

The Impact of Criminal Mediation Mechanism on Judicial Justice and its Legal Effect

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Abstract. As an innovative measure in the modern judicial system, the criminal mediation mechanism has gradually been widely used around the world, especially in minor criminal cases. It has played an important role in ensuring judicial fairness and improving judicial efficiency by providing parties with flexible ways to resolve disputes. This paper first introduces the emergence and development of the criminal mediation mechanism and analyzes its specific role in judicial practice. The study further explores the role of the criminal mediation mechanism in safeguarding judicial fairness and emphasizes its fairness, transparency and effectiveness in resolving cases. This paper also analyzes the legal effect of criminal mediation and explores how to ensure the enforceability and legality of mediation agreements through legal means. Through the discussion of these issues, this paper puts forward a series of policy recommendations, aiming to further improve my country's criminal mediation mechanism, optimize the guarantee mechanism for judicial fairness, and provide a theoretical basis for promoting the progress of social rule of law.

Keywords: Criminal Mediation Mechanism; Judicial Fairness; Legal Effect; Mediation Agreement; Judicial Efficiency.

1. Introduction

As an innovative measure in the modern judicial system, the criminal mediation mechanism has gradually been widely used around the world and has played an important role in the judicial practice of many countries. The emergence and development of the criminal mediation mechanism has its profound historical background and social needs. In the traditional criminal justice system, the handling of cases often depends on court decisions. The case trial procedures are complicated, long and confrontational, which not only increases the consumption of judicial resources, but also may have a negative impact on the psychological and social relations of the parties [1]. In order to cope with these problems, the criminal mediation mechanism came into being and became a more flexible, fast and conciliatory dispute resolution method. Through mediation, the interests of suspects, victims and the society can be balanced, and the case can be resolved more gently [2]. Especially in minor criminal cases, the mediation mechanism can often help all parties reach a consensus quickly and avoid conflicts and delays in traditional judicial procedures.

The role of criminal mediation in judicial practice has gradually emerged. It is not only a means of resolving disputes, but also a mechanism to promote social harmony and restore the credibility of the law. Through criminal mediation, the two parties can communicate and negotiate without confrontation, reach an agreement that is in the interests of both parties, and avoid the extreme punitive consequences that may be brought about by judicial decisions [3]. The mediation mechanism can alleviate the trial pressure of the court to a certain extent, improve judicial efficiency, and provide more choices for the parties, especially when the defendant is willing. Criminal mediation can promote social harmony and stability [4]. Mediation is not only the solution of individual cases, but also the improvement of the overall legal environment of society, which can enhance citizens' legal awareness and trust in judicial justice.

The significance of this study is that, first of all, by analyzing the role of the criminal mediation mechanism in safeguarding judicial justice, it can clarify how criminal mediation can balance justice and efficiency in judicial practice. Criminal mediation is not only a tool for quick handling of cases, but also helps the parties reach a settlement without undermining judicial justice. Therefore, studying how criminal mediation can safeguard judicial justice through reasonable procedures and mechanisms is crucial to improving the credibility and transparency of the judicial system. Secondly, this study

will explore the legal effect of criminal mediation [5]. Since the mediation mechanism emphasizes voluntariness and reconciliation, how to ensure that the mediation agreement has legal effect and how to ensure the enforceability of the mediation results through legal means have become an important issue in current judicial practice. Through the discussion of the legal effect of criminal mediation, theoretical support can be provided for improving the current criminal justice system [6].

The purpose of this study is to deeply study the impact of criminal mediation on judicial justice and conduct a comprehensive discussion on its legal effect. Specifically, the study will focus on analyzing how the criminal mediation mechanism can ensure judicial justice by promoting reconciliation among all parties, and explore the safeguards in terms of fairness and transparency in the mediation process. At the same time, the study will focus on the legal effect of criminal mediation and analyze how to ensure the enforceability of the mediation agreement and its legal consequences through judicial confirmation and other means. Through these studies, it is expected to provide theoretical basis and practical guidance for the development of my country's criminal mediation mechanism, and further promote the realization of judicial justice and the progress of social rule of law.

2. Basic Concepts and Theoretical Basis of Criminal Mediation Mechanism

Criminal mediation mechanism is an important system that is constantly developing in modern judicial practice. It resolves criminal disputes in a non-confrontational way and has become an important supplement to the traditional criminal judicial procedure. The basic concept of criminal mediation refers to the mediation between suspects, defendants and victims in criminal cases, based on the principle of voluntariness, with the participation of judicial organs or third-party mediators, in order to reach a solution acceptable to both parties, usually including compensation, apology or other forms of reconciliation. Unlike traditional criminal justice procedures, criminal mediation emphasizes the flexibility and efficiency of dispute resolution [7]. The purpose is to achieve reconciliation through mediation, so that criminal cases can be handled more quickly and gently, avoiding long and complicated trial procedures. In criminal mediation, the parties involved can often reach an agreement through negotiation, reducing the pressure on the judicial system and enhancing social stability [8].

There are significant differences between criminal mediation and traditional criminal justice. Traditional criminal justice procedures are usually characterized by adversarial nature, with prosecutors and defense lawyers debating on behalf of the state and the defendant, and ultimately the court making a judgment. In this process, the court plays the role of a judge, and the resolution of the case is often one-way, focusing on the application of the law and the characterization of the crime. Criminal mediation, on the other hand, focuses more on reconciliation and consensus between the parties. It is a relatively mild and flexible procedure, and its goal is not only to punish crimes through the law, but also to promote reconciliation and restore the psychological balance of victims. Criminal mediation focuses on the voluntariness of the parties involved and the legitimacy of the agreement, rather than just the enforcement of the law [9]. Therefore, it is different from the trial procedure and ruling model adopted by traditional criminal trials.

The theoretical basis of criminal mediation can be analyzed from multiple perspectives. First, there is the mediation theory, which emphasizes the non-confrontational principle in dispute resolution and advocates that the parties can find a common solution without confrontation through the help of a third-party mediator. Mediation theory advocates resolving conflicts through communication, compromise and cooperation, which is completely different from the confrontational approach of the traditional legal litigation model. Secondly, a core issue of criminal mediation is the balance between fairness and efficiency. In the process of handling criminal cases, judicial fairness requires fair judgment of cases, while efficiency requires resolving disputes in the fastest way. Criminal mediation precisely embodies this balance because it can quickly resolve cases through flexible means and avoid case backlogs, while also ensuring fairness because the mediation agreement is reached on the premise of voluntariness and fairness. Finally, the theory of social harmony is also an important

theoretical support for criminal mediation. Criminal mediation not only solves individual case problems, but also strives to promote social harmony and stability by reducing social confrontation in criminal cases. By facilitating reconciliation between victims and defendants, criminal mediation can reduce social conflicts and enhance the sense of trust and belonging of social members, thereby having a positive impact on the long-term harmony of society.

Therefore, the basic concepts and theoretical basis of the criminal mediation mechanism are not only the significant difference between it and the traditional criminal justice system, but also the key to its effective promotion of judicial justice and social harmony. By continuously improving this mechanism, it is possible to better balance justice and efficiency, ensure that the judicial system can be more humane and flexible when handling criminal cases, and promote the overall stability and harmony of society.

3. The Impact of the Criminal Mediation Mechanism on Judicial Justice

The criminal mediation mechanism plays an important role in promoting judicial justice, especially in the rapid resolution of cases, reducing the pressure of court trials, and promoting reconciliation between victims and defendants, which reflects its profound impact on the judicial system.

First, the criminal mediation mechanism can effectively promote the rapid resolution of cases. Traditional criminal trials often take a long time, from case filing to final judgment, which not only consumes a lot of judicial resources, but also may lead to increased psychological burden and social costs for the parties. Through criminal mediation, many cases can be effectively resolved before or during trial, reducing the time the court spends on handling cases. Specifically, the mediation mechanism enables the parties to the case to reach a settlement agreement through the assistance of the mediator, so that the case can be quickly handled without a long trial. This method is particularly suitable for cases with clear facts and less damage. Mediation can not only reduce trial time, but also make judicial resources more effectively used. Criminal mediation may also provide defendants with an opportunity for leniency. According to the mediation agreement, the court will often consider the defendant's attitude of confession and repentance, and give him an opportunity to reduce his punishment appropriately. This practice can not only encourage the defendant to actively cooperate with the judicial organs, but also play a role in social education.

Secondly, the criminal mediation mechanism has also played a positive role in reducing the trial pressure of the court. With the increase in the number of cases, the court is facing huge trial pressure, especially in the face of large and complex cases, judicial resources often seem stretched. Through criminal mediation, many cases can be resolved in advance or directly at the mediation stage, greatly reducing the proportion of cases entering the formal trial procedure. The implementation of mediation enables the court to focus more time and energy on more complex and challenging cases. Specifically, the mediation mechanism promotes the rational allocation of judicial resources, helps the court to effectively manage cases, and avoids the problem of judicial inefficiency caused by the backlog of cases. Through mediation, the court not only saves a lot of manpower, material and financial resources, but also can use more judicial resources to deal with cases that really need to be judged, thereby improving judicial efficiency.

At the same time, criminal mediation can also promote reconciliation between victims and defendants, thus having a positive impact on social harmony. Through mediation, victims and defendants have the opportunity to exchange opinions, clarify misunderstandings, and even reach a settlement agreement with the help of mediators. This kind of reconciliation is not only a legal solution, but also an emotional release, which plays an important role in promoting social stability and harmony. When victims see that the defendant sincerely repents and is willing to compensate for the losses, they may reduce their demands for criminal judgments, thereby enhancing their recognition of judicial justice. The conclusion of a settlement agreement can also effectively resolve

social conflicts, reduce social instability factors, and reflect the inclusiveness and humanity of the judicial system.

However, the criminal mediation mechanism may also bring certain judicial justice issues. First, the possibility of unfair mediation cannot be ignored. In some cases, during the mediation process, the mediator may fail to balance the interests of both parties due to personal judgment bias or external pressure, resulting in one party being at a disadvantage. Especially in cases involving power inequality or deep emotional disputes, mediation may not be able to guarantee the equal rights and interests of all parties, thus affecting the fairness of justice. Secondly, the protection of the rights and interests of the victim is also an issue that needs attention. In some mediation processes, victims may compromise or give in due to emotional, economic and other reasons without fully understanding the legal consequences, resulting in infringement of their rights and interests. Therefore, in order to ensure the fairness of criminal mediation, it is necessary to further improve the selection and training mechanism of mediators to ensure the fairness and transparency of the mediation process.

In summary, the impact of the criminal mediation mechanism on judicial justice is positive and complex. It has played an important role in promoting the rapid resolution of cases, reducing the pressure of court trials, and promoting reconciliation between victims and defendants, but it has also brought some challenges to judicial justice. Only by improving the legal system, strengthening the professional quality of mediators and strengthening the supervision of the mediation process can the criminal mediation mechanism play its maximum role under the premise of ensuring judicial justice.

4. Legal Validity of Criminal Mediation

The legal validity of criminal mediation is an important guarantee for its implementation effect and judicial fairness. The legality and effectiveness of the mediation agreement are directly related to whether the mediation system can operate within the legal framework and provide legal protection for all parties in the case. First of all, the legality of the criminal mediation agreement is based on the legality of the mediation procedure. If the mediation process complies with relevant legal provisions, the mediation agreement will have certain legal effect. The legality of the mediation agreement not only depends on the qualification certification of the mediator, but also needs to ensure that the content of the agreement complies with legal provisions and does not violate public interests or mandatory legal provisions [10]. The validity is reflected in the fact that once the agreement is reached and confirmed in the relevant legal procedures, it can be regarded as a valid legal document by the court, thus having legal effect to a certain extent. The criminal mediation agreement is not completely equivalent to the court judgment. It usually requires the approval of the court or is converted into a judgment in specific circumstances to ensure its effectiveness in judicial practice.

The connection between criminal mediation and trial procedures is also one of the core issues in the legal effect of criminal mediation. Whether the mediation agreement can be converted into a judicial judgment depends on the nature of the case and the content of the mediation agreement. If the case meets the conditions, the mediation agreement can be applied to the court for conversion into a judgment with compulsory enforcement power. The law clearly stipulates the role of the court in mediation. The court is not only the reviewer of the mediation results, but also should review the mediation agreement when necessary. If the content of the mediation agreement does not comply with the law, the court has the right to request modification or not to recognize it. However, when the mediation agreement can reasonably reflect the true intentions of both parties and does not violate the law, the court has the obligation to confirm it so that it has the legal effect equivalent to a judgment. Through this mechanism, criminal mediation can not only provide the parties with a flexible way to resolve disputes, but also fix its results through legal means, ensuring the operability of judicial justice.

The enforceability of the mediation agreement is one of the key elements to ensure the effective operation of the criminal mediation mechanism. Once a mediation agreement is reached and confirmed by the court, the content of the agreement shall be implemented in accordance with the law. If the agreement involves measures such as compensation, apology, and community service, the

parties to the agreement shall fulfill the corresponding obligations on time. However, in practice, the implementation of the agreement often faces certain difficulties. In order to ensure the enforceability of the mediation agreement, the law stipulates relevant compulsory enforcement measures, including but not limited to property seizure, detention, and restriction of high consumption. These enforcement measures ensure the implementation of the mediation agreement and avoid the waste of judicial resources and the re-intensification of social contradictions caused by the failure to perform the agreement. There is also a corresponding punishment mechanism in the law for the behavior of not fulfilling the agreement. When one party fails to fulfill the mediation agreement, the court can take corresponding legal consequences according to law, requiring compensation for the additional losses incurred by the victim, or treating the behavior of not fulfilling the agreement as a refusal to execute the judgment, thereby imposing more severe legal sanctions on the defaulting party. These measures help to enhance the legal authority of criminal mediation and maintain the legal effect of the mediation system.

Therefore, the legal effect of criminal mediation is not only reflected in the legality and effectiveness of its agreement itself, but also through the court's judgment conversion mechanism and execution guarantee measures, ensuring the effective use of mediation agreements in judicial practice. Through these legal guarantees, criminal mediation can play its due role in the judicial system and promote social harmony and judicial justice.

5. Practical Problems and Challenges of Criminal Mediation Mechanism

Although the implementation of the criminal mediation mechanism has a positive role in promoting judicial justice, it also faces a series of problems and challenges in actual operation. Among them, the quality and fairness of mediators are one of the key factors. The selection and training of mediators are directly related to the fairness of mediation results and the realization of judicial justice. If the mediator lacks sufficient legal knowledge and mediation skills, or does not maintain due professional ethics in his work, it may lead to injustice in the mediation process. Therefore, the selection criteria for mediators should be strictly regulated, taking into account their legal literacy, as well as certain mediation experience and interpersonal communication skills. In addition, the training system for mediators also needs to be continuously improved. The training content should not only cover relevant legal knowledge, but also strengthen the learning of mediation skills to improve their ability to handle complex cases. In order to ensure the fairness of mediation, a strict review and supervision mechanism must be established to ensure that mediators can remain fair and impartial during the mediation process, thereby effectively preventing any form of inclination or partiality.

Transparency and supervision mechanism in the mediation process is another issue that needs to be addressed urgently. Mediation, as an informal dispute resolution method, often lacks sufficient openness, which may lead to hidden injustice in the mediation process of some cases. Therefore, improving the transparency of mediation is one of the necessary measures. On the one hand, important information in the mediation process should be fully disclosed to the parties to ensure that both parties understand all relevant facts and legal consequences during the mediation process; on the other hand, the mediation process can introduce a third-party supervision mechanism, such as the intervention of judicial organs and the supervision of social organizations, to ensure the fairness and transparency of the mediation. When reviewing the mediation agreement, the court should pay more attention to openness and transparency to avoid imbalance in mediation results due to information asymmetry. Improving the supervision mechanism is the key to solving this problem. Only through comprehensive supervision can we prevent mediators from abusing their powers and ensure the fairness and transparency of the mediation process.

In actual operation, there may be certain contradictions between mediation and judicial justice. Although the introduction of the mediation mechanism aims to reach a settlement through flexible means, it may also affect the realization of judicial justice in some cases. First, mediation may lead

to the failure of some cases to be fully heard, thereby affecting the application of the law and the realization of fair judgments. In some cases, the defendant may reach an agreement in his favor through mediation, resulting in the victim failing to obtain due compensation or compensation, which in turn affects judicial justice. How to balance the flexibility of mediation and judicial justice is an important issue. In order to avoid the impact of the mediation mechanism on judicial fairness, it is necessary to first establish a sound legal framework to stipulate which cases are suitable for mediation and which cases must enter the formal trial procedure. Secondly, during the mediation process, the right to know and the right to choose of both parties must be ensured to avoid any party being forced to compromise due to unequal power, so as to ensure judicial fairness. During the mediation process, it is also necessary to clarify the legality and rationality of the agreement to ensure that each mediation agreement meets the basic legal standards and does not harm the basic rights and interests of any party.

In summary, the challenges faced by the criminal mediation mechanism in practice include the guarantee of the quality of mediators, the transparency of the mediation process and the improvement of the supervision mechanism. In order to ensure that the mediation mechanism can effectively promote judicial fairness, these problems must be solved by strengthening the professional quality of mediators, improving the transparency of the mediation process and improving the supervision mechanism. At the same time, the contradiction between mediation and judicial fairness also needs to be balanced through refined legal system design and prudent operation, so as to avoid the negative impact of the mediation mechanism on judicial fairness.

6. Reference and Inspiration of Foreign Criminal Mediation Mechanisms

Globally, the criminal mediation mechanism has gradually become an indispensable part of the judicial system of many countries. By comparing and analyzing the practice of foreign criminal mediation mechanisms, we can provide useful reference and inspiration for my country's criminal mediation system. In particular, some developed countries, such as the United States, Germany and Japan, have established relatively mature criminal mediation systems. The experience of these countries can provide valuable reference for my country to optimize the criminal mediation system.

Abroad, the practice of criminal mediation mechanisms has different forms and operating mechanisms in different countries. Taking the United States as an example, criminal mediation in the United States mainly relies on community mediation and court mediation. Court mediation is often conducted by mediators appointed by the court after the case enters the judicial procedure. Criminal mediation in the United States focuses on the principle of voluntary participation of the parties, especially in minor criminal cases, where the mediation mechanism can provide the defendant with the possibility of reducing punishment. The United States pays attention to the role of social organizations in mediation. In many places, mediators come from social service agencies rather than pure judicial organs. Criminal mediation in Germany emphasizes the combination of justice and society. In practice, the criminal mediation mechanism in Germany is closely integrated with the traditional judicial trial system. The mediation agreement can be used as part of the judgment and has the same legal effect as the judgment. Criminal mediation in Japan has a unique form. In the selection of mediators, it focuses on the professional background of judicial personnel. At the same time, it has a strict review mechanism to ensure that the rights and interests of all parties are fully protected during the mediation process. In general, foreign criminal mediation mechanisms emphasize the flexibility of mediation and respect for the wishes of the parties, while focusing on the organic connection between mediation results and judicial procedures.

Through the study of foreign criminal mediation mechanisms, we can provide some inspiration for the improvement of my country's criminal mediation system. First of all, the impact of differences in legal systems on criminal mediation mechanisms cannot be ignored. my country's legal system emphasizes fairness and efficiency, while the introduction of criminal mediation mechanisms requires more attention to the voluntary participation and reconciliation of the parties. The successful

experience of some foreign countries shows that the core of mediation lies in respecting the wishes of the parties and reaching an agreement through legal and effective mediation procedures. my country should make appropriate adjustments to the criminal mediation mechanism within the existing legal framework, clarify the scope and procedures of mediation, ensure that mediation is carried out within the scope permitted by law, and ensure the fairness and rationality of mediation.

Drawing on foreign experience, my country can make some improvements in optimizing the criminal mediation system. Increase the selection and training of mediators, learn from the professional requirements of mediators in the United States and Germany, and strengthen the legal literacy and mediation skills of mediators. my country can also learn from Germany's practice in linking mediation results with judicial decisions, and transform appropriate mediation agreements into legally effective decisions, thereby enhancing the enforceability of criminal mediation results. More social forces can be introduced to participate in the mediation process, such as social workers and mediation experts, and learn from foreign practices of diversified selection of mediators to improve the credibility and transparency of the mediation process.

Overall, the successful practice of foreign criminal mediation mechanisms has provided useful experience for my country. In the process of learning and reference, my country should optimize the criminal mediation system in combination with its own legal system and social reality to ensure that it can better serve the harmony and stability of society while ensuring judicial justice.

7. Conclusion and Suggestions

Through in-depth research on the impact of criminal mediation mechanisms on judicial justice and their legal effectiveness, some important conclusions can be drawn. First, the criminal mediation mechanism has played a significant role in promoting judicial justice. By providing the parties with a more flexible and efficient dispute resolution method, criminal mediation not only helps to quickly resolve cases, but also reduces the trial pressure of the court and improves the efficiency of judicial resources. The mediation mechanism can promote reconciliation between victims and defendants, thereby enhancing social harmony and improving the parties' recognition of judicial justice. However, criminal mediation also faces some challenges, especially in terms of the quality of mediators, the transparency of the mediation process and the balance between it and judicial justice. These problems need to be solved urgently.

Secondly, the legal effect of criminal mediation is the basis for its smooth implementation and effective execution. The legality and effectiveness of the mediation agreement directly determine whether the mediation results can be recognized and enforced by the judicial organs. Under certain conditions, after the mediation agreement is confirmed by the court, it has the same legal effect as the court judgment. This institutional design not only guarantees the enforceability of the mediation agreement, but also provides legal protection for the parties. However, whether the mediation results can fully reflect judicial justice needs to be further optimized by improving the mediation procedures, enhancing the professional quality of mediators and improving the transparency of mediation.

Based on the above conclusions, the following policy suggestions are put forward to improve my country's criminal mediation mechanism. First, improving the legal framework of the criminal mediation mechanism is the basis for ensuring its long-term development. my country should formulate more detailed legal norms to clearly define the scope of application, procedural steps, and qualifications of mediators of criminal mediation, so as to form an operational legal system. The fairness and transparency of criminal mediation must be improved. By establishing a sound supervision mechanism, it can be ensured that all parties can reach an agreement in a fair and open environment during the mediation process, so as to avoid one party being forced to compromise or being treated unfairly. At the same time, it is also crucial to enhance the professionalism and independence of mediators. Mediators should have a high level of legal knowledge and mediation skills, and their independence should be effectively guaranteed to ensure that they can handle cases fairly without external interference.

In summary, as an innovative judicial practice, the criminal mediation mechanism has promoted judicial justice to a certain extent and protected the rights and interests of the parties through its legal effect. However, in order to make it play a greater role, it is still necessary to continuously improve the legal framework, mediation procedures, and the quality of mediators. Only by improving the system design and strengthening the safeguards in the mediation process can we better promote the healthy development of the criminal mediation mechanism and further improve the realization of judicial justice.

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