



# Divorce Mediation at Panyabungan Religious Court: Transforming the Desire for Divorce into Reconciliation through Cultural Values in Contemporary Islamic Jurisprudence

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**Abstract:** Divorce mediation has emerged as a practical approach to resolving marital disputes, transforming the desire for divorce into an opportunity for reconciliation within contemporary Islamic jurisprudence and cultural contexts. This process highlights the growing importance of integrating cultural values into legal dispute-resolution mechanisms, particularly in Muslim societies where local traditions significantly influence family dynamics. This article assesses the effectiveness of divorce mediation in Indonesia, focusing on its role in reducing conflict, fostering post-divorce cooperation, and supporting the psychological well-being of couples involved. A mixed-methods approach combines quantitative surveys of 111 couples who participated in mediation with in-depth interviews with three professional mediators. Reconciliation was evaluated based on participants' perceptions of post-divorce interactions, particularly their communication and co-parenting abilities. The study acknowledges limitations, such as purposive sampling, which restricts generalizability, and reliance on self-reported data that may introduce bias. Results show that 75% of couples experienced reduced conflict, 95% were satisfied with the outcomes, and 60% reported continued cooperation three years post-divorce. The study emphasizes the role of mediators, structured negotiation processes, and cultural values in successful mediation, recommending improved mediator training and culturally sensitive approaches.

**Keywords:** Divorce Mediation, Religious Court, Reconciliation, Contemporary Islamic Jurisprudence, Cultural Values

**Abstrak:** Mediasi perceraian telah muncul sebagai pendekatan praktis untuk menyelesaikan sengketa perkawinan, mengubah keinginan untuk bercerai menjadi kesempatan untuk rekonsiliasi dalam yurisprudensi Islam kontemporer dan konteks budaya. Proses ini menyoroti semakin pentingnya

mengintegrasikan nilai-nilai budaya ke dalam mekanisme penyelesaian sengketa hukum, khususnya di masyarakat Muslim di mana tradisi lokal secara signifikan memengaruhi dinamika keluarga. Artikel ini menilai efektivitas mediasi perceraian di Indonesia, dengan fokus pada perannya dalam mengurangi konflik, mendorong kerja sama pasca perceraian, dan mendukung kesejahteraan psikologis pasangan yang terlibat. Pendekatan metode campuran menggabungkan survei kuantitatif terhadap 111 pasangan yang berpartisipasi dalam mediasi dengan wawancara mendalam dengan tiga mediator profesional. Rekonsiliasi dievaluasi berdasarkan persepsi peserta tentang interaksi pascaperceraian, khususnya kemampuan komunikasi dan pengasuhan bersama mereka. Studi tersebut mengakui keterbatasan, seperti pengambilan sampel yang bertujuan, yang membatasi generalisasi, dan ketergantungan pada data yang dilaporkan sendiri yang dapat menimbulkan bias. Hasil penelitian menunjukkan bahwa 75% pasangan mengalami pengurangan konflik, 95% merasa puas dengan hasilnya, dan 60% melaporkan kerja sama yang berkelanjutan tiga tahun pasca perceraian. Studi tersebut menekankan peran mediator, proses negosiasi terstruktur, dan nilai-nilai budaya dalam mediasi yang berhasil, merekomendasikan pelatihan mediator yang lebih baik dan pendekatan yang peka terhadap budaya.

**Kata Kunci:** Mediasi Perceraian, Pengadilan Agama, Rujuk, Yurisprudensi Islam Kontemporer, nilai-nilai budaya

## Introduction

Divorce is a highly complex issue in modern society, with broad impacts on the emotional and psychological well-being of the individuals involved.<sup>1</sup> The divorce rate in Indonesia has been on the rise. According to data from the Central Statistics Agency, the number of divorces in Indonesia in 2022 reached 516,334 cases, marking a 15.31% increase from 2021.<sup>2</sup> This situation highlights the need for a more effective and humane approach to resolving marital disputes, one that is simple, swift, and cost-efficient but also considers the emotional and psychological aspects of the parties involved.

In Indonesia, particularly within the Religious Courts, divorce mediation has been implemented as a practical alternative to resolving marital disputes.<sup>3</sup> Within contemporary Islamic jurisprudence,<sup>4</sup> mediation aims to resolve conflicts and transform the desire for divorce into an opportunity for reconciliation.<sup>5</sup> Mediation within the Religious Courts provides a structured environment where

<sup>1</sup> Abdul Wafi and Shofiatul Jannah, "The Rising Trend of Divorce Cases : Social and Psychological Implications in Modern Society," *Ius Constituendum* 9, no. 1 (2024): 1–12; Lisnawati Lisnawati, Sabarudin Ahmad, and Bariah Safrut, "Modernizing Divorce in Courts: How to Realize Justice in Diverse Geographical Conditions?," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (December 25, 2024): 367, <https://doi.org/10.31958/juris.v23i2.11836>; Muhammad Aulia Rahman, Roibin Roibin, and Nasrulloh Nasrulloh, "Dayak Ngaju Customary Fines in Pre-Marriage Agreement to Minimize Divorce in The Perspective of Masalah Mursalah Ramadhan Al-Buthi," *El-Mashlahah* 13, no. 1 (June 30, 2023): 57–75, <https://doi.org/10.23971/el-mashlahah.v13i1.5623>.

<sup>2</sup> Rinto Wahyu Widodo and Muhammad Untung Manara, "Effectiveness of Premarital Counseling in Indonesia: Literature Review," *Konseli (Jurnal Bimbingan Dan Konseling)* 11, no. 1 (2024): 77–86.

<sup>3</sup> Fauzan Fauzan, "Alternatives to Criminal Conviction in a Comparative Analysis of Positive Law and Islamic Criminal Law," *Al-Istinbath : Jurnal Hukum Islam* 7, no. 1 (May 2022): 185, <https://doi.org/10.29240/jhi.v7i1.4308>; Taufiqur Rohman et al., "Preventing Violations of Religious and Social Norms: Judicial Interpretation of 'Urgent Reasons' in Marriage Dispensation at the Wonosari Religious Court, Indonesia," *Journal of Islamic Law* 4, no. 2 (August 2023): 218–36, <https://doi.org/10.24260/jil.v4i2.1535>; Nasruddin Yusuf, Nur Azizah, and Faradila Hasan, "Feminism Analysis of Judges' Considerations for Post-Divorce Domestic Violence Victims in Medan and Banda Aceh Religious Courts," *Al-'Adalah* 20, no. 2 (December 26, 2023): 283, <https://doi.org/10.24042/adalah.v20i2.16177>.

<sup>4</sup> Arbanur Rasyid, Rayendriani Fahmei Lubis, and Idris Saleh, "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (October 31, 2024): 419–48, <https://doi.org/10.21580/ahkam.2024.34.2.20843>.

<sup>5</sup> Karmawan, "Mediation in The Religious Courts of Indonesia," *Ahkam: Jurnal Ilmu Syariah* 20, no. 1 (2020): 79–96, <https://doi.org/10.21580/ahkam.2020.20.1.20843>.

divorcing couples can negotiate and reach mutually beneficial solutions with the assistance of a neutral mediator.<sup>6</sup> This approach aligns with the principles of Islamic jurisprudence, which emphasize the importance of reconciliation and cooperation in dispute resolution.

Several previous studies have emphasized the effectiveness of mediation in divorce resolution within the framework of Islamic family law.<sup>7</sup> Yet, few have critically assessed its methodological depth or long-term implications. For example, Jumadiyah's research, while asserting that mediation leads to higher satisfaction and improved communication between former spouses,<sup>8</sup> relies mainly on normative assumptions and does not provide empirical data or specify methodological procedures, limiting the study's generalizability. Similarly, Taufik's case study highlights the importance of mediation in co-parenting and conflict reduction. Still, its qualitative design and limited scope do not capture broader trends or long-term outcomes across diverse demographic backgrounds. Both studies underscore the potential of mediation to reduce tension and promote post-divorce cooperation. Still, they stop short of quantifying the sustainability of these outcomes or integrating cultural factors that may influence mediation effectiveness.<sup>9</sup> These gaps underscore the need for a more methodologically rigorous and culturally sensitive exploration of divorce mediation.

Other frequently cited studies include those by Moore, Emery, and Nurasri, which provide valuable insights into the dynamics of successful mediation but do not systematically examine the interrelation of these variables within different cultural contexts. Moore emphasizes that the success of mediation heavily depends on the mediator's skills and approach. However, his analysis remains conceptual and has not been empirically tested across diverse legal or cultural systems. Meanwhile, the longitudinal study by Emery et al. offers strong evidence that mediation increases satisfaction and compliance with agreements and fosters long-term relationships between parents and children after divorce.<sup>10</sup> However, their research was conducted outside of Muslim communities and does not thoroughly address the influence of cultural and religious norms on mediation outcomes. Nurasri's study adds a critical perspective on the necessity of both parties' presence in the mediation process, highlighting risks such as power imbalances and a lack of clarity when one party is absent.<sup>11</sup>

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org/10.15408/ajis.v20i1.13249; Ermi Suhasti Syafei et al., "Mediation in Social Conflict Resolution At Tanjungpinang Malay Customary Institution, Riau Islands," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 2 (2023): 198–214, <https://doi.org/10.30631/alrisalah.v23i2.1361>; Ahdiyatul Hidayah et al., "Empirical Factors of Takliq Talaq Through Electronic Media in View of Positive Law And Islamic Law," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (2023): 177–90, <https://doi.org/10.18592/sjhp.v23i2.12255>.

<sup>6</sup> Haddad Ulum Harahap et al., "Legal Status of a Wife Leaving Her Husband and Vice Versa in Contextual Fiqh Studies: A Pre-Divorce Analysis," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (April 2025): 50, <https://doi.org/10.29300/mzn.v12i1.7158>.raising legal, ethical, and social concerns. This study examines the legal status of such separations through the lens of various schools of thought (madhhab

<sup>7</sup> Defel Fakhyadi et al., "Reconstructing Gender Relations for Family Resilience in Minangkabau: Integrating Islamic Law and Customary Law," *Al-Ahkam* 35, no. 1 (April 29, 2025): 1–30, <https://doi.org/10.21580/ahkam.2025.35.1.22906>.

<sup>8</sup> Jumadiyah Jumadiyah, "Proses Penyelesaian Perkara Perceraian Melalui Mediasi Di Mahkamah Syar'iyah Lhokseumawe," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 6, no. 2 (2015): 1–12, <https://doi.org/10.25041/fiatjustisia.v6no2.328>.

<sup>9</sup> Achmad Taufik et al., "Pentingnya Mediasi Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama: Membangun Solusi Yang Berkelanjutan," *Kabilah: Journal of Social Community* 8, no. 1 (2023): 246–337.

<sup>10</sup> Robert E. Emery, David Sbarra, and Tara Grover, "DIVORCE MEDIATION: Research and Reflections," *Family Court Review* 43, no. 1 (January 2005): 22–37, <https://doi.org/10.1111/j.1744-1617.2005.00005.x>; Fadil Fadil, Zidna Mazidah, and Zaenul Mahmudi, "Fulfillment of Women's Rights After Divorce: Dynamics and Transformation in the Legal Journey," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (June 10, 2024): 1–20, <https://doi.org/10.18860/j-fsh.v16i1.25713>; Rohmawati Rohmawati and Syahril Siddik, "Legal Protection for Children Out of Wedlock: Ensuring the Best Interests of Children Through Judge Decisions," *Al-'Adalah* 19, no. 2 (December 25, 2022): 315–38, <https://doi.org/10.24042/adalah.v19i2.11761>.

<sup>11</sup> I Y Nurasri, "Mediasi Yang Tidak Dihadiri Salah Satu Pihak Tetapi Menghasilkan Akta Damai," *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan ...* 1, no. 2 (2023): 1–19, <https://doi.org/10.11111/dassollen.xxxxxxx>.

Nevertheless, the study uses a literature-based method without field data, making its conclusions largely theoretical. These methodological limitations suggest a need for further research that assesses mediation effectiveness from a technical standpoint and the perspective of social sustainability and cultural relevance. This study addresses that gap by combining quantitative and qualitative approaches to analyze the interconnection between mediation effectiveness, the role of the mediator, post-divorce commitment, and the influence of local cultural values in shaping long-term mediation outcomes.

Unlike previous studies, this research is unique in its focus on the short-term and long-term outcomes of mediated divorces. It also delves into the role of cultural context in the mediation process and aims to develop best practice recommendations for consistency and effectiveness. By evaluating short-term and long-term outcomes, this study will shed light on how mediation can provide lasting benefits to divorced couples. Exploring cultural context will deepen our understanding of how cultural backgrounds shape the mediation process and outcomes. Lastly, developing best practice recommendations will ensure mediation's consistent and practical application in diverse contexts.

This study is an empirical legal research.<sup>12</sup> The data collected will be analyzed using a mixed-methods approach that combines quantitative and qualitative data analysis to comprehensively examine the effectiveness of divorce mediation at the Panyabungan Religious Court. By combining these approaches, the study aims to provide a more holistic and nuanced understanding of the mediation process, outcomes, and implications within the framework of contemporary Islamic jurisprudence. The study employs a concurrent triangulation design, in which quantitative and qualitative data were collected simultaneously, analyzed separately, and interpreted together. This design supports the validation of findings through data triangulation and enhances the overall robustness of the research.

The study involved 111 divorced couples (222 individuals) who participated in mediation at the Panyabungan Religious Court during 2021-2022. Participants were selected through purposive sampling based on criteria such as having undergone formal mediation, being legally divorced for at least three years, and voluntarily consenting to the survey. This ensured they had sufficient time to reflect on the long-term outcomes of mediation. Additionally, three professional mediators, certified by Indonesia's Supreme Court and with over three years of experience, were selected using purposive expert sampling. Quantitative data were collected using a structured questionnaire addressing perceptions of fairness, satisfaction, emotional well-being, and co-parenting. Secondary data from the Directorate General of Religious Courts were also used. Qualitative data came from in-depth interviews with mediators and document reviews. Quantitative data were analyzed using SPSS for descriptive statistics, while qualitative data were coded thematically. This mixed-methods approach aims to evaluate the effectiveness of religious court mediation in reducing conflict and informing policy.

### The Effectiveness of Mediation in Resolving Marital Disputes

Between 2021 and 2022, Religious Courts throughout Indonesia handled many divorce cases through mediation, which were categorized into two types: *cerai gugat* (divorce) and *cerai talak*

<sup>12</sup> Muhaimin, *Metode Penelitian Hukum*, Mataram University Press, vol. 1 (Mataram University Press, 2020).

(divorce plaintiff). In 2021, 36,385 *cerai gugat* cases and 21,937 *cerai talak* cases underwent mediation. One of the primary factors contributing to wife-initiated divorce was economic hardship within the family, often precipitated by the husband's loss of employment due to mass layoffs. Following job loss, many husbands failed to meet their financial obligations, leading to increasing dissatisfaction within the household and ultimately compelling many wives to file for divorce.<sup>13</sup>

In the following year, 2022, the number of divorce plaintiff cases slightly decreased to 33,124, and divorce cases dropped to 19,928. This data indicates that although there was a slight decrease in the total number of cases, the figures remained high, reflecting the substantial challenges in resolving marital disputes in Indonesia through mediation. Below is a diagram of the mediated divorce cases across all Religious Courts for 2021-2022.

Table 1 mediated divorce cases across all Religious Courts for 2021-2022

No	Types	Year	Mediation
1	Divorce Plaintiff	2021	36.385
2	Divorce	2021	21.937
3	Divorce Plaintiff	2022	33.124
4	Divorce	2022	19.928
Total			111.374

Source: Data Center Directorate General of Religious Courts<sup>14</sup>

In Islam, mediation is known as “*Sulh*,” a highly recommended approach in the Qur’an: “And if two groups among the believers fight, then make peace between them” (QS. Al-Hujurat: 9). *Tahkīm* (arbitration) is, in essence, a form of *ṣulḥ* (amicable settlement), whose validity depends on the mutual consent of both disputing parties. Since the primary objective of *tahkīm* is to resolve conflicts through reconciliation, *ṣulḥ* cannot be suspended (*ta’līq*) or directed toward the future (*idāfa*). This distinguishes it from judicial rulings (*qaḍā’*) or governmental authority, both of which involve formal delegation of power (*tafwīd*).<sup>15</sup> Mediators always try to reconcile the two parties. The effectiveness of mediation is measured based on various outcomes, including success with a pea, there is an agreement, case withdrawal, partial success, mediation failure, and cases that could not be executed.<sup>16</sup> In 2021, out of the 36,385 divorce plaintiff cases, only 268 cases (0.74%) were successfully resolved through mediation with a peace agreement. This figure is slightly lower than that for divorce, where only 109 out of 21,937 cases (0.50%) were successfully mediated with a peace agreement. In 2022, the mediation was slightly improved, with 348 divorce plaintiff cases (1.05%) and 205 divorce cases (1.03%) successfully mediated with a peace agreement.<sup>17</sup> Although there was an increase, these success rates remain relatively low, highlighting the significant challenges in the mediation process.

<sup>13</sup> Masniari Munthe and Heri Firmansyah, “Analisis Penyebab Meningkatnya Angka Perkara Cerai Gugat Tahun 2020-2022 Di Pengadilan Agama Medan Kelas IA,” *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (December 2022): 679–90, <https://doi.org/10.37680/almanhaj.v4i2.2198>.

<sup>14</sup> Pusat Data Direktorat Jenderal Badan Peradilan Agama, “Kumpulan Dataset Perkara Peradilan Agama,” Mahkamah Agung, 2023.

<sup>15</sup> Muhammad ibn Muhammad al-Babarti, *Al-Inayah Sharh Al-Hidayah*, 1st ed. juz.7 (Maktabat Mustafa al-Babi al-Halabi wa Awladuh - Cairo, 1970), h. 312.

<sup>16</sup> PERMA No. 1 Tahun 2016 tentang Proses Mediasi di Pengadilan

<sup>17</sup> Pusat Data Direktorat Jenderal Badan Peradilan Agama, “Kumpulan Dataset Perkara Peradilan Agama.”



However, there is not much to revoke the lawsuit after mediation. However, the parties then clearly understand their problems, avoid revenge, and peacefully divorce, and they feel more prepared for the subsequent trial.<sup>18</sup>

Islamic jurisprudence lays down strict ethical requirements for mediation. One of them is that it is not permissible to appoint an unjust person as a *hakam* (arbitrator) under any circumstance. Moreover, the decision of a *hakam* is not valid unless explicitly approved by both parties through verbal consent, not through silence.<sup>19</sup> Similarly, only one party's appointment of a mediator is invalid and carries no legal effect.<sup>20</sup> These principles ensure fairness, impartiality, and mutual agreement in the mediation process. Although there is not much withdrawal of lawsuits after mediation, the parties often gain clarity on their issues, avoid revenge, and proceed with a peaceful divorce, feeling more prepared for the subsequent trial.

There was also an increase in mediation outcomes categorized as partially successful. In 2021, 1,525 divorce plaintiff cases (4.19%) and 3,368 divorce cases (15.35%) were partially successful. These numbers sharply increased in 2022, with 4,345 divorce plaintiff cases (13.12%) and 6,036 divorce cases (30.30%) partially successful.<sup>21</sup> This data shows that although mediation does not always fully succeed, the process still helps resolve significant conflicts, potentially reducing litigation burdens.

However, the greatest challenge in mediation is the high number of unsuccessful cases. In 2021, 32,140 divorce plaintiff cases (88.34%) and 17,447 divorce cases (79.52%) were not successfully mediated. The year 2022 showed slight improvement, but these numbers remained high, with 24,677 divorce plaintiff cases (74.51%) and 12,224 divorce cases (61.34%) not successfully mediated.<sup>22</sup> The high failure rate indicates that many couples could not reach an agreement despite mediation efforts, possibly due to sharp differences in viewpoints or a lack of commitment to reconcile.

Furthermore, although relatively small, the category of cases that could not be executed highlights administrative and procedural challenges in mediation. In 2021, 504 divorce plaintiff cases (1.39%) and 261 divorce cases (1.19%) could not be executed. The year 2022 showed an increase in this category, with 600 divorce plaintiff cases (1.81%) and 278 divorce cases (1.39%) that could not be executed. The failure of the mediation process is generally caused by the lack of good faith from the parties involved in the reconciliation. Several key factors contributing to this failure include a strong desire to divorce due to one party having a new partner, prolonged and complex conflicts, and the intentional absence of one party in two consecutive mediation sessions. In addition, psychological factors such as mental health issues and a sense of pride or shame in admitting fault also hinder the willingness of the disputing parties to reach a peaceful resolution.<sup>23</sup>

The following is the data on the results of mediation of divorce cases in all Religious Courts in 2021-2021;

<sup>18</sup> Erik Sabti Rahmawati, "Implikasi Mediasi Bagi Para Pihak Yang Berperkara Di Pengadilan Agama Malang," *De Jure: Jurnal Hukum Dan Syar'iah* 8, no. 1 (June 2016): 1-14, <https://doi.org/10.18860/j-fsh.v8i1.3725>.

<sup>19</sup> Zayn al-Din Ahmad ibn 'Abd al-'Aziz al-Ma'bari al-Malibari, *Fath Al-Mu'in Bi-Sharh Qurat Al-'Ayn Bi-Muhimmat Al-Din* (Dar Ibn Hazm, n.d.), kitabul qadaa', h. 616.

<sup>20</sup> Muhammad ibn Muhammad al-Khatib al-Sharbini, *Mughni Al-Muhtaj Ila Ma'rifat Ma'ani Alfaz Al-Minhaj*, ed. Ali Muhammad Mu'awwad and 'Adil Ahmad 'Abd al-Mawjud, vol. 6 (Dar al-Kutub al-'Ilmiyyah, 1994), h.628.

<sup>21</sup> Pusat Data Direktorat Jenderal Badan Peradilan Agama, "Kumpulan Dataset Perkara Peradilan Agama."

<sup>22</sup> Pusat Data Direktorat Jenderal Badan Peradilan Agama.

<sup>23</sup> Supardi Supardi and Zahrotul Hanifiyah, "Penyebab Kegagalan Mediasi Dalam Proses Perceraian (Studi Kasus Di Pengadilan Agama Kudus Periode Januari-April 2017)," *YUDISIA : Jurnal Pemikiran Hukum Dan Hukum Islam* 8, no. 1 (April 2018): 155, <https://doi.org/10.21043/yudisia.v8i1.3224>.

Table 2. Results of mediation of divorce cases in all Religious Courts in 2021 2021

No	Types	Year	Successful with an amicable deed	Successful with revocation	Partly successful	Unsuccessful	Not enforceable
1	Divorce Plaintiff	2021	268	1.948	1.525	32.140	504
2	Divorce	2021	109	752	3.368	17.447	261
3	Divorce Plaintiff	2022	348	3.154	4.345	24.677	600
4	Divorce	2022	205	1.185	6.036	12.224	278
Total			930	7.039	15.274	86.488	1.643

Source: Data Center Directorate General of Religious Courts<sup>24</sup>

Overall, this descriptive analysis shows that mediation in Religious Courts across Indonesia faces significant challenges in resolving marital disputes. Although there have been slight increases in some success categories, most cases still fail to be resolved through mediation. This data indicates the need for improvements in the mediation process, including mediator training, more flexible approaches, and possibly increased support from community leaders to help enhance the success of mediation in resolving marital disputes. Adequate legal support is also a crucial aspect of mediation to ensure that agreements reached can be legally enforced,<sup>25</sup> in line with the principle “*Al-Wasail Laha Ahkam al-Maqasid*,” meaning that the means used must support the achievement of lawful objectives. Attention to the economic aspects of the couple is also significant in achieving sustainable agreements, as set out in principle *la darar wa la dirar*, which emphasizes that no harm should be done in reaching a fair solution.

To evaluate the short-term and long-term outcomes of mediated divorces, researchers surveyed 111 mediation participants at the Panyabungan Religious Court. The data was obtained from reports by non-judge mediators during mediation in 2021-2022. Of the 111 cases mediated, 17 were entirely successful, 38 were partially successful, 55 were unsuccessful, and one could not be executed. This data reflects various levels of success in mediation in resolving marital disputes. The effectiveness of mediation is evident from the data showing that 17 out of 111 mediated cases were entirely successful. This means approximately 15.3% of cases were successfully resolved through mediation, indicating significant potential for reducing divorce rates through this approach. According to Ahmad, mediation helps divorcing couples reach agreements that benefit both parties, reduce the potential for prolonged conflict, and enhance post-divorce psychological well-being.

In the psychological and spiritual context, mediation must consider the divorcing couple's mental health and spiritual values.<sup>26</sup> In this regard, the fiqh principle *al-mashaqqatu tajlibu at-taysir*, which means hardship brings ease, is relevant to ensure that the mediator considers psychological and spiritual aspects to alleviate the couple's burden. Mediators who can recognize and address these

<sup>24</sup> Pusat Data Direktorat Jenderal Badan Peradilan Agama, “Kumpulan Dataset Perkara Peradilan Agama.”

<sup>25</sup> Aishat Zubair, “An Analysis of Dispute Resolution Mechanisms in the Islamic Banking and Finance Industry in Malaysia,” *Jurnal Hukum Novelty* 11, no. 2 (2020): 164–78, <https://doi.org/10.26555/novelty.v11i2.a16465>.

<sup>26</sup> Misran Ramli et al., “State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism,” *SAMARAH: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2016): 1–23, <https://doi.org/10.22373/sjhk.v8i2.15924>.

psychological and spiritual issues are more likely to help couples achieve satisfying and sustainable agreements.

Moreover, this study found that mediation helps couples achieve fairer asset division and child custody agreements. Survey data shows that 80% of couples who underwent mediation reached agreements they considered fair, compared to only 60% of couples who went through litigation. This aligns with Rahman's research, which shows that mediation allows couples to openly and honestly discuss the needs and interests of their children, which are often overlooked in traditional litigation processes. The number of partially successful cases, 38 out of 111, shows that mediation usually helps couples resolve some, but not all, of the issues they face. This reflects the challenges in reaching a complete agreement but still demonstrates the benefits of mediation in reducing conflict. Bingham and Moore show that the success of mediation heavily depends on the mediator's skills and approach. Trained and experienced mediators help divorcing couples navigate conflicts constructively and productively. However, the data also shows that 55 cases were unsuccessful in mediation. This reflects the challenges mediators face in helping couples reach an agreement. Factors influencing mediation failure include couples' inability to compromise, sharp differences in viewpoints, and distrust between the partners.

The following is the data from the survey results of 111 mediation couples in 2021-2022 at the Panyabungan Religious Court;

Table 3. Survey results of 111 mediation couples in 2021-2022 at the Panyabungan Religious Court

Survey Categories	Number of Couples	Percentage
Adversarial Conflict Reduction	83	75%
Satisfaction with Mediation Outcome	75	68%
Sustainable Cooperative Relationship	67	60%
Satisfaction with the Mediation Process	109	98%
Satisfaction with Mediation Outcome	106	95%
<b>Total</b>	<b>111</b>	

Source: Survey of 111 mediating couples at the Panyabungan Religious Court

The case study at the Panyabungan Religious Court shows that mediation can reduce court burdens and increase satisfaction among divorcing couples. Erik's research shows that mediation can reduce prolonged conflict and enhance post-divorce psychological well-being. Data analysis of case numbers shows that although mediation is not always successful, it offers many benefits in helping couples reach mutually beneficial agreements.<sup>27</sup> The data indicates that mediation is often more effective in resolving complex issues than litigation. Evaluation of short-term mediation outcomes shows that couples who undergo mediation are more likely to reach agreements they consider fair and satisfactory. Survey data shows that 80% of couples who undergo mediation reach agreements they consider fair, compared to only 60% of couples who undergo litigation. This indicates that mediation can provide better short-term outcomes.

<sup>27</sup> Rahmawati, "Implikasi Mediasi Bagi Para Pihak Yang Berperkara Di Pengadilan Agama Malang."



Evaluation of long-term mediation outcomes shows that couples who remain committed to cooperating after divorce are more likely to enjoy a harmonious and respectful relationship. Mediation also has a positive impact on the children of divorced couples.<sup>28</sup> Mediation allows both parties to openly and honestly discuss the needs and interests of their children, which are often overlooked in traditional litigation. Mediation also helps couples reach fairer agreements regarding asset division and child custody.<sup>29</sup>

Mediation helps divorcing couples overcome feelings of anger, disappointment, and frustration that often accompany the divorce process. Mediation helps expedite emotional healing and facilitates a more peaceful and sustainable dispute resolution by providing a space for both parties to speak and be heard.<sup>30</sup> The role of the mediator is crucial in determining the outcome of mediation. Mediators with good communication skills and an understanding of the couple's cultural context can help resolve conflicts more effectively.<sup>31</sup> Mediators who can tailor their approach to the specific needs of the couples they mediate are more likely to succeed in assisting couples to reach an agreement.

Mediation's long-term benefits depend heavily on both parties' commitment to continue cooperative behavior. Couples who remain committed to working together after divorce are likelier to enjoy a harmonious and respectful relationship. Mediation provides a strong foundation for couples to develop communication and cooperation skills essential for maintaining a healthy post-divorce relationship.<sup>32</sup> Cultural context plays a crucial role in the effectiveness of mediation. Mediators who understand and respect local cultural values are more effective in helping couples reach satisfying agreements. Emotional support is also an essential factor in mediation. Mediation can provide significant emotional support for divorcing couples, helping them overcome feelings of anger, disappointment, and frustration.

Mediation can help improve communication between former spouses after divorce. It typically results in better communication compared to litigated divorces. Additionally, mediation can facilitate more effective co-parenting. Rahman's research indicates that couples who undergo mediation tend to be more cooperative in managing their children's care post-divorce. Based on the findings of this research, several recommendations can be made for best practices in mediation to ensure consistency and effectiveness. First, providing training and certification for mediators is crucial to ensure they have the necessary skills to facilitate effective and fair mediation. Second, mediation should be conducted considering the cultural context of the couples involved. Third, it is crucial to provide emotional support for couples undergoing mediation.

Data from mediation reports and previous research show that mediation has significant potential in resolving marital disputes and reducing divorce rates. However, the success of mediation largely

<sup>28</sup> Agus Suprianto, "Mediasi Pembagian Harta Bersama Dalam Putusan Pengadilan Agama Sleman Nomor 413/Pdt.G/2015/PA.Smn," *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan* 1, no. 2 (2022): 179–200, <https://doi.org/10.47200/awtjhpsa.v1i2.1291>.

<sup>29</sup> Roslina Che Soh and Nora Abdul Hak, "Application of Maslahah (Interest) in Deciding the Right of Hadanah (Custody) of a Child: The Practice in the Syariah Court of Malaysia," *Journal of Applied Sciences Research* 7, no. SPECIAL ISSUE (2011): 2182–88.

<sup>30</sup> Soehartono et al., "The Establishing Paradigm of Dominus Litis Principle in Indonesian Administrative Justice," *Sriwijaya Law Review* 5, no. 1 (2021): 42–55, <https://doi.org/10.28946/slrev.Vol5.Iss1.603.pp42-55>.

<sup>31</sup> Herliana, "Maqasid Al-Sharia in Court-Mediation Reform: A Study on Efficiency and Social Justice in Medical Disputes," *De Jure: Jurnal Hukum Dan Syariah* 15, no. 2 (2023): 214–29, <https://doi.org/10.18860/j-fsh.v15i2.23962>.

<sup>32</sup> Ismail Rumadan and Ummu Salamah, "Settlement of Divorce Dispute Through the Forum of Mediation in Judicial Institutions As an Effort of Legal Protection for the Rights and Interests of the Child of Post-Divorce," *Syariah: Jurnal Hukum Dan Pemikiran* 21, no. 2 (2021): 213–26, <https://doi.org/10.18592/sjhp.v21i2.4603>.

depends on the mediator's skills, contextual understanding, and the commitment of the involved couples. Therefore, it is essential to continuously improve the quality of mediator training and develop approaches more sensitive to the cultural context of the couples undergoing mediation. The findings of this study are expected to transform the divorce process from adversarial to reconciliatory, promoting healthier post-divorce relationships and better outcomes for families.

### The Role of Cultural Context in the Mediation Process and Recommendations for Best Practices in Mediation

Mediation at the Panyabungan Religious Court demonstrates varying levels of success in resolving marital disputes, as reflected in the case data: of 111 mediated cases, only 17 were entirely successful, 38 were partially successful, and 55 failed. Given that *tahkīm* (arbitration) is essentially a form of *ṣulḥ* (amicable settlement) that only becomes valid with the consent of both parties, its effectiveness depends heavily on mutual acceptance and cultural compatibility. Unlike judicial rulings or government authority which involve delegated power *tahkīm* cannot be suspended (*ta'liq*) or deferred to the future (*idāfa*). For this reason, arbitrators must fulfill the criteria of judicial competence, similar to the standards for admissible witnesses. Consequently, individuals such as non-Muslims, slaves, or those punished for false accusations of adultery are not eligible unless the appointing parties are from their community.<sup>33</sup> Despite this, if a *fāsiq* (open sinner) is appointed, the appointment remains valid according to the Ḥanafī school. To enhance the effectiveness of mediation, it is essential to develop culturally sensitive best practices that mediators can implement across diverse contexts.

Involving traditional leaders or local religious figures can facilitate the mediation process. Couples who have completed mediation in their village before proceeding to litigation often find the court process faster and smoother.<sup>34</sup> Local traditional leaders or religious figures understand the local cultural values and can communicate with couples in a manner that aligns with their cultural context.<sup>35</sup> This study found that couples who felt their mediator understood and respected their cultural values were likelier to reach a satisfactory agreement.<sup>36</sup> However, village mediation tends to disregard the children's best interests, leading to the neglect of children's rights during the mediation process.<sup>37</sup> This highlights the need for community outreach and education on protecting children's rights after divorce. Mediation must play an essential role in facilitating effective co-parenting after

<sup>33</sup> ibn Muhammad al-Babarti, *Al-Inayah Sharh Al-Hidayah*, h. 317.

<sup>34</sup> Muhamad Hasan Sebyar, "Harmonization of Islamic Legal Institutions and Customary Law in Marriage Dispensation Cases at The Panyabungan Religious Court," *MILRev : Metro Islamic Law Review* 2, no. 2 (2023): 155, <https://doi.org/10.32332/milrev.v2i2.7809>.

<sup>35</sup> Rosdalina Bukido et al., "Reconciling Traditions : The Role of Local Wisdom in Mediating Divorce in Indonesia ' s Religious Courts" 6, no. 2 (2024): 307–20, <https://doi.org/10.15575/ks.v6i2.32809>.

<sup>36</sup> Juan de Oña, "Understanding the Mediator Role of Satisfaction in Public Transport: A Cross-Country Analysis," *Transport Policy* 100, no. September 2020 (2021): 129–49, <https://doi.org/10.1016/j.tranpol.2020.09.011>. satisfaction and behavioral intentions or loyalty in the field of public transport. Yet despite growing interest, there is a lack of consensus regarding a number of aspects, e.g.: the difference between service quality and satisfaction, between behavioral intentions and loyalty, or the mediating effect of satisfaction between service quality and behavioral intentions. The main objective of this article is to shed light on the type of mediator effect exerted by satisfaction between service quality and behavioral intentions or loyalty in the area of urban and metropolitan public transport. To this end, structural equation modeling (SEM)

<sup>37</sup> Yoga Prasetya and Muhamad Hasan Sebyar, "Legal Aspects of the Rights of Children from Siri Marriages," *Jurnal Hukum Keluarga* 1, no. 01 SE-Articles (June 2024): 9–17, <https://doi.org/10.63731/jhk.v1i01.1>.

divorce.<sup>38</sup> In Islam, the welfare of children is a top priority, as emphasized by “*Al-Maslahah al-‘Ammah Muqaddamah’ ala al-Maslahah al-Khassah*” (in this case, the welfare of the children) takes precedence over the personal interests of the parents. Research shows that couples who go through mediation are more cooperative in raising their children than those who choose litigation.<sup>39</sup> In this context, mediation serves as a tool to help couples develop a parenting plan that is fair, sustainable, and always considers the best interests of the children, in line with the principle “*Dar’ al-Mafasid Muqaddam’ ala Jalb al-Masālih*,” which means preventing harm is prioritized over gaining benefits.

One of the key recommendations is to provide comprehensive training and certification for mediators, as well as basic training for local religious and traditional leaders. Research by Nugraheni shows that trained and experienced mediators are better equipped to help divorcing couples reach satisfactory agreements.<sup>40</sup> This training should include effective communication techniques, conflict resolution strategies, and a deep understanding of family law, in line with the fiqh principle “*Al-Hukm’ ala al-Syai’ Far’un ‘an Tasawwurihi*,” which means that the ruling on something depends on a correct understanding of it. The aim is to ensure that mediators have a comprehensive experience to act justly and professionally in every mediation.<sup>41</sup>

In addition, mediator training should also include an understanding of the local cultural context. The Qur’an emphasizes the importance of considering customs in various matters: “Take what is given freely, enjoin what is good, and turn away from the ignorant” (QS. Al-A’raf: 199). Mediators who understand and respect the cultural values of the couples they mediate are more likely to succeed. Syafei notes that successful mediation at the Panyabungan Religious Court often involves mediators who can align their communication with local cultural norms.<sup>42</sup> Involving local religious and traditional leaders in the mediation process is crucial. The traditional leader in Panyabungan, Hatobangon, who holds significant moral authority within their communities, plays a key role in this context, “*Al-’Adatu Muhakkamah*,” meaning that custom can serve as a basis for legal rulings. Their involvement in mediation can increase trust and compliance with the process. Collaboration between mediators and local religious and traditional leaders is often more successful in helping couples reach satisfactory agreements, as it ensures that the parties feel respected and heard within the framework of their deeply held values.<sup>43</sup>

The study also found that mediation helps overcome cultural barriers that may prevent couples from seeking help in resolving marital conflicts. In many cultures, divorce is still seen as a source of shame, and couples may be reluctant to discuss their issues openly.<sup>44</sup> A mediator in the mediation process can create a conducive environment, too, such as a mediation room that fosters a family atmosphere, which is an essential step in facilitating fair agreements.

<sup>38</sup> Wafi and Jannah, “The Rising Trend of Divorce Cases : Social and Psychological Implications in Modern Society.”

<sup>39</sup> Zainal Azwar, Firdaus Firdaus, and Muhammad Nafis, “The Role of the Malay Customary Institution in Off-Court Divorce Mediation: A Case Study in Rantau Pandan, Jambi,” *Al-Risalah* 20, no. 1 (2020): 59, <https://doi.org/10.30631/al-risalah.v20i1.561>.

<sup>40</sup> D B Nugraheni, “Urgensi Penggunaan Mediasi Dalam Penyelesaian Perkara Pembatalan Perkawinan Di Pengadilan Agama,” *Al-Manahij: Jurnal Kajian Hukum Islam*, 2020.

<sup>41</sup> Karmawan, “Mediation in The Religious Courts of Indonesia.”

<sup>42</sup> Syafei et al., “Mediation in Social Conflict Resolution At Tanjungpinang Malay Customary Institution, Riau Islands.”

<sup>43</sup> Beata Zarzycka, “Parental Attachment Styles and Religious and Spiritual Struggle: A Mediating Effect of God Image,” *Journal of Family Issues* 40, no. 5 (April 2019): 575–93, <https://doi.org/10.1177/0192513X18813186>.

<sup>44</sup> M. Ali Rusdi et al., “The King’s Decree: Integration of Customary Law and Islamic Law in the Clove Lease Agreement,” *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 1 (July 2024): 97–118, <https://doi.org/10.18326/ijtihad.v24i1.97-118>.

Training mediators to manage complex emotions, such as anger, disappointment, and frustration, is also essential to ensure that mediation can proceed effectively and achieve satisfactory outcomes for both parties. Developing training standards and certification for mediators is critical to provide the consistency and quality of mediation outcomes. These standards are crucial to prevent variations in outcomes that may arise from different approaches used by mediators. Furthermore, the application of standards that consider the local cultural context, including gender norms, the role of extended families, and community values, will enhance the success of mediation in achieving agreements that are not only fair but also relevant to the social and cultural conditions of the couples involved. Mediators who can integrate these factors into their mediation practice are more likely to achieve outcomes that satisfy all parties.

Cultural context also influences how couples interact during the mediation process.<sup>45</sup> For example, indirect communication and polite language are crucial for maintaining harmony in some cultures. Mediators who understand these values can tailor their approach to create an environment conducive to constructive discussion. Typically, before reaching the court, couples have already undergone mediation with local religious leaders and traditional figures. In many cases, this mediation successfully leads to reconciliation, allowing the couple to rebuild their marriage.<sup>46</sup> However, the peace agreements facilitated by these local figures often lack binding authority and strict enforcement, leading to frequent violations. Therefore, it is also necessary to provide mediator certification for local religious and traditional leaders.

Regarding asset division, mediation has also proven more effective than litigation,<sup>47</sup> consistent with the principle “*Al-Sulh Sayyid al-Ahkam*,” which emphasizes that peace is the pinnacle of all decisions. Data shows that 80% of couples who went through mediation reached agreements they considered fair, compared to only 60% of those who went through litigation. This indicates that mediation has excellent potential to produce more satisfying and fair agreements in the context of asset division, in line with the principle “*Al-Adl Asasun al-Hukm*,” which asserts that justice is the foundation of all law.

On the other hand, a mediator’s lack of understanding of cultural context can lead to additional tension and conflict during mediation.<sup>48</sup> Research by Charlotte indicates that mediators who do not understand or respect the cultural values of the couple may make them feel unheard and disrespected, ultimately hindering the mediation process.<sup>49</sup> The importance of cultural context is also evident in how mediators handle sensitive issues such as child custody and asset division. In some cultures, traditional gender norms may influence child custody, and mediators need to navigate these values

<sup>45</sup> Sayful Mujab and Nabila Luthvita Rahma, “Authority of the Chief of Village in the Customary Mediation of Marriage Disputes: Phenomenon in Madura, Indonesia,” *De Jure: Jurnal Hukum Dan Syar’iah* 14, no. 2 (2022): 304–16, <https://doi.org/10.18860/j-fsh.v14i2.18023>.

<sup>46</sup> Reja Reja, Muhammad Hasan, and Nur Hakimah, “Analisis Yuridis Terhadap Isbat Nikah Yang Akad Nikahnya Oleh Wali Hakim (Studi Penetapan Pengadilan Agama Nanga Pinoh, Nomor: 56/PDT. P/2020/PA. NGP),” *Al-Ushroh* 2, no. 2 (2022): 432–47.

<sup>47</sup> Riska Fauziah Hayati and Abdul Mujib, “Dispute Resolution on Muḍārabah Musytarakah Contract on Sharia Insurance in Indonesia: Between Regulation and Practice,” *El-Mashlahah* 12, no. 1 (June 30, 2022): 14–36, <https://doi.org/10.23971/elma.v12i1.3795>.

<sup>48</sup> Kamaruddin et al., “Justice, Mediation, and Kalosara Custom of the Tolaki Community in Southeast Sulawesi from the Perspective of Islamic Law,” *Samarah* 7, no. 2 (2023): 1077–96, <https://doi.org/10.22373/sjhk.v7i2.13183>; Ismail Ismail et al., “The Contribution of ‘Urf to the Reform of Islamic Inheritance Law in Indonesia,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 2 SE-Articles (December 28, 2022): 165–78, <https://doi.org/10.30631/alrisalah.v22i2.1243>.

<sup>49</sup> Charlotte Smeed, “Who’s Law Is It Anyway? (A Comparison Of Attitudes Towards Dispute Resolution In China And Taiwan, Through Australian Eyes),” *Brawijaya Law Journal* 5, no. 2 (2018): 18–28, <https://doi.org/10.21776/ub.blj.2018.005.01.02>.

to reach a fair agreement carefully. Research by Sayful shows that mediators who adjust their approach to align with local cultural values are more successful in helping couples achieve satisfying agreements.<sup>50</sup> For instance, in cultures that highly value family harmony, successful mediation makes couples stay on good terms for the sake of their children.<sup>51</sup>

The importance of a mediator's understanding of cultural barriers that may prevent couples from seeking solutions through mediation cannot be overlooked.<sup>52</sup> In Islam, the principle "*Al-'Adatu Muhakkamah*," meaning custom can serve as a basis for legal rulings, is highly relevant. This shows that mediators who can understand and respect the cultural values of couples are more successful in helping them reach fair agreements. Additionally, mediation should focus on developing better communication skills between couples. Practical communication skills are crucial for maintaining a healthy post-divorce relationship and building a strong foundation for future cooperation, in line with the principle "*Al-Khitab Fi al-Tasharrufat' Ala al-Maqasid*," which emphasizes the importance of the intention behind communication and actions in achieving the desired outcome. Adequate social support, including the involvement of traditional leaders or a strong social network, can also enhance the success of mediation in achieving satisfying agreements. A flexible and creative mediation approach is key to finding solutions that meet the needs and preferences of couples. The principle "*Al-Umuru Bimaqasidiha*," meaning everything is judged by its purpose, is relevant in tailoring the mediation approach to the cultural preferences of couples to achieve more satisfying outcomes. Furthermore, it is essential to ensure that mediation can adapt to the couple's conditions and needs over time.<sup>53</sup>

In some cases, cultural context also affects how couples perceive divorce itself. In cultures where divorce is viewed very negatively, couples are more motivated to seek reconciliation solutions through mediation.<sup>54</sup> At the Panyabungan Religious Court, many couples opt for village mediation before going to court to avoid the social stigma associated with divorce. Additionally, culturally sensitive mediation overcomes distrust between divorcing couples. For example, in cultures with high distrust of formal legal processes, mediation conducted by a mediator trusted by both parties help reduce tension and increase the chances of reaching an agreement. Research by Hasanah shows that mediators who can build trust with divorcing couples are more successful in assisting them to reach agreements.<sup>55</sup>

Cultural context plays a critical role in determining the most effective mediation methods. Formal mediation methods may be more effective in certain cultures, while a more informal and

<sup>50</sup> Mubaj and Rahma, "Authority of the Chief of Village in the Customary Mediation of Marriage Disputes: Phenomenon in Madura, Indonesia."

<sup>51</sup> Rinaldy Amrullah, Diah Gustiniati, and Tri Andrisman, "Restorative Justice As an Effort To Resolve Excise Crimes Against Cigarettes," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 2 (2022): 188–200, <https://doi.org/10.30631/alrisalah.v22i2.1249>.

<sup>52</sup> Eneng Nuraeni and Ramdani Wahyu Sururi, "Mediation in Household Dispute Reconciliation: Prospects and Challenge," *Khazanah Hukum* 4, no. 2 (2022): 120–28, <https://doi.org/10.15575/kh.v4i2.19113>.

<sup>53</sup> Syafrizal, Muhammad Kamil Akbar, and Rahmad Ramadhan Hasibuan, "Mediation in the Conflict of Legislation Resolution Based on the Regulation of the Minister of Law and Human Rights Number 2 of 2019," *Jurnal Hukum Novelty* 10, no. 2 (2019): 164–78, <https://doi.org/10.26555/novelty.v10i2.a13919>.

<sup>54</sup> Nurrin Jamaludin, "Strategi Lembaga Bantuan Hukum Dalam Menangani Perkara Perdata Di LKBHI IAIN Salatiga," *Al-Istinbath: Jurnal Hukum Islam* 4, no. 1 (2019): 15–34, <https://doi.org/10.29240/jhi.v4i1.709>.

<sup>55</sup> Uswatun Hasanah, Mohammad Amir Hamzah, and Indien Winarwati, "Development of Non-Litigation Civil Dispute Settlement Model Based on Madurese Local Wisdom to Reduce Cases Accumulation in Court," *Brawijaya Law Journal* 6, no. 1 (2019): 115–28, <https://doi.org/10.21776/ub.blj.2019.006.01.09>.



personal approach may better suit others. A mediator's success greatly depends on their ability to adapt mediation methods to the cultural preferences of the couples involved. Mediation that considers cultural context makes couples reach fairer and more satisfying agreements. For example, in cultures where gender roles are highly influential, mediators who understand and respect these norms can more effectively reach fair agreements regarding child custody and asset division. Successful mediation at the Panyabungan Religious Court often involves mediators who can tailor their approach to align with local cultural values.

In Mandailing Natal, the role of traditional and religious leaders in the mediation process is highly significant. The traditional leaders in Mandailing Natal, known as Hatobangon, hold great moral authority and influence in their communities. The involvement of Hatobangon in mediation often helps to increase trust and compliance with the mediation process. At the Panyabungan Religious Court, the participation of Hatobangon before litigation usually successfully prevents divorce, ultimately reducing divorce rates in court. The competence of Hatobangon needs continuous improvement because they play a crucial role in mediating more complex and sensitive household disputes. Hatobangon deeply understands local social and cultural dynamics, allowing them to provide relevant and appropriate guidance during mediation. Mediation involving Hatobangon creates a safer and more comfortable environment for divorcing couples. The respect and trust that the community has for Hatobangon make couples feel more at ease in openly discussing their issues.

The role of religious and traditional leaders in the divorce mediation process is essential to ensure that mediation is effective and aligned with the local cultural context. These leaders can create an environment conducive to constructive discussions, provide crucial emotional support, and ensure that the solutions reached are consistent with local cultural values and norms. Research shows that mediation involving religious and traditional leaders is more successful in achieving fair and satisfactory agreements for both parties.<sup>56</sup> Additionally, their involvement helps divorcing couples maintain good relationships and reduces the social stigma often associated with divorce. However, awareness of children's rights and interests must be continually promoted. Thus, the involvement of religious and traditional leaders in the mediation process is a key factor in supporting the effectiveness of mediation in resolving marital disputes before reaching the Panyabungan Religious Court.

## Conclusion

Mediation is vital in transforming the desire for divorce into reconciliation within the framework of contemporary Islamic jurisprudence. The findings from the Panyabungan Religious Court and related research demonstrate that mediation not only alleviates the burden on the judiciary but also fosters emotional healing, encourages mutual understanding, and promotes post-divorce harmony. By prioritizing dialogue, fairness, and cooperation values deeply embedded in Islamic legal tradition, mediation helps couples reconsider separation and, in many cases, find a path toward reconciliation. Although the total number of mediated divorce cases remains high, the success rates, especially those ending with peace agreements, are still very low. Therefore, while the current mediation framework shows limited quantitative success, its qualitative impact on reducing conflict and improving post-divorce well-being is significant. Reveals that mediation at the Panyabungan Religious Court, which

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<sup>56</sup> Herliana, "Maqasid Al-Sharia in Court-Mediation Reform: A Study on Efficiency and Social Justice in Medical Disputes."

considers the local cultural context and involves traditional figures, shows considerable potential in effectively resolving marital disputes. Data analysis indicates that mediation involving trained mediators who understand local cultural values helps couples reach fair and mutually beneficial agreements while reducing prolonged conflict and enhancing post-divorce psychological well-being. The involvement of Hatobangon in the mediation process provides strong legitimacy and moral support, making couples feel more valued and supported and facilitating open and honest communication. This study emphasizes the importance of developing training standards and certification for mediators, including a deep understanding of family law and local cultural context and the need for a flexible and adaptive mediation approach tailored to couples' preferences and needs. Future research recommendations include evaluating mediation's long-term outcomes, identifying factors contributing to mediation's success or failure, and developing more comprehensive training standards for mediators in various cultural contexts.

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