



## The Existence of Bale Mediasi in Grassroots Dispute Resolution: A Study of Mediation Policy in Nusa Tenggara Barat

Wiredarme<sup>1</sup>; M. Zainul Muttaqin<sup>2</sup>

<sup>1</sup> Institute of Domestic Governance (IPDN), Campus of NTB Jalan Gajah Mada No. 1 Leneng Praya, Central Lombok NTB, Indonesia

<sup>2</sup> Universitas Cendrawasih, Indonesia

E-mail: [wiredarme@gmail.com](mailto:wiredarme@gmail.com); [mzaenul69@gmail.com](mailto:mzaenul69@gmail.com)

<http://dx.doi.org/10.47814/ijssrr.v6i11.1671>

---

### **Abstract**

The purpose of this article is to examine more deeply the practice of mediation based on the local wisdom of the Sasak community through Bale Mediasi. This research is qualitative research with a combination approach of literature study and normative-empirical law. Data sources come from various kinds of literature and regulations. The results show that Bale Mediasi formation is influenced by organizational, political, and fiscal decentralization factors, which has opened up opportunities for formulating regulations at the regional level that are per the local wisdom of the community and do not conflict with the policy products above. Internal and external factors influence the mediation policy in NTB Province. Internal factors come from various regulatory developments in the government system. Meanwhile, external factors refer to the dynamics of local communities.

**Keywords:** *Constitutional Law; Local Wisdom; Regional Autonomy; Public Policy*

### **1. Introduction**

As creatures that cannot be separated from relationship with each other, humans are never free from conflict. It is because of the different interests between humans. In resolving this conflict, the law is essential in creating peace and justice in long-term social relations.<sup>1</sup> These forms of conflict of interest also take various forms.<sup>2</sup> The occurrence of disputes and debates is a necessity.<sup>3</sup> Conflict, in this sense, is

---

<sup>1</sup> Mohammad Muizzudin and Achmad Asfi Burhanudin, "The Effectiveness of Mediation in Settlement of Divorce Cases at the Kediri City Religious Court," *El-Faqih: Jurnal Pemikiran Dan Hukum Islam* 6, no. 1 (2020): 123–35. <https://doi.org/10.29062/faqih.v6i1.105>

<sup>2</sup> Ruslan Haerani, "Juridical Review of the Peace Agreement in Dispute Resolution in Courts Through the Negotiation Process," *Unizar Law Review (ULR)* 3, no. 1 (2020).

<sup>3</sup> Dian Maris Rahmah, "Optimizing Dispute Resolution Through Mediation in Court," *Jurnal Bina Mulia Hukum* 4, no. 1 (2019): 1–16. <https://doi.org/10.23920/jbmh.v4i1.174>

an obstacle to long-term social relations, conflicts of interest and human divisions result in counter-productive actions.

Legal instruments are essential in reducing the probability of disputes occurring in these communities. Law, in this sense, mediates the process of creating stability and more orderly regulation of reality and minimizing the spread of social problems or conflicts.<sup>4</sup> Legal instruments using mediation accelerate conflict resolution using simple and effective methods.<sup>5</sup>

One of The government's steps to bring legal instruments closer to solving problems is to design a non-litigation policy that pivots at the downstream layer. This policy is a breakthrough by the government, which in this study is the regional government of West Nusa Tenggara (NTB) Province in 2018.<sup>6</sup> Through Regional Regulation no. 9/2018 regarding *Bale Mediasi*, the government provides a new vehicle for local communities to resolve personal and group disputes.<sup>7</sup> *Bale Mediasi* is an institution that carries out the functions of mediation, empowerment, and coordination in the mediation process in a harmonious community with local wisdom.<sup>8</sup> So far, the community believes that the legal realm is quite far from social life and is only in the hands of the state through the government apparatus.<sup>9</sup> The existence of a forum such as *Bale Mediasi* in society brings closeness to the litigation process for the community. However, in carrying out its role, this institution prioritizes mediation as the initial absolute in taking or resolving disputes in the community.

The general description of mediation, as stated in the Supreme Court Regulation Number 1 of 2016, considers aspects of civil dispute resolution with the mediation process with costs, time, and accountability for harmony and social relations between the disputing parties.<sup>10</sup> With this description, mediation is a dispute resolution through a process of negotiation and consensus deliberation to obtain a pre-party agreement with the help of a mediator in the implementation of mediation. Meanwhile, Regional Regulation No. 9/2018 explains that communication mediators in dispute resolution involve traditional, religious, and community leaders as a measure of success.<sup>11</sup>

Further regulation on mediation is in Supreme Court Regulation No. 9/2018. 1/2016 is the part connected with litigation in court; the disputing parties must follow the dispute resolution procedure through mediation. As explained in Perma No. 1/2016 concerning Mediation, specifically in Article 22, paragraphs 1 and 2, the case examining judge may declare rejection of the lawsuit if one of the parties is not cooperative in following the mediation procedure and must pay mediation fees.

---

<sup>4</sup> Dedy Mulyana, "Legal Strength of Mediation Results in Court and Out of Court According to Positive Law," *Jurnal Wawasan Yuridika* 3, no. 2 (2019): 177–98. <https://doi.org/10.25072/jwy.v3i2.224>

<sup>5</sup> *Ibid.*

<sup>6</sup> Edi Saputra Hasibuan, "The Role of Bale Mediasi in Settlement of Tourism Disputes in West Nusa Tenggara (NTB)," in *2nd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2021)* (Atlantis Press, 2021), 85–90.

<sup>7</sup> *Ibid.*

<sup>8</sup> Rinda Philona, I Made Suradana, and Novita Listyaningrum, "Compilation of Village Regulations Regarding Bale Mediasi Through Counseling and Monitoring in Rumak Village, Kediri District, West Lombok Regency," *Jurnal Gema Ngabdi* 3, no. 1 (2021): 68–74. <https://doi.org/10.29303/jgn.v3i1.126>

<sup>9</sup> *Ibid.*

<sup>10</sup> Khaerul Ihsan, "The Role of Bale Mediasi in Resolving Disputes in Villages in East Lombok Regency," *JURIDICA : Jurnal Fakultas Hukum Universitas Gunung Rinjani* 3, no. 2 (2022): 22–42, [doi:https://doi.org/10.46601/juridica.v3i2.201](https://doi.org/10.46601/juridica.v3i2.201).

<sup>11</sup> Baiq Laksmi Lestari, "Implementation of West Nusa Tenggara Regional Regulation Number 9 of 2018 Concerning Bale Mediasi in Dispute Resolution," *Jurnal Ilmiah Fakultas Hukum Universitas Mataram*, 2020, 1–17.

Several previous studies have shown that the presence of *Bale Mediasi* plays a role in handling civil and criminal cases. In East Lombok Regency, the NTB Regional Regulation No. 9/2018 concerning Mediation was followed up by Regent Regulation No. 37/2019 concerning *Bale Mediasi*, which assigns duties and responsibilities to institutions at the district level to mediate cases that occur in the community.<sup>12</sup> Khaerul Ihsan, in his research, explains that *Bale Mediasi* handles horizontal conflicts between villages in practice.<sup>13</sup> With this broad scope, *Bale Mediasi* certainly has a crucial role in the community in East Lombok Regency. However, *Bale Mediasi*'s capacity does not have a role in decision-making in existing cases. Therefore, the implementation of *Bale Mediasi*'s role has not been carried out properly, considering that there are inhibiting factors such as facilities, public legal awareness, and cultural factors. In these obstacles, *Bale Mediasi* also continuously conducts socialization and training of mediators at the village level to slowly open up legal awareness of the community and inform institutions that bridge or mediate resolving cases.<sup>14</sup>

In another article, Philona et al. in West Lombok Regency show the involvement of various parties, including academics, in the efforts to socialize the *Bale Mediasi* institution and Perda no. 9/2018 at the village level.<sup>15</sup> The role of these academics is to support the dissemination of information and knowledge to the community. In addition, the purpose of socialization is to provide direction for village officials to participate in designing policies on mediation so that the level hierarchy of regulations from the village to the provincial level is in harmony and the community can feel the presence of the mediator institution closer to everyday life.

Based on a review of previous research, only a few studies raise the theme of research on the existence of *Bale Mediasi* on the island of Lombok. With this description, the purpose of writing this article is to examine more deeply the praxis of mediation based on the Sasak community's local wisdom through *Bale Mediasi*. This article is divided into several sections to achieve these goals. The first section describes regional autonomy and space for local wisdom. At the same time, this section describes the fundamental and conceptual basis of mediation policy in NTB. The second part discusses the institutional substance of the mediation bale in the provincial and district regulations. The last section discusses the implementation of the mediation policy in NTB. This section also reviews the practices and challenges of implementing *Bale Mediasi*'s role.

## 2. Method

The method is qualitative research, uses a combination approach to studying literature and normative law. Data sources come from various kinds of literature and regulations or laws. Sources of literature data come from the Garuda portal and Google scholar. The two websites provide reliable scientific publications both nationally and internationally. The keywords used to navigate the literature on the two websites are three keywords, "Mediation, *Bale Mediasi*, and Local Wisdom." Studying various kinds of literature is the initial foundation for analyzing normative rules. Observations in this regard include an in-depth review of various previous studies, books, news, and local regulations. The results of these observations are recorded as data collected randomly.

With qualitative standards, the analytical technique in this study refers to Cresswell, which includes data reduction, data presentation, and conclusion.<sup>16</sup> In data reduction, the author selects the

---

<sup>12</sup> Ihsan, "The Role of *Bale Mediasi* in Resolving Disputes in Villages in East Lombok Regency."

<sup>13</sup> Ibid.

<sup>14</sup> Philona, Suradana, and Listyaningrum, "Compilation of Village Regulations Regarding *Bale Mediasi* Through Counseling and Monitoring in Rumak Village, Kediri District, West Lombok Regency."

<sup>15</sup> Ibid.

<sup>16</sup> John W. Cresswell, *Research Qualitative, Quantitative, and Design* (London: Sage Publication, 2014).

collected data. After the data is reduced, the authors present it as it is. Then the last stage is concluding, each data is connected and interpreted by the author to become solid information.

### 3. Results and Discussion

Mediation is one option in dispute resolution involving a third party (mediator) as a mediator or not taking sides with one of the disputing parties.<sup>17</sup> The mediator's neutrality serves to facilitate the parties' use of dialogue as the primary channel to meet peacefully. The dichotomy of ways to resolve disputes that can be taken includes two possibilities: formal law enforcement by judicial institutions or processes outside the judiciary that lead to a compromise approach.<sup>18</sup> Article 70 of Law no. 30/1999 on Arbitration has included an acknowledgment of the out-of-court dispute resolution process. Arbitration is an out-of-court dispute resolution by mediators selected by both parties to dispute.<sup>19</sup>

Moore states that the principle of mediation has several characteristics.<sup>20</sup> *First*, the principle of accessibility; is the use of mediation that provides opportunities for all parties who need it.<sup>21</sup> *Second* is the voluntary principle; each party takes part in the mediation process and has the right to decide to agree or disagree on the outcome of the mediation. *The third* principle is confidence, the parties' openness in explaining mediation needs. *Fourth* is the facilitative principle; the mediator helps the disputing parties to reach an agreement without taking sides.<sup>22</sup> It means that mediation is focused on a problem-solving approach.<sup>23</sup>

These principles are guidelines for implementing *Bale Mediasi's* role in dispute resolution. The dispute resolution procedure at *Bale Mediasi* includes submitting a mediation request, analyzing the application file, and conducting the mediation process to reach an agreement. The submission of an application is contained in Article 18-19 of Regional Regulation No. 9/2018, which contains the registration of an application to *Bale Mediasi* by stating the problems encountered, with a response period of three days after the application is submitted.<sup>24</sup> Then Article 20 contains the task of the mediator and the head of *Bale Mediasi* in formulating the results of the peace agreement through the signing of the two disputing parties on the Peace Deed. As for the funding and wages for *Bale Mediasi* management, it is stated in Article 27, which comes from the Regional Revenue and Expenditure Budget (APBD) and other legal and non-binding sources.<sup>25</sup>

---

<sup>17</sup> Ihsan, "The Role of Bale Mediasi in Resolving Disputes in Villages in East Lombok Regency."

<sup>18</sup> Ibid.

<sup>19</sup> Krisna Harahap, *Civil Procedure Law, Mediation, Class Action, Arbitration & Alternative* (Bandung: PT Grafitri Budi Utami, 2009), 148.

<sup>20</sup> Christopher W Moore, *Practical Strategies for the Phases of Mediation* (Jossey-Bass, 1987).

<sup>21</sup> Moore's opinion is stated in an academic mediation text which includes dispute intervention involving third parties. More on this opinion can be found in Susanti Adi Nugroho, *Business Competition Law in Indonesia* (Prenada Media, 2014).

<sup>22</sup> Emi Puasa Handayani and Zainal Arifin, "Application of the Republic of Indonesia Supreme Court Regulation Number 1 of 2016 Regarding Mediation Procedures During the Covid 19 Pandemic. (Study at the Religious Court of Kediri Regency)," *ADHAPER: Jurnal Hukum Acara Perdata* 6, no. 2 (2021): 117–32. <https://doi.org/10.36913/jhaper.v6i2.135>

<sup>23</sup> Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2008 concerning Mediation Procedures

<sup>24</sup> Lestari, "Implementation of West Nusa Tenggara Regional Regulation Number 9 of 2018 Concerning Bale Mediasi in Dispute Resolution."

<sup>25</sup> Ihsan, "The Role of Bale Mediasi in Resolving Disputes in Villages in East Lombok Regency."

### 3.1. Autonomy and Space for Local Wisdom

As stated by Van der Pot in Gadjong, the concept of regional autonomy is understood as a regional right to *Eigen Huishouding* or managing households independently.<sup>26</sup> In essence, the rights in regional autonomy are reflected in the freedom and independence of local governments to manage government affairs in their territories. Chemma and Rondinelli emphasized that regional autonomy is one of the elements of decentralization. According to Chemma and Rondinelli, regional autonomy has several main components.<sup>27</sup> *First*, administrative decentralization is actualized by shifting the central government's authority and bureaucratic structure to local governments. It includes deconcentration and delegation of power. *Second*, political decentralization is marked by strengthening local community participation in the political system and services based on community needs.<sup>28</sup> *Third*, fiscal decentralization. It is characterized by the transferability of central government authority to local governments in fiscal development, such as facilities according to community needs, by relying on the effectiveness and efficiency of development. The substance of regional autonomy is thus seeking to optimize government functions in public services, regulation, implementation of development programs, representative implementation, and multi-sectoral coordination.<sup>29</sup>

A study of principles related to the formulation of norms in regional autonomy and decentralization framework.<sup>30</sup> At the implementation level, it must rely on democracy, national interest, regional balance, justice, increasing competitiveness, legal certainty, harmony, efficiency and effectiveness, preservation of local wisdom, and the unity of development patterns and directions. The principle of democracy aims to implement the NTB provincial government based on the principle of deliberation and consensus, as the ideology of Pancasila outlines respect for diversity. In this case, the principle of national interest means that the government is in the corridor of the Unitary State of the Republic of Indonesia, which upholds national unity and integrity. The principle of regional balance refers to the distribution of welfare in all provinces in line with development goals. The principle of justice refers to efforts to integrate every potential in the province in a directed and synergistic manner to realize the principle of justice. The principle of increasing competitiveness refers to developing human resources, natural potential, and products to support competition at the national and global levels. The principle of legal certainty refers to compliance with statutory regulations at the local political superstructure level and strengthening community participation. The principle of harmony refers to the suitability of development decision-making with a normative basis and the context of a diverse region. The principle of usability and results refers to the government's response to the realization of stability. That contributes positively to efforts to accelerate the welfare of the local community. The principle of preserving local wisdom refers to government administration by local wisdom to realize regional development. The principle of unified pattern and direction of development refers to regional development planning integrated with the pattern and direction of national development planning.

---

<sup>26</sup> Andi Gadjong Agussalim, *Regional Government (Political and Legal Studies)*, (Bogor: Ghalia Indonesia, 2007), 108-109.

<sup>27</sup> G Shabbir Cheema and Dennis A Rondinelli, "From Government Decentralization to Decentralized Governance," *In Decentralizing Governance: Emerging Concepts and Practices*. Washington: Brooking Institution Press, 2007, 1-20

<sup>28</sup> M Zaenul Muttaqin, "The Dynamics of Power, Violence, and Conflict of Nahdlatul Wathan," *JOURNAL OF INDONESIAN ISLAM* 15, no. 2 (2021): 465–86. <https://doi.org/10.15642/JIIS.2021.15.2.465-486>

<sup>29</sup> Abdul Abdul Hamid, "Regional Autonomy and Public Service Quality," *Academica* 3, no. 1 (2011).

<sup>30</sup> Badan Keahlian Dewan Perwakilan Rakyat Republik Indonesia. "Academic Paper of the Draft Law on West Nusa Tenggara Province." 2021.

### 3.2. Institutional Substance of Bale Mediasi Regional

Several internal and external factors influence the conceptual basis for formulating mediation policies in the Province of NTB. Internal factors come from various regulatory developments in the government system. Meanwhile, external factors refer to the dynamics of local communities. These internal factors can be traced in the contents of the 1945 Constitution in Article 18B, paragraphs 2 and 3. The two articles provide recognition and respect for cultural identity, traditional rights, and customs as elements of national culture.

The development of cultural values by the community freely is emphasized through Article 32 paragraph (1) of the 1945 Constitution. As stated in the 1945 Constitution, the change in the government system from centralization to decentralization provides an opening for the design of policies per the social community system. Local governments have the flexibility to form a policy product per the substance of state law and applicable laws and regulations.

Furthermore, external factors in this study include values and norms in society. The policy of establishing the *Bale Mediasi* institution cannot be separated from social life, which cannot be separated from conflict, whether closed or open conflict. Most people have difficulty in resolving disputes or conflicts and are reluctant to access the litigation route.<sup>31</sup> In addition, the community's reluctance to resolve disputes through litigation is hampered by cost and time estimates that tend to be unpredictable. So that the remaining option that can be taken is to use a non-litigation route.<sup>32</sup>

*Bale Mediasi* is responsible for reducing and minimizing the number of cases that are resolved in court.<sup>33</sup> In practice, *Bale Mediasi* becomes a state non-judicial institution that operates in a mediation function that promotes dialogue or negotiation between the disputing parties. As a mediator, *Bale Mediasi* is an institution outside the state court, centered at the village level, and its implementation is in line with local wisdom values. In judicial politics in Indonesia, the Supreme Court integrates all courts based on Law Number 48/2009 concerning Judicial Power. However, the customary courts are structurally not yet an instrument for resolving legal disputes. So the NTB Regional Regulation No. 9/2018 concerning *Bale Mediasi* provides a non-judicial instrument for the community to use mediation in dispute resolution by customary norms and local wisdom.

Although it does not have a straightforward instrument in state courts, the *Bale Mediasi* institution has the probability of being in a non-litigation court process. Hasibuan provides the correct argument in this search.<sup>34</sup> *First*, based on Article 58 of Law Number 48/2009 concerning Judicial Powers, dispute resolution can be made through arbitration or non-litigation. This content is emphasized in Article 60, paragraph 1, which explains that the procedure for the settlement includes mediation and giving a role to the dispute resolution institution. *Second*, the theory of legal pluralism in the social space in the context of Indonesia, customary law as an element of the national legal system in addition to western law and Islamic law. *Bale Mediasi* is included in the section of customary justice, which is recognized in legal pluralism. In this sense, forming *Bale Mediasi* is a practical step for the government to manage local communities' diversity. *Third*, some institutions have the authority and provisions to implement the judiciary, although the dispute resolution instruments within the institution are implicit and in the form of a semi-court. These institutions include the Indonesian Broadcasting Commission, the

<sup>31</sup> Ihsan, "The Role of Bale Mediasi in Resolving Disputes in Villages in East Lombok Regency."

<sup>32</sup> Sri Mahardika and Ahmad Khuzairi, "Settlement of Land Disputes Through Non-Litigation Mediation," *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia* 4, no. 1 (2022): 13–20. <https://doi.org/10.52005/rechten.v4i1.73>

<sup>33</sup> Lestari, "Implementation of West Nusa Tenggara Regional Regulation Number 9 of 2018 Concerning Bale Mediasi in Dispute Resolution."

<sup>34</sup> Hasibuan, "The Role of Bale Mediasi in Settlement of Tourism Disputes in West Nusa Tenggara (NTB)."

General Elections Supervisory Agency, and the Ombudsman. *Fourth*, the substance of Law no. 15/2019 concerning Amendments to Law Number 12 concerning the Establishment of Laws and Regulations concerning Regional, Provincial, and Government Authorities indicates that regulations concerning judicial institutions at the local level are considered valid. In this sense, *Bale Mediasi* becomes one of the judicial instruments in resolving disputes at the grassroots; as explained in Article 4 of Law Number 48/2009 concerning Judicial Power, courts help seek justice by going through certain stages and get a simple, fast, and easy trial. and minimal cost. *Bale Mediasi* at the provincial level is stated in the Governor's Regulation no. 38/2015 concerning *Bale Mediasi* and Perda NTB No. 9/2018 regarding *Bale Mediasi*. With these two regulations, the Province of NTB has become a pioneer in having regulations on mediation institutions at the local level.<sup>35</sup>

### 3.3. Implementation of Mediation Policy in NTB

In all forms of society, there is almost no relationship that cannot be separated from disputes. These disputes often extend to other issues and have a long-term negative impact.<sup>36</sup> The presence of institutions in the legal sector, such as the police, prosecutors, and court institutions, serves to realize aspects of justice for the disputing parties.<sup>37</sup> These institutions are permanent under the umbrella of the state system. Mediation as an effort to resolve disputes is considered more accessible because the litigants have the opportunity to dialogue and agree. At this point, the presence of a mediator becomes essential. Christopher W. Moore argues that the power of mediation rests on the existence of a mediator accessing the influence or power of the litigants effectively, emphasizing the principle of fair equality and producing fair decisions for each party.<sup>38</sup>

The local government and *Bale Mediasi* make Regional Regulations at the district/city level.<sup>39</sup> To date, 4 (four) districts/cities already have Regional Regulations related to *Bale Mediasi*, namely Mataram City, West Lombok Regency, East Lombok Regency, and Central Lombok Regency.<sup>40</sup> In addition, the local government provides Mediator Training for *Bale Mediasi*. It is in collaboration with the Regional Government through the Office of Community Empowerment, Village Administration, Population and Civil Registration of Nusa Tenggara Barat Province, and the Mediator Institute from Gadjah University Mada Yogyakarta.<sup>41</sup> *Bale Mediasi* has conducted 3 (three) batches of Certified Mediator Training. Lestari's research results show that currently, there are approximately 120 certified Mediators spread across several villages in all districts/cities in Nusa Tenggara Barat Province.<sup>42</sup>

In terms of implementation, *Bale Mediasi* in each district has several challenges. In the district of North Lombok, the legal factor between local regulations no. 9/2018 concerning *Bale Mediasi* intersects with Regent Regulation (Perbup) No. 20/2017 concerning Guidelines for Village Courtesy Assembly. It impacts the occurrence of rejection from the village community, who consider the Village Krama Council

---

<sup>35</sup> Badan Keahlian Dewan Perwakilan Rakyat Republik Indonesia. "Academic Paper of the Draft Law on West Nusa Tenggara Province."

<sup>36</sup> Philona, Suradana, and Listyaningrum, "Compilation of Village Regulations Regarding Bale Mediasi Through Counseling and Monitoring in Rumak Village, Kediri District, West Lombok Regency."

<sup>37</sup> Sri Puspitaningrum, "Mediation as an Effort to Settle Civil Disputes in Court," *Jurnal Spektrum Hukum* 15, no. 2 (2018): 275–99. <https://doi.org/10.35973/sh.v15i2.1121>

<sup>38</sup> Moore, *Practical Strategies for the Phases of Mediation*.

<sup>39</sup> Ihsan, "The Role of Bale Mediasi in Resolving Disputes in Villages in East Lombok Regency."

<sup>40</sup> Lestari, "Implementation of West Nusa Tenggara Regional Regulation Number 9 of 2018 Concerning Bale Mediasi in Dispute Resolution."

<sup>41</sup> Ihsan, "The Role of Bale Mediasi in Resolving Disputes in Villages in East Lombok Regency."

<sup>42</sup> Lestari, "Implementation of West Nusa Tenggara Regional Regulation Number 9 of 2018 Concerning Bale Mediasi in Dispute Resolution."

more effective as an instrument of dialogue to resolve disputes. In terms of substance and operationalization of functions, the Village Krama Council has similarities with *Bale Mediasi*. However, the Village Krama Council does not have the power of law as the *Bale Mediasi*.

Meanwhile, in East Lombok Regency, *Bale Mediasi*'s challenges are caused by the lack of law enforcement actors or mediators as stipulated in Perbup No. 37/2019 regarding *Bale Mediasi*. One of the prerequisites of a mediator is the mediator's understanding of the law, evidenced by the existence of a certificate. The findings in Khaerul Ihsan's research show that another problem with the capacity of the mediator is the abuse of authority, such as the mediator's neutrality and involvement in bribery.<sup>43</sup>

In general, the challenges in implementing the *Bale Mediasi* policy stem from the absence of an explanation for resolving criminal disputes in the trunk body of Regional Regulation No. 9/2018 concerning *Bale Mediasi*.<sup>44</sup> Meanwhile, obstacles in human resources include the inadequate capability of mediators at the village level in resolving cases through mediation.<sup>45</sup> This limitation requires serious attention through training for the community's potential to become mediators at the village level. In addition, other obstacles are the lack of socialization; the lack of socialization causes most of the public not to know about the existence of a non-litigation institution *Bale Mediasi*.<sup>46</sup>

## Conclusions

Based on the results, the formation of *Bale Mediasi* is influenced by factors of administrative decentralization, political decentralization, and fiscal decentralization. It has opened up opportunities for preparing regulations at the regional level that are per the local wisdom of the community and do not conflict with the policy products above. However, *Bale Mediasi*, as a non-litigation institution, operates outside the formal court system, which aims to resolve disputes peacefully.

Internal and external factors influence the mediation policy in NTB Province. Internal factors come from various regulatory developments in the government system. Meanwhile, external factors refer to the dynamics of local communities. The enactment of the NTB Provincial Regulation No. 9/2018 on *Bale Mediasi* bridges the mediation process at the grassroots level for dispute resolution. The NTB Regional Government and *Bale Mediasi* make Regional Regulations at the district/city level. Four regencies/cities already have Regional Regulations related to *Bale Mediasi*, namely Mataram City, West Lombok Regency, East Lombok Regency, and Central Lombok Regency. However, *Bale Mediasi* in each district has several challenges. In the district of North Lombok, the legal factors between Perda no. 9/2018 concerning *Bale Mediasi* intersect with Regent Regulation (Perbup) No. 20/2017 concerning Guidelines for Village Courtesy Assembly. Meanwhile, in East Lombok Regency, *Bale Mediasi*'s challenges are caused by law enforcement actors or mediators who lack legal literacy. As explained in Perda No. 9/2018, mediators are required to have a certificate proving their skills in mediation.

This article contributes to uncovering the diversity of challenges in implementing the role of the *Bale Mediasi* institution on the island of Lombok. Conceptually, this article opens a discursive channel for efforts to integrate local wisdom systems with formal legal regulations in the future. However, the study of this article has limited data sources derived from literature studies and a review of regulations regarding *Bale Mediasi*. Further research needs to combine the empirical background of the

---

<sup>43</sup> Ihsan, "The Role of Bale Mediasi in Resolving Disputes in Villages in East Lombok Regency."

<sup>44</sup> Ibid.

<sup>45</sup> Philona, Suradana, and Listyaningrum, "Compilation of Village Regulations Regarding Bale Mediasi Through Counseling and Monitoring in Rumak Village, Kediri District, West Lombok Regency."

<sup>46</sup> Ibid.



application of mediation policies in Nusa Tenggara Barat Province, especially research on *Bale Mediasi* in Central Lombok Regency, which has not received much attention so far.

### **Conflict of Interest Statement:**

The author(s) declares that the research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

### **References**

- Agussalim, Andi Gadjong. *Regional Government (Political and Legal Studies)* (Bogor: Ghalia Indonesia, 2007).
- Cheema, G Shabbir, and Dennis A Rondinelli. "From Government Decentralization to Decentralized Governance." *Decentralizing Governance: Emerging Concepts and Practices* 326 (2007): 326.
- Haerani, Ruslan. "Juridical Review of the Peace Agreement in Dispute Resolution in Courts Through the Negotiation Process." *Unizar Law Review (ULR)* 3, no. 1 (2020). Retrieved from <https://e-journal.unizar.ac.id/index.php/ulr/article/view/249>. (Accessed 16 October, 2022).
- Hamid, Abdul Abdul. "Regional Autonomy and Public Service Quality." *Academica* 3, no. 1 (2011). Retrieved from <http://jurnal.untad.ac.id/jurnal/index.php/academica/article/view/2293>. (Accessed 16 October, 2022).
- Handayani, Emi Puasa, and Zainal Arifin. "Application of the Republic of Indonesia Supreme Court Regulation Number 1 of 2016 Concerning Mediation Procedures During the Covid 19 Pandemic (Study at the Religious Court of Kediri Regency)." *ADHAPER: Jurnal Hukum Acara Perdata* 6, no. 2 (2021): 117–32. <https://doi.org/10.36913/jhaper.v6i2.135>
- Harahap, Krisna. "Civil Procedure Law, Mediation, Class Action, Arbitration & Alternative." *Bandung: PT Grafitri Budi Utami*, 2009.
- Hasibuan, Edi Saputra. "The Role of Bale Mediasi in Settlement of Tourism Disputes in West Nusa Tenggara (NTB)." In *2nd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2021)*, 85–90. Atlantis Press, 2021.
- Ihsan, Khaerul. "The Role of Bale Mediasi in Resolving Disputes in Villages in East Lombok Regency." *JURIDICA: Jurnal Fakultas Hukum Universitas Gunung Rinjani* 3, no. 2 (2022): 22–42. doi:<https://doi.org/10.46601/juridica.v3i2.201>.
- John W. Cresswell. *Research Qualitative, Quantitative, and Design*. London: Sage Publication, 2014.
- Lestari, Baiq Laksmi. "Implementation of West Nusa Tenggara Regional Regulation Number 9 of 2018 concerning Bale Mediasi in Dispute Resolution." *Jurnal Ilmiah Fakultas Hukum Universitas Mataram*, 2020, 1–17. Retrieved from <https://fh.unram.ac.id/wp-content/uploads/2020/08/BAIQ-LAKSMI-LESTARI-D1A115041.pdf>. (Accessed 16 October, 2022).
- Mahardika, Sri, and Ahmad Khuzairi. "Settlement of Land Disputes Through Non-Litigation Mediation." *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia* 4, no. 1 (2022): 13–20. <https://doi.org/10.52005/rechten.v4i1.73>
- Moore, Christopher W. *Practical Strategies for the Phases of Mediation*. Jossey-Bass, 1987.
- Muizzudin, Mohammad, and Achmad Asfi Burhanudin. "The Effectiveness of Mediation in Settlement of Divorce Cases at the Kediri City Religious Court." *El-Faqih: Jurnal Pemikiran Dan Hukum Islam* 6, no. 1 (2020): 123–35. <https://doi.org/10.29062/faqih.v6i1.105>
- Mulyana, Dedy. "Legal Strength of Mediation Results in Court and Out of Court According to Positive Law." *Jurnal Wawasan Yuridika* 3, no. 2 (2019): 177–98. <https://doi.org/10.25072/jwy.v3i2.224>
- Muttaqin, M Zaenul. "The Dynamics of Power, Violence, and Conflict of Nahdlatul Wathan." *JOURNAL OF INDONESIAN ISLAM* 15, no. 2 (2021): 465–86. <https://doi.org/10.15642/JIIS.2021.15.2.465-486>
- Nugroho, Susanti Adi. *Business Competition Law in Indonesia*. Prenada Media, 2014.



- Philona, Rinda, I Made Suradana, and Novita Listyaningrum. "Compilation of Village Regulations Regarding Bale Mediasi Through Counseling and Monitoring in Rumak Village, Kediri District, West Lombok Regency." *Jurnal Gema Ngabdi* 3, no. 1 (2021): 68–74. <https://doi.org/10.29303/jgn.v3i1.126>
- Puspitaningrum, Sri. "Mediation as an Effort to Settle Civil Disputes in Court." *Jurnal Spektrum Hukum* 15, no. 2 (2018): 275–99. <https://doi.org/10.35973/sh.v15i2.1121>
- Rahmah, Dian Maris. "Optimizing Dispute Resolution Through Mediation in Court." *Jurnal Bina Mulia Hukum* 4, no. 1 (2019): 1–16. <https://doi.org/10.23920/jbmh.v4i1.174>

### Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).