Trends in Cyber Dispute Resolution Through Mediation

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Abstract
The development of Information Technology has encouraged the emergence of various disputes in cyberspace (cyber disputes), which have different characteristics from conventional disputes. Cyber disputes require an efficient, fast, and effective resolution mechanism. Mediation as an Alternative Dispute Resolution (ADR) method is a relevant solution because it is flexible, private, and efficient. This paper aims to examine the urgency of the use of mediation in cyber dispute resolution as well as the challenges and opportunities of its application in Indonesia. By using normative-juridical methods and conceptual approaches, this paper outlines the potential of online mediation (Online Dispute Resolution) supported by Information Technology in providing equal justice and easy access for the parties

I. Introduction

The rapid development of information and Communication Technology (ICT) in the last two decades has spawned major transformations in human life. The digital revolution has brought the world into the era of the information society, where economic, social, and cultural activities are shifting to the digital space or cyberspace. On the one hand, this provides convenience, efficiency, and acceleration of information access. However, on the other hand, the cyber space also opens up opportunities for various forms of legal violations and disputes that are complex, transnational, and involve various interests across jurisdictions.

Disputes that occur in cyberspace (cyber disputes) have different characteristics from conventional disputes. The existence of an anonymous perpetrator, the limitations of

national jurisdiction, and the infinity of space and time are the main challenges in resolving this dispute. Some examples of cyber disputes that often arise include e-commerce disputes, digital copyright infringement, defamation on social media, online fraud, to more complex cybercrimes such as cyber attacks and personal data theft (data breach).[1]

Cyber dispute resolution through conventional litigation in court is often considered ineffective, because it takes a long time, high costs, and is not flexible in adjusting to the dynamics and complexity of transactions in the digital space. therefore, there is an urgent need to adopt more adaptive, fast, and efficient dispute resolution methods through Alternative Dispute Resolution (ADR) approaches, especially mediation.[2]

Mediation as a form of ADR offers an out-of-court dispute resolution mechanism that is non-adversarial, where a neutral third party (mediator) facilitates the negotiation process so that the parties to the dispute reach a mutually beneficial agreement. In the context of cyber disputes, mediation has several advantages, such as a faster process, lower costs, confidentiality is maintained, as well as the flexibility of procedures that can be done online (online mediation).[3]

However, the application of mediation in cyber dispute resolution in Indonesia still faces various obstacles. By regulation, Indonesia does not yet have a legal instrument that specifically regulates online mediation in cyber dispute resolution. In addition, the low digital legal literacy of the community and the limited capacity of mediators who understand cyber law issues are obstacles in the implementation of mediation as an alternative to effective cyber dispute resolution.[4] Therefore, this paper aims to analyze the potential and challenges of using mediation as an alternative dispute resolution in cyber dispute resolution in Indonesia. By using normative-juridical methods, this article is expected to contribute to the development of dispute resolution concepts that are more effective, efficient, and adaptive to the development of the digital world in Indonesia.

2. Research Method

This research uses normative legal research method that relies on library research. The approach used is a statutory approach(statute approach), conceptual approach (conceptual approach), and case approach (case approach). The legislative approach is

[1] Sutanto, Bagus Aryo. "Tantangan Mediasi Daring di Indonesia dalam Menyelesaikan Sengketa Siber." *Indonesian Journal of Cyber Law*, vol. 2, no. 2, 2023, pp. 79.
[2] Nugroho, Deni. "Online Dispute Resolution sebagai Alternatif Penyelesaian Sengketa Digital di Indonesia." *Jurnal Hukum Ius Quia Iustum*, vol. 32, no. 1, 2025, pp. 115
[3] Kartika, Novi Andriani. "Perlindungan Data Pribadi dalam Penyelesaian Sengketa Siber melalui Mediasi." *Jurnal Hukum dan Teknologi*, vol. 4, no. 1, 2024, hlm. 49.
[4] Tjahyono, Budi. *Mediating Cyber Disputes in Indonesia: A Legal Framework Approach*. Yogyakarta: Genta Press, 2025, pp. 87. Liat juga Efrianto, G. Harmonisasi Hukum Pidana Adat Baduy Dalam Perseptif Hukum Nasional. *Syntax Literate; Jurnal Ilmiah Indonesia*, *7*(12), 2022 pp. 18811-18825.

carried out to assess positive legal provisions related to dispute resolution through mediation, both national and international. A conceptual approach was taken to analyze the concept of mediation as part of Alternative Dispute Resolution (ADR) in the context of transnational and multidimensional cyber disputes. Meanwhile, the case approach is carried out by reviewing several decisions, mediation agreements, and real case studies related to cyber dispute resolution carried out through mediation, both offline and online through the Online Dispute Resolution (ODR) platform. The data source of this research consists of primary legal materials in the form of relevant laws and regulations, such as Law No. 30 of 1999 on arbitration and Alternative Dispute Resolution, regulation of the Supreme Court of the Republic of Indonesia No. 1 of 2016 on mediation procedures in court, as well as international legal instruments related to online dispute resolution. In addition, secondary legal materials are used in the form of literature, books, scientific journals, and previous research results that are relevant to the research topic.[5] The Data obtained were analyzed qualitatively using descriptive-analytical methods to provide a comprehensive overview of the effectiveness of mediation in cyber dispute resolution and the challenges it faces.

3. Results and Discussion

A. Cyber disputes and their challenges

Cyber disputes or cyber disputes are legal disputes that arise as a result of activities carried out in cyberspace or related to electronic information systems. These disputes can involve individuals, corporations, or even countries that use the internet or electronic devices as a medium for interacting or conducting transactions.[6] Some examples of cyber disputes include digital copyright infringement, defamation on social media, fraud in e-commerce transactions, hacking, phishing, and theft of personal data.[7]

Cyber disputes are different from conventional disputes because they are global and cross-border (borderless), and have complex digital evidence characteristics.[8] Therefore, this dispute resolution requires a different approach, including utilizing Alternative Dispute Resolution (ADR) mechanisms that are more adaptive to the digital world.[9]

Cyber disputes have several characteristics that distinguish them from conventional disputes, namely:

a. Cross-border transactions or activities involving users from different countries make determining jurisdiction one of the major challenges. Cyber disputes ofte n

[5] Gayo, S.. Maritime Dispute Resolution With Mediation Techniques. *SASI, 29*(3) 2023 , pp. 589-595. DOI: https://doi.org/10.47268/sasi.v29i3.1477

[6] Andriani, F. . *Sengketa Siber dan Alternatif Penyelesaiannya di Indonesia*. Jakarta: Sinar Grafika,2023 pp. 45.

[7] Rahayu, S. *Hukum Siber di Indonesia: Teori dan Praktik*. Yogyakarta: Pustaka Pelajar, 20204, pp. 65

[8] Fitriani, N. "Alternative Dispute Resolution sebagai Penyelesaian Sengketa Siber di Era Digital." *Jurnal Hukum & Teknologi*, 5(1), 2022, pp. 81

[9] Siregar, T. . "Online Dispute Resolution sebagai Instrumen Penyelesaian Sengketa Siber." *Jurnal Hukum dan Teknologi*, 5(3),2023, pp. 190

involve parties who are not in the same country of law.[10]

b. Anonymous perpetrators, the identity of the perpetrators in cyber disputes is often generalized or eliminated, making the identification and reporting process difficult.[11]

c. Speed and volatility of data, digital Data can change quickly or be deleted in a short time, making it difficult for the proof process.[12]

d. Losses that are not only economic The impact of cyber disputes is not only financial losses, but can also have an impact on reputation, psychological, and even national security.[13]

Challenges in Cyber dispute resolution include:

a. Jurisdictional constraints: cyber disputes are transnational in nature, causing issues regarding which laws apply (choice of law) and in which courts disputes can be resolved (choice of forum). These conditions create a legal gray area that is not yet fully regulated internationally.

b. Difficulty in proof: proof in cyber disputes is very complex because it deals with electronic evidence that is easily manipulated or erased. In addition, digital forensic procedures require specialized expertise and tools to ensure the validity and integrity of data.[14]

c. Offender identification: one of the main obstacles in cyber disputes is the difficulty in identifying the offender who can easily hide his identity through various techniques such as VPN, proxy server, or fake identity.

d. Cost and time to resolve: resolving cyber disputes through litigation often requires large costs and long periods of time, which contrasts with the need for fast and efficient resolution that is characteristic of digital transactions.

e. Lack of specific regulations and International Cooperation: there is still a legal vacuum at the national and international levels regarding the resolution of specific cyber disputes. In addition, weak international cooperation complicates the process of execution of the verdict.

f. Lack of awareness and Digital Literacy: most people still have low digital literacy,

[10] Yusuf, A. . "Analisis Efektivitas Mediasi Online dalam Sengketa Siber di Indonesia." *Jurnal Ilmiah Hukum Siber Nusantara*, 3(1), 2025, pp. 26

[11] Damanik, R. . "Peran Mediasi dalam Penyelesaian Sengketa Siber Lintas Negara." *Jurnal Hukum Siber Indonesia*, 4(2), 2024,pp. 114.

[12] Widodo, P.. *Online Mediation dalam Penyelesaian Sengketa Cyber: Studi Komparatif Asia Tenggara*. Jakarta: Rajawali Pers, 2025, pp. 59

[13] Hutabarat, Y. . *Mediasi Online dalam Penyelesaian Sengketa E-Commerce: Peluang dan Tantangan*. Bandung: Pustaka Setia, 2023, pp. 72.

[14] Irawan, D. . "Implementasi Mediasi dalam Penyelesaian Sengketa Hak Kekayaan Intelektual Digital." *Jurnal Alternative Dispute Resolution Indonesia*, 6(1),2023, pp. 58.

so they do not understand their rights and obligations in transactions or activities in cyberspace, which ultimately has an impact on resolving more complicated cyber disputes.

Given the complexity and challenges faced, cyber dispute resolution requires strengthening both in terms of regulation, adaptive settlement mechanisms (such as online mediation or ODR), strengthening the capacity of law enforcement officers, to increasing legal awareness of the digital community. Mediation as part of ADR is a relevant alternative because it is more flexible, fast, and efficient, and is able to overcome jurisdictional constraints and maintain good relations between the parties to the dispute.

B. The effectiveness of mediation in Cyber Dispute Resolution

Various studies show that mediation, especially online mediation, has a fairly high effectiveness in resolving cyber disputes. This is because mediation allows parties in different locations to resolve their disputes without having to meet face to face, reducing costs and time, and more in line with the characteristics of a digital community that prioritizes speed and efficiency. However, the effectiveness of mediation in cyber disputes requires strengthening regulation, competence of mediators who understand aspects of cyber technology and law, and the development of a safe and reliable online mediation platform**.**

Mediation as part of Alternative Dispute Resolution (ADR) offers a number of advantages in the context of cyber dispute resolution. Mediation is known as a method that promotes consensus deliberation with the help of a neutral third party (mediator) who helps the parties to reach an agreement voluntarily.[15] In the context of cyber disputes that tend to be complex and involve cross-jurisdictional parties, mediation is considered more adaptive than formal and rigid litigation channels.[16]

Some aspects of the effectiveness of mediation in Cyber disputes include:

a. Time and cost efficiency: mediation allows the resolution of disputes in a relatively short time and at a much lower cost compared to court or arbitration proceedings.[17] In the realm of cyber disputes that require quick resolution so as not to have a wider impact, mediation offers the right mechanism. The mediation process can be done in several online sessions, thus speeding up the decision-making process.[18]

[15] Hutabarat, Y. . *Mediasi Online dalam Penyelesaian Sengketa E-Commerce: Peluang dan Tantangan*. Bandung: Pustaka Setia, 2023,pp. 63 lihat juga Sitompul, Ariman, S. Gayo, and D. Mary. *Mediation in the Settlement of Inheritance and Joint Property Matters in the Medan Religious Court. International Asia Of Law and Money Laundering (IAML), 3 (2), 34–39*. 2024.

[16] Siregar, T. . "Online Dispute Resolution sebagai Instrumen Penyelesaian Sengketa Siber." *Jurnal Hukum dan Teknologi*, 5(3), 2023, pp. 192.

[17] Yusuf, A. (2025). "Analisis Efektivitas Mediasi Online dalam Sengketa Siber di Indonesia." *Jurnal Ilmiah Hukum Siber Nusantara*, 3(1),2025, pp. 31.

[18] Irawan, D. "Implementasi Mediasi dalam Penyelesaian Sengketa Hak Kekayaan Intelektual Digital." *Jurnal Alternative Dispute Resolution Indonesia*, 6(1), 2023, pp. 61.

b. Flexibility and availability of Online platforms: advances in technology allow mediation to be conducted online through Online Dispute Resolution (ODR) platforms. ODR as an innovation of ADR has developed into a highly effective cyber dispute resolution instrument because it eliminates geographical and jurisdictional barriers.[19]Through the ODR platform, the parties can communicate, discuss and reach agreements without the necessity of being physically present in the same place.[20]

c. Confidentiality: confidentiality is an overriding value in the mediation process, especially in cyber disputes involving sensitive data or privacy. With a closed process, mediation preserves the good name and reputation of the parties, especially corporations involved in cases of data breaches or defamation in cyberspace.[21]

d. Focus on interests, not just positions: mediation encourages parties to focus on the interests they want to achieve, rather than just maintaining a formal legal position. In cyber disputes, this approach is effective in order to avoid a long and laborious litigation process, as well as maintain good relations between interested parties.[22]

e. The ability to create more creative and adaptive solutions: in contrast to court rulings that are limited to positive legal provisions, mediation allows the creation of more creative, adaptive and win-win solutions for all parties to the dispute. For example, in the case of digital rights violations, mediation can result in re-licensing agreements or new cooperation that benefits both parties.

Although mediation has many advantages, its effectiveness is also influenced by several inhibiting factors, namely:

a. Absence of Executorial power: the decision or agreement resulting from the mediation is only contractual, so the execution of the agreement depends on the good faith of the parties. In the context of cross-border cyber disputes, the challenge of deal execution is a major obstacle.

b. Mediator competency limitations: the effectiveness of mediation is highly dependent on the capacity of mediators who not only understand the aspects of mediation, but also have knowledge of Cyber Law, Technology, and current digital issues.

c. Inequality of negotiating positions: in some cyber disputes, there is an imbalance of power between parties such as individuals against large corporations that can affect the mediation process to be unequal.

[19] Widodo, P. *Online Mediation dalam Penyelesaian Sengketa Cyber: Studi Komparatif Asia Tenggara*. Jakarta: Rajawali Pers, 2025, pp. 65

[20] Damanik, R.. "Peran Mediasi dalam Penyelesaian Sengketa Siber Lintas Negara." *Jurnal Hukum Siber Indonesia*, 4(2), 2024, pp.. 124.

[21] Andriani, F. . *Sengketa Siber dan Alternatif Penyelesaiannya di Indonesia*. Jakarta: Sinar Grafika,2023 hlm. 58

[22] Fitriani, N. . "Alternative Dispute Resolution sebagai Penyelesaian Sengketa Siber di Era Digital." *Jurnal Hukum & Teknologi*, 5(1), 2022,pp. 86.

d. Trust constraints: mediation requires the trust of the parties to the process and the mediator. In transnational cyber disputes, differences in legal culture and perceptions of justice can be obstacles to building such trust.

To improve the effectiveness of mediation in cyber dispute resolution, some steps that can be taken are: strengthening national regulations that recognize and facilitate online mediation as a legitimate method of cyber dispute resolution , increasing the capacity of mediators in aspects of technology, cyber law, and digital forensics., Development of a secure, reliable, and user-friendly online mediation platform. And encourage international cooperation in the recognition and execution of the results of cross-border mediation

4. Conclusion

Cyber dispute resolution through mediation as part of Alternative Dispute Resolution (ADR) shows significant potential in overcoming the complexity of disputes that arise due to transactions and interactions in cyberspace. Mediation, with its more flexible and informal approach, offers better time and cost efficiency compared to conventional litigation. Another advantage of mediation is its ability to create more creative solutions, maintaining confidentiality, as well as focusing on the interests of both parties, not just their legal position. By using an Online Dispute Resolution (ODR) platform, mediation can be done easily without geographical restrictions, which is very relevant in the context of cross-border cyber disputes. However, there are challenges that need to be faced, including jurisdictional issues, difficulties in identifying perpetrators, as well as trust issues and inequalities in negotiating positions. In addition, mediation in cyber disputes also has limitations, such as the absence of executorial powers and the limited competence of mediators who must have knowledge in cyber law and technology. To increase the effectiveness of mediation in cyber dispute resolution, it is necessary to strengthen supportive regulations, increase mediator capacity, and develop a safer and more reliable online mediation platform. With these measures, mediation can be a more effective and efficient solution in resolving cyber disputes in the future, both at the national and international level.

REFRENCES

Andriani, F. . *Sengketa Siber dan Alternatif Penyelesaiannya di Indonesia*. Jakarta: Sinar Grafika,2023.

Damanik, R. . "Peran Mediasi dalam Penyelesaian Sengketa Siber Lintas Negara." *Jurnal Hukum Siber Indonesia*, 4(2), 2024.

Efrianto, G. Harmonisasi Hukum Pidana Adat Baduy Dalam Perseptif Hukum Nasional. *Syntax Literate; Jurnal Ilmiah Indonesia*, *7*(12), 2022.

Fitriani, N. "Alternative Dispute Resolution sebagai Penyelesaian Sengketa Siber di Era Digital." *Jurnal Hukum & Teknologi*, 5(1), 2022.

Gayo, S.). Maritime Dispute Resolution With Mediation Techniques. *SASI, 29*(3) 2023 https://doi.org/10.47268/sasi.v29i3.1477.

Hutabarat, Y. . *Mediasi Online dalam Penyelesaian Sengketa E-Commerce: Peluang dan Tantangan*. Bandung: Pustaka Setia, 2023.

Irawan, D. "Implementasi Mediasi dalam Penyelesaian Sengketa Hak Kekayaan Intelektual Digital." *Jurnal Alternative Dispute Resolution Indonesia*, 6(1), 2023.

Kartika, Novi Andriani. "Perlindungan Data Pribadi dalam Penyelesaian Sengketa Siber melalui Mediasi." *Jurnal Hukum dan Teknologi*, vol. 4, no. 1, 2024.

Nugroho, Deni. "Online Dispute Resolution sebagai Alternatif Penyelesaian Sengketa Digital di Indonesia." *Jurnal Hukum Ius Quia Iustum*, vol. 32, no. 1, 2025.

Rahayu, S. *Hukum Siber di Indonesia: Teori dan Praktik*. Yogyakarta: Pustaka Pelajar, 20204.

Siregar, T. . "Online Dispute Resolution sebagai Instrumen Penyelesaian Sengketa Siber." *Jurnal Hukum dan Teknologi*, 5(3),2023.

Sitompul, Ariman, S. Gayo, and D. Mary. *Mediation in the Settlement of Inheritance and Joint Property Matters in the Medan Religious Court. International Asia Of Law and Money Laundering (IAML), 3 (2), 34–39*. 2024.

Sutanto, Bagus Aryo. "Tantangan Mediasi Daring di Indonesia dalam Menyelesaikan Sengketa Siber." *Indonesian Journal of Cyber Law*, vol. 2, no. 2, 2023.

Tjahyono, Budi. *Mediating Cyber Disputes in Indonesia: A Legal Framework Approach*. Yogyakarta: Genta Press, 2025.

Widodo, P. *Online Mediation dalam Penyelesaian Sengketa Cyber: Studi Komparatif Asia Tenggara*. Jakarta: Rajawali Pers, 2025.

Yusuf, A. . "Analisis Efektivitas Mediasi Online dalam Sengketa Siber di Indonesia." *Jurnal Ilmiah Hukum Siber Nusantara*, 3(1),2025.