



Deliberation as an Alternative for Resolving Land Disputes in Telaga District, Gorontalo Regency

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Abstract

This study examines deliberation as an alternative mechanism for resolving land disputes in Telaga District, Gorontalo Regency. Using empirical legal research, it draws on interviews with village officials in eight villages and district records of 18 land dispute cases from 2021 to 2023. The findings show that deliberation remains an initial and widely accepted means of settlement, with 11 of the 18 recorded cases resolved through the process. Its continued use is supported by family values, local customs, and the community's preference for an accessible and less formal process. However, procedures, administrative practices, and outcomes differ among villages, creating unevenness in implementation and legal certainty. The study argues that a district-level regulatory framework is needed to establish minimum procedural and administrative standards, including documentation and follow-up, while preserving the local character of deliberation. Strengthening village capacity and clearer procedural guidance can improve accountability and sustainable dispute resolution.

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1. Introduction

The 1945 Constitution recognizes the existence of customary law communities and their traditional rights, subject to the conditions established by the Constitution and legislation. Article 18B paragraph (2) requires the state to recognize and respect customary law communities and their traditional rights insofar as they remain relevant to social development and consistent with the principles of the Unitary State of the Republic of Indonesia.¹

Article 56 of the Basic Agrarian Law further provides a transitional basis for the application of local customary law and other land-related rules insofar as they are not inconsistent with the spirit and provisions of the Law. These provisions show that Indonesian law does not place customary practices outside the legal order; rather, their recognition is subject to a statutory and constitutional framework.²

Land has economic, political, social, cultural, and spiritual dimensions. Economically, it is a means of production and a source of livelihood. Politically and socially, control over land can affect a person's position within the community, while culturally and spiritually land may carry meanings that extend beyond ownership. Because these dimensions overlap, disputes over land are rarely limited to a single legal issue.³

Land is consequently a recurring source of conflict between individuals and within communities. Population growth, changes in land use, inheritance, and competing claims of ownership or control can produce disputes that are difficult to settle. Where formal legal procedures are perceived as costly, time-consuming, or difficult to navigate, communities often turn to locally available mechanisms to seek an acceptable settlement.⁴

The uncertainty created by unresolved land disputes may encourage parties to pursue litigation, yet many residents remain reluctant to bring disputes before a court. The perceived costs, procedural complexity, and time required for litigation make village-level resolution attractive, particularly where the disputing parties remain members of the same social network. Deliberation therefore continues to function as an important first response to conflict in many communities.

Deliberation reflects a long-standing value in Indonesian social and political life and is closely associated with the principle of consensus embodied in Pancasila. Law Number 48 of 2009 concerning Judicial Power also recognizes arbitration and other mechanisms for resolving disputes outside the formal court system. Deliberation may therefore be

¹ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

² Undang-Undang Republik Indonesia Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria.

³ I Komang Darman, "Peranan Kepala Adat Dalam Penyelesaian Sengketa Tanah Melalui Mediasi Pada Masyarakat Di Kabupaten Kotawaringin Timur," *Satya Dharma: Jurnal Ilmu Hukum* 3, no. 2 (2020).

⁴ Moh Taufiq Zulfikar Sarson and Nirwan Junus, "Penyuluhan Tentang Implementasi Program Pendaftaran Tanah Sistematis Lengkap Terhadap Peningkatan Data Kepemilikan Sertifikat Tanah," *Jurnal Abdidias* 3, no. 5 (October 2022): 848–52, <https://doi.org/10.31004/abdidias.v3i5.643>.

understood as one form of non-litigation dispute resolution grounded in community interaction rather than formal adjudication.⁵⁶

The Village Law likewise places deliberation at the centre of village governance by defining village deliberation as a process through which decisions concerning village interests are discussed with the participation of relevant parties. Within this framework, deliberation is not simply an informal conversation but a social practice that can support collective decision-making and dispute settlement.⁷

For customary and local communities, deliberation can offer a practical means of resolving disputes because it emphasizes dialogue, compromise, and mutually acceptable outcomes. It may reduce the time and cost associated with formal proceedings while allowing the parties to preserve ongoing social relationships. Its value, however, depends on the willingness of the parties to participate and on the capacity of the facilitator to conduct the process fairly.⁸

Indonesia's social diversity has produced a wide range of local traditions and forms of collective decision-making. Gorontalo is one of the regions in which these practices remain visible in everyday social life. Local customs are transmitted across generations and continue to shape how communities understand authority, cooperation, and the resolution of social problems.

Although land disputes are subject to formal legal rules, communities may prefer different methods of dealing with them depending on local circumstances. The Gorontalo community provides an example in which deliberation remains relevant to the settlement of disputes because it is familiar, accessible, and compatible with local expectations concerning social harmony.⁹

One important expression of this local practice is the use of deliberation to address disputes. In Gorontalo, the process commonly involves the disputing parties together with village officials, traditional figures, or other respected members of the community. The objective is to encourage dialogue and consensus while preserving social harmony.¹⁰

In the Telaga District cases examined in this study, the process more closely resembles mediation than direct negotiation because a village official generally facilitates the discussion. The facilitator helps structure communication, allows the parties to present their views, and encourages them to identify a mutually acceptable solution. The process

⁵ Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman.

⁶ I Made Darsana, "Rapat Adat (Sangkep) Dalam Masyarakat Adat Bali Sebagai Wahana Pembentukan Watak Warga Negara (Civic Disposition)" (bachelor's thesis, Universitas Pendidikan Indonesia, 2018).

⁷ Undang-Undang Republik Indonesia Nomor 6 Tahun 2014 Tentang Desa.

⁸ Darsana, "Rapat Adat (Sangkep) Dalam Masyarakat Adat Bali Sebagai Wahana Pembentukan Watak Warga Negara (Civic Disposition)."

⁹ Darman, "Peranan Kepala Adat Dalam Penyelesaian Sengketa Tanah Melalui Mediasi Pada Masyarakat Di Kabupaten Kotawaringin Timur."

¹⁰ Ahmad Karim, *Kearifan Lokal Gorontalo Dalam Musyawarah Dan Pengambilan Keputusan* (Jakarta: Pustaka Adat, 2020), 45.

nevertheless remains distinct from formal court mediation because it is embedded in local relationships and is strongly influenced by family values and community customs.

Several features recur in the deliberation process. First, the disputing parties participate directly and have an opportunity to explain their claims, concerns, and proposed solutions. Second, a village official or another community figure commonly facilitates the meeting and helps prevent the discussion from being dominated by one side. Third, the process is directed toward consensus rather than a formal determination of legal right and wrong. Finally, the outcome depends on the parties' willingness to accept the agreement voluntarily. These characteristics support the view that deliberation in Telaga District operates as a community-based form of alternative dispute resolution.

Deliberation in Gorontalo can therefore be understood as a social and legal practice rooted in local values of togetherness, justice, and continuity. In Mongolato Village, for example, deliberation has been used to address land disputes and other community problems with the assistance of the Village Head as facilitator. According to the local practice described in this study, the preference for deliberation is closely related to the desire to preserve family relationships and prevent disputes from developing into prolonged hostility.¹¹

The practice has also shown continuity across changes in village leadership. Its persistence suggests that deliberation is supported by community expectations rather than by the personal authority of a particular village head. At the same time, the practice should not automatically be classified as customary law in the strict normative sense. The findings indicate that failure to participate in deliberation does not trigger a specific customary sanction. It is therefore more accurate to describe deliberation in Telaga District as an established social practice based on local habit and values, rather than as a customary legal norm backed by a distinct sanctioning system.

The experience of Mongolato raises a broader question: does the same practice continue in the other villages of Telaga District, and how effective is it in resolving land disputes? To answer this question, the study examines the practice across eight villages and compares the recorded cases and the ways in which village institutions conduct deliberation.

2. Method

This study employs empirical legal research because its main concern is how dispute-resolution practices operate within the community. Empirical legal research treats law not only as a set of written norms but also as a social phenomenon that can be examined through community practices and the effectiveness of legal institutions. The approach is consistent with the distinction between normative legal research, which focuses on legal norms, and empirical legal research, which obtains primary data directly from social reality.¹²¹³

¹¹ Karim, *Kearifan Lokal Gorontalo Dalam Musyawarah Dan Pengambilan Keputusan*, 48.

¹² Munir Fuady, *Metode Riset Hukum Pendekatan Teori Dan Konsep* (Depok: Rajawali Pers, 2018), 18.

¹³ Mukti Fajar ND and Achmad Yulianto, *Dualisme Penelitian Hukum Normatif dan Empiris*, 6th ed. (Yogyakarta: Pustaka Pelajar, 2022), 24.

Primary data were obtained through interviews conducted in March 2025 with village heads, village secretaries, and other village officials in eight villages in Telaga District: Mongolato, Bulila, Luhu, Hulawa, Dulohupa, Pilohayanga, West Pilohayanga, and South Dulamayo. Secondary data consisted of district-level records of 18 land dispute cases recorded during 2021–2023. The analysis compares the reported practice across villages and evaluates the recorded resolution outcomes to identify common patterns and institutional differences. Because the study is empirical and localized, its findings are presented as an account of the observed practice in the research area rather than as a claim about all villages in Gorontalo.

3. Deliberation in Gorontalo: A Historical Perspective

Gorontalo is a region with a rich cultural heritage in which local traditions continue to influence social interaction and community decision-making. One expression of this heritage is the philosophy “Adat Bersendikan Sara, Sara Bersendikan Kitabullah,” which reflects the close relationship between customary values and Islamic principles. Various communal activities, including ceremonies and problem-solving processes, continue to draw on traditions transmitted across generations.¹⁴

Before the colonial period, Gorontalo consisted of several kingdoms whose social and political organization was closely connected to customary law. These political units were linked through the kinship structure known as Limo Lo Pohala’a, comprising the Pohala’a of Gorontalo, Limboto, Suwawa, Boalemo, and Atinggola. Gorontalo was consequently characterized by a political order in which customary norms and community institutions played an important role in regulating social relations.¹⁵

During the period of the five kingdoms, deliberation formed part of political and social decision-making. It was used not only to address ordinary community problems but also to support important decisions affecting the wider community. The practice reflects a long-standing preference for collective discussion rather than unilateral decision-making.

Historical accounts indicate that deliberative meetings involved the ruler together with traditional and religious leaders. The king was expected to consider the views of advisers, customary elders, and religious authorities before important decisions were taken. Meetings were held in customary spaces such as the Bantayo Poboide, which functioned as a forum for collective discussion and consensus-building.¹⁶

The process emphasized mutual respect, orderly participation, and avoidance of unnecessary confrontation. Consensus was valued because it was understood as expressing a collective decision rather than the will of a single authority. In this sense, deliberation was

¹⁴ Gufran Ali Ibrahim et al., *Prosiding Bahasa, Sastra, Dan Budaya Dalam Perubahan Sosial Dan Lingkungan Serta Implementasinya Dalam Pembelajaran* (Gorontalo: Fakultas Sastra dan Budaya Universitas Negeri Gorontalo, 2017).

¹⁵ Heryati Heryati and Nurnaningsih Nico Abdul, “Kearifan Lokal pada Arsitektur Vernakular Gorontalo: Tinjauan Pada Aspek Budaya Dan Nilai-Nilai Islam,” *El-Harakah* 16, no. 2 (December 2014): 151, <https://doi.org/10.18860/el.v16i2.2774>.

¹⁶ Heryati and Nico Abdul, “Kearifan Lokal pada Arsitektur Vernakular Gorontalo,” 160.

not merely a procedural technique but also a social ethic that connected authority with responsibility toward the community.

Deliberation in Gorontalo, like in many other indigenous communities in Indonesia, has its origins closely tied to local traditions, culture, and social systems. Since ancient times, the Gorontalo people have developed a social system that emphasizes the values of togetherness, mutual assistance, and cooperation. Deliberation emerged as a practical manifestation of these values, enabling the community to solve problems and make decisions collectively.¹⁷

The management of natural resources, including agricultural land and water, also required collective decision-making. Deliberation provided a practical means of discussing access, use, and conflict over shared resources. The intergenerational transmission of these practices has helped preserve deliberation as part of the community's social repertoire.¹⁸

4. Implementation of Deliberation in Contemporary Telaga District

Historically, Telaga was part of the Limboto Kingdom, one of the five major political units in Gorontalo. The area was incorporated into a customary governance structure in which village leaders and traditional figures operated within the authority of the kingdom. The historical setting is relevant because it helps explain why collective discussion and local dispute settlement remain familiar practices in the area.¹⁹

The contemporary administrative development of Gorontalo changed the institutional setting in which these practices operate. The establishment of the province and the subsequent reorganization of districts and sub-districts created a modern governmental structure, while local communities continued to maintain cultural practices associated with collective decision-making.²⁰

Telaga District is now organized through a sub-district government and several villages that maintain direct institutional relationships with residents. Village governments are responsible for local administration, development, and community services and are often the first public institutions approached when disputes arise among residents.²¹

Within this setting, village governments play an important practical role in maintaining social order and facilitating the settlement of disputes. Deliberation is commonly used as an initial mechanism because it allows the parties to discuss their problems in a familiar setting,

¹⁷ Sri Wulandari, "Makna Simbolik Dalam Tahlilan Masyarakat Gorontalo Di Desa Panggulo," *Jurnal Tradisi Lisan Nusantara* 1, no. 1 (February 2021), <https://doi.org/10.51817/jtln.v1i1.269>.

¹⁸ Wulandari, "Makna Simbolik Dalam Tahlilan Masyarakat Gorontalo Di Desa Panggulo."

¹⁹ Halid Kadir, Agustina Bilondatu, and Arifin Tumuhulawa, "Kajian Historis 'Buwatulo Toulongo' Pada Sistem Hukum Tata Negara Adat Gorontalo 'Adati Hula-Hula To Syar'a. Syara Hula-Hula'a To Quru'ani,'" *Journal Evidence Of Law* 3, no. 2 (June 2024): 74–92, <https://doi.org/10.59066/jel.v3i2.372>.

²⁰ Dwiana Hercahyani, "Sejarah Pembentukan Gorontalo Dari Kabupaten Menjadi Provinsi 1953–2000" (master's thesis, Universitas Indonesia, 2008).

²¹ Hercahyani, "Sejarah Pembentukan Gorontalo Dari Kabupaten Menjadi Provinsi 1953–2000."

seek compromise, and attempt to restore social relations before considering formal legal proceedings.²²

The continued use of deliberation is also consistent with the constitutional recognition of customary communities and traditional rights under Article 18B paragraph (2) of the 1945 Constitution. Nevertheless, the legal recognition of local traditions does not by itself establish a uniform procedural framework. The actual practice of deliberation remains dependent on the initiative, administrative capacity, and institutional habits of each village.²³²⁴

4.1. Existence and Institutional Practice of Deliberation

Table 1. Overview of Deliberation Practices in Telaga District

Village	General	Land Dispute	Village Init.	Comm.
Mongolato	Still practised	Still practised	√	√
Bulila	Still practised	Seldom	-	√
Luhu	Still practised	Still practised	√	√
Hulawa	Still practised	Still practised	-	√
Dulohupa	Still practised	Still practised	√	√
Pilohayanga	Still practised	Still practised	√	√
West Pilohayanga	Still practised	Still practised	-	√
South Dulamayo	Still practised	Still practised	√	√

Source: Telaga District

Interviews conducted in the eight villages indicate that deliberation remains an active means of addressing community problems. Mongolato Village, for example, continues to use deliberation for social disputes, boundary conflicts, and land ownership disputes. Interviews with officials in Hulawa Village likewise indicate that deliberation is still used at the village level as an initial response to community problems.²⁵²⁶

Luhu Village also uses deliberation as an initial step in addressing community disputes. According to village officials, the mechanism has been applied to a range of social problems and may resolve minor land-related disputes when the parties reach an agreement. Where

²² Dewi Sarah Simbolon et al., “Peranan Pemerintah Desa Dalam Pembangunan Infrastruktur,” *Jurnal Kewarganegaraan* 5, no. 2 (December 2021): 295–302, <https://doi.org/10.31316/jk.v5i2.1465>.

²³ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

²⁴ Nazar Husain Hadi Pranata Wibawa et al., *Islam Tradisi Dan Kearifan Lokal Gorontalo* (Gorontalo: Institut Agama Islam Negeri Sultan Amai, 2023).

²⁵ Yasir Hasania, “Wawancara Kepala Desa Mongolato,” March 6, 2025.

²⁶ Mulyadi Domili, “Wawancara Sekretaris Desa Hulawa,” March 11, 2025.

no agreement is reached, or where an agreement is not respected, the matter may be referred to law enforcement authorities.²⁷

Dulohupa Village similarly regards deliberation as an important local practice and has used it for land disputes and other community problems. Pilohayanga Village also continues to emphasize deliberation as an initial avenue for disputes that are considered suitable for family-based settlement. These accounts indicate that deliberation remains institutionalized at the village level even though the detailed procedures may differ.^{28,29}

In West Pilohayanga, deliberation remains a common first step in addressing disputes. Village officials reported that although only a limited number of land disputes had been fully resolved through the process, successful settlements had nevertheless occurred.³⁰

Dulamayo Selatan and Bulila villages report similar patterns. In Dulamayo Selatan, the relative distance from urban centres makes formal court proceedings less accessible for some residents, increasing the practical appeal of village-level deliberation. Bulila likewise uses deliberation as an initial step when residents report disputes to the village government.^{31,32}

Taken together, the interviews show that deliberation remains available across the eight villages examined. Its continued use is not confined to land disputes but extends to other social problems. The attraction of the process lies partly in its accessibility: parties can explain their concerns directly, participate in finding a solution, and attempt to preserve their social relationships without immediately entering formal litigation.³³

In land disputes specifically, the village government commonly acts as a facilitator of the deliberation process. Residents approach the village because the process is perceived as simpler, less expensive, and less time-consuming than court proceedings. Village officials also identified limited public understanding of court procedures and the demands of daily work as practical reasons why residents prefer to seek a village-level solution first.³⁴

4.2. Recorded Cases and Effectiveness of Deliberation

Table 2. Number of Land Dispute Cases in Telaga District, 2021–2023

No	Village	Year	Number of Cases
1	Mongolato	2021	3

²⁷ Nurlin Said Tune, “Wawancara Kepala Desa Luhu,” March 10, 2025.

²⁸ Sukarno Danial Karim, “Wawancara Sekretaris Desa Dulohupa,” March 11, 2025.

²⁹ Taufik Husa, “Wawancara Kepala Desa Pilohayanga,” March 10, 2025.

³⁰ Kirman Yusuf, “Wawancara Kepala Desa Pilohayanga Barat,” March 11, 2025.

³¹ Asmin Talamu, “Wawancara Sekretaris Desa Dulamayo Selatan,” March 12, 2025.

³² Yusran Tine, “Wawancara Kepala Desa Bulila,” March 10, 2025.

³³ Aulia Nur Faradila and Wahyu Sukma Dewi, “Implementasi Asas Musyawarah dan Mufakat dalam Penyelesaian Sengketa Hukum Waris Adat di Indonesia,” *Indonesian Journal of Social Sciences and Humanities* 3, no. 2 (2023).

³⁴ Taufik Husa, “Wawancara Kepala Desa Pilohayanga,” March 10, 2025.

No	Village	Year	Number of Cases
2	Bulila	2021	2
3	Luhu	2022	2
4	Hulawa	2023	1
5	Dulohupa	2022	1
6	Pilohayanga	2021, 2022	1, 2
7	West Pilohayanga	2021	1
8	South Dulamayo	2021, 2023	2, 3
Total			18

Source: Telaga District

Table 2 records 18 land dispute cases across the eight villages during 2021–2023. The number of recorded cases declined from nine in 2021 to five in 2022 and four in 2023. The distribution, however, varied between villages. Mongolato recorded three cases in 2021, Pilohayanga three across 2021 and 2022, and South Dulamayo five across 2021 and 2023, the highest of any village. The variation suggests that land disputes remain a recurring local issue even when the overall number of recorded cases declines.

Table 3. Resolution of Land Dispute Cases Through Deliberation, 2021–2023

No	Village	Year	Resolved Cases	Unresolved Cases
1	Mongolato	2021	3	-
2	Bulila	2021	-	2
3	Luhu	2022	2	-
4	Hulawa	2023	-	1
5	Dulohupa	2022	-	1
6	Pilohayanga	2021, 2022	2	1
7	West Pilohayanga	2021	1	-
8	South Dulamayo	2021, 2023	3	2
Total			11	7

Source: Telaga District

Table 3 shows that 11 of the 18 recorded cases were resolved through deliberation, while 7 remained unresolved. The resulting resolution rate is approximately 61 percent. This figure indicates that deliberation has a meaningful capacity to settle disputes, but it should not be interpreted as evidence that deliberation is uniformly effective across all villages.

The village-level figures demonstrate this variation. Mongolato resolved all three cases recorded in 2021, while Bulila recorded two unresolved cases. Luhu resolved two cases in 2022, whereas Dulohupa recorded one unresolved case. Hulawa likewise had one unresolved case in 2023. Pilohayanga resolved two of its three recorded cases, and West Pilohayanga resolved its single recorded case. South Dulamayo recorded five cases across the relevant years, three of which were resolved and two of which remained unresolved. The differences point to the influence of local social conditions, communication between the parties, and the institutional capacity of village governments.

The data therefore suggest that the strength of deliberation lies in its accessibility and its capacity to produce agreement in a substantial proportion of cases, while its main weakness is the absence of consistent procedures. Without a common administrative framework, the process may depend too heavily on the skills of individual village officials, the willingness of disputing parties to compromise, and the strength of local social relationships. Deliberation should consequently be strengthened institutionally without being transformed into an excessively formal process that undermines its local character.

4.3. Legal and Institutional Strengthening

The continued use of deliberation is compatible with the village-governance framework established by Law Number 6 of 2014 concerning Villages, which places deliberation among the principles of village administration. It is also consistent with the broader recognition of non-litigation dispute resolution under Law Number 48 of 2009 concerning Judicial Power. The legal question is therefore not whether deliberation should exist, but how its implementation can be made more consistent, accountable, and protective of the parties involved.³⁵³⁶

Deliberation therefore persists as a living custom, but it needs support through more regular implementation, stronger village-government capacity, and the active involvement of community leaders, so that land disputes can be resolved more efficiently and evenly across the villages of Telaga District. The support envisaged here is a regional regulation, ideally at the regency level, that specifically requires villages to hold deliberations when disputes arise between residents. The authors' search of the regulations in force found that the existing regional regulations at both provincial and regency levels concern only customary institutions, and none addresses whether a village head may act as a customary figure at village level or as an extension of a customary institution. A clearer and firmer regulation, consistent with the Village Law, is therefore needed to require villages to hold deliberations when disputes arise.

³⁵ Undang-Undang Republik Indonesia Nomor 6 Tahun 2014 Tentang Desa.

³⁶ Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman.

The central finding is therefore twofold. First, deliberation remains a living practice in Telaga District and was used to resolve 11 of the 18 recorded land dispute cases between 2021 and 2023. Second, its implementation varies significantly between villages in terms of procedure, administration, and the form and strength of agreements. The challenge is thus not the disappearance of deliberation but the absence of a sufficiently clear institutional framework to support a practice that communities already recognize and use.

A district-level regulation could provide that village governments facilitate deliberation as an initial mechanism for appropriate community disputes, particularly where the dispute concerns matters that can lawfully be settled by agreement. Such regulation should establish basic requirements concerning notice to the parties, the recording of the meeting, identification of the issues discussed, documentation of the agreement, and procedures for follow-up when an agreement is not reached or is later breached. It should also clarify the role of village heads and other community figures without automatically equating them with formal customary institutions. The objective should be standardization of minimum safeguards, not replacement of local practice with a rigid formal procedure.

5. Conclusion

The practice of deliberation remains an important community-based mechanism for resolving disputes in Telaga District, including land disputes. The study found that 11 of 18 recorded land disputes between 2021 and 2023 were resolved through deliberation, indicating that the mechanism has practical value for the communities that use it. Its continued existence is closely associated with family values, local customs, accessibility, and the preference for peaceful settlement outside formal litigation. At the same time, implementation differs among villages in procedure, administration, and the form of agreements produced, while seven recorded cases remained unresolved. The principal need is therefore not to replace deliberation, but to strengthen its institutional basis through a clear district-level regulatory framework that establishes minimum procedural and administrative safeguards, clarifies the role of village governments, and supports the documentation and follow-up of agreements. Such regulation would provide greater legal certainty and consistency while preserving the local character that makes deliberation a viable alternative to litigation.

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