

Comparison of Mediation and Litigation in Dispute Resolution: The Impact of Culture on Fairness and Acceptability of Outcomes in Multicultural Societies

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ABSTRACT

Dispute resolution is very important to maintain harmony in society, especially in a multicultural society. This article examines a comparison between two commonly used dispute resolution methods, mediation and litigation, with a focus on their impact on social relations, costs, and acceptance of the settlement outcome by all parties involved. Cultural differences play a significant role in determining the most appropriate method for each social group. Mediation, with its emphasis on consensus and rapprochement, is more acceptable in societies that prioritize social harmony, while litigation, with its formal processes and more structured justice, is preferred in cultures that emphasize authority and legal certainty. Success in dispute resolution depends largely on the ability to adapt methods to the cultural values of the society in question. A legal system that is inclusive and sensitive to cultural differences can enhance the fairness and acceptability of dispute resolution outcomes. An understanding of cultural differences and increased training for legal practitioners and mediators are needed to create fair and effective dispute resolution processes in multicultural societies.

INTRODUCTION

A common phenomenon in society related to dispute resolution shows that disputes often occur in various aspects of social life, whether in personal, work or business relationships. Differences in opinions, interests, or values trigger disputes that cause tension between individuals or societies. Dispute resolution in society is generally done through two main methods, namely litigation and mediation. Litigation, as a formal dispute resolution method, involves legal proceedings in the courts governed by the judicial system. However, in recent decades, there has been a shift towards mediation as a more informal and more flexible alternative. Mediation allows disputants to negotiate directly with the help of a neutral third party, which serves to facilitate dispute resolution without involving lengthy and costly litigation. This phenomenon reflects the search for more efficient and low-cost methods to resolve disputes in an increasingly complex and dynamic society.

The special phenomena that develop in multicultural societies present greater challenges in dispute resolution. Societies with diverse cultural backgrounds, religions and values often face difficulties in managing the differences that arise in disputes. Worldviews, social norms and ways of solving problems can make it difficult to bring the parties involved in the dispute together. An inclusive approach that respects cultural differences is important to ensure that the dispute resolution process is fair, and acceptable to all parties. If the dispute resolution process does not take into account the background of each party, it risks worsening the relationship. Comparisons between mediation and litigation in multicultural societies are becoming increasingly relevant, as both methods have different advantages and disadvantages to address cultural challenges. Mediation, for example, can offer a space for more open dialog and respect for diversity, while litigation may not always be able to accommodate the cultural sensitivities needed to reach a harmonious settlement.

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Dispute resolution in society is often faced with the problem of choosing the right method between litigation and mediation (Deason, 2004). One of the main problems is that many parties, both individuals and groups, tend to prefer litigation because of the assumption that the formal legal process can provide a more certain and legitimate result in the eyes of the law. This gives the parties to the dispute trust that the decision taken will have clear legal force, so as to end the dispute in a way that is considered more certain and guaranteed. However, the litigation process is often time-consuming, costly, and can create further tensions between the disputing parties (Singer, 2018). This has the potential to worsen the relationship between the parties involved and prolong disputes that could have been resolved in a faster and more effective manner. As explained by Mather et al. (2001), while litigation provides legal clarity, it also risks increasing polarization between the parties involved and damaging social relations in the long-term.

In mediation, although the process is more flexible and restorative in nature, there are major challenges related to the ability of the parties involved in the dispute to reach a fair agreement. Mediation requires the willingness of both parties to negotiate openly and listen to each other. This process provides space for the parties to listen to each other and explore more creative and mutually beneficial settlement alternatives, which is not always possible in the more rigid path of litigation (Melenko, 2020). Inequality in bargaining power between disputants is often a major problem in mediation. The party that is more dominant or has greater resources can utilize its position to impose an unfair solution on the weaker party. According to Leung (2013), one of the biggest challenges in mediation is the power imbalance that often occurs, which can lead to unfair or adverse outcomes for one of the parties.

In multicultural societies, differences in culture, values and social norms become obstacles in the dispute resolution process. When disputes involve parties from different cultural backgrounds, there is often a mismatch in how they perceive the dispute resolution process itself. For example, in some cultures, speaking directly or openly about problems may be considered disrespectful or even destructive to harmony. This can affect the effectiveness of both litigation and mediation, as both methods often rely on open and transparent communication. According to Mayer (2010), in highly culturally diverse societies, dispute resolution methods that are insensitive to these differences can exacerbate tensions and hinder the achievement of a fair and acceptable settlement for all parties.

It is important to observe the comparison between mediation and litigation in dispute resolution as both have a significant impact on social dynamics and relationships between individuals in society. In many cases, poorly resolved disputes can worsen relationships and affect social stability. Protracted disputes harm the parties directly involved and create greater tensions. The choice between mediation and litigation affects not only the outcome of the dispute itself, but also how the dispute affects social relations in the society. Litigation, while providing a legally binding decision, often risks prolonging dispute and increasing polarization between the parties involved. The more restorative nature of mediation allows for a more dialogic resolution, but issues of power inequality and the inability of parties to negotiate fairly remain a challenge (Bush & Folger, 2012). Understanding both is important to determine a more efficient, fair and sustainable dispute resolution method in the long-term (Mather et al., 2001).

The urgency to observe dispute resolution in multicultural societies is high, given the diversity of cultures, norms and values that exist within them. Dispute resolution that does not consider cultural differences has the potential to exacerbate tensions and create injustice, especially for groups that may have different perspectives on resolving disputes. In multicultural societies, it is important to develop an inclusive approach that focuses on the formal law, and on prevailing cultural values. Ignoring this cultural diversity can risk causing dissatisfaction and hindering the achievement of a settlement that is acceptable to all parties (Mayer, 2010). Insensitivity to cultural aspects in dispute resolution can also hinder the achievement of an agreement that is truly accepted by all parties. It is important to analyze and develop dispute resolution methods that are more sensitive to cultural differences, in order to create a more harmonious and just social environment.

The purpose of this research is to analyze the comparative effectiveness of mediation and litigation in resolving disputes in the society, focusing on the impact on social relations between the disputing parties and the costs incurred in each method. The research also aims to identify the strengths and weaknesses of the two dispute resolution methods, mediation and litigation, and to explore how they can influence the dispute resolution process in society. The research aims to understand how cultural differences in a multicultural society influence the choice of dispute resolution method and the extent to which these differences can affect the fairness and acceptability of the settlement outcome by all parties involved.

RESEARCH METHOD

The research method used in this research is a literature study approach, which aims to analyze various written sources relevant to the topic of dispute resolution through mediation and litigation, as well as the role of culture in dispute resolution methods. The literature study approach allows researchers to explore the information contained in various previous research results, books, academic journals, and research reports that can provide an understanding of these two dispute resolution methods. This research will review literature that discusses the advantages and disadvantages of mediation and litigation in relation to social and legal dispute resolution (Lewicki et al., 1992). It will also identify different perspectives on the role of culture in the dispute resolution process, particularly in multicultural societies.

The literature used in this research includes studies that address the challenges and potential of mediation as an alternative to out-of-court dispute resolution. These studies reveal that mediation has the potential to better resolve disputes in a collaborative and restorative manner, reduce tensions, and improve relationships between disputants (Boulle, 2005). This study will also explore the literature that addresses the various factors that influence the success or failure of mediation, including power differentials between disputants and the role of the mediator to create a fair space for both parties. The literature therefore includes works that have examined mediation practices in different countries and cultures.

This study will also consider the literature on the influence of cultural factors on dispute resolution methods, with a focus on how specific cultural values influence the choice and success of methods used in dispute resolution. Inclusive approaches that take into account cultural differences are important in diverse societies (Moffitt & Bordone, 2012). With reference to these studies, this research aims to provide a more comprehensive picture of the dynamics of dispute resolution in multicultural societies and how culturally sensitive approaches can improve dispute resolution outcomes.

RESULT AND DISCUSSION

Comparison of the Effectiveness of Mediation and Litigation in Dispute Resolution in the Society: Impact on Social Relations and Costs

The effectiveness of mediation versus litigation in resolving societal disputes is often debated among legal practitioners and the public. Mediation, as an alternative dispute resolution method, offers a faster,

cheaper and friendlier process than litigation which is more formal and involves complex legal procedures. In mediation, the disputing parties work together with a mediator to reach a mutual agreement, while litigation involves a decision by a court that is legally binding. While both methods aim to resolve disputes, the fundamental differences in the process and outcome can have a major impact on the social relationships between the parties involved and the costs incurred in dispute resolution (Leung, 2013).

One of the main advantages of mediation is its ability to maintain and even improve social relationships between disputants. The mediation process is more collaborative and allows parties to communicate directly, listen and appreciate each other's perspectives (Rubinson, 2004). This is in contrast to litigation which often worsens the relationship between disputants, due to the more formal and sometimes confrontational nature of the court process. Mediation gives the parties the opportunity to reach a mutually beneficial agreement, which reduces tension and allows them to continue their relationship in harmony after the dispute is resolved. In this sense, mediation is considered more effective for maintaining and improving social relations than litigation (Lewicki et al., 1992).

Litigation often causes a deeper rift in the relationship between disputants. The lengthy legal process, high costs, and finality of decisions often leave parties dissatisfied. While litigation provides a more definitive and legally enforceable decision, its impact on social relationships is often negative, as each party feels defeated or forced to accept an unfavorable decision. This leads to lasting psychological effects, such as resentment, disappointment or distrust, which can worsen the dynamics of social relationships. For example, in business disputes, a court decision can damage long-term relationships between companies, while in family disputes, litigation can result in relationships between family members splitting or even ending (Mather et al., 2001).

In terms of cost, mediation also has significant advantages over litigation. Litigation often involves attorneys' fees, court costs, and other administrative costs that can be burdensome to the parties involved, especially in cases that take a long time. In some cases, the cost of litigation can amount to a very large sum, even greater than the value of the dispute itself. Mediation, on the other hand, is generally cheaper due to its shorter process and does not require high court fees or legal costs. Mediation only requires payment for the mediator's services and other modest operational costs, without having to pay large court administration fees or face lengthy legal procedures.

However, while mediation is cheaper and faster, it is not always effective in all situations. One of the main limitations of mediation is the reliance on the willingness of both parties to negotiate and reach an agreement (Bush & Folger, 2012). If one party is unwilling to compromise or if there is a significant power imbalance between the two parties, mediation may not result in a fair or adequate solution. Litigation, although more expensive and time-consuming, provides a more decisive and legally binding outcome. In cases where one party is unwilling to negotiate or the dispute involves an inequality of power, litigation may be a better option as the outcome is final and can be enforced by the courts (Boulle, 2005).

In terms of the impact on social relations, mediation has clear advantages over litigation. The more open and participatory process of mediation allows the parties involved to express their feelings and interests without fear of punishment (Morasso, 2011). This process allows for a more constructive resolution of disputes, which can further strengthen social relationships between the parties. This is particularly important in family or society disputes, where maintaining good relations after a dispute takes precedence over obtaining a unilateral victory (Deutsch et al., 2011). In contrast, litigation often worsens relationships between the parties involved, especially if the court decision favors one party and harms the other.

It is also important to consider cultural differences in dispute resolution. In multicultural societies, differences in the way disputes are viewed can affect the effectiveness of mediation and litigation. Mediation tends to be more flexible and adaptable to different cultural values, while litigation is more rigid and may be insensitive to certain cultural norms (Bush & Folger, 2012). In some cultures, litigation may be perceived as a form of humiliation or confrontation that can undermine social harmony. Mediation that is more sensitive to cultural differences may be a better alternative for resolving disputes in diverse societies (Boulle, 2005).

While mediation has advantages in terms of cost, speed and positive impact on social relations, there are situations where litigation may be more effective, especially when there is an imbalance of power or unwillingness of one party to negotiate. The choice between mediation and litigation should be considered based on the context of the dispute, the characteristics of the parties involved, and the long-term goal of maintaining social relations. It is important to understand the conditions and needs of each case to ensure that the choice of dispute resolution method actually results in an effective and fair solution.

Pros and Cons of Dispute Resolution Methods: Mediation vs. Litigation

In the dispute resolution process in the society, mediation and litigation are the two main methods that are often used. Each method has its own advantages and disadvantages that affect the outcome of the dispute resolution process. Mediation is a process in which the parties involved in a dispute attempt to reach an agreement with the help of a neutral mediator. Litigation involves a formal legal process in court where a judge will make a binding decision based on the evidence and arguments presented by both parties. These two methods have different characteristics that need to be considered to determine the right choice for dispute resolution.

One of the main advantages of mediation is its speed and relatively low cost compared to litigation. Mediation usually proceeds more quickly because the process does not require as many formal procedures as in litigation. Disputants can arrange meeting times with the mediator without relying on the court schedule. The costs associated with mediation tend to be lower, as there are no court fees or expensive lawyer fees (Moore, 2014). Mediation also offers more flexibility, as the process is non-formal and can be tailored to the needs of the parties involved.

Mediation can maintain social relationships between disputants. Because mediation focuses on dialog and the search for solutions that are beneficial to both parties, the process tends to be more collaborative compared to litigation which is often confrontational. In mediation, the mediator acts as a neutral third party to help both parties communicate and work towards a mutually acceptable solution (Morasso, 2011). This can reduce tension and repair relationships damaged by the dispute. Mediation is particularly useful in situations where the disputants will continue to interact, such as in family or business disputes (Rusakova et al., 2019).

However, while mediation has many advantages, there are also some disadvantages to consider. One of the main disadvantages is the reliance on the willingness of both parties to negotiate and reach an agreement. If one party is not committed or is reluctant to compromise, mediation will not result in an effective solution. Mediation also requires a high level of trust between the disputants, and if there is a significant power inequality between the two parties, mediation may not result in a fair agreement (Boulle, 2005). Mediation is more effective if both parties have a genuine intention to resolve the dispute. It is important for the parties involved as well as the mediation facilitator to first assess the feasibility and readiness of the situation before deciding that mediation is the appropriate resolution route.

Litigation has the advantage of providing a firm and legally binding outcome. Decisions made by judges in the litigation process have strong legal force and can be enforced if one party does not comply with the decision. This provides legal certainty and protection of the rights of the aggrieved party. Litigation is particularly useful in cases involving property disputes, contracts, or legal issues that require strict enforcement. A final court decision can provide a sense of justice for parties who feel that they have been wronged and cannot reach an agreement through mediation (Mather et al., 2001).

Litigation can also provide an opportunity for both parties to present their arguments and evidence before an independent and competent judge. This process provides protection for individual rights and ensures that decisions are based on objective legal principles. Litigation also ensures transparency in the dispute resolution process, as all steps are recorded in official court documents, which can be used as a basis for revision or appeal if needed. In this sense, litigation provides a more objective sense of justice, without relying on private agreements between the parties to the dispute (Lewicki et al., 1992).

However, litigation also has a number of significant drawbacks. One of the main drawbacks of litigation is the high cost and time-consuming process. Litigation can last months or even years, depending on the complexity of the dispute and the caseload handled by the court. The costs associated with litigation, including attorneys' fees, court costs, and other expenses, are often substantial and can be a heavy financial burden for the parties involved, especially for those with limited resources (Mather et al., 2001). Litigation tends to worsen the relationship between the disputing parties, as the confrontational nature of the process can create animosity and tension. The trial process magnifies the dispute as each side tries to prove the other's guilt. This competitive approach can create a deep sense of animosity, resentment or tension, making it difficult to reconcile or cooperate in the future.

In multicultural societies, mediation has the potential to be more effective than litigation for resolving disputes, as it can be adapted to different cultural values and norms. Mediation allows parties to communicate and resolve disputes without involving formal legal processes that may not be sensitive to cultural differences. In culturally diverse societies, inclusive mediation can better accommodate these differences than litigation which may ignore certain cultural values in the process. By using a mediator who understands the cultural context, mediation can provide a fairer outcome that is acceptable to all parties (Rusakova et al., 2019).

However, while mediation is more sensitive to cultural differences, the process can also face difficulties in terms of power inequalities between the parties to the dispute. Mediation relies on open communication and the willingness of both parties to work together to reach a mutual solution. In situations where there is a significant power imbalance, mediation can be less effective at producing a fair agreement. A stronger or dominant party may be able to manipulate the mediation process to their advantage, while a weaker party may feel pressured to accept an unfair deal (Coben, 2004). Mediation, which is supposed to be a space for equal dialogue, can be used by stronger parties to pressure or manipulate the outcome. The outcome of mediation may appear peaceful on the surface, but may actually leave hidden dissatisfaction or injustice. It is important to ensure that mediators have adequate skills to manage power imbalances in mediation.

Litigation as a formal dispute resolution method based on the state legal system is often unable to accommodate the complexity of cultural values that exist in multicultural societies. The rigid and formal legal system in litigation may not be able to understand and adapt to a wider range of cultures. Courts tend to judge disputes based on legal facts and applicable regulations, without considering the social and cultural context behind them. Multicultural societies often face problems in terms of differing views on legal authority and legitimate means of dispute resolution. Litigation may not be an adequate solution to achieve a fair and acceptable settlement for all parties, especially if the parties do not feel valued in the legal process (Boulle, 2005). Litigation can cause one or more parties to feel that their voice is not being heard or that their way of life is not being respected by the legal system.

Overall, both mediation and litigation have advantages and disadvantages that need to be considered in society dispute resolution. Mediation is faster, cheaper and collaborative, but depends on the goodwill of both parties and can be hampered by power inequalities. This reliance on consensus is one of the main challenges in mediation, especially when it is not supported by mediators who are competent in managing power dynamics and communication between parties. Litigation is an option for cases where the parties are uncooperative or need strict enforcement. The disadvantages of litigation are that it is often time-consuming, expensive, and can worsen social relations. The choice of dispute resolution method should be tailored to the scope of the dispute, the characteristics of the parties involved, and the long-term goal of maintaining social relations.

The Influence of Cultural Differences in the Selection of Dispute Resolution Methods in Multicultural Societies

Cultural differences in a multicultural society have a significant influence on the choice of dispute resolution methods, be it through mediation, litigation or other alternative methods. Multicultural societies are made up of groups that have different norms, values and worldviews, which naturally affect the way they view dispute resolution. For example, in some cultures, consensus-based approaches such as mediation are more acceptable as they emphasize rapprochement and social harmony, while other cultures may lean more towards the formal legal system and state authority, which includes litigation in the courts (Boulle, 2005). Understanding the values of different cultures is important to determine the appropriate method for resolving disputes, so that the outcome is acceptable to all parties involved.

In multicultural societies, more collective approaches to dispute resolution, such as mediation, are often considered more appropriate, especially in cultures that emphasize the importance of social relationships and collectivism (Morasso, 2011). In many Asian, African, and Middle Eastern cultures, dispute resolution that focuses on dialogue and rapprochement is valued over confrontational approaches. Mediation allows disputants to communicate in a more open and respectful way, which is often more in line with their cultural values. In this sense, mediation offers greater space to adapt the dispute resolution process to the prevailing social norms in society (Rusakova et al., 2019). Mediation can resolve disputes and serve as a means of preserving cultural values and strengthening social cohesion (Smolyaninova, 2020). Such an approach is essential to ensure that dispute resolution is not just legal, but also fair and socially meaningful.

However, in cultures where clear legal authority and fairness are more important, such as in many Western countries, litigation tends to be preferred. The legal culture in this region tends to emphasize clarity of rules, objective enforcement of rights, and decision-making by neutral authorities. Dispute resolution through the courts is considered a more legitimate way to ensure justice, as court decisions are binding and based on generally accepted law. Litigation provides legal certainty, which is often more acceptable in societies that have values of individualism and procedural justice. This gives the public a sense of trust that the decisions made are the result of a fair, rational and accountable process. Cultural differences may influence individuals' trust in the outcome of dispute resolution using the formal legal system or alternative systems (Mather et al., 2001).

When multicultural societies are involved in disputes, it is important to consider whether the country's legal system is sensitive to cultural differences. Many countries have "universalistic" legal systems, which focus on the same rules for everyone regardless of cultural differences. This can lead to injustice or feelings of disrespect among groups with different values and norms. While this approach aims to ensure formal equality, it can cause injustice or feelings of disrespect among groups with different values and norms. For example, a legal system that does not recognize the role of customary mediators in a particular society may reduce the effectiveness of dispute resolution and affect the acceptance of the outcome by all parties. Conversely, a more inclusive approach, which takes into account different cultural values, may increase acceptance of the dispute resolution outcome (Moore, 2014).

In multicultural societies, the mismatch between dispute resolution methods and cultural values can exacerbate existing tensions and disputes. Incompatibilities can exacerbate existing disputes and hinder efforts at peaceful resolution. For example, in some cultures, discussing issues openly in court or in front of a third party is considered a disgrace or embarrassment. In this case, the more private and consensus-based nature of mediation may be more appreciated as it preserves individual and group honor. Mediation also allows for a more humanistic and contextual approach, where disputants can speak openly without fear of being judged in public. The incompatibility of culturally inappropriate dispute resolution methods can lead to one party feeling insulted or ignored, which in turn worsens the relationship between the disputants and hinders their rapprochement (Rusakova et al., 2019). It is important to choose dispute resolution methods that consider cultural diversity in order to create inclusive justice and more harmonious social relations.

On the other hand, if the mediation or litigation process is conducted with an understanding of cultural differences, the dispute resolution process can be effective and fair. For example, a mediator with an understanding of cultural differences can adapt mediation techniques to ensure that different cultural values are respected in the process. A culturally sensitive mediator designs an equitable process through inclusive language, a neutral venue, and trusted society leaders. This helps to maintain a balance between the parties involved, and the outcome of the dispute resolution is more easily accepted by both parties. The success of dispute resolution depends largely on the ability to adapt the methods used to the social and cultural needs of each party (Boulle, 2005).

A key challenge in ensuring that dispute resolution methods are culturally appropriate is the need for a deep understanding of cultural differences. Each culture has different norms, values and ways of communicating, which can affect how a dispute is resolved. For example, in certain cultures, respect for authority or elders may be highly valued, while in others, more egalitarian and open communication is considered more effective. Without an adequate understanding of these differences, mediators and legal practitioners can misinterpret the actions or statements of the parties involved, which can lead to unfair or unacceptable decisions. For example, in some cultures, a direct and open manner of speaking is considered disrespectful, while in others it is considered honest and efficient. If mediators are not aware of these differences in speech, they may feel that one party is being less cooperative or even disrespectful, when in fact they are following their own cultural norms. Not understanding these differences can exacerbate tensions and hinder reconciliation efforts.

It is important to invest in training and capacity building for dispute resolution practitioners. Training that focuses on understanding cultural sensitivities, intercultural communication skills, and how to adapt dispute resolution methods to different cultural values will increase the effectiveness of the process. With better skills in recognizing and responding to cultural differences, mediators and legal practitioners can create a more inclusive and fair dispute resolution system that is accepted by all parties involved (Deutsch et al., 2011). When the method respects and adapts to the culture of the disputants, the likelihood of reaching a mutually acceptable agreement is much greater. This not only increases the effectiveness of dispute resolution, but also strengthens people's trust in the legal system and dispute resolution in general.

It is also important to note that the success of a dispute resolution method in a multicultural society depends on the method itself, and on the extent to which the parties involved can adapt to and accept the process. Not all methods are suitable for all Communities. A method that is considered successful in one culture may not be accepted or even rejected by another culture. In more diverse societies, individuals may be more likely to choose methods that allow them to remain involved in the dispute resolution process, such as mediation, as opposed to more authoritarian methods such as litigation. This choice is often driven by the need to maintain harmonious relationships, which are highly valued in many cultures (Lewicki et al., 1992).

Fairness in dispute resolution in a multicultural society is measured in terms of the law, and by how much the dispute resolution method is acceptable to all parties involved (Menkel-Meadow, 2004). In this case, fairness means that the decision taken is legal and legally binding, and that the process is recognized as fair and in accordance with the values believed by the parties. In highly diverse societies, dispute resolution methods that take cultural differences into account are more likely to be valued and accepted, as they provide respect for different cultural norms (Mather et al., 2001). True justice in a diverse society lies not only in the end result, but also in a process that is transparent, participatory, and respectful of cultural plurality.

Overall, cultural differences in multicultural societies influence the choice of dispute resolution methods and can have a profound effect on the fairness and acceptability of the outcome. Every culture has a different perspective on dispute, justice, and the best way to resolve it. Mediation tends to be more valued in cultures that emphasize collectivism and social relationships, while litigation is more accepted in cultures that emphasize formal justice and legal authority. It is important to choose a dispute resolution method that is culturally appropriate for the societies involved, and to ensure that the outcome is acceptable to all parties. Understanding and respecting cultural differences must be an integral part of the dispute resolution process to ensure true justice. A culturally sensitive approach not only increases the legitimacy of the process, but also increases the chances of a peaceful, just and acceptable resolution for all parties involved.

CONCLUSION

The conclusion from the foregoing shows that dispute resolution in multicultural societies is strongly influenced by the cultural differences that exist within them. Culture shapes how people view dispute, how they communicate, and their expectations of the dispute resolution process and outcomes. Dispute resolution methods, such as mediation and litigation, have advantages and disadvantages that depend on the cultural values and norms of the parties involved. Mediation tends to be more effective in societies that value social relationships and consensus, while litigation is preferred in societies that prioritize legal certainty and formal justice. Moreover, in multicultural societies, the choice of dispute resolution method must take into account cultural tensions, power imbalances, and acceptance of the settlement outcome by all parties, in order for justice and effectiveness to be realized.

Cultural differences in a multicultural society have a significant influence on the choice of dispute resolution method, as well as on how the process and outcome of the resolution are perceived by the parties. Each culture has its own views on what is considered fair, how to deal with dispute, and the values that must be maintained during the resolution process. A deep understanding and appreciation of cultural differences is crucial. Mediation, which is more inclusive, allows the parties involved to maintain good social relations, while litigation often worsens relations due to its confrontational and formal nature. In order to achieve fair dispute resolution that is acceptable to all parties, it is important to choose methods that are culturally and socially appropriate for the individuals involved. In this regard, understanding and appreciating cultural differences in dispute resolution is crucial.

As a strategic step in improving the quality of dispute resolution in multicultural societies, it is imperative for legal practitioners, mediators and other relevant parties to have a deep understanding of the cultural values that live in the societies in which they work. This knowledge can help understand the background of the dispute and provide insight into the parties' expectations and perspectives on justice. Training on cultural sensitivity and intercultural skills can improve the effectiveness of mediation and reduce tensions in litigation. A more inclusive legal system, capable of accommodating cultural differences in dispute resolution, needs to be introduced. Through a more adaptive approach to cultural values, we can create a dispute resolution process that is fairer, more effective and more acceptable to all parties and thus support social harmony in a multicultural society.

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