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The Application of Mediation in Dispute Resolution in Banjaragung Village

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ABSTRACT

Mediation is a non-litigation dispute resolution mechanism that plays a strategic role in fostering peace, efficiency, and justice within the community. In Banjaragung Village, disputes among residents often arise from conflicting interests and a limited understanding of the law. Such situations risk escalating into serious conflicts if not managed through appropriate resolution methods. This study focuses on optimizing mediation as an effective resolution tool by examining obstacles, areas for potential development, and strategies for implementing mediation grounded in local wisdom. Employing a socio-legal approach, the research aims to strengthen the roles of community leaders, village officials, and customary institutions as mediators, while also raising residents' awareness regarding the importance of mediation. Ultimately, the goal is to establish a dispute resolution system that is not only simple, swift, and cost-effective but also capable of reinforcing social harmony and peace in Banjaragung Village.

INTRODUCTION

Communal life in Banjaragung Village carries the potential for disputes whether related to land issues, inheritance, debts, or other social conflicts. If not properly managed, such disputes can lead to social unrest, disrupt kinship ties, and even potentially result in criminal acts. Therefore, there is a need for effective, simple, and low-cost dispute resolution mechanisms, one of which is mediation.

Banjaragung Village is located within the administrative jurisdiction of Cikande District, Serang Regency, Banten Province. Geographically, the village is situated near the Cikande modern industrial zone and benefits from strategic road access that connects urban areas with the surrounding countryside. This geographical location significantly influences the social, economic, and cultural dynamics of the local community. The majority of Banjaragung's residents work as farmers, laborers, small-scale traders, or employees in the industrial sector within the surrounding area.

Demographically, the community of Banjaragung Village comprises diverse age groups and educational backgrounds. The majority of residents possess a secondary level of education or lower, resulting in limited understanding of the law and formal dispute resolution procedures. Nevertheless, the people of Banjaragung are known for their strong social solidarity, with a culture of mutual cooperation (*gotong royong*) and deliberation (*musyawarah*) serving as hallmarks of their daily lives.

In social life, various potential disputes frequently arise. Common disputes include land boundary disagreements, family inheritance issues, conflicts regarding land transactions, and even altercations between residents stemming from simple social matters that were not promptly resolved. To date, the community's approach to resolving these disputes has tended to rely on amicable, family-style methods specifically, deliberations at the

neighborhood or hamlet level facilitated by community leaders or village officials.

While dispute resolution through litigation indeed provides legal certainty, it entails various drawbacks. This approach involves relatively high costs and significant time commitments, and often strains social ties between residents who previously lived together in harmony. Consequently, protracted legal proceedings serve to deepen social divisions within the community.

In this context, mediation emerges as an effective solution. Mediation is a form of Alternative Dispute Resolution (ADR) that prioritizes dialogue and consensus-building, involving a neutral third party (a mediator) to assist the disputing parties in reaching an amicable agreement. In rural communities like Banjaragung, the concept of mediation is actually not unfamiliar.

Based on preliminary observations and discussions with village officials, several key challenges regarding the implementation of mediation in Banjaragung Village have been identified. First, there is a lack of capacity and skills among mediators at the local level. Second, there is no Village Regulation (Perdes) in place to formally govern mediation procedures. Third, there is low public awareness regarding the choice of peaceful dispute resolution.

This situation highlights the need for a systematic strategy to optimize the role of mediation as a dispute resolution mechanism at the village level. The proposed strategies include: (1) enhancing the capacity of village officials and community leaders through mediation training grounded in local wisdom; (2) drafting Village Regulations concerning dispute resolution via mediation.

(3) establishing collaborative forums involving the village government, customary institutions, and law enforcement agencies; and (4) raising public legal awareness through continuous outreach and dissemination efforts that engage higher education institutions as academic partners.

METHODS

The methods employed in this Community Service (PKM) activity include the following:

1. Preparation Phase: In the initial stage, the implementation team conducted a preliminary survey at the Banjar Agung Urban Village Office to gain an overview of social conditions, community needs, and potential issues relevant to the activity's theme. This survey served as the basis for selecting the implementation site and identifying the target participants deemed most appropriate for and in need of the intervention. Additionally, the preparation phase involved developing activity materials, such as teaching aids, presentation slides, and supporting documents. These materials were systematically designed to serve as a guide during the outreach and discussion sessions, while also acting as a reference for participants after the activity concluded.
2. Implementation Phase: The core of the Community Service (PKM) activity was carried out through an educational session on the application of mediation for dispute resolution in Banjar Agung Village. An educational session was selected as the primary method because it is considered effective in raising public legal awareness. The material presented emphasized the importance of mediation as an alternative dispute resolution mechanism that is simpler, more cost-effective, and grounded in the principle of deliberation. During this process, participants not only gained theoretical knowledge regarding the concept of mediation but were also introduced to practical applications relevant to their daily lives. Consequently, this activity is expected to foster a new understanding while encouraging active community participation in maintaining social harmony.
3. Discussion and Q&A Method: Following the presentation, the activity proceeded with an interactive discussion session. Participants were given the opportunity to ask questions, share their experiences, and discuss concrete cases encountered in their local environment. This Q&A method served as a means to clarify and deepen understanding of the material presented. The discussion also provided a space for participants to link theory with actual practice,

ensuring that the activity's outcomes went beyond the conceptual level and could be internalized within the community's social life. This two-way interaction made the community service activity more dynamic and participatory, effectively addressing the real needs of the Banjar Agung Village community.

RESULTS AND DISCUSSION

General Overview of Mediation

Mediation is considered important because it provides a space for disputing parties to reach a consensus with the assistance of a neutral third party. Through mediation, disputes can be resolved without resorting to court litigation, thereby emphasizing principles of deliberation, a spirit of kinship, and "win-win" solutions. This aligns perfectly with the cultural values of the Banjaragung village community, which continues to uphold the principle of kinship in conflict resolution.

Mediation is a form of Alternative Dispute Resolution (ADR) that prioritizes dialogue and consensus-building, involving a neutral third party (a mediator) to assist the parties in reaching an amicable agreement. In rural communities like Banjaragung, the concept of mediation is by no means unfamiliar; similar processes have long operated informally through the roles of community leaders, neighborhood association (RT) heads, hamlet heads, or customary institutions trusted to act as intermediaries.

In practice, mediation in Banjaragung Village can be facilitated by the village government through village officials acting as mediators as well as by respected and trusted community or religious leaders and customary institutions that hold moral authority within the community. Thus, mediation serves not only as a means of dispute resolution but also as a vehicle for legal education, strengthening social ties, and maintaining community harmony.

Legal Basis for Mediation

In Indonesia, the government, judicial institutions, and the community have undertaken various efforts to resolve disputes arising within the social sphere. A primary approach is the use of

mediation—whether court-annexed or conducted outside the court system as stipulated in Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution and Supreme Court Regulation (PERMA) Number 1 of 2016 concerning Mediation Procedures in Court.

Mediation is viewed as an effective mechanism because it emphasizes deliberation, consensus, and the principle of familial harmony values that align with the culture of the Banjaragung village community. Through mediation, disputes can be resolved peacefully, swiftly, and at a relatively low cost, while simultaneously preserving social harmony within the community.

Factors Influencing Law Enforcement in Mediation

According to Soerjono Soekanto, there are five factors influencing law enforcement including the application of mediation as a means of dispute resolution namely:

- a. The legal factor itself, such as the existence of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, as well as Supreme Court Regulation (PERMA) Number 1 of 2016 concerning Mediation Procedures in Court.
- b. The law enforcement factor, comprising mediators, village officials, community leaders, and customary institutions that possess the moral authority to assist in dispute resolution.
- c. The factor of means or facilities, such as mediation rooms, village administrative support, and clear regulations.
- d. The community factor, specifically the legal awareness and culture of mutual cooperation (gotong royong) among the residents of Banjaragung Village in accepting mediation as a choice for dispute resolution.
- e. The cultural factor, namely the local values of the Banjaragung community that prioritize deliberation to reach consensus and avoid confrontation.

Understanding of Mediation Among The Community of Banjaragung Village

The community service activity held at the Banjaragung Urban Village Hall was attended by 50 participants, comprising 20 parents and 30 youths. Observations and discussions during the event revealed that the majority of Banjaragung residents did not fully grasp the fundamental principles of mediation as a form of alternative dispute resolution.

Public understanding of mediation remains informal and unstructured. Most participants indicated familiarity with the concept of *musyawarah* (deliberation) for conflict resolution but were unaware that this mechanism could be formalized through legally recognized mediation procedures. This indicates significant potential for fostering a more structured culture of mediation within the community.

Factors contributing to the public's limited understanding include restricted access to legal information, low levels of formal education, and a lack of outreach by village authorities and legal institutions. Through this Community Partnership Program (PKM) activity, participants received a comprehensive overview of the concepts, procedures, and legal basis of mediation, with the aim of enhancing their awareness and understanding.

Efforts to Increase Legal Awareness through Mediation

Efforts to address disputes within the community require both preventive and curative approaches. Preventive measures involve legal outreach, community guidance, and strengthening the roles of customary institutions and village governments. Curative measures, meanwhile, entail dispute resolution mechanisms applied after a conflict has arisen specifically, by optimizing the use of mediation.

The outreach activities covered the following topics: (1) the definition and function of mediation; (2) mediation procedures; (3) the role of a neutral mediator; (4) the rights and obligations of the parties involved; and (5) the legal force of mediation agreements. Participants demonstrated great

enthusiasm, evidenced by the numerous questions raised during the discussion session.

Through this Community Partnership Program (PKM), it is hoped that the residents of Banjaragung Village will come to understand the importance of mediation as an effective, swift, and affordable method for resolving disputes. Furthermore, the program fosters greater legal awareness among the community, thereby minimizing the potential for conflict and cultivating an orderly, harmonious social environment.

The integrated approach adopted in this initiative reflects an effort to empower all segments of the community. The village administration acts as the primary facilitator; community and religious leaders serve as respected and trusted mediators; customary institutions uphold local values as moral guidelines; and the general public acts as the central participant, actively contributing to the maintenance of social harmony.

CONCLUSION

Based on the discussion regarding the implementation of mediation for dispute resolution in Banjar Agung Village, it can be concluded that mediation is one of the most effective alternative methods for resolving conflicts within the community. Mediation offers a peaceful, swift approach that prioritizes a spirit of kinship, thereby providing a more constructive solution than court litigation, which generally entails higher costs, longer timeframes, and more complex procedures. Through mediation, disputing parties can reach a mutual agreement without undergoing formal judicial proceedings, ensuring efficiency while achieving substantive justice.

Beyond its role as a dispute resolution mechanism, mediation holds significant social value in maintaining community harmony. The involvement of community leaders, village officials, and mediators is pivotal to the success of the mediation process particularly in fostering effective communication, ensuring neutrality, and creating fairness for the parties involved. This aligns with the principle of *musyawarah* (deliberation) and local

cultural values that uphold togetherness and peace. Thus, mediation not only resolves conflicts at a technical level but also strengthens social bonds and reinforces values of communal solidarity.

Nevertheless, the implementation of mediation in Banjar Agung Village is not without challenges. Several obstacles remain, such as a lack of public understanding regarding mediation procedures, the presence of uncooperative parties, and limitations in mediator capacity when handling complex disputes. These limitations underscore the need for continuous mediator capacity-building programs, intensive public outreach regarding the benefits of mediation, and stronger institutional support from both the village government and relevant legal bodies.

Overall, the application of mediation in Banjar Agung Village can be considered quite effective as an alternative dispute resolution mechanism. This method has proven capable of yielding solutions that prioritize deliberation, reconciliation, and kinship values, all while preserving social harmony. With enhanced mediator competence, greater public legal awareness, and adequate institutional strengthening, mediation holds significant potential to evolve into a more adaptive and sustainable dispute resolution model at the village level. Therefore, mediation deserves recognition as a vital instrument for fostering a peaceful, just, and harmonious social order.

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