



Non-Litigation Dispute Resolution Mechanism in Civil Law (Case Study at ANQ Law Firm Kudus Office)

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Abstract

This research focuses on the mechanism of non-litigation dispute resolution in civil law, with a case study at the ANQ Law Firm Kudus Office. A common problem raised is the lack of understanding and application of non-litigation dispute resolution methods, such as mediation, negotiation, and arbitration, which can avoid lengthy and costly court proceedings. The purpose of this study is to analyze the effectiveness of non-litigation dispute resolution mechanisms and the obstacles faced in their implementation. The research method used in this research uses *field research* with a qualitative approach. How to collect data by observation, documentation and interviews. Meanwhile, data analysis is carried out through data reduction, then displaying data and then verifying the data. The results of the research show that the resolution of non-litigation disputes in civil law at the ANQ law firm office is through visits to the homes of problematic members to deliberate and provide legal education to arouse the awareness of problematic members so that peace is created. This article asserts that while non-litigation mechanisms are effective in most cases, it is important to increase legal awareness and understanding among the public in order to maximize the potential of these methods in civil dispute resolution.

Keywords: *Settlement; Non-Litigation Disputes; Civil Law*

Abstrak

Penelitian ini berfokus pada mekanisme penyelesaian sengketa non litigasi dalam hukum perdata, dengan studi kasus di Kantor ANQ Law Firm Kudus. Permasalahan umum yang diangkat adalah kurangnya pemahaman dan penerapan metode penyelesaian sengketa non litigasi, seperti mediasi, negosiasi, dan arbitrase, yang dapat menghindari proses pengadilan yang panjang dan mahal. Tujuan penelitian ini adalah untuk menganalisis efektivitas mekanisme penyelesaian sengketa non litigasi serta kendala yang dihadapi dalam pelaksanaannya. Metode penelitian yang dipakai dalam riset ini memakai *field research* dengan pendekatan kualitatif. Cara mengumpulkan data dengan observasi, dokumentasi dan wawancara. Sedangkan analisis data yang dilakukan melalui reduksi data kemudian mendisplay data dan selanjutnya memverifikasi data. Hasil penelitian, bahwa penyelesaian sengketa non litigasi dalam hukum perdata pada kantor ANQ law firm adalah melalui visit ke rumah anggota yang bermasalah untuk bermusyawarah dan memberikan edukasi hukum untuk

menggugah kesadaran anggota yang bermasalah sehingga tercipta perdamaian. Artikel ini menegaskan bahwa meskipun mekanisme non litigasi efektif dalam banyak kasus, penting untuk meningkatkan kesadaran dan pemahaman hukum di kalangan masyarakat agar dapat memaksimalkan potensi metode ini dalam penyelesaian sengketa perdata.

Kata Kunci : Penyelesaian; Sengketa Non Litigasi; Hukum Perdata

Introduction

Disputes are an inseparable part of human life that can arise in various aspects, from personal relationships to legal matters. According to the National Land Agency (BPN), a dispute is a difference in value, interest, or perception between interested parties regarding the ownership or use status of a land plot (M. R. Hidayat & Komarudin, 2020). In the context of civil law, these disputes can be public or private and can be resolved through litigation or non-litigation (Alnuaimi & Alkrisheh, 2024).

A dispute is a dispute between the parties to an agreement, where the dispute is caused by the parties violating the content of the agreement that has been agreed upon (Amriani, 2012; Liptak, 2018). Non-litigation dispute resolution faces a number of problems, including a lack of public understanding of this mechanism and doubts about the validity of mediation results. The public often doubts the effectiveness of non-litigation settlements due to uncertainty regarding the final outcome and potential conflicts that remain after the mediation process.

Alternative forms of dispute resolution that are developing quite rapidly, one of which is mediation (Rochaeti et al., 2023) (Duan & Zhang, 2024). In Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, the definition and regulation of mediation is not clearly mentioned, but in Article 6 paragraphs (3), (4), and (5) it can be seen that mediation is also recognized as a form of alternative dispute resolution. Basically, mediation aimed at achieving peace already exists in the foundation of the Indonesian state, namely Pancasila where in its philosophy it is implied that the principle of dispute resolution is deliberation for consensus (Tampubolon, 2019). This is also described in the 1945 Constitution and other laws and regulations.

In addition, there are also challenges in terms of regulation and support from relevant institutions to facilitate this process effectively. When there is a non-litigation dispute, of course the aggrieved party will ask for a fair settlement (Reza & Aditya, 2019; Latifah et al., 2019). Usually through peace efforts or through civil lawsuits to the Religious Court. The settlement in the Religious Court is listed in article 49 of the Law on Religious Justice Number 3 of 2006. The competence of this institution is to resolve disputes in the field of litigation.

Dispute resolution is an important aspect of civil law that includes various conflicts that arise between individuals or legal entities (D. Hidayat, 2023). Disputes can take many forms, from family issues to business contracts, and often require legal intervention to reach a resolution. In this context, there are two main mechanisms for resolving disputes: litigation and non-litigation (Izzati et al., 2020). Litigation involves a formal court process, while non-litigation includes alternative methods such as mediation and arbitration which are more flexible and often faster (Winata & Aditya, 2019; Shapiro, 2024).

To end a dispute, usually the parties will cooperate with a lawyer or advocate. One of the lawyers or advocates chosen by parties in litigation and non-litigation disputes is ANQ Law Firm of Kudus district. From the results of the pre-research at the ANQ Law Firm office, it turns out that this institution is an institution that partners with a lot of related partners. ANQ law firm in handling disputes from its clients/partners has success in the form of peace compared to proceeding to court (Results of an interview with Ahmad Nur Qodin, on October 1, 2021).

There are many studies that talk about sharia economic disputes. for example, research from Ni Made Trisna Dewi in the Journal of Legal Analysis (JAH) volume 5 number 1 of 2022 (Dewi, 2022). The results of the study explain that the obstacles to non-litigation settlement in the settlement of civil legal cases of sale and purchase are juridical obstacles regarding mediation and the validity of the results of peace where the parties sometimes or the community doubt the final result of dispute resolution through mediation and non-juridical obstacles. Research carried out by Robi Awaludin Journal of Nusantara Islamic Law volume 4 number 2 of 2021 (Awaludin, 2021). The results of this study are that non-litigation mediation of family disputes is very much in accordance with Islamic teachings as mentioned in the verses of the Qur'an and the Hadith of the Prophet Saw, on the basis of brotherhood and benefit. Research conducted by Rosita in Jurnal *Al Bayyinah: Journal of Islamic Law* Volume 6 No 2 Year 2017 (Rosita, 2017). The results of this study explain that each method has its own advantages. Settlement through litigation is final, binding, and forces the parties to the dispute to obey the implementation of the judgment. Therefore, execution is provided as a coercive institution. Meanwhile, the non-litigation system resolves disputes in a faster, more financially efficient way, and the award can be adjusted to a common agreement.

Although there has been research on non-litigation dispute resolution, there are still shortcomings in specific studies on its implementation in certain law offices, such as ANQ Law Firm in Kudus. This study aims to fill this gap by exploring the mechanism of non-litigation dispute resolution in the context of applicable civil law in Indonesia. Based on the pre-research

and the studies presented, it can be seen that non-litigation disputes. The settlement model uses several alternative settlements such as peace through mediation and legally through the Religious Court. The research entitled 'Non-Litigation Dispute Resolution in Civil Law (Case Study at the ANQ Law Firm Kudus Office)' became interesting because the advocacy institution ANQ Law Firm provided more peace results for both parties than proceeding to trial.

Research Methods

The research used in this research uses *field research*, where the researcher goes to the research location, namely the ANQ Law Firm Kudus office which handles disputes between its partners and members who are in default, while this research approach uses a qualitative approach. How to collect data by observation, documentation and interviews. Meanwhile, data analysis is carried out through data reduction, then displays data and then verifies data.

Result and Discussion

Non-Litigation Dispute

According to Witanto, disputes or commonly called conflicts are disputes about money objects that occur in society that can involve individuals and individuals, groups and groups or institutions and even between individuals and groups and institutions (Witanto, 2011). A dispute is a dispute between the parties to an agreement, where the dispute is caused by the existence of parties who violate the content of the agreement that has been agreed upon (Amriani, 2012).

A dispute is a dispute that occurs between the parties in the event of violations that have been agreed upon in an agreement or kontrak, if in legal language it is called qanprestasi (Syahrani, 1985; Bonnitcha, 2024). According to Takdir Rahmadi, a dispute is a dispute that has surfaced and is known to many people about the disputed issue and even the dispute involves parties who are not in dispute (Rahmadi, 2010). From some of the above understandings, it can be concluded that the dispute involves two or more parties regarding a certain object because there is a difference of opinion or a difference of understanding about something that has been agreed.

Non-litigation disputes in civil law refer to the process of resolving conflicts between the parties involved without going through the court (Hapsari et al., 2022). This approach is becoming increasingly popular because it offers a faster, cheaper, and more flexible alternative to litigation, which is usually more time-consuming and costly. Non-litigation disputes

in civil law offer an effective alternative to resolving conflicts outside of court. With various methods such as mediation, arbitration, and negotiation, the parties have the flexibility to reach a mutually beneficial agreement. While there are significant advantages in terms of efficiency and cost, it is important for the parties to consider the legal force of the agreement reached as well as the need for cooperation during the process (Smith, 2024; Sulistiawati, 2024).

Non-Litigation Dispute Resolution: A Wise Alternative in Islamic Law

Non-litigation disputes are disputes between two or more parties resulting from differences of opinion between the parties, usually regarding agreements that have been agreed. For this reason, the non-litigation dispute will be resolved as soon as possible. In Islamic law, non-litigation dispute resolution will be resolved through several alternatives, which include:

1. *Al Sulh* (peace)

In terms of etymology, "*sulh*" means to reduce disputes, while according to the term "*Sulh*" means a type of contract or agreement to end a dispute or quarrel between two parties to a dispute peacefully (Munawir, 1984). So dispute resolution through *sulh* is an effort to end disputes in a peaceful way. Muhamad Anwar in his book Sudarsono said, in the language *sulhu* means to break the opposition. Meanwhile, in terminology, *sulhu* is an agreement made to decide disputes or quarrels (Sudarsono, 2001). Meanwhile, Sulaiman stated, that *sulhu* is a peaceful effort to eliminate or eliminate disputes and disputes (Rasyid, 2005).

According to Abdul Manan in his book Nurul Hak, there are three pillars that must be fulfilled in the peace agreement that must be carried out by people who make peace, namely *ijab*, *qobul* and *lafaz* from the peace agreement (Hak, 2011). If these three things have been fulfilled, then the agreement has taken place as expected. From the peace agreement, a legal bond is born that each party is obliged to implement. It should be noted that the peace agreement that has been agreed cannot be canceled unilaterally. If any party does not agree with the content of the agreement, then the cancellation of the agreement must be agreed by both parties (Hak, 2011) (Claussen, 2022). Meanwhile, Hasby Ash-Siddiqie in his book Syahrizal Abbas argues that what is meant by *al-Shulh* is an agreement between two people who quarrel over the right to carry out something, with which the contract can eliminate disputes (Abbas, 2009)

The Basis of *the Law of As-Shulhu* which is shari'ah by Allah SWT. As stated in QS. Al-Hujurat: 10:

It means: "*Indeed, believers are brothers, therefore make peace between your two brothers and devote yourself to Allah so that you may receive mercy*". (QS. Al-Hujurat: 10).

The conditions for the validity of a peace treaty can be classified into the following points: (Subject matter) Regarding the subject or person who makes peace, a capable person must act according to the law. In addition, the person who implements peace must be a person who has power or authority to relinquish his rights or the matters intended in the peace. Not necessarily every person who is capable of acting has power or authority. A person who is capable of acting according to the law but does not have the authority to have such as: first: guardian of the property of the person under his guardianship, second: guardian of the property of the person under his guardianship, third: Nazir (supervisor) of waqf for the property of the waqf under his supervision. (Matters concerning objects) Regarding the object of peace, it must meet the conditions, namely: first: in the form of property, both tangible and intangible such as intellectual property rights, which can be valued or appreciated, can be handed over and useful, second: it can be clearly known so that it does not give birth to ambiguity and ambiguity, which in the end can also give birth to new disputes against the same object. (Questions that can be reconciled (disulh-kan)) Islamic jurists agree that things that can and can be reconciled only in the form of property disputes that can be assessed and limited only to human rights that can be replaced. In other words, the issue of peace is only allowed in the field of muamalah while things that deny the rights of Allah cannot be reconciled (Hak, 2011).

According to Ahmad Mujahid, there are several cases that can be resolved through peace, namely: 1. disputes in the form of visible forms, 2. the cases must be clear and not ambiguous, 3. peace agreements are only limited to the issue of muamalah (Mujahidin, 2010).

The implementation of *sulhu* in resolving sharia economic disputes can be done in two ways, namely through non-litigation channels and litigation channels. The non-litigation route is an out-of-court prosecution, usually involving arbitration parties and mediators. Meanwhile, the litigation process is a peace process through mediators from outside and from the court (in this case, the judge).

There are four forms of *sulhu*, *Sulhu* between Muslims and kafi, namely peace between our Islamic faction and the infidel group in terms of war to implement a ceasefire and anti-loss as stated in the law. *Sulhu* between the government and the rebels, namely peace

involving the government and the rebels regarding the safety and security of the State that has been maintained. *Sulhu* between husband and wife, which is peace involving husband and wife regarding the division of property, inheritance and others. *Sulhu* in the field of muamalat, namely peace between parties related to issues in the field of muamalat. Such as buying and selling, renting and others in the field of muamalat. (Muflikhuddin, 2020).

2. *Tahkim* (arbitration)

According to the Islamic view, "arbitration" can be equated with the term "*tahkim*". *Tahkim* itself comes from the word "hakkama". Etymologically, *tahkim* means to make a person a deterrent of a dispute (Luwis Ma'luf, 146,). In general, *tahkim* has the same meaning as arbitration (Gilles, 2024) which is known today, namely the appointment of one or more people as referees by two or more disputing people, in order to resolve their disputes peacefully, the person who settles is called "Hakam" (Hak, 2011) (Gilson et al., 2011).

According to Abu Ainain Fatah Muhammad quoted by Nurul Hak, the meaning of *tahkim* according to the term *fiqh* is the dependence of two (2) people who are in conflict with someone whose decision they agree with to resolve the dispute between the parties to the dispute. Meanwhile, according to Said Aqil Husein Al Munawar (1994, 48-49), the meaning of "*tahkim*" according to the Islamic legal expert group of madhhab hanafiyah is to separate disputes or establish laws between human beings with words that bind both parties which come from the party who has power in general. Meanwhile, the meaning of "*tahkim*" according to legal experts from the Shafi'iyah group is to separate disputes between parties who are in conflict with the Law of Allah or to declare and establish sharia law on an event that must be carried out (Hak, 2011).

An arbitration institution that has been known since pre-Islamic times. At that time, although there was no organized Islamic judicial system, any dispute regarding property rights, inheritance and other rights was often resolved through a conciliator appointed by those in dispute (Arifina & Mansar, 2019). This refereeing institution continues and is developed as an alternative to dispute resolution by modifying what was in effect in the pre-Islamic period. This tradition of arbitration developed more in the Mecca people as a trading center to settle business disputes between them. There are also those that develop in Medina, but more in cases related to agriculture, because the Medina area is known as an agrarian area. The Prophet Muhammad (PBUH) himself often became a mediator in various disputes that occurred both in Mecca and in Medina. When the area has developed more widely, mediators are appointed from among the

companions and in carrying out their duties are still guided by the Qur'an, Al hadith and ijthihad according to their abilities.

According to Rosadi in Nurul Hak, the cause of Islamic law is the institution of tahkim as a positive order because tahkim "arbitration" contains the following positive and constructive values: Both parties are fully aware of the need for an honorable and responsible settlement. They voluntarily hand over the settlement of the dispute to an approved and trusted person or institution. They voluntarily execute the award and the arbitrator, as a consequence of their agreement appointing the arbitrator, the agreement contains a promise and that promise must be kept. They respect the rights of others, even if they are their opponents. They don't want to feel righteous themselves and ignore the truth that may be in others. They have legal awareness and at the same time awareness of the state or society, so that vigilante actions can be avoided. Actually, the implementation of tahkim or arbitration in it contains the meaning of deliberation and peace (Hak, 2011).

Apart from the above, regarding Sharia arbitration, there are several opinions of legal experts as follows; Haji Pranowo Gandabrata, said that the law sometimes feels cruel or rigid, because the law is for legal certainty must be applied, but I think through arbitration the cruel side of the application of law can be overcome by the application of deliberation and consensus breathing Islam. For this reason, I hope and I think the Indonesian Muamalat arbitration body (BAMUI) will flourish if the arbitrators in making a really terrible decision are the best, so that the trust of the people will increase and the Indonesian Muamalat arbitration body will develop and meet the expectations of the community.

Sayyid Sabiq, who said that respect for treaties according to Islam is mandatory, sees its positive influence and its enormous role in maintaining peace and sees its urgency in overcoming the difficulties of resolving disputes and creating harmony. H. Hartono Mardjono, of the opinion that there is a "permanent institution" that functions to resolve the possibility of civil disputes between sharia banks and their customers, or especially using their services, and generally between fellow Muslims who carry out civil relations that make sharia as the basis is a real need. Rachmadi Usman, said that the birth of the arbitration body based on Islamic law was warmly welcomed by various parties, not only in the foreground by the rampant awareness and desire of the ummah towards the implementation of Islamic law, but also driven by a real need for the practice of civil justice in a peaceful manner in line with the development of the financial economy among Muslims (Hak, 2011).

3. *Wilayat Al Qadha* (judicial power)

Al hisbah is an official state institution that is authorized to resolve minor problems or violations that by their nature do not require a judicial process to resolve. According to Al Mawardi in his book *Nurul Hak*, the authority of this hisbah institution is focused on three things, namely first: charges related to fraud and reduction of measurements or scales, second: charges related to fraud in commodities and prices such as reductions in measurements and scales in the market, selling expired foodstuffs and third: charges related to delays in debt payment even though the debtor is able to pay it (Rights, 2011).

From the description mentioned above, it can be seen that the power of Al Hisbah is only limited to supervising the fulfillment of goodness and prohibiting people from evil. Ordering goodness is divided into three parts, namely: first: telling people to perform Friday prayers if there are enough people in the place to perform them and punishing them if there is something wrong with the implementation of the Friday prayers, second: related to human rights, for example, telling guardians to marry orphans with men who are *sekufu*, or obliging divorced women to carry out their *iddah*. The *muhtasib* has the right to impose *ta'zir* on the women if they do not want to carry out their *iddah* (Hak, 2011).

Al Madzalim is a body set up by the government to defend people persecuted due to the arbitrary attitude of state officials or their families, which is usually difficult to resolve by ordinary courts and the power of hisbah. The authority possessed by this institution is to resolve cases of violations of the law committed by government officials or officials such as bribery, acts of corruption, and government policies that harm the community. The person who has the authority to resolve this case is called *wali al-mudzalim* or *Al nadlir*.

Looking at the duties imposed on the *Al mudzalim* area, to be appointed as an official in the *Al mudzalim* environment, one must be a brave person and able to do things that ordinary judges are not able to do in subjugating officials in disputes. A person who is cowardly and unauthoritative is not worthy of being appointed as an official who performs duties in the *Al mudzalim* environment. The duties of *Al muzalim* were once carried out by the Prophet PBUH himself, but this body only developed during the reign of the Umayyads during the reign of Abdul Malik ibn Marwan.

According to Al Mawardi in his book *Nurul Hak*, Abdul Malik Ibn Marwan was the first person to establish the *Al mudzalim* affairs body in the Islamic government, especially in the Umayyad

government. Then Caliph Umar Ibn Abdul Aziz improved the performance of this Al mudzalim institution by taking care of and defending the people's property that had been wronged by previous power officials. This institution is very authoritative and does not hesitate to punish officials who act cruelly to the community (Hak, 2011)

Al Qadha means to decide or determine. According to the term it means "to establish sharia law' on an event or dispute to settle it fairly and bindingly". The authority possessed by this institution is to resolve certain matters related to al ahwal asy syakhsyah (civil matters, including family law), and jinayat issues (i.e. matters related to crimes). (Hak, 2011).

The person who is given the authority to settle cases in court is called a qodhi (judge). In the records of Islamic history, a person who has been a qodhi for a long time is Al qadhi syureih. He held the position of judge for 2 historical periods, namely at the end of the KhulafaurRashidin government (the time of the caliph Ali ibn Abi Tholib) and the early period of the Umayyad rule. In addition to the tasks of resolving cases, the judges in the Banu Umayyah government were also given additional tasks that were not in the form of resolving cases, such as marrying women who did not have guardians, supervising Baitul malls and appointing orphan supervisors.

Looking at the three areas of *al-qadha* (judicial power) as mentioned above, when compared with the judicial power in Indonesia, it seems that two out of three judicial powers have similarities with the judiciary in Indonesia. In terms of substance and authority, the Al mudzalim area can be matched with the state administrative court, the Al qadha area can be patented with the general judicial institution and the religious court. Meanwhile, wilayatul *Al hisbah* in substance its duties are similar to the police or Kamtibmas, a police unit of the praja (Hak, 2011).

Meanwhile, alternative forms of dispute resolution include *musyawarah* is one of the processes in resolving disputes. In the process, deliberation must hear and accept each other between two parties to the dispute. This deliberation can be carried out by the disputing party itself and can even involve other parties who petrify the deliberation process. In Islamic law, deliberation is also called *Sulhu* which emphasizes deliberation to obtain peace. In the teachings of Islam, the Prophet Mohammed has often carried out deliberations that can be applied are to be gentle, forgive and open a new chapter, if there is an agreement, then the agreement will be implemented (Suadi, 2017).

Dispute Resolution at the ANQ Law Firm office in Kudus District

In civil law, default is grouped into four, namely not doing what has been agreed, carrying out what is agreed but not in accordance with it, carrying out what is agreed but late and doing what is prohibited in the agreement. To resolve the dispute, one of the aggrieved parties will demand the best possible settlement. Settlement efforts are carried out by appointing legal advisors, lawyers or advocates. ANQ Law Firm Kudus is one of the legal aid offices and advocates selected by Islamic financial institutions in Indonesia. As an advocate institution, ANQ Law Firm Kudus has collaborated with many institutions to become its partners. So that when the partners have a dispute, ANQ Law Firm becomes a representative in resolving disputes with other parties.

Dispute resolution carried out by ANQ Law Firm is broadly through two channels, namely non-litigation and litigation. The non-litigation route is carried out through deliberation so as to give birth to peace. The deliberations conducted by ANQ Law Firm with problematic members are carried out solely to get a solution that is affordable for both parties. The deliberation model is carried out by visiting members who have problems and then providing legal education related to financing laws, obligations in debts and receivables and the execution of collateral. With this legal education, it turns out that problematic members understand the ins and outs of the law, more specifically financing law. Deliberation to reach consensus so that an agreement occurs. In Islamic law, it is called *sulhu* (peace).

Muhamad Anwar in his book Sudarsono said, in the language *sulhu* means to break the opposition. Meanwhile, thermologically *sulhu* is an agreement made to induce disputes or quarrels (Sudarsono, 2001). Meanwhile, Sulaiman stated, that *sylhu* is a peaceful effort to eliminate or eliminate disputes and disputes (Rasyid, 2005). If you look at the legal conditions of *sukhu* above, then what has been done by ANQ Law Firm has met these conditions. First, the subject or actor of deliberation (peace) is legally capable, if in civil law it is said to be legally capable if it meets the criteria of maturity and is not crazy. Maturity here must be 19 years old for men and 21 years old for women. So members who have problems in financing with ANQ Law Firm's partners are certainly mature in applying for financing. Second, regarding the object that is the object that is collateralized, it must be in the form of clear property and the object does not contradict the law. Looking at the object of the agreement between ANQ Law Firm's partners and members, the guarantee is in the form of tangible and immovable objects that are tied with fiduciary guarantees and dependent rights. Third, the objects pledged by members to ANQ Law Firm's partners are of great value. For example, movable objects are motorcycles and cars, while immovable objects are land and houses.

In terms of *ushul fiqh*, what ANQ Laq Firm does regarding non-litigation dispute resolution with deliberation or peace includes *maslahah*, promoting goodness and avoiding disputes, damage or *mafsadat*. With peace in disputes between BMT and its members, comfort and tranquility will be created and will not cause hostility and revenge because no one is harmed and feels sincere about the decision that has been agreed. *Maslahah* is a benefit that does not have any provisions of sharia law and there is no shariah evidence that considers it or ignores it (Khalaf, 2013). *Maslahah* can be used as a legal basis if it meets the requirements of Benefit, in accordance with what principles are in the provisions of sharia which are not contrary to *nash* and Benefit, and Benefit, can only be specialized and applied in the social fields (*mu'amalah*) where in this field it accepts rationality compared to the field of worship. Because in *mu'amalah* it is not regulated in detail in *nash* (Al-Syathibi, n.d.). So, the non-litigation dispute resolution model through deliberation or *sulhu* is a settlement in the field of civil law that does not contradict *nash*.

Conclusion

Non-litigation dispute resolution in civil law, as researched in a case study at the ANQ Law Firm Kudus Office, shows that this method is an effective option for parties involved in disputes. The process includes a variety of approaches such as mediation, negotiation, and arbitration, which aim to reach an agreement without going through formal and often time-consuming and costly court channels. The main advantages of non-litigation settlement are flexibility and speed, as well as the potential to improve relations between the parties to the dispute. However, challenges remain, such as the lack of legal force on the agreements reached, which can make enforcement difficult if one party does not comply with the agreement. That non-litigation dispute resolution at the ANQ law firm office is through visits to the homes of problematic members to deliberate and provide legal education to arouse the awareness of problematic members so that peace is created.

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