

THESIS

**A COMPARATIVE ANALYSIS OF MEDIATION IN ALTERNATIVE
CIVIL DISPUTES RESOLUTION IN INDONESIA AND SINGAPORE**



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**FACULTY OF SHARIA
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1447 H /2025 M

**(A COMPARATIVE ANALYSIS OF MEDIATION IN ALTERNATIVE
CIVIL DISPUTES RESOLUTION IN INDONESIA AND SINGAPORE)**

THESIS

Presented to the University of Darussalam Gontor in Partial Fulfilment of the Requirement for Bachelor's Degree (S1) in the Department of Comparative School Of Jurisprudence And Law, Faculty of Sharia University of Darussalam Gontor.

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ABSTRACT

A Comparative Analysis of Mediation in Alternative Civil Disputes Resolution in Indonesia and Singapore

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Civil dispute resolution through litigation often encounters obstacles such as high costs, lengthy procedures, and the potential for prolonged conflict between parties. As an alternative, mediation offers a more efficient, faster, confidential dispute resolution method that emphasizes a win-win solution. However, the effectiveness of mediation largely depends on the legal system governing it. This study aims to comparatively analyze the mediation systems for civil dispute resolution in Indonesia and Singapore as a form of alternative dispute resolution. The research adopts a normative juridical method with a statutory and comparative approach. Based on the findings. In Indonesia, mediation is regulated through Law No. 30 of 1999 and Supreme Court Regulation (PERMA) No. 1 of 2016, functioning as a complementary mechanism to litigation and requiring court endorsement for its outcomes to have legal force. Conversely, Singapore regulates mediation comprehensively through the Mediation Act 2017 and has ratified the Singapore Convention on Mediation 2019, enabling mediated settlements to have immediate enforceability and international recognition. While mediation costs are generally lower in Indonesia, Singapore's system is more advanced in terms of efficiency, legal enforceability, and global competitiveness.

Keywords: mediation, alternative dispute resolution, enforceability

ABSTRAK

Analisis Kompratif Mediasi Dalam Alternatif Penyelesaian Sengketa Perdata Di Indonesia Dan Singapore

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Penyelesaian sengketa perdata melalui jalur litigasi kerap menghadapi kendala berupa biaya tinggi, proses panjang, dan potensi konflik berkepanjangan antar pihak. Sebagai alternatif mediasi menjadi solusi penyelesaian sengketa yang lebih efisien, cepat, dijamin kerahasiaannya, dan mengedepankan win-win solusi. Namun proses mediasi sangat bergantung pada sistem hukum yang mengaturnya. Penelitian ini bertujuan untuk menganalisis secara komperatif sistem mediasi dalam penyelesaian perdata di Indonesia dan Singapura. Sebagai bentuk alternatif penyelesaian sengketa. Metode yang digunakan dalam penelitian ini adalah metode yuridis normatif dengan pendekatan perundang-undangan dan perbandingan. Berdasarkan hasil dari penelitian tentang analisis komperatif mediasi dalam alternatif penyelesaian sengketa perdata di Indonesia dan Singapura. Indonesia mengatur mediasi melalui UU No. 30 Tahun 1999 dan PERMA No. 1 Tahun 2016, yang bersifat pelengkap proses peradilan dan memerlukan pengesahan pengadilan agar hasilnya memiliki kekuatan hukum. Di sisi lain, Singapura mengatur mediasi secara komprehensif melalui Mediation Act 2017 dan meratifikasi Singapore Convention on Mediation 2019, yang memungkinkan hasil mediasi langsung memiliki kekuatan eksekutorial dan pengakuan internasional. Meskipun biaya mediasi di Indonesia lebih murah, sistem di Singapura lebih unggul dalam aspek efisiensi, kekuatan hukum, dan daya saing global.

Kata kunci: mediasi, alternatif penyelesaian sengketa, eksekusi.

SUPERVISOR DECISION LETTER

Honorable to

Dean of Sharia Faculty

University of Darussalam Gontor

Bismillahirramanirrahi

Assalamua'alaikum Warahmatullah Wabarakatuh

I present this thesis written as

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Faculty : Sharia

Department : Comparative School of Jurisprudence and Law

Title : A Comparative Analysis of Mediation in Alternative Civil
Disputes Resolution in Indonesia and Singapore

It has been processed and corrected to meet practical requirements to obtain the bachelor's degree (S1) in the Comparative School Of Jurisprudence And Law Department, Sharia Faculty University of Darussalam Gontor. Therefore, we hope that this thesis can be examined.

Hopefully, this thesis will be useful for religion, nation, and the development of an educational institution.

Wassalamu'alaikum Warahmatullahi Wabarakatuh

UNIDA, Dzulhijjah 19th, 1446 H

June 15th, 2025 M

Supervisor


Eazari Zul Hasmi Kanggas, S.H.I, M.H.

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CERTIFICATION

Bismillahirramanirrahi

Assalamua'alaikum Warahmatullah Wabaraktuh

The Faculty of Sharia has received this thesis, which has been written by :

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To fulfill the requirement for degree of licentiate (S1) in the Faculty of Sharia
Department Comparative School Of Jurisprudence And Law year 2025/1446.

Ponorogo, 13 October 2025

21 Rabiul Akhir 1447

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DECISION OF THE TEAM

The committee of the thesis examination in partial fulfilment of the requirements for the degree of Licentiate in Comparative School of Jurisprudence in the Faculty of Sharia, University of Darussalam Gontor, Indonesia, declared that the thesis written by:

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Has been examined by the board of examiners of the Bachelor's Degree (S1) on Department Comparative School Of Jurisprudence And Law Faculty of Sharia University of Darussalam Gontor on 13 July 2025.

The board of examiners has decided to grant him pass in the thesis examination. Hence, he is eligible to be awarded the degree of Licentiate in Comparative School of Jurisprudence Department in the Faculty of Sharia.

Board Examiner

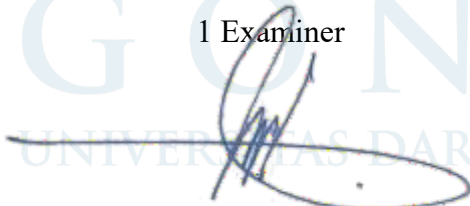
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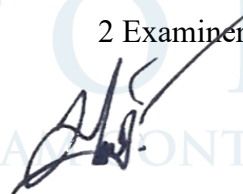
1 Examiner



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DECLARATION

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I sincerely declare that this thesis belongs to my work and not to other researchers for a different degree. Furthermore, this thesis is never published before, except for some parts with their original references.

Otherwise, if it is found that this thesis is plagiarism, I am ready to be ceased academically.

Ponorogo, 13 July 2025

8 Muharam 1447

Researcher,



Quwais Juhdi Arian

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MOTTOES

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

And if two groups among the believers' fight, then make peace between them. But if one of them acts wrongfully toward the other, then fight against the one that is acting wrongfully until it returns to the command of Allah. And if it returns, then make peace between them with justice, and act justly. Truly, Allah loves those who act justly.

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DEDICATION

I would like to express my gratitude to all those who have supported me, especially to my beloved family and relatives. thank you for your unwavering support, love, and encouragement throughout the process of completing this thesis. his achievement is dedicated to you. May every step we take together be a blessing for all of us. Thank you for everything.



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Researcher



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