

The Concept of Mediation in the Perspective of Islamic Law and Law in Indonesia

Arminsyah¹, Vito Dasrianto², Elva Mahmudi³

^{1,2,3} Sekolah Tinggi Agama Islam Negeri Mandailing Natal Sumatera Utara,
Indonesia

Correspondence: arminsyaharmin@gmail.com

Abstrak : This research aims to explore and analyze the concept of mediation in the perspective of Islamic law and how it is applied in Indonesian legislation. The main focus is to understand the similarities and differences between the principles of mediation in Islamic law and the mediation regulations applicable in Indonesia, as well as the implications for dispute resolution. The method used in this research is a qualitative method with a descriptive-analytical approach. Data was collected through a literature study that included Islamic law literature, Indonesian legislation, and other relevant documents. The analysis was conducted by comparing the principles of mediation in Islamic law with the provisions contained in Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and the regulations of the Supreme Court of Indonesia related to mediation. The results show that mediation in the perspective of Islamic law emphasizes the principles of justice, equality, and cooperation that are in line with sharia values. On the other hand, Indonesian legislation regulates mediation as an effective and efficient alternative to dispute resolution. Although there are some differences in the procedures and implementation, in general these two legal systems have the same goal, which is to achieve fair and peaceful dispute resolution. This research also found that the integration of the concept of mediation in Islamic law with mediation regulations in Indonesia can enrich and improve the effectiveness of dispute resolution in Indonesia.

Keywords: Mediation, Islamic Law, Indonesia

Introduction

Dispute resolution is a crucial aspect that determines stability and justice in a society. Among the various methods of dispute resolution, mediation has emerged as an effective and efficient alternative, offering a more peaceful and collaborative solution compared to the often lengthy

and expensive litigation process. Mediation is a process in which the disputing parties sit together with a mediator to reach an agreement that satisfies all parties involved. This method is not only applicable in the context of national and international law, but also has strong roots in the Islamic legal tradition.¹

In the perspective of Islamic law, mediation is known as "tahkim" or "shulh," which refers to the practice of reconciliation and dispute resolution through consensus and deliberation. The basic principle of mediation in Islam is to reach a fair and impartial agreement, based on the values of justice, equality, and balance. This is reflected in various verses of the Qur'an and the hadith of the Prophet Muhammad SAW which emphasize the importance of resolving disputes peacefully and without violence. For example, in Surah An-Nisa' verse 35, Allah SWT says about the importance of reconciling the conflicting parties, and if necessary, using a mediator who can help reach an agreement.²

In Indonesia, the concept of mediation has also been recognized and regulated in various laws and regulations, reflecting the recognition of the benefits and importance of this method in dispute resolution. Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution and Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Court are the two main legal frameworks governing mediation in Indonesia. These laws not only regulate the mediation process in detail, but also encourage the use of mediation as an initial step in dispute resolution before resorting to litigation.

These regulations underline the principles of mediation such as confidentiality, voluntariness, and neutrality of the mediator, which aim to create a conducive environment for the parties to reach a mutually beneficial resolution. In addition, these regulations also integrate local

¹ Alexander Alexander, "Alternative Dispute Resolution Dalam Mediasi Sengketa Hukum Adat Di Papua," *Jurnal Syntax Transformation* 2, no. 09 (2021), <https://doi.org/10.46799/jst.v2i9.325>.

² Dedi Sumanto, "HUKUM ADAT DI INDONESIA PERSPEKTIF SOSIOLOGI DAN ANTROPOLOGI HUKUM ISLAM," *JURIS (Jurnal Ilmiah Syariah)* 17, no. 2 (December 2018): 181–91, <https://doi.org/10.31958/JURIS.V17I2.1163>.

and traditional Indonesian values, which have historically adopted reconciliation and consensus approaches in conflict resolution.³

Combining the perspectives of Islamic law and Indonesian legislation on mediation, it can be seen that these two legal frameworks have many similarities in principles and objectives. Both emphasize the importance of resolving disputes peacefully, fairly, and impartially, and respect the autonomy of the parties in reaching an agreement. The integration of Islamic law and positive law in Indonesia in the context of mediation reflects an effort to create a harmonious and inclusive legal system that can meet the needs and expectations of a diverse society.⁴

Thus, the study of the concept of mediation from the perspective of Islamic law and Indonesian law is an important step in understanding how these two legal frameworks can contribute to more effective and humane dispute resolution. This research is not only relevant for legal practitioners and academics, but also for the wider community who can utilize mediation as a more peaceful and productive alternative in resolving various types of disputes. The integration of the concept of mediation from the perspective of Islamic law and Indonesian law reflects a commitment to adopting a more holistic and inclusive approach to dispute resolution. By combining the values of justice and reconciliation from Islamic law with the structured and professional procedures from positive law, Indonesia has the potential to develop a dispute resolution system that is fairer, more efficient, and in accordance with the needs of the community.⁵

This article further on the application of mediation in various dispute contexts will be very useful to enrich our understanding of the strengths and weaknesses of this method. Thus, we can continue to

³ Ida Hanifah, "Intruksi Presiden Sebagai Hasil Dari Upaya Mediasi Konflik Di Konflik Poso," *Jurnal SUARGA: Studi Keberagamaan Dan Keberagaman* 1, no. 2 (December 2022): 68–76, <https://doi.org/10.24090/SUARGA.V1I2.7450>.

⁴ Riris Fadaniyah Moh. Horah and Erie Hariyanto, "Upaya Penyelesaian Sengketa Ekonomi Syari'ah Jalur Non-Litigasi Melalui Mediasi," *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 5, no. 1 (2021), <https://doi.org/10.35316/istidlal.v5i1.302>.

⁵ Hendri Saleh and Hendri Saleh, "PENYELESAIAN PERSELISIHAN HUBUNGAN INDUSTRIAL MELALUI MEDIASI PADA DINSOSNAKERTRANS KOTA YOGYAKARTA(STUDI PERSPEKTIF MAQASHID SYARI'AH)," 2016.

develop and refine the legal framework that supports mediation, so that it can provide maximum benefits for all levels of society.

RESULTS AND DISCUSSION

Concept of Mediation

Etymologically, the term mediation comes from Latin, namely "mediare," which means "to be in the middle." This meaning indicates a role that acts as a mediator. The mediator, in carrying out his duties, is in the middle of the disputing parties, is in a neutral position and does not take sides in resolving the dispute. The mediator must be able to maintain the interests of the disputing parties fairly and equally, so as to foster trust from the disputing parties.⁶

In the context of mediation, a mediator plays a very crucial role. They must function as an independent third party, who not only understands the interests of each party, but is also able to create an atmosphere that is conducive to reaching a mutual agreement. The mediator must have good communication skills, the ability to listen with empathy, and expertise in managing conflict dynamics. Neutrality and impartiality are the main principles that must be upheld by a mediator. By being in a neutral position, the mediator can provide an objective view and help the parties to see the problem from a different perspective. In addition, impartiality ensures that the mediator does not influence the outcome of the mediation process in an unfair manner.⁷

Trust is a key element in the mediation process. The disputing parties must feel that the mediator truly cares about a fair and equal resolution for all parties involved. This requires high integrity and professionalism from the mediator, as well as the ability to create a sense of security and comfort for all parties during the mediation process.⁸

Thus, mediation is not only aimed at resolving disputes, but also at maintaining good relations between the disputing parties. This allows for

⁶ Saleh and Saleh.

⁷ I Dewa Ayu Dwi Mayasari and Dewa Gde Rudy, "Analisis Analisis Yuridis Tentang Proses Mediasi Dalam Alternatif Penyelesaian Sengketa Tanah Adat Di Bali," *KERTHA WICAKSANA* 15, no. 2 (2021), <https://doi.org/10.22225/kw.15.2.2021.90-98>.

⁸ Tri Mulyani, Sukimin Sukimin, and Wahyu Satria Wana Putra Wijaya, "Konsep Mediasi Dalam Penyelesaian Sengketa Tata Usaha Negara Berbasis Nilai Keadilan Pancasila," *Jurnal Ilmiah Galuh Justisi* 10, no. 1 (2022), <https://doi.org/10.25157/justisi.v10i1.5773>.

the creation of sustainable and mutually beneficial solutions, which can prevent future disputes from recurring. The mediator must be able to facilitate constructive dialogue and help the parties reach a common understanding, which will ultimately result in an agreement that is acceptable to all parties. In addition, the word "mediation" also comes from the English word "mediation" which means dispute resolution involving a third party as a mediator, or dispute resolution through mediation, where the party mediating is called a mediator or a person who acts as a mediator. In this mediation process, there is an agreement between the disputing parties, which is a mutual agreement (consensus) accepted by the disputing parties.⁹

Dispute resolution through the mediation process is carried out by the disputing parties assisted by a mediator. The mediator here should play an active role by trying to find various options for dispute resolution solutions, which will be decided by the disputing parties together. The mediator is not only a passive facilitator, but must also be proactive in helping the disputing parties to explore various possible resolution options. The role of the mediator is to encourage constructive dialogue, help identify the main interests of each party, and direct them towards a common understanding that can produce a solution that is satisfactory for all parties involved.¹⁰

The results of the dispute resolution through mediation are stated in a written agreement. This agreement is final and binding on the parties to be implemented in good faith. This written agreement not only reflects the agreed solution, but also includes the commitment of the parties to fulfill the contents of the agreement. With a written agreement, there is official documentation that can be used as a reference in the future if there is a dispute related to the implementation of the mediation results.¹¹

The mediation process offers several advantages over litigation. Mediation tends to be faster, less expensive, and maintains the confidentiality of the disputing parties. In addition, because the solution

⁹ Arisman Arisman, "HUKUM KELUARGA PERSPEKTIF ANTROPOLOGI HUKUM," *Hukum Islam* 22, no. 2 (2023), <https://doi.org/10.24014/jhi.v22i2.15119>.

¹⁰ Mohd. Yusuf Daeng, *Sosiologi Hukum* (Pekan baru: Alaf Riau, 2018).

¹¹ BASUKI KURNIAWAN, "POLITIK HUKUM DI INDONESIA," January 2021.

is a result of consensus, the level of satisfaction and commitment of the parties to implement the agreement is higher. Mediation also provides room for creative solutions that may not be achieved through formal litigation.¹²

Thus, mediation as a dispute resolution method provides an effective and efficient alternative, which not only resolves the problem but also maintains good relations between the disputing parties. This is especially important in the context of business, family, or community relationships where long-term relationships and ongoing cooperation are key. The mediator, as an active mediator, facilitates this process in a professional manner with high integrity, ensuring that each party feels heard and treated fairly.

Mediation in the Perspective of Islamic Law

Mediation is defined as the resolution of conflict through peaceful means with the involvement of a third party called hakam. In the context of husband and wife life, this dispute is known as syiqaq, which includes disputes, quarrels, hostility, or arguments that occur between couples who are still living together.¹³

Conflict in a household is something that is almost inevitable, because differences and conflicts are a natural part of human interaction. In Islam, mediation is considered very important as a way to resolve conflicts and maintain harmony in the household. The peace process in Islam is known as *islah-sulh*.¹⁴

The existence of *sulh* as a peaceful effort in resolving disputes is explained in the Al-Qur'an and the Hadith of the Prophet Muhammad. In the Al-Qur'an, Surah An-Nisa' verse 114, Allah SWT says:

"There is no good in most of their whispers, except the whispers of people who tell them to give alms, or do good deeds, or make

¹² Moh. Dahlan, "Nilai-Nilai Kemanusiaan Dalam Legislasi Hukum Islam Di Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 10, no. 2 (2017), <https://doi.org/10.24090/mnh.v10i2.935>.

¹³ Eva Mardalena, "Penyelesaian Sengketa Pertanahan Melalui Proses Mediasi Pada Kantor Pertanahan Kabupaten Kepahiang Perspektif Hukum Islam," *Qiyas : Jurnal Hukum Islam Dan Peradilan* 7, no. 2 (2022), <https://doi.org/10.29300/qys.v7i2.8210>.

¹⁴ Septiyan Hudan Fuadi, "Resolusi Konflik Sosial Perspektif Hukum Islam Dan Hukum Adat Pada Pemilihan Kepala Desa Bajang Mlarak Ponorogo," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 1 (2020), <https://doi.org/10.37680/almanhaj.v2i1.325>.

peace between people. And whoever does this seeking Allah's pleasure, then We will give him a great reward."

Apart from that, the Prophet Muhammad SAW also explained the importance of sulh in a hadith narrated by at-Tirmidhi: "Sulh is something that must exist between Muslims, except for a peace that makes lawful what is haram or forbids what is halal, and Muslims are bound by promises them, except promises that forbid what is halal and make lawful what is haram."

In this context, sulh not only serves to defuse the conflict but also to ensure that the solution taken remains within the limits permitted by Islamic law. Mediation carried out with the intention of seeking Allah's pleasure not only brings peace but also great rewards from Him. This shows how important it is to try to reach a peaceful agreement in every dispute, especially in husband and wife relationships, to maintain peace and blessings in the household.¹⁵

The verses and hadiths mentioned above emphasize that Islam strongly discourages disputes or disagreements between humans. The importance of the role of mediators in conflict resolution is emphasized in Islamic teachings, especially in efforts to maintain harmony and peace in household life. Mediation has a strong basis in Islam, with a special emphasis on the existence of a mediator or hakam. In the context of syiqaq, which is a dispute between husband and wife, scholars argue that mediators must come from professional circles (khabir). This means that mediators must have expertise and a deep understanding of the problem at hand, and be able to provide fair and appropriate solutions.¹⁶

Mediators in Islam must have fair and competent characteristics. Fair means that the mediator must be neutral, not take sides with either party, and be able to make decisions based on the principles of justice.

¹⁵ Jumiati Jumiati, Kartini Kartini, and Ahmad Ahmad, "Eksistensi Hukum Pogagaua Dalam Menyelesaikan Sengketa Tanah Perspektif Masalah Mursalah Di Desa Lapandewa Kecamatan Lapandewa Kabupaten Buton Selatan," *KALOSARA: Family Law Review* 2, no. 1 (2022), <https://doi.org/10.31332/v2i1.4223>.

¹⁶ Arie Putra Prakoso, Fatimah Yunus, and Iwan Ramadhan Sitorus, "Restorative Justice Against Child Crime In the Perspective of Islamic Law at the Bengkulu City Police Station," *Qiyas : Jurnal Hukum Islam Dan Peradilan* 8, no. 2 (2023), <https://doi.org/10.29300/qys.v8i2.12200>.

Competent means that the mediator must have adequate abilities and skills to understand and resolve the conflict faced by the husband and wife. In addition, in Islamic mediation, the initial effort that must be made is to find a mutually beneficial solution or win-win solution, known as *ishlah*. This *ishlah* effort aims to reach a peaceful agreement that can be accepted by both parties, so that the conflict can be resolved without causing harm to either party.¹⁷

Thus, mediation in Islam is not only an effort to resolve conflict, but also an effort to achieve peace and the pleasure of Allah. The role of a professional, fair, and capable mediator is very important in this process, because they have a great responsibility to ensure that the resulting solution is in accordance with the principles of justice and goodness in Islam. The first stage that must be carried out by a judge in hearing a case that is submitted is to make peace between the disputing parties. The judge's obligation to reconcile the disputing parties is in line with the guidance of Islamic teachings. Islamic teachings order that resolving every dispute that occurs between humans should be resolved through peace or *ishlah*.¹⁸

Peace or *ishlah* is an approach that prioritizes dialogue and understanding between the disputing parties, with the aim of reaching a fair and satisfactory agreement for both parties. In this process, the judge acts as a facilitator who helps find common ground and directs the disputing parties towards a peaceful and harmonious solution. The judge must ensure that the mediation process is carried out fairly and impartially. Each party is given an equal opportunity to convey their arguments and views. The judge must also ensure that every decision taken is based on the principles of justice and Islamic law. In addition, the judge must have a deep knowledge of Islamic law and the ability to apply it in various conflict situations. This expertise is essential to ensure that

¹⁷ Surya Adi Faizal, "Tinjaun Mediasi Penal Dalam Perspektif Hukum Adat Dan Hukum Islam," *Jurisprudence* 5, no. 2 (2015).

¹⁸ F A Surya, "Tinjaun Mediasi Penal Dalam Perspektif Hukum Adat Dan Hukum Islam," *Jurnal Jurisprudence*, 2017.

the mediation process is not only fair, but also in accordance with the guidance of Islamic law.¹⁹

In Islam, peace is considered one of the main goals in resolving conflicts. The Qur'an and Hadith provide much guidance on the importance of peace and how to achieve it. For example, the Qur'an states in Surah Al-Hujurat verse 10:

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ ۝

"Indeed, believers are brothers, therefore make peace between your two brothers and fear Allah so that you may receive mercy."

This verse emphasizes that peace between brothers and sisters is an obligation that must be upheld. In addition, the Prophet Muhammad SAW also encouraged his people to always seek a peaceful way to resolve disputes, as he said:

"It is not permissible for a Muslim to sever ties with his brother for more than three days. Whoever sever ties with his brother for more than that will enter hell." (Narrated by Bukhari and Muslim).

Thus, the obligation of judges to seek peace in every dispute is a direct implementation of Islamic teachings that prioritize peace and justice. Through mediation that is carried out properly, it is hoped that conflicts can be resolved in a peaceful, fair, and Islamic manner, so that a harmonious life is created in society.²⁰

The hakam or peacemaker in tahkim can consist of one or more people. Scholars have different opinions about who appoints and sends the hakam or mediator in a syiqaq dispute. The Hanafi, Syafi'i, and Hambali schools are of the opinion that based on the zhahir verse 35 of the letter An-Nisa', the hakam or mediator is appointed by the husband or wife's family, and not the husband or wife directly. This view is based on the verse:

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا ۚ إِنَّ يُرِيدَا إِصْلَاحًا يُوَفِّقُ اللَّهُ بَيْنَهُمَا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

¹⁹ Muhammad Habibi Miftakhul Marwa, "MODEL PENYELESAIAN PERSELISIHAN PERKAWINAN PERSPEKTIF HUKUM ADAT DAN HUKUM ISLAM," *JURNAL USM LAW REVIEW* 4, no. 2 (2021), <https://doi.org/10.26623/julr.v4i2.4059>.

²⁰ Abdul Aziz and Lukman Hakim, "PELAKSANAAN MEDIASI PERCERAIAN DI PERADILAN AGAMA DALAM PERSPEKTIF HUKUM ISLAM," *AL-ASHLAH: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 2 (2022).

"And if you fear a dispute between the two, then send a hakam from the man's family and a hakam from the woman's family. If the two hakam intend to make amends, Allah will surely give success to the husband and wife." (QS. An-Nisa': 35).

According to this view, the appointment of hakam by the husband and wife's family is considered more neutral and can reduce tensions that might occur if the hakam were chosen directly by the husband or wife. This view differs from the views of Wahbah Zuhaili and Sayyid Sabiq who state that hakam can be appointed by the husband and wife directly, as long as both parties agree to it. According to them, the important thing is the agreement and trust of the husband and wife towards the hakam chosen, because hakam chosen jointly by the couple tend to be more accepted and considered fair by both parties.

This difference of view shows the flexibility in the application of Islamic law, where various interpretations can be taken to achieve the same goal, namely peace and justice in resolving household conflicts. In practice, the choice between the appointment of hakam by the family or by the husband and wife can be adjusted to the existing situation and conditions, and considering which is more effective in achieving *ishlah*.²¹

Regardless of who appoints the hakam, the most important thing is the hakam's ability to carry out his duties fairly and wisely. Hakam must have expertise in understanding the problems faced and be able to provide appropriate solutions in accordance with the principles of Islamic law. They must also have integrity and trust from both parties, so that the mediation process can run smoothly and produce a satisfactory agreement.²²

In the context of modern society, it is also important to consider the professionalism and training of hakam or mediators. Special training in mediation and conflict resolution can help improve their ability to

²¹ Robi Awaludin, "Penyelesaian Sengketa Keluarga Secara Mediasi Non Litigasi Dalam Kajian Hukum Islam Dan Hukum Positif," *Al Maqashidi: Jurnal Hukum Islam Nusantara* 4, no. 2 (2021).

²² Jumiati, Kartini, and Ahmad, "Eksistensi Hukum Pogagaua Dalam Menyelesaikan Sengketa Tanah Perspektif Masalah Mursalah Di Desa Lapandewa Kecamatan Lapandewa Kabupaten Buton Selatan."

carry out their duties more effectively. Thus, it is hoped that mediation can become an increasingly effective and accepted solution in resolving domestic disputes in Islam.

Mediation in Legislation in Indonesia

Mediation in the legal context is part of the litigation process in which the judge asks the parties to try to resolve their dispute through mediation before the litigation process continues. Since 2002, this legal mediation has been applied in district courts in Indonesia after the issuance of the Circular of the Chief Justice of the Republic of Indonesia Number 1 of 2002 concerning the Empowerment of First Instance Courts in implementing Peace Institutions. The purpose of this policy is to reduce the number of cassation appeals substantively.²³

The Circular stipulates that:

- a. All judges handling cases are required to seriously seek peace by implementing the provisions of Article 130 HIR/154 RBg, not just the formality of advocating peace as was usually done previously.
- b. The appointed judge can act as a facilitator or mediator to help the disputing parties reach a peace agreement.
- c. Judges appointed as facilitators or mediators by the parties cannot be members of the panel of judges in the case in question, in order to maintain objectivity.
- d. The time period for reconciling the parties is 3 months and can be extended if there is sufficient reason with the approval of the head of the district court.
- e. If reconciliation is achieved, the agreement will be stated in a written agreement and signed by the parties.²⁴

On September 11, 2003, the Chief Justice of the Supreme Court issued the Regulation of the Supreme Court of the Republic of Indonesia

²³ I Komang Wiantara, "Penyelesaian Perkara Perdata Di Pengadilan Berdasarkan Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 7, no. 4 (2018), <https://doi.org/10.24843/jmhu.2018.v07.i04.p04>.

²⁴ Maria Ezra Montolalu, Toar N Palilingan, and Donna Setiabudi, "Penyelesaian Sengketa Pertanahan Diluar Pengadilan Dalam Kasus Sertifikat Ganda Di Kota Tondano Kabupaten Minahasa," *Jurnal Fakultas Hukum Unsrat* 12, no. 5 (2023).

(PERMA) No. 02 of 2003 concerning Mediation Procedures in Court. With the issuance of this PERMA, the Circular of the Supreme Court No. 1 of 2002 concerning the Empowerment of First Instance Courts in implementing Peace Institutions was revoked, because it was considered incomplete. The considerations for issuing this PERMA were:

- a. Integrating mediation into the court process can be an effective instrument to overcome the possibility of a backlog of cases in court.
- b. The mediation process is faster, cheaper, and provides access to the disputing parties to obtain justice by resolving their disputes satisfactorily.
- c. Integrating the mediation process into the judicial system can strengthen and maximize the function of judicial institutions in resolving disputes.²⁵

PERMA No. 02 of 2003 was revised by issuing PERMA No. 01 of 2008. This PERMA explicitly regulates the objects that are the types of cases that may be mediated, namely all civil disputes submitted to the first instance court, except:

- 1) Cases resolved through the Commercial Court.
- 2) Cases resolved through the Industrial Relations Court.
- 3) Objections to the Decision of the Consumer Dispute Resolution Agency (BPSK).
- 4) Objections to the decision of the Business Competition Supervisory Commission (KPPU).

Mediation as a dispute resolution method has several advantages that make it a viable option for the disputing parties.²⁶ These strengths include:

- a. Mediation is not regulated in detail in the legislation, so the parties have flexibility in the process and are not trapped in formalities like in litigation.

²⁵ Rahmat Akbar and Ahmad Yasin, "Mempersoalkan Mediasi Sebagai Upaya Penyelesaian Disharmoni Peraturan Menteri," *Fundamental: Jurnal Ilmiah Hukum* 10, no. 1 (2021), <https://doi.org/10.34304/jf.v10i1.34>.

²⁶ Fence Wantu, Muhammad Hidayat Muhtar, and et al, "Eksistensi Mediasi Sebagai Salah Satu Bentuk Penyelesaian Sengketa Lingkungan Hidup Pasca Berlakunya Undang-Undang Cipta Kerja," *Bina Hukum Lingkungan* 7, no. 2 (2023).

- b. Mediation is generally held in private, attended only by the disputing parties and the mediator. This maintains confidentiality, especially for parties who do not want their problems to be made public. In contrast, court hearings are open to the public according to the provisions of the law. Changes to regulations from the Supreme Court also show that the mediation process is basically closed, unless the parties agree to open the process.
- c. In mediation, the disputing parties can directly participate in negotiations without having to be represented by an attorney. This allows them to use everyday language and do not need to have a legal background to participate.
- d. Mediation allows the parties to discuss various aspects of the dispute, not just the legal aspects. For example, economic, social, and technological aspects can be considered in the mediation process, which is not possible in the litigation process which focuses solely on the legal aspects.
- e. Mediation is consensual and collaborative, allowing for a win-win solution. In contrast, litigation tends to result in a win-lose solution.
- f. Mediation is relatively cheaper and less time-consuming than litigation. The result of mediation is an agreement made by the parties themselves, so there is little chance of objection. In contrast, court decisions often give rise to legal objections such as appeals or cassation which are time-consuming and costly.²⁷

Thus, mediation offers a flexible, confidential, inclusive and efficient method of dispute resolution in terms of both cost and time, with the potential to produce a mutually beneficial settlement for both parties.

Conclusion

The concept of mediation from the perspective of Islamic law and Indonesian law has similarities in the goal of achieving peace and peaceful dispute resolution as well as justice and balance in the process. However, there are fundamental differences in the legal basis, mediators, and implementation procedures. Islamic law refers to sharia principles and is

²⁷ M. Umar Umar, "Hukum Islam; Telaah Perkara Perceraian Melalui Proses Mediasi," *Jurnal Literasiologi* 4, no. 2 (2020), <https://doi.org/10.47783/literasiologi.v4i2.152>.

carried out by religious figures or community leaders, while Indonesian law regulates mediation with more formal procedures and officially certified actors. The effectiveness of mediation also varies depending on the cultural context, with the Islamic law approach being more effective in religious communities and national law in secular areas. Integration between the two systems is important to create a comprehensive and inclusive dispute resolution framework, considering the cultural and religious diversity in Indonesia. Wise integration can increase the effectiveness and efficiency of mediation, provide more holistic solutions that are accepted by various levels of society, and create better social harmony. Thus, the combination of mediation principles from Islamic law and national law can enrich the dispute resolution system in Indonesia.

BIBLIOGRAPHY

- Akbar, Rahmat, and Ahmad Yasin. "Mempersoalkan Mediasi Sebagai Upaya Penyelesaian Disharmoni Peraturan Menteri." *Fundamental: Jurnal Ilmiah Hukum* 10, no. 1 (2021).
<https://doi.org/10.34304/jf.v10i1.34>.
- Alexander, Alexander. "Alternative Dispute Resolution Dalam Mediasi Sengketa Hukum Adat Di Papua." *Jurnal Syntax Transformation* 2, no. 09 (2021). <https://doi.org/10.46799/jst.v2i9.325>.
- Arisman, Arisman. "HUKUM KELUARGA PERSPEKTIF ANTROPOLOGI HUKUM." *Hukum Islam* 22, no. 2 (2023).
<https://doi.org/10.24014/jhi.v22i2.15119>.
- Awaludin, Robi. "Penyelesaian Sengketa Keluarga Secara Mediasi Non Litigasi Dalam Kajian Hukum Islam Dan Hukum Positif." *Al Maqashidi: Jurnal Hukum Islam Nusantara* 4, no. 2 (2021).
- Aziz, Abdul, and Lukman Hakim. "PELAKSANAAN MEDIASI PERCERAIAN DI PERADILAN AGAMA DALAM PERSPEKTIF HUKUM ISLAM." *AL-ASHLAH: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 2 (2022).
- Dahlan, Moh. "Nilai-Nilai Kemanusiaan Dalam Legislasi Hukum Islam Di Indonesia." *Al-Manahij: Jurnal Kajian Hukum Islam* 10, no. 2 (2017).
<https://doi.org/10.24090/mnh.v10i2.935>.
- Faizal, Surya Adi. "Tinjaun Mediasi Penal Dalam Perspektif Hukum Adat Dan Hukum Islam." *Jurisprudence* 5, no. 2 (2015).

- Fuadi, Septiyan Hudan. "Resolusi Konflik Sosial Perspektif Hukum Islam Dan Hukum Adat Pada Pemilihan Kepala Desa Bajang Mlarak Ponorogo." *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 1 (2020). <https://doi.org/10.37680/almanhaj.v2i1.325>.
- Hanifah, Ida. "Intruksi Presiden Sebagai Hasil Dari Upaya Mediasi Konflik Di Konflik Poso." *Jurnal SUARGA: Studi Keberagamaan Dan Keberagaman* 1, no. 2 (December 2022): 68–76. <https://doi.org/10.24090/SUARGA.V1I2.7450>.
- Jumiati, Jumiati, Kartini Kartini, and Ahmad Ahmad. "Eksistensi Hukum Pogagaua Dalam Menyelesaikan Sengketa Tanah Perspektif Masalah Mursalah Di Desa Lapandewa Kecamatan Lapandewa Kabupaten Buton Selatan." *KALOSARA: Family Law Review* 2, no. 1 (2022). <https://doi.org/10.31332/.v2i1.4223>.
- KURNIAWAN, BASUKI. "POLITIK HUKUM DI INDONESIA," January 2021.
- Mardalena, Eva. "Penyelesaian Sengketa Pertanahan Melalui Proses Mediasi Pada Kantor Pertanahan Kabupaten Kepahiang Perspektif Hukum Islam." *Qiyas : Jurnal Hukum Islam Dan Peradilan* 7, no. 2 (2022). <https://doi.org/10.29300/qys.v7i2.8210>.
- Marwa, Muhammad Habibi Miftakhul. "MODEL PENYELESAIAN PERSELISIHAN PERKAWINAN PERSPEKTIF HUKUM ADAT DAN HUKUM ISLAM." *JURNAL USM LAW REVIEW* 4, no. 2 (2021). <https://doi.org/10.26623/julr.v4i2.4059>.
- Mayasari, I Dewa Ayu Dwi, and Dewa Gde Rudy. "Analisis Analisis Yuridis Tentang Proses Mediasi Dalam Alternatif Penyelesaian Sengketa Tanah Adat Di Bali." *KERTHA WICAKSANA* 15, no. 2 (2021). <https://doi.org/10.22225/kw.15.2.2021.90-98>.
- Moh. Horah, Riris Fadaniyah, and Erie Hariyanto. "Upaya Penyelesaian Sengketa Ekonomi Syari'ah Jalur Non-Litigasi Melalui Mediasi." *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 5, no. 1 (2021). <https://doi.org/10.35316/istidlal.v5i1.302>.
- Montolalu, Maria Ezra, Toar N Palilingan, and Donna Setiabudi. "Penyelesaian Sengketa Pertanahan Diluar Pengadilan Dalam Kasus Sertifikat Ganda Di Kota Tondano Kabupaten Minahasa." *Jurnal Fakultas Hukum Unsrat* 12, no. 5 (2023).
- Mulyani, Tri, Sukimin Sukimin, and Wahyu Satria Wana Putra Wijaya. "Konsep Mediasi Dalam Penyelesaian Sengketa Tata Usaha Negara Berbasis Nilai Keadilan Pancasila." *Jurnal Ilmiah Galuh Justisi* 10,

no. 1 (2022). <https://doi.org/10.25157/justisi.v10i1.5773>.

Prakoso, Arie Putra, Fatimah Yunus, and Iwan Ramadhan Sitorus. "Restorative Justice Against Child Crime In the Perspective of Islamic Law at the Bengkulu City Police Station." *Qiyas : Jurnal Hukum Islam Dan Peradilan* 8, no. 2 (2023). <https://doi.org/10.29300/qys.v8i2.12200>.

Saleh, Hendri, and Hendri Saleh. "PENYELESAIAN PERSELISIHAN HUBUNGAN INDUSTRIAL MELALUI MEDIASI PADA DINSOSNAKERTRANS KOTA YOGYAKARTA(STUDI PERSPEKTIF MAQASHID SYARI'AH)," 2016.

Sumanto, Dedi. "HUKUM ADAT DI INDONESIA PERSPEKTIF SOSIOLOGI DAN ANTROPOLOGI HUKUM ISLAM." *JURIS (Jurnal Ilmiah Syariah)* 17, no. 2 (December 2018): 181–91. <https://doi.org/10.31958/JURIS.V17I2.1163>.

Surya, F A. "Tinjaun Mediasi Penal Dalam Perspektif Hukum Adat Dan Hukum Islam." *Jurnal Jurisprudence*, 2017.

Umar, M. Umar. "Hukum Islam; Telaah Perkara Perceraian Melalui Proses Mediasi." *Jurnal Literasiologi* 4, no. 2 (2020). <https://doi.org/10.47783/literasiologi.v4i2.152>.

Wantu, Fence, Muhammad Hidayat Muhtar, and et al. "Eksistensi Mediasi Sebagai Salah Satu Bentuk Penyelesaian Sengketa Lingkungan Hidup Pasca Berlakunya Undang-Undang Cipta Kerja." *Bina Hukum Lingkungan* 7, no. 2 (2023).

Wiantara, I Komang. "Penyelesaian Perkara Perdata Di Pengadilan Berdasarkan Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016." *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 7, no. 4 (2018). <https://doi.org/10.24843/jmhu.2018.v07.i04.p04>.

Yusuf Daeng, Mohd. *Sosiologi Hukum*. Pekanbaru: Alaf Riau, 2018.

Akbar, Rahmat, and Ahmad Yasin. "Mempersoalkan Mediasi Sebagai Upaya Penyelesaian Disharmoni Peraturan Menteri." *Fundamental: Jurnal Ilmiah Hukum* 10, no. 1 (2021). <https://doi.org/10.34304/jf.v10i1.34>.

Alexander, Alexander. "Alternative Dispute Resolution Dalam Mediasi Sengketa Hukum Adat Di Papua." *Jurnal Syntax Transformation* 2, no. 09 (2021). <https://doi.org/10.46799/jst.v2i9.325>.

- Arisman, Arisman. "HUKUM KELUARGA PERSPEKTIF ANTROPOLOGI HUKUM." *Hukum Islam* 22, no. 2 (2023).
<https://doi.org/10.24014/jhi.v22i2.15119>.
- Awaludin, Robi. "Penyelesaian Sengketa Keluarga Secara Mediasi Non Litigasi Dalam Kajian Hukum Islam Dan Hukum Positif." *Al Maqashidi: Jurnal Hukum Islam Nusantara* 4, no. 2 (2021).
- Aziz, Abdul, and Lukman Hakim. "PELAKSANAAN MEDIASI PERCERAIAN DI PERADILAN AGAMA DALAM PERSPEKTIF HUKUM ISLAM." *AL-ASHLAH: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 2 (2022).
- Dahlan, Moh. "Nilai-Nilai Kemanusiaan Dalam Legislasi Hukum Islam Di Indonesia." *Al-Manahij: Jurnal Kajian Hukum Islam* 10, no. 2 (2017).
<https://doi.org/10.24090/mnh.v10i2.935>.
- Faizal, Surya Adi. "Tinjaun Mediasi Penal Dalam Perspektif Hukum Adat Dan Hukum Islam." *Jurisprudence* 5, no. 2 (2015).
- Fuadi, Septiyan Hudan. "Resolusi Konflik Sosial Perspektif Hukum Islam Dan Hukum Adat Pada Pemilihan Kepala Desa Bajang Mlarak Ponorogo." *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 1 (2020). <https://doi.org/10.37680/almanhaj.v2i1.325>.
- Hanifah, Ida. "Intruksi Presiden Sebagai Hasil Dari Upaya Mediasi Konflik Di Konflik Poso." *Jurnal SUARGA: Studi Keberagamaan Dan Keberagaman* 1, no. 2 (December 2022): 68-76.
<https://doi.org/10.24090/SUARGA.V1I2.7450>.
- Jumiati, Jumiati, Kartini Kartini, and Ahmad Ahmad. "Eksistensi Hukum Pogagaua Dalam Menyelesaikan Sengketa Tanah Perspektif Masalah Mursalah Di Desa Lapandewa Kecamatan Lapandewa Kabupaten Buton Selatan." *KALOSARA: Family Law Review* 2, no. 1 (2022). <https://doi.org/10.31332/.v2i1.4223>.
- KURNIAWAN, BASUKI. "POLITIK HUKUM DI INDONESIA," January 2021.
- Mardalena, Eva. "Penyelesaian Sengketa Pertanahan Melalui Proses Mediasi Pada Kantor Pertanahan Kabupaten Kepahiang Perspektif Hukum Islam." *Qiyas : Jurnal Hukum Islam Dan Peradilan* 7, no. 2 (2022). <https://doi.org/10.29300/qys.v7i2.8210>.
- Marwa, Muhammad Habibi Miftakhul. "MODEL PENYELESAIAN PERSELISIHAN PERKAWINAN PERSPEKTIF HUKUM ADAT DAN HUKUM ISLAM." *JURNAL USM LAW REVIEW* 4, no. 2 (2021).

<https://doi.org/10.26623/julr.v4i2.4059>.

Mayasari, I Dewa Ayu Dwi, and Dewa Gde Rudy. "Analisis Analisis Yuridis Tentang Proses Mediasi Dalam Alternatif Penyelesaian Sengketa Tanah Adat Di Bali." *KERTHA WICAKSANA* 15, no. 2 (2021). <https://doi.org/10.22225/kw.15.2.2021.90-98>.

Moh. Horah, Riris Fadaniyah, and Erie Hariyanto. "Upaya Penyelesaian Sengketa Ekonomi Syari'ah Jalur Non-Litigasi Melalui Mediasi." *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 5, no. 1 (2021). <https://doi.org/10.35316/istidlal.v5i1.302>.

Montolalu, Maria Ezra, Toar N Palilingan, and Donna Setiabudi. "Penyelesaian Sengketa Pertanahan Diluar Pengadilan Dalam Kasus Sertifikat Ganda Di Kota Tondano Kabupaten Minahasa." *Jurnal Fakultas Hukum Unsrat* 12, no. 5 (2023).

Mulyani, Tri, Sukimin Sukimin, and Wahyu Satria Wana Putra Wijaya. "Konsep Mediasi Dalam Penyelesaian Sengketa Tata Usaha Negara Berbasiskan Nilai Keadilan Pancasila." *Jurnal Ilmiah Galuh Justisi* 10, no. 1 (2022). <https://doi.org/10.25157/justisi.v10i1.5773>.

Prakoso, Arie Putra, Fatimah Yunus, and Iwan Ramadhan Sitorus. "Restorative Justice Against Child Crime In the Perspective of Islamic Law at the Bengkulu City Police Station." *Qiyas : Jurnal Hukum Islam Dan Peradilan* 8, no. 2 (2023). <https://doi.org/10.29300/qys.v8i2.12200>.

Saleh, Hendri, and Hendri Saleh. "PENYELESAIAN PERSELISIHAN HUBUNGAN INDUSTRIAL MELALUI MEDIASI PADA DINSOSNAKERTRANS KOTA YOGYAKARTA(STUDI PERSPEKTIF MAQASHID SYARI'AH)," 2016.

Sumanto, Dedi. "HUKUM ADAT DI INDONESIA PERSPEKTIF SOSIOLOGI DAN ANTROPOLOGI HUKUM ISLAM." *JURIS (Jurnal Ilmiah Syariah)* 17, no. 2 (December 2018): 181–91. <https://doi.org/10.31958/JURIS.V17I2.1163>.

Surya, F A. "Tinjaun Mediasi Penal Dalam Perspektif Hukum Adat Dan Hukum Islam." *Jurnal Jurisprudence*, 2017.

Umar, M. Umar. "Hukum Islam; Telaah Perkara Perceraian Melalui Proses Mediasi." *Jurnal Literasiologi* 4, no. 2 (2020). <https://doi.org/10.47783/literasiologi.v4i2.152>.

Wantu, Fence, Muhammad Hidayat Muhtar, and et al. "Eksistensi Mediasi Sebagai Salah Satu Bentuk Penyelesaian Sengketa

Lingkungan Hidup Pasca Berlakunya Undang-Undang Cipta Kerja.” *Bina Hukum Lingkungan* 7, no. 2 (2023).

Wiantara, I Komang. “Penyelesaian Perkara Perdata Di Pengadilan Berdasarkan Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016.” *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 7, no. 4 (2018).
<https://doi.org/10.24843/jmhu.2018.v07.i04.p04>.

Yusuf Daeng, Mohd. *Sosiologi Hukum*. Pekanbaru: Alaf Riau, 2018.

Akbar, Rahmat, and Ahmad Yasin. “Mempersoalkan Mediasi Sebagai Upaya Penyelesaian Disharmoni Peraturan Menteri.” *Fundamental: Jurnal Ilmiah Hukum* 10, no. 1 (2021).
<https://doi.org/10.34304/jf.v10i1.34>.

Alexander, Alexander. “Alternative Dispute Resolution Dalam Mediasi Sengketa Hukum Adat Di Papua.” *Jurnal Syntax Transformation* 2, no. 09 (2021). <https://doi.org/10.46799/jst.v2i9.325>.

Arisman, Arisman. “HUKUM KELUARGA PERSPEKTIF ANTROPOLOGI HUKUM.” *Hukum Islam* 22, no. 2 (2023).
<https://doi.org/10.24014/jhi.v22i2.15119>.

Awaludin, Robi. “Penyelesaian Sengketa Keluarga Secara Mediasi Non Litigasi Dalam Kajian Hukum Islam Dan Hukum Positif.” *Al Maqashidi: Jurnal Hukum Islam Nusantara* 4, no. 2 (2021).

Aziz, Abdul, and Lukman Hakim. “PELAKSANAAN MEDIASI PERCERAIAN DI PERADILAN AGAMA DALAM PERSPEKTIF HUKUM ISLAM.” *AL-ASHLAH: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 2 (2022).

Dahlan, Moh. “Nilai-Nilai Kemanusiaan Dalam Legislasi Hukum Islam Di Indonesia.” *Al-Manahij: Jurnal Kajian Hukum Islam* 10, no. 2 (2017).
<https://doi.org/10.24090/mnh.v10i2.935>.

Faizal, Surya Adi. “Tinjaun Mediasi Penal Dalam Perspektif Hukum Adat Dan Hukum Islam.” *Jurisprudence* 5, no. 2 (2015).

Fuadi, Septiyan Hudan. “Resolusi Konflik Sosial Perspektif Hukum Islam Dan Hukum Adat Pada Pemilihan Kepala Desa Bajang Mlarak Ponorogo.” *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 1 (2020). <https://doi.org/10.37680/almanhaj.v2i1.325>.

Hanifah, Ida. “Intruksi Presiden Sebagai Hasil Dari Upaya Mediasi Konflik Di Konflik Poso.” *Jurnal SUARGA: Studi Keberagamaan Dan*

Keberagaman 1, no. 2 (December 2022): 68–76.
<https://doi.org/10.24090/SUARGA.V1I2.7450>.

Jumiati, Jumiati, Kartini Kartini, and Ahmad Ahmad. “Eksistensi Hukum Pogagaua Dalam Menyelesaikan Sengketa Tanah Perspektif Masalah Mursalah Di Desa Lapandewa Kecamatan Lapandewa Kabupaten Buton Selatan.” *KALOSARA: Family Law Review* 2, no. 1 (2022). <https://doi.org/10.31332/.v2i1.4223>.

KURNIAWAN, BASUKI. “POLITIK HUKUM DI INDONESIA,” January 2021.

Mardalena, Eva. “Penyelesaian Sengketa Pertanahan Melalui Proses Mediasi Pada Kantor Pertanahan Kabupaten Kepahiang Perspektif Hukum Islam.” *Qiyas : Jurnal Hukum Islam Dan Peradilan* 7, no. 2 (2022). <https://doi.org/10.29300/qys.v7i2.8210>.

Marwa, Muhammad Habibi Miftakhul. “MODEL PENYELESAIAN PERSELISIHAN PERKAWINAN PERSPEKTIF HUKUM ADAT DAN HUKUM ISLAM.” *JURNAL USM LAW REVIEW* 4, no. 2 (2021).
<https://doi.org/10.26623/julr.v4i2.4059>.

Mayasari, I Dewa Ayu Dwi, and Dewa Gde Rudy. “Analisis Analisis Yuridis Tentang Proses Mediasi Dalam Alternatif Penyelesaian Sengketa Tanah Adat Di Bali.” *KERTHA WICAKSANA* 15, no. 2 (2021). <https://doi.org/10.22225/kw.15.2.2021.90-98>.

Moh. Horah, Riris Fadaniyah, and Erie Hariyanto. “Upaya Penyelesaian Sengketa Ekonomi Syari’ah Jalur Non-Litigasi Melalui Mediasi.” *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 5, no. 1 (2021).
<https://doi.org/10.35316/istidlal.v5i1.302>.

Montolalu, Maria Ezra, Toar N Palilingan, and Donna Setiabudi. “Penyelesaian Sengketa Pertanahan Diluar Pengadilan Dalam Kasus Sertifikat Ganda Di Kota Tondano Kabupaten Minahasa.” *Jurnal Fakultas Hukum Unsrat* 12, no. 5 (2023).

Mulyani, Tri, Sukimin Sukimin, and Wahyu Satria Wana Putra Wijaya. “Konsep Mediasi Dalam Penyelesaian Sengketa Tata Usaha Negara Berbasis Nilai Keadilan Pancasila.” *Jurnal Ilmiah Galuh Justisi* 10, no. 1 (2022). <https://doi.org/10.25157/justisi.v10i1.5773>.

Prakoso, Arie Putra, Fatimah Yunus, and Iwan Ramadhan Sitorus. “Restorative Justice Against Child Crime In the Perspective of Islamic Law at the Bengkulu City Police Station.” *Qiyas : Jurnal Hukum Islam Dan Peradilan* 8, no. 2 (2023).
<https://doi.org/10.29300/qys.v8i2.12200>.

- Saleh, Hendri, and Hendri Saleh. "PENYELESAIAN PERSELISIHAN HUBUNGAN INDUSTRIAL MELALUI MEDIASI PADA DINSOSNAKERTRANS KOTA YOGYAKARTA(STUDI PERSPEKTIF MAQASHID SYARI'AH)," 2016.
- Sumanto, Dedi. "HUKUM ADAT DI INDONESIA PERSPEKTIF SOSIOLOGI DAN ANTROPOLOGI HUKUM ISLAM." *JURIS (Jurnal Ilmiah Syariah)* 17, no. 2 (December 2018): 181–91.
<https://doi.org/10.31958/JURIS.V17I2.1163>.
- Surya, F A. "Tinjaun Mediasi Penal Dalam Perspektif Hukum Adat Dan Hukum Islam." *Jurnal Jurisprudence*, 2017.
- Umar, M. Umar. "Hukum Islam; Telaah Perkara Perceraian Melalui Proses Mediasi." *Jurnal Literasiologi* 4, no. 2 (2020).
<https://doi.org/10.47783/literasiologi.v4i2.152>.
- Wantu, Fence, Muhammad Hidayat Muhtar, and et al. "Eksistensi Mediasi Sebagai Salah Satu Bentuk Penyelesaian Sengketa Lingkungan Hidup Pasca Berlakunya Undang-Undang Cipta Kerja." *Bina Hukum Lingkungan* 7, no. 2 (2023).
- Wiantara, I Komang. "Penyelesaian Perkara Perdata Di Pengadilan Berdasarkan Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016." *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 7, no. 4 (2018).
<https://doi.org/10.24843/jmhu.2018.v07.i04.p04>.
- Yusuf Daeng, Mohd. *Sosiologi Hukum*. Pekanbaru: Alaf Riau, 2018.
- Akbar, Rahmat, and Ahmad Yasin. "Mempersoalkan Mediasi Sebagai Upaya Penyelesaian Disharmoni Peraturan Menteri." *Fundamental: Jurnal Ilmiah Hukum* 10, no. 1 (2021).
<https://doi.org/10.34304/jf.v10i1.34>.
- Alexander, Alexander. "Alternative Dispute Resolution Dalam Mediasi Sengketa Hukum Adat Di Papua." *Jurnal Syntax Transformation* 2, no. 09 (2021). <https://doi.org/10.46799/jst.v2i9.325>.
- Arisman, Arisman. "HUKUM KELUARGA PERSPEKTIF ANTROPOLOGI HUKUM." *Hukum Islam* 22, no. 2 (2023).
<https://doi.org/10.24014/jhi.v22i2.15119>.
- Awaludin, Robi. "Penyelesaian Sengketa Keluarga Secara Mediasi Non Litigasi Dalam Kajian Hukum Islam Dan Hukum Positif." *Al Maqashidi: Jurnal Hukum Islam Nusantara* 4, no. 2 (2021).

- Aziz, Abdul, and Lukman Hakim. "PELAKSANAAN MEDIASI PERCERAIAN DI PERADILAN AGAMA DALAM PERSPEKTIF HUKUM ISLAM." *AL-ASHLAH: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 2 (2022).
- Dahlan, Moh. "Nilai-Nilai Kemanusiaan Dalam Legislasi Hukum Islam Di Indonesia." *Al-Manahij: Jurnal Kajian Hukum Islam* 10, no. 2 (2017). <https://doi.org/10.24090/mnh.v10i2.935>.
- Faizal, Surya Adi. "Tinjauan Mediasi Penal Dalam Perspektif Hukum Adat Dan Hukum Islam." *Jurisprudence* 5, no. 2 (2015).
- Fuadi, Septiyan Hudan. "Resolusi Konflik Sosial Perspektif Hukum Islam Dan Hukum Adat Pada Pemilihan Kepala Desa Bajang Mlarak Ponorogo." *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 1 (2020). <https://doi.org/10.37680/almanhaj.v2i1.325>.
- Hanifah, Ida. "Intruksi Presiden Sebagai Hasil Dari Upaya Mediasi Konflik Di Konflik Poso." *Jurnal SUARGA: Studi Keberagaman Dan Keberagaman* 1, no. 2 (December 2022): 68–76. <https://doi.org/10.24090/SUARGA.V1I2.7450>.
- Jumiati, Jumiati, Kartini Kartini, and Ahmad Ahmad. "Eksistensi Hukum Pogagaua Dalam Menyelesaikan Sengketa Tanah Perspektif Masalah Mursalah Di Desa Lapandewa Kecamatan Lapandewa Kabupaten Buton Selatan." *KALOSARA: Family Law Review* 2, no. 1 (2022). <https://doi.org/10.31332/.v2i1.4223>.
- KURNIAWAN, BASUKI. "POLITIK HUKUM DI INDONESIA," January 2021.
- Mardalena, Eva. "Penyelesaian Sengketa Pertanahan Melalui Proses Mediasi Pada Kantor Pertanahan Kabupaten Kepahiang Perspektif Hukum Islam." *Qiyas : Jurnal Hukum Islam Dan Peradilan* 7, no. 2 (2022). <https://doi.org/10.29300/qys.v7i2.8210>.
- Marwa, Muhammad Habibi Miftakhul. "MODEL PENYELESAIAN PERSELISIHAN PERKAWINAN PERSPEKTIF HUKUM ADAT DAN HUKUM ISLAM." *JURNAL USM LAW REVIEW* 4, no. 2 (2021). <https://doi.org/10.26623/julr.v4i2.4059>.
- Mayasari, I Dewa Ayu Dwi, and Dewa Gde Rudy. "Analisis Analisis Yuridis Tentang Proses Mediasi Dalam Alternatif Penyelesaian Sengketa Tanah Adat Di Bali." *KERTHA WICAKSANA* 15, no. 2 (2021). <https://doi.org/10.22225/kw.15.2.2021.90-98>.
- Moh. Horah, Riris Fadaniyah, and Erie Hariyanto. "Upaya Penyelesaian Sengketa Ekonomi Syari'ah Jalur Non-Litigasi Melalui Mediasi."

Istidlal: Jurnal Ekonomi Dan Hukum Islam 5, no. 1 (2021).
<https://doi.org/10.35316/istidlal.v5i1.302>.

Montolalu, Maria Ezra, Toar N Palilingan, and Donna Setiabudi.
 "Penyelesaian Sengketa Pertanahan Diluar Pengadilan Dalam Kasus
 Sertifikat Ganda Di Kota Tondano Kabupaten Minahasa." *Jurnal
 Fakultas Hukum Unsrat* 12, no. 5 (2023).

Mulyani, Tri, Sukimin Sukimin, and Wahyu Satria Wana Putra Wijaya.
 "Konsep Mediasi Dalam Penyelesaian Sengketa Tata Usaha Negara
 Berbasiskan Nilai Keadilan Pancasila." *Jurnal Ilmiah Galuh Justisi* 10,
 no. 1 (2022). <https://doi.org/10.25157/justisi.v10i1.5773>.

Prakoso, Arie Putra, Fatimah Yunus, and Iwan Ramadhan Sitorus.
 "Restorative Justice Against Child Crime In the Perspective of
 Islamic Law at the Bengkulu City Police Station." *Qiyas : Jurnal
 Hukum Islam Dan Peradilan* 8, no. 2 (2023).
<https://doi.org/10.29300/qys.v8i2.12200>.

Saleh, Hendri, and Hendri Saleh. "PENYELESAIAN PERSELISIHAN
 HUBUNGAN INDUSTRIAL MELALUI MEDIASI PADA
 DINSOSNAKERTRANS KOTA YOGYAKARTA(STUDI PERSPEKTIF
 MAQASHID SYARI'AH)," 2016.

Sumanto, Dedi. "HUKUM ADAT DI INDONESIA PERSPEKTIF SOSIOLOGI
 DAN ANTROPOLOGI HUKUM ISLAM." *JURIS (Jurnal Ilmiah Syariah)*
 17, no. 2 (December 2018): 181-91.
<https://doi.org/10.31958/JURIS.V17I2.1163>.

Surya, F A. "Tinjaun Mediasi Penal Dalam Perspektif Hukum Adat Dan
 Hukum Islam." *Jurnal Jurisprudence*, 2017.

Umar, M. Umar. "Hukum Islam; Telaah Perkara Perceraian Melalui
 Proses Mediasi." *Jurnal Literasiologi* 4, no. 2 (2020).
<https://doi.org/10.47783/literasiologi.v4i2.152>.

Wantu, Fence, Muhammad Hidayat Muhtar, and et al. "Eksistensi
 Mediasi Sebagai Salah Satu Bentuk Penyelesaian Sengketa
 Lingkungan Hidup Pasca Berlakunya Undang-Undang Cipta Kerja."
Bina Hukum Lingkungan 7, no. 2 (2023).

Wiantara, I Komang. "Penyelesaian Perkara Perdata Di Pengadilan
 Berdasarkan Peraturan Mahkamah Agung Republik Indonesia
 Nomor 1 Tahun 2016." *Jurnal Magister Hukum Udayana (Udayana
 Master Law Journal)* 7, no. 4 (2018).
<https://doi.org/10.24843/jmhu.2018.v07.i04.p04>.

- Yusuf Daeng, Mohd. *Sosiologi Hukum*. Pekanbaru: Alaf Riau, 2018.
- Akbar, Rahmat, and Ahmad Yasin. "Mempersoalkan Mediasi Sebagai Upaya Penyelesaian Disharmoni Peraturan Menteri." *Fundamental: Jurnal Ilmiah Hukum* 10, no. 1 (2021).
<https://doi.org/10.34304/jf.v10i1.34>.
- Alexander, Alexander. "Alternative Dispute Resolution Dalam Mediasi Sengketa Hukum Adat Di Papua." *Jurnal Syntax Transformation* 2, no. 09 (2021). <https://doi.org/10.46799/jst.v2i9.325>.
- Arisman, Arisman. "HUKUM KELUARGA PERSPEKTIF ANTROPOLOGI HUKUM." *Hukum Islam* 22, no. 2 (2023).
<https://doi.org/10.24014/jhi.v22i2.15119>.
- Awaludin, Robi. "Penyelesaian Sengketa Keluarga Secara Mediasi Non Litigasi Dalam Kajian Hukum Islam Dan Hukum Positif." *Al Maqashidi: Jurnal Hukum Islam Nusantara* 4, no. 2 (2021).
- Aziz, Abdul, and Lukman Hakim. "PELAKSANAAN MEDIASI PERCERAIAN DI PERADILAN AGAMA DALAM PERSPEKTIF HUKUM ISLAM." *AL-ASHLAH: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 2 (2022).
- Dahlan, Moh. "Nilai-Nilai Kemanusiaan Dalam Legislasi Hukum Islam Di Indonesia." *Al-Manahij: Jurnal Kajian Hukum Islam* 10, no. 2 (2017).
<https://doi.org/10.24090/mnh.v10i2.935>.
- Faizal, Surya Adi. "Tinjaun Mediasi Penal Dalam Perspektif Hukum Adat Dan Hukum Islam." *Jurisprudence* 5, no. 2 (2015).
- Fuadi, Septiyan Hudan. "Resolusi Konflik Sosial Perspektif Hukum Islam Dan Hukum Adat Pada Pemilihan Kepala Desa Bajang Mlarak Ponorogo." *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 1 (2020). <https://doi.org/10.37680/almanhaj.v2i1.325>.
- Hanifah, Ida. "Intruksi Presiden Sebagai Hasil Dari Upaya Mediasi Konflik Di Konflik Poso." *Jurnal SUARGA: Studi Keberagamaan Dan Keberagaman* 1, no. 2 (December 2022): 68–76.
<https://doi.org/10.24090/SUARGA.V1I2.7450>.
- Jumiati, Jumiati, Kartini Kartini, and Ahmad Ahmad. "Eksistensi Hukum Pogagau Dalam Menyelesaikan Sengketa Tanah Perspektif Masalah Mursalah Di Desa Lapandewa Kecamatan Lapandewa Kabupaten Buton Selatan." *KALOSARA: Family Law Review* 2, no. 1 (2022). <https://doi.org/10.31332/.v2i1.4223>.

- KURNIAWAN, BASUKI. "POLITIK HUKUM DI INDONESIA," January 2021.
- Mardalena, Eva. "Penyelesaian Sengketa Pertanahan Melalui Proses Mediasi Pada Kantor Pertanahan Kabupaten Kepahiang Perspektif Hukum Islam." *Qiyas : Jurnal Hukum Islam Dan Peradilan* 7, no. 2 (2022). <https://doi.org/10.29300/qys.v7i2.8210>.
- Marwa, Muhammad Habibi Miftakhul. "MODEL PENYELESAIAN PERSELISIHAN PERKAWINAN PERSPEKTIF HUKUM ADAT DAN HUKUM ISLAM." *JURNAL USM LAW REVIEW* 4, no. 2 (2021). <https://doi.org/10.26623/julr.v4i2.4059>.
- Mayasari, I Dewa Ayu Dwi, and Dewa Gde Rudy. "Analisis Analisis Yuridis Tentang Proses Mediasi Dalam Alternatif Penyelesaian Sengketa Tanah Adat Di Bali." *KERTHA WICAKSANA* 15, no. 2 (2021). <https://doi.org/10.22225/kw.15.2.2021.90-98>.
- Moh. Horah, Riris Fadaniyah, and Erie Hariyanto. "Upaya Penyelesaian Sengketa Ekonomi Syari'ah Jalur Non-Litigasi Melalui Mediasi." *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 5, no. 1 (2021). <https://doi.org/10.35316/istidlal.v5i1.302>.
- Montolalu, Maria Ezra, Toar N Palilingan, and Donna Setiabudi. "Penyelesaian Sengketa Pertanahan Diluar Pengadilan Dalam Kasus Sertifikat Ganda Di Kota Tondano Kabupaten Minahasa." *Jurnal Fakultas Hukum Unsrat* 12, no. 5 (2023).
- Mulyani, Tri, Sukimin Sukimin, and Wahyu Satria Wana Putra Wijaya. "Konsep Mediasi Dalam Penyelesaian Sengketa Tata Usaha Negara Berbasis Nilai Keadilan Pancasila." *Jurnal Ilmiah Galuh Justisi* 10, no. 1 (2022). <https://doi.org/10.25157/justisi.v10i1.5773>.
- Prakoso, Arie Putra, Fatimah Yunus, and Iwan Ramadhan Sitorus. "Restorative Justice Against Child Crime In the Perspective of Islamic Law at the Bengkulu City Police Station." *Qiyas : Jurnal Hukum Islam Dan Peradilan* 8, no. 2 (2023). <https://doi.org/10.29300/qys.v8i2.12200>.
- Saleh, Hendri, and Hendri Saleh. "PENYELESAIAN PERSELISIHAN HUBUNGAN INDUSTRIAL MELALUI MEDIASI PADA DINSOSNAKERTRANS KOTA YOGYAKARTA(STUDI PERSPEKTIF MAQASHID SYARI'AH)," 2016.
- Sumanto, Dedi. "HUKUM ADAT DI INDONESIA PERSPEKTIF SOSIOLOGI DAN ANTROPOLOGI HUKUM ISLAM." *JURIS (Jurnal Ilmiah Syariah)* 17, no. 2 (December 2018): 181–91.

<https://doi.org/10.31958/JURIS.V17I2.1163>.

Surya, F A. "Tinjaun Mediasi Penal Dalam Perspektif Hukum Adat Dan Hukum Islam." *Jurnal Jurisprudence*, 2017.

Umar, M. Umar. "Hukum Islam; Telaah Perkara Perceraian Melalui Proses Mediasi." *Jurnal Literasiologi* 4, no. 2 (2020).
<https://doi.org/10.47783/literasiologi.v4i2.152>.

Wantu, Fence, Muhammad Hidayat Muhtar, and et al. "Eksistensi Mediasi Sebagai Salah Satu Bentuk Penyelesaian Sengketa Lingkungan Hidup Pasca Berlakunya Undang-Undang Cipta Kerja." *Bina Hukum Lingkungan* 7, no. 2 (2023).

Wiantara, I Komang. "Penyelesaian Perkara Perdata Di Pengadilan Berdasarkan Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016." *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 7, no. 4 (2018).
<https://doi.org/10.24843/jmhu.2018.v07.i04.p04>.

Yusuf Daeng, Mohd. *Sosiologi Hukum*. Pekanbaru: Alaf Riau, 2018.