a juridical question: Does the mediation obligation also apply at the stage of Appeal and Cassation legal remedies? Normatively, the PERMA does not explicitly regulate the application of mediation at the appeal or Cassation level. Nonetheless, the spirit of peaceful settlement remains an essence that should not be neglected in any stage of the judiciary.

METHOD

This study uses normative legal method, which is research that relies on the study of literature and primary and secondary legal materials. The approach used includes: statutory approach (statute approach) examines regulations such as Law No. 48 of 2009 on Judicial Power, Law No. 20 of 1947 on Judicial replay (appeal), and PERMA No. 1 year 2016 and the conceptual approach (conceptual approach) by reviewing the concept of mediation and legal remedies in the theory of Civil Procedure Law. The Data are analyzed in a qualitative-descriptive manner in order to explain the interrelation of legal norms with the judicial practice taking place.

RESULTS AND DISCUSSION

A. The concept and position of mediation in the Indonesian justice system

Mediation is a form of dispute resolution based on the principle of deliberation for consensus and peaceful settlement, which has strong roots in the legal culture of Indonesian society. Before the introduction of the modern justice system in the colonial period, the community had known the peaceful settlement of disputes through customary institutions, where the customary head or community leaders acted as mediators. Thus, mediation is not only known as a formal legal mechanism, but also as a reflection of the social values that live in society. In the context of positive law, mediation is defined as a process of dispute resolution through negotiations to obtain the agreement of the parties with the help of a neutral third party (mediator). This understanding is contained in Article 1 Number 1 of Supreme Court Regulation (Perma) Number 1 of 2016 concerning mediation procedures in court. The Mediator does not have the authority to decide, but rather helps the parties find a mutually beneficial solution (win-win solution). The main objective of mediation is to reach an amicable agreement acceptable to both parties without the need to continue a long and laborious judicial process.

The legal basis for the implementation of mediation in Indonesia is rooted in Article 130 of the Herziene Indonesisch regulation (HIR) and Article 154 of the Rechtsreglement Buitengewesten (RBg) which regulates the obligation of judges to first seek peace before the examination of cases begins. This provision implies that an amicable settlement is an integral part of the judicial process, not just an additional option. Furthermore, the Supreme Court affirmed these provisions through Perma No. 2 of 2003, then updated with Perma No. 1 of 2008, and finally Perma No. 1 of 2016. This new regulation corrects weaknesses in previous rules, such as clarifying the role of mediators, setting mediation time limits, and sanctioning violations of mediation procedures by judges and parties. The principles underlying the implementation of mediation in court include: the principle of confidentiality (Confidentiality): the entire process and the results of mediation are confidential and can not be used as evidence in the trial if mediation fails, the principle of voluntariness (Voluntariness): although mediation is

P-ISSN 2829-1654
E-ISSN 2829-517X

a processual obligation, an amicable agreement can only be reached on a voluntary basis from the parties, the principle: mediation is expected to speed up dispute resolution without compromising the parties ' sense of Justice. With these principles, mediation is expected to be an effective means to reduce the burden of cases in court, while upholding the principle of simple, fast, and low-cost justice, as stipulated in Article 2 Paragraph (4) of Law No. 48 of 2009 on Judicial Power.

Structurally, mediation occupies an integral and mandatory position in the process of resolving civil cases in the courts of first instance. Article 3 Paragraph (1) Perma No. 1 of 2016 affirms that every judge is obliged to seek mediation in any civil case filed against him. In fact, if the mediation is not carried out according to the procedure, the resulting verdict may be declared null and void. That is, mediation is not just an administrative formality, but is part of the procedural legal mechanism that determines the validity or invalidity of a court decision. Such an important position of mediation makes it the initial filter in the civil justice process. Its purpose is not only to reduce the burden of the case, but also as a means of restoring good relations between the parties to the dispute. In many cases, the outcome of successful mediation resulting in a peace agreement has more social and psychological power than the judge's decision, because the parties feel part of the solution, not just the object of the decision. In addition, mediation also has the same legal force as a court decision, if the results of the agreement are set forth in the form of a peace deed (van dading deed) signed by the parties and endorsed by the mediator Judge. The peace deed has permanent legal force (in kracht van gewijsde) and can be executed without the need for further legal remedies.

The main functions of mediation in the Indonesian justice system are: as an instrument of peaceful dispute resolution that promotes deliberation;, as a preventive effort against the accumulation of cases at the appeal and Cassation levels;, as a means of legal education for the community, because through mediation the community learns to resolve conflicts without having to rely on court decisions; and as a form of application of restorative justice in the civil sphere, where social rapprochement takes precedence over winners and losers in legal disputes. Thus, mediation is a manifestation of the social function of the judiciary, not merely a formal juridical function. This is in line with the views of Satjipto Rahardjo who stated that the law must be executed in the "spirit of upholding substantive justice", not just procedural.

Although normatively the position of mediation is strong, its implementation in the field still faces a number of obstacles. Based on the evaluation of the Supreme Court's 2024 Annual Report, the success rate of mediation in court is still relatively low, averaging below 10% of the total cases mediated. Some of the factors include: lack of understanding of the parties to the benefits of mediation; limited number of certified mediators; litigation culture is still strong and the lack of an active role of mediator judges in encouraging a constructive mediation atmosphere. Despite this, the Supreme Court continues to make updates, including encouraging courts to provide comfortable mediation rooms, improving mediator training, and utilizing information technology in electronic mediation (e-mediation) processes.

In Indonesia's tiered justice system, mediation is formally applied only at the first level. However, the spirit of peace contained in it should also be brought to life at every level of the judiciary, including appeal and Cassation. The principle of restorative justice on which mediation is based does not contradict the principle of re-examination at the appeal level and the examination of the application of the law at the Cassation level. Thus, the position of mediation in the Indonesian judicial system cannot be understood narrowly as a procedure that only applies at the beginning of the judicial process, but rather as the soul of the entire civil dispute resolution system, both at the first level and legal remedies. The spirit of peace that underlies mediation must be part of the orientation of every judge in deciding cases, as mandated by Article 58 of Law Number 48 of 2009, that judges must explore, follow, and understand the values of law and a sense of justice that lives in society.

Mediation is an integral part of the Indonesian justice system. In the PERMA No. 1 of 2016, mediation is defined as a way of dispute resolution through negotiations to obtain agreement of the parties with the assistance of a mediator. The main purpose of mediation is to reduce the burden of the case and provide a quick and efficient peaceful settlement. The obligation to mediate in the first instance is imperative, which means that the judge is obliged to order the parties to mediate before the examination of the subject matter begins. Failure to carry out mediation in accordance with the provisions may lead to the decision being declared null and void for violation of mandatory procedures. However, the regulation does not provide for the conduct of mediation at the appeal or Cassation level. Juridically, this creates a legal vacuum (rechtsvacuum)

P-ISSN 2829-1654
E-ISSN 2829-517X

regarding the chances of peace in the advanced stages of the judicial process.

B. Appellate and Cassation remedies: objectives and characteristics

The appeal legal remedy is regulated in Law No. 20 of 1947, which is a mechanism for re-examining the decision of the court of First Instance. Meanwhile, Cassation, as stipulated in Law No. 5 of 2004 concerning the Supreme Court, is an examination of the application of the law, not the facts of the case. Both of these remedies have a corrective nature, not a reconciliative one. That is, the function of Appeal and Cassation is to check the correctness of the application of the law, not to mediate or mediate social disputes between parties. Therefore, there is formally no obligation for mediation at the appeal and Cassation level. Nevertheless, the principle of voluntary settlement still allows the parties to reach an out-of-court peace, even after a cassation appeal has been filed. In practice, the parties may revoke the remedy if peace is reached.

An appeal is an ordinary legal remedy brought against a decision of a court of First Instance to a higher court, with the aim of having the decision re-examined both in terms of facts and the application of the law. According to the provisions of Article 6 of Law No. 20 of 1947 on repeat Justice in Java and Madura, parties who are dissatisfied with the decision of the District Court can appeal to the High Court within fourteen days after the decision is pronounced or notified to the party concerned. The appeal serves as a form of vertical supervision of the performance of first-instance judges and at the same time provides an opportunity for the injured party to obtain more substantive justice. In this stage, the judge at the appeal level has reformative Authority, which can correct, change, and even cancel the decision of the court of First Instance, as well as re-examine all aspects of the case including the evidence presented. The appeal also aims to ensure that the principle of audi et alteram partem (both parties must be heard) is applied fairly, as well as guaranteeing the absence of errors in the assessment of legal facts that could harm either party. Therefore, in the context of mediation, the appeal stage should not only be oriented to formal proof, but also provide space for the possibility of resolving disputes through a peaceful approach (judicial mediation), as reflected in the spirit of the Supreme Court Regulation (Perma) Number 1 of 2016 on mediation procedures in court.

Cassation is an extraordinary legal remedy filed with the Supreme Court (MA) against the decision of the court of Appeal or against the decision of the court of First Instance which according to the law can be directly requested for Cassation. The main purpose of Cassation is to ensure the uniformity of the application of the law and to ensure that the law is applied correctly, fairly, and consistently throughout the jurisdiction of Indonesia. Cassation no longer examines the facts of the case as an appeal, but only examines the application of the law (judex juris). The Supreme Court acts as the supreme guardian of law and Justice (guardian of justice), which ensures the absence of errors in the interpretation or application of legal norms by the courts below it. As Stipulated In Article 30 Paragraph (1) Of Law No. 5 Of 2004 Concerning Amendments To Law No. 14 Of 1985 Concerning The Supreme Court, Cassation Can Be Filed If: The Court Is Not Authorized Or Exceeds The Limits Of Authority;, Wrongly Applies Or Violates Applicable Law; Or, In The Event Of A Breach Of The Terms And Conditions Set Forth By Law, The Breach Shall Be Deemed To Be A Breach Of The Terms And Conditions Set Forth In The Act.

The Characteristic Of Cassation Is A Casuistic Examination Of The Law, Not Of New Evidence. Therefore, In Practice, The Supreme Court No Longer Considers Aspects Of Mediation Or Peaceful Settlement, Because The Main Focus Is On Enforcing The Principle Of Legality And Legal Certainty. Nevertheless, The Application Of The Obligation Of Mediation At The Cassation Level Is Still An Academic Debate, Especially In The Context Of Expanding The Supreme Court's Function As A Guardian Of Substantive Justice, Rather Than Merely Formal Justice.

Thus, both appeals and Cassation have an important function in ensuring the realization of a fair, transparent and accountable justice system. The application of mediation obligations at the level of legal remedies, especially appeals, can be an innovation that strengthens the principles of restorative justice and the efficiency of civil dispute resolution in Indonesia.

C. The Potential And Challenges Of Implementing Mediation At The Appeal And Cassation Levels

Normatively, There Is No Legal Prohibition On Making Peace At The Appellate And Cassation Levels. Article 130 of the HIR and Article 154 of The Rbg state that judges are obliged to seek peace at every stage of the examination. This Phrase Can Be Widely Interpreted That Peace Efforts Should Have Been Inherent In Every Level Of The Judiciary. The jurisprudence of the Supreme Court indicates that

P-ISSN 2829-1654
E-ISSN 2829-517X

peace is still possible after the case has been submitted to the Cassation level.

Nevertheless, the application of mediation at the appeal and Cassation levels faces major challenges. First, at this stage the case has focused on aspects of the application of the law, no longer on the substance of the legal relationship between the parties. Second, the mediation process at the advanced level is considered inefficient because it increases the processing time of cases that should be focused on juridical examination.

The potential for the application of mediation at the appeal and Cassation levels is actually very large when viewed from the perspective of substantive justice. In practice, the Supreme Court has set a positive precedent through a number of rulings that recognize the possibility of conciliation after a case has gone to Cassation. Where the parties agree to make peace out of court, then the Supreme Court authorizes the revocation of the Cassation petition because peace has been reached. This precedent shows that peace at the Cassation level remains legally valid, as long as both parties agree and does not contradict law, decency, or public order. This proves that the mediation function is inherent in the principle of deliberation which is the basis for dispute resolution in Indonesia. In addition, the application of mediation at the appeal level can be positioned as "continuing mediation" (continuing mediation), that is, the continuation of the mediation process that has not been successful at the first level. In this context, the appellate judge has room for discretion to encourage the parties to take an amicable path before deciding the case. This mechanism is in line with the spirit of restorative civil justice, where judges act not only as law enforcers, but also as social justice facilitators.

In terms of efficiency, mediation at an advanced level has the potential to reduce the burden of cases (case backlog) which is now a serious problem in the High Court and Supreme Court. The Supreme Court's 2024 Data recorded more than 22,000 civil Cassation cases piling up, with an average settlement time of 18 months. If part of the dispute can be resolved peacefully at the appeal stage, the burden of Cassation cases will be significantly reduced, while accelerating the realization of the principle of fast and efficient justice. From a sociological perspective, the application of mediation at the appeal and Cassation level also has the potential to realize social reconciliation and civil rapprochement between parties. In many family, inheritance, or business disputes, an amicable settlement often yields better results than a win–lose solution. Thus, mediation at an advanced level can be understood as the embodiment of the value of justice oriented to social harmony.

Although it has great potential, the application of mediation at the appeal and Cassation levels faces a number of fundamental challenges, both from the formal and practical legal aspects, namely :

a) first, at this stage the focus of the examination of the case has shifted from the factual aspect to the juridical aspect. At the appellate level, the examination still allows reassessing facts and evidence (judex facti), but at the Cassation level, the Supreme Court only examines the application of its laws (judex juris). Therefore, systematically, the space for negotiating the substance of the legal relationship between the parties is very limited.

B) second, there is a perception that the mediation process at the advanced level will increase the time to resolve the case, contrary to the principles of efficiency and legal certainty. The parties to the appeal or cassation are usually already in a "tough " position on the outcome of the case, so the chance of compromise is small. In such situations, the implementation of mediation can actually generate procedural inefficiencies, since it requires additional time without the guarantee of reaching an agreement.

C) Third, the absence of explicit arrangements in the Supreme Court regulations regarding the implementation of mediation at the appellate and Cassation levels is also a normative obstacle. Perma Number 1 of 2016 only regulates mediation obligations at the first level, while the advanced stage has not been accommodated. As a result, mediation efforts at the appeal and Cassation levels are still voluntary (voluntary mediation) and depend heavily on the initiative of the judge or the willingness of the parties.

d) fourth, from the institutional side, the implementation of mediation at the Supreme Court level faces resource challenges. The limited number of Supreme Court justices compared to the volume of cases causes their focus to be on the law enforcement aspect, not the facilitation of peace. For this reason, institutional reforms are needed that allow the creation of mediation units or alternative resolution divisions under the Coordination of the Clerk of the Supreme Court.

E) fifth, the factor of legal culture (legal culture) also affects. Many litigants consider that appeals and Cassations are symbols of the final struggle to "win", rather than seeking justice together. This litigative paradigm becomes a psychological barrier to peace efforts at an advanced level.

Furthermore, to overcome these challenges, systematic steps are needed, including:

P-ISSN 2829-1654
E-ISSN 2829-517X

A) the expansion of the mediation norm in the New Perma, which regulates explicitly the mechanism of voluntary mediation at the appellate level.

B) preparation of technical (technical) guidelines by the Supreme Court so that appeal judges can offer mediation without prejudice to the principle of impartiality.

C) strengthening the training of Appeal judges and clerks related to mediation techniques and restorative communication.

d) digitalization of the online mediation system (e-mediation) to accelerate the peace process at all levels of the judiciary.

With this update, it is expected that the application of mediation at the appeal and Cassation level will no longer be a purely theoretical concept, but a real practice that supports efficiency, justice, and humanity in the Indonesian justice system.

CONCLUSION

Mediation obligations as stipulated in PERMA No. 1 of 2016 expressly applies only to the first level of examination. However, the spirit of peace on which mediation is based remains relevant to be pursued at every stage of the judicial process, including appeal and Cassation. Although it has no formal obligations, the parties may voluntarily mediate or conciliate out of court. Therefore, to strengthen the function of mediation in the Indonesian justice system, it is necessary to update the law that allows mediation to be carried out effectively at all stages of the judicial process, in order to strengthen the principles of Justice, expediency, and legal certainty. The application of mediation obligations at the level of Appeal and Cassation legal remedies is an important issue in the renewal of the Indonesian justice system that emphasizes the principle of peace and efficiency of dispute resolution. Normatively, there is no legal prohibition to carry out mediation at the appeal or Cassation level. Article 130 HIR and Article 154 RBg indicate that peace efforts must be pursued at every stage of the examination, so that the spirit of mediation should remain alive even when the case has entered an advanced stage. Nevertheless, from a practical and institutional perspective, the application of mediation at the appellate and Cassation levels faces significant challenges. First, because at this stage the examination of the case has moved from facts to aspects of the application of law (judicial review), the space for substantive compromise between the parties is narrow. Second, the mediation mechanism at this level is considered less efficient, because it can extend the process that should focus on enforcing legal certainty. In the context of modern judicial reform and the principle of access to justice, mediation at the appellate and Cassation levels still has great potential as a means of peaceful settlement when expressly provided for in Supreme Court regulations or laws. Thus, the Indonesian justice system can realize fast, simple, and low-cost justice as mandated by Article 2 Paragraph (4) of Law No. 48 of 2009 concerning judicial power. By strengthening the legal basis and establishing tiered mediation mechanisms at every level of the judiciary, including appeal and Cassation, Indonesia can develop a dispute resolution system that is more restorative, humane, and oriented towards social reconciliation, rather than merely formalistic law enforcement.

REFERENCES

Amarini, I., Ismail, N., Wati, R. K., Marsitiningsih, M., & Kartini, I. A. (2023). Effective and Efficient Dispute Resolution Through Optimation of Court Connected Mediation. *Proceedings Series on Social Sciences & Humanities*, *14*.

Arianto Laia (2023). Kekuatan Eksekusi Akibat Perbedaan Identitas Terpidana Dalam Putusan Kasasi Dengan Peninjauan Kembali. *Jurnal Panah Hukum*, *2*(2)

Ariman Sitompul, 2023, Alternative Dispute Resolution Criminal Acts Of Money Politics In Elections In View Of Normative Law, International Asia Of Law and Money Laundering . Vol. 2, No. 1

Ariman Sitompul, Sabela Gayo (2023) Mediasi Perkara Pidana di Indonesia, Mazda Media, Malang, 1-190 https://scholar.google.com/citations?view_op=view_citation&hl=id&user=o6ripa8AAAAJ&cstart=20&pagesize=80&citation_for_view=o6ripa8AAAAJ:M3NEmzRMIkIC

Atikasari, W., Rayana, N. A., Riska, N. M., & Najah, L. (2024). Kajian Yuridis Terhadap Proses Kasasi Dalam Hukum Acara Perdata Di Indonesia. *Journal of Multidisciplinary Inquiry in Science, Technology and Educational Research*, *1*(4).

Boboy, J. T. B., Santoso, B., & Irawati, I. (2020). Penyelesaian Sengketa Pertanahan Melalui Mediasi Berdasarkan Teori Dean G. Pruitt Dan Jeffrey Z. Rubin. *Notarius*, *13*(2)

Febriyanti, S. N. U., & Ningasih, W. K. (2024). Efektifitas mediasi di luar pengadilan dalam

P-ISSN 2829-1654
E-ISSN 2829-517X

penyelesaian sengketa. *ADIL: Jurnal Hukum*, *15*(1).

Ferdiansyah, A., Wahyono, B. A. W., & Harahap, A. (2025). Efektivitas Mediasi sebagai Alternatif Penyelesaian Sengketa Perdata dalam Meningkatkan Akses Keadilan di Indonesia. *Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan| E-ISSN: 3089-7084*, *1*(4)

Fikrih, A., & Harimurti, Y. W. (2025). Efektivitas Mediasi Dalam Penyelesaian Sengketa Perdata Non-Komersial Di Pengadilan Negeri. *Causa: Jurnal Hukum dan Kewarganegaraan*, *15*(12).

Hasudungan Sinaga (2024). Peran Mediasi dalam Kerangka Pengembangan Hukum di Indonesia. *J-CEKI: Jurnal Cendekia Ilmiah*, *3*(4).

HIR Pasal 130 dan RBg Pasal 154.

Lesmana, C. T. (2019). Mediasi Penal Sebagai Alternatif Penyelesaian Perkara Pidana Dalam Perspektif Pembaharuan Sistem Peradilan Pidana Indonesia. *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia*, *1*(1).

Ma'rifah, L. (2023). Alternatif Penyelesaian Sengketa Dalam Sistem Hukum Positif di Indonesia. *Innovative: Journal Of Social Science Research*, *3*(2).

Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung No. 1 Tahun 2016 tentang Prosedur Mediasi di Pengadilan*, Pasal 2.

Mahkamah Agung Republik Indonesia, *Statistik Perkara Nasional Tahun 2024*, (Jakarta: MA RI, 2025).

Mahkamah Agung RI, *Cetak Biru Pembaruan Peradilan 2020–2035*, (Jakarta: MA RI, 2020).

Mahkamah Agung RI, *Kebijakan E-Mediation dan Digitalisasi Peradilan Perdata* (Jakarta: Puslitbang Hukum MA, 2024).

Mahkamah Agung RI, *Laporan Tahunan Mahkamah Agung 2024: Menjaga Konsistensi Hukum dan Keadilan*, (Jakarta: MA RI, 2024).

Mahkamah Agung RI, *Laporan Tahunan Mahkamah Agung Tahun 2024* (Jakarta: MA Press, 2025).

Mahkamah Agung RI, *Peraturan Mahkamah Agung tentang Mediasi di Pengadilan* (Jakarta: Sekretariat MA, 2016).

Malawat, R. A., & Tuasikal, H. (2025). Mediasi Sebagai Alternatif Penyelesaian Sengketa Di Indonesia. *Rechtideal: Jurnal Ilmu Hukum*, *1*(1)

Maswandi, A. S. (2024). *Metode Penelitian Hukum Normatif (Mekanisme Dalam Penulisan Ilmiah), Mazda Media, Malang*.

Menon, V.K., *Post-Judgment Mediation in Common Law Jurisdictions* (Singapore: LexisNexis, 2023).HIR Pasal 130; RBg Pasal 154.

Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016 tentang Prosedur Mediasi di Pengadilan, Pasal 1 angka 1.

Perma No. 1 Tahun 2016, Pasal 3 ayat (1).

R. Subekti, *Hukum Acara Perdata* (Jakarta: Intermasa, 2022).

Rachmadi Usman, *Mediasi di Indonesia: Teori dan Praktik* (Jakarta: Kencana, 2022).

Raharjo, S. (2024). *Alternatif Penyelesaian Sengketa dan Relevansinya di Era Modern.* Jakarta: Kencana.

Raharjo, T. (2010). Mediasi Pidana dalam Ketentuan Hukum Pidana Adat. *Jurnal Hukum Ius Quia Iustum*, *17*(3)

Roychan, W., & Rohman, T. (2023). Reformulasi pengaturan restoratif justice dalam sistem peradilan pidana di Indonesia. *Dekrit (Jurnal Magister Ilmu Hukum)*, *13*(2)

S. Soekanto, *Pokok-Pokok Sosiologi Hukum* (Jakarta: RajaGrafindo Persada, 2023).

Sabela Gayo (2024). Mandatory Mediation Under Indonesia Legal System. *International Journal Of Research*, *11*(11).

Satjipto Rahardjo, *Hukum Progresif: Hukum yang Membebaskan* (Jakarta: Kompas, 2023).

Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*, (Yogyakarta: Genta Publishing, 2022).

Sitompul, A. (2023). Kebijakan Kriminal Dalam Sistem Peradilan Serta Penanggulangan Kejahatan di Indonesia.

Sitompul, A., Gayo, S., & Mary, D. (2024). Mediation in the Settlement of Inheritance and Joint Property Matters in the Medan Religious Court. *International Asia Of Law and Money Laundering (IAML)*, *3*(2), 34-39.

Soekanto, S. & Mamudji, S. (2022). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat.* Jakarta: Rajawali Pers.

Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia*, (Yogyakarta: Liberty, 2021).

Undang-Undang Nomor 20 Tahun 1947 tentang Peradilan Ulangan di Jawa dan Madura, Pasal 6.

Undang-Undang Nomor 20 Tahun 1947 tentang Peradilan Ulangan.

Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman.

Undang-Undang Nomor 5 Tahun 2004 tentang Perubahan atas Undang-Undang Nomor 14

P-ISSN 2829-1654
E-ISSN 2829-517X

Tahun 1985 tentang Mahkamah Agung, Pasal 30 ayat (1).

Yahya Harahap, *Hukum Acara Perdata tentang Gugatan, Persidangan, Penyitaan, Pembuktian dan Putusan Pengadilan*, (Jakarta: Sinar Grafika, 2022).