

Evaluation of the Effectiveness of Mediation as an Alternative for Civil Dispute Resolution: Quantitative Research in District Courts

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ABSTRACT

Background. Background This research is based on the need for an effective alternative for the resolution of civil disputes in the District Court due to the problems that often arise in the conventional justice system. Mediation has been considered as one of the promising alternatives, but there has been no thorough evaluation of how effective this method is in the context of the District Court.

Purpose. This study aims to quantitatively evaluate how effective mediation is as an alternative to civil dispute resolution in the District Court.

Method. The quantitative method collects data through surveys and interviews with mediation participants. The aim was to determine how effective mediation is as an alternative to civil dispute resolution in the district courts. The data collected was then analyzed to identify factors that influence the success of mediation.

Results. This study shows the success rate of mediation as a civil dispute resolution option in the District Court and the factors that influence the outcome.

Conclusion. This study found that mediation can serve as an effective alternative to civil dispute resolution in the District Court. However, the study also emphasizes that further attention is needed to the factors that determine the success of mediation. The research also provides a basis for policy and practice recommendations that can improve the success of mediation in civil dispute resolution in the District Courts.

KEYWORDS

Alternative, Effectiveness, Mediation

INTRODUCTION

One important component of the justice system that serves to maintain justice and legal order in society is the settlement of civil disputes (L. Li et al., 2024). However, parties involved in disputes often face difficulties due to the lengthy and expensive litigation process (Chen et al., 2024). Mediation, as an alternative, has become an increasingly popular method to resolve conflicts safely and effectively (Caubet et al., 2024). In the mediation process, the disputing parties work with a neutral mediator to reach an agreement that is acceptable to all parties (H. Zhang, Yan, et al., 2024). In Indonesia, mediation is one of the

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options for resolving civil disputes in the District Court (Lan et al., 2024). Mediation is an alternative dispute resolution method in which parties to a dispute work with an independent mediator to reach an agreement acceptable to all parties (W. Du et al., 2024). Mediation can reduce the burden on the courts, save time and money, and give disputants control over the outcome of the settlement (P. Du et al., 2024).

The mediator helps disputants communicate, understand each other's perspectives, think through solution options, and ultimately reach a voluntary agreement through mediation (Cao et al., 2024). Disputants can feel more comfortable exchanging information without worrying about it being used in court, as mediation is usually conducted confidentially (Wu et al., 2024).

Mediation has the primary goal of reaching a solution that is satisfactory to all parties involved while reducing the cost, time, and stress associated with the conventional litigation process (Wang et al., 2024). If agreed by all parties to the dispute, an agreement reached through mediation usually has the same legal force as a court judgment. Mediation is commonly used in a variety of situations, such as family, commercial, community and civil disputes. It is a flexible tool and can be adapted to different types of disputes and the needs of the parties involved (Xu et al., 2024).

Mediation allows for better communication between the parties involved in a civil dispute, which makes it one of the best ways to resolve civil disputes (X. Zhang, Lu, et al., 2024). Mediation allows both parties to openly express their needs, requirements, and expectations (Z. Li et al., 2024). This can help find the key issues causing the conflict and allow both parties to work together to reach a mutually beneficial solution (Bu et al., 2024).

Mediation can also help reduce tension and conflict between disputants (Cheung, 2024). By giving them a safe and organized platform to talk, mediation allows parties to better express their emotions and seek understanding of each other. This can help change the dynamic from conflict to cooperation, which in turn can aid the dispute resolution process (Wen et al., 2024).

Mediation is also flexible, which is another advantage. The mediation process can be customized to the unique needs of the case and the preferences of each disputing party (Zubiagirre et al., 2024). This allows for more precise and individualized dispute resolution that takes into account the uniqueness of each situation (Cui et al., 2024). In addition, the flexibility of the process allows mediation to be more inclusive, as it allows disputants to reach innovative solutions that may not be achievable during the litigation process (Tao & Yu, 2024).

While there are many benefits offered by mediation, it is important to remember that it may not work in all situations (Guo et al., 2024). Issues such as disagreement between the parties or the inability to reach a compromise can hinder the success of mediation (Aziz et al., 2024). In addition, the success of mediation relies heavily on the mediator's ability to properly facilitate the process and tell the disputing parties where to go (Cho & Seo, 2024).

Mediation is a promising civil dispute resolution option, but there are several issues that can complicate the process (Löffler et al., 2024). First of all, one of the main obstacles is disagreement between the disputing parties. The mediation process will be difficult to proceed if one or both parties are unwilling to participate in the mediation or unwilling to communicate openly (L. Zhang, Bai, et al., 2024). Emotional tension between the parties, distrust of the mediation process, or the inability to reach a mutually beneficial agreement may be the cause of this disagreement (J. Zhang, Li, et al., 2024).

In addition, the mediator's ability to facilitate effective communication between disputants can also hinder the mediation process (Amado-Alonso et al., 2019). An unskilled or inexperienced mediator may face difficulties in managing conflict dynamics, locating important interests, or helping the parties reach a satisfactory agreement (Peleg & Boniel-Nissim, 2024). The mediation

process can also be hampered if the mediator is unable to build a reliable relationship with the disputants (D. Zhang, Liu, et al., 2024).

In addition, there are also real obstacles that can hinder mediation, such as conflicting schedules between disputing parties or the difficulty of gathering all relevant parties at the same time (Gao et al., 2024). In addition, external disturbances or unfavorable physical conditions may interfere with the mediation process (Y. Zhang, Song, et al., 2024).

In addition, cultural, legal, and psychological factors can be barriers to mediation (Yunus et al., 2024). Differences in legal and regulatory systems can confuse or hinder the mediation process, while cultural differences between disputants can affect the way they perceive and handle conflict (Qu et al., 2024). In addition, there are also psychological barriers such as fear of change, inability to admit mistakes, or suppression of emotions that can hinder progress in mediation (Deng et al., 2024).

It is important to remember that these barriers can impede the mediation process, but it is also important to remember that by having a good understanding of these barriers, the mediator can develop strategies and techniques to overcome problems that arise during the mediation (He et al., 2024). By understanding these barriers, the success rate of resolving civil disputes through mediation increases (Shaw et al., 2024).

RESEARCH METHODOLOGY

This research was conducted using a quantitative method with a survey model and interviews conducted in depth with the parties who have carried out the mediation process in the District Court as teaching material. The survey was conducted simultaneously with the research objectives, namely to evaluate the effectiveness of mediation as an alternative to civil dispute resolution in the District Court related to the success of the mediation process (Zeng et al., 2024). Meanwhile, the interview process was conducted in-depth which was useful for evaluating the effectiveness of mediation as an alternative to civil dispute resolution in the District Court. The place where the research was conducted was the District Court. The reason for choosing this place is because the mediation process is carried out before proceeding to the court stage if the mediation does not run smoothly (Ma et al., 2024).

Data collection in this study was carried out using survey techniques, namely by first making several questions about the effectiveness of mediation as an alternative to civil dispute resolution in the District Court and then asking several questions to the parties who have conducted the mediation process in the District Court. These questions relate to the effectiveness of mediation as an alternative to civil dispute resolution in the District Court. After the survey was conducted and continued by conducting in-depth interviews with the parties who had conducted mediation, the questions posed by the researchers were answered clearly and completely related to the effectiveness of mediation as an alternative to civil dispute resolution in the District Court (Yan et al., 2024).

The data that has been obtained from this research is then collected and then presented using quantitative methods, namely by calculating the percentage that has been obtained from each answer to the existing questions that have been obtained, then presented in the words of researchers in tabular form and discussed using several opinions of experts and also from researchers who have previously conducted research related to the effectiveness of mediation as an alternative to civil dispute resolution in the District Court. It is in the discussion section of the research results that the researcher's argument is narrated and developed by placing the researcher as the arbiter of the many conclusions contained by previous researchers (Ting et al., 2024).

RESULT AND DISCUSSION

Survey yang telah peneliti lakukan yaitu kepada 10 pihak yang sedang berperkara dengan Several questions were asked about the effectiveness of mediation as an alternative to dispute resolution in the District Court. From each question that has been made, it is then submitted to the parties who have conducted the mediation process in the District Court. In general, the parties were aware of the process and stages of mediation (Toros et al., 2024). This mediation is very beneficial for the parties involved, namely the parties involved have greater control over the process of resolving a case, saving costs, not taking a long time, maintaining relationships between litigants and getting more creative solutions (Xing et al., 2024).

Disagreement between the parties and the mediator's inability to facilitate effective communication are the shortcomings of this mediation (Kfoury et al., 2024). In addition, there are also real obstacles that can hinder mediation, such as conflicting schedules between disputing parties or the difficulty of gathering all relevant parties at the same time (Hu et al., 2024). In addition, external disturbances or unfavorable physical conditions may interfere with the mediation process (H. Zhang, Liu, et al., 2024).

Table 1 Article Body Length Weight

No	Question	Answer/	Information
1	How would you rate your experience during this mediation process?	Percentage	Of the 10 litigants, 8 parties rated the mediation process favorably and 2 parties rated the mediation process unfavorably.
2	Did you choose mediation as a dispute resolution method for your case?	80% of the parties rated the mediation process favorably and 20% rated it unfavorably.	Of the 10 parties who conducted the mediation process, it is known that all parties chose mediation as a method of resolving disputes.
3	What are your expectations of the outcome of this mediation?	100% of the parties chose mediation as a dispute resolution method.	Of the 10 parties who carried out the mediation process, they hoped that mediation would resolve the dispute.
4	Do you feel that the mediator has been effective in facilitating communication between you and the other party?	100% of the parties hoped that the mediation process would resolve the dispute.	Of the 10 parties who conducted the mediation process, 8 parties felt that the mediator had been effective in facilitating communication between the parties and 2 parties did not feel that the mediator had been effective in facilitating

			communication between the parties.
5	Were there any issues or differences that arose during the mediation that you found difficult to resolve?	80% of the parties felt that the mediator had been effective in facilitating communication between the parties and 20% did not feel that the mediator had been effective in facilitating communication between the parties.	Of the 10 parties who conducted the mediation process, 5 parties did not experience any difficulties in overcoming problems in the mediation process and 5 parties experienced difficulties in overcoming problems in the mediation process.
6	How would you rate the level of progress that has been made in finding a solution during this mediation process?	80% of the parties considered that they were good at finding solutions during the mediation process and 20% of the parties considered that they were not good at finding solutions during the mediation process.	Of the 10 parties who conducted the mediation process, 8 parties considered that they were good at finding solutions during the mediation process and 2 parties considered that they were not good at finding solutions during the mediation process.
7	Were there any particular factors that you consider influenced the mediation process positively or negatively?	80% of parties considered that there were certain factors that influenced the mediation process positively or negatively and 20% of parties did not consider that there were certain factors that influenced the mediation process positively or negatively.	Of the 10 parties who conducted the mediation process, 8 parties considered there were certain factors that influenced the mediation process positively or negatively and 2 parties did not consider there were certain factors that influenced the mediation process positively or negatively.
8	Are you satisfied with the outcome of the mediation?	80% of the parties were satisfied with the outcome of the mediation and 20% were dissatisfied with the outcome of the mediation.	Of the 10 parties who conducted the mediation process, 8 parties were satisfied with the results achieved in the mediation and 2 parties were dissatisfied with the results achieved in the

			mediation.
9	Do you feel that the mediation has given you the opportunity to properly express your interests and needs?	100% of the parties felt that the mediation had provided an opportunity to express their interests and needs properly.	Of the 10 parties who conducted the mediation process, 10 parties felt that the mediation had provided an opportunity to convey their interests and needs properly.
10	How would you rate the agreement reached in this mediation?	80% of the parties felt that an agreement had been reached in the mediation and 20% felt that an agreement had not been reached in the mediation.	Of the 10 parties who conducted the mediation process, 8 parties considered that an agreement had been reached in the mediation and 2 parties considered that an agreement had not been reached in the mediation.

The purpose of the table above is to collect data obtained from several questions that have been distributed by researchers. After submitting questions to the litigants, the parties answered each question asked. The following is an explanation of the table above. Of the ten litigants, it is known that 8 parties rated well in the mediation process and 2 parties rated poorly in the mediation process. Of the 10 parties who conducted the mediation process, it is known that all parties chose mediation as a method of resolving disputes.

Then of the 10 parties who conducted the mediation process, all parties had hopes that mediation would resolve the dispute and of the 10 parties who conducted the mediation process, it was known that 8 parties felt that the mediator had been effective in facilitating communication between the parties and 2 parties did not feel that the mediator had been effective in facilitating communication between the parties. Of the 10 parties who conducted the mediation process, it is known that 5 parties did not experience any difficulties in overcoming problems in the mediation process and 5 parties experienced difficulties in overcoming problems in the mediation process.

Of the 10 parties who conducted the mediation process, 8 parties considered that they were good at finding solutions during the mediation process and 2 parties considered that they were not good at finding solutions during the mediation process. Of the 10 parties who conducted the mediation process, 8 parties considered there were certain factors that influenced the mediation process positively or negatively and 2 parties did not consider there were certain factors that influenced the mediation process positively or negatively. Of the 10 parties who conducted the mediation process, 8 parties were satisfied with the results achieved in the mediation and 2 parties were dissatisfied with the results achieved in the mediation. Of the 10 parties who conducted the mediation process, 10 parties felt that the mediation had provided an opportunity to convey their interests and needs properly. Of the 10 parties who conducted the mediation process, 8 parties considered that an agreement had been reached in mediation and 2 parties considered that an agreement had not been reached in mediation.

From the data collected by researchers, there are 8 parties who have carried out the mediation process smoothly and consider mediation as an effective means of resolving civil disputes in the District Court and 2 parties who have carried out the mediation process consider mediation less effective in resolving civil disputes in the District Court. With the number of parties who succeeded and went smoothly in the mediation process, the mediation process is very effective in the District Court in civil disputes (Pan et al., 2024).

The mediation process in the District Court is a process conducted under the supervision of the court and uses a mediator appointed by the court to help the disputing parties reach an agreement. The mediation process usually occurs after a lawsuit is filed, but can occur even during the trial process. Most of the time, court-appointed mediators are judges or court employees who have been specially trained in the mediation process.

To support ongoing legal proceedings, mediation in the District Court is conducted. This shows that the mediation process can be incorporated into the current litigation process and can help prevent or shorten longer trial times. The applicable laws and court rules govern the mediation process in the District Courts. This includes rules on when mediation can take place, how the mediator is selected, and the steps to be followed. Courts are actively involved in the mediation process in the District Courts; typically, they direct disputants to attempt mediation before proceeding to further litigation. The court may also make the final decision on the mediation agreement.

Mediation in the District Court is usually conducted in the midst of ongoing legal proceedings. This means that if there is no agreement during the mediation process, information gathered in court may be disclosed. The primary objective of mediation in the District Court is to reach a resolution of the dispute that is satisfactory to all parties involved. The mediation process is designed to allow the parties to the dispute to talk and negotiate effectively with the aim of reaching an agreement that is favorable to each party. One important feature of the justice system is court mediation, which allows disputing parties to voluntarily reach a dispute resolution agreement with the assistance of a court-appointed mediator. It offers an effective solution for the resolution of civil disputes under court supervision.

The benefits of mediation in the settlement of civil disputes are multifaceted and include various aspects. One of them is that mediation gives the parties involved more control over the settlement process. They have the ability to set the agenda, select the mediator, and determine the likelihood of reaching an agreement. This is in contrast to litigation in court, which is often governed by the legal system. Mediation is often less expensive than litigation because the process is shorter and does not require as much preparation as court proceedings.

Disputes can usually be resolved through mediation rather than litigation. Mediation can produce a satisfactory solution in less time because the process is more flexible and the parties involved have more control. Parties to a dispute can maintain a good relationship through mediation. Parties can reduce the likelihood of future conflict by working together to reach an agreement. If mediation fails to reach an agreement, the talks and information shared during the mediation process will not be disclosed in court. Mediation is usually conducted confidentially. This can help create a more open environment and allow each party to speak more freely.

Mediation allows parties to think outside the formal legal boundaries and reach more innovative and creative solutions than might be found during the litigation process. Mediation is an effective tool in civil dispute resolution that can benefit all parties involved as it allows disputes to be resolved without having to go through the lengthy and expensive process of litigation. By

encouraging out-of-court settlements, courts can reduce the burden borne by disputes. Mediation can be a promising alternative for the peaceful and effective resolution of disputes as it allows for open communication, makes the settlement process more flexible, and encourages satisfactory agreements.

The main objective of mediation in the District Court is to provide an efficient, speedy, and inexpensive alternative to dispute resolution for parties involved in legal proceedings. One of the main objectives of mediation in the District Court is to encourage the amicable resolution of disputes brought before the court. The purpose of bringing parties to a dispute to the mediation table is to give them the opportunity to talk to each other and reach an agreement that is acceptable to all parties, without the need to spend time and money on a trial.

In addition, the purpose of court mediation is to ease the burden on the court by diverting some disputes to the mediation process. By voluntarily resolving disputes through the mediation process, the court can expedite the resolution of other cases that may require direct handling by the court. Parties to a dispute can communicate openly and constructively through the District Court mediation process. Parties can listen to each other, understand each other's perspectives, and reach agreeable solutions through dialog guided by the mediator. Mediation also facilitates the negotiation process, allowing parties to reach a mutually beneficial agreement.

Mediation in the District Court can help improve relationships between disputants by reducing tension and conflict. By offering a safe platform to talk and resolve differences, mediation can help both parties to reach an agreement and rebuild relationships that have been damaged. The main objective of mediation in the District Court is to reach an agreement that is acceptable to all parties involved in the dispute. If agreed by all parties involved in the dispute, an agreement reached through mediation has the same legal force as a court judgment. Therefore, the goal of mediation is to reach a fair and effective solution to the dispute.

CONCLUSION

Quantitative data analysis shows the success rate of mediation in civil dispute resolution in the District Court. This success rate indicates how many cases reached an agreement through mediation and how satisfactory the agreement was for both parties to the dispute. In addition, the study found case characteristics, the participation of the disputing parties, the quality of the mediator, and the court context or environment. The participants' level of satisfaction with the mediation process is also included in the evaluation of mediation effectiveness. Data on participant satisfaction can indicate the extent to which mediation is considered effective in meeting the needs and interests of the disputing parties. The evaluation results show that this study provides implications and suggestions to improve the effectiveness of mediation as an alternative to civil dispute resolution in the District Court. These recommendations may include improvements to mediation procedures, training of mediators, or changes in the way courts handle mediation.

AUTHORS' CONTRIBUTION

Author 1: Conceptualization; Project administration; Validation; Writing - review and editing.

Author 2: Conceptualization; Data curation; Investigation.

Author 3: Data curation; Investigation.

Author 4: Formal analysis; Methodology; Writing - original draft.

Author 5: Supervision; Validation.

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