

# Problems Of The Implementation Of Mediation Of Copyright Disputes (Study At The Regional Office Of The Ministry Of Law Of Central Java)

*Aifa Saputri* 

Semarang State University, Semarang, Indonesia  
[aifasaputri@students.unnes.ac.id](mailto:aifasaputri@students.unnes.ac.id)

*Ubaidillah Kamal* 

Semarang State University, Semarang, Indonesia  
[ubaidillahkamal@mail.unnes.ac.id](mailto:ubaidillahkamal@mail.unnes.ac.id)

## Abstract

This study aims to analyze the problems of copyright dispute mediation implementation and their impact on dispute resolution effectiveness at the Regional Office of the Ministry of Law of Central Java. The main issue examined is the low mediation success rate despite mediation being mandated as the primary alternative dispute resolution mechanism before litigation. This study employs a qualitative descriptive method with an empirical juridical approach through in-depth interviews with officials and mediators, analysis of mediation case documents, and review of relevant laws and regulations. The analysis applies Soerjono Soekanto's Legal Effectiveness Theory, encompassing five determining factors: legal substance, law enforcement, facilities and infrastructure, society, and legal culture. Results indicate that during 2023 to 2025, only two of six mediated



copyright disputes reached agreement, yielding a success rate of 33.3 percent. Three interrelated problems were identified: institutional problems involving weak structural positioning and limited institutional support; mechanism problems involving divergent party expectations, adversarial orientation of legal representatives, and substantive complexity of copyright disputes; and human resource problems involving limited mediator availability, insufficient copyright-specific competence, and excessive workload. Failed mediations were generally escalated to criminal proceedings, reflecting a tendency to criminalize inherently civil disputes. This study concludes that mediation effectiveness at the regional level remains suboptimal, necessitating institutional strengthening, mechanism improvement, and enhanced mediator competence grounded in intellectual property expertise.

## **KEYWORDS**

*Alternative Dispute Resolution, Legal Effectiveness, Copyright, Mediation, Problematics*

## **I. Introduction**

The development of the creative economy at the global and national levels has placed intellectual property, especially copyright, as a strategic instrument in innovation-based development. A report *by the World Intellectual Property Organization* (WIPO) shows that copyright-based industries contribute significantly to gross domestic product in various countries, including developing countries such as Indonesia.<sup>1</sup> The protection of intellectual works is not only related to respect for the moral and economic rights of creators, but also contributes to the investment climate, the growth of the creative industry, and the competitiveness of the

---

<sup>1</sup> WIPO, "The Economic Contribution of the Copyright Industries: Overview of Results from WIPO Studies. Geneva: World Intellectual Property Organization.," 2021.

nation.<sup>2</sup> In the international regime, the principle of automatic protection of copyright is affirmed in *the Berne Convention for the Protection of Literary and Artistic Works*, which was then adopted in the national legal system through Law Number 28 of 2014 concerning Copyright. Indonesia's commitment to copyright protection is also reflected in its membership in the *Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPs) which is part of the framework of *the World Trade Organization* (WTO), so that the national copyright protection system cannot be separated from international contexts and standards.

Copyright is an exclusive right that arises automatically from the moment a work is realized in real form, in which are inherent moral rights and economic rights that can only be exercised by the creator or copyright holder. Such exclusivity gives the rights holder full authority to control the use of his work, so any form of unauthorized use, such as reproduction, distribution, or use for commercial purposes can be categorized as an infringement. In the digital era characterized by the ease of mass reproduction and distribution of content, the potential for copyright infringement is increasing significantly, not only on a national scale but also across jurisdictional borders. In practice, these violations often lead to legal disputes that not only have an impact on economic losses, but also on the reputation and integrity of the creator.<sup>3</sup>

To provide certainty and legal protection, the Copyright Law, especially Article 95, regulates the dispute resolution mechanism through litigation in the Commercial Court as well as through alternative dispute resolution, including mediation, which under certain conditions is even required before criminal legal action is taken. In general, the alternative dispute resolution framework in Indonesia is based on Law Number 30 of

---

<sup>2</sup> Imaniyati and Neni Sri, *Intellectual Property Law: Intellectual Property, Intellectual Property Rights, Copyrights, Patents, and Trademarks*. (Prenada Media, 2024).

<sup>3</sup> Kayla Carissa Nazhali, "LEGAL PROTECTION OF COPYRIGHT AGAINST CREATIVE ECONOMY ACTORS (CASE STUDY OF PIRACY OF FILM FAMILY CYMARA)," *Civilia : Journal of Legal Studies and Civic Education* 3, no. 28 (2024): 346–54.

1999 concerning Arbitration and Alternative Dispute Resolution, so that mediation in copyright disputes has a legal basis both specifically in the Copyright Law and in general in the out-of-court dispute settlement regime.

4

Globally, mediation as a mechanism for resolving intellectual property disputes is gaining attention. The WIPO *Arbitration and Mediation Center* has become an international reference in resolving intellectual property disputes through non-litigation channels, and the experience of countries such as Singapore, the United States, and European Union countries shows that institutionally facilitated mediation can produce a high success rate when supported by adequate legal infrastructure and mediation competence.<sup>5</sup> This emphasizes that the effectiveness of mediation is not solely determined by the normative framework, but also by the quality of implementation and the institutional capacity that underpins it.

Studies on mediation in intellectual property disputes have been conducted by a number of researchers. When sorted chronologically, previous research can be presented as follows. The first research was conducted by Nurahmasari (2021) in a work entitled *Mediation as the Obligation to Resolve Civil Disputes of Patent Infringement in Indonesia for Legal Certainty and Usefulness*, which emphasizes the importance of mediation obligations in patent disputes in order to realize legal certainty and usefulness. The results of the study show that mediation can be an effective instrument to reduce the burden of cases in court and encourage faster resolution. Although it provides an argumentative basis regarding the urgency of mediation in intellectual property disputes in general, this study

---

<sup>4</sup> Sudjana, "Effectiveness and Efficiency of Intellectual Property Dispute Resolution through Arbitration and Mediation Based on Law Number 30 of 1999," *ADJUDICATION : Journal of Law* 2, no. 1 (2021): 81–96.

<sup>5</sup> WIPO Arbitration and Mediation Center., "WIPO Caseload Summary. Geneva: WIPO.," 2025, <https://www.wipo.int/amc/en/center/caseload.html>.

has not discussed the implementation aspect at the regional institutional level.<sup>6</sup>

The second research (2021) was conducted by Mayesha Andriana Yasmine, U. Sudjana, and Muhamad Amirulloh through an article entitled *The Obligation to Mediate Before Civil Compensation Lawsuits for Copyright Infringement in Indonesia*. This study specifically analyzes the provisions of Article 95 of the Copyright Law that require mediation before a particular lawsuit is filed.<sup>7</sup> The main finding of this study is that there is procedural uncertainty regarding the legal consequences if mediation is not taken. This study makes an important contribution in identifying the ambiguity of norms, but it is still limited to normative juridical analysis without testing its implementation practice in the field.

The third research (2022) by Anak Agung Putri Prameswari Padmanaba and I Gusti Ayu Stefani Ratna Maharani is titled *Mediation as an Alternative Dispute Resolution in Copyright Dispute Resolution*. This study emphasizes that mediation is a dispute resolution mechanism that is more flexible, efficient, and able to maintain the relationship between the parties than litigation.<sup>8</sup> The main focus of this study is on the conceptual advantages of mediation as part of ADR. However, the study has not evaluated the effectiveness of the implementation of mediation in specific institutional contexts.

The fourth research (2022) was conducted by Fira Amalia Sugianto with the title *The Effectiveness of the Role of Mediation in Alternative Efforts to Resolve Intellectual Property Disputes*. This study examines the

---

<sup>6</sup> Revita Nurahmasari, "MEDIATION AS AN OBLIGATION TO RESOLVE CIVIL DISPUTES OF PATENT INFRINGEMENT IN INDONESIA FOR THE SAKE OF CERTAINTY AND LEGAL UTILITY," *ACTA DIURNAL Journal of Notary Law* 5, no. 1 (2021): 123–38.

<sup>7</sup> Mayesha Andriana Yasmine, U Sudjana, and Muhamad Amirulloh, "The Obligation of Mediation Before Civil Compensation Lawsuits for Copyright Infringement in Indonesia," *Repertoire: Scientific Journal of Notary Law* 10, no. 2 (2021): 157–72, <https://doi.org/10.28946/rpt.v10i2.1432>.

<sup>8</sup> Anak Agung Putri Prameswari Padmanaba, "MEDIATION AS AN ALTERNATIVE DISPUTE RESOLUTION IN THE SETTLEMENT OF COPYRIGHT DISPUTES," *Kertha Village Journal* 10, no. 12 (2022).

effectiveness of mediation in IP disputes in general and finds that the success of mediation is influenced by the competence of the mediator, the good faith of the parties, and regulatory and institutional support.<sup>9</sup> The study has led to empirical analysis, but its scope is still broad and does not specifically examine the mediation of copyright disputes in the ministry's regional offices.

The latest research (2025) was conducted by Prayogi, Hari Hendarman, Nasrullah, Tatang Astarudin, and Muhamad Kholid in the article *The Role of the Ministry of Law and Human Rights in the Mediation Process of Copyright Infringement*. This research begins to highlight the institutional role of the Ministry of Law and Human Rights in facilitating the mediation of copyright disputes. The results show that the state has a strategic function as a facilitator of non-litigation dispute resolution. However, the research is still descriptive and has not in-depth examined operational problems at the regional office level as a technical implementer.<sup>10</sup>

Based on the analysis of five previous studies, it can be seen that the study of copyright dispute mediation has evolved from a normative approach to institutional analysis. However, there is a significant research gap. First, there has been no research that specifically examines the problems of implementing mediation of copyright disputes at the level of ministerial regional offices empirically and comprehensively. Second, previous studies have not integrated normative analysis with measurable empirical data evaluations such as actual mediation success rates. Third, the institutional and human resource dimensions as determining factors for the effectiveness of mediation at the regional level have not received adequate attention in the existing literature.

---

<sup>9</sup> Fira Amalia Sugianto, "THE EFFECTIVENESS OF THE ROLE OF MEDIATION IN ALTERNATIVE EFFORTS TO RESOLVE INTELLECTUAL PROPERTY DISPUTES," *META-JURIDICAL JOURNALS* 5, no. 1 (2022): 51–59.

<sup>10</sup> Hari Hendarman et al., "The Role of the Ministry of Law and Human Rights in the Mediation Process of Copyright Infringement," *Journal of Socio-Political, Government and Law* 4, no. 2 (2025), <https://doi.org/10.59818/jps.v4i2.1768>.

The Regional Office of the Ministry of Law of Central Java plays a strategic role as a facilitator of mediation of copyright disputes at the regional level. The research data shows that in the period 2023 to 2025, of the six copyright disputes mediated, only two managed to reach an agreement, reflecting a success rate of 33.3 percent. This figure is well below the standard of mediation effectiveness, which is generally expected to be above 50 percent, and the four disputes that fail to be mediated are subsequently proceeded to criminal proceedings. This condition reflects the existence of systemic problems that need to be studied in depth, both from institutional aspects, implementation mechanisms, and human resource capacity.

The urgency of this research lies in the need to empirically analyze the problems that hinder the effectiveness of mediation of copyright disputes at the regional level, as well as formulate recommendations for improvement. The novelty of this research lies in its approach that integrates empirical juridical analysis with the framework of Soerjono Soekanto's Legal Effectiveness Theory to measure and explain the gap between the applicable norms and the practice of implementing mediation in the field, an aspect that has not been specifically studied in previous studies. Thus, this research is expected not only to enrich the development of intellectual property law, but also to provide practical recommendations to strengthen institutional capacity and increase the effectiveness of mediation as a dispute resolution instrument that is responsive to the needs of society and global developments.

Based on this description, this research is focused on two main problems, namely: (1) what are the problems that arise in the implementation of copyright dispute mediation at the Regional Office of the Ministry of Law of Central Java; and (2) how the impact of these problems on the effectiveness of resolving copyright disputes through mediation. By examining these two aspects, this study is expected to be able to provide a comprehensive analysis of the relationship between implementation

barriers and the level of effectiveness of mediation as a mechanism for resolving copyright disputes.

## **II. Method**

This research is an empirical legal research with a qualitative, descriptive-analytical approach that aims to analyze the problems of the implementation of copyright dispute mediation and its impact on the effectiveness of dispute resolution at the Regional Office of the Ministry of Law of Central Java, which was *purposively* chosen as the research location because it has the authority and experience in handling copyright dispute mediation.<sup>11</sup> The data source consists of primary data in the form of semi-structured interviews with intellectual property analysts who also act as mediators, as well as data on case handling practices including the number of disputes, the level of resolution, and follow-up of disputes that did not reach an agreement, while secondary data was obtained through literature studies that include laws and regulations, academic literature, and supporting documents related to copyright dispute mediation. Data analysis is carried out through the stages of data reduction, data presentation, and conclusion drawn, using the framework of Soerjono Soekanto's Legal Effectiveness Theory as an analysis knife to assess how legal factors, law enforcement, facilities and infrastructure, society, and legal culture affect the effectiveness of the implementation of mediation.

## **III. Research and Discussion Results**

### **1. Problems in the Implementation of Copyright Dispute Mediation at the Regional Office of the Ministry of Law of Central Java**

---

<sup>11</sup> Muhaimin, *Legal Research Methods* (Mataram: Mataram University Press, 2020).

Mediation is one of the non-litigation dispute resolution mechanisms that occupies an important position in the framework of resolving copyright disputes in Indonesia. As part of alternative dispute resolution, mediation offers a more flexible, participatory, and interest-oriented process compared to litigation mechanisms that are formal and adversarial.<sup>12</sup> In the context of copyright disputes, mediation has a high relevance because disputes are not only about violations of legal norms, but also related to economic interests, the sustainability of professional relationships, and the reputation of the parties involved. Article 95 of Law Number 28 of 2014 concerning Copyright even requires mediation as an effort that must be taken first before settlement through criminal channels, which affirms the position of mediation as the main instrument for resolving copyright disputes outside of court.<sup>13</sup>

However, the characteristics of copyright disputes have their own complexities that affect the implementation of mediation. Copyright disputes are generally related to proving the use of works, determining the form of infringement, and calculating losses which often do not have uniform parameters. Differences in assessments of the economic value of the work, the level of violations, and the form of recovery that is considered proportionate make the positions of the parties not always balanced.<sup>14</sup> The development of digital technology that expands the potential for cross-platform violations further adds to the substantive complexity of disputes, so that mediation requires not only good procedures, but also adequate institutional capacity and human resources to support the quality of the dispute resolution process. This is in line with Soerjono Soekanto's view that the effectiveness of the law is not only determined by the substance of the norm, but also by the readiness of the institution, the capacity of law

---

<sup>12</sup> Nita Triana, *ALTERNATIVE DISPUTE RESOLUTION Alternative dispute resolution with mediation, arbitration, negotiation and conciliation models* (KAIZEN SARANA EDUKASI YOGYAKARTA, 2019).

<sup>13</sup> Jamilus, "OPTIMIZATION OF INTELLECTUAL PROPERTY MEDIATION AT THE MINISTRY OF LAW AND HUMAN RIGHTS," *Journal of De Jure Legal Research* 20, no. 10 (2021): 37–48.

<sup>14</sup> Febri Noor Hediati and Orin Gusta Andini, "SETTLEMENT OF COPYRIGHT DISPUTES THROUGH RESTORATIVE JUSTICE," *CONCLUSION*, 2023, 40–46.

enforcement, as well as the conditions of society and the legal culture that surrounds it.

Based on the results of research at the Regional Office of the Ministry of Law of Central Java, there are three main groups of problems that systemically affect the implementation of copyright dispute mediation. These three problems include institutional problems, implementation mechanism problems, and human resource problems. When analyzed using Soerjono Soekanto's Legal Effectiveness Theory, these three problems are directly correlated with the five factors that determine the effectiveness of the law, namely legal factors, law enforcement factors, facilities and infrastructure factors, community factors, and legal culture factors. Therefore, systematic mapping of problems is an important analytical foundation before assessing its impact on the effectiveness of dispute resolution.

### **Institutional Problems**

Institutional problems are directly related to the factors of facilities and infrastructure in Soerjono Soekanto's theory of legal effectiveness. Institutional readiness does not only refer to the existence of normative mediation, but also includes the readiness of organizational structures, policy support, and operational systems that allow mediation to be carried out consistently and sustainably. In practice at the Regional Office of the Ministry of Law of Central Java, the implementation of mediation shows that the mediation function is still in the stage of institutional strengthening which is marked by two main problems, namely dependence on external mediators and the lack of optimal standardization of procedures.<sup>15</sup>

In the period 2023 to 2024, the implementation of mediation at the Regional Office of the Ministry of Law of Central Java still relies on external mediators. This condition indicates that the institution's internal capacity

---

<sup>15</sup> Jamilus, "OPTIMIZATION OF INTELLECTUAL PROPERTY MEDIATION AT THE MINISTRY OF LAW AND HUMAN RIGHTS."

to provide mediation services has not been fully built as an integrated function. The use of external mediators on the one hand is a pragmatic step to ensure that mediation services continue to run in the midst of limited internal resources, but on the other hand it has the potential to cause consequences in the form of different facilitation approaches, less than optimal integration with internal procedures, and potential inconsistencies in the quality of services between disputes. The transition to an internal mediator in 2025 indicates an effort to strengthen institutional capacity, but this transition process requires not simple adjustments, especially in the development of mediator competencies, the development of clear standards of practice, and the consolidation of work mechanisms that support the professional implementation of mediation.

The next institutional problem is related to the standardization of mediation procedures and policies. The application of operational standards has not been optimal, causing the implementation of mediation to tend to depend on the approach of individual mediators, so that the experience of the parties can differ from one case to another. This condition not only affects the quality of the process, but also has an impact on the perception of the parties towards the reliability and professionalism of mediation services. From the perspective of Soerjono Soekanto's facilities and infrastructure factors, the absence of established procedural standards is an indicator that the institutional infrastructure of mediation has not fully supported effective and consistent implementation.<sup>16</sup> This in turn has the potential to lower the parties' confidence in the mediation institution, which is a key prerequisite for successful voluntary dispute resolution. Without strong institutional trust, the parties' motivation to participate actively and in good faith in the mediation process will be significantly reduced.

### **Implementation Mechanism Problems**

---

<sup>16</sup> Muhammad Faisal Aziz, Hamzah, and Rohaini, "The Effectiveness of Dispute Resolution through Mediation as an Alternative to Outside the Court in the Indonesian Legal System," *Al-Zayn: Journal of Social Sciences & Law* 3, no. 6 (2025): 8808–16.

The problems of the implementation mechanism are related to social factors and legal cultural factors in Soerjono Soekanto's theory. The mechanism for implementing mediation is not only influenced by formal rules, but also by psychological, strategic, and complex factors of the character of the copyright dispute itself.<sup>17</sup> Based on the results of the interviews, there are four problematic dynamics of mechanisms that are consistently identified in the practice of mediation of copyright disputes at the Regional Office of the Ministry of Law of Central Java.

First, the difference in the expectations of the parties. The parties who enter mediation forums generally have goals that are not entirely in line. Copyright holders tend to be oriented towards recognition of infringement and maximum compensation, while reported parties prioritize quick settlement with minimal consequences. This difference in orientation has implications for the difficulty of mediators in building a constructive dialogue space, as the parties still bring adversarial approaches that resemble the litigation process, thus slowing down the achievement of a common ground.<sup>18</sup> From the perspective of legal effectiveness theory, this condition reflects the uncondusive nature of society, where the parties' understanding of the philosophy and purpose of mediation as an interest-based mechanism is still very limited.

Second, the difficulty of reaching substantive agreements. Copyright disputes often involve aspects of economic value, reputation, as well as complex legal interpretations. Differences in assessment of the amount of damages, the scope of the violation, or the form of recovery that is considered fair cause the negotiation process to drag on. Moreover, copyright disputes often involve long-term interests such as licensing and digital distribution arrangements, which further adds to the complexity of

---

<sup>17</sup> Berlian Cikka Octanelsha, "JURIDICAL REVIEW OF MEDIATION AS AN ALTERNATIVE TO THE SETTLEMENT OF INTELLECTUAL PROPERTY DISPUTES," *Audi et AP : Journal of Legal Research* 02, no. 02 (2023): 142–48.

<sup>18</sup> Chrisna Bagus et al., "The Urgency of Mediation as an Alternative to Resolution of Copyright Disputes," *Kertha Patrika Journal* 43, no. 3 (2021): 275–95.

the substance of the deal.<sup>19</sup> This condition requires the mediator not only to act as a facilitator of communication, but also to be able to help the parties explore possible zones of agreement, a role that demands substantive competence in the field of in-depth intellectual property rights.

Third, the influence of legal representatives. The presence of legal counsel improves the quality of arguments and the certainty of agreement formulation, but on the other hand strengthens *the positional bargaining approach* that hinders negotiation flexibility. Lawyers tend to be oriented towards the maximum protection of the client's interests so that the mediation process has the potential to turn into rigid formal negotiations. This condition is a reflection of the legal culture factor that is still adversarially oriented, where dispute resolution is understood more as a position battle arena than a forum for collaboration of interests. Therefore, the management of the role of legal counsel in the mediation process is a challenge for mediators, namely how to maintain the collaborative character of mediation without ruling out the rights of the parties to be legally accompanied.

Fourth, the substantive complexity of copyright disputes. The development of digital technology, changes in the distribution model of works, and various forms of infringement make copyright disputes have a high technical character. This condition not only affects the understanding of the parties, but also requires the mediator to have adequate legal and technical literacy. Thus, the effectiveness of mediation is not solely determined by the existence of the procedure, but by the dynamic interaction between the competence of the mediator, the readiness of the parties, and the level of complexity of the substance of the dispute.<sup>20</sup> Overall, the four problematic dynamics of the mechanism form the conditions for

---

<sup>19</sup> Nurhaliza, Rilda Maya Sofiyani, and Reynatta Meisyana S, "Song Copyright Disputes in Commercial Marketing as a Challenge for the Creative Economy in Indonesia," *YOS SOEDARSO ECONOMICS JOURNAL (YEJ)* 7, no. 3 (2025): 24–32.

<sup>20</sup> Jafar Sidik et al., "THE IMPLEMENTATION OF INTELLECTUAL PROPERTY DISPUTE," *JOURNAL OF LEGAL ISSUES* 52, no. November (2023): 237–48.

the implementation of mediation that are vulnerable to negotiation impasses, which ultimately encourages the parties to shift dispute resolution to criminal channels as reflected in the empirical data of this study.

### **Human Resources Problems**

Human resource problems are directly related to law enforcement factors in Soerjono Soekanto's theory of legal effectiveness. Data for 2025 shows that three copyright disputes are handled by a single internal mediator, a condition that directly illustrates the limitations of human resource capacity to support optimal mediation. There are four aspects of human resource problems identified in this study.

First, the limited availability of mediators. The limited number of mediators indicates that the mediation function has not been fully supported by adequate human resource planning. In copyright disputes that have specific and cross-field characteristics, these limitations have the potential to affect scheduling flexibility, facilitation intensity, and the sustainability of the parties' assistance. Although the volume of cases is still relatively limited, institutional capacity needs to be proactively prepared to anticipate potential escalation of disputes in the future, especially as digital-based creative economy activities increase. These limitations also impact the institution's ability to guarantee the availability of responsive mediation services, especially when multiple disputes are present at the same time or require intensive mediation sessions.

Second, the limitations of specific competencies in the field of copyright. Mediation of copyright disputes requires multidimensional competence, including mastery of mediation techniques, substantive understanding of intellectual property law, and the ability to read the economic dynamics inherent in the object of dispute. The limitations of substantive competence have the potential to affect the quality of issue mapping, the ability to identify the interests of the parties, and the

effectiveness of facilitation in formulating operational and sustainable agreements.<sup>21</sup> In the perspective of law enforcement factors Soerjono Soekanto, the competence of the mediator is a key variable that determines whether the legal norms governing mediation can be implemented effectively in the field. Mediators who lack a substantive understanding of copyright risk producing agreements that do not reflect the interests of the parties proportionately, or even agreements that are difficult to execute because they do not consider the technical and economic aspects of the object of the dispute.

Third, the workload and experience of the mediator. The handling of multiple disputes by a single internal mediator creates a workload that is not only administrative, but also cognitive and emotional. Mediation requires stages of preparation, facilitation of dialogue, management of negotiation dynamics, and the formulation of agreements that demand high consistency of attention. Without systematic supervision or experience enrichment mechanisms, the process of strengthening the capacity of mediators has the potential to take place slower than needed. A workload that is concentrated on a single mediator also has the potential to reduce the quality of preparation in each mediation session, as the time and energy available to study the background of the dispute, map the interests of the parties, and design a facilitation strategy are limited.

Fourth, the ability to manage conflicts and expectations. Copyright disputes often contain emotional dimensions, economic interests, and reputational considerations, so mediators are required to have strong interpersonal communication skills and the ability to direct the parties from a position-based approach to an interest-based approach. Expectation management is an important element to ensure that the parties understand the limitations of the mediation process as well as realistic and

---

<sup>21</sup> Ramaji Themas and Asep Suherman, "The Influence of Mediator Competence and Dispute Resolution Costs on the Effectiveness of Alternative Dispute Resolution," *Journal of Law and Public Policy Studies* 3, no. 1 (2025): 89–95.

implementable resolution opportunities.<sup>22</sup> This ability cannot be acquired solely through formal training, but also requires a systematic accumulation of practical experience. Thus, the development of mediator capacity cannot be separated from the development of a sustainable practice-based learning system within the institution.

The overall human resource problem shows that the effectiveness of copyright dispute mediation is determined not only by institutional design and procedural mechanisms, but also by the capacity of the mediator as the main actor of the dispute resolution process. The limited availability of mediators, the need for competency improvement, workload dynamics, and the ability to manage conflicts and expectations form a series of interrelated factors. Therefore, strengthening human resources is an important prerequisite in ensuring that copyright dispute mediation can function optimally as an instrument for resolving non-litigation disputes at the regional level.<sup>23</sup>

The synthesis of the problems of the implementation of copyright dispute mediation shows that the three problems above do not stand separately, but form interdependent relationships that strengthen each other. Institutions that are still in the process of strengthening, especially related to the transition of mediators and standardization of procedures, have direct implications for how the mediation mechanism is implemented. At the same time, the quality of the implementation mechanism is greatly influenced by the mediator's ability to manage the process, which ultimately depends on the capacity of available human resources. When mapped through the five factors of Soerjono Soekanto, the factors of weak facilities and infrastructure are reflected in institutional problems, social factors and legal culture that are not yet conducive are reflected in the problems of

---

<sup>22</sup> Aldi Ferdiansyah, Berdi Adityas Wirawan Wahyono, and Almansyah Harahap, "The Effectiveness of Mediation as an Alternative to Civil Dispute Resolution in Improving Access to Justice in Indonesia," *Journal of Legal Studies and Civic Education* 1, no. 4 (2025): 471–80.

<sup>23</sup> Boy Gabriel Yohanes Simarmata and Irene Putri Alfani Sofia Sinaga, "The Role of Mediation in the Settlement of Business Contract Agreements in Indonesia," *LEGAL STANDING JOURNAL OF LAW* 9, no. 3 (2025): 549–66.

mechanisms, and limited law enforcement factors are reflected in the problems of human resources, which together form conditions that hinder the effectiveness of mediation. This condition is confirmed by empirical data from research which shows that of the six copyright disputes mediated in the period 2023 to 2025, only two managed to reach an agreement with a success rate of 33.3 percent, while the four disputes that failed to be mediated were subsequently proceeded to criminal proceedings, indicating a tendency to criminalize disputes that are essentially civil in nature. This pattern shows that the challenges faced are not only technical and procedural, but structural and capacity, which demand comprehensive and systemic handling.

## **2. The Impact of Problematics on the Effectiveness of Copyright Dispute Resolution Through Mediation**

The discussion of the problematic impact on the effectiveness of resolving copyright disputes through mediation cannot be separated from the findings in the previous subchapter which showed that there were obstacles in the institutional aspects, implementation mechanisms, and human resources. These various problems basically not only reflect technical challenges in the implementation of mediation, but also have a direct effect on the achievement of dispute resolution qualitatively and quantitatively. The effectiveness of mediation in the context of this study is understood as the ability of a non-litigation dispute resolution mechanism to produce a settlement that is not only formally achieved, but can also be carried out by the parties, obeyed voluntarily, and able to prevent the emergence of further disputes. Such an understanding of effectiveness goes beyond mere quantitative indicators and places the quality and sustainability of results as a dimension that is no less important than just the success rate recorded administratively. In other words, effective mediation is not just a mediation that results in a written agreement, but a

mediation that results in a settlement that is truly felt fair by the parties, obeyed without coercion, and does not leave room for the emergence of the same conflict in the future.

As a framework of analysis, this discussion uses Soerjono Soekanto's Theory of Legal Effectiveness which states that the effectiveness of law is determined by the interaction of five factors, namely legal substance factors, implementing apparatus factors, facilities and infrastructure factors, community factors, and legal culture factors.<sup>24</sup> This approach is relevant in the context of mediation because the success of the mechanism depends not only on the existence of the governing norms, but also on the quality of implementation and the readiness of the institutions and parties involved. This theory provides a comprehensive framework because it does not view the effectiveness of law as a purely normative issue, but as the result of complex interactions between legal texts, implementers, infrastructure, community behavior, and values that develop in social life. Using this framework, the impact of the problems found in the study can be systematically mapped to each effectiveness factor, so that the analysis is not only descriptive but also explanatory in explaining why the success rate of mediation is still at a suboptimal number.

In terms of legal substance factors, the normative framework that governs the mediation of copyright disputes is actually relatively adequate. Article 95 of Law Number 28 of 2014 concerning Copyright requires the settlement of disputes through mediation before criminal proceedings can be taken, while Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution provides a general basis for the implementation of mediation outside of court. The existence of these two legal instruments normatively has provided a strong enough legitimacy for mediation as a mechanism for resolving copyright disputes recognized by

---

<sup>24</sup> Sidi Ahyar Wiraguna, "The Effectiveness of Perma Number 1 of 2016 concerning Mediation in Civil Dispute Resolution; Review of the Legal Literature," *Al-Zayn: Journal of Social Sciences & Law* 4, no. 1 (2026): 3149–56.

the state. However, there is still procedural uncertainty regarding the legal consequences if the obligation of mediation is not fulfilled before the lawsuit is filed, which has the potential to weaken the coercion of mediation norms in the practice of its implementation. This condition shows that the legal substance factor, although relatively stronger than other factors, has not been fully able to support the implementation of mediation optimally without the support of the other four factors that in this study still face various significant challenges. Thus, the strength of the substance of the norm does not necessarily guarantee the effectiveness of implementation if the supporting factors have not been adequately met.

From the perspective of Soerjono Soekanto's facilities and infrastructure factors, institutional problems have the most significant impact on the consistency of mediation practices and the institutional trust of the parties. Institutions serve as the foundation for the implementation of mediation, including the regulation of procedures, case management, the provision of administrative support, and the establishment of consistent service standards. The reliance on external mediators during the period 2023 to 2024 creates conditions in which the practice of mediation is not fully internalized as an institutional capacity, so the continuity of service quality cannot be fully guaranteed. The lack of optimal operational standards of procedures results in a facilitation approach that depends on individual preferences of mediators, rather than on measurable institutional standards, so that the experience of the parties can differ from one case to another. This variation of approach has the potential to reduce public trust in mediation as a reliable dispute resolution mechanism. In the logic of mediation as an interest-based voluntary mechanism, the parties' trust in the organizing institution is a fundamental prerequisite for the success of the process. When such trust has not been firmly established, the motivation of the parties to engage actively, openly, and in good faith in the

mediation process will be reduced, which in turn decreases the chances of reaching a substantive and implementable agreement.<sup>25</sup>

The problems of the implementation mechanism have the most direct impact on the chances of reaching a substantive agreement, which is the main indicator of the effectiveness of mediation. From the perspective of social factors and Soerjono Soekanto's legal culture, the dynamics that occur in the mediation process of copyright disputes reflect that adversarial orientation is still very dominant in the way the parties view and undergo the dispute resolution process. The difference in expectations of the parties that are effectively unmanaged has an impact on the formation of negotiation impasse from the early stages of mediation, where the negotiation space becomes narrow and the mediator faces a major challenge in establishing common ground. The farther the distance between the parties' expectations, the greater the burden of facilitation that must be borne by the mediator, which in the context of limited human resources actually aggravates the existing challenges. The difficulty of reaching substantive agreements also has an impact on the quality of the agreements produced, even in cases that are successfully mediated. The pressure to resolve disputes quickly can lead to agreements that are compromising but do not fully reflect the interests of the parties, risking not being complied with consistently or even potentially leading to further disputes. The influence of lawyers who strengthen *the positional bargaining approach* also has an impact on the shift in the character of mediation from a collaborative forum to a rigid formal negotiation, which in the framework of Soerjono Soekanto's legal culture reflects that public awareness of the philosophy and advantages of mediation as an interest-based mechanism has not been adequately formed.<sup>26</sup>

---

<sup>25</sup> Ervina Gosal, Sirajuddin, and Andriyanto, "The Effectiveness of Mediation in Medical Dispute Resolution in Indonesia," *Locus: Journal of Legal Concepts* 5, no. December (2025): 1–6.

<sup>26</sup> BARTOLOMIUS NOVIANTO, "ANALYSIS OF THE EFFECTIVENESS OF MEDIATION AS A MECHANISM FOR RESOLVING SONG COPYRIGHT DISPUTES BASED ON ALTERNATIVE DISPUTE RESOLUTION," *E-Journal Fatwa Hukum FACULTY OF LAW UNIVERSITAS TANJUNGPURA* 8, no. 2 (2025): 113.

Human resource problems have a direct impact on the quality of the mediation facilitation process, which in the perspective of the factors of the implementing apparatus, Soerjono Soekanto said, is a key determinant of the effectiveness of legal implementation. The fact that by 2025 three copyright disputes will be handled by a single internal mediator is not just an administrative workload, but reflects a situation in which the quality of facilitation has the potential to be degraded due to limited preparation time, the intensity of mentoring, and the capacity to manage negotiation dynamics simultaneously. The limited competence of mediators in the field of copyright has an impact on the mediator's ability to help the parties explore realistic and implementable zones of agreement, especially in disputes involving technical aspects such as the assessment of economic losses on works, licensing arrangements, or the determination of limits on the use of works in the digital space. Mediators who do not have adequate substantive literacy will find it difficult to facilitate discussions at the necessary level, so the mediation process has the potential to stop at the surface level without successfully touching the core interests of the parties. A concentrated workload on a single mediator also has an impact on the continuity of service quality in the long term, as mediation facilitation demands a high level of concentration and psychological readiness, so the risk of degradation of facilitation quality increases significantly when the same mediator has to handle multiple disputes in a row without adequate supervisory support.<sup>27</sup>

The cumulative impact of these three problems is clearly reflected in the empirically measurable indicators of mediation effectiveness. Research data shows that in the period 2023 to 2025, of the six copyright disputes mediated at the Regional Office of the Ministry of Law of Central Java, only two managed to reach an agreement, so the success rate of mediation was at 33.3 percent. When referring to the data on the success rate of

---

<sup>27</sup> Dwight Dwight Duncan, *ALTERNATIVE METHODS OF DISPUTE RESOLUTION: MEDIATION OF LEGAL PROBLEMS (IN THEORY AND PRACTICE)* (University of Muhammadiyah Malang, 2022).

institutionally facilitated mediation at the international level, as shown by the WIPO Arbitration and Mediation Center with a success rate of 70 percent of the total cases handled<sup>28</sup>, the figure of 33.3 percent shows that the mediation of copyright disputes in this institution has not reached the optimal level of effectiveness and there is still a significant gap between potential and actual achievement mediation. Even more significant is the fact that the four disputes that failed to be mediated were subsequently proceeded to the criminal process, indicating a tendency to criminalize disputes that are essentially civil in nature. This pattern is not just a statistical problem, but reflects a deeper reality that when mediation fails to provide a satisfactory settlement, the parties do not trust other alternative non-litigation mechanisms, but instead turn to adversarial and coercive criminal channels. This phenomenon analytically shows that mediation has not succeeded in positioning itself as an effective, trustworthy settlement mechanism, and is the main choice for parties when dealing with copyright disputes. Weak trust in mediation is a direct result of the accumulation of institutional, mechanism, and human resource problems that have not been addressed systemically, and at the same time is also a factor that complicates efforts to strengthen mediation in the future because the reputation of a dispute resolution mechanism is greatly influenced by its track record of success in the past.

When mapped using the five Soerjono Soekanto factors as a whole, the condition of the effectiveness of copyright dispute mediation at the Regional Office of the Ministry of Law of Central Java shows that the factor of relative legal substance has been available through Article 95 of Law Number 28 of 2014 concerning Copyright and Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, but the weakness in the other four factors together suppresses the effectiveness implementation significantly. The factors of facilities and infrastructure

---

<sup>28</sup> WIPO Arbitration and Medication Center, "WIPO Caseload Summary: Settlement Rates," 2025, <https://www.wipo.int/amc/en/center/caseload.html>.

that are not optimal are reflected in institutional limitations and the lack of established standards of mediation procedures. The limited implementation apparatus is reflected in the limited number of mediators and the lack of specific competencies in the field of intellectual property rights. The social factors that are not yet conducive are reflected in the difference in expectations and adversarial orientation of the parties who are still dominant. The weak legal culture is reflected in the tendency of the parties to choose the criminal route when mediation fails, instead of seeking alternative non-litigation mechanisms. The interaction of the four weaknesses of these factors together results in a level of mediation effectiveness that is still far from its optimal potential, and emphasizes that increasing effectiveness cannot be done partially on one factor alone, but requires a comprehensive and simultaneous approach, touching all dimensions of the problem simultaneously ranging from institutional strengthening, improving implementation mechanisms, to increasing the capacity of human resources mediators based on specific competencies of intellectual property rights, as well as the development of a community legal culture that is more conducive to peaceful and collaborative dispute resolution.

## **IV. Conclusion**

This study concludes that the implementation of copyright dispute mediation at the Regional Office of the Ministry of Law of Central Java has been running as a mechanism for resolving non-litigation disputes as mandated by Article 95 of Law Number 28 of 2014 concerning Copyright, but its implementation is still influenced by three main problems that are systemically interrelated. When analyzed using Soerjono Soekanto's Theory of Legal Effectiveness, the three problems are directly correlated with the factors that determine the effectiveness of the law. In institutional aspects

related to facilities and infrastructure factors, mediation practices are still in the stage of institutional strengthening, characterized by dependence on external mediators in the period 2023 to 2024 and the lack of optimal operational standards for procedures, so that the consistency of implementation and institutional trust of the parties has not been fully formed. In the aspect of the implementation mechanism related to social factors and legal culture, the difference in expectations of the parties, the complexity of the substance of copyright disputes that touch on the economic dimension and long-term business relationships, as well as the dominance *of the positional bargaining approach* through legal representatives also narrow the space for dialogue and hinder the chances of reaching substantive agreements. In the aspect of human resources related to the factors of implementing officials, the limited number of internal mediators and the lack of specific competence in the field of intellectual property rights have a direct impact on the quality of facilitation, conflict management, and the ability of mediators to explore the substantive interests of the parties in depth.

These problems have a direct and measurable impact on the effectiveness of resolving copyright disputes through mediation. The study's empirical data shows that of the six copyright disputes mediated in the period 2023 to 2025, only two managed to reach an agreement, so the mediation success rate stands at 33.3 percent, far below the expected standard of mediation effectiveness. Furthermore, the four disputes that failed to be mediated were all proceeded to criminal proceedings, reflecting the unsuccessful mediation positioning itself as the main settlement mechanism trusted by the parties. Nevertheless, the two agreements that were successfully reached and complied with without causing further disputes showed the existence of substantive effectiveness that was not solely measured by the quantity of cases, but also by the quality of the dialogue process and the sustainability of the settlement results. Analytically, this condition emphasizes that the effectiveness of mediation

is the result of the interaction between institutional readiness, the quality of implementation mechanisms, and the capacity of mediators, so that improvement cannot be done partially but requires a systemic and integrated approach. Therefore, institutional strengthening through standardization of procedures, improving the competence of mediators based on intellectual property rights expertise, and building the understanding of the parties about the philosophy of mediation as an interest-based mechanism are urgent strategic agendas so that copyright dispute mediation can develop into a more effective, responsive, and sustainable dispute resolution instrument at the regional level.

## References

- Aziz, Muhammad Faisal, Hamzah, and Rohaini. "The Effectiveness of Dispute Resolution through Mediation as an Alternative to Outside the Court in the Indonesian Legal System." *Al-Zayn: Journal of Social Sciences & Law* 3, no. 6 (2025): 8808–16.
- Bagus, Chrisna, Edhita Praja, Budi Agus Riswandi, and Khudzaifah Dimiyati. "The Urgency of Mediation as an Alternative to Resolution Copyright Disputes." *Journal of Kertha Patrika* 43, no. 3 (2021): 275–95.
- Cahyani, Tinuk Dwi. *ALTERNATIVE METHOD OF DISPUTE RESOLUTION: MEDIATION OF LEGAL PROBLEMS (IN THEORY AND PRACTICE)*. University of Muhammadiyah Malang, 2022.
- Center., WIPO Arbitration and Mediation. "WIPO Caseload Summary. Geneva: WIPO., 2025.  
<https://www.wipo.int/amc/en/center/caseload.html>.
- Ferdiansyah, Aldi, Berdi Adityas Wirawan Wahyono, and Almansyah Harahap. "The Effectiveness of Mediation as an Alternative to Civil Dispute Resolution in Improving Access to Justice in Indonesia."

- Journal of Law Studies and Civic Education* 1, no. 4 (2025): 471–80.
- Gosal, Ervina, Sirajuddin, and Andriyanto. "The Effectiveness of Mediation in Medical Dispute Resolution in Indonesia." *Locus: Journal of Legal Concepts* 5, no. December (2025): 1–6.
- Hediati, Febri Noor, and Orin Gusta Andini. "RESOLUTION OF COPYRIGHT DISPUTES THROUGH RESTORATIVE JUSTICE." *SANKSI*, 2023, 40–46.
- Hendarman, Hari, Tatang Astarudin, Muhamad Kholid, Prayogi, and Nasrullah. "The Role of the Ministry of Law and Human Rights in the Mediation Process of Copyright Infringement." *Journal of Socio-Political, Government and Law* 4, no. 2 (2025). <https://doi.org/10.59818/jps.v4i2.1768>.
- Imaniyati, and Neni Sri. *Intellectual Property Law: Intellectual Property, Intellectual Property Rights, Copyrights, Patents, and Trademarks*. Prenada Media, 2024.
- Jamilus. "OPTIMIZATION OF INTELLECTUAL PROPERTY MEDIATION AT THE MINISTRY OF LAW AND HUMAN RIGHTS." *Journal of De Jure Legal Research* 20, no. 10 (2021): 37–48.
- Muhaimin. *Legal Research Methods*. Mataram: Mataram University Press, 2020.
- Nazhali, Kayla Carissa. "COPYRIGHT LAW PROTECTION AGAINST CREATIVE ECONOMY ACTORS (CASE STUDY OF FILM PIRACY OF CEMARA FAMILY)." *Civilia : Journal of Legal Studies and Civic Education* 3, no. 28 (2024): 346–54.
- BARTOLOMIUS, BARTOLOMIUS. "ANALYSIS OF THE EFFECTIVENESS OF MEDIATION AS A MECHANISM FOR RESOLVING SONG COPYRIGHT DISPUTES BASED ON ALTERNATIVE DISPUTE RESOLUTION." *E-Journal Legal Fatwa FACULTY OF LAW, UNIVERSITY OF TANJUNGPURA* 8, no. 2 (2025): 113.
- Nurahmasari, Revita. "MEDIATION AS AN OBLIGATION TO RESOLVE CIVIL DISPUTES OF PATENT INFRINGEMENT IN INDONESIA FOR

THE SAKE OF CERTAINTY AND LEGAL UTILITY." *DIURNAL ACTA Journal of Notary Law* 5, no. 1 (2021): 123–38.

Nurhaliza, Rilda Maya Sofiyani, and Reynatta Meisyana S. "Song Copyright Disputes in Commercial Marketing as a Challenge of the Creative Economy in Indonesia." *YOS SOEDARSO ECONOMICS JOURNAL (YEJ)* 7, no. 3 (2025): 24–32.

Octanelsha, Cikka Diamond. "JURIDICAL REVIEW OF MEDIATION AS AN ALTERNATIVE TO THE SETTLEMENT OF INTELLECTUAL PROPERTY DISPUTES." *Audi et AP : Journal of Legal Research* 02, no. 02 (2023): 142–48.

Padmanaba, the great son of Princess Prameswari. "MEDIATION AS AN ALTERNATIVE DISPUTE RESOLUTION IN THE RESOLUTION OF COPYRIGHT DISPUTES." *Kertha Desa Journal* 10, no. 12 (2022).

Sidik, Jafar, Asep Rozali, Dewi Sulistianingsih, Bandung High School, Bandung Law, Semarang State University, and Sekaran Gunungpati. "THE IMPLEMENTATION OF INTELLECTUAL PROPERTY DISPUTE." *JOURNAL OF LEGAL ISSUES* 52, no. November (2023): 237–48.

Simarmata, Boy Gabriel Yohanes, and Irene Putri Alfani Sofia Sinaga. "The Role of Mediation in Business Contract Agreement Dispute Resolution in Indonesia." *LEGAL STANDING JOURNAL OF LAW* 9, no. 3 (2025): 549–66.

Sudjana. "Effectiveness and Efficiency of Settlement of Intellectual Property Disputes through Arbitration and Mediation Based on Law Number 30 of 1999." *ADJUDICATION: Journal of Law* 2, no. 1 (2021): 81–96.

Sugianto, Fira Amalia. "THE EFFECTIVENESS OF THE ROLE OF MEDIATION IN ALTERNATIVE EFFORTS TO RESOLVE INTELLECTUAL PROPERTY DISPUTES." *JOURNAL META-JURIDICAL* 5, no. 1 (2022): 51–59.

Themas, Ramaji, and Asep Suherman. "The Influence of Mediator Competence and Dispute Resolution Costs on the Effectiveness of

Alternative Dispute Resolution." *Journal of Law and Public Policy Studies* 3, no. 1 (2025): 89–95.

Triana, Nita. *ALTERNATIVE DISPUTE RESOLUTION Alternative dispute resolution with mediation, arbitration, negotiation and conciliation models*. KAIZEN EDUCATION FACILITIES YOGYAKARTA, 2019.

WIPO. "The Economic Contribution of the Copyright Industries: Overview of Results from WIPO Studies. Geneva: World Intellectual Property Organization.," 2021.

WIPO Arbitration and Medication Center. "WIPO Caseload Summary: Settlement Rates," 2025.  
<https://www.wipo.int/amc/en/center/caseload.html>.

Hero, Sidi Ahyar. "The Effectiveness of Perma Number 1 of 2016 concerning Mediation in Civil Dispute Resolution; A Review of the Legal Literature." *Al-Zayn: Journal of Social and Legal Sciences* 4, no. 1 (2026): 3149–56.

Yasmine, Mayesha Andriana, U Sudjana, and Muhamad Amirulloh. "The Obligation of Mediation Before a Civil Lawsuit for Copyright Infringement in Indonesia." *Repertoire: Scientific Journal of Notary Law* 10, no. 2 (2021): 157–72.  
<https://doi.org/10.28946/rpt.v10i2.1432>.