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The Profession of Female Non-Judicial Mediators in Gender Mainstreaming in District Courts on The Island of Java

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ABSTRACT

Supreme Court Regulation (PERMA) No. 1 of 2016 concerning Mediation Procedures in Courts stipulates that all civil disputes in the First Instance Court must first be resolved through peace with the assistance of a mediator. The success of mediation in District Courts in Java is supported by certified non-judge mediators. Female non-judge mediators have the same role as male non-judge mediators. This study aims to analyze the role of the profession of female non-judge mediators in gender mainstreaming in District Courts in Java. A non-judge mediator is someone who acts as a liaison between disputing parties in the justice system. However, their role in ensuring gender equality and overcoming gender bias has not been widely explored. This research is descriptive qualitative, supported by primary data by conducting observations and data tracing in the field. Data were collected related to perceptions of gender equality, the challenges faced, and the practices they apply in mediation. The results of this study indicate that female non-judge mediators have varying awareness of gender issues. Some have taken steps to ensure equality in the mediation process, such as ensuring active participation of both parties and avoiding gender stereotypes. However, challenges remain, including a lack of specific training on gender mainstreaming and a lack of institutional support. This study provides recommendations to enhance the role of female non-judicial mediators in creating a more inclusive and equitable mediation environment. More rigorous training, practice guidelines, and support from the courts as well as relevant institutions are needed to ensure that female non-judicial mediators can effectively promote gender equality in the mediation process.

KEYWORDS: *non-judicial mediator, mediation, gender mainstreaming, district court*

INTRODUCTION

Gender mainstreaming (or *pengarusutamaan gender* in Bahasa Indonesia, hereinafter PUG) is a process that aims to ensure that gender perspectives and needs are integrated into all aspects of planning, implementation, and

evaluation of development policies and programs.

Gender mainstreaming is the public policy concept of assessing the implications for people of different genders of a planned policy action, including legislation and

programmes. The concept of gender mainstreaming was first proposed at the 1985 Third World Conference on Women and has subsequently been pushed in the United Nations development community. The idea was formally featured in 1995 at the Fourth World Conference on Women, and was cited in the document that resulted from the conference, the Beijing Platform for Action. Most definitions of gender mainstreaming conform to the UN Economic and Social Council formally defined concept: Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

There are different approaches to gender mainstreaming: Institutional perspective: The ways in which specific organizations adopt and implement mainstreaming policies. This will often involve an analysis of how national politics intersects with international norms and practices. Discursive perspective: Queries the ways in which mainstreaming reproduces power relations through language and issue-framing. This approach will often involve looking at documents, resolutions and peace agreements to see how they

reproduce the narratives of gender in a political context.

These approaches are not necessarily competing, and can be seen as complementary. The ways in which approaches are used, however, can also reflect differing feminist theories. For example, liberal feminism is strongly invoked by mainstreaming through the binary approach of gender in strict relation to the public sphere of policymaking. Poststructuralist feminism can be seen in mainstreaming thought which seeks to displace gender difference as the sole axis of difference and to highlight the diversity of policy and its ramifications.

This includes efforts to ensure that women and men have equal access to and control over resources and receive equal benefits from development and decision-making at all stages of the development process (DPRD Kota Salatiga, 2024). In the context of legal case mediation, the implementation of PUG is very important to ensure that all parties, regardless of gender, receive fair and equal treatment.

Gender equality is a goal that continues to be fought for around the world (Nations, 2023). In Indonesia, gender equality is an important part of efforts to create a more just and inclusive society (Perempuan, Annual Report, 2023). Cases of gender-based violence (GBV) are a serious issue that affects many women in Indonesia. Various institutions, including the National Commission on Violence Against Women, have recorded and handled thousands of cases each year. The number of cases of gender-based violence in 2021 was recorded at

338,496. This figure shows an increase from the previous year, which amounted to 226,062 cases (Perempuan, 2022).

In 2023, The National Commission for Women received an average of 12 complaints per day, with 75% or 3,303 cases, being gender-based violence, and 2,213 cases (67%) having been responded to. This shows that most of the reported cases received attention and efforts to resolve them. Although many cases were successfully resolved, there are still challenges in resolving gender-based violence. Only around 15% of the total cases recorded by service institutions and the National Commission for Women received sufficient information to be followed up. In addition, efforts to resolve them were more often carried out legally (12%) than non-legally (3%). The number of gender-based violence cases that can be resolved is quite significant, with many cases receiving attention and resolution efforts from various institutions.

Mediation and non-judicial resolution play an important role in resolving these cases. However, challenges remain in obtaining sufficient information and selecting the right resolution method. Continuous efforts are needed to improve the effectiveness of resolving gender-based violence cases in Indonesia.

One of the arenas that plays a crucial role in achieving this equality is the justice system. The District Court is the first instance court responsible for examining, deciding, and resolving criminal and civil cases for people seeking justice, including criminal cases, traffic

violations, and other cases stipulated by law. PERMA Number 1 of 2016 requires that a mediation process be carried out first before the case in question is tried by a judge (JDIH.mahkamahagung.go.id, 2016). In resolving a case, the District Court has both judge mediators and non-judge mediators, whose job is to facilitate the mediation process between the disputing parties. Both must have mediator certification and possess the same level of competence. These non-judge mediators act as liaisons, helping to find solutions that benefit both parties and reduce the burden on formal courts. However, their role in ensuring gender equality and addressing gender bias has not been widely explored.

Mediation is an ongoing peace process conducted between the disputing parties and assisted in its resolution by a mediator (Abdurrasyid, 2011). A mediator is a neutral party who assists the parties in the negotiation process to explore various possibilities for resolving the dispute to reach a peaceful agreement (Ompusungu, 2021). The mediator brings the two parties together to foster mutual understanding, manages the mediation forum, directs, and provides understanding to the parties (Dewi, 2021). Institutions that mediate within the judiciary are expected to expand access for parties to obtain a sense of justice, strengthen and maximize the function of the court institution, and reduce the number of cases examined and decided by judges. In the context of gender-based disputes, the role of non-judge mediators is very important to

ensure that the mediation process is fair and unbiased.

The mediation process by a non-judge mediator acts as a neutral third party who stands in the middle with the disputing parties. They are tasked with helping the parties find an agreement that satisfies all parties involved (Pa.Pangkal Pinang.go.id). The mediator must have good communication skills and the ability to understand the hidden interests of the parties (Zahid Ahmad, 2020). The mediation process consists of several stages that must be passed through by a non-judge mediator, namely

1. *Starting the mediation process*: the mediator begins by introducing himself and providing an explanation of the objectives and rules of the mediation.
2. *Formulating problems and preparing an agenda*: the mediator helps the parties formulate the problems faced and prepare an agenda for discussion (pa-kudus.go.id, 2024). *Revealing hidden interests*: the mediator explores the hidden interests of the parties to understand their motivations and needs (pn-surabayakota.go.id, 2023).
3. *Generating dispute resolution options*: the mediator encourages the parties to explore various possible resolution options.
4. *Analyzing dispute resolution options*: the mediator helps the parties analyze the available options and assess their advantages and disadvantages.
5. *Negotiation and diplomacy*: the mediator facilitates the process of reaching an agreement. *Reaching a formal agreement*: if an

agreement is reached, the mediator helps formulate a written agreement for both parties to sign.

The third process is that mediation offers several advantages, namely *a win-win solution*, meaning that the dispute can be resolved in a way that satisfies all parties; *time and cost efficiency*, as the mediation process is usually faster and less expensive than the court process; and the maintenance of relationships between the disputing parties.

Although mediation has many advantages, there are several challenges and obstacles that must be overcome by non-judge mediators, such as the duration of the process, which takes quite a long time especially when there are many cases to resolve. The final stage of mediation is that the mediator must uphold high ethical standards and integrity in carrying out their duties. They must be able to maintain the confidentiality of information obtained during the mediation process and must not side with either party (setneg.go.id, 2017).

Several cases in the last three years have involved women, including:

- 1) The case of Mbah Minto in Demak, which reflects legal injustice in a country governed by law. In this case, an elderly woman named Mbah Minto, who lived in Demak, Central Java, was suspected of stabbing a woman named Marjani. Marjani had initially been accused of stealing fish from Suhada's pond. However, the local community considered the verdict against Mbah Minto to be unfair until

the case eventually went viral (Tirto.id).

- 2) Cases of violence against women: District Courts and Religious Courts in Indonesia handle many such cases. In 2020, there were 291,677 cases of violence against women handled by the courts (Women, Annual Notes 2020: Fact Sheet and Key Points, 2021).
- 3) Sexual violence cases resolved in court often involve victims who have experienced repeated sexual violence before finally reporting it to the authorities ((IJRS), 2021).
- 4) The case of Herry Wirawan, who was sentenced to death by a Bandung High Court judge for raping 13 female students (BBC.com).

To optimize the success of mediation in cases such as those above, the District Court in Java has empowered non-judge mediators. This step is crucial given the limited number of judges, and the large, diverse number of cases handled, including both civil and criminal cases. To become a non-judge mediator in Indonesia, several requirements must be fulfilled to obtain non-judge mediator certification. Prospective non-judge mediators must attend mediator certification training organized by an institution accredited by the Supreme Court.

The training includes materials on mediation, communication skills, ethics, and mediation procedures. After completing the training, prospective non-judge mediators must take a certification exam, which tests their understanding of mediation concepts and practical

skills in facilitating mediation. Upon passing the exam, non-judge mediators will receive a mediator certificate, which allows them to practice as mediators in court.

Some questions that arise include: How do non-judge mediators understand women's issues and gender equality? Are they aware of the importance of avoiding gender stereotypes in mediation? What challenges do non-judge mediators face in creating an equal mediation environment?

In this context, this study aims to analyze the role of the non-judge mediator profession in creating gender mainstreaming in the District Court environment in Java. Some aspects that will be explored include non-judge mediators' perceptions of gender mainstreaming, the practices they apply in mediation, and the challenges they face.

This study is expected to provide insights for policy makers and legal practitioners on how the non-judge mediator profession can promote gender equality in the mediation process more effectively. Improved training, practice guidelines, and institutional support can serve as recommendations for creating a more inclusive and equitable mediation environment. Thus, the study holds significant relevance in the context of justice and the pursuit of gender mainstreaming.

METHODS

This study uses a qualitative descriptive approach. This research approach is used to understand and explore social phenomena, human behavior, and the experiences of research subjects through a more in-

depth and contextual lens. Data collection was carried out through observation, by directly observing the mediation process conducted by non-judge mediators to understand the dynamics and two-way communication that occur during mediation.

The second data collection method is documentation tracing, which involves collecting and analyzing relevant documents such as mediation reports, laws and policies related to gender equality, scientific publications, and other supporting materials, including document analysis and interviews.

Data analysis in this study uses an inductive approach to develop concepts based on the data obtained, particularly in relation to gender mainstreaming and gender equality.

Gender equality refers to full equality between men and women in enjoying political, economic, civil, social, and cultural rights. The concept of gender equality seeks to understand and explain how equality in dispute or case mediation can be achieved and maintained across various aspects.

RESULTS AND DISCUSSION

Results

Non-judge mediators play an important role in handling cases related to gender equality in Java. Research shows that these mediators not only function as mediators in conflicts, but also as agents of change who help educate the community about gender issues.

Table 1. Data on the number of District Court Mediators in Java

Name of District Court	Number of Judge Mediators		Number of Non-Judge Mediators	
	M	F	M	F
PN Jakarta Pusat	33	5	10	19
PN Jakarta Selatan	23	5	6	3
PN Jakarta Timur	3	4	5	3
PN Jakarta Barat	21	9		
PN Jakarta Utara	21	3	48	
PN Tangerang	26	6	19	5
PN Bandung	25	5	18	5
PN Bekasi	21	8	49	6
PN Surabaya	35	4		
PN Depok	11	5	1	
PN Cibinong	7	12	9	2
PN Cirebon	4	5	4	1
PN Boyolali	5	2	2	0
PN Brebes	5	4	1	0
PN Bantul	2	4		
PN Rangkasbitung	5	2	5	2
PN Kuningan	4	3	4	2
PN Banyumas	2	1		
PN Probolinggo	4	2	5	1

Source: Data processed by researchers from 19 PN. Respondents (Sunarsi, 2024)

Since 2022, with the enactment of PERMA No. 3 of 2022 concerning Electronic Mediation in Court, the scope of mediation in Court has expanded from manual—conventional methods—to virtual transformation. This change is an effort by the Supreme Court of the Republic of Indonesia to organize a faster, cheaper, simpler judicial process system and of course optimize the use of information and communication technology so that a more modern mediation system transformation is created. The regulations regarding the mediation process that have been regulated apply in the litigation process both in General Courts and in Religious Courts.

The table above shows that the highest number of female non-judge mediators is found in the Central Jakarta District Court, with 19 female and 10 male non-judge mediators. The second highest is in the Bekasi District Court, which has 6 female non-judge mediators and 49 male non-judge mediators. The third highest number is in the Tangerang and Bandung District Courts, each with 5 female non-judge mediators. This trend reflects the competitive advantage and strong potential of female non-judge mediators to serve as agents of gender mainstreaming. In particular, female non-judge mediators at the Central Jakarta District Court have demonstrated effectiveness in resolving various cases, including divorce and other conflicts.

Discussion

As agents of gender mainstreaming, both male and female judges and non-judge

mediators possess the following competitive advantages:

- 1) The profession of female non-judge mediators has a strong sensitivity to gender and cultural issues. Female mediators are often highly attuned to local environmental and cultural contexts, which can increase community acceptance of the mediation process they lead. This sensitivity enables them to adopt a more holistic approach to case resolution, ensuring that all parties feel heard and understood (indonesiabaik.id, 2022).
- 2) In terms of women's empowerment and representation, female non-judge mediators can amplify the voices of women and children during the mediation process, ensuring their needs and rights are fairly considered. This is vital for achieving gender justice in conflict resolution. In doing so, they not only resolve cases but also empower women to actively participate in decision-making.
- 3) Non-judge mediators' ability to manage emotional and psychological aspects is a key strength. Especially those with backgrounds in psychology or counseling can effectively address the emotional dimensions of divorce cases. They help parties communicate more openly, find common ground, and arrive at mutually beneficial solutions without undergoing lengthy and exhausting trials. (pta-pekanbaru.go.id).
- 4) Female non-judge mediators are often efficient and effective in resolving cases. The mediation

process they facilitate tends to be simpler, more efficient, and quicker than resolution through civil procedural law. This advantage not only eases the judges' workload but also speeds up case resolution and delivers timely solutions for the parties involved (Pengadilan Negeri Biak, 2024).

- 5) Female non-judge mediators also help maintain good relations between disputing parties while upholding confidentiality. A confidential mediation setting and the absence of imposed judgements allow parties to reach agreements that are both mutually beneficial and legally binding (pa-kuningan.go.id, 2021).
- 6) The involvement of female non-judge mediators in promoting gender mainstreaming increases women's participation in conflict resolution, which has been shown to improve the likelihood of achieving lasting peace.

It is stated in the report (muhamadiyah.or.id, 2022) that in past two years, the role of women in conflict resolution has increased the probability of peace by 20%, and over the past 15 years, the probability has reached 35%. This indicates that the presence of women in mediation process can have a significant positive impact. The seventh advantage is that female mediators serve as role models for local women, encouraging them to engage in peacebuilding activities. They play a key role in negotiation, diplomacy, demobilization—all of which are essential for sustainable peace (indonesiabaik.id, 2019). With these advantages, female non-judge

mediators are not only effective in resolving cases but also contribute significantly to gender mainstreaming and women's empowerment in Indonesia.

On the other hand, several District Courts—namely West Jakarta, North Jakarta, Surabaya, Depok, and Boyolali—do not have any female non-judge mediators. This situation reflects the challenges that female non-judge mediators in Indonesia, including in Central Java, face. The following factors contribute to this lack of participation:

- (1) *The existence of deep-rooted gender stereotypes.* Societal perceptions often characterize men as rational, strong, and assertive, while women are considered emotional, weak, and sensitive. These stereotypes can undermine women's confidence and discourage them from pursuing professional roles that demand assertiveness and quick decision-making, such as mediation. As a result, many women feel unsuited or unwelcome in this field
- (2) *Lack of support and opportunities from families and institutions.* Women often encounter obstacles in accessing the education and training required to become mediators. Without adequate institutional or governmental support, many women may feel inhibited from pursuing this career. In addition, the limited number of female role models in this field can also reduce the motivation for other women to get involved.
- (3) *Family responsibilities.* In many cultures, including Indonesia,

women are typically assigned greater domestic responsibilities than men. These obligations can restrict the time and energy available for a demanding career like mediation, which requires flexibility and dedication. Inequality in household task distribution exacerbates these limitations.

- (4) *Societal perceptions of women's roles.* Traditional views often restrict women to certain domestic or supportive positions. When women enter professions considered "masculine," such as mediation, they may encounter societal resistance or stigma that discourage them from getting involved.

Finally, the absence of non-judge mediators in some District Courts may also be due to a lack of awareness about the importance of mediation itself. Many individuals, including women, may not understand the significant role mediators play in conflict resolution, especially regarding gender-related cases. Without this awareness, women may not view mediation as a desirable or viable career choice. Considering these challenges, it is essential to develop programs and policies that support women's participation in the non-judge mediation profession and increase public awareness about the importance of gender equality in all aspects of life, including this field.

The implementation of gender mainstreaming in mediation by non-judge mediators in Java includes:

1. Mediator training: This aims to develop and understanding of gender issues and how gender

bias can affect the mediation process. It also helps mediators recognize power dynamics that may exist between the parties involved in a case. Preparation of gender-sensitive mediation procedures is essential, where mediation procedures must be designed to accommodate the needs of all parties—including the provision of a safe space for women and other vulnerable groups to express their opinions.

2. Use of gender data and analysis: This involves collecting and analyzing gender-based data to understand how mediation decisions may affect men and women differently. Such analysis helps in formulating more inclusive and equitable policies.
3. Monitoring and evaluation: After implementing gender-sensitive procedures, it is important to conduct monitoring and evaluation to assess the effectiveness of the PUG approach in mediation. This includes gathering feedback from participants regarding their experiences in the mediation process.
4. Collaboration with journalists and media: The media and journalists play an important role in promoting diversity and countering gender discrimination. If media coverage lacks a sensitive approach or reinforces harmful stereotypes, it can trigger further violence and discrimination. Therefore, the media must strive to create a safe space in reporting on diversity issues and ensure that their coverage does not reinforce stigma or

discrimination (Andri Ratih, 2021)

5. Strengthening women's protection institutions: Strengthening institutions such as the National Commission on Violence Against Women can support the investigation of gender-based violence and help shape public policies that prioritize victims' rights. This step is vital to improving women's protection and advancing gender equality.

CONCLUSION

The profession of female non-judge mediators in Java has great potential to become agents of gender

mainstreaming in Indonesia. There are several ways they can contribute to achieving this goal, including integrating gender perspectives into mediation, empowering women during mediation processes, advocating for gender-responsive policies, providing training and capacity building related to gender mainstreaming, building public awareness and education around gender issues, collaborating with stakeholders, and addressing gender equality challenges within the judiciary. By adopting these roles, female non-judge mediators can serve as effective agents of gender mainstreaming in Indonesia and contribute to building a more just and gender-equal society.

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ABOUT

SALASIKA etymologically derived from Javanese language meaning 'brave woman'. SALASIKA JOURNAL (SJ) is founded in July 2019 as an international open access, scholarly, peer-reviewed, interdisciplinary journal publishing theoretically innovative and methodologically diverse research in the fields of gender studies, sexualities and feminism. Our conception of both theory and method is broad and encompassing, and we welcome contributions from scholars around the world.

SJ is inspired by the need to put into visibility the Indonesian and South East Asian women to ensure a dissemination of knowledge to a wider general audience.

SJ selects at least several outstanding articles by scholars in the early stages of a career in academic research for each issue, thereby providing support for new voices and emerging scholarship.

AUDIENCE

SJ aims to provide academic literature which is accessible across disciplines, but also to a wider 'non-academic' audience interested and engaged with social justice, ecofeminism, human rights, policy/advocacy, gender, sexualities, concepts of equality, social change, migration and social mobilisation, inter-religious and international relations and development.

There are other journals which address those topics, but SJ approaches the broad areas of gender, sexuality and feminism in an integrated fashion. It further addresses the issue of international collaboration and inclusion as existing gaps in the area of academic publishing by (a) crossing language boundaries and creating a space for publishing and (b) providing an opportunity for innovative emerging scholars to engage in the academic dialogue with established researchers.

STRUCTURE OF THE JOURNAL

All articles will be preceded by an abstract (150-200 words), keywords, main text introduction, materials and methods, results, discussion; acknowledgments; declaration of interest statement; references; appendices (as appropriate); table(s) with caption(s) (on individual pages); figures; figure captions (as a list); and a contributor biography (150 words). Word length is 4,000-10,000 words, including all previous elements.

TIMELINE AND SCHEDULE

Twice a year: June and December.

PUBLISHING AND COPYRIGHT APPROACH

All articles must not have been published or be under consideration elsewhere. We are unable to pay for permissions to publish pieces whose copyright is not held by the author. Contributors will be responsible for clearing all copyright permissions before submitting translations, illustrations or long quotes. The views expressed in papers are those of the authors and not necessarily those of the journal or its editors.

CONTENT ASSESSMENT

All articles will be peer-reviewed double-blind and will be submitted electronically to the journal (journal@salasika.org). The editors ensure that all submissions are refereed anonymously by two readers in the relevant field. In the event of widely divergent opinion during this process a third referee will be asked to comment, and the decision to publish taken on that recommendation. We expect that the editorial process will take up to four months. We will allow up to four weeks for contributors to send in revised manuscripts with corrections.



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