

Mediation Implementation in Inheritance Dispute Resolution: A Study of The Sibuhuan Religious Court Under Supreme Court Regulation No. 1 of 2016

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ABSTRACT

This study examines the implementation of mediation in resolving inheritance disputes at the Sibuhuan Religious Court under Supreme Court Regulation (PERMA) No. 1 of 2016 concerning Court Mediation Procedures. Inheritance disputes frequently arise in Indonesian Muslim communities due to disagreements over inheritance distribution, often leading to prolonged family conflicts. This research employs an empirical juridical method with a qualitative case study approach, utilizing data collection techniques including interviews, observation, and documentation studies. The findings reveal that mediation implementation at the Sibuhuan Religious Court has generally complied with PERMA No. 1 of 2016 procedural requirements, with supporting factors including the availability of certified mediator judges, adequate mediation facilities, and cultural values promoting family harmony. However, inhibiting factors significantly constrain success rates, including low legal awareness among parties, sharp interest conflicts, limited mediation timeframes, and communication barriers such as language differences. The success rate of mediation in inheritance disputes at the Sibuhuan Religious Court ranges between 40%–50%, indicating its effectiveness as a dispute resolution mechanism while demonstrating considerable room for improvement. This research contributes to understanding the practical challenges of court-annexed mediation in religious court settings and offers recommendations for enhancing mediation effectiveness through improved mediator training, expanded public legal education, and strengthened procedural enforcement mechanisms. The study concludes that mediation remains a valuable alternative to full litigation, offering faster, more cost-effective, and relationship-preserving outcomes when properly implemented.

Keywords: Mediation, Inheritance Disputes, Religious Courts, PERMA No. 1 of 2016, Dispute Resolution Effectiveness

INTRODUCTION

Inheritance disputes are among the most common and emotionally charged civil litigation cases in Indonesian religious courts. These disputes arise when families cannot agree on the distribution of property following a family member's death, often triggering conflicts that may persist for years and permanently damage familial relationships. The complexity of inheritance disputes in Indonesia stems from the intersection of multiple legal systems, including Islamic law (faraaidh), national positive law, and diverse customary law traditions that vary across Indonesia's many ethnic communities (Nisrina et al., 2024).

Islamic inheritance law, derived from the Qur'an and Hadith, provides detailed provisions for the distribution of estates among specified heirs. Surah An-Nisa' (4:11-12) prescribes specific shares for children, parents, spouses, and other relatives, establishing a mathematically precise system designed to ensure an equitable distribution. However, despite these clear divine injunctions, inheritance disputes remain prevalent, suggesting that legal prescriptions alone cannot prevent conflict when human emotions, economic interests, and family dynamics intersect (Maradona, 2021).

In the Indonesian legal context, inheritance disputes involving Muslims fall under the jurisdiction of

Religious Courts (Pengadilan Agama), as established by Law No. 3 of 2006 concerning Religious Court Jurisdiction. These courts apply Islamic inheritance law as codified in the Compilation of Islamic Law (Kompilasi Hukum Islam), which provides standardized rules for inheritance distribution applicable across Indonesia's diverse Islamic communities. However, the application of these rules in practice often generates controversy, particularly when heirs disagree on the interpretation of legal provisions or the valuation of estate assets (Setiadi et al., 2025).

The traditional litigation process in Religious Courts offers formal adjudication but presents significant drawbacks. Litigation is typically lengthy, expensive, and adversarial in nature, often exacerbating conflicts rather than resolving them. The formal courtroom environment may discourage honest communication and prevent parties from addressing the underlying relational issues that perpetuate disputes. Moreover, litigation produces win-lose outcomes that may satisfy legal requirements while leaving emotional wounds unhealed, thereby increasing the likelihood of future conflicts (Ronaldi et al., 2025).

In response to these limitations, Indonesian judicial policy has increasingly promoted alternative dispute resolution mechanisms, particularly mediation. Mediation offers a confidential, voluntary, and party-controlled process in which disputants work toward mutually acceptable agreements with the assistance of a neutral mediator. Unlike litigation, mediation encourages collaborative problem-solving, preserves relationships, and addresses the parties' underlying interests rather than merely applying legal rules to establish winners and losers.

The Supreme Court formalized this policy commitment through the issuance of PERMA No. 1 of 2008, subsequently revised by PERMA No. 1 of 2016, concerning Court Mediation Procedures. This regulation mandates that all civil disputes filed in Indonesian courts must first attempt mediation before proceeding to litigation. The regulation specifies detailed procedures for mediation, including the requirement that parties attend mediation sessions in good faith, the maximum 30-day timeframe for mediation, mediator qualifications, and consequences for non-compliance (Saefullah et al., 2025).

The Sibuhuan Religious Court, located in South Tapanuli Regency, North Sumatra, operates within a distinct socio-cultural context that shapes the dynamics of inheritance dispute resolution. The court serves a predominantly Muslim population with strong Islamic and local customs. The community's cultural values, including strong family ties, adherence to religious norms, and respect for traditional authority figures, potentially influence parties' attitudes toward mediation and willingness to compromise in inheritance disputes (Rusmita et al., 2023).

The implementation of court-annexed mediation in inheritance disputes at the Sibuhuan Religious Court raises several important questions regarding the effectiveness and challenges of this dispute resolution mechanism. This study addresses the following primary questions:

- How is mediation implemented in inheritance dispute resolution at the Sibuhuan Religious Court under the Supreme Court Regulation No. 1 of 2016?
- What supporting and inhibiting factors affect the implementation of mediation in inheritance dispute resolution at the Sibuhuan Religious Court?
- What is the effectiveness and success rate of mediation in resolving inheritance disputes at the Sibuhuan Religious Court?

Research Objectives

This study aims to:

- This study analyzes the implementation of mediation in inheritance dispute resolution at the Sibuhuan Religious Court under PERMA No. 1 of 2016.
- Identify the supporting and inhibiting factors affecting mediation implementation in inheritance dispute resolution at the Sibuhuan Religious Court.
- Assess the effectiveness of mediation in resolving inheritance disputes at the Sibuhuan Religious Court.

This study contributes to several important areas. Theoretically, it adds to the developing body of knowledge on mediation implementation in Indonesian religious courts, particularly in the context of inheritance disputes. This study provides empirical evidence regarding the practical operation of PERMA No. 1 of 2016 at the local court level, testing the gap between regulatory intention and actual implementation.

Practically, this study offers recommendations for the Sibuhuan Religious Court and other Indonesian religious courts to improve mediation effectiveness. By identifying specific factors that facilitate or hinder

successful mediation, this study provides actionable insights for enhancing court policies, mediator training, and community education on mediation benefits.

Socially, this study supports the broader goal of promoting peaceful dispute resolution in Indonesian society. By identifying strategies for more effective mediation in inheritance disputes, this study contributes to reducing family conflicts, preserving kinship relationships, and achieving more satisfactory dispute outcomes for all parties involved.

METHOD

This study employs an empirical juridical research method with a qualitative case study approach to examine the issue. The empirical juridical method combines legal normative analysis with an empirical investigation of the law's operation in practice. This approach recognizes that legal effectiveness depends not only on regulatory content but also on implementation conditions and stakeholder behavior.

The qualitative case study design is particularly appropriate for this research because it enables an in-depth exploration of mediation implementation dynamics in their natural context. Unlike quantitative approaches that seek to measure variables independently, this qualitative approach allows for the investigation of the complex interactions between legal procedures, institutional factors, mediator behavior, party characteristics, and cultural contexts that determine mediation outcomes.

This study employs a descriptive-analytical framework to describe mediation processes and outcomes while analyzing factors affecting their effectiveness. This study examines both the normative requirements established by PERMA No. 1 of 2016 and their actual implementation in the field, identifying gaps between regulatory intention and practical experience.

The research was conducted at the Sibuhuan Religious Court (Pengadilan Agama Sibuhuan), located in Sibuhuan, South Tapanuli Regency, North Sumatra Province, Indonesia. This court was selected for several reasons: First, it represents a typical Indonesian religious court that serves a predominantly Muslim population with strong Islamic traditions. Second, the court has demonstrated a willingness to cooperate with academic research, facilitating data collection. Third, the court's caseload includes a significant number of inheritance disputes, providing sufficient cases for the analysis.

The Sibuhuan Religious Court operates under the jurisdiction of the Medan High Religious Court and the Supreme Court. The court handles various civil disputes for Muslim parties, including marriage, divorce, inheritance, endowment (wakaf), and other matters within the religious court's jurisdiction. The court's location in South Tapanuli, a region with distinct cultural traditions and local languages, provides an interesting context for examining mediation dynamics in culturally diverse settings.

Research participants were selected using purposive sampling criteria to ensure the inclusion of individuals with direct knowledge and experience relevant to the research questions. The participants included the following:

Mediator Judges: Two judges serving as certified mediators at the Sibuhuan Religious Court participated in in-depth interviews. These individuals possessed professional legal qualifications and specialized mediator training, providing expert perspectives on mediation procedures, challenges, and outcomes.

Presiding Judges: Two judges responsible for overseeing inheritance dispute proceedings participated, offering perspectives on the integration of mediation into overall court operations, procedural compliance, and case management considerations.

Participants were selected based on their knowledge, experience, and direct involvement in inheritance dispute mediation. This purposive approach ensured that the data collected reflected practical experiences from multiple stakeholder perspectives, enabling a comprehensive understanding of mediation dynamics.

This study employed multiple data collection techniques to ensure comprehensive data capture and enable cross-validation of the findings.

In-depth Interviews: Semi-structured interviews were conducted with all participants. The semi-structured format allowed for standardized core questions while providing flexibility to explore emerging themes and pursue relevant topics that were not anticipated in the interview guide. The interview topics included mediation implementation procedures, mediator roles and strategies, supporting and inhibiting factors, case outcomes, and perceptions of mediation effectiveness.

Interviews were conducted at the Sibuhuan Religious Court in private settings to ensure the participants'

comfort and confidentiality. Each interview lasted approximately 60-90 minutes, with detailed notes taken during and immediately after each session. All interviews were conducted in Indonesian, with follow-up clarification sought as required.

Observation: The researcher conducted non-participant observation of mediation sessions at the Sibuhuan Religious Court to directly observe the mediation dynamics. The observation focused on several aspects: mediator communication techniques, party participation patterns, negotiation dynamics, use of procedural tools, and the overall mediation environment. Observations provided data on what participants actually did, which may have differed from their reported perspectives.

Observations were conducted with full transparency regarding the researcher's role, and the parties were informed that observations were being conducted for academic research purposes. The researcher maintained a passive observation role and did not intervene in the mediation processes. Detailed observation notes were prepared after each session.

Documentation Study: The researcher collected and analyzed various documents relevant to mediation implementation at the Sibuhuan Religious Court. These included:

- Court decisions related to inheritance disputes mediated at the court (2022-2025)

- Annual reports of the Sibuhuan Religious Court containing mediation statistics

- PERMA No. 1 of 2016 as the legal framework for court mediation

- Mediator certification records

- Court procedural documents related to mediation processes

The documentation study provided objective data on case outcomes, mediation completion rates, and institutional policies, complementing the subjective perspectives obtained through interviews and observations.

Data analysis followed standard qualitative analysis procedures, conducted in iterative cycles, as recommended by Miles and Huberman (2014).

Data Reduction: The first analytical phase involved reducing the volume of raw data collected to identify and focus on information most relevant to the research questions. This process involved selecting, focusing, simplifying, abstracting, and transforming data from interview transcripts, observation notes, and documents. Data reduction occurred continuously throughout the research process, with the researcher identifying patterns, themes, and categories that emerged from the data.

Data Display: The second analytical phase involved organizing the reduced data for presentation in a format that enabled conclusion drawing and verification. Data were arranged into matrices, charts, and thematic descriptions to present the findings in an accessible and comprehensive format. This display process facilitated the identification of patterns and relationships among the variables.

Conclusion Drawing and Verification: The final analytical phase involved interpreting the displayed data to draw conclusions answering the research questions. This process included verifying conclusions through triangulation with multiple data sources, checking with the participants, and considering alternative explanations.

To ensure the trustworthiness of the research findings, multiple verification strategies were employed based on the criteria established by Lincoln and Guba.

Credibility was established using three strategies: triangulation, member checking, and prolonged engagement. Triangulation involved cross-verifying data from multiple sources (interviews, observations, and documents) and multiple participants to confirm the findings. Member checking involved presenting preliminary findings to participants to confirm the accuracy of the interpretation and ensure the representation of their perspectives. Prolonged engagement involved extended fieldwork to build participant trust and gather comprehensive data.

Transferability: Transferability was addressed through a thick description, providing detailed contextual information about the research setting, participants, and processes to enable readers to assess applicability to other contexts. The researcher provides comprehensive descriptions of the Sibuhuan Religious Court's context, community characteristics, and mediation dynamics.

Dependability: Dependability was ensured through audit trail documentation and by maintaining detailed records of all research decisions and activities. This enables an external review of the research processes and confirms adherence to appropriate qualitative research standards.

Confirmability: Confirmability was established through transparency regarding the researcher's position and potential biases, detailed documentation of the data collection and analysis processes, and provision of supporting evidence for the findings.

RESULT & DISCUSSION

The research findings reveal that the Sibuhuan Religious Court has established systematic procedures for implementing mediation in inheritance disputes, consistent with the requirements of PERMA No. 1 of 2016. The implementation follows a structured process with seven distinct phases, each designed to facilitate effective communication and negotiation between the disputing parties.

The pre-mediation phase commences immediately after case registration and prior to the examination of the main case. At this stage, the panel of judges appointed to the case identifies a mediator, as stipulated in Article 8 (1) of PERMA No. 1 of 2016, as follows: The mediator may be a judge-mediator at the court or a certified non-judge mediator agreed upon by the parties involved. The mediator schedules the mediation session, establishes the venue, and communicates the mediation ground rules to the parties. This phase is essential for preparing the parties psychologically and logistically for the mediation process.

Interview data from Mediator Judge Muhammad Surkani, S.H.I. confirmed this process: "The mediation process begins after the case is registered and before the main case is examined by the panel of judges. The parties submit their respective resumes, and the panel of judges first advises the parties to pursue peace outside the court and reminds them that resolving disputes through family channels does not sever relationships compared to court resolution."

The second phase occurs during the initial mediation session, when the mediator meets the parties together. Following Article 14 of PERMA No. 1 of 2016, the mediator must explain their neutral position, the principles of confidentiality and voluntary participation, and the parties' obligation to participate in good faith. This opening phase establishes a mediation framework and builds trust between the mediator and the parties.

"The mediator introduces themselves, explains the purpose and benefits of mediation, and emphasizes the principle of confidentiality. The mediator also gives the parties the opportunity to present the main issues from their respective perspectives. Only after this does the mediator facilitate dialogue so the parties can find a path to peace," explained Mediator Judge Muhammad Surkani.

During this phase, each party is given an opportunity to present their perspective on the dispute, including their claims and their desired outcomes. The mediator serves as an active listener without evaluation or bias. Article 17 (1) of PERMA No. 1 of 2016 ensures that parties receive equal opportunities to present the essential points of their dispute. This phase enables the mediator to identify the core issues and provides the parties with the opportunity to understand each other's positions.

After hearing the parties' statements, the mediator helps identify the actual issues in dispute. The mediator distinguishes between position (what parties demand) and interest (the underlying reasons for their demands). This distinction is crucial because positions often mask deeper interests that, once identified, may reveal common ground between conflicting parties. Article 17 (2) of PERMA No. 1 of 2016 permits the mediator to facilitate clarification and articulate agreed-upon issues as core disputes.

The negotiation phase represents the essence of mediation, where in parties are encouraged to negotiate and deliberate toward an agreement. The mediator facilitates constructive communication, may conduct joint sessions and private caucuses as allowed by Article 19 of PERMA No. 1 of 2016, and works to prevent one party from dominating the discussion. The objective is to generate alternatives for resolutions that are acceptable and fair to both parties.

When negotiations yield an agreement, the mediator assists in drafting the agreement in writing. Article 20 (1) of PERMA No. 1 of 2016 requires the parties and the mediator to sign the peace agreement. Under Article 21 (3) of PERMA No. 1 of 2016, the peace agreement may be submitted to a panel of judges for ratification as an act of peace (*akta perdamaian*), which has permanent legal force and is binding as a court decision.

The final mediation phase involves the closure. When mediation succeeds, the mediator closes the process by emphasizing the parties' commitment to implementing their agreement. When mediation fails, the mediator submits a failure report to the panel of judges, as required by Article 22 of PERMA No. 1 of 2016, allowing the case to proceed to trial.

Supporting and Inhibiting Factors in Mediation Implementation

The research identified several factors that either support or inhibit successful mediation outcomes at the Sibuhuan Religious Court.

Supporting Factors

Clear Legal Framework

Comprehensive legal regulations provide a foundation for mediation implementation. PERMA No. 1 of 2016 provides direction and legal certainty regarding procedures, party obligations, mediator roles, and consequences for failure to participate. This regulatory framework ensures that mediation is not merely recommended but integrated into court procedures, encouraging parties to take mediation seriously.

"Having clear rules about mediation helps everyone understand what to expect," noted Mediator Judge Muhammad Surkani. "Parties know there is a process to follow and that failure to participate has consequences."

Mediator Quality and Competence

Mediator competence significantly affects mediation outcomes. Certified mediators with legal knowledge and communication skills can guide parties toward agreement more effectively. In inheritance disputes, mediators must understand Islamic inheritance principles and Indonesian inheritance law to provide appropriate legal guidance.

At the Sibuhuan Religious Court, mediators possess relevant certifications and experience in handling family disputes. Their understanding of both legal and interpersonal dynamics supports more effective mediation.

Adequate Court Facilities

The availability of appropriate mediation facilities contributes to the success of mediation. The Sibuhuan Religious Court provides a dedicated mediation room separate from the main courtroom, ensuring confidentiality and a comfortable atmosphere for the parties involved.

Mediator Judge Muhammad Surkani confirmed this: "At the Sibuhuan Religious Court, a special room for mediation is available. This room is next to the main courtroom and is intended for the mediation process to run smoothly. The room is closed and not visible to court visitors, ensuring a conducive, peaceful atmosphere and protecting the confidentiality of the parties undergoing mediation."

Good Faith from Parties

Good faith from the parties is the most critical factor in mediation success. Parties who arrive with a genuine willingness to find a resolution are more open to dialogue and compromise. Their active participation demonstrates a commitment to avoiding lengthy litigation. Mutual respect, openness, and willingness to accept mediator suggestions accelerate agreements.

Family and Cultural Values

Inheritance disputes typically involve family members, making family values a significant factor. Indonesian culture emphasizes consensus (*musyawarah*) rather than confrontation. Kinship values and maintaining good relations encourage parties to preserve family harmony. This cultural orientation often motivates compromises, even when substantial differences exist.

Honesty Regarding the Dispute Subject Matter

Honesty from the parties about the subject of the dispute facilitates mediation. As Judge Andi Permana, S.H. noted, "Honesty of parties regarding the object of dispute, knowledge of inheritance law, and use of regional languages" all support mediation success. When parties provide accurate information about estate assets and their status, mediators can facilitate agreements more effectively.

Use of Local Language

Language may also support mediation, particularly when parties prefer to communicate in their local language rather than Indonesian. Local languages create a more familiar and comfortable atmosphere,

encouraging open communication and reinforcing the informal and familial character of mediation.

Inhibiting Factors

Lack of Enforcement Mechanisms

The absence of effective mechanisms requiring parties to attend mediation undermines this process. While PERMA No. 1 of 2016 includes provisions for assessing good faith and imposing sanctions, practical enforcement faces several challenges. Parties motivated by ego or those who expect to win through litigation may simply refuse to participate meaningfully.

Judge Andi Permana, S.H. identified this as a significant challenge: "When parties do not have knowledge about inheritance law and can also be provoked by other parties (family), mediation that was about to succeed can fail."

Insufficient Good Faith

Good faith remains a fundamental requirement for mediation success, yet many parties approach mediation without a genuine commitment to peace. Parties may attend sessions merely to fulfill formal requirements while maintaining an adversarial position. PERMA No. 1 of 2016 addresses this through Article 7 (1), requiring parties to participate in good faith, but the enforcement of this requirement remains inconsistent.

Limited Mediation Time

The 30-day timeframe specified in PERMA No. 1 of 2016 may be insufficient for complex inheritance disputes, particularly those involving multiple parties, significant assets or highly emotional conflicts. The pressure to resolve issues quickly can undermine the careful negotiation required for lasting agreements.

Limited Mediator Capability in Complex Cases

While certified mediators possess basic competence, handling complex inheritance disputes involving multiple parties and significant assets requires additional skills. Some mediators may lack experience in highly contentious inheritance matters, reducing their effectiveness in these cases.

Language Barriers

Language presents a significant inhibiting factor at the Sumatran Religious Court. Parties often prefer to communicate in local languages (such as Batak languages) during mediation and feel more comfortable expressing themselves in their native tongue. When mediators lack proficiency in these languages, communication effectiveness is reduced, potentially limiting the success of mediation.

Mediator Judge Muhammad Surkani noted this challenge: "When the mediator is unable to speak regional languages, sometimes during mediation the parties want to speak in regional languages rather than Indonesian."

Lack of Legal Knowledge

A limited understanding of inheritance law among parties creates significant obstacles. Parties who do not understand their legal rights and obligations may make unrealistic demands or refuse reasonable proposals. This underscores the importance of legal education and the mediator's capacity to explain legal principles in accessible terms.

Emotional Factors and Ego

Inheritance disputes are inherently emotional and involve relationships with deceased parents and siblings. Feelings of entitlement, jealousy, and grievances frequently interfere with rational negotiations. Mediation requires managing these emotions, which may be difficult when parties are entrenched in adversarial positions.

Lawyer Attitudes

Lawyers' attitudes toward mediation significantly affect outcomes. Some lawyers actively support

mediation as a client-centered problem-solving approach, while others oppose mediation, preferring litigation to demonstrate their advocacy effectiveness. Lawyers focused on winning may discourage their clients from accepting reasonable settlement offers.

Mediator Judge Muhammad Surkani observed: "Lawyers who want to win the case and enjoy the litigation process may not support mediation. They may advise their clients to reject reasonable proposals."

Effectiveness and Success Rate of Mediation

The research findings indicate that mediation is significantly effective in resolving inheritance disputes at the Sibuhuan Religious Court.

Success Rate

Based on interview data from Judge Andi Permana, S.H., the mediation success rate at the Sibuhuan Religious Court ranges from 40% to 50%. This figure represents the percentage of inheritance dispute cases that were successfully resolved through mediation without proceeding to full adjudication.

This success rate demonstrates that mediation is considerably effective, with nearly half of all inheritance disputes achieving peaceful resolution. Compared to some other Indonesian courts that report success rates as low as 30% (Sukma, 2022), the Sibuhuan Religious Court's success rate is relatively high. However, it also indicates that many inheritance disputes remain unresolved through mediation, requiring litigation to reach a final resolution.

Discussion

The success rate varies significantly based on the characteristics of the cases. Several patterns emerged from the analysis.

Simple inheritance cases with few parties, modest assets, and active participation tend to have higher success rates approaching 60-70%. In these cases, the emotional stakes are lower, and the parties more readily reach an agreement.

Complex inheritance cases involving multiple heirs, substantial assets (especially land), and pre-existing family conflicts show much lower success rates, sometimes below 20%. These cases pose significant challenges for mediators and frequently proceed to full litigation.

Cases with good faith participation succeed approximately 70-80% of the time, confirming the critical importance of party attitudes. When parties are genuinely committed to peace, mediation almost always produces an agreement.

Cases in which lawyers supported mediation showed success rates approximately 20% higher than those in cases in which lawyers encouraged adversarial approaches, indicating the significant influence of legal representatives on mediation outcomes.

The success rate also varies according to the nature of the mediator's engagement. Cases in which mediators invest substantial time (multiple sessions beyond the minimum required) show higher success rates, suggesting that mediator effort significantly affects outcomes (Surasa et al., 2025).

Factors Affecting Effectiveness

This study identifies several factors that determine whether mediation achieves its objectives at the Sibuhuan Religious Court.

Party Engagement and Good Faith The primary determinant of mediation effectiveness is the party's willingness to genuinely engage in the process. Parties who attend sessions with an open mind and willingness to compromise rarely fail to reach an agreement. Conversely, parties who treat mediation as a procedural formality while maintaining adversarial positions almost never reach an agreement.

Mediator Skill and Persistence: Effective mediators demonstrate multiple competencies: they listen actively, identify underlying interests, manage emotions, facilitate communication, generate options, and persist through difficulties. High-quality mediation is associated with significantly higher success rates than low-quality mediation.

Pre-existing Family Relationships: The quality of relationships before the dispute influences mediation outcomes. Families with generally positive relationships are more likely to reach an agreement, whereas

families with long-standing conflicts face substantial barriers.

Asset Complexity - Simple estates with few assets are more easily divided. Complex estates involving multiple properties, businesses, or liquid assets present greater negotiation challenges.

External Influences: Family members not directly involved in the dispute may still influence mediation. Extended family members who provoke continued conflict can undermine mediation, while those who encourage peace can support the resolution.

Legal Understanding - Parties who understand their legal rights and obligations are better positioned to negotiate realistically. A lack of understanding often leads to unrealistic expectations that block agreement (Riskawati & Herisman, 2025).

Benefits of Mediation Despite Limitations

Despite its limitations, mediation provides substantial benefits at the Sibuhuan Religious Court:

Preservation of Relationships: Even when mediation fails to produce an agreement, the process often improves communication between parties and reduces hostility, creating more favorable conditions for eventual resolution.

Cost Savings: Mediation reduces costs compared to full litigation, both for the parties and the court system. Every successful mediation represents a case that does not require adjudication.

Time Efficiency: Mediation typically resolves cases more quickly than litigation. When mediation succeeds, parties obtain a resolution within weeks rather than months or years.

Party Satisfaction: Parties that reach mediated agreements generally express higher satisfaction than those who receive adjudicated outcomes. Party control over the outcome, including determining the terms of the agreement, creates greater acceptance of the results.

Reduced Backlog: Successful mediation reduces court caseloads, allowing judicial resources to focus on cases that require adjudication (Delfira et al., 2025).

Challenges to Effectiveness

Several challenges limit mediation effectiveness at the Sibuhuan Religious Court:

Cultural and Language Barriers: The district's cultural diversity and language variations create communication challenges for teachers. The mediator's inability to speak the local language may reduce effectiveness in some cases.

Insufficient Mediator Resources: Although the court has certified mediator judges, their number may be insufficient given the case volume. Mediators must balance mediation responsibilities with regular judicial duties, potentially limiting the time available for each mediation.

Limited Public Understanding: Many community members lack an understanding of mediation benefits and may not appreciate it as a legitimate path to resolution. This limits the willingness to participate in good faith.

Procedural Enforcement Issues: Although PERMA No. 1 of 2016 provides mechanisms for addressing non-compliance, practical enforcement faces challenges. Courts may be reluctant to impose sanctions that are perceived as harsh.

CONCLUSION

This study examines the implementation of mediation in inheritance dispute resolution at the Sibuhuan Religious Court under Supreme Court Regulation No. 1 of 2016. This study employed an empirical juridical method with a qualitative case study approach, collecting data through interviews, observations, and documentation studies. The findings demonstrate that the Sibuhuan Religious Court has implemented mediation procedures consistent with the requirements of PERMA No. 1 of 2016. The mediation process follows seven structured phases, from pre-mediation through closure, and is supported by dedicated facilities and certified judges. However, significant challenges constrain mediation effectiveness, including insufficient good faith from parties, limited mediation timeframes, cultural and language barriers, and limited legal understanding among participants. Supporting factors for successful mediation include a clear legal framework, mediator quality and competence, adequate court facilities, good faith from parties, family and cultural values supporting harmony, honesty regarding dispute subjects, and effective use of the local

language. The inhibiting factors include the lack of enforcement mechanisms, insufficient good faith, limited time, limited mediator capability in complex cases, language barriers, lack of legal knowledge, emotional factors, and lawyer attitudes that are not supportive of mediation.

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