



Original Article

Women's Participation in Mediation Houses in Banjarmasin City

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Abstract:

Community service in the Compulsory Lecturer Service Program (PDWA) aims to develop the capacity of women in resolving disputes/conflicts and the strategic role of women's involvement in the Mediation House, so that equality of position is created between men and women to obtain opportunities/opportunities and participation in development, especially in facilitating the resolution of disputes and disputes in the community through mediation channels that prioritize deliberation and consensus with an approach that prioritizes peace. Through this service theme, it is hoped that it can inspire women to take a role in the Mediation House. The results of this service activity show that women also have the capacity and ability to become facilitators in resolving disputes in the community through mediation, because in principle women have good communication skills to facilitate the resolution of disputes/conflicts between the parties. Thus, women's participation in the mediation space can be an important investment for a better future in Banjarmasin City, which has a domino effect on increasing women's legal literacy and strengthening social networks (agents of change).

Keywords: Increasing Participation, Women, Mediation House, Banjarmasin City

Introduction

Dispute resolution based on deliberation and consensus is a local wisdom that has grown and developed in society. From generation to generation, the community has carried out efforts to resolve disputes through deliberation and consensus. For the Banjar community, resolution through deliberation through the Badamai tradition is a local wisdom, formalized during the Banjar Kingdom since 1835 and has been stipulated in a Sultan Adam Law (UUSA) ([Ahmadi Hasan, 2009](#)). The Banjarmasin City Government is committed to preserving local wisdom and developing dispute resolution strategies in the community through mediation. As a concrete manifestation of this commitment, the Banjarmasin City Government has prepared a forum for community participation in dispute resolution through the



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establishment of a Mediation House. This began with the issuance of Banjarmasin Mayor Regulation Number 144 of 2022 concerning the Establishment of a Mediation House. This Mayor Regulation is a local legal instrument aimed at encouraging dispute resolution through deliberation and non-litigation. Since June 2025, Banjarmasin City Regional Regulation Number 2 of 2025 concerning the Facilitation of Mediation Implementation has been ratified. This Regional Regulation is recorded as the second regulation in Indonesia after the East Lombok Regent Regulation concerning the Mediation Bale which regulates a forum to facilitate dispute resolution outside the court within the Sub-district/Sub-district/Village level.

Mediation as part of an alternative dispute resolution outside the court, as an effort to resolve disputes between the parties with an agreement facilitated by a neutral mediator and become a facilitator for the implementation of dialogue between parties in an atmosphere of openness, honesty and exchange of opinions to reach a consensus. The Mediation House as a forum for the implementation of mediation at the District and Village levels referred to in the Regional Regulation is an institution that carries out the functions of mediation, coaching and coordination in the implementation of mediation in the community in accordance with local wisdom in the form of settlement outside the court. Based on the results of initial observations on the implementation of the Banjarmasin Mayor's Regulation, it has been running well, but shows that the level of participation of women in the Mediation House is still low, both as parties resolving conflicts and as mediators. This condition can have an impact on the lack of gender perspective in the mediation process, which should be inclusive of women's experiences in resolving domestic and community conflicts. The Mayor's Regulation Article 4 paragraph (6) states that the Mediation House may be formed independently by the community, as well as the provisions of Article 31 that activities in the Mediation House can involve community participation both individually and in community groups. AsAlsoas stated in Regional Regulation Number 2 of 2025 concerning Facilitation of Mediation Implementation.

The priority problem identified is the lack of a comprehensive understanding of dispute/conflict resolution patterns through out-of-court channels. Women's roles have not been optimally involved in public activities, especially in mediation houses. There is a lack of regular training and capacity building forums for women in dispute/conflict resolution. The solution offered is to provide Legal Counseling related to dispute/conflict resolution materials through out-of-court channels, with an emphasis on material on equality between men and women, including in terms of out-of-court dispute resolution, as well as an introduction to the concept of Mediation Houses and the strategic position of women in dispute/conflict resolution.

This problem arises because there is currently an assumption that mediation is only suitable for men. This statement is not scientifically based, indicating that mediators are inherently male. The concept of mediator essentially refers to factors that influence or mediate relationships between parties and does not have a specific gender connotation. Mediators focus on causal mechanisms in various contexts, and there are no findings that generally associate mediators with men. Based on this, this community service aims to encourage the active participation of women in facilitating dispute/conflict resolution through mediation and provide an understanding that women can also take on the role of mediators, as well as mapping the potential and opportunities for women to become mediators in the village environment.

Methods

This community service program was implemented using a participatory approach, using discussion and lecture methods in the form of two-way discussions during the presentation of teaching materials to the community members participating in the community service program. Discussions and lectures were conducted using active communication methods, which were used to build understanding and relationships between individuals or groups. This method employed a structured approach to encourage participants to listen and reflect on their views before responding. This method was appropriate for building communication bridges and aiding understanding of the material and case analysis during the program.

This Community Service Activity was carried out in 3 (three) Sub-districts in Banjarmasin City, namely Antasan Besar Sub-district, Pemurus Luar Sub-district and Sungai Baru Sub-district, with a total of approximately 40 participants. Pemurus Baru Sub-district is the first sub-district in Banjarmasin City to establish a Mediation House. This activity is focused on women including the Sub-district officials. The counseling materials presented are related laws and regulations, material on equality of rights and positions between men and women, especially in the field of dispute resolution outside the court, the Potential of Women as Mediators in Mediation Houses, Techniques and Methods for Non-Litigation Dispute Resolution through Mediation. This activity aims to introduce the concept and objectives of mediation houses as well as the strategic position of women's involvement, increasing the role and participation of women in dispute/conflict resolution through mediation, especially in Mediation Houses.

Results

Community service activities took place in 3 (three) sub-districts in Banjarmasin City, namely Pemurus Luar Sub-district as the first sub-district to have a Mediation House, Sungai Baru Sub-district and Antasan Besar Sub-district, where all three sub-districts are led by female sub-district heads. This activity focused on women, attended by female leaders in the sub-district environment, mothers of the PKK driving team, sub-district Posyandu cadres and attended by sub-district staff who also directly played a role in achieving the success of mediation activities at the sub-district level. The community service team consisted of 8 (eight) lecturers assisted by 5 (five) students from the Faculty of Law, Lambung Mangkurat University.

The initial stage of the activity was to socialize the program to the sub-districts to become partners in this community service activity, which was warmly welcomed because it was in line with the Banjarmasin City Government program. Currently, there are 9 (nine) sub-district heads in Banjarmasin City who have the position of Non-Litigation Peacemaker (NPL) which was confirmed by the South Kalimantan Provincial Legal Office, one of which is the Head of Sungai Baru Village who is a Non-Litigation Peacemaker (NPL).

Dispute resolution requires resolution measures, there are two settlement mechanisms, namely litigation or through the courts and non-litigation or out-of-court channels through deliberation/peace. Dispute resolution through the courts often creates new problems, takes a long time, is expensive and unmeasurable costs. Currently, there is a shift in public interest towards settlement through non-litigation channels that emphasize the search for justice quickly and unstructured. ([Eman Suparman, 2004](#)). The relationship between societal structure and legal implementation shows that legal implementation in a society whose level of development is still simple cannot be considered the same as the way law is implemented today, where the structure of society has become increasingly complex.

Legal implementation can be interpreted in a limited sense, namely efforts to apply the law directly, or in a broader sense, namely the process of implementing the law that involves all legal subjects in implementing applicable norms, either through gradual evolution or in accordance with fundamental and planned principles. ([LaurentinusArliman, 2015](#)). To achieve this, the role and involvement of the community is needed as a key part of the law enforcement process, as well as a party that expects access to justice. ([Arief Sidharta, 1999](#)).

As the initial material delivery is related to the legal basis regarding dispute resolution outside the court as regulated in Article 58 of Law Number 48 of 2009 concerning Judicial Power, which states that civil dispute resolution can be carried out outside the state court through arbitration or other dispute resolution methods. ADR is one method of dispute resolution outside the ordinary court, which is carried out through the process of negotiation, mediation, and arbitration. ([Susanti Adi Nugroho, 2009](#)). The approach through deliberation or consensus (mediation) outside the court is formally regulated by Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution.

A review of Regional Regulation No. 2 of 2025 concerning the Facilitation of Mediation, which regulates the role and involvement of the community as actors in resolving disputes within the community. This community service activity aligns with the substance of the regional regulation, which stipulates that there is space for the community, both religious and community leaders (including women), to participate independently in facilitating mediation houses.

Mediation, as an alternative to resolving disputes outside the courts, is a deeply rooted part of Indonesian culture. This method is known as resolution through deliberation and consensus. Mediation is suitable for resolving disputes because it embodies the nation's cultural values, which have a cooperative spirit. Values such as cooperation, compromise, and deliberation and consensus are characteristic of the Indonesian nation, in accordance with the principles of Pancasila. ([Mulyani Zulaeha, 2019](#)). Dispute resolution based on deliberation and consensus is part of the local wisdom that has developed within the community. Mediation is nothing new, as for generations, community customs have attempted to resolve disputes through mutual agreement. For the Banjar people, the custom of peace is a form of local wisdom that was formalized during the Banjar Kingdom. Since 1835, this wisdom has been recognized in the form of the Sultan Adam Law (UUSA). ([AhmadiHasan, 2009](#)). The Badamai custom is a form of dispute resolution commonly practiced by the Banjar community. The Badamai custom is carried out as an effort to avoid disputes that could endanger the social order. In Banjar society, the mechanism of deliberation is an alternative effort to find solutions to problems that occur in society. ([Mulyani Zulaeha and Suprpto, 2020](#)). Local cultural values can be developed into values that are useful in resolving conflicts and encouraging peacebuilding. ([Ritha Safithri, Haslinda B. Anriani and A. Maddukelleng, 2022](#)).

Dispute resolution based on deliberation and consensus is a local wisdom that has grown and developed in society. Mediation is not new; traditional customs have traditionally practiced dispute resolution through deliberation and consensus. For the Banjar people, the Badamai custom is a local wisdom that was formalized during the Banjar Kingdom in 1835, as stipulated in the Sultan Adam Law (UUSA). The Badamai custom is a form of dispute resolution commonly practiced by the Banjar people. This custom is carried out to avoid disputes that have the potential to damage the social order. In Banjar society, the deliberation mechanism is considered an alternative effort to find solutions and resolve emerging problems.

The enthusiasm of the community service participants was demonstrated by their active participation in discussions and sharing experiences throughout the event. The discussion revealed that several cases had been successfully resolved through the Mediation House at the sub-district level.

A mediator is a neutral or impartial third party whose job is to help the

disputing parties reach a planned agreement (consensus). He does not have the authority to decide the dispute between the parties, but only acts as a facilitator in the negotiation process. Furthermore, in the mediation process, the mediator is the party who helps the parties to discuss well, encouraging the parties to negotiate well so that they can reach an agreement.

There is a perception that women are "less assertive," which makes it difficult for them to access the role of mediator. From a social construction perspective, patriarchal culture often places men in a more dominant position, including in the role of mediator. This can influence how men and women view their respective roles and abilities in resolving conflicts. Public perception suggests that people tend to trust male mediators more in certain cases, especially when the issues discussed are perceived as related to men or involve important figures. The lack of women as mediators, especially in certain fields, can reinforce the impression that men are more appropriate for this role. Therefore, it is important to continue promoting gender equality in various fields, including the role of mediator.

CEDAW (human rights perspective) *Convention on the Discrimination Against Women*) affirms the state's obligation to eliminate discrimination against women, including in access to justice. Ratification of CEDAW is contained in Law 7 of 1984 concerning Ratification of the Convention. Concerning the Elimination of All Forms of Discrimination Against Women, that equality can be in all areas. Law Number 39 of 1999 concerning Human Rights ensures that everyone has the right to be protected from unfair treatment because of their gender, as well as ensuring women's rights in various areas of life. The regulation at the Banjarmasin City level includes Banjarmasin City Regional Regulation Number 6 of 2015 concerning Gender Mainstreaming in Regional Development which aims to create equal and balanced conditions for men and women in obtaining opportunities/opportunities, participation, control, and benefits of development, so that a condition of justice and gender equality will be created. The enactment of Regional Regulation Number 2 of 2025 concerning the Facilitation of Mediation provides opportunities for women to participate in development, namely by being involved in the dispute resolution process through mediation, facilitating the resolution of disputes in the community through deliberation and consensus, with an approach that prioritizes peace before taking formal legal channels.

The Ministry of Women's Empowerment and Child Protection (PPPA) Program's commitment to involving women in peace and security issues has been proven. One proof is the adoption of UN Security Council Resolution 1325 on Women, Peace, and Security. Subsequently, this resolution was followed by the issuance of Presidential Regulation Number 18 of 2014 concerning the Protection and Empowerment of Women and Children in Social Conflict, and Coordinating Minister for Human Development and Culture Regulation Number 5 of 2021 concerning the National Action Plan for the Protection and Empowerment of Women and Children in Social Conflict. Data from 2024 shows that during the validity period of the RAN P3AKS from 2014 to 2023, the number of women acting as mediators and peacemakers increased. At least 14,836 women were recorded as peace mediators, and 1,000 women as peacemakers.

Since 2019, Indonesia through the Ministry of Foreign Affairs has initiated the involvement of women in the mediation process. Women must be given equal opportunities to contribute to the peace process (as a platform for increasing women's participation): Indonesia has been a pioneer in establishing a network strengthening the network of women negotiators and mediators in Southeast Asia (SEAN PNM) since 2019. The goal is for more women to be actively involved in peace negotiations in the region. Disputes that occur: The involvement of all parties is needed, starting from the government, community leaders, religious leaders, and

women who want to participate actively in order to provide relevant views on various disputes or disputes.

Legally, women's rights, including the opportunity to become mediators, are widely recognized. This is based on several factors: women have significant potential to be effective mediators in resolving disputes and disputes in various situations. Their strong communication skills, empathy, and peace-oriented approach make them more capable of creating an atmosphere conducive to dialogue and reconciliation. They can also bring new perspectives and creative solutions. Furthermore, women can be significant agents of change in creating a more peaceful, inclusive, and sustainable society.

Conclusion

This community service program aims to ensure that women's role in building peace within the community is not overlooked. The results of this community service activity demonstrate that women have unique abilities to create meeting spaces that facilitate communication and cooperation between various parties in dispute resolution, and mapped the potential and opportunities for women to become mediators at the village level. This can be a symbol of representation that inspires other women to take an active role and can also have a domino effect on women's empowerment ranging from individual empowerment to group empowerment, and in the long term, women's empowerment in mediation spaces is an important investment for a better future, especially in Banjarmasin City because it will increase women's legal literacy and strengthen their social networks, so that mediation spaces are not only for male mediators but also for female mediators with further recommendations, namely strengthening and providing further training on mediation technical skills and communication abilities.

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