International Journal Islamic Education, Research and Multiculturalism
(IJIERM)
Available online https://journal.yaspim.org/index.php/IJIERM/index

The Nature of the Notary as a Mediator in the Settlement of Disputes Between Parties

Shella Aqmadea Eshafia
Email: sisimaliya@gmail.com
Brawijaya University Malang, Indonesia

M. Hamidi Masykur
Email: hamidi@ub.ac.id
Brawijaya University Malang, Indonesia

Hariyanto Susilo
Brawijaya University Malang, Indonesia

Abstract: The position of notary as a mediator in its application does not contradict the law against religious norms, decency or suitability that can cause the honor and dignity of the notary position. Apart from that, the authority of a notary to resolve disputes through mediation and act as a mediator is not regulated in the provisions of the UUJN or related regulations, so that in this case there is a legal vacuum (rechtsvacuum) which has an impact on the absence of legal certainty for notaries in carrying out their duties to become mediators and resolve disputes outside the court. Therefore, a clear regulation is needed for notaries to carry out their duties and positions as mediators. The research method that will be used in this research is a type of normative juridical research, according to Ishaq, normative juridical research essentially examines the law conceptualized as norms or rules that apply in society, and become a reference for the behavior of everyone, this type of research is also called library research, theoretical / dogmatic research. Briefly related to the conclusions obtained by the author that although Article 15 and Article 17 of the UUJN do not explicitly prohibit notaries from acting as mediators, many notaries act as mediators based on the agreement of the parties to the dispute. This role provides an opportunity for notaries to be involved in dispute resolution by making a deed of peace that reinforces the results of the mediation.

Keywords: *Mediator, Notary Official, Dispute Resolution*,

INTRODUCTION

Notaries play a crucial role in Indonesia's legal system as public officials authorized to create, receive, and certify various legal documents. Traditionally, they ensure the validity and accuracy of legal transactions and provide legal advice to safeguard the interests of all parties involved. The notarization process creates authentic documents that serve as valid and accountable evidence in the eyes of the law. This role of notaries instills public confidence in the validity and security of transactions mandated by lawmakers, thus supporting justice and order in society. The notarization process involves the official recording of documents that are authentic in nature thus creating evidence that is valid and accountable in the eyes of the law. The existence of a notary provides the public with confidence in the validity and security of transactions that have been mandated by lawmakers, thus supporting justice and order in society.

The existence of a notary is very important in a legal context because it provides confidence to the public regarding the validity and security of every transaction by holding the authority they have. With the presence of a notary, the transaction process becomes more structured and guaranteed validity, reducing the risk of disputes in the future. The existence of notaries also creates an atmosphere of justice and order in society, because through their professional actions, notaries secure the rights and. The position of notaries has undergone development and evolution along with changes in society, technology, and the legal system. Notaries have taken on a more significant role in this increasingly modern era. A notary is involved in documenting, authorizing, and certifying signatures, maintaining integrity and security in a transaction.[1] Notaries must understand the changes in legal regulations and ensure that the transactions they handle comply with the relevant regulations that are still valid.

There is a position of notary due to legal arrangements in order to accelerate in providing community services where they need notary services to issue authentic deeds in this case written evidence has authentic characteristics about conditions, events and legal actions desired for the parties. The meaning of the position must exist continuously in the position

[1] Dewi Sulistianingsih dkk., "Online Dispute Resolution: Does the System Actually Enhance the Mediation Framework?," *Cogent Social Sciences* 9, no. 1 (31 Desember 2023): 2206348, https://doi.org/10.1080/23311886.2023.2206348.

related to a person, if a person has retired from his position or if a person no longer works as a notary, therefore his position as a notary also stops[2].

The position of notaries has evolved with changes in society, technology, and the legal system. In the modern era, notaries have taken on more significant roles in documenting, authorizing, and certifying signatures while maintaining the integrity and security of transactions. They must stay abreast of changes in legal regulations to ensure compliance with relevant laws. The continuous presence of notaries is essential for providing authentic written evidence regarding conditions, events, and legal actions desired by the parties involved.[3]. Notary according to a process of combining legal links that contain the parties according to a written type based on existing methods in the issuance of authentic deeds, in issuing an authentic deed, a person must have the power of a public official. Notary is a public official who has the main task of issuing authentic deeds.[4] Notaries in their implementation must have impartial behavior to serve the needs of a community, cannot compare positions and groups. An authentic deed is a deed issued through a type that has been determined by law, formed in front of an interested official in this case where this deed is issued[5].

An authentic deed is a legal product issued by a notary that has perfect evidentiary power (including outward proof, formal proof and material proof). That which is contained in the opening and closing of the deed is the responsibility of the notary as an expression that reflects the actual situation at the time of making the deed. There are 3 (three) functions of the deed, namely[6]:

(1) As evidence of having entered into an agreement
(2) As evidence of what is written in the agreement is the desire of the parties

[2] Ranggapandu Cindarputera dan Mohamad Fajri Mekka Putra, "Kewenangan Notaris Dalam Persoalanpenyuluhan Hukum Dan Mediasi," *JISIP (Jurnal Ilmu Sosial dan Pendidikan)* 6, no. 3 (8 Juli 2022): 10190, https://doi.org/10.58258/jisip.v6i3.3371.

[3] Cindarputera dan Putra, 10189.

[4] Hazar Kusmayanti dkk., "*Acte Van Dading* In the Settlement of Industrial Relations Disputes in Indonesia," *Cogent Social Sciences* 9, no. 2 (15 Desember 2023): 2274148, https://doi.org/10.1080/23311886.2023.2274148.

[5] Cindarputera dan Putra, "Kewenangan Notaris Dalam Persoalanpenyuluhan Hukum Dan Mediasi," 10190.

[6] Salim H. S., *Hukum kontrak: teori dan teknik penyusunan kontrak*, Cet. 3 (Jakarta: Sinar Grafika, 2006), 92.

(3) As evidence that on a certain date the parties have entered into a certain agreement in accordance with the will of the parties.

In carrying out their duties and functions according to their authority, notaries are not only faced with making authentic deeds according to their authority. However, there are many problems in the implementation that must be resolved by a notary, including resolving disputes between the parties.[7] There is a growing interest in Indonesia to utilize notaries' expertise as mediators to facilitate out-of-court settlements. This approach offers several benefits, including reduced litigation burdens and faster resolution of disputes. However, this evolving role faces significant challenges due to the lack of clear legal regulations governing the role of notaries as mediators. This legal vacuum creates uncertainty for both notaries and the parties involved in mediation.

To resolve a dispute, dispute resolution techniques are needed to identify problems, formulate problems, analyze problems and solve problems by considering individual and group needs such as identity and also recognition of institutional changes needed to meet these needs[8] especially in out-of-court dispute resolution (non-litigation).[9] Out-of-court dispute resolution can be carried out with various alternatives, as stated in the provisions of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution (Arbitration and Alternative Dispute Resolution Law), namely by consultation, negotiation, mediation, conciliation, or expert judgment[10].

The Arbitration and Alternative Dispute Resolution Law does not elaborate further on the 5 (five) alternative dispute resolution offers that can be used by the parties to resolve their disputes, what disputes can be resolved through this route and how the case settlement process works. This is in contrast to the provisions on arbitration which have a detailed explanation of

[7] Peter Ho, "An Endogenous Theory of Property Rights: Opening the Black Box of Institutions," *The Journal of Peasant Studies* 43, no. 6 (November 2016): 1121–44, https://doi.org/10.1080/03066150.2016.1253560.

[8] Wijaya Natalia Panjaitan, "Akta Perdamaian Oleh Notaris Sebagai Mediator Alternatif Penyelesaian Sengketa Di Luar Pengadilan," *Pattimura Legal Journal* 1, no. 3 (13 November 2022): 231, https://doi.org/10.47268/pela.v1i3.7507.

[9] Dianto Bachriadi dan Edward Aspinall, "Land Mafias in Indonesia," *Critical Asian Studies* 55, no. 3 (3 Juli 2023): 331–53, https://doi.org/10.1080/14672715.2023.2215261.

[10] Republik Indonesia, *Pasal 1 Angka 10 Undang-Undang Nomor 30 tahun 1999 tentang Arbitrase Dan Alternatif Penyelesaian Sengketa.*, 1999.

what disputes can be resolved, the stage of resolution, who can resolve the dispute and other provisions. However, this does not mean that these 5 (five) ways of dispute resolution cannot be applied, in the dispute resolution process in the community one that is often used is the mediation settlement process.[11] The legal framework surrounding notaries and mediation in Indonesia is still underdeveloped. While notaries are well-positioned to serve as neutral third parties in dispute resolution due to their legal expertise and authority, the absence of specific regulations and guidelines hinders their effectiveness in this role. This lack of clarity can lead to inconsistencies in the mediation process and outcomes, potentially undermining the confidence of the parties involved.[12]

Mediation is an informal process aimed at enabling disputing parties to discuss their differences "privately" with the assistance of a neutral third party[13]. The third party is a mediator who is regarded as a vehicle for the parties to settle the dispute by emphasizing peace and avoiding litigation. In practice, as part of the mediation process, the mediator speaks confidentially with each party. Here the mediator needs to build the trust of the disputing parties first.

In the process of mediated dispute resolution, a notary may act as a mediator or arbiter in some situations. This may be done in situations where the parties involved in the dispute agree to seek a solution together under the guidance of a notary public. The notary tries to help the disputing parties reach an amicable agreement without the need to involve a more formal legal process, such as a court, which can save time and money. The notary helps facilitate communication between the disputing parties, helping them understand each other's perspectives and interests. Doing so, can help reduce tensions and allow parties to find mutually beneficial solutions.

The implementation states that the notary has a role in the mediator for the mediation process. In the behavioral aspect, notaries have the obligation to resolve disputes caused by notary negligence and the absence of detailed legal counseling for related parties, so the cause of the formation of

[11] Sulistianingsih dkk., "Online Dispute Resolution."

[12] Yetty Komalasari Dewi, "The Need to Adopt a Limited Liability Partnership for the Legal Profession in the Partnership Law: A Critical Review from Indonesia's Perspective," ed. oleh Richard Meissner, *Cogent Social Sciences* 7, no. 1 (1 Januari 2021): 1999005, https://doi.org/10.1080/23311886.2021.1999005.

[13] Gatot P. Soemartono, *Arbitrase dan mediasi di Indonesia* (Jakarta: Gramedia Pustaka Utama, 2006), 120.

disputes, this is carried out for the reason of reducing the accumulation of problems that have been registered in court, in other matters, through the UUJN and the notary code of ethics and there is no prohibition for notaries who act as mediators, plus mediators are not classified as civil servants, state officials, advocates, leaders and employees of BUMN, BUMD and private parties[14].

The position of notary as a mediator in its application does not contradict the law against religious norms, decency or suitability that can cause the honor and dignity of the notary position. Apart from that, the authority of a notary to resolve disputes through mediation and act as a mediator is not regulated in the provisions of the UUJN or related regulations, so that in this case there is a legal vacuum (rechtsvacuum) which has an impact on the absence of legal certainty for notaries in carrying out their duties to become mediators and resolve disputes outside the court.[15] Therefore, a clear regulation is needed for notaries to carry out their duties and positions as mediators.

The absence of provisions governing notaries as mediators has the potential to increase disputes with different perspectives or interpretations of the rights and obligations that must be fulfilled. One of the factors that cause differences in perception is that the applicable legal rules are incomplete, there are no implementing regulations or no rules at all. The absence of provisions governing notaries as mediators in the UUJN has the potential to result in legal uncertainty for notaries who act as mediators. Along with the notary's duty to resolve disputes outside of court, the existence of a rechtsvacuum can create a situation where the notary does not have a clear legal basis to carry out his or her role effectively. This can open up opportunities for varying interpretations and create uncertainty for the parties involved in the mediation.

Thus, legal clarity can be provided, and notaries can carry out their role as mediators with sufficient confidence and legal certainty. Basically, notaries have an important position as mediators in various legal transactions. This position arises because notaries act as public officials authorized to make authentic deeds, which have high evidentiary power in the eyes of the law. As

[14] Cindarputera dan Putra, "Kewenangan Notaris Dalam Persoalanpenyuluhan Hukum Dan Mediasi," 10191.

[15] Asmah, "The Role of Business Competition Law in Online Business: A Comparative Study of United Kingdom and Indonesia," *Cogent Social Sciences* 8, no. 1 (31 Desember 2022): 2142398, https://doi.org/10.1080/23311886.2022.2142398.

a mediator, the notary acts as a neutral arbiter who has no personal interest in the transaction, thus ensuring fairness and continuity of the legal process. A notary's expertise in law and knowledge of legal regulations and norms can provide legal advice to the parties involved, thus preventing future conflicts.

For this reason, morally the position of a notary as a mediator does not contradict religious norms, decency or propriety that can affect the honor and dignity of the office of notary, because the notary is obliged to resolve disputes due to the negligence of the notary who does not provide legal counseling properly to the parties, resulting in disputes, this is done as a reason to avoid the accumulation of cases in court, besides that in the UUJN and the notary code of ethics there is also no prohibition for notaries to become mediators, moreover mediators are not classified as civil servants, private employees or professions recognized by the legislator.

Thus, the role of a notary as a mediator in resolving disputes for the parties, can encourage the creation of a fair settlement for the parties with the issuance of a deed of peace by a notary that has binding legal force (authentic) so as to reduce the burden of the judicial body in resolving cases in litigation. Thus, the role of a notary as a mediator in resolving disputes for the parties can provide authentication of the agreement drafted in the mediation process and ensure that the agreement has legal force. It is important to remember that the role of notaries in dispute resolution is as neutral mediators or arbiters. They do not have the power to decide disputes or issue legal rulings. However, their role is to help the disputing parties find an amicable solution and avoid a long journey through the courts. Therefore, to answer this legal vacuum, it is necessary to study the legal concept in looking at the position of a notary as a mediator in resolving a dispute that occurs.

THEORETICAL BASIS

As for the theoretical basis used as an analysis knife to answer and analyze existing problems, the following theories are used:

1. Dispute Resolution Theory

Dispute resolution theory is a theory that examines and analyzes the category or classification of disputes or conflicts that arise in society, the factors that cause disputes and the methods or strategies used to end these

disputes. Then, Dean G Pruitt and Jeffrey Z. Rubin put forward a theory of dispute resolution. There are 5 (five), namely[16] :

a. Contending, which is trying to implement a solution that is preferred by one party over the other.
b. Yielding (giving in), namely lowering one's own aspirations and being willing to accept less than what one actually wants.
c. Problem solving, which is finding alternatives that satisfy both parties.
d. Withdrawing, which is choosing to leave the dispute situation, either physically or psychologically.
e. In action (silent), i.e. not doing anything.

In the literature, Dispute Resolution Theory is also called Conflict Theory. Conflict in the Indonesian dictionary is a dispute, dispute and disagreement. Conflict is a difference of opinion and disagreement between two parties about rights and obligations at the same time and under the same circumstances. The definition of conflict itself was formulated by Dean G. Pruitt and Jeffrey Z. Rubin that, conflict is a perception of perceived divergence of interest, or a belief that the aspirations of the conflicting parties are not achieved simultaneously (simultaneously)[17].

Pruitt and Rubin formulate conflict as a difference of interest or disagreement between parties. The difference in interests means the different needs or requirements of each party. Disputes are part of social life, will always be present along with the existence of humans in carrying out their activities that are always in contact with each other individually or in groups.[18] Kovach defines conflict as a human mental and spiritual struggle involving differences in principles, statements and opposing arguments.

Dispute resolution theory emphasizes the importance of alternative approaches in handling conflicts, and in this context, the notary's position as a mediator plays a relevant role. Notaries, as independent and neutral officials, have the expertise to diffuse tensions between disputing parties. Dispute

[16] Pruitt G. Dean dan Jeffrey Z. Rubin, *Teori Konflik Sosial* (Yogyakarta: Pustaka Pelajar, 2004).

[17] A. Absori, *Hukum Penyelesaian Sengketa Lingkungan Hidup; Sebuah Model Penyelesaian Sengketa Lingkungan Hidup dengan Pendekatan Partisipatif* (Surakarta: Muhammadiyah University Press, 2009), https://publikasiilmiah.ums.ac.id/xmlui/handle/11617/9399.

[18] Hibah Alessa, "The Role of Artificial Intelligence in Online Dispute Resolution: A Brief and Critical Overview," *Information & Communications Technology Law* 31, no. 3 (2 September 2022): 319–42, https://doi.org/10.1080/13600834.2022.2088060.

resolution theory highlights principles such as sustainability, fairness, and efficiency in resolving conflicts without involving lengthy legal proceedings.[19] Notaries, with their legal knowledge and expertise in mediation, can facilitate dialog between disputing parties, helping them reach a mutually beneficial agreement. Therefore, in the context of dispute resolution theory, the notary's role as a mediator makes a significant contribution in achieving a fair and effective solution without having to take the formal litigation route.

2. Legal Certainty Theory

Certainty is a matter (state) that is certain, a provision or decree. The law must essentially be certain and just. It must be certain as a code of conduct and just because the code of conduct must support an order that is considered reasonable. Only because it is fair and implemented with certainty can the law fulfill its function. Legal certainty is a question that can only be answered normatively, not sociology[20].

The theory of Legal Certainty according to Peter Mahmud Marzuki, has 2 (two) meanings, namely first the existence of general rules that make individuals know what actions may or may not be carried out, and second in the form of legal security for individuals from government arbitrariness because of the general rule of law that individuals can know what the State can impose or do to individuals. Legal certainty is not only in the form of articles in the law but there is consistency in the judge's decision between one judge's decision and another judge's decision for a similar case that has been decided[21].

Normative legal certainty is when a regulation is made and promulgated with certainty because it regulates clearly and logically. Clear in the sense that it does not cause doubts (multi-interpretation) and logical. Clear in the sense that it becomes a system of norms with other norms so that it does not clash or cause norm conflicts. Legal certainty refers to clear, fixed, consistent and consequent law enforcement whose implementation cannot be influenced by subjective circumstances. Certainty and justice are not just moral demands, but factually characterize the law. A law that is uncertain and

[19] Solon Simmons, *Root Narrative Theory and Conflict Resolution: Power, Justice and Values*, 1 ed. (Abingdon, Oxon ; New York, NY : Routledge, 2020. | Series: Routledge studies in peace and conflict resolution: Routledge, 2020), https://doi.org/10.4324/9780367822712.

[20] Dominikus Rato, *Filsafat Hukum Mencari: Memahami dan Memahami Hukum* (Yogyakarta: Laksbang Pressindo, 2010), 59.

[21] Peter Mahmud Marzuki, *Penghantar Ilmu Hukum* (Jakarta: Kencana Prenada Media Group, 2008), 158.

unwilling to be fair is not just a bad law[22]. Notary as a public official who has the responsibility of making legal documents, has a key role in upholding the principle of legal certainty. In dispute resolution, the notary's role as a mediator can provide legal certainty to the parties involved. The notary, with his or her knowledge of applicable laws and regulations, can guide the parties to reach an agreement that is in accordance with applicable legal norms. By using the principles of legal certainty, the notary as mediator can draft the peace agreement clearly and unequivocally, providing a strong basis for dispute resolution.[23] The presence of a notary in the mediation process also provides confidence to the parties that their dispute resolution is conducted in compliance with applicable legal standards. Thus, legal certainty theory plays an important role in strengthening the notary's position as a mediator and ensuring that the dispute resolution reached has a solid and reliable legal foundation.[24]

RESEARCH METHODS

The research method used in this study is normative juridical research. according to ishaq, normative juridical research essentially examines the law conceptualized as norms or rules that apply in society, and become a reference for the behavior of everyone, this type of research is also called library research, theoretical / dogmatic research[25]. In his book Joenedi and Jhonny mention normative juridical research is research that examines legislation in a coherent legal system as well as unwritten legal values that live in society[26]

Then, this research uses several approaches, where with these approaches researchers will get information from various aspects regarding the position of notaries as mediators in dispute resolution. For this reason, the research approaches used are as follows:

---

[22] C. S. T. Kansil, Engeline R. Palandeng, dan Robert J. Palandeng, ed., *Kamus istilah aneka hukum*, Cet. 1 (Jakarta: Jala Permata, 2009), 385.

[23] Vanja Carlsson, "Legal Certainty in Automated Decision-Making in Welfare Services," *Public Policy and Administration*, 20 September 2023, 09520767231202334, https://doi.org/10.1177/09520767231202334.

[24] Isabel Lifante-Vidal, "Is Legal Certainty a Formal Value?," *Jurisprudence* 11, no. 3 (2 Juli 2020): 456–67, https://doi.org/10.1080/20403313.2020.1778289.

[25] Soerjono Soekanto, *Pengantar penelitian hukum*, Cet. ke-3; ed. ke-2 (Jakarta: Penerbit Universitas Indonesia (UI-Press), 2006), 2.

[26] H. Ishaq, *Metode penelitian hukum dan penulisan skripsi, tesis serta disertasi* (Bandung: Alfabeta, 2017), 66.

a. The statute approach, is an approach that uses various legal rules that are the focus and apply the neutral theme of a study. Therefore, researchmust see the law as a closed system that has comprehensive, all-inclusive, and systematic characteristics11 . For this, the author will use Law Number 2 of 2014 concerning the amendment to Law Number 30 of 2004 concerning Notary Position, and regulations related to this research.
b. Conceptual approach is an approachtaken to examine conceptually the meaning contained by the terms used in the legislation. Thus, it can be said that basically the conceptual task of law is to examine legal notions, legal principles, legal rules, legal systems, and various juridical concepts. In this research, the author will focus on conducting a conceptual approach by examining the nature of the notary's position as a mediator in resolving the parties' dispute.

RESULT AND DISCUSSION

Looking at the provisions contained in Article 1 Paragraph 2 of Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Courts (Perma No. 1 of 2016) which states that a Mediator is a Judge or other party who has a Mediator certificate as a neutral party who assists the Parties in the negotiation process in order to find various possible dispute resolutions without resorting to deciding or imposing a solution. A mediator is a judge or a separate individual who is certified as a mediator, acting neutrally to support the parties in the negotiation process to find possible conflict resolutions without resorting to deciding or imposing a solution. Settlement of civil disputes is usually done by such parties.

A mediator is a neutral party who assists the parties in the negotiation process to seek various possible dispute resolutions without resorting to deciding or imposing a settlement. The important characteristics of a mediator are to be neutral, to assist the parties and without using the method of deciding or imposing a settlement. It can be simplified that a mediator is a third party involved in the mediation process either individually or in the form of an independent institution that is neutral and impartial. The provisions contained in Article 1 paragraph 2 of Perma No. 1 of 2016 as previously described above emphasize that the mediator, who can be a judge or other person certified as a mediator, functions as a neutral party who assists the parties in finding a dispute resolution solution through a negotiation process, without giving a decision or implementing a particular solution.

From some of the provisions of the requirements to become a mediator as above, it is not absolute then must be from a law degree, other expertise can also become a mediator as long as it can master a field. To become a mediator, you must really master a science and deepen it so that the mediator can be taken into account in resolving the parties' disputes. In addition, an effective mediator must also have strong communication skills, including the ability to ask wise questions, listen actively, and communicate ideas clearly and persuasively. The ability to remain neutral and impartial is also very important, as the mediator is tasked with helping the conflicting parties reach a mutually beneficial agreement.

To gain the trust of the parties involved, a mediator must demonstrate expertise and in-depth knowledge in a field relevant to the dispute. This could involve taking specialized training, getting certified, or even pursuing an advanced degree in a particular field[27]. While a background in law can provide a good foundation, being a successful mediator is more about the mix of different skill sets and abilities needed to manage conflict tactfully and effectively. Strong communication skills, the ability to remain neutral, and a willingness to deepen knowledge in relevant fields are key to being an effective mediator in resolving parties' disputes in a fair and sustainable manner.

Civil dispute resolution is usually undertaken by parties involved in a dispute of interest. The parties wish for the dispute to be resolved efficiently and protect their interests. Theoretically, there are two main methods of resolving legal disputes: through litigation in court or through more cooperative means outside of court, known as Alternative Dispute Resolution (ADR). This out-of-court approach is a concept that should be applied in resolving disputes between parties. Mediation is one of these alternative dispute resolution methods, where a mediator plays an active role in helping to organize and facilitate the mediation process between the parties involved in the conflict.

A mediator is a facilitator who has special skills by attending mediator education and training and has a certificate of expertise as a mediator issued by the Indonesian Supreme Court. One of the mediators who currently often appears to help the course of a mediation is a mediator conducted by a notary.

[27] Bob Levin, "What Makes a Good Mediator? Key Qualities and Skills Explained," 10 Juli 2023, https://mediatorlocal.com/what-makes-a-good-mediator-key-qualities-and-skills-explained/.

Notary is one of the professions that is given the authority to conduct limited legal counseling regarding the deed he made to the interested party in his[28]. The limitation of the responsibility that notaries have is as long as they are still authorized to complete their duties as notaries. the notary's responsibility for the deed he made is related to the errors and omissions he committed, not responsible for the contents of the deed.

Notaries who carry out the function as mediators can occur if the dispute or the parties have not found a mutual agreement and in the legal relationship over a legal action to be carried out[29], then it is necessary to have a third party who helps to find a solution and find a joint agreement that represents the interests of the parties so that it can be resolved together. Of course, the presence of a notary who doubles as a mediator does not contradict the provisions of the laws and regulations regarding the office of notary or regulations regarding the notary code of ethics. Although the mediator profession is under the Supreme Court Institution and the Court and receives honorarium, it needs to be emphasized and clarified that the honorarium obtained does not come from the Supreme Court Institution but from the parties who appoint and request mediator assistance.

Notaries as mediators in dispute resolution have significant potential in supporting an efficient and effective resolution process. Notaries, who are public officials with specific expertise within their authority, particularly in relation to the authentication of documents and transactions, can utilize their professional expertise and integrity to act as mediators. As a mediator, a notary can facilitate communication between disputing parties with the aim of reaching an amicable agreement that is fair and legally valid. Notaries have an in- depth understanding of legal principles and related procedures, as well as the ability to interpret and apply the law in a neutral and impartial manner. This is particularly important in mediation, where the notary must ensure that all parties understand the legal consequences of any agreement reached. In

[28] Habib Adjie, *Hukum Notaris Indonesia: Tafsir Tematik Terhadap UU No. 30 Tahun 2004 Tentang Jabatan Notaris* (Bandung: Refika Aditama, 2014), 47, https://senayan.iain-palangkaraya.ac.id/index.php?p=show_detail&id=12264&keywords=.

[29] Ayu Ningsih, Faisal A.Rani, dan Adwani Adwani, "Kedudukan Notaris sebagai Mediator Sengketa Kenotariatan Terkait dengan Kewajiban Penyuluhan Hukum," *Jurnal Ilmiah Kebijakan Hukum* 13, no. 2 (23 Juli 2019): 201, https://doi.org/10.30641/kebijakan.2019.V13.201-228.

addition, the credibility and trustworthiness of the notary can increase the parties' confidence in the mediation process[30].

The involvement of a notary public as a mediator allows for the utilization of a more collaborative approach, which often results in a more sustainable and acceptable solution for all parties. In addition, the notary must be able to maintain confidentiality and respect the privacy of the parties involved by ensuring that information can be kept confidential. In addition, the notary's position as a respected public official lends additional legitimacy to the agreement reached, reducing the likelihood of future disputes and strengthening compliance with the agreement. Incorporating the role of notaries in the mediation process not only enriches the dispute resolution mechanism but also reaffirms public confidence in the integrity of the legal process. This significantly contributes to increased access to justice that is efficient and accessible to the public at large.

The position of the notary is only as a neutral third party and helps the disputing parties to resolve the legal issues that occur. The selection of a notary as a mediator is the desire of the parties who request the services of a notary as a party to assist in the course of mediation, this is due to the trust given by the parties to the dispute. This trust is rooted in the understanding that notaries, in their capacity as legal professionals, have the integrity and knowledge to facilitate communication and negotiation between disputing parties. This is because a mediator only assists the disputing parties to resolve their problems, not as a decision-making party.

In the context of mediation, the role of the notary is not to make binding decisions, but rather to act as a neutral party who helps the parties find an amicable solution that is acceptable to all parties involved. Therefore, the notary in his capacity as mediator does not direct the outcome of the mediation, but rather provides a framework for the parties to freely explore and find a mutual agreement, which inherently strengthens the legitimacy and sustainability of the resulting solution. The involvement of a notary as a mediator also ensures that any agreement reached can be integrated into a legal document, thereby increasing legal certainty for all parties involved. A

[30] Ady Thea DA, "Mengenal Tahapan Mediasi Sebagai Alternatif Penyelesaian Sengketa," Agustus 2023, https://www.hukumonline.com/berita/a/mengenal- tahapan-mediasi-sebagai-alternatif-penyelesaian-sengketa-lt64e6f49543ae8/.

notary can be a mediator as long as he or she has the skills and criteria that can assist in mediation, including[31]:

(1) Able to understand and master the problems that occur and not get involved in these problems;
(2) Able to establish and build communication and trust between the parties;
(3) Has the skills and tactics to explore and formulate what the parties want;
(4) Have patience and be able to manage emotions to maintain positive and dynamic momentum;
(5) Be able to be a good listener during the mediation process;
(6) Remain compliant and orderly with the mediator's norms and code of conduct.

According to the basic concept of the limitation of notarial authority in making land deeds based on positive law in Indonesia, there are various approaches from various legal theories, including the theory of legal certainty from the school of natural law and the school of positivism. Based on positive law in Indonesia, notaries are generally not restricted or given specific limitations in making land deeds. This is due to the authority granted to notaries in accordance with Article 15 paragraph 2 letter f of the UUJN, where only the law has the authority to limit the duties of notaries in making land deeds. It is important to note that only the law has the power to limit the authority of notaries in making land deeds, and not government regulations.

A notary public who serves as a mediator must possess a number of essential skills and criteria to support an effective mediation process. Being able to deeply understand the issues faced by the parties, while remaining objective and not emotionally involved in the conflict. This is important in order to provide a fair and unbiased solution. The ability to communicate well is also crucial. Notaries must be able to establish effective communication and build trust between conflicting parties. This includes the ability to listen actively and respect each party's views, as well as the skill to facilitate constructive dialog.

In addition, the notary needs to have special skills in exploring and formulating the wishes of each party. This relates to the ability to identify the

[31] Pratis Widyalestari dan Lathifah Hanim, "Akibat Hukum Notaris Merangkap Jabatan Sebagai Arbiter Ditinjau Dari Undang-Undang Nomor 2 Tahun 2014 Tentang Jabatan Notaris," *Jurnal Akta* 4, no. 4 (2017): 763.

core issues and find common ground that is acceptable to all parties. In this process, patience is an equally important trait, as the notary must be able to manage his or her own emotions and those of the parties to keep the atmosphere conducive. The skill of being a good listener is necessary during the mediation process. The notary must be able to listen to all complaints and aspirations without cutting off or excluding any of the parties. Then, it is very important for the notary to always follow the applicable norms and code of ethics of the mediator, maintaining professional integrity in every action and decision taken during the mediation process[32]. Thus, notaries can make a significant contribution in achieving a fair and sustainable resolution for all parties involved.

The notary's contribution in resolving the parties' dispute is an obligation in carrying out his duties as a public official with the consent of the parties and this does not violate the provisions of the notary concurrently as a mediator. With that, it is necessary to see the limits of the role of a notary as a mediator by looking at the provisions contained in Article 1 paragraph 1 of the UUJN, Notary is a public official authorized to make authentic deeds and has other powers as referred to in this Law or based on other laws. From this provision, it can be understood that notaries have a role in the deeds they make, so if it is related to their role as mediators, it is certainly very relevant because notaries use their expertise in law to help disputing parties reach an amicable agreement without the need to go through court proceedings. This role reflects the function of a notary that is not only limited to notarizing documents, but also as a facilitator that supports the resolution of legal issues through a more collaborative and constructive approach.

The basis of such relevance is the mandate contained in Article 17 of the UUJN which can be observed that there is no prohibition for notaries to become mediators because mediators are not state officials and are not high state institutions and do not carry out state administration. The meaning of position is a position that shows the duties, responsibilities, authority and rights of a person. The position held by a notary in accordance with the authority contained in the provisions of Article 15 of the UUJN is an absolute authority as a basis for the authority of a notary in carrying out the duties and responsibilities of the position. Meanwhile, for a notary to become a mediator

[32] Renata Christha Auli, "Mengenal Profesi Notaris dan Kode Etiknya," 23 September 2022, https://www.hukumonline.com/klinik/a/mengenal-profesi-notaris-dan-kode-etiknya-lt632d70d53e11f/.

is an act that is not prohibited by laws and regulations because the prohibition only applies when the notary is carrying out his position as a notary. And this is an action that is very beneficial to the parties to the dispute because the role of a notary as a mediator can be a valuable addition in resolving legal conflicts between interested parties.

While a notary is known as an official tasked with notarizing legal documents and transactions, his wide-ranging role also includes amicable dispute resolution[33]. Nevertheless, it is important to understand that when a notary acts as a mediator, he or she must still adhere to the established code of ethics and professional standards. This includes maintaining adherence to the principles of neutrality, fairness, and confidentiality in the mediation process. In addition, the notary must also avoid conflicts of interest and ensure that the settlement reached is the best for all parties involved.

There is no explicit prohibition in the laws and regulations regarding the role of notaries as mediators, but it should be emphasized that mediation is not a major part of the notary function. Therefore, if a notary chooses to act as a mediator, it is important for them to have adequate skills and knowledge in mediation, as well as to stick to their professional ethical principles. Thus, while there is no explicit prohibition against such conduct, prudence and a deep understanding of professional responsibilities are key in carrying out the role appropriately.

The attachment of the position of a notary can be a mediator is determined directly by the parties, where a notary is trusted in resolving the dispute. Dispute settlement mediated by a notary is an out-of-court dispute settlement that should be carried out in the form of an authentic deed, so that later if a lawsuit is filed with the court, the judge can immediately impose a ruling on the peace deed made before the Notary. A deed of peace made before a notary has the same force as a judge's decision that has permanent legal force (in kracht van gewijsde). The deed has the power of perfect evidence or cannot be refuted. However, as contained in the provisions of Article 36 paragraph (1) of Perma No. 1 of 2016 which regulates out-of-court peace requires that the Parties with or without the assistance of a certified Mediator who successfully resolve disputes outside the Court with a Peace Agreement can submit the Peace Agreement to the authorized Court to obtain a Peace Deed by filing a lawsuit.

[33] Thea DA, "Mengenal Tahapan Mediasi Sebagai Alternatif Penyelesaian Sengketa."

This provision requires parties who have successfully resolved a dispute through out- of-court mediation with a peace agreement, either with or without the assistance of a certified mediator, to submit the peace agreement to the competent court. The submission of the peace agreement to the court aims to obtain an official peace certificate from the court. Thus, this provision provides legal certainty for parties who have reached an out- of-court agreement mediated by a notary public, so that the results of the mediation can be legally recognized and executed by the relevant court. This is to encourage alternative and effective dispute resolution, as well as facilitate the formal implementation of peace agreements through established legal processes.

For this reason, as there is a strength of the peace deed from the Notary as a non- certified mediator as it is not included in the provisions of Article 13 of Perma No. 1 Year 2016 which contains the provisions related to mediator certification, 55 still has the authority to carry out mediation as directly appointed by the parties. It should be understood that Notary has broad authority in the mediation process due to its position which is closely related to the management function and legality of the peace deed as a result of the mediation agreement of the parties. In mediation, the Notary can act as a mediator who assists the parties in reaching an amicable agreement by facilitating communication, bridging differences, and producing a legally valid peace deed. The strength of a peace deed made by a Notary in his capacity as an uncertified mediator can be considered as valid written evidence, as long as it fulfills the formal requirements stipulated by civil procedural law.

Article 13 of the Perma does explicitly provide for the certification of mediators, but does not absolutely eliminate the possibility for Notaries to act in that capacity when specifically chosen by the parties to the dispute. This indicates that the legislation recognizes and respects the parties' freedom to determine the dispute resolution mechanism that best suits the parties' specific needs and context. Notaries, acting as public officials, hold a strategic position that enables them to effectively carry out the mediation function. In conducting mediation, Notaries utilize their in-depth legal knowledge and professional skills in document management to facilitate discussions and negotiations between the parties.

Given that mediation is a process that emphasizes the freedom and equality of the parties in finding consensual solutions, the role of Notary

becomes vital. Notaries can ensure that all agreements reached are valid and well-documented, thus preventing legal uncertainty in the future. Therefore, although it is not required by Perma to have mediator certification, Notary involvement in mediation directly, on the basis of the parties' choice, remains a legitimate and recognized practice in the legal system as stated in the provisions of Article 36 paragraph (1) of Perma No. 1 Year 2016.

Although Notaries have the authority to conduct mediation as directly appointed by the disputing parties, it is important to consider the legal implications that may arise from such decisions. Parties involved in a mediation led by an uncertified Notary should ensure that the mediation process is conducted with due regard to the principles of fairness, propriety, and balance, and ensure that the resulting peace deed meets the stipulated requirements to become valid and legally binding written evidence.

For this reason, philosophically, dispute resolution through mediation conducted by a notary is an effort to restore the relationship between the parties to the dispute to its original state. By restoring the relationship, they can establish relationships, both social and legal relationships with each other. The theory studied in this regard is the theory of dispute resolution. Dispute resolution is a process, an action, a way of resolving. Settling means making it easy, making it end, settling or deciding, arranging, reconciling (disputes or quarrels), or arranging something so that it becomes good.56 With the settlement of the dispute, the relationship between the parties will return to its original state. To end disputes that arise in society, it is necessary for the parties to agree to resolve the dispute by strengthening the authentic deed as the basis for a peace agreement.

Dispute resolution theory emphasizes the importance of alternative approaches in handling conflicts, and in this context, the nature of notaries as mediators plays a relevant role. Notaries, as independent and neutral officials, have the expertise in diffusing tensions between disputing parties. Dispute resolution theory highlights principles such as sustainability, fairness, and efficiency in resolving conflicts without involving lengthy legal proceedings. Notaries, with their legal knowledge and expertise in mediation, can facilitate dialogue between disputing parties, helping them reach a mutually beneficial agreement.

Notaries have the authority and responsibility to facilitate negotiations between the parties involved in the conflict. The mediation approach taken by notaries can be linked to dispute resolution theories that emphasize the

importance of dialogue, cooperation, and reaching an agreement that is beneficial to all parties involved. By using his or her expertise in understanding the rule of law as well as his or her ability to mediate communication, the notary acts as an objective and neutral facilitator to reach a fair and equitable settlement. In addition, the notary also has an obligation to ensure the validity and compliance of the dispute resolution process with applicable legal provisions, so that the results have legal force that is valid and binding for all parties involved. For the notary's role as a mediator in dispute resolution effectively reflects the fundamental principles of dispute resolution theory that emphasize the importance of dialogue, fairness, and compliance with the law.

In addition, the notary is responsible for facilitating the parties towards a mutually beneficial agreement. The mediation approach adopted by notaries is highly consistent with dispute resolution theories that emphasize the importance of dialogue, cooperation, and reaching an agreement that satisfies all parties involved. In this context, the notary acts as an impartial neutral, with his expertise in understanding the complexities of the law and his ability to manage communication between the disputing parties. By prioritizing the principles of fairness and compliance with the law, the notary ensures that the mediation process takes place transparently and in accordance with applicable regulations. In addition, the notary also has the responsibility to ensure that the agreement reached is legally valid, thus providing a strong basis for ongoing dispute resolution.

Therefore, in the context of dispute resolution theory, the notary as a mediator makes a significant contribution in achieving a fair and effective solution without having to take the formal litigation route. In addition, the presence of a notary as a mediator also provides a sense of trust and legal certainty for the parties, as the notary is considered an authority related to the creation of legal documents. Also, through mediated settlements led by notaries as mediators directly appointed by the parties, the parties can reach a legally and practically satisfactory solution without having to involve the courts or formal litigation, which often takes significant time, cost and energy.

As a mediator appointed directly by the parties, a notary public has sufficient expertise in the law as well as the integrity necessary to resolve disputes efficiently. Thus, the central position of a notary public as a mediator in resolving parties' disputes is essentially neutral, independent, impartial,

appointed by the parties directly, facilitating by ensuring that the interests and rights of all parties are fairly accommodated.

The nature of the notary as a mediator occupies a very important and strategic position[34]. Notaries, in their capacity as mediators, must uphold the principles of neutrality, independence, and impartiality. The existence of a notary as a mediator is not a unilateral initiative, but rather a direct appointment by the parties to the dispute, signifying the trust given to the notary to handle existing problems in a balanced and fair manner. As a mediator, the notary is tasked with facilitating dialog between the parties, identifying the core of the problem, and exploring solutions that allow for a socially just agreement. The notary must be able to position himself as an independent party, distancing himself from any influence that could distort his neutrality. This is fundamental given that the notary is responsible for ensuring that the rights and interests of all parties are treated fairly and no one is disadvantaged.

Notaries as mediators must have effective communication skills, negotiation skills, and an in-depth understanding of the legal aspects relevant to the dispute at hand. The notary should also endeavor to create a conducive environment during the mediation process, where all parties can present their views and arguments without any pressure. As such, the integrity and professionalism of the notary in carrying out his or her duties as a mediator is critical. This includes not only the capability to resolve disputes, but also in building public trust in the notary profession as an important element in dispute resolution to achieve justice. Notaries should always strive to strengthen their position as fair and trustworthy mediators, capable of navigating and resolving disputes to the satisfaction of all parties involved.

In addition to this, notaries as mediators provide several advantages due to their background and education. Thus, notaries can be effective as mediators because they have a deep understanding of the law and good listening skills, which enable them to deeply understand the legal and personal issues faced by the parties[35]. Thus, the neutrality of notaries is crucial in maintaining effectiveness and fairness in the mediation process. This

[34] James A. Wall, John B. Stark, dan Rhetta L. Standifer, "Mediation: A Current Review and Theory Development," *Journal of Conflict Resolution* 45, no. 3 (Juni 2001): 370–91, https://doi.org/10.1177/0022002701045003006.

[35] M. Myronenko, "Foreign Experience Of Implementation Of Mediation In Notarial Activities," *Scientific Notes Series Law* 1, no. 12 (Oktober 2022): 114–19, https://doi.org/10.36550/2522-9230-2022-12-114-119.

quality assists them in organizing and facilitating dialogue between the parties, thereby increasing the chances of a fair and acceptable settlement for all concerned[36].

Notary neutrality is not just a formal requirement, but is the essence that enables notaries to be effective in their role as mediators. In the context of dispute resolution, notaries play a role in creating fair settlements, which can be used as a solid foundation in out-of-court conflict resolution processes. For a neutral notary is key in ensuring that the legal documents and transactions they facilitate are accepted by all parties as fair and legitimate, ultimately supporting justice and legal certainty in society.

Furthermore, it is also important to understand that notarial neutrality in resolving disputes involves a deep understanding of the law and adherence to professional ethics. The notary must avoid any form of conflict of interest and must be prepared to refuse assignments that could affect his or her neutrality. Therefore, it is important for notaries to have the moral strength and support of professional oversight bodies to help ensure that they can maintain integrity and neutrality in all their actions. Notary neutrality ensures that all parties are treated fairly and that the resulting deed of peace reflects the true state of affairs without prejudice to either party.

Agreements reached should be clearly documented and agreed upon by all parties involved. Monitoring and evaluation mechanisms can be implemented to ensure implementation of the agreement and address potential future disagreements. In order to ensure the sustainability of dispute resolution, community education and participation approaches can also be involved. A better understanding by notaries of the mediation process and its underlying values can help the parties to proactively manage disputes and prevent future escalation of disputes, which requires deep knowledge for notaries.

Some strategies that can be applied by a notary as a mediator in resolving the parties' dispute as above, are steps to achieve a fair settlement, so that the form of the nature of a notary as a mediator who is neutral, independent, impartial, appointed by the parties directly, facilitating well can be realized with the aim of finally reaching a peace agreement with the issuance of a deed of peace from a notary.

[36] State University of Grodno dan Irena Kirvel, "Notaries as Mediators in the Republic of Belarus," *Białostockie Studia Prawnicze* 22, no. 4 (2017): 281–91, https://doi.org/10.15290/bsp.2017.22.04.22.

The authority and prohibition for notaries in the provisions contained in Article 15 and Article 17 of the UUJN show that it does not mention the prohibition for notaries to act as mediators. However, basically many notaries act as mediators based on the agreement of the parties, which is later strengthened by a notarial deed of peace. This opens up opportunities for notaries to take on the role of mediator in the resolution of parties' disputes, provided that the parties to the dispute agree to the participation of the notary. In practice, a notary who acts as a mediator can strengthen the mediation outcome by making a notarial deed of peace, which gives legal force to the agreement reached. This role utilizes the notary's ability to understand the law and skills in negotiation, as well as the professional integrity expected of a notary.

In performing the mediation function, notaries need to ensure that they do not violate the principle of neutrality. Notaries must stand above all personal and party interests and maintain an equal distance towards all parties involved. This is important to avoid potential conflicts of interest, which can undermine public trust in the professional integrity of notaries. In addition, notaries must also prioritize professional ethics in every stage of mediation, from initiating mediation, maintaining the confidentiality of information, to reaching a fair and balanced settlement between the disputing parties. Then the mediation results that are strengthened by a notarized peace deed have strong legal force. This peace deed ensures that all parties comply with the agreement that has been reached and provides a legal means for the enforcement of the agreement if one of the parties violates it.

This notarized agreement in the form of a deed of peace provides further assurance of compliance and implementation of the mediation outcome. Overall, while UUJN does not specifically prohibit notaries from acting as mediators, notaries who choose to take on this role should do so with the utmost ethical and professional consideration. By maintaining high standards in mediation practice, notaries not only increase the scope of services they offer, but also make a valuable contribution to effective and efficient dispute resolution.

In terms of policy, the development of clearer regulations regarding the role of notaries as mediators can provide certainty to the dispute resolution process while taking into account the general principles that already exist in existing laws and regulations. The addition of this provision in the existing regulations can address the legal vacuum and at the same time, enhance the

role of notaries in dispute resolution, in line with the principles of fairness and speed in handling legal matters. New provisions that support the role of notaries as mediators will not only strengthen the capacity of notaries in carrying out their duties, but will also substantially raise the standards of the legal profession in applying more efficient and effective dispute resolution methods. Therefore, in line with the nature of notaries as mediators, the role they play in the mediation process is a manifestation of their broader social and legal functions. As a notary, it is not only tasked with ensuring the authenticity of documents and transactions, but also plays an active role in preventing and resolving disputes between parties. This is in accordance with the basic principles of the notary profession which is not only concerned with formal legal aspects, but also inclusive of fair and equitable aspects of problem solving.

Notary as a mediator is a manifestation of the need to maintain neutrality and independence, which are not only fundamental in performing notarial duties, but also crucial in the mediation process. Notaries must be able to position themselves as a neutral party without being directly involved in the interests of either party to the dispute. The ability to maintain this position allows the notary to effectively facilitate dialog and negotiation, which in turn paves the way towards safe and fair conflict resolution. Thus, the essence of a notary as a mediator is to facilitate conflict resolution by ensuring that the interests and rights of all parties are accommodated fairly, in accordance with applicable legal principles. It is also important to understand that in performing the function of a mediator, the notary does not render a decision like a judge or arbitrator, but rather facilitates the parties to reach a mutually acceptable resolution. This demonstrates the importance of interpersonal skills and adherence to professional ethics in carrying out their duties. In addition, the role of notaries as mediators is also seen as an effective alternative to dispute resolution through the courts, which is often more time-consuming and costly.

CONCLUSION

Notaries have an important role in resolving disputes between parties, in accordance with their authority as public officials. The role of a notary as a mediator does not violate applicable legal provisions, and is even relevant because his legal expertise can help reach an amicable agreement without going through court proceedings.

The Notary Position Law (UUJN) and Article 17 of the UUJN do not prohibit notaries from becoming mediators, as long as it does not conflict with their official duties as notaries. In addition, Article 13 of Perma No. 1 Year 2016 regulates mediator certification, but does not rule out the possibility of notaries acting as mediators if chosen by the parties to the dispute. Other than that, Article 15 and Article 17 of the UUJN do not explicitly prohibit notaries from acting as mediators. Many notaries act as mediators based on the agreement of the parties, which is then strengthened by a notarial deed of peace. This role allows notaries to assist in dispute resolution by using their legal expertise and negotiation skills, as well as giving legal force to the agreement reached.

Notaries as mediators use their legal knowledge and expertise in document management to facilitate communication and negotiation, resulting in a legally valid deed of peace. This function expands the notary's role from merely notarizing documents to facilitating the resolution of legal disputes. Thus, the role of a notary as a mediator provides significant added value in resolving legal conflicts between parties. Notaries who act as mediators must maintain the principles of neutrality, impartiality, and maintain an equal distance with all parties involved to avoid conflicts of interest. Professional ethics must be upheld in every stage of mediation, from initiating mediation, maintaining confidentiality of information, to reaching a fair settlement.

BIBLIOGRAPHY

Absori, A. Hukum Penyelesaian Sengketa Lingkungan Hidup; Sebuah Model Penyelesaian Sengketa Lingkungan Hidup dengan Pendekatan Partisipatif. Surakarta: Muhammadiyah University Press, 2009. https://publikasiilmiah.ums.ac.id/xmlui/handle/11617/9399.

Adjie, Habib. Hukum Notaris Indonesia: Tafsir Tematik Terhadap UU No. 30 Tahun 2004 Tentang Jabatan Notaris. Bandung: Refika Aditama, 2014. https://senayan.iain-palangkaraya.ac.id/index.php?p=show_detail&id=12264&keywords=.

Alessa, Hibah. "The Role of Artificial Intelligence in Online Dispute Resolution: A Brief and Critical Overview." Information & Communications Technology Law 31, no. 3 (2 September 2022): 319–42. https://doi.org/10.1080/13600834.2022.2088060

Asmah. "The Role of Business Competition Law in Online Business: A Comparative Study of United Kingdom and Indonesia." Cogent Social Sciences 8, no. 1 (31 Desember 2022): 2142398. https://doi.org/10.1080/23311886.2022.2142398.

Bachriadi, Dianto, dan Edward Aspinall. "Land Mafias in Indonesia." Critical Asian Studies 55, no. 3 (3 Juli 2023): 331–53. https://doi.org/10.1080/14672715.2023.2215261.

Carlsson, Vanja. "Legal Certainty in Automated Decision-Making in Welfare Services." Public Policy and Administration, 20 September 2023, 09520767231202334. https://doi.org/10.1177/09520767231202334.

Christha Auli, Renata. "Mengenal Profesi Notaris dan Kode Etiknya," 23 September 2022. https://www.hukumonline.com/klinik/a/mengenal-profesi-notaris-dan-kode-etiknya- lt632d70d53e11f/.

Cindarputera, Ranggapandu, dan Mohamad Fajri Mekka Putra. "Kewenangan Notaris Dalam Persoalanpenyuluhan Hukum Dan Mediasi." JISIP (Jurnal Ilmu Sosial dan Pendidikan) 6, no. 3 (8 Juli 2022). https://doi.org/10.58258/jisip.v6i3.3371.

Dean, Pruitt G., dan Jeffrey Z. Rubin. Teori Konflik Sosial. Yogyakarta: Pustaka Pelajar, 2004.

Dewi, Yetty Komalasari. "The Need to Adopt a Limited Liability Partnership for the Legal Profession in the Partnership Law: A Critical Review from Indonesia's Perspective." Disunting oleh Richard Meissner. Cogent Social Sciences 7, no. 1 (1 Januari 2021): 1999005. https://doi.org/10.1080/23311886.2021.1999005.

H. Ishaq. Metode penelitian hukum dan penulisan skripsi, tesis serta disertasi. Bandung: Alfabeta, 2017.

Ho, Peter. "An Endogenous Theory of Property Rights: Opening the Black Box of Institutions." The Journal of Peasant Studies 43, no. 6 (November 2016): 1121–44. https://doi.org/10.1080/03066150.2016.1253560.

Kansil, C. S. T., Engeline R. Palandeng, dan Robert J. Palandeng, ed. Kamus istilah aneka hukum. Cet. 1. Jakarta: Jala Permata, 2009.

Kusmayanti, Hazar, Deviana Yuanitasari, Endeh Suhartini, Mohammad Hamidi Masykur, Dede Kania, Ramalinggam Rajamanickam, dan Maureen Maysa Artiana. "Acte Van Dading In the Settlement of Industrial Relations Disputes in Indonesia." Cogent Social Sciences 9,

no. 2 (15 Desember 2023): 2274148. https://doi.org/10.1080/23311886.2023.2274148.

Levin, Bob. "What Makes a Good Mediator? Key Qualities and Skills Explained," 10 Juli 2023. https://mediatorlocal.com/what-makes-a-good-mediator-key-qualities-and-skills- explained/.

Lifante-Vidal, Isabel. "Is Legal Certainty a Formal Value?" Jurisprudence 11, no. 3 (2 Juli 2020): 456–67. https://doi.org/10.1080/20403313.2020.1778289.

Marzuki, Peter Mahmud. Penghantar Ilmu Hukum. Jakarta: Kencana Prenada Media Group, 2008.

Myronenko, M. "Foreign Experience Of Implementation Of Mediation In Notarial Activities." Scientific Notes Series Law 1, no. 12 (Oktober 2022): 114–19. https://doi.org/10.36550/2522-9230-2022-12-114-119.

Ningsih, Ayu, Faisal A.Rani, dan Adwani Adwani. "Kedudukan Notaris sebagai Mediator Sengketa Kenotariatan Terkait dengan Kewajiban Penyuluhan Hukum." Jurnal Ilmiah Kebijakan Hukum 13, no. 2 (23 Juli 2019): 201. https://doi.org/10.30641/kebijakan.2019.V13.201-228.

Panjaitan, Wijaya Natalia. "Akta Perdamaian Oleh Notaris Sebagai Mediator Alternatif Penyelesaian Sengketa Di Luar Pengadilan." Pattimura Legal Journal 1, no. 3 (13 November 2022): 222–30. https://doi.org/10.47268/pela.v1i3.7507.

Rato, Dominikus. Filsafat Hukum Mencari: Memahami dan Memahami Hukum. Yogyakarta: Laksbang Pressindo, 2010.

Republik Indonesia. Pasal 1 Angka 10 Undang-Undang Nomor 30 tahun 1999 tentang Arbitrase Dan Alternatif Penyelesaian Sengketa., 1999.

Salim H. S. Hukum kontrak: teori dan teknik penyusunan kontrak. Cet. 3. Jakarta: Sinar Grafika, 2006.

Simmons, Solon. Root Narrative Theory and Conflict Resolution: Power, Justice and Values. 1 ed. Abingdon, Oxon ; New York, NY : Routledge, 2020. | Series: Routledge studies in peace and conflict resolution: Routledge, 2020. https://doi.org/10.4324/9780367822712.

Soekanto, Soerjono. Pengantar penelitian hukum. Cet. ke-3; ed. Ke-2. Jakarta: Penerbit Universitas Indonesia (UI-Press), 2006.

Soemartono, Gatot P. Arbitrase dan mediasi di Indonesia. Jakarta: Gramedia Pustaka Utama, 2006.

State University of Grodno, dan Irena Kirvel. "Notaries as Mediators in the Republic of Belarus." Białostockie Studia Prawnicze 22, no. 4 (2017): 281–91. https://doi.org/10.15290/bsp.2017.22.04.22.

Sulistianingsih, Dewi, Alviona Anggita Rante Lembang, Yuli Prasetyo Adhi, dan Muchammad Shidqon Prabowo. "Online Dispute Resolution: Does the System Actually Enhance the Mediation Framework?" Cogent Social Sciences 9, no. 1 (31 Desember 2023): 2206348. https://doi.org/10.1080/23311886.2023.2206348.

Thea DA, Ady. "Mengenal Tahapan Mediasi Sebagai Alternatif Penyelesaian Sengketa," Agustus 2023. https://www.hukumonline.com/berita/a/mengenal- tahapan-mediasi-sebagai-alternatif-penyelesaian-sengketa-lt64e6f49543ae8

Wall, James A., John B. Stark, dan Rhetta L. Standifer. "Mediation: A Current Review and Theory Development." Journal of Conflict Resolution 45, no. 3 (Juni 2001): 370–91. https://doi.org/10.1177/0022002701045003006

Widyalestari, Pratis, dan Lathifah Hanim. "Akibat Hukum Notaris Merangkap Jabatan Sebagai Arbiter Ditinjau Dari Undang-Undang Nomor 2 Tahun 2014 Tentang Jabatan Notaris." Jurnal Akta 4, no. 4 (2017): 759–72.