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COMMUNITY LEGAL CULTURE IN MEDIATION-BASED DISPUTE RESOLUTION: A QUALITATIVE SOCIO-LEGAL STUDY AND CONCEPTUAL MODEL

Muhenri Sihotang
Universitas Mpu Tantular
Email: muhenri.sihotang@yahoo.com

Abstrak

Mediasi telah dilembagakan secara luas di Indonesia, dari ruang mediasi pengadilan hingga balai desa dan lembaga adat, tetapi tingkat keberhasilannya timpang antar-arena. Artikel ini menelaah budaya hukum masyarakat sebagai penjelas ketimpangan tersebut. Tujuannya mendeskripsikan budaya hukum dalam praktik mediasi, menganalisis faktor yang memengaruhi keberhasilannya, mengidentifikasi nilai sosial dan kearifan lokal yang mendukung maupun menghambat, serta merumuskan model konseptual. Penelitian kualitatif sosio-legal ini memadukan analisis dokumen atas sembilan instrumen hukum (UUD 1945, enam undang-undang, dan dua PERMA) dengan sintesis tematik atas 56 studi terindeks Scopus, terdiri atas 41 studi Indonesia dan 15 studi komparatif, yang dihimpun melalui penelusuran terstruktur dan dianalisis dengan analisis tematik refleksif serta model interaktif Miles, Huberman, dan Saldaña. Sintesis menghasilkan empat tema: musyawarah dan kearifan lokal sebagai modal budaya; kepercayaan dan legitimasi mediator sebagai mekanisme penghubung; sinergi hukum negara, adat, dan agama sebagai sumber legitimasi kesepakatan; serta hambatan berupa rendahnya kesadaran hukum, ketimpangan kuasa dan gender, kepentingan yang berseberangan, dan desain prosedur yang menyamakan keberhasilan dengan jumlah akta perdamaian. Tema-tema itu dirumuskan menjadi Model Budaya Hukum–Mediasi dengan lima proposisi yang dapat diuji di lapangan. Artikel ini menyimpulkan bahwa keberhasilan mediasi lebih ditentukan oleh kecocokan antara desain prosedur dan budaya hukum para pihak daripada oleh kewajiban formal bermediasi. Karena itu, pembaruan kebijakan perlu menguatkan legitimasi mediator komunitas, menyaring perkara yang sarat ketimpangan kuasa, dan mengukur keberhasilan secara lebih luas daripada sekadar tercapainya kesepakatan.

Kata kunci: budaya hukum; mediasi; penyelesaian sengketa; pluralisme hukum; kearifan lokal; keadilan restoratif

Abstract

Mediation is widely institutionalised in Indonesia, from court-annexed mediation rooms to village halls and customary institutions, yet its success varies sharply across these arenas. This article examines community legal culture as an explanation for that variation. It describes legal culture in mediation practice, analyses the factors shaping mediation success, identifies the values and local wisdom that support or hinder the process, and formulates a conceptual model. This qualitative socio-legal study combines document analysis of nine legal instruments (the 1945 Constitution, six statutes, and two Supreme Court Regulations) with a thematic synthesis of 56 Scopus-indexed studies (41 Indonesian and 15 comparative) retrieved through a structured search and analysed through reflexive thematic analysis and the interactive model of Miles, Huberman, and Saldaña. Four themes emerge: deliberation (musyawarah) and local wisdom as cultural capital; trust in and legitimacy of the mediator as the linking mechanism; synergy among state, customary, and religious law as a source of legitimacy for settlements; and barriers including low legal awareness, power and gender asymmetries, opposing interests, and procedures that equate success with the number of settlement deeds. These themes form a Legal Culture–Mediation Model with five testable propositions. Mediation success depends more on the fit between procedural design and the parties' legal culture than on the formal obligation to mediate. Policy reform should strengthen the legitimacy of community mediators, screen cases marked by severe power imbalances, and measure success beyond the mere reaching of an agreement.

Keywords: legal culture; mediation; dispute resolution; legal pluralism; local wisdom; restorative justice

INTRODUCTION

Indonesia offers many routes to peace, and most of them now rest on written law. Law No. 30 of 1999 (Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa) treats mediation as one form of alternative dispute resolution outside the courts (Republik Indonesia, 1999). Law No. 48 of 2009 on Judicial Power (Undang-Undang Nomor 48 Tahun 2009 tentang Kekuasaan Kehakiman) confirms that civil disputes may be settled outside the state courts through arbitration or alternative dispute resolution (Republik Indonesia, 2009). Inside the courts, mediation is compulsory before a civil case is examined on its merits (Mahkamah Agung Republik Indonesia, 2016). At the lowest tier of government, village heads are obliged to resolve disputes among villagers (Republik Indonesia, 2014), an obligation retained in the second amendment to the Village Law (Republik Indonesia, 2024). Beyond this framework, customary mechanisms in Aceh, Bali, Lombok, and Sulawesi keep operating according to their own logic (Kasim & Nurdin, 2020; Ramli et al., 2024; Sukriono et al., 2025).

The results are far from uniform. In joint marital property cases, the national mediation success rate in the Religious Courts was only 6.2% in 2018 and 5.5% in 2019, while the Tanjung Karang Religious Court recorded 15.1% over four years of observation (Syafei & Djazimah, 2021). Another study notes that settlement rates have remained low after almost two decades of mandatory court-annexed mediation, well below those achieved in countries such as Australia and the United States (Maryam & Irianto, 2023). A different picture emerges outside the courtroom. The available data indicate that out-of-court mediation succeeds more often than court-annexed mediation (Gerungan et al., 2023), and at the Panyabungan Religious Court, mediation that integrates local cultural values reportedly reduced conflict for 75% of the 111 couples surveyed and satisfied 95% of them (Sebyar et al., 2025). Procedural design alone cannot explain such contrasts. The procedures are much the same; what differs is the people who go through them and the meaning they attach to law.

This is where the concept of legal culture becomes relevant. Friedman divides the legal system into structure, substance, and legal culture, and treats legal culture as the attitudes, values, and expectations that determine when and why people turn to the law or avoid it (Friedman, 1975). In later work, he showed that modern legal culture is marked by instrumental legitimacy and a strong orientation towards individual rights (Friedman, 1994). The concept is not uncontested. Nelken cautions that the term is used in diverse senses, ranging from an explanatory variable to a way of reading law as culture, and that defining its unit of analysis is often problematic (Nelken, 2014; Nelken, 2016). Its explanatory power is nonetheless visible in several studies. Restorative justice practices, for example, have been shown to be shaped by the legal culture, political tradition, and criminal justice identity of the system in which they grow (Díaz Gude & Navarro Papic, 2020). In Indonesia, the success of mediation in the Religious Courts has been attributed to mediator professionalism and the legal culture of society (Karmawan, 2020), in line with the long-standing thesis that society and culture help determine the effectiveness of law enforcement (Soekanto, 1983).

Research on mediation in Indonesia can be grouped into three clusters. The first assesses the effectiveness of mediation from an institutional and regulatory standpoint: mediation in the Religious Courts (Karmawan, 2020), the possibility of mediation in the Administrative Courts (Amarini et al., 2024), and the national mediation ecosystem in relation to the Singapore Convention (Gerungan et al., 2023). The second works dispute by dispute: divorce (Fikri et al., 2023; Sebyar et al., 2025), joint

marital property (Syafei & Djazimah, 2021), waqf (Mahrus, 2021), land and communal (ulayat) land (Iswari et al., 2025; Kamaruddin et al., 2023), environmental pollution (Triana et al., 2022), and minor criminal cases handled through penal mediation and customary courts (Andiko et al., 2024; Wulandari et al., 2022). The third discusses legal pluralism and living law, a debate that intensified after the enactment of the new Criminal Code (Hardinanto et al., 2024; Masyhar et al., 2025; Utama, 2021). Few studies make legal culture the main lens for explaining mediation success, one of them being a study of community mediation in West Nusa Tenggara (Haq et al., 2022).

This mapping leaves four gaps. First, legal culture is more often mentioned as background than analysed as a mechanism. Second, findings are scattered by dispute type, which makes a cross-arena picture difficult to draw. Third, the experiences and perceptions of disputing parties have been explored by many qualitative studies across the regions, but they have not been synthesised systematically. Fourth, no model yet links legal culture, trust in the mediator, party participation, and mediation success within a single testable framework. The international literature offers material to address the last gap, including findings on the factors that build trust in mediation (Riera Adrover et al., 2020), the role of mediator legitimacy in securing compliance (Duursma, 2020), and a contextual theory of community mediation in plural cities (Wong, 2026). These findings, however, come from settings unlike Indonesia's plural legal order.

Building on these gaps, the article asks four questions: (1) how community legal culture manifests in mediation practice across arenas; (2) which factors shape mediation success when viewed through legal culture; (3) which social values, norms, and forms of local wisdom support or hinder mediation; and (4) what conceptual model can explain the role of legal culture in peaceful dispute resolution. The article's novelty lies in three moves. It combines legal culture theory with legal pluralism (Griffiths, 1986) and living law (Ehrlich, 1936) to read mediation across arenas. It synthesises empirical findings from the courts, villages, customary institutions, and restorative justice, which have so far been read in isolation. Finally, it formulates a conceptual model with propositions that can be tested in field research. The study aims to describe community legal culture in mediation-based dispute resolution, analyse the factors that shape its success, identify the values that support and hinder it, and formulate a conceptual model of legal culture that effectively supports peaceful dispute resolution.

RESEARCH METHOD

This study uses a qualitative approach with a socio-legal design. Law is understood not only as the text of regulations but also as a practice that lives within society. The chosen design is qualitative document analysis (Bowen, 2009) of two types of documents: primary legal materials and published reports of empirical research. This choice reflects the fourth objective, formulating a conceptual model, which requires a broader evidence base than a single research site could provide. Field research in the form of in-depth interviews and observation of mediation sessions is positioned as the next stage, designed to test the propositions generated here. Its protocol is presented in the Results and Discussion section.

The primary legal materials comprise nine instruments: the 1945 Constitution of the Republic of Indonesia, six statutes, and two Supreme Court Regulations (PERMA). The six statutes govern alternative dispute resolution, judicial power, the juvenile criminal justice system, villages and their

amendment, and the Criminal Code. The two PERMA regulate court-annexed mediation procedures and guidelines for adjudicating criminal cases on the basis of restorative justice. These materials were analysed through statutory and conceptual approaches to map the room the state gives to mediation and to the law that lives in society.

The corpus of empirical studies was compiled through a structured search of the Scopus database in October 2026. Seventeen search strings were built from combinations of the terms *legal culture*, *mediation*, *customary law* or adat, musyawarah, *village head*, *legal pluralism*, *living law*, *restorative justice*, *court-annexed mediation*, and trust in mediators, limited to publications from 2019–2026; theoretical and methodological works that underpin the analysis were not restricted by year. The search yielded 1,402 records, including overlaps between strings. Up to 25 top records per string, ranked by citation count, were downloaded, giving 394 records or 339 unique records after de-duplication. Titles and abstracts were screened against three inclusion criteria: the study addresses mediation or non-litigation dispute resolution, including its links to legal culture; the study is set in Indonesia, or is a comparative study that sheds light on mechanisms such as trust, legitimacy, and power relations; and the study is a peer-reviewed journal article indexed in Scopus. Off-topic records were excluded, including many management studies that use the term *mediation* in the sense of statistical mediation analysis.

Sixty candidates passed the screening. Each candidate was then double-checked: the DOI was verified in Crossref, while indexing status and metadata were verified through the Scopus API. Four candidates were removed, one because its DOI could not be resolved, two because their authorship data conflicted between Scopus and Crossref, and one because it duplicated another study by the same team. The final corpus comprises 56 studies, consisting of 41 Indonesian studies and 15 comparative studies. The theoretical and methodological works on which the analysis rests were traced separately. The search and analysis flow is shown in Figure 1. The abstracts and metadata of all studies were extracted from Scopus and OpenAlex. The unit of analysis for the synthesis is the statement of findings reported in those abstracts and metadata, so the claims in this article are confined to what the source studies actually state.

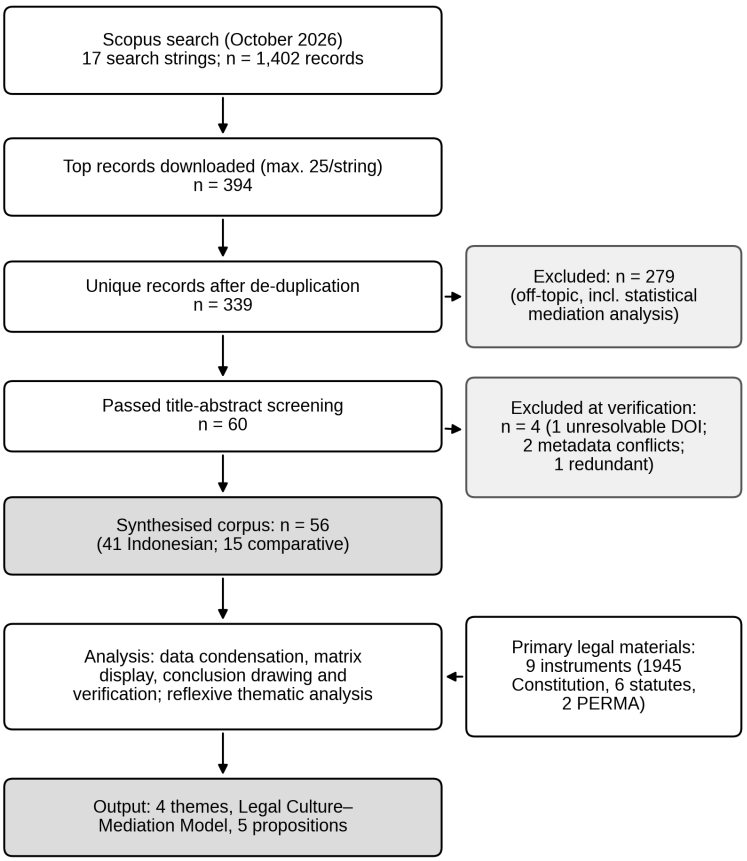


Figure 1. Search, corpus selection, and analysis flow. Source: authors' elaboration (2026)

The analysis follows the interactive model of Miles, Huberman, and Saldaña, which consists of data condensation, data display, and conclusion drawing and verification (Miles et al., 2014). During condensation, each statement of findings in the corpus was coded inductively following the six phases of thematic analysis (Braun & Clarke, 2006). Similar codes were grouped into candidate themes and then reviewed against the corpus as a whole. The approach is reflexive thematic analysis, in which themes are treated as the researcher's interpretive constructions rather than as entities waiting to be discovered in the data (Braun & Clarke, 2019). The frameworks of legal culture, legal pluralism, and living law served as sensitising lenses rather than imposed categories. During display, findings were organised in a study-level matrix (Table 2) and a theme–proposition matrix (Table 3). During verification, conclusions were tested through triangulation of three source types, namely regulations, Indonesian studies, and comparative studies, and through a search for negative cases, that is, studies reporting mediation that failed or harmed one of the parties.

Reflexive thematic analysis requires researchers to recognise their own position (Braun & Clarke, 2019). The main risk in this topic is a tendency to romanticise local wisdom and community mediation. To control for it, every candidate theme with a positive tone was deliberately confronted with studies reporting failure, social pressure, or gender injustice before the theme was finalised. The study's initial assumptions, for instance that legal culture affects mediation success or that synergy

between state and customary law strengthens the legitimacy of outcomes, were not treated as findings. They were reformulated as testable propositions because a qualitative corpus does not permit claims about the size or significance of an effect.

The trustworthiness of the analysis was safeguarded with reference to the criteria of credibility, transferability, dependability, and confirmability (Nowell et al., 2017). Credibility rests on source triangulation. Transferability rests on describing the context of each study. Dependability and confirmability are maintained through an audit trail consisting of the search strings, record counts, Scopus verification verdicts, and the synthesis matrices kept by the researcher. The study did not involve human subjects directly and used only publicly available documents.

RESULTS AND DISCUSSION

The Normative Landscape: Mediation and the Recognition of Living Law

The analysis of legal materials shows that the state gives considerable room to peaceful dispute resolution, although that room is spread across many instruments whose logics do not always align. Table 1 summarises the nine instruments analysed.

Table 1. Legal instruments governing mediation and the recognition of living law

Instrument	Key provision	Arena	Meaning for legal culture
1945 Constitution, Article 18B(2)	Recognition of customary law communities and their traditional rights	Customary	Constitutional basis for the legitimacy of customary mechanisms
Law 30/1999	Mediation as alternative dispute resolution; written agreement final, binding, and registered with the District Court within 30 days (Article 6)	Out of court	Formal binding force for voluntary agreements
Law 48/2009	Judges must explore the living legal values (Article 5(1)); settlement outside the state courts (Articles 58–60)	Court and out of court	Societal values recognised as a source of justice
Law 11/2012	Diversion mandatory at investigation, prosecution, and trial of juvenile cases	Juvenile criminal	Restoration of relationships mainstreamed
Law 6/2014	Village heads must resolve disputes (Article 26(4)); customary villages settle customary disputes giving priority to deliberation (Article 103)	Village and customary village	Mandate without process standards or binding force
Law 3/2024	Second amendment to the Village Law; village heads' obligation retained	Village	Continuity of the dispute resolution mandate
Law 1/2023 (Criminal Code)	Recognition of the law that lives in society (Article 2)	Criminal	Recognition coupled with a risk of co-opting customary law

PERMA 1/2016	Compulsory mediation, personal attendance, good faith, 30-day time limit	Court	Formal obligation does not necessarily create willingness to settle
PERMA 1/2024	Guidelines for adjudicating criminal cases based on restorative justice	Criminal court	Room for repair opened in the courtroom

Sumber: Source: compiled by the authors from the primary legal materials analysed (2026).

At the constitutional level, Article 18B(2) of the 1945 Constitution recognises and respects customary law communities and their traditional rights, as long as they remain alive and in line with societal development (Republik Indonesia, 1945). This provision underpins the recognition of customary dispute resolution mechanisms. At the statutory level, Law No. 30 of 1999 defines alternative dispute resolution as settlement outside the courts through consultation, negotiation, mediation, conciliation, or expert assessment. Article 6 of that law provides that a written agreement is final and binding and must be registered with the District Court within 30 days of signature (Republik Indonesia, 1999). The Judicial Power Law adds two elements. Article 5(1) requires judges to explore, follow, and understand the legal values and sense of justice that live in society, while Articles 58 to 60 open the path of alternative dispute resolution outside the state courts (Republik Indonesia, 2009). Read through the lens of legal culture, this duty of judges amounts to a normative acknowledgement that justice cannot be separated from the values held by society.

PERMA No. 1 of 2016 on Court-Annexed Mediation Procedures (Peraturan Mahkamah Agung Nomor 1 Tahun 2016 tentang Prosedur Mediasi di Pengadilan) is the most detailed instrument. It makes mediation compulsory for most civil cases, requires the parties to attend in person, demands good faith, and limits the process to 30 days with the possibility of extension (Mahkamah Agung Republik Indonesia, 2016). This framework places mediation as a procedural stage that must be passed through. Its consequence becomes visible in the next subsection: a formal obligation does not automatically generate a willingness to settle. European research shows that a duty to attempt mediation remains compatible with the right of access to court as long as it is strictly time-limited, yet no European jurisdiction compels parties actually to settle (Van Rhee, 2021).

At village level, Article 26(4) of the Village Law obliges village heads to resolve disputes among villagers, while Article 103 grants customary villages the authority to settle customary disputes according to applicable customary law, giving priority to deliberation (Republik Indonesia, 2014). The second amendment to the law retains this obligation of village heads (Republik Indonesia, 2024). The problem is that the law sets no standard for the process, the qualifications of the person mediating, or the legal force of village settlements. The same tendency appears more sharply in criminal matters. The Juvenile Criminal Justice System Law requires diversion to be attempted at the investigation, prosecution, and trial stages of juvenile cases (Republik Indonesia, 2012). The Supreme Court subsequently issued guidelines for adjudicating criminal cases on the basis of restorative justice (Mahkamah Agung Republik Indonesia, 2024). Article 2 of the new Criminal Code recognises the law that lives in society as a basis for criminal liability within certain limits (Republik Indonesia, 2023).

The recognition of living law has provoked debate. One side reads Article 2 of the Criminal Code as an opportunity to align criminal law with socio-cultural values and substantive justice (Faisal et al., 2024; Hardinanto et al., 2024). Others warn of its potential conflict with the principle of legality and the protection of human rights (Masyhar et al., 2025). The sharpest critique argues that

constructing customary law as *living law* in the Criminal Code continues a romantic yet legalistic approach to legal pluralism, because the state uses customary law for its own purposes (Utama, 2021). This debate matters for mediation. It shows that state recognition can strengthen community mechanisms but can also turn them into extensions of the state. Borrowing Friedman's categories, regulation supplies structure and substance, while the way structure and substance actually work depends on the legal culture of the parties, both the internal legal culture of legal professionals and the external legal culture of citizens (Friedman, 1975).

Mediation Practice in Empirical Studies

According to the authors' classification, the 41 Indonesian studies in the corpus are spread across four arenas. Twelve are set in court-annexed mediation, mainly in the Religious Courts. Seventeen examine community, village, customary, or religious-leader mediation. Five examine restorative justice within the criminal justice system, and seven are normative-conceptual studies of legal pluralism and living law. Their coverage spans Aceh, West Sumatra, North Sumatra, Bengkulu, Lampung, Central Java, East Java, Bali, West Nusa Tenggara, Central Kalimantan, and Sulawesi. At least 18 studies report field data in the form of interviews, observation, surveys, or courtroom observation. Table 2 presents twelve of them that speak most directly to legal culture.

Table 2. Selected empirical studies on legal culture in Indonesian mediation practice

Study	Location and arena	Data	Finding related to legal culture
Haq et al. (2019)	Lombok, West Nusa Tenggara; community mediation	Interviews and non-participant observation in three villages	Community mediation of merarik marriage disputes needs institutionalisation to be more effective
Haq et al. (2022)	West Nusa Tenggara; community mediation body	Observation, interviews, literature study	Culture-based procedures; values rooted in religion, custom, and social culture
Ramli et al. (2024)	Aceh Tamiang; gampong and mukim customary courts	In-depth interviews, documents	Open process with witnesses, free of charge; resolves domestic violence, inheritance, land, traffic accidents
Sukriono et al. (2025)	Blitar and Karangasem; customary villages	Ethnography, interviews with customary leaders, case studies 1984–2023	Traditional approaches modified; ADR–adat integration more suitable than litigation
Kamaruddin et al. (2023)	Southeast Sulawesi; Tolaki custom	In-depth interviews, literature review	Kalosara as living law resolves land disputes
Andiko et al. (2024)	Rejang Lebong, Bengkulu; customary court	Observation, interviews, documentation	Deliberation and peace prioritised; compensation set at the victim's request
Triana et al. (2022)	Purbalingga, Central Java; environmental dispute	Qualitative socio-legal	Rembugan as community culture and a mediation model for river pollution
Sebyar et al. (2025)	Panyabungan, North Sumatra; Religious Court	Survey of 111 couples, interviews with 3 mediators	75% reduced conflict, 95% satisfied, 60% still cooperating three years after divorce

Syafei & Djazimah (2021)	Tanjung Karang, Lampung; Religious Court	Interviews with judge-mediators, parties, advocates	Success rate 15.1%; failure due to absence, disputed object, third-party interference
Maryam & Irianto (2023)	Religious Courts; divorce mediation	Courtroom observation, socio-legal analysis	Success measured by number of agreements; process neglects the nature of divorce cases
Harry et al. (2026)	Rembang (Indonesia) and Melaka (Malaysia); religious leaders	Interviews with 12 informants	Religious leaders trusted as informal mediators; Indonesia lacks a formal policy
Sulaeman et al. (2025)	Minangkabau, West Sumatra; customary, religious, state	In-depth interviews with women	All three mechanisms tend to perpetuate gender injustice

Sumber: Source: compiled by the authors from the studies listed in the first column (2026).

Reading Table 2 across rows reveals one consistent pattern. In the community arena, actors measure success by restored relationships and social order. In the court arena, the measure tends to narrow to whether or not a written agreement is reached. This difference in yardsticks is itself an expression of legal culture and runs as a common thread through the four themes below.

Theme 1: Deliberation, Kinship, and Local Wisdom as Cultural Capital

The first theme shows that the values of deliberation and kinship function as cultural capital that lowers the cost of reaching agreement. Traces of it appear in almost every region. The Tolaki of Southeast Sulawesi resolve land disputes through *Kalosara*, a customary symbol that has become living law respected by the parties (Kamaruddin et al., 2023). The Dayak Ngaju of Central Kalimantan practise penal mediation grounded in the *Belom Bahadat* philosophy (Wulandari et al., 2022). In Rejang Lebong, the customary court prioritises deliberation and peace, and the amount of compensation is set at the victim's request (Andiko et al., 2024). In Purbalingga, the *rembugan* tradition is used to settle river pollution disputes between residents and industry (Triana et al., 2022). In divorce cases among the Bugis and Mandar, values of mutual support and mutual affection are revived in mediation practice (Fikri et al., 2023).

This capital is not confined to villages. Accommodating local wisdom remains effective in defusing conflict in urban industrial communities (Diab et al., 2022). In Surabaya and Bali, residents resolve inter-ethnic conflict by consulting customary, religious, and government leaders and by drawing on local values such as *Tat Twam Asi* (Rasyid et al., 2023). A study of the traditions of Indonesian Muslim society concludes that the restorative approach is deeply rooted in deliberation to reach consensus (Hamzani et al., 2025). The same holds for the concept of *islah*, which aligns with the restorative principle of repair (Ariefulloh et al., 2023; Darmawan et al., 2025). In Aceh, customary dispute resolution is seen as a means of social control that also eases the caseload of the courts (Kasim & Nurdin, 2020). The involvement of customary groups is likewise considered to help prevent crime and restore relationships between the parties (Rochaeti et al., 2023).

Why does this cultural capital work? The most plausible explanation is that deliberation provides a shared script: the parties know the order of steps, know who may properly speak, and know that conceding is not the same as losing. This logic is consistent with the restorative justice view that what

is repaired is harm and relationships, not merely a breach of rules (Zehr, 2015). Local wisdom, it should be noted, is not static. A long-term study of customary villages in Blitar and Karangasem shows that residents modified their traditional approaches over four decades to deal with land disputes, family conflicts, and governance problems. Integrating alternative dispute resolution principles with customary mechanisms was judged more suitable than litigation for diverse rural communities (Sukriono et al., 2025). In other words, the legal culture that supports mediation is one that lives and adapts, not a heritage frozen in place.

Theme 2: Trust in and Legitimacy of the Mediator as the Linking Mechanism

The second theme identifies trust in the mediator as the bridge between the values the parties hold and the outcome of mediation. The corpus reveals two distinct sources of trust. The first is relational and moral. In Rembang, religious leaders such as kiai are respected, trusted, and often consulted before couples turn to legal channels. Malaysia has institutionalised the role of religious leaders in family protection programmes, whereas Indonesia has no comparable formal policy (Harry et al., 2026). In Aceh Tamiang, customary mediation at *gampong* and *mukim* level brings the parties and witnesses together, is open to the public except for disputes that custom deems unfit for public airing, and is free of charge (Ramli et al., 2024). Settlement at *gampong* level has even been read as bottom-up legitimation for the protection of children in conflict with the law (Marlina & Mulyadi, 2024).

The second source is technical and institutional. Mediator professionalism is one of the keys to successful mediation in the Religious Courts (Karmawan, 2020). The Panyabungan study emphasises the role of mediators, structured negotiation, and cultural values, and recommends more culturally sensitive mediator training (Sebyar et al., 2025). International findings clarify the mechanism. A study comparing the perceptions of mediators and users of family mediation services identified several trust-building factors, including the mediator's legal expertise, sincerity, focus on settlement, appointment by public authorities or a recognised service, focus on common goals, and willingness to spend time on informal conversation (Riera Adrover et al., 2020). At a very different scale, mediator legitimacy has been shown to determine the outcomes of mediation in African civil wars, because a legitimate mediator can keep searching for a mutually satisfactory solution and pull the parties towards compliance (Duursma, 2020). Local mediation has also been shown to prolong lulls in fighting in the areas where it takes place (Duursma, 2021).

The two sources of trust rarely coexist. Court mediators are usually strong technically but lack relational ties with the parties. Customary and religious leaders, by contrast, are rich in relational capital but do not always possess adequate legal knowledge. Trust is also shaped by public experience and perceptions of institutions. A study of the prosecution service found that public trust in restorative justice is rising gradually but is still held back by problems of transparency and consistency in implementation (Sucipto et al., 2024). The parties' initial preferences for a procedure also shape how they judge its fairness after going through it (Shestowsky, 2020). Choice of forum, in turn, is linked to how secure people feel about the rights they hold (Edeh et al., 2022). A legal aid programme in Burundi was evaluated precisely in terms of its effects on the use of dispute resolution forums, legal agency, and citizens' trust in judicial institutions (Chaara et al., 2022). A study of medical dispute mediation in China likewise shows that the efficiency of third-party mediation depends on the

characteristics of cases and how they are handled, not merely on the existence of the institution (Shen et al., 2024). A provisional conclusion follows: legal culture affects mediation success mainly through trust, and that trust can be built deliberately.

Theme 3: Synergy among State, Customary, and Religious Law

The third theme concerns the way different legal orders lend legitimacy to one another. Legal pluralism theory distinguishes weak pluralism, in which the state recognises other orders under its control, from strong pluralism, in which several normative orders genuinely coexist in the same social field (Griffiths, 1986). The idea that the law actually governing everyday life arises from social associations rather than from statutes has a long pedigree in the sociology of law (Ehrlich, 1936). The corpus shows that both forms of pluralism operate simultaneously in Indonesia.

Aceh is the clearest example. Islamic law in Aceh is read as part of Indonesian legal pluralism that requires harmonisation among state law, custom, and Islam (Djawas et al., 2024). In Aceh Tamiang, the settlement of minor disputes through customary courts rests on statutes, qanun, and a joint decree of the Governor, the Regional Police Chief, and the Aceh Customary Council. Disputes successfully resolved include domestic violence, inheritance, land ownership, the construction of a telecommunications tower, and traffic accidents (Ramli et al., 2024). An analysis of the fatwa of the Ulama Consultative Council on protecting land ownership after the tsunami shows the dynamics of legal substance, structure, and culture when custom and Islam are institutionalised together (Duhriah et al., 2024). In Lombok, community mediation of *merarik* marriage disputes was judged to need institutionalisation to become more effective (Haq et al., 2019). A follow-up study in West Nusa Tenggara found that an institutionalised community mediation body uses culture-based procedures and values rooted in local religion, custom, and social culture (Haq et al., 2022).

Synergy is also visible in disputes of economic value. Waqf disputes in East Java follow two complementary routes, legalising assets through the Religious Courts and formal or informal mediation, with public benefit (maslahah) as a guiding consideration (Mahrus, 2021). Alternative resolutions for communal land conflicts in Minangkabau have been sought through Islamic law (Iswari et al., 2025). In sharia economic disputes, Friedman's legal system theory has been used to examine the consistency and effectiveness of the principle of self-submission (Asyiqin et al., 2025). Legal culture also shapes the acceptance of procedural innovations such as electronic courts in the Religious Courts (Latifiani, 2021).

Synergy, however, is not always beneficial. A comparative study of business disputes in Indonesia, Vietnam, and Thailand shows that legal pluralism offers flexibility but also creates problems of legal integration and certainty for business actors (Kurniawan et al., 2025). Efforts to decolonise restorative justice offer a middle path by treating living law as a source of concepts of harm, accountability, and repair rather than as a mere supplement to state law (Widjajanto et al., 2025). The experience of *sulha* among Arab-Palestinians in Israel is a reminder that customary mechanisms are highly diverse and that each variant reflects a particular model of relations between the state and the community (Shahar, 2021). The lesson is clear: state recognition strengthens the legitimacy of mediated outcomes when it confers binding force without standardising procedures. When recognition turns into standardisation, the very diversity that sustains trust is at risk.

Theme 4: Barriers in Legal Culture and Procedural Design

The fourth theme gathers the factors that obstruct mediation, and it is here that legal culture shows its more problematic side. The first barrier is low legal awareness and procedural compliance. At the Tanjung Karang Religious Court, mediation of joint marital property failed because of the parties' absence, the nature of the disputed object, and interference by third parties such as family members, friends, and advocates (Syafei & Djazimah, 2021). This finding accords with the analysis of law enforcement factors that treats society and culture as determinants of legal effectiveness (Soekanto, 1983).

The second barrier is power asymmetry, particularly along gender lines. Certification training for court mediators in Indonesia has been running since 2003, yet its curriculum omits domestic violence and the effects of gender and abuse of power on women and children (Abdul Syukur & Bagshaw, 2020). Victims of domestic violence are socially expected to mediate first at community level and are then required to mediate again in the Religious Courts. This has prompted proposals to screen violence cases so that they are exempt from compulsory mediation (Jones & Aftab, 2023). On the other hand, many victims avoid the criminal justice system because of its financial, psychological, and social burdens and instead turn to the Religious Courts and institutions that offer mediation (Sukendar et al., 2023). The finding cuts both ways. Mediation opens access to justice, but under unequal conditions it risks pressuring the weaker party. A study of Minangkabau women found that customary, religious, and state mechanisms alike tend to perpetuate gender injustice, so many women opt for individual solutions that often leave matters unresolved (Sulaeman et al., 2025). Experience elsewhere reinforces this concern. Mediation is hard to conduct fairly where power disparities are severe (Leckey, 2022). When judges act as negotiators, success in disposing of cases may come at the cost of unequal outcomes for the weaker party (He, 2022). There is also a tension between efficiency and substantive justice on one side and the loss of procedural protections on the other (Fan, 2023).

The third barrier is opposing interests over high-value objects. Waqf disputes are triggered by ownership claims from the founder's family, changes in designated use, and the neglect of assets (Mahrus, 2021). Disputes over communal and customary land also involve intergenerational interests that are not easily reconciled (Iswari et al., 2025; Kamaruddin et al., 2023). In such disputes, kinship values are often not strong enough to outweigh the economic value of the disputed object.

The fourth barrier lies in procedural design itself. Court-annexed divorce mediation is measured by the number of agreements, while the process does not yet attend to the characteristics of divorce cases (Maryam & Irianto, 2023). Mediation in the Administrative Courts remains contested because one of the parties is a public body or official (Amarini et al., 2024). Indonesia has also not ratified the Singapore Convention on the recognition of international mediated settlement agreements (Gerungan et al., 2023). The alternative dispute resolution movement has from the outset offered process pluralism, meaning a choice of forums that are more flexible in outcomes and costs, so success should be measured by case type rather than by a single aggregate figure (Menkel-Meadow, 2021). A contextual theory of community mediation adds that identity, power, trust, and grassroots ownership determine who enters mediation, how they participate, and whether outcomes endure (Wong, 2026).

The Legal Culture–Mediation Model and Propositions

The four themes above are combined into the Legal Culture–Mediation Model shown in Figure 2. The model positions community legal culture as an antecedent with two dimensions: communal values (deliberation, kinship, local wisdom) and the parties' legal awareness and orientation. The influence of legal culture on mediation success is not direct. It operates through two linking mechanisms, namely trust in and legitimacy of the mediator, and meaningful participation of the parties. Synergy among state, customary, and religious law acts as a structural condition that strengthens the binding force of outcomes. Power and gender asymmetries and divergent interests over the disputed object act as boundary conditions. Mediation success is understood as multidimensional, covering agreement, compliance with the terms of the agreement, restoration of relationships, and substantive justice.

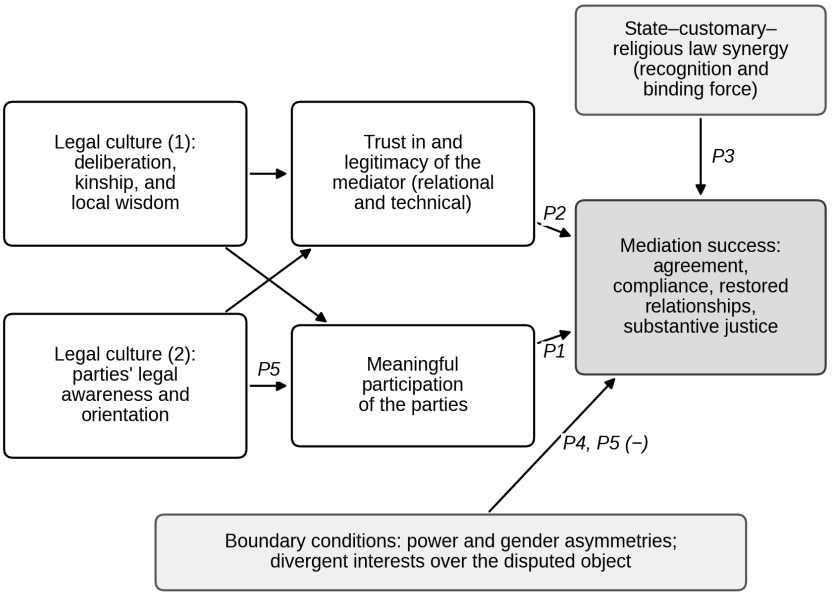


Figure 2. The Legal Culture–Mediation Model. Source: authors' elaboration based on the thematic synthesis (2026)

Five propositions are derived from the model. Table 3 details the basis of each proposition in the synthesis, the observable indicators, and how each can be tested in the field.

Table 3. Propositions of the Legal Culture–Mediation Model

Proposition	Basis in the synthesis	Observable indicators	Field test
P1. The stronger the shared orientation of the parties towards deliberation and kinship, the greater the chance of reaching agreement, through meaningful participation	Theme 1: Sukriono et al. (2025); Andiko et al. (2024); Kamaruddin et al. (2023); Hamzani et al. (2025)	Parties' references to local values; attendance and active engagement in sessions	Interviews with disputing parties; observation of mediation sessions
P2. Trust in the mediator, both relational and technical, bridges the	Theme 2: Karmawan (2020); Riera Adrover et al. (2020); Duursma (2020); Harry et al. (2026)	Perceived sincerity, competence, and closeness of the mediator	Interviews with parties and mediators; cross-arena comparison

influence of legal culture on mediation success			
P3. State recognition of community mediation outcomes strengthens compliance, provided that recognition does not standardise customary procedures	Theme 3: Ramli et al. (2024); Djawas et al. (2024); Haq et al. (2022); Kurniawan et al. (2025)	Registration or endorsement of agreements; rate of implementation of agreements	Study of mediation records; interviews with village officials and customary leaders
P4. Power and gender asymmetries weaken the substantive justice of mediated outcomes even when agreement is reached	Theme 4: Abdul Syukur & Bagshaw (2020); Jones & Aftab (2023); Sulaeman et al. (2025); Leckey (2022)	Content of agreements for vulnerable parties; reported social pressure	Separate interviews with vulnerable parties; content analysis of agreements
P5. Low legal awareness and high economic value of the disputed object reduce the chance of success, especially in mediation undertaken because of a formal obligation	Theme 4: Syafei & Djazimah (2021); Maryam & Irianto (2023); Mahrus (2021)	Attendance of parties; third-party interference; type of disputed object	Court case data; interviews with judge-mediators

Sumber: Source: authors' elaboration based on the thematic synthesis (2026).

The first and second propositions answer the question about the factors of success. Both shift the focus from the formal obligation to mediate to the quality of the relationship between the parties and the mediator. The third proposition holds that legal synergy strengthens legitimacy only when state recognition does not standardise customary procedures. The fourth and fifth propositions recast barriers as conditions that can be observed and measured rather than as a mere list of shortcomings.

Theoretical and Policy Implications and a Field Validation Agenda

Theoretically, the model extends the use of Friedman's legal culture theory. Legal culture is no longer treated as a background that explains everything and therefore nothing, but as a variable that works through observable mechanisms, above all trust. This responds to the criticism that the concept of legal culture is too loose to serve as an explanation (Nelken, 2014). The model also corrects the tendency to judge mediation by a single yardstick. If success is counted only by the number of settlement deeds, mediation that restores relationships without a written agreement will be recorded as a failure. Conversely, an agreement reached under pressure will be recorded as a success.

The model should also be positioned against two comparative frameworks. In relation to the theory of law enforcement factors, the model does not add another item to the list of factors but explains the pathway through which the factors of society and culture operate, namely trust and participation (Soekanto, 1983). In relation to the contextual theory of community mediation, which highlights identity, power, trust, and grassroots ownership (Wong, 2026), the model adds a dimension distinctive to Indonesia: synergy among state, customary, and religious law as the source of binding force for mediated outcomes. This combination makes the model usable across arenas, from court mediation rooms to customary halls.

In policy terms, the synthesis points to five steps. First, referral pathways between village or customary mediation and court-annexed mediation should be clarified, including minimum process standards and a mechanism for registering agreements, as already recognised in Law No. 30 of 1999.

Second, mediator certification curricula should cover power relations, gender, and cultural competence. Third, cases involving domestic violence should be screened before mediation is made compulsory. Fourth, indicators of mediation success should be broadened to include compliance and the restoration of relationships. Fifth, religious and customary leaders acting as informal mediators could be given recognition and support, as Malaysia has done through state-supported family protection programmes (Harry et al., 2026).

The model and propositions need to be tested through field research. In line with the study's original design, testing involves in-depth interviews, observation of mediation sessions where possible, and documentary study of mediation records. The sites are villages or urban wards that still practise deliberation-based mediation, as well as Religious Courts, District Courts, village offices, or customary institutions that actively conduct mediation. Table 4 presents this validation protocol.

Table 4. Field validation protocol for the Legal Culture–Mediation Model

Informant category	Focus of inquiry	Propositions	Technique
Mediators (judges and non-judges)	How trust is built; the yardstick of success used	P2, P5	In-depth interviews; observation of sessions
Customary leaders	Customary procedures, sanctions, and relations with state officials	P1, P3	In-depth interviews; documentation
Community and religious leaders	Moral legitimacy and role as informal mediators	P1, P2	In-depth interviews
Village or ward officials	Discharging the duty to resolve disputes; recording outcomes	P3	Interviews; study of mediation records
Parties who have mediated	Experience, sense of justice, post-agreement compliance	P1, P4, P5	Separate interviews with each party
Legal academics or practitioners	Assessment of the regulatory framework and policy recommendations	P3	Supporting-informant interviews

Sumber: Source: compiled by the authors based on the research design and the Legal Culture–Mediation Model (2026).

This study has several limitations. The unit of analysis in the synthesis is the findings reported in study abstracts and metadata, so nuances that appear only in full texts may have been missed. Coding was performed by a single analyst. The search was limited to Scopus and to the top 25 records per string by citation count, so very recent studies and those published in national journals not indexed by Scopus are not yet represented. The propositions have also not been tested empirically. These limitations also set the agenda for further research.

CONCLUSION

This study shows that community legal culture is key to understanding why mediation succeeds in one arena and fails in another. First, legal culture in Indonesian mediation practice has two faces. In the community arena, it rests on deliberation and the restoration of relationships. In the court arena, it is shaped by a procedural logic that measures success by whether a written agreement is reached. Second, the factors that most determine mediation success are trust in and legitimacy of the mediator,

drawing on both relational capital and technical expertise, together with meaningful participation of the parties. Third, the values of deliberation, kinship, and local wisdom support mediation as long as they remain alive and adaptive. Low legal awareness, power and gender asymmetries, opposing interests over high-value objects, and narrow procedural design hinder it. Under unequal conditions, the value of harmony can even turn into pressure on the weaker party. Fourth, these findings are combined into the Legal Culture–Mediation Model with five propositions. The model positions legal culture as an antecedent that works through trust and participation, is reinforced by synergy among state, customary, and religious law, and is bounded by power asymmetries and divergent interests.

The practical implication is that a formal obligation to mediate is not enough. Reform should focus on strengthening the legitimacy of community mediators, screening cases marked by power imbalances, building mediators' cultural and gender competence, and adopting success indicators broader than the number of settlement deeds. Further research should test the five propositions through field studies across several arenas and regions, comparing court-annexed and community mediation for the same types of dispute.

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Conflict of Interest

The authors declare no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Data Availability

All data analysed derive from publicly available documents, namely legislation and Scopus-indexed journal articles listed in the References. The search strings, record counts per string, Scopus verification verdicts, and synthesis matrices are available from the corresponding author upon reasonable request.

Ethics Statement

This study did not involve human subjects directly and analysed only public documents; ethics committee approval was therefore not required. The field validation stage proposed in Table 4 will be submitted for ethics approval before any data collection takes place.

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