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Theologically Based Mediation: A Promising Alternative to Dispute Resolution

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ABSTRACT:

Indonesia's justice system is facing a significant crisis of overcapacity, with District and Religious Courts handling nearly a million cases annually, leading to protracted delays and diminished public confidence. This paper explores the implementation of a theologically based, mosque-centered Mediation Corner as a culturally resonant and effective alternative dispute resolution (ADR) mechanism. Grounded in a community-based participatory approach, this study details the process of establishing a pilot Mediation Corner in Tulungagung, Indonesia, focusing on training and certifying mosque caretakers (Takmir Masjid) and mosque youths (Remaja Masjid) as mediators. The results demonstrate the successful creation of a community-empowered platform for conflict resolution. The discussion interprets these findings through empowerment theory, conflict transformation, and social consensus theory, arguing that the integration of Islamic theological principles—such as *iṣlah* (reconciliation) and *shūrā* (consultation)—provides the model with its unique efficacy and legitimacy. By framing mediation not merely as a legal procedure but as a moral and spiritual act of social healing, this approach offers a transformative path to restoring relationships and fostering social harmony. The paper concludes that theologically based mediation in mosques presents a viable, scalable model to alleviate the judicial burden while strengthening the community's fabric from within.

Keywords: *Alternative Dispute Resolution (ADR), Community Empowerment, Conflict Resolution, Conflict Transformation, Mosque-based Mediation, Theologically Based Mediation*

INTRODUCTION

From a legal anthropology perspective, conflict is a social phenomenon inherent in multicultural societies. The increasing social dynamics of the cyberspace era and unstoppable economic needs increasingly trigger conflict. Manifestations of conflict can vary, from disputes between individual interests, the interests of government agencies or institutions versus the interests of the community, to personal disputes, inheritance disputes, breach of contract, lawsuits for exemplary damages, lawsuits for unlawful acts, disputes over cooperation, and even lawsuits for defamation.¹

Indonesia, as a nation based on the rule of law and adhering to the principle of justice, faces significant challenges in dispute resolution. The large number of cases filed with the Religious Courts (Pengadilan Agama, PA) and District Courts (Pengadilan Negeri, PN) has led to overcapacity, with the number of judges being disproportionate to the number of cases to be

¹ Read further: J. W. Budd, A. J. S. Colvin, & D. Pohler, "Advancing Dispute Resolution by Understanding the Sources of Conflict: Toward an Integrated Framework", *ILR Review* 73, no. 2(2019): 254-280. <https://doi.org/10.1177/0019793919866817> (Original work published 2020)

handled.² This situation requires serious attention and innovative solutions. Data from the Indonesian Supreme Court shows a continued increase in the number of disputes filed with District Courts and Religious Courts. In 2021, together with the remaining unsolved cases in 2020, more than 2,1 million cases were filed with District Courts, while Religious Courts received over 670,000 cases.³

According to the Annual Report of the Indonesian Supreme Court in 2021, 102,352 cases went to a mediation resolution, even though only 10,151 (9,92%) of them reached an agreement between the disputing parties. In 2022 and 2023, 109,382 and 104,510 cases were referred to a mediation process, with only 20,861 (19.07%) and 26,739 (25.59%) of them resolved, respectively. Meanwhile, based on a similar report, in 2024, 103,153 cases went to a mediation process, with 29,552 (28,65%) of them resolved. So, it appears that, in the last 4 years, there was a substantial increase in the success rate of resolving cases through a mediation process. The cases handled by Religious Courts contributed a larger portion of the success rate in mediating disputes compared to those handled by District Courts. More specifically, with cases handled by Religious Courts, the success rate in mediating disputes shows a trend to increase, whereas the failure rate, conversely, decreases quite significantly during the same period (Figure 1).

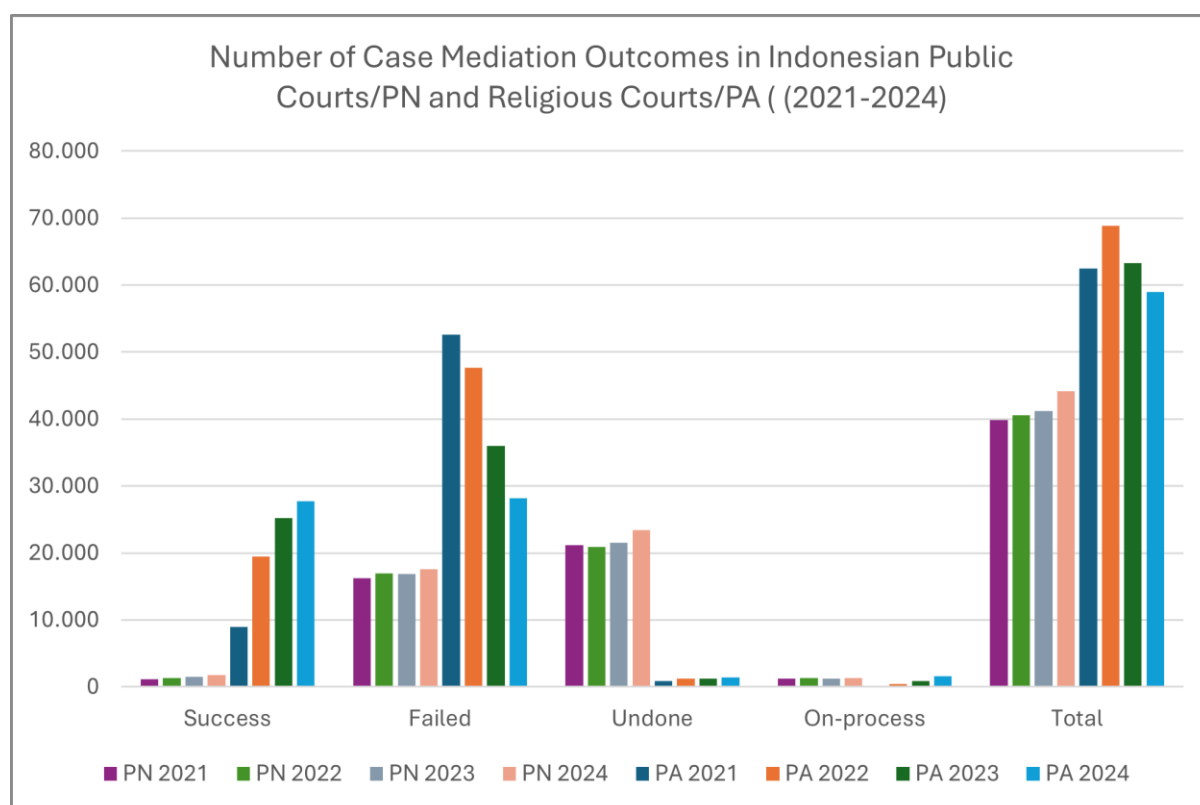


Figure 1. Comparison of Case Mediation Outcomes between District and Religious Courts in Indonesia (2021-2024)

² Muliani Samiri, Muhammad A. Kasim, Nurjannah Nonci, Jamaluddin Ahmad, and Muhammad A. A. Putra. "Optimalisasi Pengelolaan Beban Kerja Hakim Dan Implikasinya Terhadap Integritas Dan Kualitas Peradilan." *Jurnal Pembangunan Hukum Indonesia* 7, no. 2 (2025): 288-306. <https://doi.org/10.14710/jphi.v7i2.108-127>

³ Supreme Court of the Republic of Indonesia, *Laporan Tahunan 2021* (Jakarta: Mahkamah Agung RI, 2022), p. 67. https://kepaniteraan.mahkamahagung.go.id/images/laporan_tahunan/FA-LAPTAH-2021-LOW.pdf.

Source: Compiled from the Supreme Courts's 2021-2024 yearly reports.⁴

Court overcapacity is a serious problem that impacts the quality of legal services. The average workload of a judge in a District Court reaches 400 cases per year, far exceeding the international standard of 200 cases per judge. This overcapacity not only results in delays in the judicial process but also impacts substantive justice. In many cases, defendants or plaintiffs may not receive sufficient attention from judges due to the sheer number of cases they must handle. This creates dissatisfaction among the public and undermines public confidence in the justice system.⁵ The situation at the Tulungagung Religious Court is illustrative: of 3,261 cases in 2023, only 359 were mediated, and fewer than 10 were successfully resolved.⁶

At a minimum, there are two ways to resolve disputes: first, through judicial channels (litigation) through state courts, and second, through non-judicial channels (non-litigation) through a third party (mediator). The weakness of litigation is that it represents procedural fairness, a formal judicial process that binds judges to decide the outcome of a dispute. This adversarial process can destroy relationships between parties, ultimately institutionalizing social disharmony. It's time to mainstream conflict resolution to maintain social harmony and minimize long-term resentment. Mediation is an alternative dispute resolution method, producing win-win solutions, speeding up and improving efficiencies in conflict resolution, ensuring confidentiality, and allowing both parties to be creative in finding solutions.⁷

Prior research on community service programs has explored mediation in various contexts. Muhammad Afiful Jauhani *et al.* focused on increasing public understanding of mediation for medical disputes,⁸ while Taqiudin and Mulianah conducted mediation training for village officials.⁹ Hadiati's program introduced mediation to students,¹⁰ whereas Nurjamilah emphasized community empowerment through *da'wah* (Islamic propagation) that involves concrete actions to bring about change, which includes spiritual empowerment.¹¹ Other studies have highlighted the strategic role of mosques in community empowerment and development, serving as centers for holistic community activities, including youth empowerment and social transformation.¹² Differing

⁴ Supreme Court of the Republic of Indonesia, *Laporan Tahunan 2021*, p. 120; *Laporan Tahunan 2022* (Jakarta: Mahkamah Agung RI, 2023), p. 129; *Laporan Tahunan 2023* (Jakarta: Mahkamah Agung RI, 2024), p. 119; *Executive Summary Annual Report 2024* (Jakarta: Mahkamah Agung RI, 2025), p. 25.

⁵ Mukum Syahrir, Firman Dwi Anindito, and Dwi Cahyo Nugroho, "Building Public Trust in Indonesia's Legal System: Case Analysis and Social Implications". *Hakim: Jurnal Ilmu Hukum Dan Sosial* 3, no. 2(2025): 1148-63. <https://doi.org/10.51903/87s1ed19>.

⁶ The case mediation report in 2023, as explained by the Religious Court Mediator, Mr. Ahmad Yani Suyuti, while providing on-the-job training students of the Faculty of Sharia and Law, UIN Tulungagung.

⁷ The case mediation report in 2023, as explained by the Religious Court Mediator, Mr. Ahmad Yani Suyuti, while providing students of the Faculty of Sharia and Law, UIN Tulungagung, practicing their on-the-job training.

⁸ Muhammad Afiful Jauhari, Roan Pratama Putra, Ranindya Putri Cipta Indraswari, and Nurul Indah Saffanah, "Pemahaman Masyarakat tentang Mediasi Sebagai Upaya Penyelesaian Sengketa Medis di Luar Pengadilan", *To Maega: Jurnal Pengabdian Masyarakat* 6, no. 1(2023): 54-64. <https://ojs.unanda.ac.id/index.php/tomaega/article/view/1292/8742023>

⁹ Habibul Umam Taqiuddin and Baiq Mulianah, "Pelatihan Mediasi Desa di Desa Bonder", *Abdinesia: Jurnal Pengabdian Kepada Masyarakat*, 1, 2(2021): 67-72.

¹⁰ Mia Hadiati, "Pengenalan Mediasi Sebagai Alternatif Penyelesaian Sengketa Bagi Siswa di Bandung", *Laporan Akhir PKM*, 2024. Retrieved from: https://linter.untar.ac.id/repository/pengabdian/buktiabdi_10289002_7C040324104240.pdf. (Accessed on June 12, 2024).

¹¹ Cucu Nurjamilah, "Pemberdayaan Masyarakat Berbasis Masjid dalam Perspektif Dakwah Nabi SAW", *Journal of Islamic Studies and Humanities* 1, no. 1(2016): 93-119.

¹² See, for examples: Ade Iwan Ridwanullah and Dedi Herdiana. "Optimalisasi pemberdayaan masyarakat berbasis masjid", *Ilmu Dakwah: Academic Journal for Homiletic Studies* 12, no. 1(2018): 82-98; Aslati Aslati, Silawati Silawati,

from these findings, this paper investigates a deeper dimension: theologically based mediation as an alternative conflict resolution. This community service program offers support for a pilot mosque-based mediation corner, arguing that the mosque, as a trusted institution imbued with spiritual authority, can serve as an ideal locus for mediation that is both culturally and theologically resonant. The ideal is that the Muslim community should act as a mediating agency and actively participate in conflict resolution. Through the Mediation Corner, individuals are invited to participate in the problem-solving process, not merely as objects, but as subjects who play an active role in creating harmony within the community.

Methods

This study employed a Community-Based Participatory Action Research (CBPAR) framework, which aligns with the nature of the program as a community service initiative (Pengabdian kepada Masyarakat/PKM). This approach was chosen for its emphasis on collaboration, empowerment, and the co-creation of knowledge with the community rather than researching the community. The paradigm is interpretivist, seeking to understand the social phenomenon of theologically based mediation from the perspectives of the participants involved.

The research was conducted as a pilot program in collaboration with a mosque in the Tulungagung Regency. The participants included mosque caretakers (Takmir Masjid), mosque youths (Remaja Masjid), and members of the local community, including representatives from the Tulungagung branch of The Indonesian Mosque Youth Communication Forum (Badan Komunikasi Pemuda dan Remaja Masjid Indonesia/BKPRMI).

Data Collection Methods were multifaceted and integrated into the community service activities:

1. Participant Observation: The implementation team engaged in direct observation during fieldwork at the Tulungagung Religious Court and within the mosque community setting. This involved observing the dynamics of conflict discussions and community interactions.
2. Training and Mentoring: The core activity was a structured training program designed to equip participants with the knowledge and skills of mediation. This process served as both an intervention and a primary data source, as facilitators documented participants' engagement, comprehension, and skill acquisition throughout the training sessions. The ultimate goal was to produce certified mosque-based mediators.
3. Document Analysis: Relevant documents were collected and analyzed to provide context and evidence. This included annual reports from the Supreme Court of the Republic of Indonesia and the Tulungagung Religious Court, internal mediation reports from 2023, and training materials used during the program.
4. Informal Interviews and Seminars: Informal discussions were held with key informants, such as the Junior Clerk of Lawsuits at the Tulungagung Religious Court and practicing Religious Court Mediators, to gain insights into the challenges of existing mediation practices and the potential for community-based alternatives.

Data Analysis was conducted using a Thematic Analysis approach.¹³ The qualitative data gathered from observations, training sessions, and documents were systematically coded and

Sehani Sehani, and Nuryanti Nuryanti, "Pemberdayaan Remaja Berbasis Masjid (Studi Terhadap Remaja Masjid di Labuh Baru Barat)", *Masyarakat Madani: Jurnal Kajian Islam dan Pengembangan Masyarakat* 3, no. 2(2018): 1-11.

¹³ V. Braun and V. Clarke, "Using thematic analysis in psychology". *Qualitative Research in Psychology* 3, no. 2(2006): 77-101. <https://doi.org/10.1191/1478088706qp063oaV>. Also read: Braun and V. Clarke, "Can I use TA?"

categorized to identify recurring patterns and key themes. The primary themes that emerged included: (1) Community Empowerment through Skill Development, (2) The Role of Theology in Legitimizing Mediation, (3) The Mosque as a Trusted Space for Conflict Resolution, and (4) The Shift from Adversarial to Reconciliatory Mindsets. These themes formed the basis for the “Results” section and were further analyzed in the “Discussion” using established theoretical frameworks.

Results

The implementation of the pilot mosque-based Mediation Corner yielded several significant outcomes, which can be categorized into four key areas: the establishment of a physical and procedural framework, the empowerment of community members, the integration of theological principles into practice, and the creation of a trusted alternative pathway for justice.

1. Establishment and Operationalization of the Mediation Corner

The primary result was the successful establishment of a functional Mediation Corner within the mosque premises. This involved designating a specific, neutral space within the mosque conducive to private and respectful dialogue. More than just a physical space, the program developed a clear operational framework. This included procedural guidelines for case intake, mediation session management, and the documentation of peace agreements. The establishment of this formal structure transformed the mosque from a purely religious site into a multi-purpose community hub for social services, especially conflict resolution.

2. Community Empowerment through Mediator Training and Certification

A central outcome of the program was the empowerment of community members through intensive training. A cohort of mosque caretakers (Takmir Masjid) and mosque youths (Remaja Masjid) was successfully trained in the theory and practice of mediation. The curriculum covered communication skills, negotiation techniques, conflict analysis, and the ethics of mediation. Crucially, the program was designed not just to provide knowledge but to produce certified mediators. This certification provided participants with formal recognition, enhancing their credibility and confidence to handle real disputes. This process directly empowered individuals by equipping them with valuable skills and empowered the community by creating a sustainable, local resource for conflict management, reducing reliance on external, state-based institutions.

3. Integration of Theological Principles into Mediation Practice

The program’s defining result was the successful integration of Islamic theological principles into the mediation process. Unlike secular ADR models, this initiative framed mediation as a religious and moral duty. The training curriculum explicitly incorporated Quranic verses and Prophetic traditions that emphasize reconciliation (*iṣlah*), consultation (*shūrā*), and justice (*‘adl*). For instance, Surah Al-Ḥujurāt [49]:9, which commands believers to make peace between conflicting parties, was presented as the foundational mandate for mediators.¹⁴ The Hadith stating that “*there*

Should I use TA? Should I not use TA? Comparing reflexive thematic analysis and other pattern-based qualitative analytic approaches”. *Counselling and Psychotherapy Research* 21, no. 1 (2021): 37–47. <https://doi.org/10.1002/capr.12360>

¹⁴ The Qur’an Surah Al-Ḥujurāt [49]:9 states:

وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا ۚ فَإِنْ بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَىٰ فَقَاتِلُوا الَّتِي تَبْغِي حَتَّىٰ تَفِيءَ إِلَىٰ أَمْرِ اللَّهِ ۚ فَإِنْ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسَطُوا ۚ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

*is nothing more virtuous before Allah than reconciling between two parties*¹⁵ was used to inspire and motivate participants. This theological grounding gave the mediation process a profound moral authority within the community, positioning the mediator not just as a neutral facilitator but as an agent of a higher spiritual purpose.

4. Creation of a Trusted and Accessible Alternative to Litigation

The combined effect of establishing a physical space, empowering local mediators, and grounding the process in theology resulted in the creation of a highly trusted and accessible alternative to litigation. Community members now have a viable option to resolve disputes within a familiar, non-threatening environment. The mosque, as a respected institution, lends immediate legitimacy and confidentiality to the process, which is often a concern in small, close-knit communities. While the program is in its pilot phase and quantitative data on case resolution are still being gathered, the qualitative result is a demonstrable shift in the community's perception of conflict resolution. The Mediation Corner offers a pathway that prioritizes relationship restoration and social harmony over the win-lose dichotomy of the courts, aligning with local cultural preferences for amicable settlement and deliberation.

Discussion

The results of the pilot mosque-based Mediation Corner reveal a model with profound implications for conflict resolution. To fully understand its significance, these findings must be analyzed through established theoretical lenses, particularly empowerment theory, conflict transformation, and the theology of mediation.

1. Empowerment Theory in Practice

The Mediation Corner initiative is a textbook application of empowerment theory, which Zimmerman defines as the process whereby individuals and groups develop the capacity to recognize, understand, and address the challenges they face.¹⁶ The program successfully addressed all three dimensions of empowerment:

1. Individual Empowerment: Participants were empowered through the development of concrete skills in communication, negotiation, and mediation. This training built their self-confidence and equipped them to make decisions and take action in conflict situations, transforming them from passive observers into active problem-solvers.
2. Community Empowerment: The mosque, as a collective, was empowered by establishing a formal mechanism to address its internal disputes. The Mediation Corner became a space for collective action, improving the community's ability to manage its own affairs and maintain harmony without external intervention.

[If two parties among The Believers fall into A quarrel, make ye peace Between them: but if One of them transgresses Beyond bounds against the other, Then fight ye (all) against The one that transgresses Until it complies with The command of God; But if it complies, then Make peace between them With justice, and be fair: For God loves those Who are fair (and just)]. See: Abdullah Yusuf Ali, *The Meaning of the Holy Qur'an* (Leicester: The Islamic Foundation, 2016)

¹⁵ Prophet Muhammad emphasises consultation and peace as narrated in one hadith: ما من شيء أفضل عند الله من صلح بين الناس (There is nothing more virtuous before Allah than reconciling between two parties). See: Imam Bukhari, *Ṣaḥīḥ Bukhari, Kitāb al-Adab (Book of Manners, Chapter on Reconciling Disputes)* (Cairo: Dar al-Hadith, 2005), Hadith No. 2493.

¹⁶ M. A. Zimmerman, "Empowerment Theory: Psychological and Organizational Perspectives". In J. Rappaport & E. Seidman. (eds), *Handbook of Community Psychology*. Boston, MA: Springer, 2020, pp. 43-63.

3. Social Empowerment: On a broader level, the program challenges the dominant litigation-oriented culture. Promoting a successful alternative, it encourages a shift in public mindset and advocates for a more just and efficient social order, aligning with Rappaport's view of empowerment as gaining control over resources that influence one's life.¹⁷

2. Conflict Transformation Beyond Resolution

The program's impact extends beyond simple conflict resolution into the realm of conflict transformation. While traditional ADR aims to settle a specific dispute, conflict transformation, as theorized by John Paul Lederach, seeks to change the underlying structures and relationships that give rise to conflict.¹⁸ The mosque-based model achieves this in several ways:

1. Relationship Transformation: By using a trusted, faith-based setting and principles of reconciliation, the process inherently focuses on repairing relationships rather than simply assigning blame. This aligns with the core of conflict transformation, which prioritizes improving communication, understanding, and cooperation between parties.
2. Structural Change: On a micro-level, the program alters the power structure of dispute resolution. It shifts power from formal state institutions (courts) back to the community. It addresses the structural injustice of an overburdened justice system that fails to deliver timely or satisfactory outcomes for ordinary citizens.
3. Local Capacity Development: The core principle of training local, certified mediators embodies Lederach's emphasis on developing local capacity for sustainable peace. The community is no longer dependent on outsiders; it has its own skilled peacebuilders.

3. The Centrality of Theology in Mediation

The most critical element that distinguishes this model is its theological foundation. The "theology of mediation" focuses on religious principles guiding the practice toward peace, justice, and reconciliation. In Islam, this is deeply rooted in the concepts of *islah* (reconciliation) and *shūrā* (consultation). The Qur'anic mandate to "make peace between them" (Al-Ḥujurāt, 49:9) frames mediation not as a secular technique but as a sacred act of worship and social responsibility.

This approach is powerfully illuminated by Maria M. N. Lawton's work on Theological Mediation and Peacebuilding.¹⁹ Lawton argues that theology-based mediation is not merely a tool for resolving conflict but a means for healing the social and spiritual wounds caused by it. Our findings resonate strongly with her framework:

1. Mediation as Social Healing: Conflicts leave emotional and spiritual scars. By integrating principles of forgiveness and compassion, the mosque-based Mediation Corner creates a space for this deeper healing, moving beyond pragmatic agreements to restore inner peace and interpersonal relationships.
2. Forgiveness and Reconciliation as Key Principles: Theological mediation places forgiveness at its center. In the Islamic context, this is tied to the concept of *maghfirah* (forgiveness) from God, encouraging believers to emulate this divine attribute in their interactions. This facilitates true reconciliation, which is more durable than a coerced settlement.

¹⁷ J. Rappaport, "Terms of Empowerment/Exemplars of Prevention: Toward a Theory for Community Psychology", *American Journal of Community Psychology* 15, no. 2(2010): 121-148, p. 130. DOI: 10.1007/BF00911700.

¹⁸ J. P. Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (New York: Good Books, 2014), pp. 45-60.

¹⁹ Maria M. N. Lawton, *Theological Mediation and Peacebuilding* (London: Palgrave Macmillan, 2020), p. 105. See also: Lisa Sowle Cahill, "A Theology for Peacebuilding". In Robert J. Schreiter, R. Scott Appleby, and Gerard F. Powers (eds), *Peacebuilding: Catholic Theology, Ethics, and Praxis* (Maryknoll, New York: Orbis Books, 2013), pp. 300-331.

3. Building Peace through Religious Values: The program's success lies in its ability to connect the practical process of mediation to the profound spiritual values of the community. This gives the process moral weight and encourages participation, as parties are engaging in a practice endorsed by their faith.

In essence, the theology of mediation enriches the conflict resolution process by introducing a spiritual and moral dimension that is often absent in secular models. It transforms the mediator from a mere procedural facilitator into a guide for moral and spiritual reconciliation, making the pursuit of peace a holistic endeavor.

Conclusion

The crisis of overcapacity within Indonesia's judicial system demands innovative, culturally resonant solutions. This paper has presented the theologically based, mosque-centered Mediation Corner as a promising and viable alternative to traditional litigation. The results of this pilot program demonstrate that by grounding conflict resolution in the trusted institution of the mosque and the moral authority of Islamic theology, it is possible to empower communities, transform relationships, and provide a pathway to sustainable peace.

The key findings confirm that the program successfully established a functional mediation space, certified a cadre of local mediators, and, most importantly, integrated principles of *iṣlāḥ* and *shūrā* into its practice. This theological foundation is not a superficial addition but the core element that grants the model its legitimacy, efficacy, and transformative power. It reframes mediation from a sterile legal process into a profound act of social and spiritual healing, aligning perfectly with community values and the Islamic emphasis on maintaining harmony (*ukhūmūwah*) among community members.

The implications of this study are significant. It provides a replicable blueprint for other Muslim communities in Indonesia and beyond to establish their own faith-based mediation centers. Such initiatives can alleviate the burden on the courts, deliver faster and more satisfying justice for disputants, and ultimately strengthen the social fabric by empowering communities to resolve their own conflicts constructively. Future research should focus on longitudinal studies to track the success rate and long-term impact of cases handled by these mosque-based mediators and explore the model's applicability to more complex, inter-group conflicts. Theologically based mediation stands as a testament to the power of integrating faith with practice, offering a path not just to resolve disputes but to heal communities.

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