

Mediation as an Instrument for Sustainable Business Dispute Resolution Based on the Principles of Corporate Sustainable Development

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KEYWORDS	ABSTRACT
<p>Keywords: Mediation; Sustainable Business Dispute Resolution; Corporate Sustainable Development.</p> <p>Conflict of Interest Statement: .</p> <p>Copyright © 2025 AMAR. All rights reserved.</p>	<p>Purpose: Business complexity increases disputes, while litigation is costly, time-consuming, adversarial, and risks damaging long-term relationships. This study analyses mediation's legal position and mechanism in Indonesian business dispute resolution and its role in supporting Corporate Sustainable Development.</p> <p>Research Design and Methodology: This study uses descriptive-analytical legal research based primarily on a doctrinal or normative legal approach through statutory and conceptual approaches, supported only by limited empirical data. Primary legal materials are Law No. 30 of 1999 and Supreme Court Regulation No. 1 of 2016. Secondary materials include books, journal articles, and legal doctrines on mediation, alternative dispute resolution, business law, and corporate sustainability. Supporting empirical data were obtained from legal practitioners and mediators involved in business disputes and analysed qualitatively with the legal materials.</p> <p>Findings and Discussion: Mediation has a strong legal basis as a fair, flexible, confidential, and efficient mechanism. It supports Corporate Sustainable Development by preserving business relationships, protecting confidentiality, encouraging voluntary compliance, ensuring legal certainty, and strengthening responsible governance.</p> <p>Implications: This study positions mediation as a strategic legal instrument for sustainable business dispute management and recommends stronger mediation regulation, mediator competence, and mediation clauses in corporate governance policies.</p>

Introduction

The increasingly complex development of the business world, in tandem with economic globalisation, has heightened the potential for business disputes. Such disputes can arise in various forms, such as breach of contract, shareholding disputes, conflicts between business partners, and disputes in international trade relations.¹ Resolving disputes through litigation is often considered ineffective due to its lengthy process, high costs, and adversarial nature, which risks damaging long-term business relationships.

Conflicts frequently arise in social life due to individual dissatisfaction felt by those who perceive themselves as wronged, or because of sudden differences of opinion between the parties involved. Consequently, one of the parties becomes involved in the dispute with the hope of resolving it fairly for the mutual benefit of all.²

¹ Adetoyese Latilo et al., "Managing Cross-Border Disputes in Telecommunications: A Case Study Approach," *International Journal of Management & Entrepreneurship Research* 6, no. 8 (August 21, 2024): 2708-30, <https://doi.org/10.51594/ijmer.v6i8.1415>.

² Teeko T. Yorlay, "A Framework for Easy Contextualization and Understanding of Conflict, Violence, and Peace," *Voice of the Publisher* 09, no. 02 (2023): 50-59, <https://doi.org/10.4236/vp.2023.92005>.

Business disputes generally arise from conflicting legal and commercial interests between parties, particularly in the implementation of business contracts.³ If not resolved properly, such disputes may escalate and disrupt business continuity. In this context, alternative dispute resolution becomes relevant, especially mediation, which involves a neutral third party to assist the parties in reaching a voluntary agreement. As reflected in Article 1(1) of Supreme Court Regulation No. 1 of 2016, mediation emphasises dialogue, confidentiality, procedural flexibility, and a win-win solution, making it suitable for the needs of modern business relations.⁴

On the other hand, the development of the concept of *Corporate Sustainable Development* positions companies not merely as profit-oriented economic entities, but also as institutions responsible for maintaining sustainable business relationships, social stability, and legal certainty in economic activities.⁵ In this context, the resolution of business disputes that is adversarial and win-lose oriented⁶, has the potential to damage partnership relationships and disrupt the continuity of business activities. Therefore, a dispute resolution mechanism is required that not only formally resolves conflicts but is also capable of maintaining long-term business relationships and supporting the creation of a sustainable business environment.

In Indonesia, provisions regarding the role of mediation are reflected in various regulations, including Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and Supreme Court Regulation (PERMA) No. 1 of 2016 on Mediation Procedures in Court. These regulations indirectly represent an effort and, at the same time, demonstrate the commitment of the government and law enforcement authorities to promoting the peaceful, efficient, and fair resolution of disputes.⁷

Although mediation has been recognised as an alternative dispute resolution mechanism under Indonesian law, previous studies have generally examined mediation from procedural and institutional perspectives, particularly its effectiveness in court-connected mediation, the role of mediators, and its contribution to reducing the caseload of courts.⁸ These studies provide an important foundation, but they have not sufficiently analysed mediation as a strategic legal instrument for maintaining sustainable business relationships and strengthening corporate governance. Therefore, this article fills the gap by examining mediation not only as a dispute settlement mechanism, but also as an instrument for supporting Corporate Sustainable Development in business law practice.

Given these circumstances, there is a *research gap* between studies on mediation as a dispute resolution mechanism and the concept of corporate sustainability in modern business practice. To date, legal studies in Indonesia have rarely specifically integrated mediation as an instrument for resolving business disputes within the framework of *Corporate Sustainable Development*, particularly in analysing how mediation can function not only as a means of conflict resolution but also as a strategic instrument for maintaining the sustainability of business relationships and the stability of business operations.

The novelty of this article lies in its effort to integrate business mediation with the principles of Corporate Sustainable Development. Conceptually, this article contributes by offering a framework that links mediation with sustainable business relationship management. Normatively, it examines the legal position and mechanism of mediation under Law No. 30 of 1999 and Supreme Court Regulation No. 1 of 2016. Practically, it provides a basis for strengthening mediation clauses,

³ Seno Adhi Wibowo and Massulthan Rafi Wijaya, "Implementation of the Small Claims Court in Dispute Case Settlement in Indonesia," *Lex Scientia Law Review* 5, no. 1 (May 30, 2021), <https://doi.org/10.15294/lesrev.v5i1.42859>.

⁴ Antoni Benedikt et al., "Mediation as an Alternative Method of Conflict Resolution: A Practical Approach," *Family Medicine & Primary Care Review* 22, no. 3 (2020): 235-39, <https://doi.org/10.5114/fmocr.2020.98252>.

⁵ Mark Anthony Camilleri, "Corporate Sustainability and Responsibility: Creating Value for Business, Society and the Environment," *Asian Journal of Sustainability and Social Responsibility* 2, no. 1 (September 22, 2017): 59-74, <https://doi.org/10.1186/s41180-017-0016-5>.

⁶ Efa Laela Fakhriah and Anita Afriana, "Cross Border of Jurisdiction between Arbitration and District Court in Business Dispute Settlement under the Indonesian Legal System," *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 3 (November 29, 2023): 293-304, <https://doi.org/10.25041/fiatjustisia.v17no3.3175>.

⁷ Daffa Ladro Kusworo and Maghfira Nur Khaliza Fauzi, "Implementation of Litigation Mediation in Resolving Medical Negligence Disputes Between Patients and Health Workers," *Administrative and Environmental Law Review* 4, no. 1 (March 27, 2023): 21-36, <https://doi.org/10.25041/aedr.v4i1.2858>.

⁸ Jusril D. Manopo and Wiranto G. Baharu, "Legal Aspects of Business Dispute Resolution through Alternative Out-of-Court Settlements," *Estudiante Law Journal* 7, no. 3 (October 7, 2025): 772-86, <https://doi.org/10.33756/eslaj.v7i3.32439>.

mediator competence, and corporate dispute resolution policies that support sustainable corporate governance.

Based on the above, this article addresses two research questions. First, what is the legal position and mechanism of mediation as an instrument for fair business dispute resolution within the Indonesian legal system? Second, how does mediation support sustainable business dispute resolution through the principles of Corporate Sustainable Development in modern business practice?.

Literature Review

Mediation as an Alternative Dispute Resolution

Mediation is a form of alternative dispute resolution that emphasizes dialogue, voluntariness, confidentiality, neutrality, and consensus between disputing parties. In this process, the mediator does not act as a judge who decides the dispute, but as a neutral facilitator who assists the parties in identifying their interests. This mechanism allows the parties to formulate a settlement based on mutual agreement rather than coercive adjudication.⁹ Therefore, mediation is suitable for business disputes because it provides a more flexible and relationship-oriented settlement model.

In Indonesian law, mediation obtains its normative basis through Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Court. These legal instruments show that mediation is recognised as a legitimate mechanism for resolving civil and business disputes. The principles of good faith, freedom of contract, confidentiality, and party autonomy are central to the implementation of mediation. Such principles make mediation relevant not only as a procedural option, but also as a legal instrument that supports fair and efficient dispute resolution.¹⁰

The relevance of mediation as alternative dispute resolution becomes stronger in the context of business relations that require trust and continuity. Litigation may provide legal certainty, but it often creates an adversarial situation that can weaken cooperation between business actors. Mediation offers a different approach because it seeks to resolve disputes while preserving the possibility of future collaboration. Thus, mediation can be understood as a legal mechanism that combines settlement efficiency, confidentiality, legal certainty, and the protection of long-term business relationships. This conceptual basis becomes important for the Findings and Discussion section because it explains why mediation under Indonesian law should be analysed not merely as a procedural option, but as a legal mechanism that protects good faith, confidentiality, party autonomy, and legal certainty in business dispute resolution.

Business Dispute Resolution and Corporate Sustainable Development

Business disputes may arise from breach of contract, partnership conflicts, shareholder disagreements, payment defaults, investment disputes, or cross-border commercial transactions. These disputes are not merely legal problems, but may also affect operational stability, corporate reputation, stakeholder trust, and business continuity.¹¹ For this reason, business dispute resolution should not only aim to end conflict formally, but also to maintain legal certainty and commercial sustainability. Mediation becomes relevant because it allows the parties to settle disputes without necessarily destroying their business relationship.

Corporate Sustainable Development places companies as economic institutions that are not only oriented toward profit, but also responsible for maintaining sustainability in business relations, social responsibility, legal compliance, and stakeholder confidence.¹² In this framework, the way a company

⁹ Sau-wai Law, "Upholding Parental Responsibility by Family Mediation: Revisiting the Role of the Law for Children in Divorce in Hong Kong," *Public Administration and Policy* 24, no. 3 (November 19, 2021): 241-52, <https://doi.org/10.1108/PAP-08-2021-0045>.

¹⁰ Natia Chitashvili, "Strengthening the Legal Guarantees of Mediation Confidentiality with Contractual Mechanisms," *Journal of Law*, no. 2 (December 30, 2023), <https://doi.org/10.60131/jlaw.2.2023.7697>.

¹¹ Adetoyese Latilo et al., "Management of Complex International Commercial Arbitrations: Insights and Strategies," *International Journal of Applied Research in Social Sciences* 6, no. 8 (August 21, 2024): 1884-1901, <https://doi.org/10.51594/ijarss.v6i8.1431>.

¹² Sherine Fathy El-Fekey and Bassant Adel Mostafa, "Human Resource Development within the Sustainability Science Framework," *European Journal of Sustainable Development* 12, no. 1 (February 1, 2023): 199, <https://doi.org/10.14207/ejsd.2023.v12n1p199>.

resolves disputes becomes part of its sustainability strategy. A dispute resolution mechanism that is costly, lengthy, and adversarial may disrupt business continuity and weaken corporate stability. Therefore, mediation is compatible with Corporate Sustainable Development because it encourages efficiency, cooperation, confidentiality, and voluntary compliance.

Mediation supports Corporate Sustainable Development by reducing dispute resolution costs, shortening settlement time, protecting confidential business information, and maintaining constructive communication between the parties. These elements are important because business sustainability depends not only on financial performance, but also on the company's ability to manage legal risks responsibly.¹³ Through mediation, companies may reach flexible settlements such as contract restructuring, payment rescheduling, continuation of cooperation, or adjustment of business obligations. In this sense, mediation functions as a sustainable business dispute resolution instrument that protects both legal interests and business continuity. This argument provides the basis for further analysis in the Findings and Discussion section, particularly in examining how mediation contributes to business continuity, cost and time efficiency, confidentiality protection, voluntary compliance, and the sustainability of commercial relationships.

Sustainable Corporate Governance

Sustainable corporate governance requires companies to manage legal risks through principles of accountability, fairness, transparency, responsibility, and compliance with the law.¹⁴ Dispute resolution is part of corporate governance because unresolved disputes may affect contractual performance, financial stability, decision-making, and stakeholder confidence. A company that integrates mediation into its dispute resolution policy has a stronger capacity to manage conflicts constructively.¹⁵ Thus, mediation can be positioned as part of responsible and sustainable corporate governance.

Previous studies on mediation have generally focused on procedural aspects, court-connected mediation, the role of mediators, settlement success rates, court effectiveness, and the reduction of caseloads. These studies are important because they explain the institutional and procedural function of mediation in the justice system. However, they have not sufficiently examined mediation as a strategic legal instrument for Corporate Sustainable Development. This article fills that gap by linking mediation with sustainable business relationship management, legal certainty, confidentiality, voluntary compliance, and corporate governance policy.

This article positions mediation as an instrument for sustainable business dispute resolution based on the principles of Corporate Sustainable Development. Its contribution is conceptual because it builds a link between mediation and sustainable corporate governance, normative because it analyses mediation under Indonesian law, and practical because it supports the strengthening of mediation clauses and corporate dispute resolution policies. Therefore, this Literature Review provides the conceptual foundation for analysing mediation as a legal instrument that supports sustainable corporate governance in modern business practice. This subsection serves as an argumentative bridge to the normative analysis by showing that mediation can be integrated into corporate governance policies as a legal risk management instrument that supports sustainable and responsible business practice.

Research Design and Methodology

This study is a descriptive-analytical research aimed at systematically describing and analysing the position and mechanisms of mediation as an instrument for business dispute resolution within the Indonesian legal system, as well as its relevance in supporting the principles of *Corporate Sustainable Development*. Descriptive-analytical research is employed to provide a comprehensive overview of a

¹³ Suparlan Suparlan and Munawirsazali Munawirsazali, "Dinamika Hukum Dalam Penyelesaian Sengketa Bisnis: Perspektif Konseling," *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan* 4, no. 2 (May 26, 2025): 81-92, <https://doi.org/10.47200/awtjhpsa.v4i2.2828>.

¹⁴ Akram Wattoo, "Corporate Governance and Legal Compliance," *International Journal of Law and Policy* 3, no. 12 (December 30, 2025): 27-48, <https://doi.org/10.59022/ijlp.461>.

¹⁵ Egor V. Pyshkin, "Mediation as a Means of Corporate Conflict Solution," *Juridical World*, November 28, 2024, 50-53, <https://doi.org/10.18572/1811-1475-2024-12-50-53>.

legal phenomenon whilst analysing the relationship between legal norms and evolving practices in society.

This study primarily employs a doctrinal or normative legal approach, with supporting empirical data used in a limited manner. The normative approach is used to answer the first research question by examining the legal position and mechanism of mediation under Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Court. It is also used to analyse the relevance of mediation to the principles of Corporate Sustainable Development through statutory and conceptual approaches. The supporting empirical data are used only to clarify the practical relevance of mediation in business dispute resolution.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Court. Secondary legal materials include books, journal articles, and legal doctrines relating to business law, mediation, alternative dispute resolution, Corporate Sustainable Development, and sustainable corporate governance. Tertiary legal materials include legal dictionaries, encyclopaedias, and other supporting references used to clarify the legal concepts discussed in this study.

The legal materials were collected through library research, while supporting empirical data were obtained from legal practitioners or mediators involved in business dispute resolution. These informants were selected purposively based on their experience in handling or assisting business and commercial disputes, their understanding of mediation under Law No. 30 of 1999 and Supreme Court Regulation No. 1 of 2016, and their ability to explain the practical relevance of mediation in maintaining business relationships. The analysis was conducted qualitatively through three stages: classifying the legal materials, interpreting the relevant norms through statutory and conceptual analysis, and linking the normative findings with supporting empirical data. These stages were used to formulate conclusions and recommendations on strengthening mediation as a sustainable instrument for business dispute resolution.

Findings and Discussion

The Status and Mechanism of Mediation in Business Dispute Resolution Under Indonesian Law

Mediation is playing an increasingly strategic role within the Indonesian legal system as a means of resolving business disputes outside the adversarial court system. Legal recognition of mediation is explicitly reflected in Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution, which establishes mediation as a legitimate and state-recognised form of non-litigious dispute resolution.¹⁶ The existence of this provision indicates a shift in the legal paradigm from dispute resolution that emphasises the victory of one party towards a resolution based on agreement and mutual interests.

In the context of business disputes, the role of mediation is particularly relevant due to the nature of business relationships, which are generally long-term and interdependent.¹⁷ Disputes resolved through litigation have the potential to damage business relationships and create business uncertainty. Consequently, mediation is viewed as a mechanism better suited to the needs of the business world as it prioritises the principles of consultation, efficiency, and confidentiality.¹⁸ These principles align with the principles of freedom of contract and good faith, which form the legal foundation of business agreements.

In addition to its role outside the courts, mediation also holds an important position within the civil justice system. This is reaffirmed by Supreme Court Regulation No. 1 of 2016 on Mediation

¹⁶ Deri Hafizh, Dewi Anggraeni, and Hattarawadee Rungsimanop, "Building Trust Through Contract: A Legal Protection Effort For Service Providers And Users In The Digital Era," *PENA LAW: International Journal of Law* 2, no. 2 (September 30, 2024), <https://doi.org/10.56107/penalaw.v2i2.189>.

¹⁷ Aris Krisdiyanto, Nong Chai, and Ton Kiat, "Effectiveness of Mediation in Resolving Business Disputes in the Digital Era," *Rechtsnormen: Journal of Law* 3, no. 1 (April 22, 2025): 11-21, <https://doi.org/10.70177/rjl.v3i1.2066>.

¹⁸ Abdul Hannan, "The Role of Mediation in Alternative Dispute Resolution as an Effective Solution for Non-Litigation Dispute Resolution," *INTERDISIPLIN: Journal of Qualitative and Quantitative Research* 2, no. 3 (May 7, 2025): 157-64, <https://doi.org/10.61166/interdisiplin.v2i3.81>.

Procedures in Court, which requires that every civil case, including business disputes, must first be resolved through mediation before proceeding to the main hearing of the case.¹⁹ This provision makes mediation not merely an alternative, but an integral part of the civil justice process in Indonesia.

In terms of procedure, mediation in business disputes begins with the parties agreeing to appoint a neutral mediator who has no interest in the subject matter of the dispute. The mediator may be a judge-mediator or a certified non-judge mediator, as stipulated in PERMA No. 1 of 2016.²⁰ The role of the mediator is not to adjudicate the dispute, but rather to facilitate communication, identify the parties' interests, and encourage the emergence of a mutually acceptable solution.

The mediation process is conducted through relatively flexible stages, including *joint sessions* and separate meetings (*caucuses*), whilst upholding the principle of confidentiality.²¹ Any statements or documents submitted during the mediation process cannot be used as evidence in court proceedings should the mediation fail. This principle of confidentiality is particularly important in business disputes, given that the information in dispute often relates to trade secrets, business strategies, or corporate reputation.

If mediation successfully reaches an agreement, the outcome is set out in a written agreement that is final and binding. In court-based mediation, such an agreement may be formalised as a settlement deed (*akta van dading*), which possesses the same enforceability as a final and binding court judgment.²² Thus, mediation not only provides a peaceful resolution but also ensures legal certainty for the parties.

The legal force of a mediation agreement is an essential element in ensuring that mediation does not merely produce a moral commitment between the parties, but also creates legal consequences. In business disputes, an agreement reached through mediation reflects the principle of freedom of contract because the parties voluntarily determine the substance of the settlement according to their legal and commercial interests. When the agreement is made in writing and, in court-connected mediation, formalised in a settlement deed, it obtains stronger enforceability and provides legal certainty for the parties. Therefore, the legal force of mediation outcomes becomes an important basis for maintaining trust, compliance, and predictability in business relations.

However, the implementation of mediation in business disputes still faces several practical challenges. One of the main challenges is the tendency of parties to treat mediation as a procedural formality before litigation, rather than as a substantive mechanism for resolving disputes. Another challenge concerns the unequal bargaining position between business actors, especially where one party has stronger economic resources, legal knowledge, or contractual control. These conditions may affect the fairness of the negotiation process and require the mediator to ensure that the principles of neutrality, good faith, and balanced participation are properly maintained.

Good faith, freedom of contract, confidentiality, and legal certainty form the normative basis of mediation in business dispute resolution. Good faith requires the parties to participate honestly and constructively, while freedom of contract allows them to formulate settlement terms according to their commercial needs. Confidentiality protects sensitive business information, including trade secrets, financial conditions, and corporate reputation. These principles confirm that mediation is legally relevant because it protects both dispute settlement and sustainable business relationships.

From a business law perspective, mediation reflects a responsive model of dispute resolution because it combines legal certainty, party autonomy, confidentiality, and the preservation of business relationships.²³ Its effectiveness depends not only on its recognition under Law No. 30 of 1999 and Supreme Court Regulation No. 1 of 2016, but also on the parties' good faith and voluntary compliance with the agreement. When these principles are properly applied, mediation can reduce

¹⁹ Syeh Sarip Hadaiyatullah, Ahmad Burhanuddin, and Pramudya Wissha, "A Certified Mediator Who Works as a Civil Servant in the Judiciary Institution," *KnE Social Sciences*, January 11, 2024, <https://doi.org/10.18502/kss.v9i2.15018>.

²⁰ Hariadi Hariadi, "Mediation Empowerment in Resolution of Civil Claims in State Court," *LEGAL BRIEF* 12, no. 1 (April 28, 2023): 47-56, <https://doi.org/10.35335/legal.v12i1.750>.

²¹ Susan Blake, Julie Browne, and Stuart Sime, "The Mediation Process," in *The Jackson ADR Handbook* (Oxford University Press, 2025), 243-63, <https://doi.org/10.1093/law/9780198937647.003.0015>.

²² Pujiyono Pujiyono et al., "Small Claim Court as the Alternative of Bad Credit Settlement for Legal Certainty of the Economic Actors," *Indonesian Journal of Advocacy and Legal Services* 3, no. 2 (September 16, 2021): 137-54, <https://doi.org/10.15294/ijals.v3i1.48136>.

²³ Ursula Sabine Caser and Nuno Ramos, "The Institutionalization of Mediation," *Oñati Socio-Legal Series* 9, no. 4 (October 1, 2019): 519-40, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1093>.

the destructive impact of business disputes and maintain long-term commercial cooperation. This shows that mediation is not only relevant as a legal mechanism for resolving disputes, but also as a basis for understanding its role in Corporate Sustainable Development.

Its effectiveness does not depend solely on procedural recognition under Law No. 30 of 1999 and Supreme Court Regulation No. 1 of 2016, but also on the willingness of the parties to act in good faith and implement the agreement voluntarily. When these principles are properly applied, mediation can reduce the destructive impact of business disputes and prevent the breakdown of long-term commercial cooperation.²⁴ Therefore, mediation serves not only as a legal mechanism for resolving business disputes, but also as an instrument for maintaining business stability and a conducive commercial climate in Indonesia.

Mediation and the Principles of *Corporate Sustainable Development*

Mediation can be viewed as a business dispute resolution instrument relevant to the principles of *Corporate Sustainable Development* because it places conflict resolution within a collaborative, rather than a confrontational, framework. From a corporate sustainability perspective, companies are no longer viewed solely as profit-oriented economic entities, but also as institutions responsible for maintaining long-term relationships with stakeholders, including business partners, investors, and the community.²⁵ Therefore, dispute resolution mechanisms capable of maintaining business relationships constructively form an important part of a company's sustainability strategy. In this context, mediation provides a space for communication that enables the parties to reach a mutually beneficial solution (*win-win solution*) whilst maintaining the sustainability of business relationships.²⁶

In this study, the indicators of Corporate Sustainable Development relevant to business mediation are limited to the sustainability of business relationships, economic efficiency in dispute resolution, protection of confidential business information, voluntary compliance, legal certainty, and responsible corporate governance. These indicators are used to assess whether mediation can maintain the continuity and stability of business relations, not to measure corporate financial performance. Mediation fulfils these indicators because it enables the parties to resolve disputes through consensus while preserving cooperation and reducing adversarial escalation. Therefore, mediation can be understood as a legal risk management instrument that supports sustainable business relations.

The connection between mediation and Corporate Sustainable Development in Indonesian law can be traced to Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Court. Law No. 30 of 1999 recognises dispute resolution based on agreement and good faith,²⁷ while Supreme Court Regulation No. 1 of 2016 strengthens mediation through confidentiality, neutrality, and settlement agreement mechanisms. These norms are relevant to Corporate Sustainable Development because they support efficient dispute resolution, protect business confidentiality, and provide legal certainty for the parties.²⁸ Thus, mediation is not merely a procedural mechanism, but also a normative instrument that supports sustainable corporate governance.

Business sustainability is also influenced by the cost and time efficiency of dispute resolution. Litigation may require lengthy procedures and substantial costs, which can disrupt corporate operations and weaken business stability.²⁹ Mediation offers a simpler and more efficient mechanism

²⁴ Ning Adiasih, "Effectiveness of Mediation as an Alternative for International Business Dispute Resolution," *JURNAL AKTA* 12, no. 2 (May 21, 2025): 547, <https://doi.org/10.30659/akta.v12i2.44033>.

²⁵ Esra B. Bulgurcu Gürel, Gülbahar Atasever, and Eymen Gürel, "An Analysis of How Sustainability Performance Influences Financial Performance: Evidence From Türkiye," *International Review of Management and Marketing* 15, no. 6 (October 13, 2025): 392-406, <https://doi.org/10.32479/irmm.21022>.

²⁶ Antonin Cohen and Antoine Vauchez, "The Social Construction of Law: The European Court of Justice and Its Legal Revolution Revisited," *Annual Review of Law and Social Science* 7, no. 1 (December 1, 2011): 417-31, <https://doi.org/10.1146/annurev-lawsocsci-102510-105503>.

²⁷ Mardalena Hanifah and Meidana Pascadinianti, "Function of Non-Judge Mediators in Divorce Settlement Through Religious Courts," *Unnes Law Journal* 9, no. 2 (October 31, 2023): 377-418, <https://doi.org/10.15294/ulj.v9i2.75611>.

²⁸ Mahdi Poursmaieli et al., "Corporate Social Responsibility in Complex Systems Based on Sustainable Development," *Resources Policy* 90 (March 2024): 104818, <https://doi.org/10.1016/j.resourpol.2024.104818>.

²⁹ Yvonne Guo, "From Conventions to Protocols: Conceptualizing Changes to the International Dispute Resolution Landscape," *Journal of International Dispute Settlement* 11, no. 2 (June 1, 2020): 217-41, <https://doi.org/10.1093/jnlids/idz023>.

because it enables the parties to resolve disputes through direct negotiation and consensus.³⁰ Therefore, mediation supports Corporate Sustainable Development by reducing economic risks while helping companies maintain operational continuity and long-term business relations.³¹

Confidentiality is another important element that connects mediation with business sustainability. Business disputes often involve sensitive information, including trade secrets, marketing strategies, financial conditions, and corporate reputation.³² Supreme Court Regulation No. 1 of 2016 protects the confidentiality of the mediation process by preventing statements, documents, and information disclosed during mediation from being used as evidence if mediation fails. This protection strengthens trust between the parties and helps preserve the reputation and continuity of business relations.³³

Mediation also offers flexibility in formulating solutions that are not limited to formal legal claims. The parties can agree on creative and forward-looking forms of resolution, such as contract restructuring, the extension of cooperation, or adjustments to business models.³⁴ This flexibility is not possible in court rulings, which are rigid and focus solely on legal aspects rather than the sustainability of business relationships.

From a legal compliance perspective, agreements reached through mediation have a higher rate of implementation compared to court rulings. This is due to the voluntary nature of such agreements, which directly reflect the will and interests of the parties, as they can ensure legal certainty.³⁵ This high level of compliance contributes to the sustainability of business relationships and minimises the potential for further disputes that could disrupt the continuity of business operations.

In theory, mediation is closely linked to the *Corporate Sustainable Development* paradigm, which emphasises a balance between legal certainty, economic efficiency, and social harmony in business activities.³⁶ From a sustainable development perspective, companies are not only required to generate economic profits but also to maintain stable relationships with stakeholders and minimise conflicts that could disrupt business continuity. Therefore, dispute resolution mechanisms that are dialogic and collaborative form an essential part of creating a sustainable business system.³⁷

In global legal practice, the strengthening of mediation as a business dispute resolution mechanism is reflected in the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation. The Model Law emphasises mediation as an efficient, flexible, and enforceable mechanism for resolving commercial disputes. Its relevance to Corporate Sustainable Development lies in its ability to support predictable, cooperative, and non-adversarial dispute resolution in business relations.³⁸ Therefore, the UNCITRAL Model Law strengthens the view that mediation is not merely an alternative procedure, but also a legal instrument for maintaining sustainable commercial relations.

Furthermore, the Singapore Convention on Mediation strengthens the international recognition and enforcement of settlement agreements resulting from mediation in cross-border commercial disputes. This Convention provides legal certainty that mediated settlement agreements are not

³⁰ Mariapia Pazienza, Martin de Jong, and Dirk Schoenmaker, "Clarifying the Concept of Corporate Sustainability and Providing Convergence for Its Definition," *Sustainability* 14, no. 13 (June 27, 2022): 7838, <https://doi.org/10.3390/su14137838>.

³¹ Alessandro Margherita and Marikka Heikkilä, "Business Continuity in the COVID-19 Emergency: A Framework of Actions Undertaken by World-Leading Companies," *Business Horizons* 64, no. 5 (September 2021): 683-95, <https://doi.org/10.1016/j.bushor.2021.02.020>.

³² Nataliia Mazaraki and Tetiana Tsvina, "Creating an Effective Mediation Scheme for Business-Related Human Rights Abuses: The Case of Ukraine," *Business and Human Rights Journal* 9, no. 1 (February 12, 2024): 129-49, <https://doi.org/10.1017/bhj.2023.34>.

³³ Hikmawati Ribi, "Efektifitas Mediasi Perkara Perceraian Di Pengadilan Agama," *Indonesian Journal of Intellectual Publication* 5, no. 3 (July 12, 2025): 302-10, <https://doi.org/10.51577/ijpublication.v5i3.730>.

³⁴ Naser Sherman and Bashar Talal Momani, "Alternative Dispute Resolution: Mediation as a Model," *F1000Research* 13 (January 14, 2025): 778, <https://doi.org/10.12688/f1000research.152362.2>.

³⁵ Serhii Zavalniuk, Volodymyr Zavalniuk, and Iryna Zavalniuk, "Mediation As A Tool For Addressing Gaps In Civil Legislation Amid Economic Transformation," *Baltic Journal of Economic Studies* 11, no. 4 (September 24, 2025): 119-25, <https://doi.org/10.30525/2256-0742/2025-11-4-119-125>.

³⁶ Raymond R. Tjandrawinata, "Enhancing Patent Dispute Resolution in Indonesia: The Case for Mandatory Mediation Under Perma No. 1/2016 and Law No. 65/2024," *Pakistan Journal of Life and Social Sciences (PJLSS)* 23, no. 1 (2025), <https://doi.org/10.57239/PJLSS-2025-23.1.00458>.

³⁷ Pazienza, de Jong, and Schoenmaker, "Clarifying the Concept of Corporate Sustainability and Providing Convergence for Its Definition."

³⁸ Carlotta Ceretelli, "Abuse of Process: An Impossible Dialogue Between ICJ and ICSID Tribunals?," *Journal of International Dispute Settlement* 11, no. 1 (March 1, 2020): 47-68, <https://doi.org/10.1093/jnlids/idz028>.

merely moral commitments, but may have enforceable legal value across jurisdictions.³⁹ Its relevance to sustainable business dispute resolution lies in its capacity to protect predictability, trust, and continuity in international commercial relations. Thus, the Singapore Convention supports the position of mediation as a strategic mechanism for maintaining stability and sustainability in global business practice.

The application of mediation can be linked to John Rawls' theory of justice, which emphasises the concept of '*justice as fairness*' that is, justice achieved through fair procedures and equal opportunities for each party to articulate their interests. In the mediation process, the parties occupy a relatively equal position to negotiate and formulate a joint solution, so that the resolution of the dispute not only produces a legally valid decision but is also regarded as fairer because it arises from the parties' own agreement.⁴⁰ Thus, the agreement reached through the mediation process provides legal certainty for the parties. Legal certainty requires the law to provide clear, consistent, and predictable guidelines for the public in regulating their legal relationships through the agreement resulting from the mediation process.⁴¹

In the context of national law, mediation also has a strong normative foundation through Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Court. These laws affirm that dispute resolution through mediation is conducted based on the agreement of the parties, upholding the principles of good faith, voluntariness, and confidentiality,⁴² whilst also providing a clear legal framework regarding the mediation mechanism and the legal standing of the settlement agreement reached by the parties.

These provisions demonstrate that the state grants legal legitimacy to dispute resolution through mediation whilst ensuring legal certainty for the parties who choose this mechanism.⁴³ Consequently, these principles align with the concept of *good corporate governance* which emphasises transparency, accountability, fairness, and provides legal certainty in corporate management.⁴⁴

The application of mediation in business disputes shows that dispute resolution can also function as part of sustainable corporate governance.⁴⁵ Through constructive dialogue, the parties may reach a mutually beneficial settlement while preserving future business relations. This confirms that mediation is not only oriented toward ending disputes, but also toward maintaining business continuity, stakeholder trust, and a stable commercial climate.⁴⁶ Accordingly, mediation deserves to be positioned as a strategic legal instrument for supporting Corporate Sustainable Development in Indonesia.

Thus, the integration of mediation into business dispute resolution reflects the convergence between Indonesian mediation norms, international commercial mediation standards, and the principles of Corporate Sustainable Development. Mediation supports sustainable corporate governance by combining legal certainty, confidentiality, efficiency, voluntary compliance, and the preservation of business relationships. Its strategic value lies not only in resolving existing disputes, but also in preventing the breakdown of long-term commercial cooperation. Therefore, mediation

³⁹ Ilylyana Che Rosli et al., "Mediated Settlement Agreements: Enhancing Enforcement through the Singapore Convention in Malaysia," *International Journal of Academic Research in Business and Social Sciences* 14, no. 12 (December 23, 2024), <https://doi.org/10.6007/IJARBS/v14-i12/24295>.

⁴⁰ Robi Awaludin, Asmara Dewi, and Muhammad Akmansyah, "The Relevance of Non-Litigation Mediation in Family Dispute Resolution to Family Law Reform in Indonesia," *KnE Social Sciences*, 2024, 106-22.

⁴¹ Sasmiar Sasmiar, Umar Hasan, and Suhermi Suhermi, "Legal Certainty Of Alternative Dispute Resolution Mediation," *Bengkoelen Justice : Jurnal Ilmu Hukum* 14, no. 1 (April 8, 2024): 25-44, <https://doi.org/10.33369/jbengkoelenjust.v14i1.33432>.

⁴² Rika Destiny Sinaga, Joni Emirzon, and Muhammad Syaifuddin, "Mediation Regulations Re-Arrangement's Efforts at the State Court Based on Confidential Principles as the Parties's Protection," *Fiat Justisia: Jurnal Ilmu Hukum* 16, no. 2 (July 19, 2022): 115-28, <https://doi.org/10.25041/fiatjustisia.v16no2.2332>.

⁴³ Glora Meliana Sitohang, Jinner Sidauruk, and Sovia Simamora, "Legal Analysis of the Legal Force of Mediation Results as a Dispute Resolution Method in Business Contracts (Based on Law Number 30 of 1999 Concerning Alternative Dispute Resolution)," *Journal of Legal and Cultural Analytics* 4, no. 1 (February 18, 2025): 235-46, <https://doi.org/10.55927/jlca.v4i1.13878>.

⁴⁴ Christianah Pelumi Efunniyi et al., "Strengthening Corporate Governance and Financial Compliance: Enhancing Accountability and Transparency," *Finance & Accounting Research Journal* 6, no. 8 (August 31, 2024): 1597-1616, <https://doi.org/10.51594/farj.v6i8.1509>.

⁴⁵ Ahmad Arzlee Hassan et al., "Exploring Mediation Practices in the Malaysian Construction Industry: A Systematic Literature Review," *International Journal of Technology* 16, no. 2 (March 25, 2025): 433, <https://doi.org/10.14716/ijtech.v16i2.7073>.

⁴⁶ Rowaida Al-Aqrabawi et al., "The Mediating Role of Sustainability in the Relationship between Strategic Intelligence and Managing Organizational Conflict in the Jordanian Commercial Banks," *Humanities and Social Sciences Letters* 14, no. 1 (February 9, 2026): 582-99, <https://doi.org/10.18488/73.v14i1.4756>.

should be positioned as a normative and practical instrument for strengthening sustainable corporate governance in Indonesia.

Conclusion

Based on the discussion above, it can be concluded that the mediation mechanism in the resolution of business disputes within the Indonesian legal system has a strong legal foundation as part of alternative dispute resolution, as regulated in Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Court. Both regulations emphasise that mediation is conducted based on the principles of voluntariness, good faith, and agreement between the parties. With its flexible, efficient, and dialogue-based nature, mediation is capable of providing dispute resolution that not only ensures legal certainty but also maintains a balance of interests among the parties. Furthermore, mediation plays a strategic role in supporting sustainable business dispute resolution through the application of the principles of Corporate Sustainable Development, as the process emphasises dialogue, cooperation, and the search for mutually beneficial solutions (win-win solutions), thereby enabling the parties to maintain long-term business relationships and minimise the impact of disputes on business stability. Thus, mediation functions not only as a dispute resolution mechanism but also as a corporate governance instrument that promotes a balance between legal certainty, economic efficiency, and the sustainability of business relationships.

To strengthen mediation in business disputes, regulatory and practical measures should focus on mediator competence, commercial specialisation, and effective court supervision so that mediation does not become a mere procedural formality. Business actors should also incorporate multi-tier dispute resolution clauses into their contracts to ensure that mediation is used before adversarial proceedings. At the policy level, the government, courts, and relevant institutions should increase awareness of mediation as a mechanism for preserving business relationships and corporate stability. Accordingly, mediation should be developed not only as an alternative legal remedy, but also as part of sustainable corporate governance in Indonesia.

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