

**THE EFFECTIVENESS OF MEDIATION IN
RESOLVING FAMILY DIVORCE DISPUTES IN
RELIGIOUS COURTS IN THE RANGE OF 2023-2024:
A CASE STUDY IN
YOGYAKARTA RELIGIOUS COURT**



Acc 19/10/2025
Untuk Ujian
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THESIS

Submitted to Ahwal Syakhshiyah Department Internasional Program
Faculty of Islamic Studies Universitas Islam Indonesia
Presented as Partial Fulfillment of The Requirements Of Obtaining A Bachelor Degree Of
Islamic Law

YOGYAKARTA

2025

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YOGYAKARTA
2025

STATEMENT LETTER

STATEMENT LETTER

The undersigned below:

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Hereby declare that the results of writing this thesis are my own work and are of true authenticity. If it turns out that at a later date, the writing of this thesis is the result of plagiarism of other people's work, then I am willing to take responsibility and be willing to accept sanctions based on the rules and regulations that apply at the Universitas Islam Indonesia.

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Yogyakarta, October 7, 2025

Undersigned,



Rifqy Muhammad Ramadhan

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INTERNAL MEMO

Yogyakarta, October 7, 2025 M
15 Rabi'ul Akhir 1447 H

Subject : **Thesis**

Dear : Honorable **Dean of the Faculty of Islamic Studies**
Universitas Islam Indonesia
Yogyakarta

Assalamu'alaikum Wr. Wb.

Based on the appointment by the Dean of the Faculty of Islamic Studies, universitas Islam Indonesia, with letter number: 632/Dek/60/DAATI/FIAI/VII/2025, on July 8, 2025 AD / Muharram 13, 1447 H, for our duties as supervisor of the thesis:

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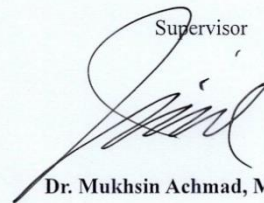
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After researching and making necessary improvements, we finally decided that your thesis above fulfills the requirements to be submitted to the Munaqasah Trial of the Faculty of Islamic Studies, Universitas Islam Indonesia.

Thus, hopefully it can be tested soon, and together with us, we will send 4 (four) copies of the thesis in question.

Wassalamu'alaikum Wr. Wb

Supervisor



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SUPERVISOR'S APPROVAL

SUPERVISOR'S APPROVAL

Thesis Title : THE EFFECTIVENESS OF MEDIATION IN
RESOLVING FAMILY DIVORCE DISPUTES IN
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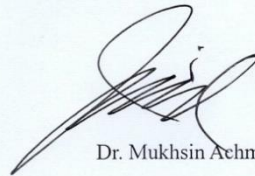
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According to the process and the result of supervising among several months, and being made necessary improvements, then the concerned person can register himself to join the Munaqasah Trial of the Ahwal Syakhshiyyah International Program Department, Faculty of Islamic Studies, Universitas Islam Indonesia.

Yogyakarta, 10th October 2025

Supervisor,



Dr. Mukhsin Achmad, M.Ag.

ACKNOWLEDGMENT

“To my parents, who always pray wholeheartedly, support me with all their strength, and to everyone who accompanies me every step of the way.”

MOTTO

مَنْ سَلَكَ طَرِيقًا يَلْتَمِسُ فِيهِ عِلْمًا ،
سَهَّلَ اللَّهُ لَهُ بِهِ طَرِيقًا إِلَى الْجَنَّةِ

*“Barang siapa menempuh jalan untuk mencari ilmu, maka Allah akan
mudahkan baginya jalan menuju surga”*

(HR. Tirmidzi)¹

¹ Abū ‘Abd Allāh Muḥammad ibn Ismā‘īl al-Bukhārī, *Shahih Al-Bukhari* (Beirut: Dar Ibn Katsir, 1423 H), 29.

ARABIC LATIN TRANSLITERATION GUIDELINES

JOIN DECISION

MINISTER OF RELIGION AND MINISTER OF EDUCATION AND CULTURE OF THE REPUBLIC OF INDONESIA

Number: 158 of 1987

Number: 0543b//U/1987

Transliteration is the transfer of letters from one alphabet to another. Arabic – Latin transliteration here is the copying of Arabic letters with Latin letters and their devices.

I. Consonant

In the Arabic writing system, Arabic consonant phonemes are symbolized by letters. In this transliteration, some are symbolized by letters, and some are symbolized by signs.

The following is a list of the Arabic letters in question and their transliteration with Latin letters:

Table 0.1: Consonant Transliteration Table

Arabic letters	Name	Latin letters	Name
ا	alif	tidak dilambangkan	tidak dilambangkan
ب	ba	b	be
ت	ta	t	te
ث	ša	š	es (dengan titik di atas)
ج	jim	J	je
ح	ha	ḥ	ha (dengan titik di bawah)
خ	kha	kh	ka dan ha
د	dal	d	de
ذ	zal	z	zet (dengan titik di atas)

ر	ra	r	er
ز	zai	z	zet
س	sin	s	es
ش	syin	sy	es dan ye
ص	ṣad	ṣ	es (dengan titik di bawah)
ض	ḍad	ḍ	de (dengan titik di bawah)
ط	ṭa	ṭ	te (dengan titik di bawah)
ظ	ẓa	ẓ	zet (dengan titik di bawah)
ع	‘ain	 ‘ ...	koma terbalik di atas
غ	gain	g	ge
ف	fa	f	ef
ق	qaf	q	ki
ك	kaf	k	ka
ل	lam	l	el
م	mim	m	Em
ن	nun	n	en
و	wau	w	we
هـ	ha	h	ha
ء	hamzah	..’..	apostrof
ي	ya	y	ye

II. *Syaddah*

Syaddah or tasydid in the Arabic writing system is symbolized by a sign, syaddah or tasydid sign. In this transliteration, the syaddah sign is symbolized by a letter, which is the same letter as the letter marked with the syaddah sign.

Example:

ربنا - rabbanā

نزل - nazzala

البر - al-birr

الحج - al-hajju

III. *Ta' Marbūtah*

Ta marbutah which is alive or which receives fathah, kasroh and dammah, is transliterated as /t/. Ta marbutah which is dead or has a sukun character, is transliterated as /h/. If in a word whose final word ta marbutah is followed by a word that uses the article al, and the reading of the two words is separated, the ta marbutah is transliterated with ha (h).

Example:

- روضة الاطفال - raudatul al-atfal
- raudatu al-atfal
- المدينة المنورة - al-Madīnah al-Munawwarah
- al-Madīnatul Munawwarah

IV. Short Vowel

Harakat	Name	Latin letter	Name
ـَ	Fathah	a	a
ـِ	Kasrah	i	i
ـُ	Dammah	u	u

I. Long Vowel

Harkat and Letter	Name	Symbol	Name
ا...ى	Fathah dan alif atau ya	Ā	a dan garis di atas

ی...	Kasroh dan ya	Ī	i dan garis di atas
و..و	Dammah dan waw	Ū	u dan garis di atas

I. Double Vowel

Harakat and Letter	Name	Letter combinations	Name
ی ... /	Fathah dan ya	ai	a dan i
و.... /	Fathah dan wau	au	a dan u

V. Hamzah

It is stated at the beginning of the Arabic-Latin Transliteration List that hamzah is transliterated with an apostrophe. However, this is only located in the middle and end of words. When the hamzah is located at the beginning of a word, it is not symbolized, because in Arabic writing it is alif.

Example:

1) Hamzah at the beginning:

امرئ - umirtu

اكل - akala

2) Hamzah in the middle:

تأخذون - takhuḏūna

تأكلون – takulūna

3) Hamzah at the end:

شيء - syaiun

النوء - an-nauu

VI. Kata Sandang *Alif + Lam*

The article in the Arabic writing system is symbolized by a letter, namely ال. However, in transliteration, the article is distinguished between the article followed by shamsiah letters and the article followed by qomariah letters.

The article followed by shamsiah letters is transliterated according to its sound, i.e. the letter /I/ is replaced with the same letter as the letter that directly follows the article. The article followed by qamariah letters is transliterated according to the rules outlined in front and according to its sound. Whether followed by shamsiah or qamariah letters, the article is written separately from the word that follows and is connected with a conjunction.

Example:

الرجل	- ar-rajulu
الشمس	- asy-syamsu
البدیع	- al-badi'u
السيدة	- as-sayyidatu
القلم	- al-qalamu

الجلال - al-jalālu

VII. Writing words in sentences

Basically, each word, whether fi'il, isim or letter is written separately. For certain words whose writing with Arabic letters is commonly coupled with other words because there are letters or harakat that are omitted. So in this transliteration the writing of the word can be done in two ways, it can be separated per word and can also be combined.

Example:

و ان الله لهو خير الرازقين - Wa innallāha lahuwa khair ar-rāziqīn.
- Wa innallāha lahuwa khairur-rāziqīn.

فاوفوا الكيل والميزان - Fa aufū al-kaila wa al-mīzāna.
- Fa aufū al-kaila wal-mīzāna.

بسم الله مجرّها و مرسها - Bismillāhi majrehā wā mursāhā.

ABSTRAK

EFEKTIVITAS MEDIASI DALAM PENYELESAIAN SENGKETA PERCERAIAN KELUARGA DI PENGADILAN AGAMA PADA RENTANG TAHUN 2023-2024: STUDI KASUS DI PENGADILAN AGAMA YOGYAKARTA

Rifqy Muhammad Ramadhan

Mediasi berperan sebagai alat penting dalam menyelesaikan sengketa perceraian keluarga di dalam sistem pengadilan agama, menyediakan ruang dialog damai sebelum keputusan hukum akhir diambil. Studi ini bertujuan untuk menganalisis efektivitas mediasi di Pengadilan Agama Yogyakarta selama periode 2023 hingga 2024. Studi ini menggunakan pendekatan kualitatif dengan metode studi kasus. Data diperoleh melalui wawancara dengan 5 (lima) informan, terdiri dari 1 (satu) hakim mediator, 1 (satu) mediator non-hakim, 1 (satu) panitera pengganti, dan 2 (dua) pihak yang bersengketa, didukung oleh dokumen dari Sistem Informasi Pelacakan Perkara (SIPP). Penelitian ini dilakukan selama 3 (tiga) bulan, dari Agustus hingga Oktober 2025. Hasil penelitian menunjukkan bahwa pelaksanaan mediasi telah dilakukan sesuai dengan Peraturan Mahkamah Agung (PERMA) Nomor 1 Tahun 2016, didukung oleh koordinasi antar mediator, fasilitas yang memadai, dan profesionalisme mediator. Tingkat keberhasilan mediasi meningkat dari 36,24% pada tahun 2023 menjadi 43,75% pada tahun 2024. Faktor pendukung meliputi kompetensi mediator dan kesadaran hukum para pihak, sementara faktor penghambat melibatkan ketidakstabilan emosional dan pengaruh sosio-budaya. Berdasarkan teori efektivitas hukum Soerjono Soekanto dan prinsip sadd adz-dzari'ah, mediasi berfungsi sebagai upaya pencegahan untuk menjaga harmoni dan meminimalkan konflik keluarga.

Kata Kunci: *Mediasi, Efektivitas, Perceraian, Pengadilan Agama*

ABSTRACT

THE EFFECTIVENESS OF MEDIATION IN RESOLVING FAMILY DIVORCE DISPUTES IN RELIGIOUS COURTS IN THE RANGE OF 2023-2024: A CASE STUDY IN YOGYAKARTA RELIGIOUS COURT

Rifqy Muhammad Ramadhan

Mediation occupies a pivotal role in the resolution of family divorce disputes within the religious court system, serving as a forum for peaceful dialogue prior to the final legal determination. The objective of this study is to analyze the effectiveness of mediation in the Yogyakarta Religious Court during the period 2023 to 2024. The present study employs a qualitative approach, utilizing a case study method. Five informants were interviewed for this study, including one mediator judge, one non-judge mediator, one deputy court clerk, and two disputing parties. The data was supplemented with documents from the Case Tracking Information System (SIPP). The present study was conducted over a period of three months, from August to October 2025. The results of the study demonstrated that mediation has been conducted in accordance with Supreme Court Regulation (PERMA) Number 1 of 2016, facilitated by the coordination of mediators, the provision of adequate facilities, and the professionalism of the mediators. The success rate of mediation increased from 36.24% in 2023 to 43.75% in 2024. Several factors have been identified as contributing to the process under discussion. These include mediator competence and legal awareness on the part of the parties concerned, while the inhibiting factors include emotional instability and socio-cultural influences. In accordance with Soerjono Soekanto's theory of legal effectiveness and the principle of *sadd adz-dzari'ah*, mediation functions as a preventative measure to maintain harmony and minimize family conflicts

Keywords: *Mediation, Effectiveness, Divorce, Religious Court*

November 12, 2025

TRANSLATOR STATEMENT

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PREFACE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

إِنَّ الْحَمْدَ لِلَّهِ نَحْمَدُهُ وَنُسْتَغِيثُهُ وَنَسْتَغْفِرُهُ، وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا، وَمِنْ سَيِّئَاتِ أَعْمَالِنَا، مَنْ يَهْدِهِ اللَّهُ
فَلَا مُضِلَّ لَهُ، وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ، أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ
وَرَسُولُهُ. اللَّهُمَّ صَلِّ وَسَلِّمْ وَبَارِكْ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ. أَمَّا بَعْدُ

All praise is due to Allah, the Lord of the worlds. We praise Him, seek His help, and ask for His forgiveness. We seek refuge in Allah from the evils of our souls and from the bad consequences of our deeds. Whoever is guided by Allah will never go astray, and whoever is left astray, no one can guide him. I bear witness that there is no god but Allah, the One without partner, and I bear witness that Muhammad is His servant and Messenger. May peace and blessings always be upon our beloved Prophet Muhammad Saw, his family, his companions, and all who follow his guidance until the end of time.

This thesis, entitled “The Effectiveness of Mediation in Resolving Family Divorce Disputes in the Religious Court During 2023–2024: A Case Study at the Yogyakarta Religious Court”, is written as one of the requirements to obtain a Bachelor of Islamic Law (S.H.) degree in the Department of Ahwal Al-Syakhshiyyah, Faculty of Islamic Studies, Universitas Islam Indonesia.

The process of completing this thesis would not have been possible without the help, support, and prayers of many parties. Therefore, with the utmost respect, the writer would like to express deepest gratitude to:

1. Prof. Fathul Wahid, S.T., M.Sc., Ph.D., Rector of Universitas Islam Indonesia.
2. Dr. Drs. Asmuni, M.A., Dean of the Faculty of Islamic Studies, Universitas Islam Indonesia.
3. Mr. Muhammad Najib Asyrof, S.Pd.I., Lc., M.Ag., Head of the Department of Ahwal Al-Syakhshiyyah.
4. Dr. Mukhsin Achmad, M.Ag., Thesis Supervisor, who has patiently provided guidance, direction, and motivation throughout the writing process until the completion of this thesis.
5. Dr. Dzulkifli Hadi Imawan, Lc., M.Kom.I., Ph.D., Academic Advisor, who has continuously given advice and guidance throughout the writer's academic journey.
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7. All research informants, namely Mrs. Sulistianingtias Wibawanty, S.H., M.H., as Judge Mediator at the Yogyakarta Religious Court; Mr. Dr. Sudiwana, S.H., M.Hum., as Non-Judicial Mediator; and Mrs. Dra. Mardhiyah Nur, as Deputy Registrar for Legal Affairs, who have kindly provided their time and insights for this research.
8. My colleagues in the "Sukses Bersama AS IP 21" group, for their togetherness, support, and encouragement during the study and thesis-writing process.

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10. My dearest parents, Ahmad Mustafid and Evy Wahyuni, for their endless love, prayers, and unwavering support, both moral and material. Your sacrifices and blessings have been my greatest source of strength. May Allah Swt. always keep our hearts united in faith and shower His mercy upon our family.

The writer realizes that this thesis is far from perfect. Therefore, constructive criticism and suggestions are sincerely welcomed for improvement in the future. Hopefully, this work can provide benefit for the writer, for the development of knowledge, and for all who read it.

Author

Rifqy Muhammad Ramadhan

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CHAPTER I INTRODUCTION

1. Research Background

In the Indonesian legal system, marriage has a strong legal position as stipulated in Law No. 1 of 1974 concerning Marriage and reinforced by the Compilation of Islamic Law (KHI) for Muslims. Marriage in Indonesia must be valid according to the religious laws of each party and registered administratively at the Religious Affairs Office (KUA) or the Population and Civil Registration Office to obtain legal validity. The types of marriage recognized include religious and state-recognized marriages (legal marriages), unregistered marriages (siri), and mixed marriages between citizens of different nationalities. The marriage procedure includes administrative steps such as submitting forms N1-N4, examining the prospective bride and groom, performing the marriage ceremony, and registering the marriage with the appropriate official. The criteria for a valid marriage include the pillars and requirements of marriage, such as the presence of a prospective husband and wife, a marriage guardian, two witnesses, and a valid ijab kabul (marriage vow). This formal procedure aims to protect the rights and obligations of each party, including in matters of divorce and inheritance.² Unfortunately, if the procedure is not carried

² Enceng Lip Syaripudin Dahwadin, Eva Sofiawati, dan Muhamad Dani Somantri, "Hakikat Perceraian Berdasarkan Ketentuan Hukum Islam di Indonesia," *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 11, no. 1 (2020): 87–104.

out properly or there is a violation of legal requirements, it can lead to family conflicts that often result in divorce.

Divorce is a phenomenon that has recently occurred in many Indonesian families. Over the past six years, the Central Bureau of Statistics has recorded a surge in the number of divorces in Indonesia, from approximately 392 thousand cases in 2018 to more than 408 thousand cases in 2023, of which the Special Region of Yogyakarta (D.I.Y) Province contributed about 1.4% of the total national cases.³ This surge not only reflects increased tension within households, but also impacts family resilience and the well-being of children who are victims of divorce.⁴

The Religious Court as an institution responsible for handling divorce is also affected by the number of divorce cases that are arguably quite large. Where with the large number of cases that occur, it certainly requires the Religious Courts to resolve existing cases quickly, efficiently, and right on target at restoring family relations, one of which is through the mediation stage.

In the midst of the increasing divorce rate in Indonesia, including in the Yogyakarta region, mediation as an alternative dispute resolution is an important instrument that is expected to reduce the rate of divorce.

³ “Jumlah Perceraian Menurut Provinsi Dan Faktor Penyebab Perceraian (Perkara), 2024 - Tabel Statistik - Badan Pusat Statistik Indonesia,” accessed April 24, 2025, <https://www.bps.go.id/id/statisticstable/3/YVdoUIIwVmlTM2h4YzFoV1psWkViRXhqTIZwRFVUMDkjMw==/jumlah-perceraian-menurut-provinsi-dan-faktor-penyebab-perceraian--perkara---2023.html?year=2024>.

⁴ Dahwadin, Enceng Lip Syaripudin, Eva Sofiawati, and Muhamad Dani Somantri. “Hakikat Perceraian Berdasarkan Ketentuan Hukum Islam Di Indonesia.” *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 11, no. 1 (2020): 87–104.

Mediation is not only a formal procedure in the religious court process, but also acts as a peaceful effort that can save the integrity of the household.⁵ However, the effectiveness of mediation in the context of divorce case settlements remains a question. Has mediation really succeeded in reducing the number of divorces? Or is it just a formality that the parties go through before the main trial begins? Various challenges arise, ranging from the psychological readiness of the parties, the quality of the mediator, to the limited time in the mediation process in court. Therefore, a more in-depth study is needed to measure how effective mediation is in practice, especially in the Yogyakarta City Religious Courts between 2023-2024.

In connection with the implementation of mediation, the Supreme Court plays an important role as the top institution that has the function to carry out judicial power, where the Supreme Court has the power to administer justice to uphold law and justice based on Pancasila and the 1945 Constitution (UUD) of the Republic of Indonesia.⁶ It is stated in Article 24 paragraphs (1) and (2) of the 1945 Constitution that, “judicial power is an independent power in order to administer justice to uphold law and justice”.

In its role as the top institution in the administration of justice in Indonesia, the Supreme Court has the authority to supervise and ensure that

⁵ Maulana Adi Tama and Muhammad Wahdini, “Pelaksanaan Mediasi Dalam Penyelesaian Perkara Percerian Di Pengadilan Agama Yogyakarta Pasca Berlakunya Perma Nomor 1 Tahun 2016,” *Jurnal Hadratul Madaniah* 9, no 2 (2022): 60-75.

⁶ Rheina Aini Safa and Graciella Azzura Putri Ananda, “Kedudukan Dan Kewenangan Mahkamah Agung Dalam Menyelenggarakan Kekuasaan Kehakiman Di Indonesia,” *Jurnal Kewarganegaraan* 8, no. 1 (2024).

justice conducted by the courts is carried out carefully and fairly, one of which is in the implementation of mediation in divorce disputes in the Religious Courts.

Given the importance of mediation as an alternative to resolving divorce disputes, the Indonesian Supreme Court has gained strong legitimacy in the Indonesian legal system. There are several legal bases that serve as a strong foundation for the implementation of mediation, one of which is the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016 concerning Mediation Procedures in Court (PERMA 1/2016), which states that before reaching the examination of the panel of judges, both parties are required to go through the mediation stage with a mediator judge or other party who has a mediator certificate.⁷ In addition to divorce cases, this regulation applies nationally to all civil cases in the courts, which is expected to be able to support the courts in resolving existing cases and encourage family and peaceful settlement of cases.

Although the implementation of mediation has been normatively regulated, in fact the impact given from its implementation has not been fully optimized. There are still many factors that hinder the implementation of mediation, for example as mentioned in the research study of Maulana Adi Tama and Muhammaf Wahdini (2022), which shows that the implementation of mediation in the Yogyakarta City Religious Court is still

⁷ “JDIH Mahkamah Agung RI,” accessed April 28, 2025, <https://www.mahkamahagung.go.id/media/8757>.

constrained by how the litigants carry out mediation and the lack of facilities and competence of human resources in the court itself.⁸ In another study conducted by Gita Nur Ismilah (2024) also showed that the success rate of mediation in divorce cases was lower than in non-divorce cases. So it can be concluded that mediation in divorce cases has a higher complexity than other cases.

This research chose the Yogyakarta City Religious Court as a case study location that will be studied more deeply. The selection of this location is not without reason, considering that the city of Yogyakarta has the nickname of the City of Students, where in this city is the center of education and culture, which we can know together that the community has a higher level of legal literacy compared to other regions. However, this is a problem for the implementation of justice in the Yogyakarta City Religious Court, because with a social and structural presentation that is more advanced than other regions, the success rate of mediation of a divorce case is still relatively low. This indicates a mismatch between the social potential of the people of Yogyakarta and the effectiveness of the implementation of mediation as a court settlement mechanism. Thus, the Yogyakarta City Religious Court is a strategic location for how this research can empirically explain the complexities of mediation implementation, as well as examine

⁸ Maulana Adi Tama and Muhammad Wahdini, "Pelaksanaan Mediasi Dalam Penyelesaian Perkara Percerian Di Pengadilan Agama Yogyakarta Pasca Berlakunya Perma Nomor 1 Tahun 2016," *Jurnal Hadratul Madaniah* 9, no 2 (2022): 60-75.

the factors that have not been clearly revealed behind the low success of the mediation process in the Yogyakarta City Religious Court.

The Yogyakarta City Religious Court, as one of the institutions that handles divorce disputes and implements mediation, is still relatively low in the success of mediation. From data obtained from the Case Management Information System (SIPP) of the Yogyakarta Religious Court, there were 1,142 divorce cases entered during 2023, while in 2024 there were around 1,089 cases entered.⁹ The suboptimal completion of the mediation stage can be seen from the percentage of success which only reached 13.5% of the total number of cases that underwent the mediation stage in 2023. There are external and internal factors that cause the low percentage of mediation success in the Yogyakarta City Religious Court, external factors such as the emotional and unstable attitude of the parties, the parties who have the mindset to win in the case at hand, and the reluctance of the parties to make peace in the conflict they are experiencing. On the other hand, some internal factors also inhibit the success of the mediation stage, such as the limited number of certified mediator judges and supporting facilities at the Yogyakarta Religious Court which are still not maximized, thus not providing a conducive atmosphere for the litigants.

Mediation not only functions as a formal legal procedure in the settlement of divorce cases, but also has an important role in maintaining the social and psychological stability of the parties to the dispute, especially

⁹ "SIPP," accessed April 28, 2025, https://sipp.pa-yogyakarta.go.id/statistik_perkara.

children who are victims of divorce. The ideal mediation process opens space for dialog and reconciliation, so that the resulting decision is not solely based on positive law, but considers emotional balance and long-term relationships between family members. In a social context, the success of mediation can also reduce the escalation of conflicts that have the potential to spread to the surrounding environment, maintain the good name of the family, and reduce the psychological burden of both parties post-divorce. Therefore, the effectiveness of mediation is very important to study not only in terms of formal success rates, but also from the impact on the quality of social relations and psychological resilience after divorce.

The importance of mediation as an instrument for resolving divorce disputes makes this study have the aim of analyzing the extent to which the effectiveness of mediation has been carried out by the Yogyakarta City Religious Court during the span of 2023-2024. More specifically, this research seeks to describe how the procedure for implementing mediation in the Yogyakarta City Religious Court, create data and calculate the success rate of mediation from empirical data, and identify factors both external and internal that can hinder and support the achievement of agreement between parties through the mediation process. Therefore, this research is expected to not only present data in the form of numbers, but also describe the dynamics and processes that occur during mediation.¹⁰

¹⁰ Jhon W. Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approach*. Fifth Edition, (Los Angeles: Sage, 2018)

2. Research Focus

Based on the study background, to focus this research needs several problems that will be discussed in this research as follows:

1. How is the implementation of the mediation process in family divorce cases at the Yogyakarta City Religious Court in 2023-2024?
2. Why does mediation in divorce cases at the Yogyakarta City Religious Court succeed or fail, and what factors contribute to these outcomes?

3. Research Objectives

Refer to the research focus, the objectives of this research, are :

1. To describe and analyze the implementation of the mediation process in family divorce cases in the Yogyakarta City Religious Court in 2023-2024, including procedural stages, technical implementation, the role of the parties, and the role of the mediator in carrying out the mediation process.
2. To identify and understand the factors that influence the success or failure of mediation in family divorce cases at the Yogyakarta City Religious Court, both from internal aspects such as infrastructure, time, and mediator skills, as well as external aspects of the parties' motivation and communication, and the legal culture of the community.

4. Benefits Of The Research

This research is expected to have theoretical and sociological benefits.

The benefits of this research are :

1. Theoretically

This research is expected to enrich scientific studies in the field of Islamic family law, especially in the context of divorce dispute resolution through mediation in the religious court environment. The results of this study are also expected to be a reference for academics, students, and other researchers who are interested in studying the effectiveness of mediation as a form of alternative dispute resolution (ADR) in the Indonesian legal system, as well as expanding the literature that discusses the implementation of PERMA No. 1 of 2016 in court practice.

2. Sociologically

This research is expected to provide constructive input for the Yogyakarta City Religious Court in evaluating and improving the implementation of mediation in divorce cases. The findings of this research can help the court and mediators to identify obstacles that often arise in the mediation process, as well as formulate more effective strategies or approaches so that the mediation process can reach a fair and sustainable agreement for the parties. Thus, this research contributes to strengthening the implementation of the principles of simple, fast and low cost justice, as mandated in the Indonesian judicial system.

5. Discussion Systematics

For this research to be easily observed and examined, it needs coherent discussion systematics. In this chapter, the author presented a structured discussion of this research into five part chapters and several sub-chapters that are connected each other. The arrangement is as follows:

The First Chapter is the introduction to this research which explains the background and reasons why this research is important to do. The author will describe the context of the importance of mediation in resolving family divorce disputes, especially in the Yogyakarta City Religious Court. This chapter is divided into several sections, namely: background of the research, problem formulation, research objectives, research benefits, and systematic discussion that explains the structure of this thesis as a whole.

The Second Chapter presented a literature review that contains a review of previous studies relevant to this topic, along with conclusions and contributions to the research being conducted. In addition, the author will discuss the theories that form the conceptual basis of this research, namely Mediation Theory, Effectiveness Theory, and *Sadd Adz-Dzari'ah*. Reviews of previous research will be presented narratively to show the development of thinking and research gaps that have not been widely studied. This chapter will also include a theoretical framework that will be used as an analytical knife in answering the problem formulation.

The Third Chapter is a section on the research method used in conducting this research. It consists of the types of research, location of the

research, research informant, technique for determining informants, data collection techniques, data validity, and data analysis techniques.

The Fourth Chapter presented the research findings obtained from data collection. The author will analyze and discuss the implementation of mediation in family divorce disputes at the Yogyakarta City Religious Court in the 2023-2024 timeframe. This discussion will include an evaluation of the effectiveness of mediation, factors that influence the success or failure of mediation, as well as an analysis of the factors that support and hinder the mediation process. The results of this analysis will be compared with existing theory and previous research.

The Fifth Chapter, contained conclusions from the results of the research that has been conducted, which answers the problem formulation and research objectives. This chapter will also discuss interesting findings that emerged during the research process. The author will provide recommendations and suggestions based on the results of this research, which are expected to provide practical benefits for the parties involved in divorce mediation in the Religious Court, as well as consideration for further research.

CHAPTER II

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

1. Literature Review

To find out the cause of the research presented in the title above, it's essential to conduct a comprehensive literature review on a similar research project on **“The Effectiveness Of Mediation In Resolving Family Divorce Disputes In Religious Courts In The Range Of 2023-2024: A Case Study In Yogyakarta Religious Court”**.

Various studies have highlighted that the effectiveness of mediation in reducing divorce rates in Islamic courts is still relatively low. In a more general context, mediation is expected to be a peaceful and efficient means of dispute resolution. However, in reality, various factors prevent it from always producing optimal results.

Research conducted by Latifah Ratnawaty et al. (2024) at the Bogor City Religious Court shows that even though mediation has been carried out in accordance with the standard procedures set out in PERMA Number 1 of 2016, the success rate remains low. The two main causes are the lack of good faith on the part of the disputing parties and the limited competence of the mediators. This indicates that procedural success does not always align with substantive outcomes in mediation practice.¹¹

¹¹ Latifah Ratnawaty, Prihatini Purwaningsih, Ibrahim Fajri, and Wildan Majdi Ramadhan, “Efektivitas Upaya Mediasi Dalam Perkara Perceraian Di Pengadilan Agama Kota Bogor”. *Yustisi* 11, no. 2 (2024): 420-28.

A similar situation was also observed in a study conducted by Dian Mustika (2015) at the Jambi Religious Court. In her study, it was found that the success rate of mediation had actually declined significantly, from 3.81% in 2012 to only 0.70% in 2014. These findings indicate that the effectiveness of mediation in reducing the divorce rate has not yielded promising results despite its long-standing implementation.¹²

Umar Faruq Beni Ashari (2023), in his research at the Jember Religious Court, also revealed similar findings. Of all the cases that underwent mediation, only 18.85% resulted in the withdrawal of divorce suits. The main causes were long-standing conflicts and the low professionalism of mediators in facilitating the mediation process. This demonstrates that, in addition to procedural factors, emotional dynamics and the skills of mediators also determine the effectiveness of mediation.¹³

On the other hand, the public's limited understanding of mediation is also a hindering factor. This was revealed by Nur Lina Afifah Litti (2021) in her study at the East Jakarta Religious Court. She stated that one of the reasons for the low success rate of mediation is the parties' lack of knowledge about the mediation mechanism itself, so that participation in mediation is often carried out merely as a formality.¹⁴

¹² Dian Mustika, "Efektivitas Mediasi dalam Penyelesaian Perkara Perceraian di Pengadilan Agama Jambi." *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 15, no. 2 (2018): 297–308.

¹³ Umar Faruq Beni Ashari, "Efektivitas Mediasi Di Pengadilan Agama Jember Menurut Perma No.1 Tahun 2016 Dalam Menekan Angka Perceraian". *Mabahits : Jurnal Hukum Keluarga Islam*, 4, (2023): 23-34.

¹⁴ Nur Lina Afifah Litti. "Efektivitas Proses Mediasi dalam Mengurangi Perkara Perceraian (Studi Kasus Pengadilan Agama Jakarta Timur)". Bachelor Thesis, Jakarta: Fakultas Agama Islam Universitas Muhammadiyah Jakarta, 2021.

A study at the Bireuen Sharia Court by Siti Hanifa (2023) also adds to the list of findings that show the challenges in implementing divorce mediation. Of the 482 cases that were mediated, only 47 cases successfully reached an amicable agreement. Although qualitatively mediation helps to clarify the root causes of conflict, quantitatively the success rate remains very low.¹⁵

From all of these studies, it appears that the effectiveness of mediation as a tool for reducing divorce rates still faces major challenges. In general, the obstacles encountered can be categorized into three main aspects, namely: (1) structural aspects, including low mediator competence and lack of system support; (2) cultural aspects, such as low public awareness and understanding of the function of mediation; and (3) psychological aspects, such as the parties' reluctance to reconcile or continue the relationship.

However, the majority of existing studies are still descriptive in nature and have not yet thoroughly evaluated concrete strategies that can improve the effectiveness of mediation. This gap is addressed in this study, which specifically examines the implementation of mediation in the Yogyakarta Religious Court between 2023 and 2024 and analyzes how the quality of mediation, the role of the mediator judge, and the characteristics of the parties can influence the success rate in reducing the divorce rate.

¹⁵ Siti Hanifa, "Efektivitas Proses Mediasi dalam Perkara Perceraian di Mahkamah Syar'iyah Bireuen." *Jurnal Ilmiah Syari'ah dan Hukum* 7, no. 1 (2023): 88–101.

Research by Ridwan Arifin (2021) raised the theme of sadd adz-dzari'ah as a preventive principle in Islamic law. In his article, Ridwan explains that sadd adz-dzari'ah is a method to close the path to mischief, namely by preventing things that are legally permissible, but have the potential to have a negative impact. In the context of divorce, although divorce is allowed in sharia, if it is not done with careful consideration, it will have an impact on the destruction of the family order. Therefore, mediation is positioned as a preventive effort that is in line with the value of sadd adz-dzari'ah, namely maintaining family integrity and preventing divorce as much as possible before wider harm occurs.¹⁶

Research by Siti Rohmah (2020) empirically examines the urgency of mediation in resolving divorce cases in religious courts. She found that mediation has strategic value in encouraging peace and preventing divorce, especially in household cases where the conflict has not reached a high escalation point. In many cases, mediation is able to open a space for healthier dialogue between married couples and provide an opportunity to repair fractured communication. Rohmah concluded that mediation functions not only as a legal procedure, but also as a social solution that supports family stability.¹⁷

Furthermore, a journal written by Mahmud Al-Hakim (2022) tries to reconcile the practice of mediation in family dispute resolution with

¹⁶ Ridwan Arifin, "Sadd adz-Dzari'ah sebagai Prinsip Preventif dalam Hukum Islam," *Jurnal Al-Ijtima'i: International Journal of Government and Social Science* 7, no. 1 (2021): 59–70.

¹⁷ Siti Rohmah, "Urgensi Mediasi dalam Penyelesaian Perkara Perceraian di Pengadilan Agama," *Jurnal Hukum Keluarga Islam* 6, no. 2 (2020): 134–145.

the theory of sadd adz-dzari'ah. He emphasizes that mediation has shar'i legitimacy because it is substantially in line with the principle of preventing divorce. He added that mediation can be seen as a realization of maqashid al-shari'ah, especially in the aspects of hifdz al-nasl and hifdz al-nafs. Therefore, the existence of mediation is not only a formal instrument of judicial procedure, but also has theological and ethical meaning in preventing the harm caused by divorce.¹⁸

Meanwhile, a field study by Lailatul Muna (2021) examined the effectiveness of mediation in resolving household disputes at the Surakarta Religious Court. She found that the success of mediation is highly dependent on several factors such as the ability of the mediator, the psychological readiness of the parties, and the initial intention in undergoing the mediation process. The results showed that although not all mediation processes ended in peace, mediation contributed greatly to reducing conflict escalation, accelerating the trial process, and providing space for the disputing parties to re-evaluate their decisions.¹⁹

From these studies, it can be concluded that mediation is an important instrument in the settlement of divorce cases, both in terms of positive law and Islamic law. Normatively, mediation fulfills the principle of sadd adz-dzari'ah as an effort to close the path to destructive

¹⁸ Mahmud Al-Hakim, "Relevansi Sadd adz-Dzari'ah dalam Praktik Mediasi Keluarga," *Jurnal Ushuluddin* 20, no. 1 (2022): 77–91.

¹⁹ Lailatul Muna, "Efektivitas Mediasi dalam Menyelesaikan Sengketa Rumah Tangga: Studi di PA Surakarta," *Jurnal Hukum dan Syariah* 12, no. 2 (2021): 98–110.

divorce, while practically, mediation functions as a rational and humane compromise space. This shows that mediation not only has a procedural role, but also a preventive and protective value in maintaining family continuity.

A number of field studies have revealed various factors that contribute to the low success rate of mediation in divorce cases in religious courts. These findings show that the failure of mediation is not caused by a single aspect, but rather is the result of an accumulation of various obstacles, both on the part of the mediator and the parties involved, as well as the surrounding legal structure and culture.

One important study was conducted by Suhangga, Wibowo, and Rianto (2021) at the Karanganyar Religious Court. They found that out of a total of 429 cases that underwent mediation, only 3 successfully reached a peaceful agreement. This failure was caused by various factors, including low attendance by the parties in mediation sessions, lack of commitment from mediators, a backlog of cases, limited human resources, and a lack of good faith on the part of the parties involved. These conditions illustrate that mediation often does not proceed ideally due to fundamental obstacles in its implementation.²⁰

Research conducted at the Karawang Religious Court by Farhan Asyhadi (2019) shows that the effectiveness of mediation is greatly

²⁰ Artha Suhangga, Anthony Wibowo, and Agus Rianto. "Faktor–Faktor Penghambat Keberhasilan Mediasi Perceraian di Pengadilan Agama Karanganyar." *Journal of Law, Society, and Islamic Civilization* 1, no. 2 (2021).

influenced by local culture and the level of public compliance with legal processes. The findings indicate that the public tends to avoid the courts, while the mediation facilities available are considered inadequate to support the dialogue process optimally. This shows that cultural aspects and supporting facilities also determine the success of mediation.²¹

A similar situation was also found in the Garut Religious Court. In a study by Triutami and Fawzi (2024), it was mentioned that limited human resources, limited mediation time, high case complexity, and a lack of good faith on the part of the parties were the main obstacles in the mediation process. This reinforces the assumption that dispute resolution through mediation is greatly influenced by the internal capacity of the institution and the emotional readiness of the parties.²²

Vina Radhita Putri Margaretha Indrazati (2024) in her study at the Banjarmasin Religious Court highlighted several relational and technical obstacles. The absence of one party due to poor communication, a strong desire to divorce, low understanding of the role of mediation, and the weak role of the court clerk are the dominant factors that hinder the mediation process. In this context, damaged

²¹ Farhan Asyhadi, "Efektivitas Mediasi dalam Perkara Perceraian di Pengadilan Agama Karawang." *Justisi: Jurnal Ilmu Hukum* 4, no. 1 (2019).

²² Jeni Restuning Triutami and Ramdan Fawzi, "Analisis Perma No.1 Tahun 2016 terhadap Rendahnya Tingkat Keberhasilan Mediasi di PA Garut." *Jurnal Riset Hukum Keluarga Islam* 4, no. 1 (2024).

interpersonal communication and the absence of proper administrative support make peaceful resolutions difficult to achieve.²³

Similar research by Andri Setyawan (2021) at the Kediri District Religious Court also highlighted various issues that hinder the success of mediation. These include the absence of the parties in the process, a lack of openness to reconciliation, low mediator competence, and the dominance of a formalistic approach by judge mediators without involving non-judicial mediators. These findings indicate that an overly formal and one-sided approach tends to make the mediation process non-participatory.²⁴

Based on these findings, the factors hindering the success of mediation can be classified into three main categories. First, mediator factors, which include limited human resources and low mediator competence, as well as limitations on the role of judge mediators. Second, factors related to the disputing parties, such as non-attendance, lack of good faith, a strong desire to divorce, and a lack of understanding of the objectives and process of mediation. Third, structural and cultural factors, including inadequate mediation facilities, the dominance of local cultures that avoid legal resolution, and the high cost of legal proceedings.

²³ Vina Radhita Putri Margaretha Indrazati, "Faktor Penghambat Pelaksanaan Mediasi Perceraian Di Pengadilan Agama Banjarmasin." *Bachelor Thesis*, UIN Antasari Banjarmasin, 2024.

²⁴ Andri Setyawan, "Hambatan Hakim Mediator Dalam Menyelesaikan Perkara Perceraian Melalui Mediasi (Studi Di Pengadilan Agama Kabupaten Kediri)". *Brawijaya Law Student Journal*. (2021). <https://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/4212>.

However, there has been no empirical research examining how strategies such as improving the quality of mediators through training and certification, providing support facilities, or public education can be used to overcome these obstacles. Therefore, this study aims to fill this gap by conducting a more in-depth analysis of the conditions at the Yogyakarta Religious Court in 2023–2024. The study seeks to measure the extent to which these factors influence the success of mediation and to propose context-specific intervention strategies that are more effective and responsive in reducing divorce rates.

Although mediation has a strong legal basis through Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016, a number of studies show that its implementation in the field still faces many obstacles, both normative and operational. The implementation of mediation regulations has not fully addressed the complexity of divorce disputes, especially those involving high emotional conflict and long-term family interests.

In this context, Maulana Adi Tama and Muhammad Wahdini (2022), through a study at the Yogyakarta Religious Court, noted that procedurally, the implementation of mediation was in accordance with PERMA provisions. However, there has been no in-depth evaluation of the fulfillment of the principle of substantive justice for the parties. Mediation tends to be treated as a formal obligation without considering

whether the outcome truly provides space for relationship restoration or merely becomes a superficial administrative process.²⁵

Furthermore, Dwi Satriyo (2023) in his report at PA Giri Menang found that technical obstacles such as rushed mediation duration and the mediator's lack of patience were important factors that reduced the quality of the process. This situation shows that normative law enforcement is not always in line with effectiveness at the practical level, especially in divorce cases that require a psychological approach and more flexible time.²⁶

Criticism of the normative framework also comes from Komariah (2013), who highlights the weaknesses of Perma No. 1 of 2008, the predecessor to the current regulation. In her study, she mentions that the lack of incentives for mediators and the weak legal standing of settlement agreements are significant obstacles to the success of mediation. Although the latest Perma has revised several provisions, these findings are still relevant in illustrating that the legal system needs to be accompanied by strong incentives and protection for the results of mediation.²⁷

²⁵ Maulana Adi Tama and Muhammad Wahdini, "Pelaksanaan Mediasi Dalam Penyelesaian Perkara Percerian Di Pengadilan Agama Yogyakarta Pasca Berlakunya Perma Nomor 1 Tahun 2016," *Jurnal Hadratul Madaniah* 9, no 2 (2022): 60-75.

²⁶ Dwi Satriyo, "Analisis Yuridis-Sosiologis Faktor Penyebab Rendahnya Tingkat Keberhasilan Penyelesaian Mediasi Dalam Perkara Perceraian (Studi Kasus di Pengadilan Agama Giri Menang)". *Bachelor Thesis*, Universitas Muhammadiyah Mataram, 2023.

²⁷ Komariah. "Analisis Yuridis Perma No.1 Tahun 2008 tentang Pelaksanaan Mediasi di Pengadilan Negeri." *Legality: Jurnal Ilmiah Hukum* 20, no. 2 (2013).
<https://ejournal.umm.ac.id/index.php/legality/article/view/1539>.

In a more contextual comparison, Gita Nur Ismilah (2024) analyzed the differences in the success of mediation between divorce and non-divorce cases in the Yogyakarta Special Region Religious Court. Her research findings indicate that mediation in divorce cases has a significantly lower success rate compared to other cases. This highlights that the formal legal framework is still unable to address the emotional and social challenges associated with divorce cases, especially without strong operational and legal cultural support.²⁸

Meanwhile, a more innovative approach is offered by Nanang Juanda (2025) in his study at the Bengkulu Religious Court. He emphasizes the importance of integrating local wisdom into mediation policy as a relevant strategy to improve the effectiveness and legitimacy of the process. By combining formal norms and local values, the mediation process not only becomes more contextual but also builds social trust, which is an important foundation for resolving family disputes.²⁹

Overall, these findings indicate that the implementation of mediation policies has not been optimal in terms of legal structure, technical procedures, and socio-cultural orientation. The absence of substantive evaluation, weaknesses in operational design, and a lack of

²⁸ Gita Nur Ismilah, "Analisis Yuridis Komparatif Tingkat Keberhasilan Mediasi Perkara Perceraian Dengan Perkara Non Perceraian Di Pengadilan Agama Diy." Bachelor Thesis, Uin Sunan Kalijaga Yogyakarta, 2024.

²⁹ Nanang Juanda, "Mediasi Sengketa Perceraian di Pengadilan Agama Bengkulu Kelas IA: Studi Analisis Penerapan Perma Nomor 1 Tahun 2016." *Qiyas: Jurnal Hukum Islam dan Peradilan* (2025). <https://ejournal.uinfasbengkulu.ac.id/index.php/QIYAS/article/view/655>.

adaptive strategies to local conditions are issues that have not been comprehensively addressed. Therefore, this study aims to continue previous research with a legal-empirical approach, specifically at the Yogyakarta Religious Court in 2023–2024. The focus is to formulate policy recommendations based on operational data and local values, while evaluating whether regulatory improvements—such as mediator incentives or mediation time flexibility—can lead to fairer, more effective, and sustainable resolutions.

Based on this, researchers will conduct research that differs from previous studies, namely to determine the actual conditions in the field regarding how mediation is carried out and its impact on the Yogyakarta Religious Court.

2. Theoretical Framework

1. Divorce

Divorce is generally understood as the legal and religious termination of the marital relationship between a husband and wife. From the perspective of Islamic law in Indonesia, divorce is one form of conflict resolution within the family, regulated by Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI). Article 38 of the Marriage Law states that a marriage may be dissolved due to death, divorce, or a court decision. Divorce, in this context, is carried out through a legal process to ensure the

protection of the rights of each party, including the children in the household. From a sociological and family law perspective, divorce is also viewed as a form of social disintegration that has far-reaching impacts on family resilience, children's psychological stability, and the overall structure of society.³⁰ Even in Islamic law, divorce is considered a permissible act but one that is disliked by Allah, so it should be the last resort after peaceful efforts have failed.³¹ Therefore, the position of divorce within the Indonesian legal system is not only legal in nature but also laden with ethical, social, and religious considerations.³²

The criteria and procedures for marriage established in Indonesian positive law should serve as the foundation for building a harmonious household. However, in practice, not all couples fully understand or comply with these provisions, both administratively and substantively. For example, in some cases of unregistered marriages or marriages that are not officially recorded, the absence of legal aspects often triggers conflicts when disputes or divorces occur, as there is no clear legal protection for the weaker party, particularly women and children.³³ Additionally, marriages

³⁰ R. Subekti, *Pokok-Pokok Hukum Perdata* (Jakarta: Intermasa, 2013), 68.

³¹ Moh. Idris Ramulyo, *Hukum Perkawinan Islam: Suatu Analisis dari Undang-Undang No. 1 Tahun 1974 dan Kompilasi Hukum Islam* (Jakarta: Bumi Aksara, 2002), 171–172.

³² M. Yahya Harahap, *Hukum Acara Perdata tentang Gugatan, Persidangan, Penyitaan, Pembuktian dan Putusan Pengadilan* (Jakarta: Sinar Grafika, 2016), 327.

³³ Moh. Idris Ramulyo, *Hukum Perkawinan Islam: Suatu Analisis dari Undang-Undang No. 1 Tahun 1974 dan Kompilasi Hukum Islam* (Jakarta: Bumi Aksara, 2002).

conducted without adequate mental, emotional, or financial preparation also have a high potential to end in divorce. Therefore, the correlation between marriage criteria and divorce is very strong, where the weak fulfillment of marriage requirements, both legally and socially, contributes to the fragility of family relationships, which then drives the occurrence of divorce.

In contemporary Islamic legal studies, divorce is permitted but is considered a last resort after all efforts at reconciliation have been exhausted. Islam does not reject divorce, but views it as something that is detested by Allah, as mentioned in the hadith: “The most detestable lawful thing to Allah is divorce.”³⁴ This perspective emphasizes that divorce may be performed but must consider the harm it causes, especially if it affects children, the stability of the extended family, and social relationships in the surrounding community.

In the context of this study, divorce is understood not only as a legal procedure that ends with a judge's decision, but also as a social and emotional phenomenon that is the main focus of mediation intervention in the religious court environment. This study views divorce as the end of a failed marital relationship that has entered a phase of chronic conflict and cannot be resolved

³⁴ Dahwadin, Enceng Lip Syaripudin, Eva Sofiawati, and Muhamad Dani Somantri, “Hakikat Perceraian Berdasarkan Ketentuan Hukum Islam di Indonesia,” *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 11, no. 1 (2020): 87–104.

through ordinary communication. Therefore, mediation in divorce cases is not merely an administrative step, but must function as a space for dialogue that enables peaceful resolution or, at the very least, constructive conflict management.

Thus, the theory of divorce in this study will be used as a conceptual basis for assessing how the mediation process can prevent or mitigate the effects of divorce, as well as how the parties' perceptions of divorce affect the effectiveness of the mediation process itself.

2. Mediation

Mediation is a form of alternative dispute resolution that emphasizes the negotiation process between the disputing parties with the help of a neutral third party, namely the mediator. According to the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016 concerning Mediation Procedures in Courts, mediation is defined as a way of resolving disputes through a negotiation process to obtain agreement between the parties with the assistance of a mediator. The main objective of mediation is to resolve conflicts peacefully, efficiently, and to the satisfaction of all parties, while maintaining good relations between the parties, reducing court caseloads, and producing solutions that are more flexible than the rigid and formal litigation process.

In practice, mediation is based on basic principles that ensure the integrity and effectiveness of the process, such as voluntariness, neutrality, confidentiality, empowerment and a unique solution-orientation. Voluntariness means that participation in mediation should not be coerced; confidentiality requires that all information revealed during the mediation process should not be disseminated or used as evidence in court; while neutrality requires the mediator to be impartial. These principles are the main foundation in building trust between the parties and creating an atmosphere conducive to reaching a mutual agreement.³⁵ Research by Rizal (2022) emphasizes that the application of these principles is crucial in ensuring the success of mediation as an effective and efficient means of conflict resolution.³⁶

Christopher W. Moore in his book *The Mediation Process: Practical Strategies for Resolving Conflict* explains that mediation has several systematic stages, starting from the preparation stage, opening, gathering information, identifying problems, negotiating and finding solutions, to drafting the final agreement.³⁷ In the initial stage, the mediator understands the context of the conflict and sets the rules of the game. Then, the parties are given the opportunity to

³⁵ Ahmad Fanani, "Prinsip-Prinsip Mediasi dalam Penyelesaian Sengketa". Semarang: Universitas Islam Negeri Walisongo, 2012. https://eprints.walisongo.ac.id/1772/2/082111050_Bab2.pdf.

³⁶ Faisol Rizal, "Mediasi sebagai Sarana Penyelesaian Konflik." *Minhaj: Jurnal Ilmu Syariah* 3, no. 1 (2022): 17–30.

³⁷ Christopher W. Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*, (San Francisco: Jossey-Bass, 2014).

express their views, and the mediator helps them identify the root of the problem and formulate a mutually acceptable solution. If successful, the outcome of the mediation will be set out in a legally binding agreement. This coherent and participation-based process makes mediation an effective dispute resolution instrument, especially in cases involving long-term relationships, such as family disputes.

Furthermore, research by Saragih (2022) revealed that the effectiveness of mediation in civil dispute resolution depends heavily on the mediator's ability to facilitate constructive communication between the parties. A competent mediator can help the parties to better understand each other's positions and interests, making it easier to reach a fair and sustainable agreement.³⁸

In the context of progressive law, mediation is seen as a tool to achieve substantive justice that is more responsive to the needs of society. This approach emphasizes the importance of dispute resolution that is not only legalistic, but also considers social and human values. As stated by Menkel-Meadow (2016), mediation can serve as a more adaptive and participatory mechanism in resolving conflicts, especially in a pluralistic society.³⁹

³⁸ Nancy M. Rezeki Saragih, "Efektivitas Mediasi dalam Penyelesaian Sengketa Perdata di Pengadilan Negeri Lubuk Pakam Kelas IA." *Jurnal Rectum* 3, no. 2 (2022).

³⁹ Carrie Menkel-Meadow, *Mediation: Theory, Policy & Practice*. (London: Routledge, 2016).

As such, mediation theory provides an important conceptual basis for understanding how mediation can be effectively implemented in a court context, and why this approach is becoming increasingly relevant as an alternative to dispute resolution, including in divorce cases in the Religious Courts. This approach emphasizes not only formal legal resolution, but also the restoration of relationships and substantive justice between the parties.

3. Effectiveness Theory

Effectiveness is basically a measure of the extent to which an activity, policy, or system achieves its stated objectives. In the context of law, effectiveness indicates the degree of success of the law in regulating and directing the behavior of society in accordance with applicable norms. A law can be said to be effective if the norms contained therein are actually implemented and obeyed by the relevant legal subjects.

According to Soerjono Soekanto, the effectiveness of law is influenced by five main factors, namely the law or regulation itself, law enforcement, supporting actors and facilities, society, and culture. These five factors are interrelated and determine the extent to which a legal system can function optimally.⁴⁰

⁴⁰ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Pers, 1983), 8–9.

First, the legal factor itself relates to the clarity and consistency of applicable legal norms. In the context of this study, the effectiveness of mediation in Religious Courts is influenced by the clarity of regulations governing mediation procedures, as stipulated in Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Courts. If these rules are clear and easy to implement, then mediation is more likely to be effective.

Second, law enforcement factors include parties who play a role in enforcing these rules, namely judge mediators and non-judicial mediators. Their competence, integrity, and understanding of mediation principles greatly influence the success of dispute resolution through peaceful means.

Third, resources and facilities are related to technical and administrative support that facilitates the mediation process, such as the availability of mediation rooms, supporting documents, and an efficient administrative system. A lack of resources and facilities can hinder the effectiveness of the mediation process.

Fourth, societal factors, in this case the parties involved in the dispute, are an important component because the success of mediation greatly depends on their awareness and good faith to reach a settlement. Without the willingness and legal awareness of the parties, the mediation process is unlikely to achieve maximum results.

Fifth, cultural factors play a role in shaping people's mindsets and behaviors toward dispute resolution. A legal culture that still tends to be litigious can affect the success of mediation. Therefore, the values of deliberation and peace need to be strengthened as part of the community's legal culture.

Thus, Soerjono Soekanto's theory of legal effectiveness provides a comprehensive analytical framework for assessing the implementation of mediation in the Religious Court. The effectiveness of mediation can be measured through the synergy between clarity of rules, competence of law enforcement officials, support facilities, community participation, and a legal culture that supports peaceful resolution. In the context of this study, these five factors form the basis for assessing the extent to which mediation in the Yogyakarta Religious Court is effective in resolving divorce disputes.

4. Sadd Adz-Dzari'ah

Sadd adz-dzari'ah is one of the important concepts in ushul fiqh that indicates a preventive approach in establishing laws. Literally, the term consists of two words: sadd, meaning “to block,” and adz-dzari'ah, meaning ‘means’ or “intermediary.” Thus, terminologically, sadd adz-dzari'ah can be understood as an effort to block or prevent access to something that is inherently permissible

but may lead to something prohibited or harmful if left unchecked.⁴¹

This principle is used by fuqaha to prevent anything that could potentially lead to harm or mafsadat, even though it is not necessarily explicitly haram.⁴²

This concept has significant value in a social context, including in the resolution of family disputes. Divorce, although permitted under Islamic law, is still considered a last resort in domestic conflicts. Many negative impacts or mafsadat can arise from divorce that is carried out without careful consideration, including the loss of family stability, disruption of children's growth and development, and ongoing conflicts after divorce, such as custody battles and alimony disputes. Therefore, preventive measures to prevent unnecessary divorce can be seen as a form of applying the principle of sadd adz-dzari'ah.

One implementation of this principle in the context of judicial institutions is the mediation process in religious courts. Mediation is positioned as an initial means of defusing conflicts between husbands and wives before cases proceed to a more formal examination stage. In practice, mediation provides space for both parties to reconsider their decisions, open communication, and find common ground. This is particularly important because many

⁴¹ Ridwan Arifin, "Sadd adz-Dzari'ah sebagai Prinsip Preventif dalam Hukum Islam," *Jurnal Al-Ijtima'i* 7, no. 1 (2021): 59–70.

⁴² Wahbah al-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī*, Juz II (Beirut: Dār al-Fikr, 1986), 1031.

divorce cases are actually rooted in misunderstandings or temporary emotional conflicts. Within the framework of sadd adz-dzari'ah, mediation serves as a legal mechanism aimed at preventing divorce if reconciliation between the parties is still possible.⁴³

The application of this principle through mediation can also provide a number of significant benefits, such as opening up healthier communication channels, saving households that still have the potential to be maintained, and protecting children from the severe psychological impact of their parents' separation. On the other hand, mediation also serves to prevent the emergence of harm, such as the emotional breakdown of the family, prolonged conflicts between the disputing parties, and the lack of social and economic preparedness following divorce. Thus, mediation not only has a procedural function within the religious court system but also carries strong normative value as a form of applying the principle of prevention in Islamic law.⁴⁴

Through this sadd adz-dzari'ah theoretical framework, research on the effectiveness of mediation in resolving divorce disputes gains a solid argumentative basis. That is, the peaceful efforts made during the mediation stage are not merely an administrative obligation, but a reflection of the value of prudence

⁴³ Ridwan Arifin, "Sadd adz-Dzari'ah sebagai Prinsip Preventif dalam Hukum Islam," *Jurnal Al-Ijtima'i: International Journal of Government and Social Science* 7, no. 1 (2021): 59–70.

⁴⁴ Mahmud Al-Hakim, "Relevansi Sadd adz-Dzari'ah dalam Praktik Mediasi Keluarga," *Jurnal Ushuluddin* 20, no. 1 (2022): 77–91.

in preventing broader negative impacts. In this context, Islamic law demonstrates its flexibility and wisdom in regulating social relations, particularly in efforts to maintain the integrity of the family and the stability of society.

CHAPTER III

RESEARCH METHODS

1. Types of Research and Approach

The type of research used in this study is field research, which is research conducted directly in the field to obtain empirical data from the parties involved in the divorce mediation process at the Yogyakarta Religious Court. This research aims to explore in depth the dynamics, challenges, and effectiveness of the implementation of mediation as an effort to resolve family disputes.

The approach used in this research is a qualitative approach with a case study method. The qualitative approach was chosen because it allows researchers to understand legal phenomena contextually and deeply through the perspectives of actors, such as mediators, judges, and litigants. Meanwhile, a case study is used because this research focuses on one particular location, namely the Yogyakarta Religious Court, within the time span of 2023-2024.

This research is sociological juridical in nature, namely analyzing law as a social symptom that lives and develops in society. In this case, mediation is understood not only as a formal procedure in the judicial process, but also as a social process involving values, perceptions and relations between the parties. Therefore, this research not only aims to describe how the provisions of mediation are formally applied, but also to reveal how its effectiveness is perceived by the parties involved.

2. Location of the research

This research was conducted in one place, namely the Yogyakarta Religious Court, D.I.Yogyakarta.

3. Research Informants

In this study, the author conducted interviews with five informants who were selected based on their respective roles, as follows:

1. One judge mediator and one non-judicial mediator who has the duty and authority to lead the mediation process at the Yogyakarta Religious Court.
2. One staff of the mediation section who understand the administrative techniques and mechanisms for implementing mediation in the court environment.
3. Two people from the parties who have undergone the mediation process.

These informants were selected because of their direct involvement in the mediation process, enabling them to provide in-depth information about the effectiveness, obstacles, and factors influencing the success or failure of mediation at the Yogyakarta Religious Court. Interviews with these five informants were conducted over a period of approximately three months, from August to October 2025.

4. Informant Determination Technique

The determination of informants in this study used purposive sampling technique, which is a technique of deliberately selecting informants based on certain considerations that are relevant to the research objectives. Informants were selected because they have sufficient capacity, experience and knowledge related to the implementation of mediation in divorce cases at the Yogyakarta Religious Court.

The criteria for informants in this study include:

1. Judge mediators who actively led mediation processes in 2023-2024.
2. Officers or administrative staff of the mediation section who are active in 2023-2024.
3. Litigants (husband/wife) who have participated in the divorce mediation process at the Yogyakarta Religious Court.

If necessary, the snowball sampling technique was also used, by asking for recommendations from initial informants to connect researchers with other informants who have the relevance and experience needed in this research. This was done to expand the scope of information that could enrich the research data in depth.

5. Data Collection Technique

The data collection techniques used in this study employed three main methods, namely observation, in-depth interviews, and

documentation. These three techniques were used in an integrated manner to obtain comprehensive data on the implementation of mediation in divorce cases at the Yogyakarta Religious Court.

a) Observation

The researcher made direct observations of the activities and dynamics of the mediation process at the Yogyakarta Religious Court. This observation was non-participatory, in which the researcher was not actively involved in the process, but recorded various important things that occurred during the implementation of mediation, including the pattern of interaction between the parties and the mediator.

b) Interview

Interviews were conducted directly with informants using semi-structured interview guidelines. This technique allowed the researcher to explore in-depth and open-ended information regarding the informants' experiences, perceptions and views on the effectiveness of the mediation process. Interviews were conducted with mediator judges, litigants, and mediation staff.

c) Documentation

Documentation is carried out by collecting documents related to the mediation process, such as statistical data on divorce cases through mediation, mediation minutes, peace agreement forms, and other administrative documents relevant to the research. This technique aims

to strengthen and complement the data from interviews and observations.

6. Data Validity

To maintain the validity of the data in this study, a triangulation technique was used, namely testing the validity of the data through comparing various data sources, data collection techniques, and data collection time. Triangulation is carried out to ensure that the data obtained is truly accurate, reliable, and reflects the actual conditions in the field.

7. Data Analysis Technique

The process of analyzing the data will be carried out in several steps:

a) Data Reduction

This process is carried out by sorting, simplifying, and focusing the raw data obtained from the field in accordance with the research objectives. Data reduction helps researchers to manage complex data so that it is easier to analyze.

b) Data Presentation

The data that has been reduced is then organized in the form of descriptive narratives, interview quotes, and simple tables to facilitate understanding of the patterns that emerge from the field data.

c) Conclusion and Verification

Conclusions are drawn based on the findings of the data that has been analyzed, while continuing to verify to ensure that the conclusions are truly supported by valid and consistent data.

CHAPTER IV

RESULT AND DISCUSSION

A. Result

1. Profile of Yogyakarta Religious Court

a. History

The Yogyakarta Religious Court is a continuation of the Serambi Court during the Yogyakarta Sultanate. During that period, judicial proceedings were conducted simply in the porches of mosques by the penghulu, who served as both mosque administrators and religious judges. This model of justice demonstrated the close relationship between the function of the mosque and the resolution of disputes among the Muslim community, where cases were resolved quickly, openly, and with an emphasis on local wisdom. The transformation from a traditional court to a state institution occurred in 1946, when the Yogyakarta Religious Court began operating in Pengulon, just north of the Great Mosque of Yogyakarta. This change marked the beginning of a new era for religious courts in Yogyakarta, which began to be integrated into the national legal system.

Legally, the existence of the Yogyakarta Religious Court was reinforced through the Decree of the Minister of Religious Affairs No. 6 of 1947, which regulated the establishment of Religious Courts in various regions, including Yogyakarta. This legal basis was then reinforced in Law No. 7 of 1989 concerning Religious Courts, which places Religious Courts as one of the pillars of the judicial system in Indonesia, on par with general

courts, administrative courts, and military courts. This legal affirmation not only provides certainty regarding the authority of the Religious Court, but also expands the scope of cases it can handle, ranging from marriage, inheritance, wills, waqf, to sharia economics.⁴⁵ In the context of Yogyakarta, this regulation has become the basis for institutional and operational strengthening that continues to develop to this day.⁴⁶

At the beginning of its establishment, the Yogyakarta Religious Court office occupied a building at Jalan Sokonandi No. 8 Yogyakarta, which was built in 1976 on land leased from the Regional Office of the Ministry of Religious Affairs of the Province of DIY.⁴⁷ This location served as the center for religious court services for two decades before the building was exchanged with the Regional Office of the Ministry of Religious Affairs in 1996. This exchange moved the Yogyakarta Religious Court office to a building on Jalan Wijilan No. 14, Yogyakarta, previously known as Wisma Sejahtera. Shortly thereafter, to improve service effectiveness, the office was moved again to its current location on Jalan Ipda Tut Harsono No. 53, Yogyakarta.⁴⁸ This relocation is based on strategic considerations, both in terms of accessibility for the community and the completeness of the infrastructure needed to support the performance of a modern judiciary.

⁴⁵ Republik Indonesia, Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama.

⁴⁶ “Profil Pengadilan Agama Yogyakarta,” Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025.

⁴⁷ “Sejarah,” Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025, <https://www.pa-yogyakarta.go.id/sejarah>.

⁴⁸ Ibid.

In line with the times and public demands for faster, more transparent, and more professional legal services, the Yogyakarta Religious Court is committed to implementing bureaucratic reform through the development of an Integrity Zone Towards a Corruption-Free Zone (WBK) and the implementation of an Anti-Bribery Management System (SMAP).⁴⁹ This step is in line with the vision of the Indonesian Supreme Court to create a judicial body that is noble, authoritative, and trusted by the public. In addition, this institution has also adopted various technological innovations such as e-Court and e-Litigation to facilitate access to the judiciary, reduce the time required to process cases, and reduce litigation costs, making it more relevant to the needs of dynamic urban communities such as Yogyakarta.

As a Class IA institution, the Yogyakarta Religious Court has jurisdiction over the entire city of Yogyakarta, which consists of 14 subdistricts and 45 villages.⁵⁰ This jurisdiction covers a densely populated area with high socio-cultural diversity, resulting in a wide variety of complex cases. This position makes the Yogyakarta Religious Court one of the religious courts with a fairly high caseload in the Special Region of Yogyakarta Province. In carrying out its duties, this institution not only focuses on resolving disputes, but also plays a role in providing legal education to the community, fostering legal awareness, and maintaining

⁴⁹ “Zona Integritas dan SMAP,” Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025, <https://www.pa-yogyakarta.go.id>.

⁵⁰ “Wilayah Yurisdiksi Pengadilan Agama Yogyakarta,” Pengadilan Agama Yogyakarta, <https://www.pa-yogyakarta.go.id>.

social harmony in accordance with the principles of Islamic law and applicable laws and regulations.

b. Vision and Mission of Yogyakarta Religious Court

The Yogyakarta Religious Court establishes its vision "Terwujudnya Pengadilan Agama Yogyakarta yang Agung".⁵¹ The word "agung" here reflects the aspiration to become a judicial institution that upholds justice, guarantees integrity and professionalism, and is capable of providing quality legal services to people seeking justice. This vision is in line with the grand vision of the Supreme Court of the Republic of Indonesia, thus serving as a guideline and direction for all policies and strategic steps taken by the Yogyakarta Religious Court in carrying out its duties.

To realize this vision, the Yogyakarta Religious Court has formulated a mission that focuses on strengthening human resources, public services, and effective judicial governance. The following is the mission of the Yogyakarta Religious Court:

1. Improving the quality of religious court personnel so that they are more professional and proportional.
2. Providing excellent service to realize simple, fast, and affordable judicial services.

⁵¹ "Visi dan Misi," Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025, <https://www.pa-yogyakarta.go.id>.

3. Implementing effective and efficient administrative order and court management.
4. Providing and presenting information in a transparent, honest, and accountable manner.
5. Improving the image of religious courts in line with the vision of the Supreme Court of Indonesia.⁵²

The first mission is to improve the quality of religious court officials so that they are more professional and proportional. This requires continuous guidance, improvement of technical and non-technical competencies, and enforcement of ethics and work discipline at all levels of the judiciary.

The next mission is to provide excellent service in order to realize simple, fast, and low-cost judicial services. This principle refers to the mandate of the law and is a requirement of modern judicial reform, in which services not only emphasize speed, but also affordability and ease of access for the community. This effort is realized through the use of information technology such as e-Court and e-Litigation, which shorten the administrative process of cases and reduce geographical and administrative barriers.

In addition, the Yogyakarta Religious Court also has a mission to implement effective and efficient administrative order and court

⁵² “Visi dan Misi,” Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025, <https://www.pa-yogyakarta.go.id>.

management. Good administrative management not only ensures smooth internal work, but also supports transparency and public accountability. In line with this, the institution is committed to providing and presenting information in a transparent, honest, and accountable manner, including through the use of official websites and public information services.

The final mission is to improve the image of religious courts in line with the vision of the Supreme Court of Indonesia. This improvement is achieved through strengthening integrity, responsive services, and active participation in national programs such as the development of Integrity Zones towards Corruption-Free Areas (WBK) and the implementation of the Anti-Bribery Management System (SMAP). Thus, the vision and mission of the Yogyakarta Religious Court are not merely formal statements, but also a real commitment that continues to be realized in the practice of service and law enforcement within its jurisdiction.

c. Main Duties and Function of the Yogyakarta Religious Court

The Yogyakarta Religious Court has the main task of examining, deciding, and resolving certain cases at the first level between people of the Islamic faith. This duty is carried out based on the provisions of Article 49 of Law Number 7 of 1989 concerning Religious Courts, as amended by Law Number 3 of 2006 and Law Number 50 of 2009.⁵³ Matters under its jurisdiction include disputes in the areas of marriage, inheritance, wills,

⁵³ Republik Indonesia, Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama.

grants, waqf, zakat, infaq, shadaqah, and Islamic economics. In addition, the Yogyakarta Religious Court also has the authority to examine and determine the validity of rukyat hilal testimony in order to determine the beginning of the Hijri month, as well as other matters stipulated by law.⁵⁴

In carrying out these main duties, the Yogyakarta Religious Court has a number of functions that constitute the operational elaboration of its authority.⁵⁵ First, judicial technical and administrative services, which include receiving, recording, examining, and deciding cases at the first level, including the execution of decisions. Second, advanced judicial administration, which includes managing appeal, cassation, and review files, as well as other case administration tasks. Third, general administrative services, which relate to personnel management, finance, equipment, and other administrative matters outside of case costs.

In addition, the Yogyakarta Religious Court also performs an advisory function, namely providing information, considerations, and Islamic legal advice to government agencies within its jurisdiction when requested. This function is non-judicial but important in supporting regional policies that are in line with Islamic legal principles. In addition, there are also additional services such as the settlement of inheritance distribution requests outside of disputes, the issuance of handwritten heir certificates,

⁵⁴ “Tugas Pokok dan Fungsi,” Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025, <https://www.pa-yogyakarta.go.id>.

⁵⁵ Ibid.

excluded. Within the scope of religious courts, mediation aims to create a conducive space for dialogue between the disputing parties, with the assistance of a neutral mediator, to find a mutually acceptable solution. This process is not only intended to resolve disputes quickly and cheaply, but also to restore good relations between the parties, especially in domestic cases that have the potential to cause widespread social impact.

Procedurally, mediation in religious courts begins after the case has been registered and the panel of judges has been appointed. At the first hearing, the judge is required to direct the parties to undergo mediation, then appoint a mediator, either from among the judges or from among non-judicial mediators registered with the court. The mediator will facilitate meetings between the parties in person or online, explore the main issues, seek common ground, and formulate an agreement if possible. If an agreement is reached, the results are set out in a legally binding settlement agreement. However, if no agreement is reached, the case will proceed to trial.

The outcome of mediation in religious courts is not always a complete success or failure. In practice, mediation outcomes can be complete success (all points of dispute are agreed upon and set forth in a settlement agreement), partial success (some issues are agreed upon in a settlement agreement and the rest are examined through a trial), or even failure (no agreement is reached and the case proceeds to trial). This

diversity of outcomes demonstrates that mediation has the flexibility to accommodate the dynamics of dispute resolution in religious courts.

3. Implementation of Mediation at the Yogyakarta Religious Court in 2023-2024

Based on data obtained directly from the clerk of the Yogyakarta Class IA Religious Court, the following is a comparison of divorce cases in 2023 and 2024.

Table 1
Yogyakarta Religious Court Divorce Case Data for 2023

NO	CASES	NUMBER OF CASES	CASES GRANTED	CASES REJECTED	REMAINING CASES
1	DIVORCE BY REPUDIATION	145	114	19	12
2	DIVORCE LAWSUIT	538	449	69	20
3	TOTAL	683	563	88	32

Source: Yogyakarta Religious Court mediation report book, October 09, 2025.

Table 2
Yogyakarta Religious Court Divorce Case Data for 2024

NO	CASES	NUMBER OF CASES	CASES GRANTED	CASES REJECTED	REMAINING CASES
1	DIVORCE BY REPUDIATION	135	98	26	11
2	DIVORCE LAWSUIT	510	421	66	23
3	TOTAL	645	519	92	34

Source: Yogyakarta Religious Court mediation report book, October 09, 2025.

Table 3
Results of Mediation at the Yogyakarta Religious Court in 2023

NO	MONTH	MEDIATION CONDUCTED	SUCCESSFUL	PARTIALLY SUCCESSFUL	UNSUCCESSFUL	FAILED
1	January	17	2		14	1
2	February	13	1	1		11
3	March	14		6	8	
4	April	6	3		3	
5	May	8		2	7	
6	June	15	1	4	10	
7	July	7		3	5	
8	August	16	1	8	7	
9	September	10		5	5	
10	October	18		6	12	
11	November	13		7	6	
12	December	12	1	5	6	
13	Total	149	9	45	83	12

Source: Yogyakarta Religious Court mediation report book, October 09, 2025.

Table 4
Results of Mediation at the Yogyakarta Religious Court in 2024

NO	MONTH	MEDIATION CONDUCTED	SUCCESSFUL	PARTIALLY SUCCESSFUL	UNSUCCESSFUL	FAILED
1	January	14	1	10	3	

2	February	9		2	6	1
3	March	6		2	4	
4	April	10	1	2	7	
5	May	8	1		7	
6	June	8	1	2	5	
7	July	7		2	5	
8	August	8		3	5	
9	September	7		3	4	
10	October	13	1	1	11	
11	November	10		8	2	
12	December	12	1	8	3	
13	Total	112	6	43	62	1

Source: Yogyakarta Religious Court mediation report book, October 09, 2025.

Based on data obtained from the Yogyakarta Religious Court, in 2023 there were 149 cases that underwent mediation. Of these, only 9 cases (6.04%) were fully settled, while 45 cases (30.20%) were partially settled, and the remaining 83 cases (55.70%) were unsuccessful and 12 cases (8.05%) were declared failed. In the following year, 2024, the number of mediations decreased to 112 cases. Of these, only 6 cases (5.36%) were fully successful, 43 cases (38.39%) were partially successful, 62 cases (55.36%) were unsuccessful, and 1 case (0.89%) was declared a failure.

When comparing the two years, it can be concluded that the number of cases that underwent mediation in 2024 decreased by around 24.8%

compared to the previous year. However, the total success rate (full success and partial success) actually increased from 36.24% in 2023 to 43.75% in 2024. This fact indicates a relative improvement in effectiveness, even though the number of cases mediated has decreased.

Despite an increase in overall success, the success rate of mediation is still generally low. This can be seen from the dominance of unsuccessful cases, both in 2023 and 2024, which each accounted for more than half of the total number of mediations. This condition illustrates that mediation in divorce cases at the Yogyakarta Religious Court has not yet fully optimized its function as an instrument of peace, thus requiring more effective strategies and approaches to improve success rates in the future.

B. Discussion

1. Implementation of Mediation at the Yogyakarta Religious Court

The implementation of mediation in the Yogyakarta Religious Court is based on a set of laws and regulations that provide a normative basis for the peaceful settlement of disputes in court. From the outset, Article 130 of the *Herziene Indonesisch Reglement* (HIR) and Article 154 of the *Rechtsreglement voor de Buitengewesten* (RBg) have mandated that judges seek reconciliation before examining the merits of a case. These provisions are reinforced in Law Number 7 of 1989 concerning Religious Courts as amended by Law Number 3 of 2006 and Law Number 50 of 2009. At the

technical level, the most frequently used guideline is Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Court, which explicitly requires all civil cases, including divorce cases, to undergo mediation before the case is further examined.⁵⁷ In addition, Supreme Court Chief Justice Decree No. 108/KMA/SK/VI/2016 on Mediation Management in Courts provides administrative guidance on mediation management in all religious courts.⁵⁸ The existence of these various regulations provides a legal framework that confirms that mediation is not merely an option, but a mandatory procedure in the resolution of family disputes in court.

In practice, after the case is registered and the first hearing is held, the panel of judges will explain to the parties their obligation to undergo mediation. At this stage, the parties are asked to sign a statement of willingness to participate in mediation, after which they are given the opportunity to choose a mediator to lead the negotiation process.⁵⁹ Once the mediator has been appointed, the process begins with a request to each party to prepare a summary of the issues in dispute. The mediator then facilitates a step-by-step dialogue, providing space for the parties to express their interests and offering alternative solutions that could lead to an amicable agreement. If the mediator deems it necessary to explore the motivations or

⁵⁷ Perma No. 1 Tahun 2016

⁵⁸ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

⁵⁹ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

hidden interests of one of the parties in greater depth, he or she may hold a caucus, which is a closed meeting with one of the parties separately from the joint forum. This process is described by the mediator judge as an important strategy in helping the parties see opportunities for peace without pressure from the opposing party.⁶⁰

In addition to the formal explanation provided by the mediator, the understanding of the parties involved also shows how the mediation process is understood and interpreted by those who undergo it directly. Based on the results of interviews with the wife as the plaintiff, it is known that their knowledge of mediation generally revolves around efforts to seek peace and find a middle ground between the two parties. MB explained that she understood mediation as an effort to reconcile and “find a way forward” after a conflict,⁶¹ while BA said that she only knew mediation as one of the stages that must be passed in the trial process, with the main objective of helping both parties to understand each other.⁶² Both acknowledged that mediation provided space for them to speak openly and reconsider their respective positions before proceeding with the divorce process. In addition, they assessed that the mediator at the Yogyakarta Religious Court was polite, professional, and able to facilitate dialogue well. This shows that, beyond the procedural aspects, the implementation of mediation in practice

⁶⁰ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

⁶¹ Interview with MB (name withheld), as a Party to the Case at the Yogyakarta Religious Court, on September 9, 2025, at 12:00 p.m.

⁶² Interview with BA (name withheld), as a Party to the Case at the Yogyakarta Religious Court, on September 9, 2025, at 11:00 p.m.

has been understood by the parties as a humane and reflective process, which allows them to communicate constructively under the guidance of a neutral facilitator.

The statement from the non-judicial mediator reinforces this technical description. According to him, after the mediator is appointed, the parties are directed to the mediation room provided by the court. The mediator usually begins by listening to each party's statement in turn, then brings them together in a joint session to find common ground. If a full or partial agreement is reached, the results are recorded in a settlement agreement which is then reported through the Case Tracking Information System (SIPP), giving it the same administrative force as other court documents.⁶³ These stages show that mediation at the Yogyakarta Religious Court is carried out systematically, taking into account procedural aspects as well as administrative regularity.

The implementation of mediation cannot be separated from the involvement of various actors who have their respective duties. Judges act as the party that ensures the parties pursue mediation, appoints a suitable mediator, and receives reports on the results of mediation to be included in the court minutes. Mediators, whether judges or non-judicial, play a central role in facilitating communication, maintaining neutrality, providing settlement options, and drafting a settlement agreement if the parties reach

⁶³ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

an agreement. Meanwhile, the court clerk and deputy court clerk play a role in technical and administrative aspects, such as preparing the appointment of a mediator, coordinating the summoning of the parties, documenting the mediation process, and reporting the results of the mediation to the panel of judges.⁶⁴ This division of roles is important so that the mediation process runs in accordance with procedural law while also fulfilling the principle of accountability.

In terms of time, Supreme Court Regulation Number 1 of 2016 Article 24 stipulates that the mediation period is 30 days from the appointment of the mediator, and if necessary, it can be extended for a maximum of 14 days with the approval of the examining judge. This time limit is also explicitly mentioned in the mediation implementation SOP applicable at the Yogyakarta Religious Court, which covers stages ranging from the appointment of a mediator, summoning the parties, receiving a summary of the issue, to drafting an agreement and reporting the results.⁶⁵ This time limit is intended to ensure that mediation proceeds efficiently without hindering the court proceedings if no agreement is reached.

In addition to regulations and procedures, the availability of facilities and infrastructure also supports the implementation of mediation. The Yogyakarta Religious Court provides a mediation room that is separate from the main courtroom. This facility is designed to create a more

⁶⁴ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

⁶⁵ Ibid

conducive atmosphere, so that the parties can engage in dialogue without the pressure of a courtroom atmosphere. A mediator judge stated that “a comfortable room is very helpful for the mediation process, because the parties involved are more willing to engage in dialogue than if it were conducted in a courtroom.”⁶⁶ The non-judicial mediators also added that the scheduling of mediators and the availability of representative meeting rooms contributed to the smooth running of the negotiation process.⁶⁷ This shows that the success of mediation depends not only on legal aspects and procedures, but also on a physical environment that enables more open and productive communication.

The entire mediation process is then concluded with administration and reporting integrated into the court system. After the mediator completes the negotiation process, whether successful, partially successful, or unsuccessful, he or she compiles a mediation report and submits it to the panel of judges through the substitute court clerk. The mediation results are also entered into the mediation application and the Case Tracking Information System (SIPP), so that the entire process is well documented.⁶⁸ This mechanism ensures that each stage of mediation has a clear administrative trail, while also providing a basis for evaluation by the court in order to improve the quality of mediation services in the future.

⁶⁶ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

⁶⁷ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

⁶⁸ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

In addition to a clear legal framework and procedures, the implementation of mediation at the Yogyakarta Religious Court is also influenced by a number of factors that can either support or hinder it. On the supporting side, there are comprehensive regulations—ranging from Article 130 HIR, Article 154 RBg, Law No. 7 of 1989 in conjunction with Law No. 3 of 2006 in conjunction with Law No. 50 of 2009, to Supreme Court Regulation No. 1 of 2016—provides legal certainty for the parties and mediators in conducting mediation. Institutional support in the form of comfortable mediation rooms was also mentioned by the mediator judge as one of the aspects that encouraged openness among the parties in the dialogue: “A comfortable room greatly helps the mediation process, because the parties present are more willing to engage in dialogue than if it were conducted in a courtroom.”⁶⁹ In addition, the structured schedule of non-judicial mediators makes mediation services more accessible, so that the negotiation process can be carried out immediately after the case is registered.⁷⁰ In addition, the administration and reporting system through SIPP facilitates the recording of mediation results, ensuring that each stage is well documented.⁷¹

In addition to regulatory support, facilities, and administrative systems, the competence of mediators is also an important factor in

⁶⁹ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

⁷⁰ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

⁷¹ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

facilitating the smooth implementation of mediation. Based on information from the court clerk, mediators at the Yogyakarta Religious Court are required to master mediation techniques, have conflict management skills, thoroughly understand the provisions of Supreme Court Regulation No. 1 of 2016, and be able to properly draft settlement agreements.⁷² These competencies ensure that mediators can perform their roles professionally, maintain neutrality, and help the parties find fair and acceptable solutions. In addition, the court routinely conducts quarterly monitoring and evaluation (monev) to monitor the quality of mediation and increase the success rate over time.⁷³ This evaluation mechanism is an important support because it provides feedback for improving the performance of mediators and the mediation system as a whole.

On the other hand, another obstacle is the readiness and attitude of the parties who come to the mediation room. As stated by a mediator judge, it is not uncommon for the parties to arrive with a firm determination to proceed with the divorce, so that the chances of reaching a settlement are very slim even though the mediation has been facilitated well. In addition, limited understanding of the purpose of mediation can lead the parties to view it merely as a procedural formality, rather than as a means of finding a mutually beneficial solution.⁷⁴

⁷² Ibid

⁷³ Ibid

⁷⁴ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

In addition, even though the mediator's schedule has been neatly and regularly arranged, the number of cases submitted for mediation each day is unpredictable, causing a backlog of cases on certain days, which means that mediators have to handle several mediation processes in close succession.⁷⁵ This situation can reduce the mediator's focus on each case and potentially affect the quality of the negotiation process.

These obstacles indicate that the success of mediation is not only determined by the availability of regulations and facilities, but also by the readiness of human resources and the level of legal awareness of the community involved in the case.

2. Effectiveness of Mediation Implementation in the Yogyakarta Religious Court (2023–2024)

The effectiveness of mediation implementation at the Yogyakarta Religious Court in the 2023–2024 period can be analyzed using the five-factor framework proposed by Soerjono Soekanto, namely legal factors, law enforcement factors, facilities and infrastructure factors, community factors, and mindset and socio-cultural factors.

a. Legal Factors

This factor includes the existence and quality of norms that form the basis for mediation. Normatively, the obligation of judges to seek reconciliation before examining the merits of a case has been stipulated in

⁷⁵ Ibid

Article 130 of the *Herziene Indonesisch Reglement* (HIR), which states: “If on the appointed day both parties appear, the district court, through the presiding judge, shall attempt to reconcile them.” A similar provision is also contained in Article 154 of the *Rechtsreglement voor de Buitengewesten* (RBg). In the context of religious courts, Law No. 7 of 1989 on Religious Courts, as amended by Law No. 3 of 2006 and Law No. 50 of 2009, emphasizes that judges are obliged to seek reconciliation before issuing a decision in divorce cases.⁷⁶

The main guideline governing mediation procedures is Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Court. Article 3 paragraph (1) of the PERMA states: “Every judge, mediator, and party to the case must undergo mediation procedures before the case examination begins.” Furthermore, Article 24 paragraph (1) stipulates that “Mediation shall be conducted within a maximum of 30 (thirty) days from the issuance of the mediation order and may be extended for a maximum of 14 (fourteen) days by agreement of the parties.”⁷⁷ In addition, Supreme Court Chief Justice Decree No. 108/KMA/SK/VI/2016 on Mediation Governance in Courts provides technical guidance on mediation governance and administration in all courts.

With the availability of comprehensive and clear legal protection, the implementation of mediation has strong legitimacy to encourage the

⁷⁶ Undang-Undang Nomor 50 Tahun 2009.

⁷⁷ Perma No. 1 Tahun 2016

parties to seek peaceful resolutions. However, the success of the implementation of these regulations is greatly influenced by other factors, such as the quality of law enforcement and community readiness, which will be discussed in the next section.

b. Law enforcement factor

In daily practice, mediation involves judge mediators, non-judicial mediators registered with the court, as well as clerks and deputy clerks who handle administrative aspects. Data and information from sources indicate that the success of mediation is largely determined by the experience and skills of the practitioners. The clerk of the Yogyakarta Religious Court explained that mediators in this court generally have mastered mediation techniques, possess conflict management skills, and have a good understanding of the provisions of Supreme Court Regulation No. 1 of 2016, including the proper drafting of settlement agreements.⁷⁸

The mediator judge described that during the process, mediators often deal with parties whose emotions are still running high, so communication skills and control of the atmosphere are decisive factors in the course of negotiations. He also added that mediators must be able to listen to and understand the feelings of the parties, while at the same time providing guidance so that they focus on finding solutions, rather than

⁷⁸ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

defending their respective egos.⁷⁹ This statement reflects how mediators at the Yogyakarta Religious Court are accustomed to using a calming approach to prevent dialogue from reaching an impasse.

Coordination between practitioners also appears to be quite systematic. Non-judicial mediators revealed that the court sets a weekly duty roster for mediators, so that assignments do not overlap and mediators are always available when new cases come in.⁸⁰ The court clerk and deputy court clerk play an important role in supporting the smooth running of administration, from preparing mediator appointments, arranging call schedules, to recording mediation results in the Case Tracking Information System (SIPP). According to the court clerk, communication between mediators and court clerks is intensive so that each stage of mediation can be completed within the specified time frame.⁸¹

From the perspective of the parties involved, the mediator's competence is also considered an important factor in the effectiveness of mediation. Based on the interview results, the parties assessed that the mediators at the Yogyakarta Religious Court have good communication skills and are able to remain neutral in facilitating the mediation process. MB stated that the mediator had made every effort to give each party an equal opportunity to express their opinions and explain the main issues in

⁷⁹ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

⁸⁰ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

⁸¹ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

easy-to-understand language. BA also expressed a similar view, saying that the mediator was polite and patient in mediating the discussion, even though in the end no agreement was reached due to a lack of understanding between the two parties. Both assessed that the mediator had shown professionalism and empathy throughout the process. Thus, it can be concluded that from the perspective of the parties, the competence of mediators at the Yogyakarta Religious Court has fulfilled the elements of legal effectiveness as intended by Soerjono Soekanto, namely the existence of law enforcers who are able to carry out their functions properly, fairly, and communicatively.

Based on the above description, the law enforcement factors in the implementation of mediation at the Yogyakarta Religious Court in 2023–2024 show that the quality and coordination of the implementers are already quite good. Mediator judges, non-judicial mediators, as well as court clerks and deputy court clerks carry out their roles in accordance with the procedures stipulated in Supreme Court Regulation Number 1 of 2016. They demonstrate communication skills, conflict management abilities, and discipline in recording the results of mediation through the Case Tracking Information System (SIPP). Although the findings show that law enforcement factors are functioning quite well, the success of a case ultimately depends on the attitude of the parties involved.

c. Facilities and infrastructure factor

Facilities and infrastructure also influence the effectiveness of mediation at the Yogyakarta Religious Court. Interviews revealed that the court has provided a mediation room separate from the main courtroom, with a more relaxed atmosphere that supports open communication between mediators and the parties.⁸² Non-judicial mediators also stated that, in addition to room facilities, mediation scheduling and the availability of simple equipment such as tables, chairs, and administrative documents support the smooth running of the mediation process.⁸³

From the parties' point of view, the facilities provided by the Yogyakarta Religious Court are considered adequate to support comfort during the mediation process. MB said that the mediation room felt comfortable and private so that he could speak more calmly without feeling watched by other parties. According to him, the conducive atmosphere helped him to be more open in expressing his views and desires to the mediator. BA also conveyed a similar sentiment, saying that the room layout and service provided by the staff were excellent, with mediators who were able to create a relaxed but focused atmosphere. He felt that the mediation room was not just a formal place, but a space for dialogue that provided an opportunity to think clearly before making a final decision. The assessments of these two informants show that facilities and infrastructure are not only

⁸² Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

⁸³ Ibid

related to physical aspects, but also influence the psychology of the parties in building communication and trust during the mediation process.

From an administrative perspective, the use of the Case Tracking Information System (SIPP) to report mediation results allows for a faster and well-documented recording process. The court clerk stated that the mediation results reported by the mediator would be entered into the mediation application and SIPP, so that each case would have an official record that could be easily accessed again if necessary.⁸⁴

This reality shows that facilities and infrastructure, both in physical form and administrative systems, have contributed significantly to the smooth implementation of mediation at the Yogyakarta Religious Court during the 2023–2024 period.

d. Community factor

Social factors also play a role in determining the effectiveness of mediation at the Yogyakarta Religious Court. According to the mediator judge, many parties come to mediation with the firm intention of proceeding with the divorce, making it unlikely that an amicable agreement will be reached. He stated that most couples who undergo mediation come to court with the intention of divorcing, so the mediation process is sometimes considered a mere formality.⁸⁵ Non-judicial mediators also revealed that the

⁸⁴ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

⁸⁵ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

parties' understanding of the purpose of mediation varies; some see it as an opportunity to find a middle ground, while others view it merely as a requirement that must be fulfilled before the trial begins.⁸⁶

In addition, social background, education level, and family dynamics influence the parties' attitudes toward peace efforts. The court clerk added that some parties seemed more receptive to the mediator's suggestions when they understood the benefits of peace for the family's survival, while others insisted on continuing the case even though they had been given space for dialogue.⁸⁷

Based on interviews with the parties involved, social factors and family background also play a role in determining the response to the mediation process. MB said that the failure of mediation was not due to a lack of effort on the part of the mediator, but rather because of differences in attitude and level of understanding between herself and her husband. She said that one party remained stubborn and unwilling to lower their ego, so that an agreement could not be reached even though it had been well facilitated. BA had a different experience: she admitted that she still hoped for peace because she realized that at an advanced age without children, separation was not an easy choice. However, she also acknowledged that the lack of communication and limited understanding between the two made the mediation process less effective. These two

⁸⁶ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

⁸⁷ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

views show that the success of mediation is not only influenced by legal and technical aspects, but also by the social and emotional readiness of the parties to lower their egos and open up space for sincere dialogue in order to achieve peace.

These findings indicate that the level of public awareness and readiness for peace has a direct impact on mediation outcomes and is an external factor that influences the success rate of mediation at the Yogyakarta Religious Court in 2023–2024.

e. Socio-cultural factor

Cultural and psychological factors reveal a deeper dimension than just the level of public awareness of mediation. Based on interviews, mediators at the Yogyakarta Religious Court found that the value systems embraced by the parties often influence how they view dispute resolution. Some bring with them an understanding that places divorce as a natural part of resolving domestic problems, so that from the outset, the mediation room is treated as nothing more than a necessary step to be taken. The mediator judge revealed that there are parties who come with the mindset that divorce is the only correct solution, so they no longer see the importance of the peace process.⁸⁸

Psychological aspects also appear to play a strong role. Non-judicial mediators note that many parties enter mediation forums with heavy

⁸⁸ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

emotional burdens due to long-standing disputes, and some even arrive feeling bored and mentally exhausted.⁸⁹ In such circumstances, their ability to reconsider their decision to divorce becomes more limited. Most focus on the desire to end the conflict immediately rather than seeking a more peaceful resolution. These findings show that the effectiveness of mediation is not only related to the readiness or legal knowledge of the parties, but also to the cultural constructs and psychological conditions inherent in them, which often steer the process in a direction that is less conducive to achieving peace.

The parties involved expressed similar sentiments. MB said that her husband's unwillingness to compromise and her exhaustion from dealing with prolonged conflict left her with no energy to seek a peaceful solution. Meanwhile, BA revealed that her age and years of living together made it difficult for her to accept the separation, but at the same time, she also found it difficult to express her feelings openly. These two views show that cultural and psychological aspects not only shape the way the parties understand the conflict, but also influence their readiness to achieve peace in the mediation forum.

NO	Factor of Legal Effectiveness (Soerjono Soekanto)	Field Findings at Yogyakarta Religious Court (2023–2024)	Analysis
1	Legal factors	PERMA No. 1 of 2016 provides a clear procedural foundation for mediation.	The existence of clear regulation supports consistency and legitimacy in mediation implementation.

⁸⁹ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

2	Facilities and infrastructure factors	Mediators, both judges and non-judges, have demonstrated professional competence, albeit with some limitations.	Competence strengthens the credibility of mediation, but there are several factors that influence the outcome, such as a busy schedule.
3	Facilities and infrastructure factor	Good mediation facilities and rooms that support successful mediation.	Technical infrastructure supports process efficiency but requires further optimization.
4	Community factors	Parties' legal awareness has improved but emotional instability remains a major challenge.	Awareness encourages participation, but emotions often obstruct reconciliation.
5	Socio-cultural factors	The Yogyakarta community upholds deliberation, yet social pressure often drives couples to finalize divorce.	Legal culture supports mediation values but is challenged by pragmatic social views.

Based on an analysis of the five factors of effectiveness according to Soerjono Soekanto, the implementation of mediation at the Yogyakarta Religious Court throughout 2023–2024 shows that the success of mediation is not only determined by the completeness of existing regulations, but also by the quality of the implementers, the support of facilities and infrastructure, the readiness of the community, and the cultural construction and psychological conditions of the disputing parties. Clear regulations, the competence of mediator judges, non-judicial mediators, and well-coordinated court clerks, supported by adequate mediation rooms and administrative systems, have provided a strong foundation for the mediation process. However, the success of peaceful settlements is still influenced by

the level of understanding, emotional attitudes, and cultural values of the parties, which in some cases make mediation merely a formality. These findings show that the effectiveness of mediation at the Yogyakarta Religious Court lies at the intersection of relatively adequate structural support and cultural-psychological challenges that still limit the optimization of peaceful outcomes.

3. Mediation as the Implementation of the Principle of Sadd adz-Dzari'ah

In *usul fiqh* literature, *sadd adz-dzari'ah* is understood as the principle of closing paths that can lead to corruption (*mafsadah*). Ibn al-Qayyim al-Jawziyyah explains that sharia not only prohibits direct harm, but also prohibits causes that have the potential to lead to corruption. According to him, “anything that is essentially permissible but is feared to be a means to something that is forbidden must be prevented in order to preserve benefit and avoid harm.”⁹⁰ This principle emphasizes that preventing causes of damage takes precedence over pursuing uncertain benefits, thus forming an important basis for the implementation of preventive policies, including the resolution of family disputes through mediation.

⁹⁰ Ibn al-Qayyim al-Jawziyyah, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn*, Juz III (Beirut: Dār al-Kutub al-'Ilmiyyah, n.d.), 135–136.

The principle of *sadd adz-dzari'ah* is relevant to the purpose of mediation in divorce cases, as both are oriented towards preventing greater harm. In the context of family law in Indonesia, mediation is intended to resolve domestic disputes amicably before the main proceedings begin, as stipulated in Article 3 paragraph (1) and Article 24 paragraph (1) of Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Court.⁹¹ Efforts to encourage the parties to engage in dialogue, reconsider their decisions, and seek a middle ground are a form of implementing the preventive value emphasized by Ibn al-Qayyim in the concept of *sadd adz-dzari'ah*, which is to close the door to damage that may arise from hasty decisions to divorce. Thus, mediation is not merely an administrative procedure, but also a means of applying Sharia principles aimed at protecting families from the unnecessary impact of divorce.

Findings in the field show that the mediation process at the Yogyakarta Religious Court has been carried out in line with the principle of *sadd adz-dzari'ah*, which is to prevent greater harm resulting from divorce. The mediator judge explained that in each meeting, the mediator tried to calm the atmosphere, provide an understanding of the impact of divorce, and encourage the disputing parties to reconsider their decision.⁹² The non-judicial mediator also added that a persuasive approach through advice emphasizing the welfare of the family often helps to ease tensions,

⁹¹ Perma No. 1 Tahun 2016

⁹² Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

even though not all parties are willing to change their attitudes.⁹³ These efforts reflect the application of preventive values as emphasized by Ibn al-Qayyim, that preventing the causes of damage is more important than allowing actions that predominantly lead to mafsadat. Thus, the mediation function at the Yogyakarta Religious Court is not only a procedural obligation, but also a substantive means of preventing greater damage within the household.

Although mediation in the Yogyakarta Religious Court has essentially adopted preventive values as contained in the principle of sadd adz-dzari'ah, its application has not been fully able to prevent every potential divorce. In practice, there are still obstacles in the form of varying levels of mental readiness among the parties, with some coming with emotional baggage or exhaustion due to long-standing conflicts, while others bring a mindset that divorce is a more certain solution than seeking peace. These factors show that the success of mediation does not only depend on procedures or legal instruments, but also on the internalization of preventive values in the consciousness of the parties. Therefore, the application of the principle of sadd adz-dzari'ah in this context requires a more persuasive and educational strategy, so that mediation is not only an administrative obligation, but also a substantive means of maintaining the integrity of the household and preventing greater harm, as emphasized by

⁹³ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

Ibn al-Qayyim regarding the importance of eliminating causes that lead to destruction.

CHAPTER V

CONCLUSION AND SUGGESTION

1. Conclusion

The implementation of mediation at the Yogyakarta Religious Court during 2023–2024 has generally been carried out effectively in accordance with Supreme Court Regulation (PERMA) No. 1 of 2016. Mediation was implemented systematically through coordination between mediators, judges, and court administration, supported by adequate facilities and a conducive mediation room environment. The mediators, both judge and non-judge, demonstrated professionalism in facilitating communication between disputing parties. The court has shown commitment to maximizing mediation before the trial process, resulting in a gradual increase in the success rate from 36.24% in 2023 to 43.75% in 2024. These findings indicate that mediation has become not only a procedural requirement but also a substantive effort to build consensus and prevent prolonged conflict between family members. In this sense, mediation contributes significantly to realizing justice that emphasizes peace (ishlah) rather than confrontation.

The effectiveness of mediation, however, is shaped by various supporting and inhibiting factors that interact within the legal and social context of Yogyakarta. Supporting factors include the mediator's competence, the availability of proper facilities, good coordination among court staff, and growing legal awareness among disputing parties. These elements strengthen the legal structure and encourage voluntary participation in the mediation

process. On the other hand, inhibiting factors involve the emotional instability of the parties, entrenched personal egos, limited time allocation for mediation, and socio-cultural pressures that often push couples to finalize divorce rather than seek reconciliation. Based on Soerjono Soekanto's theory of legal effectiveness, these factors show how the law's success depends not only on rules and institutions but also on social attitudes and culture. Therefore, when viewed through the principle of *sadd adz-dzari'ah*, mediation serves as a preventive mechanism to close potential paths leading to family breakdown and reinforces the role of the Religious Court as a guardian of harmony and justice in society.

2. Suggestion

Improving the effectiveness of mediation at the Yogyakarta Religious Court requires a more holistic effort that involves every element within the system. Continuous attention to mediator training, time management, and supporting facilities would greatly enhance the quality of the mediation process. When mediators are given sufficient time and resources, they are able to conduct sessions in a more relaxed and persuasive manner, allowing the disputing parties to communicate openly and reach a fair agreement. Creating a more comfortable and confidential environment for mediation would also help restore trust between the parties and support reconciliation rather than confrontation.

Beyond technical improvement, strengthening the human aspect of mediation is equally important. Mediators need to deepen their understanding not only of the legal aspects of mediation but also of emotional and cultural dynamics that influence the behavior of disputing parties. Encouraging empathy, patience, and sincerity in approaching the parties can make mediation more meaningful and reduce the tendency to view it as a mere administrative formality. At the same time, public outreach regarding the importance of mediation should be intensified, both through court programs and community-based initiatives, so that society understands mediation not merely as a procedural stage but as an effort to maintain family harmony. Broader and continuous socialization will help build a culture of peaceful dispute resolution, enabling mediation to function as a preventive mechanism in line with the principle of *sadd adz-dzari'ah*—preventing greater harm by resolving conflicts early within the framework of family justice.

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APPENDIX

Appendix I. Research Permit Letter



Gedung K.H. Wahid Hasyim
Gedung Ilmu, Universitas Islam Indonesia
Jl. Kaliurang Km. 13, Yogyakarta 55584
T. (0274) 898441 ext. 4511 / (0274) 898462
F. (0274) 898463
E. ia@uii.ac.id
W. ia.uii.ac.id

Nomor : 638/Dek/60/DAATI/FIAI/VII/2025
Hal : Izin Penelitian
Yogyakarta, 8 Juli 2025 M
12 Muharam 1447 H

Kepada : Yth. Ketua Pengadilan Agama Kelas IA Yogyakarta
Jl. Ipda Tut Harsono No. 53, Muja Muju, Kec. Umbulharjo
Kota Yogyakarta, Daerah Istimewa Yogyakarta. 55165
di Daerah Istimewa Yogyakarta

Assalamu 'alaikum wr. wb.

Dengan ini kami sampaikan dengan hormat kepada Bapak/Ibu, bahwa bagi mahasiswa Program Sarjana Fakultas Ilmu Agama Islam Universitas Islam Indonesia Yogyakarta yang telah menyelesaikan teori, diwajibkan menulis karya ilmiah berupa skripsi.

Sehubungan dengan hal tersebut di atas, mahasiswa kami:

Nama : RIFQY MUHAMMAD RAMADHAN
No. Mahasiswa : 21421069
Program Studi : Ahwal Al-Syakshiyah IP

mohon diizinkan untuk mengadakan penelitian di instansi/lembaga yang Bapak/Ibu pimpin, dengan judul penelitian:

The Effectiveness of Mediation in Resolving Family Divorce Dispute in Religious Court in the Range of 2023-2024: A Case Study in Yogyakarta Religious Court

Demikian, atas perhatian dan kerjasamanya diucapkan terima kasih.

Wassalamu 'alaikum wr. wb.

Dekan,

Dr. Drs. Asmuni, MA



Appendix II. Research Permit Reply



MAHKAMAH AGUNG REPUBLIK INDONESIA
DIREKTORAT JENDERAL BADAN PERADILAN AGAMA
PENGADILAN TINGGI AGAMA YOGYAKARTA
PENGADILAN AGAMA YOGYAKARTA
Jalan Ipda Tut Harsono Nomor 53 Kelurahan Muja Muju, Kecamatan Umbulharjo,
Kota Yogyakarta, Daerah Istimewa Yogyakarta 55165
www.pa-yogyakarta.go.id, admin@pa-yogyakarta.net

Nomor : 905/KPA.W12-A1/HM2.1.4/VII/2025 Yogyakarta, 21 Juli 2025
Sifat : Biasa
Lampiran : -
Hal : Izin Penelitian

Yth. Dekan Fakultas Ilmu Agama Islam
Universitas Islam Indonesia

Menindaklanjuti surat dari Dekan Fakultas Ilmu Agama Islam Universitas Islam Indonesia Nomor : 638/Dek/60/DAAT1/FIAI/VII/2025 tanggal 8 Juli 2025 perihal Izin Penelitian, atas nama :

No.	Nama	NIM	Prodi
1.	Rifqy Muhammad Ramadhan	21421069	Ahwal Al-Syakhshiyah

Dengan ini disampaikan bahwa kami dapat memberikan izin penelitian kepada mahasiswa tersebut di Pengadilan Agama Yogyakarta pada bulan Juli 2025 dengan judul penelitian ***"The Effectiveness of Mediation in Resolving Family Divorce Dispute in Religious Court in the Range of 2023 - 2024 : A Case Study in Yogyakarta Religious Court"***.

Pembimbing pada penelitian ini adalah :

No.	Nama	Gol. Ruang	Jabatan
1.	Sulistianingtias Wibawanty, S.H., M.H.	IV/c	Hakim Madya Utama

Hal-hal yang berkaitan dengan kegiatan penelitian tersebut dapat menghubungi CP. Verawati Widjaya, S.H., M.H. nomor telepon 081389621175.

Pengadilan Agama Yogyakarta berkomitmen untuk selalu menjaga integritas dan terus meningkatkan kualitas kinerja dan pelayanan, kami tidak menerima pemberian dalam bentuk apapun baik perorangan maupun lembaga. Apabila terdapat penyimpangan pada saat menerima pelayanan kami, agar melaporkan melalui Sistem Informasi Pengawasan (SIWAS) Badan Pengawasan Mahkamah Agung Republik Indonesia (<https://siwas.mahkamahagung.go.id>).

Demikian kami sampaikan atas perhatian dan kerjasamanya kami ucapkan terimakasih.

Ketua

Khoiriyah Roihan

Appendix III. List of Question and Interview Process

List of questions for the non-judicial mediator at the Yogyakarta Religious Court:

- Bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?
- Apakah ada SOP atau standar tertentu dalam pelaksanaan mediasi?
- Seberapa sering mediasi berhasil dalam menyatukan kembali pasangan yang hendak bercerai?
- Apa saja faktor yang sering menghambat ataupun mendukung keberhasilan mediasi?
- Bagaimana peran latar belakang budaya, psikologi, dan pendidikan pihak yang berperkara dalam keberhasilan mediasi?
- Apakah ada perbedaan hakim mediator dan mediator non hakim?
- Apakah ada dampak dari hasil mediasi baik yang berhasil maupun gagal?
- Apakah fasilitas di PA Yogyakarta mempengaruhi keberhasilan mediasi?
- Apa yang perlu dievaluasi dari mediasi dan harapan ke depan?

List of questions for the judge mediator at the Yogyakarta Religious Court:

- Bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?
- Seberapa sering mediasi berhasil dalam menyatukan kembali pasangan yang hendak bercerai?
- Apa saja faktor yang mendukung atau menghambat keberhasilan mediasi?
- Menurut Anda, kapan suatu proses mediasi dikatakan efektif?
- Apakah ada standar atau indikator keberhasilan mediasi di PA Yogyakarta?
- Bagaimana peran latar belakang budaya, psikologi, dan pendidikan pihak yang berperkara dalam keberhasilan mediasi?
- Apakah ada dampak yang dihasilkan dari mediasi baik pada saat berhasil maupun gagal?
- Menurut Anda, apakah fasilitas yang ada di PA Yogyakarta dapat mempengaruhi keberhasilan mediasi?
- Menurut Anda, apa yang perlu dievaluasi dari mediasi dan harapan ke depan?

List of questions for the junior court clerk at the Yogyakarta Religious Court:

- Bisa dijelaskan bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?
- Apa peran Anda sebagai panitera dan sejauh mana keterlibatan anda dalam pelaksanaan mediasi di PA Yogyakarta?
- Berapa jumlah kasus perkara perceraian di tahun 2023-2024?
- Dari jumlah kasus perceraian yang ada, menurut anda seberapa tinggi presentase keberhasilan dari pelaksanaan mediasi?
- Bagaimana dokumentasi dan pencatatan hasil mediasi dilakukan?
- Menurut anda, apakah fasilitas yang ada di PA Yogyakarta dapat mempengaruhi keberhasilan mediasi?
- Menurut anda apa yang perlu dievaluasi dari mediasi dan harapan anda kedepan terkait pelaksanaan mediasi di PA Yogyakarta?

Nama Informan	Dr. Sudiyana, S.H., M.Hum.	
Jabatan	Mediator non Hakim	
Hari/Tanggal	Kamis, 7 Agustus 2025	
Waktu	10.00 – 10.30 WIB	
Pertanyaan	Ringkasan Jawaban	
Bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?	Prosedur dimulai ketika pihak penggugat mendaftarkan perkara ke pengadilan. Setelah panggilan sidang pertama, hakim wajib menempuh prosedur mediasi dan menawarkan pilihan mediator. Jika pihak tidak mengenal mediator, majelis hakim akan menunjuk berdasarkan jadwal piket. Mediator kemudian mengatur proses mediasi sesuai Perma No. 1 Tahun 2016 dan UU No. 30 Tahun 1999. Mediasi dilaksanakan dalam waktu 40 hari dengan prinsip win-win solution. Jika sepakat penuh, gugatan dicabut; jika sebagian, dicatat sebagai berhasil sebagian; jika tidak ada kesepakatan, dinyatakan gagal.	
Apakah ada SOP atau standar tertentu dalam pelaksanaan mediasi?	Menurut Sudiyana, secara formal tidak ada SOP tertulis, tetapi pelaksanaan	

	mengikuti prinsip umum mediasi, seperti pertemuan terpisah (kaukus) sebelum pertemuan bersama. Setelah ada kesepakatan, dibuat konsep perdamaian yang ditandatangani langsung oleh para pihak (bukan kuasa hukum). Hasil mediasi kemudian dilaporkan secara daring ke sistem informasi perkara. Perdamaian harus bersifat eksekutorial, artinya dapat dilaksanakan.
Seberapa sering mediasi berhasil dalam menyatukan kembali pasangan yang hendak bercerai?	Sudiyana menyampaikan bahwa tingkat keberhasilan mediasi di PA Yogyakarta cukup tinggi, sekitar 80%. Dari 10 perkara, sekitar 8 dapat mencapai perdamaian, baik sebagian maupun sepenuhnya. Contohnya, dari 8 perkara yang ia tangani, 6 berhasil sebagian dan 1 berhasil sepenuhnya.
Apa saja faktor yang sering menghambat ataupun mendukung keberhasilan mediasi?	Faktor pendukung keberhasilan antara lain kesamaan kepentingan dan kesiapan pihak untuk berdamai. Sementara faktor penghambat adalah perbedaan kepentingan yang terlalu jauh, egoisme pihak, serta faktor psikologis dan ekonomi. Misalnya, tuntutan nafkah yang tidak realistis atau ketidaksiapan ekonomi sering menyebabkan mediasi gagal.
Bagaimana peran latar belakang budaya, psikologi, dan pendidikan pihak yang berperkara dalam keberhasilan mediasi?	Sudiyana menjelaskan bahwa rata-rata pihak yang berperkara berpendidikan menengah (SMA) dengan usia 30–40 tahun. Budaya Jawa di Yogyakarta yang cenderung menerima dan mengedepankan kesopanan turut mempengaruhi. Namun, faktor ekonomi seperti belum memiliki rumah atau anak membuat pasangan lebih mudah berpisah. Faktor psikologis seperti kurangnya ikatan emosional juga berpengaruh besar.
Apakah ada perbedaan hakim mediator dan mediator non hakim?	Mediator non-hakim seperti dirinya biasanya berasal dari luar struktur pengadilan, namun tetap terdaftar resmi di PA dan mengikuti jadwal piket. Secara fungsi sama, namun mediator non-hakim tidak memiliki kewenangan yudisial, hanya membantu fasilitasi kesepakatan.

Apakah ada dampak dari hasil mediasi baik yang berhasil maupun gagal?	Dampak positif dari mediasi yang berhasil adalah terjaganya keharmonisan keluarga dan silaturahmi. Bagi pengadilan, keberhasilan mediasi meningkatkan citra lembaga. Bagi mediator, hal tersebut menjadi bentuk prestasi. Namun, bila mediasi gagal, dampaknya bisa berupa konflik berkepanjangan, putusya hubungan antar keluarga, hingga masalah lanjutan bagi anak-anak, seperti pencarian wali saat menikah.
Apakah fasilitas di PA Yogyakarta mempengaruhi keberhasilan mediasi?	Sudiyana menilai fasilitas di PA Yogyakarta cukup memadai, seperti ruang mediasi yang kondusif dan sistem pelaporan daring. Namun, peningkatan fasilitas digital dan privasi ruang mediasi masih dapat ditingkatkan.
Apa yang perlu dievaluasi dari mediasi dan harapan ke depan?	Menurut Sudiyana, perlu ada peningkatan pelatihan bagi mediator, penguatan fasilitas digital, serta edukasi kepada masyarakat agar memahami manfaat mediasi. Ia berharap tingkat kesadaran dan kepercayaan terhadap mediasi semakin tinggi di masa depan.

Nama Informan	Sulistianingtias Wibawanty, S.H., M.H.	
Jabatan	Hakim Mediator	
Hari/Tanggal	Senin, 11 Agustus 2025	
Waktu	13.30 – 14.00 WIB	
Pertanyaan	Ringkasan Jawaban	
Bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?	Proses mediasi dimulai pada sidang pertama ketika kedua pihak hadir. Hakim menjelaskan tahapan pelaksanaan mediasi sesuai ketentuan PERMA No. 1 Tahun 2016, yaitu penandatanganan surat penjelasan, pemilihan mediator, dan pelaksanaan mediasi maksimal 30 hari (dapat diperpanjang 30 hari lagi). Proses melibatkan pembuatan resume masing-masing pihak untuk menemukan titik temu, dilanjutkan dengan pertemuan bersama atau kaukus untuk menggali kepentingan tersembunyi. Jika ada kesepakatan, dibuatkan rumusan	

	perdamaian yang kemudian dilaporkan kepada majelis hakim.
Seberapa sering mediasi berhasil dalam menyatukan kembali pasangan yang hendak bercerai?	Hakim menyampaikan bahwa keberhasilan mediasi bersifat relatif dan tidak dapat diukur secara pasti. Namun, berdasarkan pengalamannya di tempat sebelumnya, tingkat keberhasilan cukup sering. Di beberapa pengadilan bahkan diberlakukan penghargaan bagi hakim yang memiliki tingkat keberhasilan mediasi tertinggi guna memotivasi pelaksanaan mediasi yang optimal dan tidak sekadar formalitas.
Apa saja faktor yang mendukung atau menghambat keberhasilan mediasi?	Faktor pendukung keberhasilan antara lain semangat hakim mediator dan adanya penghargaan yang memotivasi pelaksanaan mediasi. Faktor penghambat mencakup beban kerja hakim yang tinggi, kurangnya waktu, dan rendahnya etiket baik dari pihak berperkara. Ego dan ketidaksiapan emosional juga menjadi penghambat utama.
Menurut Anda, kapan suatu proses mediasi dikatakan efektif?	Menurut informan, mediasi dikatakan efektif apabila seluruh tahapan dapat dijalankan dengan baik dan para pihak memiliki itikad baik, meskipun hasil akhirnya tidak selalu menghasilkan perdamaian. Efektivitas tidak hanya diukur dari keberhasilan damai, tetapi juga dari terlaksananya seluruh prosedur sesuai prinsip mediasi.
Apakah ada standar atau indikator keberhasilan mediasi di PA Yogyakarta?	Indikator keberhasilan di PA Yogyakarta adalah tercapainya perdamaian total (perdamaian penuh) atau sebagian. Mediasi dikatakan berhasil jika menghasilkan kesepakatan yang menyederhanakan proses persidangan, misalnya perdamaian atas gugatan turunan (asesoris) meski pokok perkara masih berjalan.
Bagaimana peran latar belakang budaya, psikologi, dan pendidikan pihak yang berperkara dalam keberhasilan mediasi?	Hakim menilai bahwa karakteristik pihak sangat berpengaruh. Di Yogyakarta, mayoritas pihak berpendidikan minimal SMA hingga perguruan tinggi, dengan tingkat kesopanan tinggi namun memiliki prinsip kuat yang sulit diubah. Sementara di daerah lain, pihak yang

	berpendidikan rendah lebih mudah dipengaruhi, meski butuh pendekatan kepercayaan. Perbedaan budaya dan tingkat pendidikan mempengaruhi gaya komunikasi mediator serta efektivitas proses mediasi.
Apakah ada dampak yang dihasilkan dari mediasi baik pada saat berhasil maupun gagal?	Apabila mediasi berhasil, perkara perceraian dicabut dan proses persidangan berhenti sehingga menghemat waktu, tenaga, dan biaya. Jika berhasil sebagian, sengketa yang tersisa hanya terbatas pada pokok perkara. Namun jika gagal, perkara tetap berlanjut ke tahap pembuktian dan persidangan yang lebih panjang.
Menurut Anda, apakah fasilitas yang ada di PA Yogyakarta dapat mempengaruhi keberhasilan mediasi?	Hakim menilai fasilitas di PA Yogyakarta sangat memadai dan mendukung suasana mediasi yang kondusif. Terdapat 'Rumah Mediasi' yang terpisah dari ruang sidang, dilengkapi dengan ruang yang nyaman, dekorasi menyejukkan, dan privasi yang baik. Hal ini menciptakan atmosfer non-formal yang efektif dalam membangun komunikasi antara para pihak.
Menurut Anda, apa yang perlu dievaluasi dari mediasi dan harapan ke depan?	Menurut informan, perlu ada penyamaan persepsi antara mediator hakim dan non-hakim agar kesepakatan mediasi tidak keluar dari konteks perkara dan tidak merugikan pihak lain. Evaluasi juga diperlukan terhadap kualitas mediator non-hakim agar memiliki semangat dan standar profesionalisme yang sama dengan hakim mediator. Harapannya, semangat perdamaian terus meningkat dan mediasi menjadi sarana utama penyelesaian sengketa di pengadilan agama.

Nama Informan	MB (name withheld)	
Jabatan	litigants	
Hari/Tanggal	Kamis, 9 September 2025	
Waktu	12.45 – 12.30 WIB	
Pertanyaan	Ringkasan Jawaban	
Apa yang Ibu ketahui tentang mediasi ini?	Ibu menjelaskan bahwa mediasi merupakan upaya untuk merujuk kedua belah pihak yang sedang	

	berselisih. Menurutnya, mediasi adalah proses untuk mendamaikan, mencari jalan terang, dan menemukan titik temu agar tidak perlu melanjutkan perkara ke tahap lebih jauh. Ia memahami bahwa inti dari mediasi adalah menghadirkan perdamaian melalui musyawarah bersama dengan bimbingan mediator.
Bagaimana pengalaman Ibu selama mengikuti proses mediasi di Pengadilan Agama Yogyakarta?	Ibu menyampaikan bahwa pengalamannya selama menjalani proses mediasi berjalan dengan baik. Seluruh petugas, termasuk mediator dan staf pengadilan, memberikan pelayanan yang ramah dan profesional. Ia merasa nyaman selama proses berlangsung, dan menilai fasilitas yang disediakan sudah memadai untuk menunjang proses mediasi. Meskipun hasilnya tidak sesuai harapan, secara keseluruhan Ibu menilai proses mediasi berjalan dengan tertib dan manusiawi.
Apakah tujuan Ibu saat masuk ke ruang mediasi lebih untuk mencari perdamaian, kesepakatan, atau sekadar memenuhi prosedur dari pengadilan?	Ibu mengungkapkan bahwa dirinya sudah tidak memiliki harapan untuk kembali rukuk. Ia mengikuti mediasi lebih kepada upaya untuk mencapai kesepakatan yang baik, khususnya demi anak. Ia tidak menuntut banyak hal selama mediasi berlangsung, yang terpenting baginya adalah menjaga ketenangan anak dan membiarkan anak menentukan pilihannya sendiri tanpa tekanan dari kedua orang tua.
Menurut Ibu, apa faktor yang membuat mediasi ini tidak berhasil mencapai kesepakatan?	Ibu berpendapat bahwa penyebab utama gagalnya mediasi adalah karena perbedaan keinginan dari kedua belah pihak. Ia menyampaikan bahwa dirinya sudah tidak ingin rukuk, sementara pihak suami tetap bersikeras dengan kehendaknya sendiri. Menurutnya, bukan karena kurangnya pemahaman terhadap masalah, tetapi karena sifat keras kepala dan ego yang tinggi dari pihak suami yang menyebabkan tidak adanya titik temu.

Apakah mediator membantu Ibu memahami permasalahan dan mencari solusi secara adil? Mengapa demikian?	Ibu menyatakan bahwa mediator telah berupaya maksimal dalam menjalankan tugasnya. Mediator memberikan ruang bagi kedua pihak untuk menyampaikan pendapat dan berusaha mencari solusi yang adil. Namun, karena salah satu pihak tetap bersikeras dengan pendiriannya, hasil mediasi tidak mencapai kesepakatan. Meskipun demikian, Ibu merasa puas terhadap kinerja mediator yang dianggap profesional dan komunikatif.
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Nama Informan	BA (name withheld)	
Jabatan	litigants	
Hari/Tanggal	Kamis, 9 September 2025	
Waktu	11.00 – 11.15 WIB	
Pertanyaan	Ringkasan Jawaban	
Apa yang Ibu ketahui tentang mediasi ini?	Ibu menjelaskan bahwa dirinya mengetahui adanya proses mediasi sebagai salah satu rangkaian wajib dalam perkara perceraian di pengadilan. Ia memahami bahwa mediasi merupakan upaya yang difasilitasi oleh pengadilan untuk mempertemukan kedua belah pihak yang bersengketa agar dapat mencari jalan tengah atau titik temu. Bagi Ibu, mediasi adalah kesempatan untuk duduk bersama, saling mendengarkan, dan mencoba menghindari keputusan berpisah apabila masih ada kemungkinan untuk berdamai. Meskipun tidak memahami secara mendalam prosedur hukumnya, Ibu menyadari bahwa tujuan utama mediasi adalah mencapai perdamaian dengan cara yang baik.	
Bagaimana pengalaman Ibu selama mengikuti proses mediasi di Pengadilan Agama Yogyakarta?	Ibu menyampaikan bahwa pengalamannya selama menjalani proses mediasi cukup memuaskan. Menurutnya, pelayanan yang diberikan oleh pihak Pengadilan Agama Yogyakarta sudah baik dan sesuai dengan harapan. Petugas pengadilan serta mediator bersikap sopan dan membantu selama proses berlangsung. Ia juga menilai fasilitas yang tersedia di	

	ruang mediasi sudah memadai untuk menunjang suasana yang kondusif dan tenang, sehingga membuat para pihak merasa lebih nyaman dalam menyampaikan pendapat masing-masing.
Apakah tujuan Ibu saat masuk ke ruang mediasi lebih untuk mencari perdamaian, mencari kesepakatan, atau sekadar memenuhi prosedur dari pengadilan?	Ibu mengungkapkan bahwa tujuan utamanya mengikuti proses mediasi adalah untuk mencari jalan damai dan berharap masih ada kemungkinan untuk kembali bersama. Ia menjelaskan bahwa dirinya dan suami tidak memiliki anak, dan dengan usia yang sudah lanjut, ia merasa tidak ada alasan kuat untuk berpisah. Menurutnya, jika masih bisa memperbaiki hubungan dan hidup bersama kembali, itu akan jauh lebih baik. Oleh karena itu, ia mengikuti proses mediasi dengan harapan agar hubungan rumah tangganya dapat dipertahankan dan tidak berakhir dengan perceraian.
Menurut Ibu, apa faktor yang membuat mediasi ini tidak berhasil mencapai kesepakatan?	Ibu berpendapat bahwa kegagalan mediasi kali ini bukan disebabkan oleh sikap keras kepala atau keinginan sepihak, melainkan karena masing-masing pihak belum sepenuhnya bisa memahami perasaan dan kondisi satu sama lain. Ia menjelaskan bahwa antara dirinya dan suami masih ada keinginan untuk berpikir ulang, namun belum menemukan cara terbaik untuk saling mengerti. Dengan demikian, ia menganggap mediasi belum berhasil bukan karena benar-benar gagal, tetapi karena keduanya masih membutuhkan waktu untuk menenangkan diri dan mempertimbangkan keputusan dengan lebih matang.
Apakah mediator membantu Ibu memahami permasalahan dan mencari solusi secara adil? Mengapa demikian?	Ibu menilai bahwa mediator telah menjalankan tugasnya dengan baik dan berusaha memediasi secara adil. Mediator memberikan kesempatan yang sama kepada kedua belah pihak untuk berbicara dan menyampaikan pendapat. Menurut Ibu, mediator juga sabar dalam menengahi pembicaraan dan mencoba menjelaskan akar permasalahan dengan bahasa yang mudah dipahami. Namun, karena faktor

	usia yang sudah lanjut dan keterbatasan pemahaman hukum dari kedua pihak, proses komunikasi tidak berjalan seefektif yang diharapkan. Meskipun demikian, Ibu mengakui bahwa mediator telah berupaya maksimal agar mediasi berjalan secara baik dan terarah.
--	---

Nama Informan	Dra. Mardhiyah Nur	
Jabatan	Panitera Muda Gugatan	
Hari/Tanggal	Senin, 11 Agustus 2025	
Waktu	13.30 – 14.00 WIB	

Bisa dijelaskan bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?

Jawab : Sesuai SOP

DASAR HUKUM	KUALIFIKASI PELAKSANA
1. SUU No .7 Tahun 1989 tentang Peradilan Agama y.s.d.u UU No.3 Tahun 2006 y.s.d.u UU No.50 Tahun 2009 2. 130 HIR / 154 RBg 3. KMA/001/SK/I/1991 tentang Pola-pola Pembinaan dan Pengendalian Administrasi Kepaniteraan Pengadilan Agama dan Pengadilan Tinggi Agama 4. KMA/032/SK/IV/2006 tentang pemberlakuan buku II pedoman pelaksanaan tugas dan administrasi peradilan 5. SK KMA NO.026/KMA/SK/II/2012 tentang standar pelayanan peradilan 6. PERMA Nomor 1 Tahun 2016 tentang Prosedur Mediasi di Pengadilan . 7. SK KMA No. 108/KMA/SK/VI/2016 tentang Tata Kelola Mediasi di Pengadilan	1. Menguasai Teknis mediasi 2. Memiliki kemampuan manajemen konflik 3. Memahami petunjuk mediasi dalam Peraturan Mahkamah Agung Nomor 1 Tahun 2016. 4. Memahami pembuatan akta perdamaian

- Apa peran Anda sebagai panitera dan sejauh mana keterlibatan anda dalam pelaksanaan mediasi di PA Yogyakarta?

Jawab : berperan secara teknis & administrasi, koordinasi dg mediator & pelaporan

- Berapa jumlah kasus perkara perceraian di tahun 2023-2024?

Jawab : berdasarkan data laporan (terlampir)

- Dari jumlah kasus perceraian yang ada, menurut anda seberapa tinggi presentase keberhasilan dari pelaksanaan mediasi?

Jawab : Tahun 2025 (Januari-Juni) = 83,78 %

- Bagaimana dokumentasi dan pencatatan hasil mediasi dilakukan?

Jawab : Hasil mediasi diinput oleh mediator kedalam aplikasi mediasi utk selanjutnya oleh petugas di input kedalam aplikasi SIPP

- Menurut anda, apakah fasilitas yang ada di PA Yogyakarta dapat mempengaruhi keberhasilan mediasi?

Jawab : Bisa berpengaruh

- Menurut anda apa yang perlu dievaluasi dari mediasi dan harapan anda kedepan terkait pelaksanaan mediasi di PA Yogyakarta?

Jawab : Setiap triwulan diadakan monev untuk meningkatkan prosentase keberhasilan mediasi

Appendix IV. Interview Documentation



Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator



Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge

CURRICULUM VITAE



Personal Information

Full Name : Rifqy Muhammad Ramadhan
Place, Date of Birth : Yogyakarta, November 17, 2001
Gender : Male
Religion : Islam
Nationality : Indonesia
Address : Jl. Tamansiswa No. 951, Rt. 42 Rw. 13, Kota Yogyakarta
Phone Number : +62 813 2886 2298
Email : rfqyrmdn@gmail.com

Educational Background

- SD Muhammadiyah Sokonandi (2008 – 2014)
- MTs Islam Al Mukmin Ngruki (2014 – 2017)

- MA Tahfizhul Qur'an As Surkati (2017 – 2021)

Organizational Experience

- Expert Staff of the Jarmed Division at Hafizh Hafizhah, UII Student (2022 – 2023)
- Head of the Simpro Division at the Takmir Masjid Ulil Albab UII (2023 – 2024)
- Head of the Pemkad Division at the Takmir Masjid Ulil Albab UII (2024 – 2025)

**THE EFFECTIVENESS OF MEDIATION IN
RESOLVING FAMILY DIVORCE DISPUTES IN
RELIGIOUS COURTS IN THE RANGE OF 2023-2024:
A CASE STUDY IN
YOGYAKARTA RELIGIOUS COURT**



By:

Rifqy Muhammad Ramadhan
NIM.: 21421069

Supervisor:

Dr. Mukhsin Achmad, M. Ag.

THESIS

Submitted to Ahwal Syakhshiyah Department Internasional Program
Faculty of Islamic Studies Universitas Islam Indonesia
Presented as Partial Fulfillment of The Requirements Of Obtaining A Bachelor Degree Of
Islamic Law

YOGYAKARTA

2025

STATEMENT LETTER

STATEMENT LETTER

The undersigned below:

Name : RIFQY MUHAMMAD RAMADHAN
Student Number : 21421069
Place and Date of Birth : Yogyakarta, November 17, 2001
Thesis Title : THE EFFECTIVENESS OF MEDIATION IN
RESOLVING FAMILY DIVORCE DISPUTES
IN RELIGIOUS COURTS IN THE RANGE OF
2023-2024: A CASE STUDY IN
YOGYAKARTA RELIGIOUS COURT

Hereby declare that the results of writing this thesis are my own work and are of true authenticity. If it turns out that at a later date, the writing of this thesis is the result of plagiarism of other people's work, then I am willing to take responsibility and be willing to accept sanctions based on the rules and regulations that apply at the Universitas Islam Indonesia.

Thus, I make this statement honestly and not forcefully.

Yogyakarta, October 7, 2025

Undersigned,

A handwritten signature in black ink is written over a yellow 10,000 Rupiah Indonesian postage stamp. The stamp features the Garuda Pancasila emblem and the text '10000', 'REPUBLIK INDONESIA', and 'METRIS TEMBIL'. The serial number 'CA928ANX058804921' is visible at the bottom of the stamp.

Rifqy Muhammad Ramadhan

EXAMINER'S APPROVAL



FAKULTAS
ILMU AGAMA ISLAM

Gedung K.H. Wahid Hasyim
Kampus Terpadu Universitas Islam Indonesia
Jl. Kaliurang km 14,5 Yogyakarta 55584
T. (0274) 898444 ext. 4511
F. (0274) 898463
E. fia@uii.ac.id
W. fia.uii.ac.id

PENGESAHAN

Tugas Akhir ini telah diujikan dalam Sidang Tugas Akhir Fakultas Ilmu Agama Islam Universitas Islam Indonesia Program Studi IP Hukum Keluarga (Ahwal Al-Syakhshiyah) yang dilaksanakan pada:

Hari : Senin
Tanggal : 27 Oktober 2025
Judul Tugas Akhir : Efektivitas Mediasi dalam Penyelesaian Sengketa Perceraian
Keluarga di Pengadilan Agama pada Rentang Tahun
2023-2024: Studi Kasus di Pengadilan Agama Yogyakarta
Nama : RIFQY MUHAMMAD RAMADHAN
Nomor Mahasiswa : 21421069

Sehingga dapat diterima sebagai salah satu syarat untuk memperoleh gelar sarjana dari Program Studi IP Hukum Keluarga (Ahwal Al-Syakhshiyah) Fakultas Ilmu Agama Islam Universitas Islam Indonesia Yogyakarta.

TIM PENGUJI

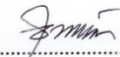
Ketua/Pembimbing
Dr. Mukhsin Achmad, S.Ag, M.Ag.

()

Penguji 1
Dr. Maulidia Mulyani, S.H., M.H.

()

Penguji 2
Dr. Anisah Budiwati, SHI., MSI.

()

Yogyakarta, 27 Oktober 2025
Fakultas Ilmu Agama Islam




Dr. Drs. Asmuni, MA

INTERNAL MEMO

INTERNAL MEMO

Yogyakarta, October 7, 2025 M
15 Rabi'ul Akhir 1447 H

Subject : **Thesis**

Dear : Honorable **Dean of the Faculty of Islamic Studies**
Universitas Islam Indonesia
Yogyakarta

Assalamu'alaikum Wr. Wb.

Based on the appointment by the Dean of the Faculty of Islamic Studies, universitas Islam Indonesia, with letter number: 632/Dek/60/DAATI/FIAI/VII/2025, on July 8, 2025 AD / Muharram 13, 1447 H, for our duties as supervisor of the thesis:

Name : Rifqy Muhammad Ramadhan

Student Number : 21421069

The student of the Faculty of Islamic Studies, Universitas Islam Indonesia

Department : *Ahwal Syakshiyah* International Program

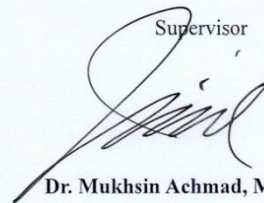
Thesis Title : THE EFFECTIVENESS OF MEDIATION IN
RESOLVING FAMILY DIVORCE DISPUTES IN
RELIGIOUS COURTS IN THE RANGE OF 2023-
2024: A CASE STUDY IN
YOGYAKARTA RELIGIOUS COURT

After researching and making necessary improvements, we finally decided that your thesis above fulfills the requirements to be submitted to the Munaqasah Trial of the Faculty of Islamic Studies, Universitas Islam Indonesia.

Thus, hopefully it can be tested soon, and together with us, we will send 4 (four) copies of the thesis in question.

Wassalamu'alaikum Wr. Wb

Supervisor



Dr. Mukhsin Achmad, M.Ag.

SUPERVISOR'S APPROVAL

SUPERVISOR'S APPROVAL

Thesis Title : THE EFFECTIVENESS OF MEDIATION IN
RESOLVING FAMILY DIVORCE DISPUTES IN
RELIGIOUS COURTS IN THE RANGE OF 2023-
2024: A CASE STUDY IN
YOGYAKARTA RELIGIOUS COURT

Student Name : Rifqy Muhammad Ramadhan

Student Number : 21421069

Department : Ahwal Syakhshiyah International Program

According to the process and the result of supervising among several months, and being made necessary improvements, then the concerned person can register himself to join the Munaqasah Trial of the Ahwal Syakhshiyyah International Program Department, Faculty of Islamic Studies, Universitas Islam Indonesia.

Yogyakarta, 10th October 2025

Supervisor,



Dr. Mukhsin Achmad, M.Ag.

ACKNOWLEDGMENT

“To my parents, who always pray wholeheartedly, support me with all their strength, and to everyone who accompanies me every step of the way.”

MOTTO

مَنْ سَلَكَ طَرِيقًا يَلْتَمِسُ فِيهِ عِلْمًا ،
سَهَّلَ اللَّهُ لَهُ بِهِ طَرِيقًا إِلَى الْجَنَّةِ

*“Barang siapa menempuh jalan untuk mencari ilmu, maka Allah akan
mudahkan baginya jalan menuju surga”*

(HR. Tirmidzi)¹

¹ Abū ‘Abd Allāh Muḥammad ibn Ismā‘īl al-Bukhārī, *Shahih Al-Bukhari* (Beirut: Dar Ibn Katsir, 1423 H), 29.

ARABIC LATIN TRANSLITERATION GUIDELINES

JOIN DECISION

MINISTER OF RELIGION AND MINISTER OF EDUCATION AND CULTRUE OF THE REPUBLIC OF INDONESIA

Number: 158 of 1987

Number: 0543b//U/1987

Transliteration is the transfer of letters from one alphabet to another. Arabic – Latin transliteration here is the copying of Arabic letters with Latin letters and their devices.

I. Consonant

In the Arabic writing system, Arabic consonant phonemes are symbolized by letters. In this transliteration, some are symbolized by letters, and some are symbolized by signs.

The following is a list of the Arabic letters in question and their transliteration with Latin letters:

Table 0.1: Consonant Transliteration Table

Arabic letters	Name	Latin letters	Name
ا	alif	tidak dilambangkan	tidak dilambangkan
ب	ba	b	be
ت	ta	t	te
ث	ša	š	es (dengan titik di atas)
ج	jim	J	je
ح	ha	ḥ	ha (dengan titik di bawah)
خ	kha	kh	ka dan ha
د	dal	d	de
ذ	zal	z	zet (dengan titik di atas)

ر	ra	r	er
ز	zai	z	zet
س	sin	s	es
ش	syin	sy	es dan ye
ص	ṣad	ṣ	es (dengan titik di bawah)
ض	ḍad	ḍ	de (dengan titik di bawah)
ط	ṭa	ṭ	te (dengan titik di bawah)
ظ	ẓa	ẓ	zet (dengan titik di bawah)
ع	‘ain	 ‘ ...	koma terbalik di atas
غ	gain	g	ge
ف	fa	f	ef
ق	qaf	q	ki
ك	kaf	k	ka
ل	lam	l	el
م	mim	m	Em
ن	nun	n	en
و	wau	w	we
هـ	ha	h	ha
ء	hamzah	..’..	apostrof
ي	ya	y	ye

II. *Syaddah*

Syaddah or tasydid in the Arabic writing system is symbolized by a sign, syaddah or tasydid sign. In this transliteration, the syaddah sign is symbolized by a letter, which is the same letter as the letter marked with the syaddah sign.

Example:

ربنا - rabbanā

نزل - nazzala

البر - al-birr

الحج - al-hajju

III. *Ta' Marbūtah*

Ta marbutah which is alive or which receives fathah, kasroh and dammah, is transliterated as /t/. Ta marbutah which is dead or has a sukun character, is transliterated as /h/. If in a word whose final word ta marbutah is followed by a word that uses the article al, and the reading of the two words is separated, the ta marbutah is transliterated with ha (h).

Example:

روضة الاطفال - raudatul al-atfal
- raudatu al-atfal
المدينة المنورة - al-Madīnah al-Munawwarah
- al-Madīnatul Munawwarah

IV. Short Vowel

Harakat	Name	Latin letter	Name
ـَ	Fathah	a	a
ـِ	Kasrah	i	i
ـُ	Dammah	u	u

I. Long Vowel

Harkat and Letter	Name	Symbol	Name
ا...ى	Fathah dan alif atau ya	Ā	a dan garis di atas

ی...	Kasroh dan ya	Ī	i dan garis di atas
و..و	Dammah dan waw	Ū	u dan garis di atas

I. Double Vowel

Harakat and Letter	Name	Letter combinations	Name
ی ... /	Fathah dan ya	ai	a dan i
و... /	Fathah dan wau	au	a dan u

V. Hamzah

It is stated at the beginning of the Arabic-Latin Transliteration List that hamzah is transliterated with an apostrophe. However, this is only located in the middle and end of words. When the hamzah is located at the beginning of a word, it is not symbolized, because in Arabic writing it is alif.

Example:

1) Hamzah at the beginning:

امرت - umirtu

اكل - akala

2) Hamzah in the middle:

تأخذون - takhuẓūna

تأكلون – takulūna

3) Hamzah at the end:

شيء - syaiun

النوء - an-nauu

VI. Kata Sandang *Alif + Lam*

The article in the Arabic writing system is symbolized by a letter, namely ال. However, in transliteration, the article is distinguished between the article followed by shamsiah letters and the article followed by qomariah letters.

The article followed by shamsiah letters is transliterated according to its sound, i.e. the letter /I/ is replaced with the same letter as the letter that directly follows the article. The article followed by qamariah letters is transliterated according to the rules outlined in front and according to its sound. Whether followed by shamsiah or qamariah letters, the article is written separately from the word that follows and is connected with a conjunction.

Example:

الرجل	- ar-rajulu
الشمس	- asy-syamsu
البدیع	- al-badi'u
السيدة	- as-sayyidatu
القلم	- al-qalamu

الجلال - al-jalālu

VII. Writing words in sentences

Basically, each word, whether fi'il, isim or letter is written separately. For certain words whose writing with Arabic letters is commonly coupled with other words because there are letters or harakat that are omitted. So in this transliteration the writing of the word can be done in two ways, it can be separated per word and can also be combined.

Example:

و ان الله لهو خير الرازقين - Wa innallāha lahuwa khair ar-rāziqīn.
- Wa innallāha lahuwa khairur-rāziqīn.

فاوفوا الكيل والميزان - Fa aufū al-kaila wa al-mīzāna.
- Fa aufū al-kaila wal-mīzāna.

بسم الله مجرّها و مرسها - Bismillāhi majrehā wā mursāhā.

ABSTRAK

EFEKTIVITAS MEDIASI DALAM PENYELESAIAN SENGKETA PERCERAIAN KELUARGA DI PENGADILAN AGAMA PADA RENTANG TAHUN 2023-2024: STUDI KASUS DI PENGADILAN AGAMA YOGYAKARTA

Rifqy Muhammad Ramadhan

Mediasi berperan sebagai alat penting dalam menyelesaikan sengketa perceraian keluarga di dalam sistem pengadilan agama, menyediakan ruang dialog damai sebelum keputusan hukum akhir diambil. Studi ini bertujuan untuk menganalisis efektivitas mediasi di Pengadilan Agama Yogyakarta selama periode 2023 hingga 2024. Studi ini menggunakan pendekatan kualitatif dengan metode studi kasus. Data diperoleh melalui wawancara dengan 5 (lima) informan, terdiri dari 1 (satu) hakim mediator, 1 (satu) mediator non-hakim, 1 (satu) panitera pengganti, dan 2 (dua) pihak yang bersengketa, didukung oleh dokumen dari Sistem Informasi Pelacakan Perkara (SIPP). Penelitian ini dilakukan selama 3 (tiga) bulan, dari Agustus hingga Oktober 2025. Hasil penelitian menunjukkan bahwa pelaksanaan mediasi telah dilakukan sesuai dengan Peraturan Mahkamah Agung (PERMA) Nomor 1 Tahun 2016, didukung oleh koordinasi antar mediator, fasilitas yang memadai, dan profesionalisme mediator. Tingkat keberhasilan mediasi meningkat dari 36,24% pada tahun 2023 menjadi 43,75% pada tahun 2024. Faktor pendukung meliputi kompetensi mediator dan kesadaran hukum para pihak, sementara faktor penghambat melibatkan ketidakstabilan emosional dan pengaruh sosio-budaya. Berdasarkan teori efektivitas hukum Soerjono Soekanto dan prinsip *sadd adz-dzari'ah*, mediasi berfungsi sebagai upaya pencegahan untuk menjaga harmoni dan meminimalkan konflik keluarga.

Kata Kunci: *Mediasi, Efektivitas, Perceraian, Pengadilan Agama*

ABSTRACT

THE EFFECTIVENESS OF MEDIATION IN RESOLVING FAMILY DIVORCE DISPUTES IN RELIGIOUS COURTS IN THE RANGE OF 2023-2024: A CASE STUDY IN YOGYAKARTA RELIGIOUS COURT

Rifqy Muhammad Ramadhan

Mediation occupies a pivotal role in the resolution of family divorce disputes within the religious court system, serving as a forum for peaceful dialogue prior to the final legal determination. The objective of this study is to analyze the effectiveness of mediation in the Yogyakarta Religious Court during the period 2023 to 2024. The present study employs a qualitative approach, utilizing a case study method. Five informants were interviewed for this study, including one mediator judge, one non-judge mediator, one deputy court clerk, and two disputing parties. The data was supplemented with documents from the Case Tracking Information System (SIPP). The present study was conducted over a period of three months, from August to October 2025. The results of the study demonstrated that mediation has been conducted in accordance with Supreme Court Regulation (PERMA) Number 1 of 2016, facilitated by the coordination of mediators, the provision of adequate facilities, and the professionalism of the mediators. The success rate of mediation increased from 36.24% in 2023 to 43.75% in 2024. Several factors have been identified as contributing to the process under discussion. These include mediator competence and legal awareness on the part of the parties concerned, while the inhibiting factors include emotional instability and socio-cultural influences. In accordance with Soerjono Soekanto's theory of legal effectiveness and the principle of *sadd adz-dzari'ah*, mediation functions as a preventative measure to maintain harmony and minimize family conflicts

Keywords: *Mediation, Effectiveness, Divorce, Religious Court*

November 12, 2025

TRANSLATOR STATEMENT

The information appearing herein has been translated
by a Center for International Language and Cultural Studies of
Islamic University of Indonesia
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YOGYAKARTA, INDONESIA
Phone/Fax: 0274 540 255

PREFACE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

إِنَّ الْحَمْدَ لِلَّهِ نَحْمَدُهُ وَنَسْتَغْفِرُهُ، وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا، وَمِنْ سَيِّئَاتِ أَعْمَالِنَا، مَنْ يَهْدِهِ اللَّهُ
فَلَا مُضِلَّ لَهُ، وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ، أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ
وَرَسُولُهُ. اللَّهُمَّ صَلِّ وَسَلِّمْ وَبَارِكْ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ. أَمَّا بَعْدُ

All praise is due to Allah, the Lord of the worlds. We praise Him, seek His help, and ask for His forgiveness. We seek refuge in Allah from the evils of our souls and from the bad consequences of our deeds. Whoever is guided by Allah will never go astray, and whoever is left astray, no one can guide him. I bear witness that there is no god but Allah, the One without partner, and I bear witness that Muhammad is His servant and Messenger. May peace and blessings always be upon our beloved Prophet Muhammad Saw, his family, his companions, and all who follow his guidance until the end of time.

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Author

Rifqy Muhammad Ramadhan

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CHAPTER I

INTRODUCTION

1. Research Background

In the Indonesian legal system, marriage has a strong legal position as stipulated in Law No. 1 of 1974 concerning Marriage and reinforced by the Compilation of Islamic Law (KHI) for Muslims. Marriage in Indonesia must be valid according to the religious laws of each party and registered administratively at the Religious Affairs Office (KUA) or the Population and Civil Registration Office to obtain legal validity. The types of marriage recognized include religious and state-recognized marriages (legal marriages), unregistered marriages (siri), and mixed marriages between citizens of different nationalities. The marriage procedure includes administrative steps such as submitting forms N1-N4, examining the prospective bride and groom, performing the marriage ceremony, and registering the marriage with the appropriate official. The criteria for a valid marriage include the pillars and requirements of marriage, such as the presence of a prospective husband and wife, a marriage guardian, two witnesses, and a valid ijab kabul (marriage vow). This formal procedure aims to protect the rights and obligations of each party, including in matters of divorce and inheritance.² Unfortunately, if the procedure is not carried

² Enceng Lip Syaripudin Dahwadin, Eva Sofiawati, dan Muhamad Dani Somantri, "Hakikat Perceraian Berdasarkan Ketentuan Hukum Islam di Indonesia," *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 11, no. 1 (2020): 87–104.

out properly or there is a violation of legal requirements, it can lead to family conflicts that often result in divorce.

Divorce is a phenomenon that has recently occurred in many Indonesian families. Over the past six years, the Central Bureau of Statistics has recorded a surge in the number of divorces in Indonesia, from approximately 392 thousand cases in 2018 to more than 408 thousand cases in 2023, of which the Special Region of Yogyakarta (D.I.Y) Province contributed about 1.4% of the total national cases.³ This surge not only reflects increased tension within households, but also impacts family resilience and the well-being of children who are victims of divorce.⁴

The Religious Court as an institution responsible for handling divorce is also affected by the number of divorce cases that are arguably quite large. Where with the large number of cases that occur, it certainly requires the Religious Courts to resolve existing cases quickly, efficiently, and right on target at restoring family relations, one of which is through the mediation stage.

In the midst of the increasing divorce rate in Indonesia, including in the Yogyakarta region, mediation as an alternative dispute resolution is an important instrument that is expected to reduce the rate of divorce.

³ “Jumlah Perceraian Menurut Provinsi Dan Faktor Penyebab Perceraian (Perkara), 2024 - Tabel Statistik - Badan Pusat Statistik Indonesia,” accessed April 24, 2025, <https://www.bps.go.id/id/statisticstable/3/YVdoUIIwVmlTM2h4YzFoV1psWkViRXhqTlZwRFVUMDkjMw==/jumlah-perceraian-menurut-provinsi-dan-faktor-penyebab-perceraian--perkara---2023.html?year=2024>.

⁴ Dahwadin, Enceng Lip Syaripudin, Eva Sofiawati, and Muhamad Dani Somantri. “Hakikat Perceraian Berdasarkan Ketentuan Hukum Islam Di Indonesia.” *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 11, no. 1 (2020): 87–104.

Mediation is not only a formal procedure in the religious court process, but also acts as a peaceful effort that can save the integrity of the household.⁵ However, the effectiveness of mediation in the context of divorce case settlements remains a question. Has mediation really succeeded in reducing the number of divorces? Or is it just a formality that the parties go through before the main trial begins? Various challenges arise, ranging from the psychological readiness of the parties, the quality of the mediator, to the limited time in the mediation process in court. Therefore, a more in-depth study is needed to measure how effective mediation is in practice, especially in the Yogyakarta City Religious Courts between 2023-2024.

In connection with the implementation of mediation, the Supreme Court plays an important role as the top institution that has the function to carry out judicial power, where the Supreme Court has the power to administer justice to uphold law and justice based on Pancasila and the 1945 Constitution (UUD) of the Republic of Indonesia.⁶ It is stated in Article 24 paragraphs (1) and (2) of the 1945 Constitution that, “judicial power is an independent power in order to administer justice to uphold law and justice”.

In its role as the top institution in the administration of justice in Indonesia, the Supreme Court has the authority to supervise and ensure that

⁵ Maulana Adi Tama and Muhammad Wahdini, “Pelaksanaan Mediasi Dalam Penyelesaian Perkara Percerian Di Pengadilan Agama Yogyakarta Pasca Berlakunya Perma Nomor 1 Tahun 2016,” *Jurnal Hadratul Madaniah* 9, no 2 (2022): 60-75.

⁶ Rheina Aini Safa and Graciella Azzura Putri Ananda, “Kedudukan Dan Kewenangan Mahkamah Agung Dalam Menyelenggarakan Kekuasaan Kehakiman Di Indonesia,” *Jurnal Kewarganegaraan* 8, no. 1 (2024).

justice conducted by the courts is carried out carefully and fairly, one of which is in the implementation of mediation in divorce disputes in the Religious Courts.

Given the importance of mediation as an alternative to resolving divorce disputes, the Indonesian Supreme Court has gained strong legitimacy in the Indonesian legal system. There are several legal bases that serve as a strong foundation for the implementation of mediation, one of which is the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016 concerning Mediation Procedures in Court (PERMA 1/2016), which states that before reaching the examination of the panel of judges, both parties are required to go through the mediation stage with a mediator judge or other party who has a mediator certificate.⁷ In addition to divorce cases, this regulation applies nationally to all civil cases in the courts, which is expected to be able to support the courts in resolving existing cases and encourage family and peaceful settlement of cases.

Although the implementation of mediation has been normatively regulated, in fact the impact given from its implementation has not been fully optimized. There are still many factors that hinder the implementation of mediation, for example as mentioned in the research study of Maulana Adi Tama and Muhammaf Wahdini (2022), which shows that the implementation of mediation in the Yogyakarta City Religious Court is still

⁷ “JDIH Mahkamah Agung RI,” accessed April 28, 2025, <https://www.mahkamahagung.go.id/media/8757>.

constrained by how the litigants carry out mediation and the lack of facilities and competence of human resources in the court itself.⁸ In another study conducted by Gita Nur Ismilah (2024) also showed that the success rate of mediation in divorce cases was lower than in non-divorce cases. So it can be concluded that mediation in divorce cases has a higher complexity than other cases.

This research chose the Yogyakarta City Religious Court as a case study location that will be studied more deeply. The selection of this location is not without reason, considering that the city of Yogyakarta has the nickname of the City of Students, where in this city is the center of education and culture, which we can know together that the community has a higher level of legal literacy compared to other regions. However, this is a problem for the implementation of justice in the Yogyakarta City Religious Court, because with a social and structural presentation that is more advanced than other regions, the success rate of mediation of a divorce case is still relatively low. This indicates a mismatch between the social potential of the people of Yogyakarta and the effectiveness of the implementation of mediation as a court settlement mechanism. Thus, the Yogyakarta City Religious Court is a strategic location for how this research can empirically explain the complexities of mediation implementation, as well as examine

⁸ Maulana Adi Tama and Muhammad Wahdini, "Pelaksanaan Mediasi Dalam Penyelesaian Perkara Percerian Di Pengadilan Agama Yogyakarta Pasca Berlakunya Perma Nomor 1 Tahun 2016," *Jurnal Hadratul Madaniah* 9, no 2 (2022): 60-75.

the factors that have not been clearly revealed behind the low success of the mediation process in the Yogyakarta City Religious Court.

The Yogyakarta City Religious Court, as one of the institutions that handles divorce disputes and implements mediation, is still relatively low in the success of mediation. From data obtained from the Case Management Information System (SIPP) of the Yogyakarta Religious Court, there were 1,142 divorce cases entered during 2023, while in 2024 there were around 1,089 cases entered.⁹ The suboptimal completion of the mediation stage can be seen from the percentage of success which only reached 13.5% of the total number of cases that underwent the mediation stage in 2023. There are external and internal factors that cause the low percentage of mediation success in the Yogyakarta City Religious Court, external factors such as the emotional and unstable attitude of the parties, the parties who have the mindset to win in the case at hand, and the reluctance of the parties to make peace in the conflict they are experiencing. On the other hand, some internal factors also inhibit the success of the mediation stage, such as the limited number of certified mediator judges and supporting facilities at the Yogyakarta Religious Court which are still not maximized, thus not providing a conducive atmosphere for the litigants.

Mediation not only functions as a formal legal procedure in the settlement of divorce cases, but also has an important role in maintaining the social and psychological stability of the parties to the dispute, especially

⁹ "SIPP," accessed April 28, 2025, https://sipp.pa-yogyakarta.go.id/statistik_perkara.

children who are victims of divorce. The ideal mediation process opens space for dialog and reconciliation, so that the resulting decision is not solely based on positive law, but considers emotional balance and long-term relationships between family members. In a social context, the success of mediation can also reduce the escalation of conflicts that have the potential to spread to the surrounding environment, maintain the good name of the family, and reduce the psychological burden of both parties post-divorce. Therefore, the effectiveness of mediation is very important to study not only in terms of formal success rates, but also from the impact on the quality of social relations and psychological resilience after divorce.

The importance of mediation as an instrument for resolving divorce disputes makes this study have the aim of analyzing the extent to which the effectiveness of mediation has been carried out by the Yogyakarta City Religious Court during the span of 2023-2024. More specifically, this research seeks to describe how the procedure for implementing mediation in the Yogyakarta City Religious Court, create data and calculate the success rate of mediation from empirical data, and identify factors both external and internal that can hinder and support the achievement of agreement between parties through the mediation process. Therefore, this research is expected to not only present data in the form of numbers, but also describe the dynamics and processes that occur during mediation.¹⁰

¹⁰ Jhon W. Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approach*. Fifth Edition, (Los Angeles: Sage, 2018)

2. Research Focus

Based on the study background, to focus this research needs several problems that will be discussed in this research as follows:

1. How is the implementation of the mediation process in family divorce cases at the Yogyakarta City Religious Court in 2023-2024?
2. Why does mediation in divorce cases at the Yogyakarta City Religious Court succeed or fail, and what factors contribute to these outcomes?

3. Research Objectives

Refer to the research focus, the objectives of this research, are :

1. To describe and analyze the implementation of the mediation process in family divorce cases in the Yogyakarta City Religious Court in 2023-2024, including procedural stages, technical implementation, the role of the parties, and the role of the mediator in carrying out the mediation process.
2. To identify and understand the factors that influence the success or failure of mediation in family divorce cases at the Yogyakarta City Religious Court, both from internal aspects such as infrastructure, time, and mediator skills, as well as external aspects of the parties' motivation and communication, and the legal culture of the community.

4. Benefits Of The Research

This research is expected to have theoretical and sociological benefits.

The benefits of this research are :

1. Theoretically

This research is expected to enrich scientific studies in the field of Islamic family law, especially in the context of divorce dispute resolution through mediation in the religious court environment. The results of this study are also expected to be a reference for academics, students, and other researchers who are interested in studying the effectiveness of mediation as a form of alternative dispute resolution (ADR) in the Indonesian legal system, as well as expanding the literature that discusses the implementation of PERMA No. 1 of 2016 in court practice.

2. Sociologically

This research is expected to provide constructive input for the Yogyakarta City Religious Court in evaluating and improving the implementation of mediation in divorce cases. The findings of this research can help the court and mediators to identify obstacles that often arise in the mediation process, as well as formulate more effective strategies or approaches so that the mediation process can reach a fair and sustainable agreement for the parties. Thus, this research contributes to strengthening the implementation of the principles of simple, fast and low cost justice, as mandated in the Indonesian judicial system.

5. Discussion Systematics

For this research to be easily observed and examined, it needs coherent discussion systematics. In this chapter, the author presented a structured discussion of this research into five part chapters and several sub-chapters that are connected each other. The arrangement is as follows:

The First Chapter is the introduction to this research which explains the background and reasons why this research is important to do. The author will describe the context of the importance of mediation in resolving family divorce disputes, especially in the Yogyakarta City Religious Court. This chapter is divided into several sections, namely: background of the research, problem formulation, research objectives, research benefits, and systematic discussion that explains the structure of this thesis as a whole.

The Second Chapter presented a literature review that contains a review of previous studies relevant to this topic, along with conclusions and contributions to the research being conducted. In addition, the author will discuss the theories that form the conceptual basis of this research, namely Mediation Theory, Effectiveness Theory, and *Sadd Adz-Dzari'ah*. Reviews of previous research will be presented narratively to show the development of thinking and research gaps that have not been widely studied. This chapter will also include a theoretical framework that will be used as an analytical knife in answering the problem formulation.

The Third Chapter is a section on the research method used in conducting this research. It consists of the types of research, location of the

research, research informant, technique for determining informants, data collection techniques, data validity, and data analysis techniques.

The Fourth Chapter presented the research findings obtained from data collection. The author will analyze and discuss the implementation of mediation in family divorce disputes at the Yogyakarta City Religious Court in the 2023-2024 timeframe. This discussion will include an evaluation of the effectiveness of mediation, factors that influence the success or failure of mediation, as well as an analysis of the factors that support and hinder the mediation process. The results of this analysis will be compared with existing theory and previous research.

The Fifth Chapter, contained conclusions from the results of the research that has been conducted, which answers the problem formulation and research objectives. This chapter will also discuss interesting findings that emerged during the research process. The author will provide recommendations and suggestions based on the results of this research, which are expected to provide practical benefits for the parties involved in divorce mediation in the Religious Court, as well as consideration for further research.

CHAPTER II

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

1. Literature Review

To find out the cause of the research presented in the title above, it's essential to conduct a comprehensive literature review on a similar research project on **“The Effectiveness Of Mediation In Resolving Family Divorce Disputes In Religious Courts In The Range Of 2023-2024: A Case Study In Yogyakarta Religious Court”**.

Various studies have highlighted that the effectiveness of mediation in reducing divorce rates in Islamic courts is still relatively low. In a more general context, mediation is expected to be a peaceful and efficient means of dispute resolution. However, in reality, various factors prevent it from always producing optimal results.

Research conducted by Latifah Ratnawaty et al. (2024) at the Bogor City Religious Court shows that even though mediation has been carried out in accordance with the standard procedures set out in PERMA Number 1 of 2016, the success rate remains low. The two main causes are the lack of good faith on the part of the disputing parties and the limited competence of the mediators. This indicates that procedural success does not always align with substantive outcomes in mediation practice.¹¹

¹¹ Latifah Ratnawaty, Prihatini Purwaningsih, Ibrahim Fajri, and Wildan Majdi Ramadhan, “Efektivitas Upaya Mediasi Dalam Perkara Perceraian Di Pengadilan Agama Kota Bogor”. *Yustisi* 11, no. 2 (2024): 420-28.

A similar situation was also observed in a study conducted by Dian Mustika (2015) at the Jambi Religious Court. In her study, it was found that the success rate of mediation had actually declined significantly, from 3.81% in 2012 to only 0.70% in 2014. These findings indicate that the effectiveness of mediation in reducing the divorce rate has not yielded promising results despite its long-standing implementation.¹²

Umar Faruq Beni Ashari (2023), in his research at the Jember Religious Court, also revealed similar findings. Of all the cases that underwent mediation, only 18.85% resulted in the withdrawal of divorce suits. The main causes were long-standing conflicts and the low professionalism of mediators in facilitating the mediation process. This demonstrates that, in addition to procedural factors, emotional dynamics and the skills of mediators also determine the effectiveness of mediation.¹³

On the other hand, the public's limited understanding of mediation is also a hindering factor. This was revealed by Nur Lina Afifah Litti (2021) in her study at the East Jakarta Religious Court. She stated that one of the reasons for the low success rate of mediation is the parties' lack of knowledge about the mediation mechanism itself, so that participation in mediation is often carried out merely as a formality.¹⁴

¹² Dian Mustika, "Efektivitas Mediasi dalam Penyelesaian Perkara Perceraian di Pengadilan Agama Jambi." *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 15, no. 2 (2018): 297–308.

¹³ Umar Faruq Beni Ashari, "Efektivitas Mediasi Di Pengadilan Agama Jember Menurut Perma No.1 Tahun 2016 Dalam Menekan Angka Perceraian". *Mabahits : Jurnal Hukum Keluarga Islam*, 4, (2023): 23-34.

¹⁴ Nur Lina Afifah Litti. "Efektivitas Proses Mediasi dalam Mengurangi Perkara Perceraian (Studi Kasus Pengadilan Agama Jakarta Timur)". Bachelor Thesis, Jakarta: Fakultas Agama Islam Universitas Muhammadiyah Jakarta, 2021.

A study at the Bireuen Sharia Court by Siti Hanifa (2023) also adds to the list of findings that show the challenges in implementing divorce mediation. Of the 482 cases that were mediated, only 47 cases successfully reached an amicable agreement. Although qualitatively mediation helps to clarify the root causes of conflict, quantitatively the success rate remains very low.¹⁵

From all of these studies, it appears that the effectiveness of mediation as a tool for reducing divorce rates still faces major challenges. In general, the obstacles encountered can be categorized into three main aspects, namely: (1) structural aspects, including low mediator competence and lack of system support; (2) cultural aspects, such as low public awareness and understanding of the function of mediation; and (3) psychological aspects, such as the parties' reluctance to reconcile or continue the relationship.

However, the majority of existing studies are still descriptive in nature and have not yet thoroughly evaluated concrete strategies that can improve the effectiveness of mediation. This gap is addressed in this study, which specifically examines the implementation of mediation in the Yogyakarta Religious Court between 2023 and 2024 and analyzes how the quality of mediation, the role of the mediator judge, and the characteristics of the parties can influence the success rate in reducing the divorce rate.

¹⁵ Siti Hanifa, "Efektivitas Proses Mediasi dalam Perkara Perceraian di Mahkamah Syar'iyah Bireuen." *Jurnal Ilmiah Syari'ah dan Hukum* 7, no. 1 (2023): 88–101.

Research by Ridwan Arifin (2021) raised the theme of sadd adz-dzari'ah as a preventive principle in Islamic law. In his article, Ridwan explains that sadd adz-dzari'ah is a method to close the path to mischief, namely by preventing things that are legally permissible, but have the potential to have a negative impact. In the context of divorce, although divorce is allowed in sharia, if it is not done with careful consideration, it will have an impact on the destruction of the family order. Therefore, mediation is positioned as a preventive effort that is in line with the value of sadd adz-dzari'ah, namely maintaining family integrity and preventing divorce as much as possible before wider harm occurs.¹⁶

Research by Siti Rohmah (2020) empirically examines the urgency of mediation in resolving divorce cases in religious courts. She found that mediation has strategic value in encouraging peace and preventing divorce, especially in household cases where the conflict has not reached a high escalation point. In many cases, mediation is able to open a space for healthier dialogue between married couples and provide an opportunity to repair fractured communication. Rohmah concluded that mediation functions not only as a legal procedure, but also as a social solution that supports family stability.¹⁷

Furthermore, a journal written by Mahmud Al-Hakim (2022) tries to reconcile the practice of mediation in family dispute resolution with

¹⁶ Ridwan Arifin, "Sadd adz-Dzari'ah sebagai Prinsip Preventif dalam Hukum Islam," *Jurnal Al-Ijtima'i: International Journal of Government and Social Science* 7, no. 1 (2021): 59–70.

¹⁷ Siti Rohmah, "Urgensi Mediasi dalam Penyelesaian Perkara Perceraian di Pengadilan Agama," *Jurnal Hukum Keluarga Islam* 6, no. 2 (2020): 134–145.

the theory of sadd adz-dzari'ah. He emphasizes that mediation has shar'i legitimacy because it is substantially in line with the principle of preventing divorce. He added that mediation can be seen as a realization of maqashid al-shari'ah, especially in the aspects of hifdz al-nasl and hifdz al-nafs. Therefore, the existence of mediation is not only a formal instrument of judicial procedure, but also has theological and ethical meaning in preventing the harm caused by divorce.¹⁸

Meanwhile, a field study by Lailatul Muna (2021) examined the effectiveness of mediation in resolving household disputes at the Surakarta Religious Court. She found that the success of mediation is highly dependent on several factors such as the ability of the mediator, the psychological readiness of the parties, and the initial intention in undergoing the mediation process. The results showed that although not all mediation processes ended in peace, mediation contributed greatly to reducing conflict escalation, accelerating the trial process, and providing space for the disputing parties to re-evaluate their decisions.¹⁹

From these studies, it can be concluded that mediation is an important instrument in the settlement of divorce cases, both in terms of positive law and Islamic law. Normatively, mediation fulfills the principle of sadd adz-dzari'ah as an effort to close the path to destructive

¹⁸ Mahmud Al-Hakim, "Relevansi Sadd adz-Dzari'ah dalam Praktik Mediasi Keluarga," *Jurnal Ushuluddin* 20, no. 1 (2022): 77–91.

¹⁹ Lailatul Muna, "Efektivitas Mediasi dalam Menyelesaikan Sengketa Rumah Tangga: Studi di PA Surakarta," *Jurnal Hukum dan Syariah* 12, no. 2 (2021): 98–110.

divorce, while practically, mediation functions as a rational and humane compromise space. This shows that mediation not only has a procedural role, but also a preventive and protective value in maintaining family continuity.

A number of field studies have revealed various factors that contribute to the low success rate of mediation in divorce cases in religious courts. These findings show that the failure of mediation is not caused by a single aspect, but rather is the result of an accumulation of various obstacles, both on the part of the mediator and the parties involved, as well as the surrounding legal structure and culture.

One important study was conducted by Suhangga, Wibowo, and Rianto (2021) at the Karanganyar Religious Court. They found that out of a total of 429 cases that underwent mediation, only 3 successfully reached a peaceful agreement. This failure was caused by various factors, including low attendance by the parties in mediation sessions, lack of commitment from mediators, a backlog of cases, limited human resources, and a lack of good faith on the part of the parties involved. These conditions illustrate that mediation often does not proceed ideally due to fundamental obstacles in its implementation.²⁰

Research conducted at the Karawang Religious Court by Farhan Asyhadi (2019) shows that the effectiveness of mediation is greatly

²⁰ Artha Suhangga, Anthony Wibowo, and Agus Rianto. "Faktor–Faktor Penghambat Keberhasilan Mediasi Perceraian di Pengadilan Agama Karanganyar." *Journal of Law, Society, and Islamic Civilization* 1, no. 2 (2021).

influenced by local culture and the level of public compliance with legal processes. The findings indicate that the public tends to avoid the courts, while the mediation facilities available are considered inadequate to support the dialogue process optimally. This shows that cultural aspects and supporting facilities also determine the success of mediation.²¹

A similar situation was also found in the Garut Religious Court. In a study by Triutami and Fawzi (2024), it was mentioned that limited human resources, limited mediation time, high case complexity, and a lack of good faith on the part of the parties were the main obstacles in the mediation process. This reinforces the assumption that dispute resolution through mediation is greatly influenced by the internal capacity of the institution and the emotional readiness of the parties.²²

Vina Radhita Putri Margaretha Indrazati (2024) in her study at the Banjarmasin Religious Court highlighted several relational and technical obstacles. The absence of one party due to poor communication, a strong desire to divorce, low understanding of the role of mediation, and the weak role of the court clerk are the dominant factors that hinder the mediation process. In this context, damaged

²¹ Farhan Asyhadi, "Efektivitas Mediasi dalam Perkara Perceraian di Pengadilan Agama Karawang." *Justisi: Jurnal Ilmu Hukum* 4, no. 1 (2019).

²² Jeni Restuning Triutami and Ramdan Fawzi, "Analisis Perma No.1 Tahun 2016 terhadap Rendahnya Tingkat Keberhasilan Mediasi di PA Garut." *Jurnal Riset Hukum Keluarga Islam* 4, no. 1 (2024).

interpersonal communication and the absence of proper administrative support make peaceful resolutions difficult to achieve.²³

Similar research by Andri Setyawan (2021) at the Kediri District Religious Court also highlighted various issues that hinder the success of mediation. These include the absence of the parties in the process, a lack of openness to reconciliation, low mediator competence, and the dominance of a formalistic approach by judge mediators without involving non-judicial mediators. These findings indicate that an overly formal and one-sided approach tends to make the mediation process non-participatory.²⁴

Based on these findings, the factors hindering the success of mediation can be classified into three main categories. First, mediator factors, which include limited human resources and low mediator competence, as well as limitations on the role of judge mediators. Second, factors related to the disputing parties, such as non-attendance, lack of good faith, a strong desire to divorce, and a lack of understanding of the objectives and process of mediation. Third, structural and cultural factors, including inadequate mediation facilities, the dominance of local cultures that avoid legal resolution, and the high cost of legal proceedings.

²³ Vina Radhita Putri Margaretha Indrazati, "Faktor Penghambat Pelaksanaan Mediasi Perceraian Di Pengadilan Agama Banjarmasin." *Bachelor Thesis*, UIN Antasari Banjarmasin, 2024.

²⁴ Andri Setyawan, "Hambatan Hakim Mediator Dalam Menyelesaikan Perkara Perceraian Melalui Mediasi (Studi Di Pengadilan Agama Kabupaten Kediri)". *Brawijaya Law Student Journal*. (2021). <https://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/4212>.

However, there has been no empirical research examining how strategies such as improving the quality of mediators through training and certification, providing support facilities, or public education can be used to overcome these obstacles. Therefore, this study aims to fill this gap by conducting a more in-depth analysis of the conditions at the Yogyakarta Religious Court in 2023–2024. The study seeks to measure the extent to which these factors influence the success of mediation and to propose context-specific intervention strategies that are more effective and responsive in reducing divorce rates.

Although mediation has a strong legal basis through Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016, a number of studies show that its implementation in the field still faces many obstacles, both normative and operational. The implementation of mediation regulations has not fully addressed the complexity of divorce disputes, especially those involving high emotional conflict and long-term family interests.

In this context, Maulana Adi Tama and Muhammad Wahdini (2022), through a study at the Yogyakarta Religious Court, noted that procedurally, the implementation of mediation was in accordance with PERMA provisions. However, there has been no in-depth evaluation of the fulfillment of the principle of substantive justice for the parties. Mediation tends to be treated as a formal obligation without considering

whether the outcome truly provides space for relationship restoration or merely becomes a superficial administrative process.²⁵

Furthermore, Dwi Satriyo (2023) in his report at PA Giri Menang found that technical obstacles such as rushed mediation duration and the mediator's lack of patience were important factors that reduced the quality of the process. This situation shows that normative law enforcement is not always in line with effectiveness at the practical level, especially in divorce cases that require a psychological approach and more flexible time.²⁶

Criticism of the normative framework also comes from Komariah (2013), who highlights the weaknesses of Perma No. 1 of 2008, the predecessor to the current regulation. In her study, she mentions that the lack of incentives for mediators and the weak legal standing of settlement agreements are significant obstacles to the success of mediation. Although the latest Perma has revised several provisions, these findings are still relevant in illustrating that the legal system needs to be accompanied by strong incentives and protection for the results of mediation.²⁷

²⁵ Maulana Adi Tama and Muhammad Wahdini, "Pelaksanaan Mediasi Dalam Penyelesaian Perkara Percerian Di Pengadilan Agama Yogyakarta Pasca Berlakunya Perma Nomor 1 Tahun 2016," *Jurnal Hadratul Madaniah* 9, no 2 (2022): 60-75.

²⁶ Dwi Satriyo, "Analisis Yuridis-Sosiologis Faktor Penyebab Rendahnya Tingkat Keberhasilan Penyelesaian Mediasi Dalam Perkara Perceraian (Studi Kasus di Pengadilan Agama Giri Menang)". *Bachelor Thesis*, Universitas Muhammadiyah Mataram, 2023.

²⁷ Komariah. "Analisis Yuridis Perma No.1 Tahun 2008 tentang Pelaksanaan Mediasi di Pengadilan Negeri." *Legality: Jurnal Ilmiah Hukum* 20, no. 2 (2013).
<https://ejournal.umm.ac.id/index.php/legality/article/view/1539>.

In a more contextual comparison, Gita Nur Ismilah (2024) analyzed the differences in the success of mediation between divorce and non-divorce cases in the Yogyakarta Special Region Religious Court. Her research findings indicate that mediation in divorce cases has a significantly lower success rate compared to other cases. This highlights that the formal legal framework is still unable to address the emotional and social challenges associated with divorce cases, especially without strong operational and legal cultural support.²⁸

Meanwhile, a more innovative approach is offered by Nanang Juanda (2025) in his study at the Bengkulu Religious Court. He emphasizes the importance of integrating local wisdom into mediation policy as a relevant strategy to improve the effectiveness and legitimacy of the process. By combining formal norms and local values, the mediation process not only becomes more contextual but also builds social trust, which is an important foundation for resolving family disputes.²⁹

Overall, these findings indicate that the implementation of mediation policies has not been optimal in terms of legal structure, technical procedures, and socio-cultural orientation. The absence of substantive evaluation, weaknesses in operational design, and a lack of

²⁸ Gita Nur Ismilah, "Analisis Yuridis Komparatif Tingkat Keberhasilan Mediasi Perkara Perceraian Dengan Perkara Non Perceraian Di Pengadilan Agama Diy." Bachelor Thesis, Uin Sunan Kalijaga Yogyakarta, 2024.

²⁹ Nanang Juanda, "Mediasi Sengketa Perceraian di Pengadilan Agama Bengkulu Kelas IA: Studi Analisis Penerapan Perma Nomor 1 Tahun 2016." *Qiyas: Jurnal Hukum Islam dan Peradilan* (2025). <https://ejournal.uinfasbengkulu.ac.id/index.php/QIYAS/article/view/655>.

adaptive strategies to local conditions are issues that have not been comprehensively addressed. Therefore, this study aims to continue previous research with a legal-empirical approach, specifically at the Yogyakarta Religious Court in 2023–2024. The focus is to formulate policy recommendations based on operational data and local values, while evaluating whether regulatory improvements—such as mediator incentives or mediation time flexibility—can lead to fairer, more effective, and sustainable resolutions.

Based on this, researchers will conduct research that differs from previous studies, namely to determine the actual conditions in the field regarding how mediation is carried out and its impact on the Yogyakarta Religious Court.

2. Theoretical Framework

1. Divorce

Divorce is generally understood as the legal and religious termination of the marital relationship between a husband and wife. From the perspective of Islamic law in Indonesia, divorce is one form of conflict resolution within the family, regulated by Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI). Article 38 of the Marriage Law states that a marriage may be dissolved due to death, divorce, or a court decision. Divorce, in this context, is carried out through a legal process to ensure the

protection of the rights of each party, including the children in the household. From a sociological and family law perspective, divorce is also viewed as a form of social disintegration that has far-reaching impacts on family resilience, children's psychological stability, and the overall structure of society.³⁰ Even in Islamic law, divorce is considered a permissible act but one that is disliked by Allah, so it should be the last resort after peaceful efforts have failed.³¹ Therefore, the position of divorce within the Indonesian legal system is not only legal in nature but also laden with ethical, social, and religious considerations.³²

The criteria and procedures for marriage established in Indonesian positive law should serve as the foundation for building a harmonious household. However, in practice, not all couples fully understand or comply with these provisions, both administratively and substantively. For example, in some cases of unregistered marriages or marriages that are not officially recorded, the absence of legal aspects often triggers conflicts when disputes or divorces occur, as there is no clear legal protection for the weaker party, particularly women and children.³³ Additionally, marriages

³⁰ R. Subekti, *Pokok-Pokok Hukum Perdata* (Jakarta: Intermasa, 2013), 68.

³¹ Moh. Idris Ramulyo, *Hukum Perkawinan Islam: Suatu Analisis dari Undang-Undang No. 1 Tahun 1974 dan Kompilasi Hukum Islam* (Jakarta: Bumi Aksara, 2002), 171–172.

³² M. Yahya Harahap, *Hukum Acara Perdata tentang Gugatan, Persidangan, Penyitaan, Pembuktian dan Putusan Pengadilan* (Jakarta: Sinar Grafika, 2016), 327.

³³ Moh. Idris Ramulyo, *Hukum Perkawinan Islam: Suatu Analisis dari Undang-Undang No. 1 Tahun 1974 dan Kompilasi Hukum Islam* (Jakarta: Bumi Aksara, 2002).

conducted without adequate mental, emotional, or financial preparation also have a high potential to end in divorce. Therefore, the correlation between marriage criteria and divorce is very strong, where the weak fulfillment of marriage requirements, both legally and socially, contributes to the fragility of family relationships, which then drives the occurrence of divorce.

In contemporary Islamic legal studies, divorce is permitted but is considered a last resort after all efforts at reconciliation have been exhausted. Islam does not reject divorce, but views it as something that is detested by Allah, as mentioned in the hadith: “The most detestable lawful thing to Allah is divorce.”³⁴ This perspective emphasizes that divorce may be performed but must consider the harm it causes, especially if it affects children, the stability of the extended family, and social relationships in the surrounding community.

In the context of this study, divorce is understood not only as a legal procedure that ends with a judge's decision, but also as a social and emotional phenomenon that is the main focus of mediation intervention in the religious court environment. This study views divorce as the end of a failed marital relationship that has entered a phase of chronic conflict and cannot be resolved

³⁴ Dahwadin, Enceng Lip Syaripudin, Eva Sofiawati, and Muhamad Dani Somantri, “Hakikat Perceraian Berdasarkan Ketentuan Hukum Islam di Indonesia,” *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam* 11, no. 1 (2020): 87–104.

through ordinary communication. Therefore, mediation in divorce cases is not merely an administrative step, but must function as a space for dialogue that enables peaceful resolution or, at the very least, constructive conflict management.

Thus, the theory of divorce in this study will be used as a conceptual basis for assessing how the mediation process can prevent or mitigate the effects of divorce, as well as how the parties' perceptions of divorce affect the effectiveness of the mediation process itself.

2. Mediation

Mediation is a form of alternative dispute resolution that emphasizes the negotiation process between the disputing parties with the help of a neutral third party, namely the mediator. According to the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016 concerning Mediation Procedures in Courts, mediation is defined as a way of resolving disputes through a negotiation process to obtain agreement between the parties with the assistance of a mediator. The main objective of mediation is to resolve conflicts peacefully, efficiently, and to the satisfaction of all parties, while maintaining good relations between the parties, reducing court caseloads, and producing solutions that are more flexible than the rigid and formal litigation process.

In practice, mediation is based on basic principles that ensure the integrity and effectiveness of the process, such as voluntariness, neutrality, confidentiality, empowerment and a unique solution-orientation. Voluntariness means that participation in mediation should not be coerced; confidentiality requires that all information revealed during the mediation process should not be disseminated or used as evidence in court; while neutrality requires the mediator to be impartial. These principles are the main foundation in building trust between the parties and creating an atmosphere conducive to reaching a mutual agreement.³⁵ Research by Rizal (2022) emphasizes that the application of these principles is crucial in ensuring the success of mediation as an effective and efficient means of conflict resolution.³⁶

Christopher W. Moore in his book *The Mediation Process: Practical Strategies for Resolving Conflict* explains that mediation has several systematic stages, starting from the preparation stage, opening, gathering information, identifying problems, negotiating and finding solutions, to drafting the final agreement.³⁷ In the initial stage, the mediator understands the context of the conflict and sets the rules of the game. Then, the parties are given the opportunity to

³⁵ Ahmad Fanani, "Prinsip-Prinsip Mediasi dalam Penyelesaian Sengketa". Semarang: Universitas Islam Negeri Walisongo, 2012. https://eprints.walisongo.ac.id/1772/2/082111050_Bab2.pdf.

³⁶ Faisol Rizal, "Mediasi sebagai Sarana Penyelesaian Konflik." *Minhaj: Jurnal Ilmu Syariah* 3, no. 1 (2022): 17–30.

³⁷ Christopher W. Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*, (San Francisco: Jossey-Bass, 2014).

express their views, and the mediator helps them identify the root of the problem and formulate a mutually acceptable solution. If successful, the outcome of the mediation will be set out in a legally binding agreement. This coherent and participation-based process makes mediation an effective dispute resolution instrument, especially in cases involving long-term relationships, such as family disputes.

Furthermore, research by Saragih (2022) revealed that the effectiveness of mediation in civil dispute resolution depends heavily on the mediator's ability to facilitate constructive communication between the parties. A competent mediator can help the parties to better understand each other's positions and interests, making it easier to reach a fair and sustainable agreement.³⁸

In the context of progressive law, mediation is seen as a tool to achieve substantive justice that is more responsive to the needs of society. This approach emphasizes the importance of dispute resolution that is not only legalistic, but also considers social and human values. As stated by Menkel-Meadow (2016), mediation can serve as a more adaptive and participatory mechanism in resolving conflicts, especially in a pluralistic society.³⁹

³⁸ Nancy M. Rezeki Saragih, "Efektivitas Mediasi dalam Penyelesaian Sengketa Perdata di Pengadilan Negeri Lubuk Pakam Kelas IA." *Jurnal Rectum* 3, no. 2 (2022).

³⁹ Carrie Menkel-Meadow, *Mediation: Theory, Policy & Practice*. (London: Routledge, 2016).

As such, mediation theory provides an important conceptual basis for understanding how mediation can be effectively implemented in a court context, and why this approach is becoming increasingly relevant as an alternative to dispute resolution, including in divorce cases in the Religious Courts. This approach emphasizes not only formal legal resolution, but also the restoration of relationships and substantive justice between the parties.

3. Effectiveness Theory

Effectiveness is basically a measure of the extent to which an activity, policy, or system achieves its stated objectives. In the context of law, effectiveness indicates the degree of success of the law in regulating and directing the behavior of society in accordance with applicable norms. A law can be said to be effective if the norms contained therein are actually implemented and obeyed by the relevant legal subjects.

According to Soerjono Soekanto, the effectiveness of law is influenced by five main factors, namely the law or regulation itself, law enforcement, supporting actors and facilities, society, and culture. These five factors are interrelated and determine the extent to which a legal system can function optimally.⁴⁰

⁴⁰ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Pers, 1983), 8–9.

First, the legal factor itself relates to the clarity and consistency of applicable legal norms. In the context of this study, the effectiveness of mediation in Religious Courts is influenced by the clarity of regulations governing mediation procedures, as stipulated in Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Courts. If these rules are clear and easy to implement, then mediation is more likely to be effective.

Second, law enforcement factors include parties who play a role in enforcing these rules, namely judge mediators and non-judicial mediators. Their competence, integrity, and understanding of mediation principles greatly influence the success of dispute resolution through peaceful means.

Third, resources and facilities are related to technical and administrative support that facilitates the mediation process, such as the availability of mediation rooms, supporting documents, and an efficient administrative system. A lack of resources and facilities can hinder the effectiveness of the mediation process.

Fourth, societal factors, in this case the parties involved in the dispute, are an important component because the success of mediation greatly depends on their awareness and good faith to reach a settlement. Without the willingness and legal awareness of the parties, the mediation process is unlikely to achieve maximum results.

Fifth, cultural factors play a role in shaping people's mindsets and behaviors toward dispute resolution. A legal culture that still tends to be litigious can affect the success of mediation. Therefore, the values of deliberation and peace need to be strengthened as part of the community's legal culture.

Thus, Soerjono Soekanto's theory of legal effectiveness provides a comprehensive analytical framework for assessing the implementation of mediation in the Religious Court. The effectiveness of mediation can be measured through the synergy between clarity of rules, competence of law enforcement officials, support facilities, community participation, and a legal culture that supports peaceful resolution. In the context of this study, these five factors form the basis for assessing the extent to which mediation in the Yogyakarta Religious Court is effective in resolving divorce disputes.

4. Sadd Adz-Dzari'ah

Sadd adz-dzari'ah is one of the important concepts in ushul fiqh that indicates a preventive approach in establishing laws. Literally, the term consists of two words: sadd, meaning "to block," and adz-dzari'ah, meaning 'means' or "intermediary." Thus, terminologically, sadd adz-dzari'ah can be understood as an effort to block or prevent access to something that is inherently permissible

but may lead to something prohibited or harmful if left unchecked.⁴¹

This principle is used by fuqaha to prevent anything that could potentially lead to harm or mafsadat, even though it is not necessarily explicitly haram.⁴²

This concept has significant value in a social context, including in the resolution of family disputes. Divorce, although permitted under Islamic law, is still considered a last resort in domestic conflicts. Many negative impacts or mafsadat can arise from divorce that is carried out without careful consideration, including the loss of family stability, disruption of children's growth and development, and ongoing conflicts after divorce, such as custody battles and alimony disputes. Therefore, preventive measures to prevent unnecessary divorce can be seen as a form of applying the principle of sadd adz-dzari'ah.

One implementation of this principle in the context of judicial institutions is the mediation process in religious courts. Mediation is positioned as an initial means of defusing conflicts between husbands and wives before cases proceed to a more formal examination stage. In practice, mediation provides space for both parties to reconsider their decisions, open communication, and find common ground. This is particularly important because many

⁴¹ Ridwan Arifin, "Sadd adz-Dzari'ah sebagai Prinsip Preventif dalam Hukum Islam," *Jurnal Al-Ijtima'i* 7, no. 1 (2021): 59–70.

⁴² Wahbah al-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī*, Juz II (Beirut: Dār al-Fikr, 1986), 1031.

divorce cases are actually rooted in misunderstandings or temporary emotional conflicts. Within the framework of sadd adz-dzari'ah, mediation serves as a legal mechanism aimed at preventing divorce if reconciliation between the parties is still possible.⁴³

The application of this principle through mediation can also provide a number of significant benefits, such as opening up healthier communication channels, saving households that still have the potential to be maintained, and protecting children from the severe psychological impact of their parents' separation. On the other hand, mediation also serves to prevent the emergence of harm, such as the emotional breakdown of the family, prolonged conflicts between the disputing parties, and the lack of social and economic preparedness following divorce. Thus, mediation not only has a procedural function within the religious court system but also carries strong normative value as a form of applying the principle of prevention in Islamic law.⁴⁴

Through this sadd adz-dzari'ah theoretical framework, research on the effectiveness of mediation in resolving divorce disputes gains a solid argumentative basis. That is, the peaceful efforts made during the mediation stage are not merely an administrative obligation, but a reflection of the value of prudence

⁴³ Ridwan Arifin, "Sadd adz-Dzari'ah sebagai Prinsip Preventif dalam Hukum Islam," *Jurnal Al-Ijtima'i: International Journal of Government and Social Science* 7, no. 1 (2021): 59–70.

⁴⁴ Mahmud Al-Hakim, "Relevansi Sadd adz-Dzari'ah dalam Praktik Mediasi Keluarga," *Jurnal Ushuluddin* 20, no. 1 (2022): 77–91.

in preventing broader negative impacts. In this context, Islamic law demonstrates its flexibility and wisdom in regulating social relations, particularly in efforts to maintain the integrity of the family and the stability of society.

CHAPTER III

RESEARCH METHODS

1. Types of Research and Approach

The type of research used in this study is field research, which is research conducted directly in the field to obtain empirical data from the parties involved in the divorce mediation process at the Yogyakarta Religious Court. This research aims to explore in depth the dynamics, challenges, and effectiveness of the implementation of mediation as an effort to resolve family disputes.

The approach used in this research is a qualitative approach with a case study method. The qualitative approach was chosen because it allows researchers to understand legal phenomena contextually and deeply through the perspectives of actors, such as mediators, judges, and litigants. Meanwhile, a case study is used because this research focuses on one particular location, namely the Yogyakarta Religious Court, within the time span of 2023-2024.

This research is sociological juridical in nature, namely analyzing law as a social symptom that lives and develops in society. In this case, mediation is understood not only as a formal procedure in the judicial process, but also as a social process involving values, perceptions and relations between the parties. Therefore, this research not only aims to describe how the provisions of mediation are formally applied, but also to reveal how its effectiveness is perceived by the parties involved.

2. Location of the research

This research was conducted in one place, namely the Yogyakarta Religious Court, D.I.Yogyakarta.

3. Research Informants

In this study, the author conducted interviews with five informants who were selected based on their respective roles, as follows:

1. One judge mediator and one non-judicial mediator who has the duty and authority to lead the mediation process at the Yogyakarta Religious Court.
2. One staff of the mediation section who understand the administrative techniques and mechanisms for implementing mediation in the court environment.
3. Two people from the parties who have undergone the mediation process.

These informants were selected because of their direct involvement in the mediation process, enabling them to provide in-depth information about the effectiveness, obstacles, and factors influencing the success or failure of mediation at the Yogyakarta Religious Court. Interviews with these five informants were conducted over a period of approximately three months, from August to October 2025.

4. Informant Determination Technique

The determination of informants in this study used purposive sampling technique, which is a technique of deliberately selecting informants based on certain considerations that are relevant to the research objectives. Informants were selected because they have sufficient capacity, experience and knowledge related to the implementation of mediation in divorce cases at the Yogyakarta Religious Court.

The criteria for informants in this study include:

1. Judge mediators who actively led mediation processes in 2023-2024.
2. Officers or administrative staff of the mediation section who are active in 2023-2024.
3. Litigants (husband/wife) who have participated in the divorce mediation process at the Yogyakarta Religious Court.

If necessary, the snowball sampling technique was also used, by asking for recommendations from initial informants to connect researchers with other informants who have the relevance and experience needed in this research. This was done to expand the scope of information that could enrich the research data in depth.

5. Data Collection Technique

The data collection techniques used in this study employed three main methods, namely observation, in-depth interviews, and

documentation. These three techniques were used in an integrated manner to obtain comprehensive data on the implementation of mediation in divorce cases at the Yogyakarta Religious Court.

a) Observation

The researcher made direct observations of the activities and dynamics of the mediation process at the Yogyakarta Religious Court. This observation was non-participatory, in which the researcher was not actively involved in the process, but recorded various important things that occurred during the implementation of mediation, including the pattern of interaction between the parties and the mediator.

b) Interview

Interviews were conducted directly with informants using semi-structured interview guidelines. This technique allowed the researcher to explore in-depth and open-ended information regarding the informants' experiences, perceptions and views on the effectiveness of the mediation process. Interviews were conducted with mediator judges, litigants, and mediation staff.

c) Documentation

Documentation is carried out by collecting documents related to the mediation process, such as statistical data on divorce cases through mediation, mediation minutes, peace agreement forms, and other administrative documents relevant to the research. This technique aims

to strengthen and complement the data from interviews and observations.

6. Data Validity

To maintain the validity of the data in this study, a triangulation technique was used, namely testing the validity of the data through comparing various data sources, data collection techniques, and data collection time. Triangulation is carried out to ensure that the data obtained is truly accurate, reliable, and reflects the actual conditions in the field.

7. Data Analysis Technique

The process of analyzing the data will be carried out in several steps:

a) Data Reduction

This process is carried out by sorting, simplifying, and focusing the raw data obtained from the field in accordance with the research objectives. Data reduction helps researchers to manage complex data so that it is easier to analyze.

b) Data Presentation

The data that has been reduced is then organized in the form of descriptive narratives, interview quotes, and simple tables to facilitate understanding of the patterns that emerge from the field data.

c) Conclusion and Verification

Conclusions are drawn based on the findings of the data that has been analyzed, while continuing to verify to ensure that the conclusions are truly supported by valid and consistent data.

CHAPTER IV

RESULT AND DISCUSSION

A. Result

1. Profile of Yogyakarta Religious Court

a. History

The Yogyakarta Religious Court is a continuation of the Serambi Court during the Yogyakarta Sultanate. During that period, judicial proceedings were conducted simply in the porches of mosques by the penghulu, who served as both mosque administrators and religious judges. This model of justice demonstrated the close relationship between the function of the mosque and the resolution of disputes among the Muslim community, where cases were resolved quickly, openly, and with an emphasis on local wisdom. The transformation from a traditional court to a state institution occurred in 1946, when the Yogyakarta Religious Court began operating in Pengulon, just north of the Great Mosque of Yogyakarta. This change marked the beginning of a new era for religious courts in Yogyakarta, which began to be integrated into the national legal system.

Legally, the existence of the Yogyakarta Religious Court was reinforced through the Decree of the Minister of Religious Affairs No. 6 of 1947, which regulated the establishment of Religious Courts in various regions, including Yogyakarta. This legal basis was then reinforced in Law No. 7 of 1989 concerning Religious Courts, which places Religious Courts as one of the pillars of the judicial system in Indonesia, on par with general

courts, administrative courts, and military courts. This legal affirmation not only provides certainty regarding the authority of the Religious Court, but also expands the scope of cases it can handle, ranging from marriage, inheritance, wills, waqf, to sharia economics.⁴⁵ In the context of Yogyakarta, this regulation has become the basis for institutional and operational strengthening that continues to develop to this day.⁴⁶

At the beginning of its establishment, the Yogyakarta Religious Court office occupied a building at Jalan Sokonandi No. 8 Yogyakarta, which was built in 1976 on land leased from the Regional Office of the Ministry of Religious Affairs of the Province of DIY.⁴⁷ This location served as the center for religious court services for two decades before the building was exchanged with the Regional Office of the Ministry of Religious Affairs in 1996. This exchange moved the Yogyakarta Religious Court office to a building on Jalan Wijilan No. 14, Yogyakarta, previously known as Wisma Sejahtera. Shortly thereafter, to improve service effectiveness, the office was moved again to its current location on Jalan Ipda Tut Harsono No. 53, Yogyakarta.⁴⁸ This relocation is based on strategic considerations, both in terms of accessibility for the community and the completeness of the infrastructure needed to support the performance of a modern judiciary.

⁴⁵ Republik Indonesia, Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama.

⁴⁶ “Profil Pengadilan Agama Yogyakarta,” Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025.

⁴⁷ “Sejarah,” Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025, <https://www.pa-yogyakarta.go.id/sejarah>.

⁴⁸ Ibid.

In line with the times and public demands for faster, more transparent, and more professional legal services, the Yogyakarta Religious Court is committed to implementing bureaucratic reform through the development of an Integrity Zone Towards a Corruption-Free Zone (WBK) and the implementation of an Anti-Bribery Management System (SMAP).⁴⁹ This step is in line with the vision of the Indonesian Supreme Court to create a judicial body that is noble, authoritative, and trusted by the public. In addition, this institution has also adopted various technological innovations such as e-Court and e-Litigation to facilitate access to the judiciary, reduce the time required to process cases, and reduce litigation costs, making it more relevant to the needs of dynamic urban communities such as Yogyakarta.

As a Class IA institution, the Yogyakarta Religious Court has jurisdiction over the entire city of Yogyakarta, which consists of 14 subdistricts and 45 villages.⁵⁰ This jurisdiction covers a densely populated area with high socio-cultural diversity, resulting in a wide variety of complex cases. This position makes the Yogyakarta Religious Court one of the religious courts with a fairly high caseload in the Special Region of Yogyakarta Province. In carrying out its duties, this institution not only focuses on resolving disputes, but also plays a role in providing legal education to the community, fostering legal awareness, and maintaining

⁴⁹ “Zona Integritas dan SMAP,” Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025, <https://www.pa-yogyakarta.go.id>.

⁵⁰ “Wilayah Yurisdiksi Pengadilan Agama Yogyakarta,” Pengadilan Agama Yogyakarta, <https://www.pa-yogyakarta.go.id>.

social harmony in accordance with the principles of Islamic law and applicable laws and regulations.

b. Vision and Mission of Yogyakarta Religious Court

The Yogyakarta Religious Court establishes its vision "Terwujudnya Pengadilan Agama Yogyakarta yang Agung".⁵¹ The word "agung" here reflects the aspiration to become a judicial institution that upholds justice, guarantees integrity and professionalism, and is capable of providing quality legal services to people seeking justice. This vision is in line with the grand vision of the Supreme Court of the Republic of Indonesia, thus serving as a guideline and direction for all policies and strategic steps taken by the Yogyakarta Religious Court in carrying out its duties.

To realize this vision, the Yogyakarta Religious Court has formulated a mission that focuses on strengthening human resources, public services, and effective judicial governance. The following is the mission of the Yogyakarta Religious Court:

1. Improving the quality of religious court personnel so that they are more professional and proportional.
2. Providing excellent service to realize simple, fast, and affordable judicial services.

⁵¹ "Visi dan Misi," Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025, <https://www.pa-yogyakarta.go.id>.

3. Implementing effective and efficient administrative order and court management.
4. Providing and presenting information in a transparent, honest, and accountable manner.
5. Improving the image of religious courts in line with the vision of the Supreme Court of Indonesia.⁵²

The first mission is to improve the quality of religious court officials so that they are more professional and proportional. This requires continuous guidance, improvement of technical and non-technical competencies, and enforcement of ethics and work discipline at all levels of the judiciary.

The next mission is to provide excellent service in order to realize simple, fast, and low-cost judicial services. This principle refers to the mandate of the law and is a requirement of modern judicial reform, in which services not only emphasize speed, but also affordability and ease of access for the community. This effort is realized through the use of information technology such as e-Court and e-Litigation, which shorten the administrative process of cases and reduce geographical and administrative barriers.

In addition, the Yogyakarta Religious Court also has a mission to implement effective and efficient administrative order and court

⁵² “Visi dan Misi,” Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025, <https://www.pa-yogyakarta.go.id>.

management. Good administrative management not only ensures smooth internal work, but also supports transparency and public accountability. In line with this, the institution is committed to providing and presenting information in a transparent, honest, and accountable manner, including through the use of official websites and public information services.

The final mission is to improve the image of religious courts in line with the vision of the Supreme Court of Indonesia. This improvement is achieved through strengthening integrity, responsive services, and active participation in national programs such as the development of Integrity Zones towards Corruption-Free Areas (WBK) and the implementation of the Anti-Bribery Management System (SMAP). Thus, the vision and mission of the Yogyakarta Religious Court are not merely formal statements, but also a real commitment that continues to be realized in the practice of service and law enforcement within its jurisdiction.

c. Main Duties and Function of the Yogyakarta Religious Court

The Yogyakarta Religious Court has the main task of examining, deciding, and resolving certain cases at the first level between people of the Islamic faith. This duty is carried out based on the provisions of Article 49 of Law Number 7 of 1989 concerning Religious Courts, as amended by Law Number 3 of 2006 and Law Number 50 of 2009.⁵³ Matters under its jurisdiction include disputes in the areas of marriage, inheritance, wills,

⁵³ Republik Indonesia, Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama.

grants, waqf, zakat, infaq, shadaqah, and Islamic economics. In addition, the Yogyakarta Religious Court also has the authority to examine and determine the validity of rukyat hilal testimony in order to determine the beginning of the Hijri month, as well as other matters stipulated by law.⁵⁴

In carrying out these main duties, the Yogyakarta Religious Court has a number of functions that constitute the operational elaboration of its authority.⁵⁵ First, judicial technical and administrative services, which include receiving, recording, examining, and deciding cases at the first level, including the execution of decisions. Second, advanced judicial administration, which includes managing appeal, cassation, and review files, as well as other case administration tasks. Third, general administrative services, which relate to personnel management, finance, equipment, and other administrative matters outside of case costs.

In addition, the Yogyakarta Religious Court also performs an advisory function, namely providing information, considerations, and Islamic legal advice to government agencies within its jurisdiction when requested. This function is non-judicial but important in supporting regional policies that are in line with Islamic legal principles. In addition, there are also additional services such as the settlement of inheritance distribution requests outside of disputes, the issuance of handwritten heir certificates,

⁵⁴ “Tugas Pokok dan Fungsi,” Pengadilan Agama Yogyakarta, diakses 12 Agustus 2025, <https://www.pa-yogyakarta.go.id>.

⁵⁵ Ibid.

excluded. Within the scope of religious courts, mediation aims to create a conducive space for dialogue between the disputing parties, with the assistance of a neutral mediator, to find a mutually acceptable solution. This process is not only intended to resolve disputes quickly and cheaply, but also to restore good relations between the parties, especially in domestic cases that have the potential to cause widespread social impact.

Procedurally, mediation in religious courts begins after the case has been registered and the panel of judges has been appointed. At the first hearing, the judge is required to direct the parties to undergo mediation, then appoint a mediator, either from among the judges or from among non-judicial mediators registered with the court. The mediator will facilitate meetings between the parties in person or online, explore the main issues, seek common ground, and formulate an agreement if possible. If an agreement is reached, the results are set out in a legally binding settlement agreement. However, if no agreement is reached, the case will proceed to trial.

The outcome of mediation in religious courts is not always a complete success or failure. In practice, mediation outcomes can be complete success (all points of dispute are agreed upon and set forth in a settlement agreement), partial success (some issues are agreed upon in a settlement agreement and the rest are examined through a trial), or even failure (no agreement is reached and the case proceeds to trial). This

diversity of outcomes demonstrates that mediation has the flexibility to accommodate the dynamics of dispute resolution in religious courts.

3. Implementation of Mediation at the Yogyakarta Religious Court in 2023-2024

Based on data obtained directly from the clerk of the Yogyakarta Class IA Religious Court, the following is a comparison of divorce cases in 2023 and 2024.

Table 1
Yogyakarta Religious Court Divorce Case Data for 2023

NO	CASES	NUMBER OF CASES	CASES GRANTED	CASES REJECTED	REMAINING CASES
1	DIVORCE BY REPUDIATION	145	114	19	12
2	DIVORCE LAWSUIT	538	449	69	20
3	TOTAL	683	563	88	32

Source: Yogyakarta Religious Court mediation report book, October 09, 2025.

Table 2
Yogyakarta Religious Court Divorce Case Data for 2024

NO	CASES	NUMBER OF CASES	CASES GRANTED	CASES REJECTED	REMAINING CASES
1	DIVORCE BY REPUDIATION	135	98	26	11
2	DIVORCE LAWSUIT	510	421	66	23
3	TOTAL	645	519	92	34

Source: Yogyakarta Religious Court mediation report book, October 09, 2025.

Table 3
Results of Mediation at the Yogyakarta Religious Court in 2023

NO	MONTH	MEDIATION CONDUCTED	SUCCESSFUL	PARTIALLY SUCCESSFUL	UNSUCCESSFUL	FAILED
1	January	17	2		14	1
2	February	13	1	1		11
3	March	14		6	8	
4	April	6	3		3	
5	May	8		2	7	
6	June	15	1	4	10	
7	July	7		3	5	
8	August	16	1	8	7	
9	September	10		5	5	
10	October	18		6	12	
11	November	13		7	6	
12	December	12	1	5	6	
13	Total	149	9	45	83	12

Source: Yogyakarta Religious Court mediation report book, October 09, 2025.

Table 4
Results of Mediation at the Yogyakarta Religious Court in 2024

NO	MONTH	MEDIATION CONDUCTED	SUCCESSFUL	PARTIALLY SUCCESSFUL	UNSUCCESSFUL	FAILED
1	January	14	1	10	3	

2	February	9		2	6	1
3	March	6		2	4	
4	April	10	1	2	7	
5	May	8	1		7	
6	June	8	1	2	5	
7	July	7		2	5	
8	August	8		3	5	
9	September	7		3	4	
10	October	13	1	1	11	
11	November	10		8	2	
12	December	12	1	8	3	
13	Total	112	6	43	62	1

Source: Yogyakarta Religious Court mediation report book, October 09, 2025.

Based on data obtained from the Yogyakarta Religious Court, in 2023 there were 149 cases that underwent mediation. Of these, only 9 cases (6.04%) were fully settled, while 45 cases (30.20%) were partially settled, and the remaining 83 cases (55.70%) were unsuccessful and 12 cases (8.05%) were declared failed. In the following year, 2024, the number of mediations decreased to 112 cases. Of these, only 6 cases (5.36%) were fully successful, 43 cases (38.39%) were partially successful, 62 cases (55.36%) were unsuccessful, and 1 case (0.89%) was declared a failure.

When comparing the two years, it can be concluded that the number of cases that underwent mediation in 2024 decreased by around 24.8%

compared to the previous year. However, the total success rate (full success and partial success) actually increased from 36.24% in 2023 to 43.75% in 2024. This fact indicates a relative improvement in effectiveness, even though the number of cases mediated has decreased.

Despite an increase in overall success, the success rate of mediation is still generally low. This can be seen from the dominance of unsuccessful cases, both in 2023 and 2024, which each accounted for more than half of the total number of mediations. This condition illustrates that mediation in divorce cases at the Yogyakarta Religious Court has not yet fully optimized its function as an instrument of peace, thus requiring more effective strategies and approaches to improve success rates in the future.

B. Discussion

1. Implementation of Mediation at the Yogyakarta Religious Court

The implementation of mediation in the Yogyakarta Religious Court is based on a set of laws and regulations that provide a normative basis for the peaceful settlement of disputes in court. From the outset, Article 130 of the *Herziene Indonesisch Reglement* (HIR) and Article 154 of the *Rechtsreglement voor de Buitengewesten* (RBg) have mandated that judges seek reconciliation before examining the merits of a case. These provisions are reinforced in Law Number 7 of 1989 concerning Religious Courts as amended by Law Number 3 of 2006 and Law Number 50 of 2009. At the

technical level, the most frequently used guideline is Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Court, which explicitly requires all civil cases, including divorce cases, to undergo mediation before the case is further examined.⁵⁷ In addition, Supreme Court Chief Justice Decree No. 108/KMA/SK/VI/2016 on Mediation Management in Courts provides administrative guidance on mediation management in all religious courts.⁵⁸ The existence of these various regulations provides a legal framework that confirms that mediation is not merely an option, but a mandatory procedure in the resolution of family disputes in court.

In practice, after the case is registered and the first hearing is held, the panel of judges will explain to the parties their obligation to undergo mediation. At this stage, the parties are asked to sign a statement of willingness to participate in mediation, after which they are given the opportunity to choose a mediator to lead the negotiation process.⁵⁹ Once the mediator has been appointed, the process begins with a request to each party to prepare a summary of the issues in dispute. The mediator then facilitates a step-by-step dialogue, providing space for the parties to express their interests and offering alternative solutions that could lead to an amicable agreement. If the mediator deems it necessary to explore the motivations or

⁵⁷ Perma No. 1 Tahun 2016

⁵⁸ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

⁵⁹ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

hidden interests of one of the parties in greater depth, he or she may hold a caucus, which is a closed meeting with one of the parties separately from the joint forum. This process is described by the mediator judge as an important strategy in helping the parties see opportunities for peace without pressure from the opposing party.⁶⁰

In addition to the formal explanation provided by the mediator, the understanding of the parties involved also shows how the mediation process is understood and interpreted by those who undergo it directly. Based on the results of interviews with the wife as the plaintiff, it is known that their knowledge of mediation generally revolves around efforts to seek peace and find a middle ground between the two parties. MB explained that she understood mediation as an effort to reconcile and “find a way forward” after a conflict,⁶¹ while BA said that she only knew mediation as one of the stages that must be passed in the trial process, with the main objective of helping both parties to understand each other.⁶² Both acknowledged that mediation provided space for them to speak openly and reconsider their respective positions before proceeding with the divorce process. In addition, they assessed that the mediator at the Yogyakarta Religious Court was polite, professional, and able to facilitate dialogue well. This shows that, beyond the procedural aspects, the implementation of mediation in practice

⁶⁰ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

⁶¹ Interview with MB (name withheld), as a Party to the Case at the Yogyakarta Religious Court, on September 9, 2025, at 12:00 p.m.

⁶² Interview with BA (name withheld), as a Party to the Case at the Yogyakarta Religious Court, on September 9, 2025, at 11:00 p.m.

has been understood by the parties as a humane and reflective process, which allows them to communicate constructively under the guidance of a neutral facilitator.

The statement from the non-judicial mediator reinforces this technical description. According to him, after the mediator is appointed, the parties are directed to the mediation room provided by the court. The mediator usually begins by listening to each party's statement in turn, then brings them together in a joint session to find common ground. If a full or partial agreement is reached, the results are recorded in a settlement agreement which is then reported through the Case Tracking Information System (SIPP), giving it the same administrative force as other court documents.⁶³ These stages show that mediation at the Yogyakarta Religious Court is carried out systematically, taking into account procedural aspects as well as administrative regularity.

The implementation of mediation cannot be separated from the involvement of various actors who have their respective duties. Judges act as the party that ensures the parties pursue mediation, appoints a suitable mediator, and receives reports on the results of mediation to be included in the court minutes. Mediators, whether judges or non-judicial, play a central role in facilitating communication, maintaining neutrality, providing settlement options, and drafting a settlement agreement if the parties reach

⁶³ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

an agreement. Meanwhile, the court clerk and deputy court clerk play a role in technical and administrative aspects, such as preparing the appointment of a mediator, coordinating the summoning of the parties, documenting the mediation process, and reporting the results of the mediation to the panel of judges.⁶⁴ This division of roles is important so that the mediation process runs in accordance with procedural law while also fulfilling the principle of accountability.

In terms of time, Supreme Court Regulation Number 1 of 2016 Article 24 stipulates that the mediation period is 30 days from the appointment of the mediator, and if necessary, it can be extended for a maximum of 14 days with the approval of the examining judge. This time limit is also explicitly mentioned in the mediation implementation SOP applicable at the Yogyakarta Religious Court, which covers stages ranging from the appointment of a mediator, summoning the parties, receiving a summary of the issue, to drafting an agreement and reporting the results.⁶⁵ This time limit is intended to ensure that mediation proceeds efficiently without hindering the court proceedings if no agreement is reached.

In addition to regulations and procedures, the availability of facilities and infrastructure also supports the implementation of mediation. The Yogyakarta Religious Court provides a mediation room that is separate from the main courtroom. This facility is designed to create a more

⁶⁴ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

⁶⁵ Ibid

conducive atmosphere, so that the parties can engage in dialogue without the pressure of a courtroom atmosphere. A mediator judge stated that “a comfortable room is very helpful for the mediation process, because the parties involved are more willing to engage in dialogue than if it were conducted in a courtroom.”⁶⁶ The non-judicial mediators also added that the scheduling of mediators and the availability of representative meeting rooms contributed to the smooth running of the negotiation process.⁶⁷ This shows that the success of mediation depends not only on legal aspects and procedures, but also on a physical environment that enables more open and productive communication.

The entire mediation process is then concluded with administration and reporting integrated into the court system. After the mediator completes the negotiation process, whether successful, partially successful, or unsuccessful, he or she compiles a mediation report and submits it to the panel of judges through the substitute court clerk. The mediation results are also entered into the mediation application and the Case Tracking Information System (SIPP), so that the entire process is well documented.⁶⁸ This mechanism ensures that each stage of mediation has a clear administrative trail, while also providing a basis for evaluation by the court in order to improve the quality of mediation services in the future.

⁶⁶ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

⁶⁷ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

⁶⁸ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

In addition to a clear legal framework and procedures, the implementation of mediation at the Yogyakarta Religious Court is also influenced by a number of factors that can either support or hinder it. On the supporting side, there are comprehensive regulations—ranging from Article 130 HIR, Article 154 RBg, Law No. 7 of 1989 in conjunction with Law No. 3 of 2006 in conjunction with Law No. 50 of 2009, to Supreme Court Regulation No. 1 of 2016—provides legal certainty for the parties and mediators in conducting mediation. Institutional support in the form of comfortable mediation rooms was also mentioned by the mediator judge as one of the aspects that encouraged openness among the parties in the dialogue: “A comfortable room greatly helps the mediation process, because the parties present are more willing to engage in dialogue than if it were conducted in a courtroom.”⁶⁹ In addition, the structured schedule of non-judicial mediators makes mediation services more accessible, so that the negotiation process can be carried out immediately after the case is registered.⁷⁰ In addition, the administration and reporting system through SIPP facilitates the recording of mediation results, ensuring that each stage is well documented.⁷¹

In addition to regulatory support, facilities, and administrative systems, the competence of mediators is also an important factor in

⁶⁹ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

⁷⁰ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

⁷¹ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

facilitating the smooth implementation of mediation. Based on information from the court clerk, mediators at the Yogyakarta Religious Court are required to master mediation techniques, have conflict management skills, thoroughly understand the provisions of Supreme Court Regulation No. 1 of 2016, and be able to properly draft settlement agreements.⁷² These competencies ensure that mediators can perform their roles professionally, maintain neutrality, and help the parties find fair and acceptable solutions. In addition, the court routinely conducts quarterly monitoring and evaluation (monev) to monitor the quality of mediation and increase the success rate over time.⁷³ This evaluation mechanism is an important support because it provides feedback for improving the performance of mediators and the mediation system as a whole.

On the other hand, another obstacle is the readiness and attitude of the parties who come to the mediation room. As stated by a mediator judge, it is not uncommon for the parties to arrive with a firm determination to proceed with the divorce, so that the chances of reaching a settlement are very slim even though the mediation has been facilitated well. In addition, limited understanding of the purpose of mediation can lead the parties to view it merely as a procedural formality, rather than as a means of finding a mutually beneficial solution.⁷⁴

⁷² Ibid

⁷³ Ibid

⁷⁴ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

In addition, even though the mediator's schedule has been neatly and regularly arranged, the number of cases submitted for mediation each day is unpredictable, causing a backlog of cases on certain days, which means that mediators have to handle several mediation processes in close succession.⁷⁵ This situation can reduce the mediator's focus on each case and potentially affect the quality of the negotiation process.

These obstacles indicate that the success of mediation is not only determined by the availability of regulations and facilities, but also by the readiness of human resources and the level of legal awareness of the community involved in the case.

2. Effectiveness of Mediation Implementation in the Yogyakarta Religious Court (2023–2024)

The effectiveness of mediation implementation at the Yogyakarta Religious Court in the 2023–2024 period can be analyzed using the five-factor framework proposed by Soerjono Soekanto, namely legal factors, law enforcement factors, facilities and infrastructure factors, community factors, and mindset and socio-cultural factors.

a. Legal Factors

This factor includes the existence and quality of norms that form the basis for mediation. Normatively, the obligation of judges to seek reconciliation before examining the merits of a case has been stipulated in

⁷⁵ Ibid

Article 130 of the *Herziene Indonesisch Reglement* (HIR), which states: “If on the appointed day both parties appear, the district court, through the presiding judge, shall attempt to reconcile them.” A similar provision is also contained in Article 154 of the *Rechtsreglement voor de Buitengewesten* (RBg). In the context of religious courts, Law No. 7 of 1989 on Religious Courts, as amended by Law No. 3 of 2006 and Law No. 50 of 2009, emphasizes that judges are obliged to seek reconciliation before issuing a decision in divorce cases.⁷⁶

The main guideline governing mediation procedures is Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Court. Article 3 paragraph (1) of the PERMA states: “Every judge, mediator, and party to the case must undergo mediation procedures before the case examination begins.” Furthermore, Article 24 paragraph (1) stipulates that “Mediation shall be conducted within a maximum of 30 (thirty) days from the issuance of the mediation order and may be extended for a maximum of 14 (fourteen) days by agreement of the parties.”⁷⁷ In addition, Supreme Court Chief Justice Decree No. 108/KMA/SK/VI/2016 on Mediation Governance in Courts provides technical guidance on mediation governance and administration in all courts.

With the availability of comprehensive and clear legal protection, the implementation of mediation has strong legitimacy to encourage the

⁷⁶ Undang-Undang Nomor 50 Tahun 2009.

⁷⁷ Perma No. 1 Tahun 2016

parties to seek peaceful resolutions. However, the success of the implementation of these regulations is greatly influenced by other factors, such as the quality of law enforcement and community readiness, which will be discussed in the next section.

b. Law enforcement factor

In daily practice, mediation involves judge mediators, non-judicial mediators registered with the court, as well as clerks and deputy clerks who handle administrative aspects. Data and information from sources indicate that the success of mediation is largely determined by the experience and skills of the practitioners. The clerk of the Yogyakarta Religious Court explained that mediators in this court generally have mastered mediation techniques, possess conflict management skills, and have a good understanding of the provisions of Supreme Court Regulation No. 1 of 2016, including the proper drafting of settlement agreements.⁷⁸

The mediator judge described that during the process, mediators often deal with parties whose emotions are still running high, so communication skills and control of the atmosphere are decisive factors in the course of negotiations. He also added that mediators must be able to listen to and understand the feelings of the parties, while at the same time providing guidance so that they focus on finding solutions, rather than

⁷⁸ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

defending their respective egos.⁷⁹ This statement reflects how mediators at the Yogyakarta Religious Court are accustomed to using a calming approach to prevent dialogue from reaching an impasse.

Coordination between practitioners also appears to be quite systematic. Non-judicial mediators revealed that the court sets a weekly duty roster for mediators, so that assignments do not overlap and mediators are always available when new cases come in.⁸⁰ The court clerk and deputy court clerk play an important role in supporting the smooth running of administration, from preparing mediator appointments, arranging call schedules, to recording mediation results in the Case Tracking Information System (SIPP). According to the court clerk, communication between mediators and court clerks is intensive so that each stage of mediation can be completed within the specified time frame.⁸¹

From the perspective of the parties involved, the mediator's competence is also considered an important factor in the effectiveness of mediation. Based on the interview results, the parties assessed that the mediators at the Yogyakarta Religious Court have good communication skills and are able to remain neutral in facilitating the mediation process. MB stated that the mediator had made every effort to give each party an equal opportunity to express their opinions and explain the main issues in

⁷⁹ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

⁸⁰ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

⁸¹ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

easy-to-understand language. BA also expressed a similar view, saying that the mediator was polite and patient in mediating the discussion, even though in the end no agreement was reached due to a lack of understanding between the two parties. Both assessed that the mediator had shown professionalism and empathy throughout the process. Thus, it can be concluded that from the perspective of the parties, the competence of mediators at the Yogyakarta Religious Court has fulfilled the elements of legal effectiveness as intended by Soerjono Soekanto, namely the existence of law enforcers who are able to carry out their functions properly, fairly, and communicatively.

Based on the above description, the law enforcement factors in the implementation of mediation at the Yogyakarta Religious Court in 2023–2024 show that the quality and coordination of the implementers are already quite good. Mediator judges, non-judicial mediators, as well as court clerks and deputy court clerks carry out their roles in accordance with the procedures stipulated in Supreme Court Regulation Number 1 of 2016. They demonstrate communication skills, conflict management abilities, and discipline in recording the results of mediation through the Case Tracking Information System (SIPP). Although the findings show that law enforcement factors are functioning quite well, the success of a case ultimately depends on the attitude of the parties involved.

c. Facilities and infrastructure factor

Facilities and infrastructure also influence the effectiveness of mediation at the Yogyakarta Religious Court. Interviews revealed that the court has provided a mediation room separate from the main courtroom, with a more relaxed atmosphere that supports open communication between mediators and the parties.⁸² Non-judicial mediators also stated that, in addition to room facilities, mediation scheduling and the availability of simple equipment such as tables, chairs, and administrative documents support the smooth running of the mediation process.⁸³

From the parties' point of view, the facilities provided by the Yogyakarta Religious Court are considered adequate to support comfort during the mediation process. MB said that the mediation room felt comfortable and private so that he could speak more calmly without feeling watched by other parties. According to him, the conducive atmosphere helped him to be more open in expressing his views and desires to the mediator. BA also conveyed a similar sentiment, saying that the room layout and service provided by the staff were excellent, with mediators who were able to create a relaxed but focused atmosphere. He felt that the mediation room was not just a formal place, but a space for dialogue that provided an opportunity to think clearly before making a final decision. The assessments of these two informants show that facilities and infrastructure are not only

⁸² Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

⁸³ Ibid

related to physical aspects, but also influence the psychology of the parties in building communication and trust during the mediation process.

From an administrative perspective, the use of the Case Tracking Information System (SIPP) to report mediation results allows for a faster and well-documented recording process. The court clerk stated that the mediation results reported by the mediator would be entered into the mediation application and SIPP, so that each case would have an official record that could be easily accessed again if necessary.⁸⁴

This reality shows that facilities and infrastructure, both in physical form and administrative systems, have contributed significantly to the smooth implementation of mediation at the Yogyakarta Religious Court during the 2023–2024 period.

d. Community factor

Social factors also play a role in determining the effectiveness of mediation at the Yogyakarta Religious Court. According to the mediator judge, many parties come to mediation with the firm intention of proceeding with the divorce, making it unlikely that an amicable agreement will be reached. He stated that most couples who undergo mediation come to court with the intention of divorcing, so the mediation process is sometimes considered a mere formality.⁸⁵ Non-judicial mediators also revealed that the

⁸⁴ Interview with Dra. Mardhiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

⁸⁵ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

parties' understanding of the purpose of mediation varies; some see it as an opportunity to find a middle ground, while others view it merely as a requirement that must be fulfilled before the trial begins.⁸⁶

In addition, social background, education level, and family dynamics influence the parties' attitudes toward peace efforts. The court clerk added that some parties seemed more receptive to the mediator's suggestions when they understood the benefits of peace for the family's survival, while others insisted on continuing the case even though they had been given space for dialogue.⁸⁷

Based on interviews with the parties involved, social factors and family background also play a role in determining the response to the mediation process. MB said that the failure of mediation was not due to a lack of effort on the part of the mediator, but rather because of differences in attitude and level of understanding between herself and her husband. She said that one party remained stubborn and unwilling to lower their ego, so that an agreement could not be reached even though it had been well facilitated. BA had a different experience: she admitted that she still hoped for peace because she realized that at an advanced age without children, separation was not an easy choice. However, she also acknowledged that the lack of communication and limited understanding between the two made the mediation process less effective. These two

⁸⁶ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

⁸⁷ Interview with Dra. Mardiyah Nur, deputy registrar at the Yogyakarta Religious Court, on August 7, 2025, at 10:45 a.m.

views show that the success of mediation is not only influenced by legal and technical aspects, but also by the social and emotional readiness of the parties to lower their egos and open up space for sincere dialogue in order to achieve peace.

These findings indicate that the level of public awareness and readiness for peace has a direct impact on mediation outcomes and is an external factor that influences the success rate of mediation at the Yogyakarta Religious Court in 2023–2024.

e. Socio-cultural factor

Cultural and psychological factors reveal a deeper dimension than just the level of public awareness of mediation. Based on interviews, mediators at the Yogyakarta Religious Court found that the value systems embraced by the parties often influence how they view dispute resolution. Some bring with them an understanding that places divorce as a natural part of resolving domestic problems, so that from the outset, the mediation room is treated as nothing more than a necessary step to be taken. The mediator judge revealed that there are parties who come with the mindset that divorce is the only correct solution, so they no longer see the importance of the peace process.⁸⁸

Psychological aspects also appear to play a strong role. Non-judicial mediators note that many parties enter mediation forums with heavy

⁸⁸ Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

emotional burdens due to long-standing disputes, and some even arrive feeling bored and mentally exhausted.⁸⁹ In such circumstances, their ability to reconsider their decision to divorce becomes more limited. Most focus on the desire to end the conflict immediately rather than seeking a more peaceful resolution. These findings show that the effectiveness of mediation is not only related to the readiness or legal knowledge of the parties, but also to the cultural constructs and psychological conditions inherent in them, which often steer the process in a direction that is less conducive to achieving peace.

The parties involved expressed similar sentiments. MB said that her husband's unwillingness to compromise and her exhaustion from dealing with prolonged conflict left her with no energy to seek a peaceful solution. Meanwhile, BA revealed that her age and years of living together made it difficult for her to accept the separation, but at the same time, she also found it difficult to express her feelings openly. These two views show that cultural and psychological aspects not only shape the way the parties understand the conflict, but also influence their readiness to achieve peace in the mediation forum.

NO	Factor of Legal Effectiveness (Soerjono Soekanto)	Field Findings at Yogyakarta Religious Court (2023–2024)	Analysis
1	Legal factors	PERMA No. 1 of 2016 provides a clear procedural foundation for mediation.	The existence of clear regulation supports consistency and legitimacy in mediation implementation.

⁸⁹ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

2	Facilities and infrastructure factors	Mediators, both judges and non-judges, have demonstrated professional competence, albeit with some limitations.	Competence strengthens the credibility of mediation, but there are several factors that influence the outcome, such as a busy schedule.
3	Facilities and infrastructure factor	Good mediation facilities and rooms that support successful mediation.	Technical infrastructure supports process efficiency but requires further optimization.
4	Community factors	Parties' legal awareness has improved but emotional instability remains a major challenge.	Awareness encourages participation, but emotions often obstruct reconciliation.
5	Socio-cultural factors	The Yogyakarta community upholds deliberation, yet social pressure often drives couples to finalize divorce.	Legal culture supports mediation values but is challenged by pragmatic social views.

Based on an analysis of the five factors of effectiveness according to Soerjono Soekanto, the implementation of mediation at the Yogyakarta Religious Court throughout 2023–2024 shows that the success of mediation is not only determined by the completeness of existing regulations, but also by the quality of the implementers, the support of facilities and infrastructure, the readiness of the community, and the cultural construction and psychological conditions of the disputing parties. Clear regulations, the competence of mediator judges, non-judicial mediators, and well-coordinated court clerks, supported by adequate mediation rooms and administrative systems, have provided a strong foundation for the mediation process. However, the success of peaceful settlements is still influenced by

the level of understanding, emotional attitudes, and cultural values of the parties, which in some cases make mediation merely a formality. These findings show that the effectiveness of mediation at the Yogyakarta Religious Court lies at the intersection of relatively adequate structural support and cultural-psychological challenges that still limit the optimization of peaceful outcomes.

3. Mediation as the Implementation of the Principle of Sadd adz-Dzari'ah

In *usul fiqh* literature, *sadd adz-dzari'ah* is understood as the principle of closing paths that can lead to corruption (*mafsadah*). Ibn al-Qayyim al-Jawziyyah explains that sharia not only prohibits direct harm, but also prohibits causes that have the potential to lead to corruption. According to him, “anything that is essentially permissible but is feared to be a means to something that is forbidden must be prevented in order to preserve benefit and avoid harm.”⁹⁰ This principle emphasizes that preventing causes of damage takes precedence over pursuing uncertain benefits, thus forming an important basis for the implementation of preventive policies, including the resolution of family disputes through mediation.

⁹⁰ Ibn al-Qayyim al-Jawziyyah, *I'lām al-Muwaqqi'īn 'an Rabb al-‘Ālamīn*, Juz III (Beirut: Dār al-Kutub al-‘Ilmiyyah, n.d.), 135–136.

The principle of sadd adz-dzari'ah is relevant to the purpose of mediation in divorce cases, as both are oriented towards preventing greater harm. In the context of family law in Indonesia, mediation is intended to resolve domestic disputes amicably before the main proceedings begin, as stipulated in Article 3 paragraph (1) and Article 24 paragraph (1) of Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Court.⁹¹ Efforts to encourage the parties to engage in dialogue, reconsider their decisions, and seek a middle ground are a form of implementing the preventive value emphasized by Ibn al-Qayyim in the concept of sadd adz-dzari'ah, which is to close the door to damage that may arise from hasty decisions to divorce. Thus, mediation is not merely an administrative procedure, but also a means of applying Sharia principles aimed at protecting families from the unnecessary impact of divorce.

Findings in the field show that the mediation process at the Yogyakarta Religious Court has been carried out in line with the principle of sadd adz-dzari'ah, which is to prevent greater harm resulting from divorce. The mediator judge explained that in each meeting, the mediator tried to calm the atmosphere, provide an understanding of the impact of divorce, and encourage the disputing parties to reconsider their decision.⁹² The non-judicial mediator also added that a persuasive approach through advice emphasizing the welfare of the family often helps to ease tensions,

⁹¹ Perma No. 1 Tahun 2016

⁹² Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge at the Yogyakarta Religious Court, on August 11, 2025, at 1:30 p.m.

even though not all parties are willing to change their attitudes.⁹³ These efforts reflect the application of preventive values as emphasized by Ibn al-Qayyim, that preventing the causes of damage is more important than allowing actions that predominantly lead to mafsadat. Thus, the mediation function at the Yogyakarta Religious Court is not only a procedural obligation, but also a substantive means of preventing greater damage within the household.

Although mediation in the Yogyakarta Religious Court has essentially adopted preventive values as contained in the principle of sadd adz-dzari'ah, its application has not been fully able to prevent every potential divorce. In practice, there are still obstacles in the form of varying levels of mental readiness among the parties, with some coming with emotional baggage or exhaustion due to long-standing conflicts, while others bring a mindset that divorce is a more certain solution than seeking peace. These factors show that the success of mediation does not only depend on procedures or legal instruments, but also on the internalization of preventive values in the consciousness of the parties. Therefore, the application of the principle of sadd adz-dzari'ah in this context requires a more persuasive and educational strategy, so that mediation is not only an administrative obligation, but also a substantive means of maintaining the integrity of the household and preventing greater harm, as emphasized by

⁹³ Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator at the Yogyakarta Religious Court, on August 7, 2025, at 10:00 a.m.

Ibn al-Qayyim regarding the importance of eliminating causes that lead to destruction.

CHAPTER V

CONCLUSION AND SUGGESTION

1. Conclusion

The implementation of mediation at the Yogyakarta Religious Court during 2023–2024 has generally been carried out effectively in accordance with Supreme Court Regulation (PERMA) No. 1 of 2016. Mediation was implemented systematically through coordination between mediators, judges, and court administration, supported by adequate facilities and a conducive mediation room environment. The mediators, both judge and non-judge, demonstrated professionalism in facilitating communication between disputing parties. The court has shown commitment to maximizing mediation before the trial process, resulting in a gradual increase in the success rate from 36.24% in 2023 to 43.75% in 2024. These findings indicate that mediation has become not only a procedural requirement but also a substantive effort to build consensus and prevent prolonged conflict between family members. In this sense, mediation contributes significantly to realizing justice that emphasizes peace (ishlah) rather than confrontation.

The effectiveness of mediation, however, is shaped by various supporting and inhibiting factors that interact within the legal and social context of Yogyakarta. Supporting factors include the mediator's competence, the availability of proper facilities, good coordination among court staff, and growing legal awareness among disputing parties. These elements strengthen the legal structure and encourage voluntary participation in the mediation

process. On the other hand, inhibiting factors involve the emotional instability of the parties, entrenched personal egos, limited time allocation for mediation, and socio-cultural pressures that often push couples to finalize divorce rather than seek reconciliation. Based on Soerjono Soekanto's theory of legal effectiveness, these factors show how the law's success depends not only on rules and institutions but also on social attitudes and culture. Therefore, when viewed through the principle of *sadd adz-dzari'ah*, mediation serves as a preventive mechanism to close potential paths leading to family breakdown and reinforces the role of the Religious Court as a guardian of harmony and justice in society.

2. Suggestion

Improving the effectiveness of mediation at the Yogyakarta Religious Court requires a more holistic effort that involves every element within the system. Continuous attention to mediator training, time management, and supporting facilities would greatly enhance the quality of the mediation process. When mediators are given sufficient time and resources, they are able to conduct sessions in a more relaxed and persuasive manner, allowing the disputing parties to communicate openly and reach a fair agreement. Creating a more comfortable and confidential environment for mediation would also help restore trust between the parties and support reconciliation rather than confrontation.

Beyond technical improvement, strengthening the human aspect of mediation is equally important. Mediators need to deepen their understanding not only of the legal aspects of mediation but also of emotional and cultural dynamics that influence the behavior of disputing parties. Encouraging empathy, patience, and sincerity in approaching the parties can make mediation more meaningful and reduce the tendency to view it as a mere administrative formality. At the same time, public outreach regarding the importance of mediation should be intensified, both through court programs and community-based initiatives, so that society understands mediation not merely as a procedural stage but as an effort to maintain family harmony. Broader and continuous socialization will help build a culture of peaceful dispute resolution, enabling mediation to function as a preventive mechanism in line with the principle of *sadd adz-dzari'ah*—preventing greater harm by resolving conflicts early within the framework of family justice.

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APPENDIX

Appendix I. Research Permit Letter



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Nomor : 638/Dek/60/DAATI/FIAI/VII/2025
Hal : Izin Penelitian
Yogyakarta, 8 Juli 2025 M
12 Muharam 1447 H

Kepada : Yth. Ketua Pengadilan Agama Kelas IA Yogyakarta
Jl. Ipda Tut Harsono No. 53, Muja Muju, Kec. Umbulharjo
Kota Yogyakarta, Daerah Istimewa Yogyakarta. 55165
di Daerah Istimewa Yogyakarta

Assalamu 'alaikum wr. wb.

Dengan ini kami sampaikan dengan hormat kepada Bapak/Ibu, bahwa bagi mahasiswa Program Sarjana Fakultas Ilmu Agama Islam Universitas Islam Indonesia Yogyakarta yang telah menyelesaikan teori, diwajibkan menulis karya ilmiah berupa skripsi.

Sehubungan dengan hal tersebut di atas, mahasiswa kami:

Nama : RIFQY MUHAMMAD RAMADHAN
No. Mahasiswa : 21421069
Program Studi : Ahwal Al-Syakhshiyah IP

mohon diizinkan untuk mengadakan penelitian di instansi/lembaga yang Bapak/Ibu pimpin, dengan judul penelitian:

The Effectiveness of Mediation in Resolving Family Divorce Dispute in Religious Court in the Range of 2023-2024: A Case Study in Yogyakarta Religious Court

Demikian, atas perhatian dan kerjasamanya diucapkan terima kasih.

Wassalamu 'alaikum wr. wb.

Dekan,

Dr. Drs. Asmuni, MA



Appendix II. Research Permit Reply



MAHKAMAH AGUNG REPUBLIK INDONESIA
DIREKTORAT JENDERAL BADAN PERADILAN AGAMA
PENGADILAN TINGGI AGAMA YOGYAKARTA
PENGADILAN AGAMA YOGYAKARTA
Jalan Ipda Tut Harsono Nomor 53 Kelurahan Muja Muju, Kecamatan Umbulharjo,
Kota Yogyakarta, Daerah Istimewa Yogyakarta 55165
www.pa-yogyakarta.go.id, admin@pa-yogyakarta.net

Nomor : 905/KPA.W12-A1/HM2.1.4/VII/2025 Yogyakarta, 21 Juli 2025
Sifat : Biasa
Lampiran : -
Hal : Izin Penelitian

Yth. Dekan Fakultas Ilmu Agama Islam
Universitas Islam Indonesia

Menindaklanjuti surat dari Dekan Fakultas Ilmu Agama Islam Universitas Islam Indonesia Nomor : 638/Dek/60/DAAT1/FIAI/VII/2025 tanggal 8 Juli 2025 perihal Izin Penelitian, atas nama :

No.	Nama	NIM	Prodi
1.	Rifqy Muhammad Ramadhan	21421069	Ahwal Al-Syakhshiyah

Dengan ini disampaikan bahwa kami dapat memberikan izin penelitian kepada mahasiswa tersebut di Pengadilan Agama Yogyakarta pada bulan Juli 2025 dengan judul penelitian *"The Effectiveness of Mediation in Resolving Family Divorce Dispute in Religious Court in the Range of 2023 - 2024 : A Case Study in Yogyakarta Religious Court"*.

Pembimbing pada penelitian ini adalah :

No.	Nama	Gol. Ruang	Jabatan
1.	Sulistianingtias Wibawanty, S.H., M.H.	IV/c	Hakim Madya Utama

Hal-hal yang berkaitan dengan kegiatan penelitian tersebut dapat menghubungi CP. Verawati Widjaya, S.H., M.H. nomor telepon 081389621175.

Pengadilan Agama Yogyakarta berkomitmen untuk selalu menjaga integritas dan terus meningkatkan kualitas kinerja dan pelayanan, kami tidak menerima pemberian dalam bentuk apapun baik perorangan maupun lembaga. Apabila terdapat penyimpangan pada saat menerima pelayanan kami, agar melaporkan melalui Sistem Informasi Pengawasan (SIWAS) Badan Pengawasan Mahkamah Agung Republik Indonesia (<https://siwas.mahkamahagung.go.id>).

Demikian kami sampaikan atas perhatian dan kerjasamanya kami ucapkan terimakasih.

Ketua

Khoiriyah Roihan

Appendix III. List of Question and Interview Process

List of questions for the non-judicial mediator at the Yogyakarta Religious Court:

- Bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?
- Apakah ada SOP atau standar tertentu dalam pelaksanaan mediasi?
- Seberapa sering mediasi berhasil dalam menyatukan kembali pasangan yang hendak bercerai?
- Apa saja faktor yang sering menghambat ataupun mendukung keberhasilan mediasi?
- Bagaimana peran latar belakang budaya, psikologi, dan pendidikan pihak yang berperkara dalam keberhasilan mediasi?
- Apakah ada perbedaan hakim mediator dan mediator non hakim?
- Apakah ada dampak dari hasil mediasi baik yang berhasil maupun gagal?
- Apakah fasilitas di PA Yogyakarta mempengaruhi keberhasilan mediasi?
- Apa yang perlu dievaluasi dari mediasi dan harapan ke depan?

List of questions for the judge mediator at the Yogyakarta Religious Court:

- Bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?
- Seberapa sering mediasi berhasil dalam menyatukan kembali pasangan yang hendak bercerai?
- Apa saja faktor yang mendukung atau menghambat keberhasilan mediasi?
- Menurut Anda, kapan suatu proses mediasi dikatakan efektif?
- Apakah ada standar atau indikator keberhasilan mediasi di PA Yogyakarta?
- Bagaimana peran latar belakang budaya, psikologi, dan pendidikan pihak yang berperkara dalam keberhasilan mediasi?
- Apakah ada dampak yang dihasilkan dari mediasi baik pada saat berhasil maupun gagal?
- Menurut Anda, apakah fasilitas yang ada di PA Yogyakarta dapat mempengaruhi keberhasilan mediasi?
- Menurut Anda, apa yang perlu dievaluasi dari mediasi dan harapan ke depan?

List of questions for the junior court clerk at the Yogyakarta Religious Court:

- Bisa dijelaskan bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?
- Apa peran Anda sebagai panitera dan sejauh mana keterlibatan anda dalam pelaksanaan mediasi di PA Yogyakarta?
- Berapa jumlah kasus perkara perceraian di tahun 2023-2024?
- Dari jumlah kasus perceraian yang ada, menurut anda seberapa tinggi presentase keberhasilan dari pelaksanaan mediasi?
- Bagaimana dokumentasi dan pencatatan hasil mediasi dilakukan?
- Menurut anda, apakah fasilitas yang ada di PA Yogyakarta dapat mempengaruhi keberhasilan mediasi?
- Menurut anda apa yang perlu dievaluasi dari mediasi dan harapan anda kedepan terkait pelaksanaan mediasi di PA Yogyakarta?

Nama Informan	Dr. Sudiyana, S.H., M.Hum.	
Jabatan	Mediator non Hakim	
Hari/Tanggal	Kamis, 7 Agustus 2025	
Waktu	10.00 – 10.30 WIB	
Pertanyaan	Ringkasan Jawaban	
Bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?	Prosedur dimulai ketika pihak penggugat mendaftarkan perkara ke pengadilan. Setelah panggilan sidang pertama, hakim wajib menempuh prosedur mediasi dan menawarkan pilihan mediator. Jika pihak tidak mengenal mediator, majelis hakim akan menunjuk berdasarkan jadwal piket. Mediator kemudian mengatur proses mediasi sesuai Perma No. 1 Tahun 2016 dan UU No. 30 Tahun 1999. Mediasi dilaksanakan dalam waktu 40 hari dengan prinsip win-win solution. Jika sepakat penuh, gugatan dicabut; jika sebagian, dicatat sebagai berhasil sebagian; jika tidak ada kesepakatan, dinyatakan gagal.	
Apakah ada SOP atau standar tertentu dalam pelaksanaan mediasi?	Menurut Sudiyana, secara formal tidak ada SOP tertulis, tetapi pelaksanaan	

	mengikuti prinsip umum mediasi, seperti pertemuan terpisah (kaukus) sebelum pertemuan bersama. Setelah ada kesepakatan, dibuat konsep perdamaian yang ditandatangani langsung oleh para pihak (bukan kuasa hukum). Hasil mediasi kemudian dilaporkan secara daring ke sistem informasi perkara. Perdamaian harus bersifat eksekutorial, artinya dapat dilaksanakan.
Seberapa sering mediasi berhasil dalam menyatukan kembali pasangan yang hendak bercerai?	Sudiyana menyampaikan bahwa tingkat keberhasilan mediasi di PA Yogyakarta cukup tinggi, sekitar 80%. Dari 10 perkara, sekitar 8 dapat mencapai perdamaian, baik sebagian maupun sepenuhnya. Contohnya, dari 8 perkara yang ia tangani, 6 berhasil sebagian dan 1 berhasil sepenuhnya.
Apa saja faktor yang sering menghambat ataupun mendukung keberhasilan mediasi?	Faktor pendukung keberhasilan antara lain kesamaan kepentingan dan kesiapan pihak untuk berdamai. Sementara faktor penghambat adalah perbedaan kepentingan yang terlalu jauh, egoisme pihak, serta faktor psikologis dan ekonomi. Misalnya, tuntutan nafkah yang tidak realistis atau ketidaksiapan ekonomi sering menyebabkan mediasi gagal.
Bagaimana peran latar belakang budaya, psikologi, dan pendidikan pihak yang berperkara dalam keberhasilan mediasi?	Sudiyana menjelaskan bahwa rata-rata pihak yang berperkara berpendidikan menengah (SMA) dengan usia 30–40 tahun. Budaya Jawa di Yogyakarta yang cenderung menerima dan mengedepankan kesopanan turut mempengaruhi. Namun, faktor ekonomi seperti belum memiliki rumah atau anak membuat pasangan lebih mudah berpisah. Faktor psikologis seperti kurangnya ikatan emosional juga berpengaruh besar.
Apakah ada perbedaan hakim mediator dan mediator non hakim?	Mediator non-hakim seperti dirinya biasanya berasal dari luar struktur pengadilan, namun tetap terdaftar resmi di PA dan mengikuti jadwal piket. Secara fungsi sama, namun mediator non-hakim tidak memiliki kewenangan yudisial, hanya membantu fasilitasi kesepakatan.

Apakah ada dampak dari hasil mediasi baik yang berhasil maupun gagal?	Dampak positif dari mediasi yang berhasil adalah terjaganya keharmonisan keluarga dan silaturahmi. Bagi pengadilan, keberhasilan mediasi meningkatkan citra lembaga. Bagi mediator, hal tersebut menjadi bentuk prestasi. Namun, bila mediasi gagal, dampaknya bisa berupa konflik berkepanjangan, putusya hubungan antar keluarga, hingga masalah lanjutan bagi anak-anak, seperti pencarian wali saat menikah.
Apakah fasilitas di PA Yogyakarta mempengaruhi keberhasilan mediasi?	Sudiyana menilai fasilitas di PA Yogyakarta cukup memadai, seperti ruang mediasi yang kondusif dan sistem pelaporan daring. Namun, peningkatan fasilitas digital dan privasi ruang mediasi masih dapat ditingkatkan.
Apa yang perlu dievaluasi dari mediasi dan harapan ke depan?	Menurut Sudiyana, perlu ada peningkatan pelatihan bagi mediator, penguatan fasilitas digital, serta edukasi kepada masyarakat agar memahami manfaat mediasi. Ia berharap tingkat kesadaran dan kepercayaan terhadap mediasi semakin tinggi di masa depan.

Nama Informan	Sulistianingtias Wibawanty, S.H., M.H.	
Jabatan	Hakim Mediator	
Hari/Tanggal	Senin, 11 Agustus 2025	
Waktu	13.30 – 14.00 WIB	
Pertanyaan	Ringkasan Jawaban	
Bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?	Proses mediasi dimulai pada sidang pertama ketika kedua pihak hadir. Hakim menjelaskan tahapan pelaksanaan mediasi sesuai ketentuan PERMA No. 1 Tahun 2016, yaitu penandatanganan surat penjelasan, pemilihan mediator, dan pelaksanaan mediasi maksimal 30 hari (dapat diperpanjang 30 hari lagi). Proses melibatkan pembuatan resume masing-masing pihak untuk menemukan titik temu, dilanjutkan dengan pertemuan bersama atau kaukus untuk menggali kepentingan tersembunyi. Jika ada kesepakatan, dibuatkan rumusan	

	perdamaian yang kemudian dilaporkan kepada majelis hakim.
Seberapa sering mediasi berhasil dalam menyatukan kembali pasangan yang hendak bercerai?	Hakim menyampaikan bahwa keberhasilan mediasi bersifat relatif dan tidak dapat diukur secara pasti. Namun, berdasarkan pengalamannya di tempat sebelumnya, tingkat keberhasilan cukup sering. Di beberapa pengadilan bahkan diberlakukan penghargaan bagi hakim yang memiliki tingkat keberhasilan mediasi tertinggi guna memotivasi pelaksanaan mediasi yang optimal dan tidak sekadar formalitas.
Apa saja faktor yang mendukung atau menghambat keberhasilan mediasi?	Faktor pendukung keberhasilan antara lain semangat hakim mediator dan adanya penghargaan yang memotivasi pelaksanaan mediasi. Faktor penghambat mencakup beban kerja hakim yang tinggi, kurangnya waktu, dan rendahnya etiket baik dari pihak berperkara. Ego dan ketidaksiapan emosional juga menjadi penghambat utama.
Menurut Anda, kapan suatu proses mediasi dikatakan efektif?	Menurut informan, mediasi dikatakan efektif apabila seluruh tahapan dapat dijalankan dengan baik dan para pihak memiliki itikad baik, meskipun hasil akhirnya tidak selalu menghasilkan perdamaian. Efektivitas tidak hanya diukur dari keberhasilan damai, tetapi juga dari terlaksananya seluruh prosedur sesuai prinsip mediasi.
Apakah ada standar atau indikator keberhasilan mediasi di PA Yogyakarta?	Indikator keberhasilan di PA Yogyakarta adalah tercapainya perdamaian total (perdamaian penuh) atau sebagian. Mediasi dikatakan berhasil jika menghasilkan kesepakatan yang menyederhanakan proses persidangan, misalnya perdamaian atas gugatan turunan (asesoris) meski pokok perkara masih berjalan.
Bagaimana peran latar belakang budaya, psikologi, dan pendidikan pihak yang berperkara dalam keberhasilan mediasi?	Hakim menilai bahwa karakteristik pihak sangat berpengaruh. Di Yogyakarta, mayoritas pihak berpendidikan minimal SMA hingga perguruan tinggi, dengan tingkat kesopanan tinggi namun memiliki prinsip kuat yang sulit diubah. Sementara di daerah lain, pihak yang

	berpendidikan rendah lebih mudah dipengaruhi, meski butuh pendekatan kepercayaan. Perbedaan budaya dan tingkat pendidikan mempengaruhi gaya komunikasi mediator serta efektivitas proses mediasi.
Apakah ada dampak yang dihasilkan dari mediasi baik pada saat berhasil maupun gagal?	Apabila mediasi berhasil, perkara perceraian dicabut dan proses persidangan berhenti sehingga menghemat waktu, tenaga, dan biaya. Jika berhasil sebagian, sengketa yang tersisa hanya terbatas pada pokok perkara. Namun jika gagal, perkara tetap berlanjut ke tahap pembuktian dan persidangan yang lebih panjang.
Menurut Anda, apakah fasilitas yang ada di PA Yogyakarta dapat mempengaruhi keberhasilan mediasi?	Hakim menilai fasilitas di PA Yogyakarta sangat memadai dan mendukung suasana mediasi yang kondusif. Terdapat 'Rumah Mediasi' yang terpisah dari ruang sidang, dilengkapi dengan ruang yang nyaman, dekorasi menyejukkan, dan privasi yang baik. Hal ini menciptakan atmosfer non-formal yang efektif dalam membangun komunikasi antara para pihak.
Menurut Anda, apa yang perlu dievaluasi dari mediasi dan harapan ke depan?	Menurut informan, perlu ada penyamaan persepsi antara mediator hakim dan non-hakim agar kesepakatan mediasi tidak keluar dari konteks perkara dan tidak merugikan pihak lain. Evaluasi juga diperlukan terhadap kualitas mediator non-hakim agar memiliki semangat dan standar profesionalisme yang sama dengan hakim mediator. Harapannya, semangat perdamaian terus meningkat dan mediasi menjadi sarana utama penyelesaian sengketa di pengadilan agama.

Nama Informan	MB (name withheld)	
Jabatan	litigants	
Hari/Tanggal	Kamis, 9 September 2025	
Waktu	12.45 – 12.30 WIB	
Pertanyaan	Ringkasan Jawaban	
Apa yang Ibu ketahui tentang mediasi ini?	Ibu menjelaskan bahwa mediasi merupakan upaya untuk merujukkan kedua belah pihak yang sedang	

	berselisih. Menurutnya, mediasi adalah proses untuk mendamaikan, mencari jalan terang, dan menemukan titik temu agar tidak perlu melanjutkan perkara ke tahap lebih jauh. Ia memahami bahwa inti dari mediasi adalah menghadirkan perdamaian melalui musyawarah bersama dengan bimbingan mediator.
Bagaimana pengalaman Ibu selama mengikuti proses mediasi di Pengadilan Agama Yogyakarta?	Ibu menyampaikan bahwa pengalamannya selama menjalani proses mediasi berjalan dengan baik. Seluruh petugas, termasuk mediator dan staf pengadilan, memberikan pelayanan yang ramah dan profesional. Ia merasa nyaman selama proses berlangsung, dan menilai fasilitas yang disediakan sudah memadai untuk menunjang proses mediasi. Meskipun hasilnya tidak sesuai harapan, secara keseluruhan Ibu menilai proses mediasi berjalan dengan tertib dan manusiawi.
Apakah tujuan Ibu saat masuk ke ruang mediasi lebih untuk mencari perdamaian, kesepakatan, atau sekadar memenuhi prosedur dari pengadilan?	Ibu mengungkapkan bahwa dirinya sudah tidak memiliki harapan untuk kembali rukuk. Ia mengikuti mediasi lebih kepada upaya untuk mencapai kesepakatan yang baik, khususnya demi anak. Ia tidak menuntut banyak hal selama mediasi berlangsung, yang terpenting baginya adalah menjaga ketenangan anak dan membiarkan anak menentukan pilihannya sendiri tanpa tekanan dari kedua orang tua.
Menurut Ibu, apa faktor yang membuat mediasi ini tidak berhasil mencapai kesepakatan?	Ibu berpendapat bahwa penyebab utama gagalnya mediasi adalah karena perbedaan keinginan dari kedua belah pihak. Ia menyampaikan bahwa dirinya sudah tidak ingin rukuk, sementara pihak suami tetap bersikeras dengan kehendaknya sendiri. Menurutnya, bukan karena kurangnya pemahaman terhadap masalah, tetapi karena sifat keras kepala dan ego yang tinggi dari pihak suami yang menyebabkan tidak adanya titik temu.

Apakah mediator membantu Ibu memahami permasalahan dan mencari solusi secara adil? Mengapa demikian?	Ibu menyatakan bahwa mediator telah berupaya maksimal dalam menjalankan tugasnya. Mediator memberikan ruang bagi kedua pihak untuk menyampaikan pendapat dan berusaha mencari solusi yang adil. Namun, karena salah satu pihak tetap bersikeras dengan pendiriannya, hasil mediasi tidak mencapai kesepakatan. Meskipun demikian, Ibu merasa puas terhadap kinerja mediator yang dianggap profesional dan komunikatif.
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Nama Informan	BA (name withheld)	
Jabatan	litigants	
Hari/Tanggal	Kamis, 9 September 2025	
Waktu	11.00 – 11.15 WIB	
Pertanyaan	Ringkasan Jawaban	
Apa yang Ibu ketahui tentang mediasi ini?	Ibu menjelaskan bahwa dirinya mengetahui adanya proses mediasi sebagai salah satu rangkaian wajib dalam perkara perceraian di pengadilan. Ia memahami bahwa mediasi merupakan upaya yang difasilitasi oleh pengadilan untuk mempertemukan kedua belah pihak yang bersengketa agar dapat mencari jalan tengah atau titik temu. Bagi Ibu, mediasi adalah kesempatan untuk duduk bersama, saling mendengarkan, dan mencoba menghindari keputusan berpisah apabila masih ada kemungkinan untuk berdamai. Meskipun tidak memahami secara mendalam prosedur hukumnya, Ibu menyadari bahwa tujuan utama mediasi adalah mencapai perdamaian dengan cara yang baik.	
Bagaimana pengalaman Ibu selama mengikuti proses mediasi di Pengadilan Agama Yogyakarta?	Ibu menyampaikan bahwa pengalamannya selama menjalani proses mediasi cukup memuaskan. Menurutnya, pelayanan yang diberikan oleh pihak Pengadilan Agama Yogyakarta sudah baik dan sesuai dengan harapan. Petugas pengadilan serta mediator bersikap sopan dan membantu selama proses berlangsung. Ia juga menilai fasilitas yang tersedia di	

	ruang mediasi sudah memadai untuk menunjang suasana yang kondusif dan tenang, sehingga membuat para pihak merasa lebih nyaman dalam menyampaikan pendapat masing-masing.
Apakah tujuan Ibu saat masuk ke ruang mediasi lebih untuk mencari perdamaian, mencari kesepakatan, atau sekadar memenuhi prosedur dari pengadilan?	Ibu mengungkapkan bahwa tujuan utamanya mengikuti proses mediasi adalah untuk mencari jalan damai dan berharap masih ada kemungkinan untuk kembali bersama. Ia menjelaskan bahwa dirinya dan suami tidak memiliki anak, dan dengan usia yang sudah lanjut, ia merasa tidak ada alasan kuat untuk berpisah. Menurutnya, jika masih bisa memperbaiki hubungan dan hidup bersama kembali, itu akan jauh lebih baik. Oleh karena itu, ia mengikuti proses mediasi dengan harapan agar hubungan rumah tangganya dapat dipertahankan dan tidak berakhir dengan perceraian.
Menurut Ibu, apa faktor yang membuat mediasi ini tidak berhasil mencapai kesepakatan?	Ibu berpendapat bahwa kegagalan mediasi kali ini bukan disebabkan oleh sikap keras kepala atau keinginan sepihak, melainkan karena masing-masing pihak belum sepenuhnya bisa memahami perasaan dan kondisi satu sama lain. Ia menjelaskan bahwa antara dirinya dan suami masih ada keinginan untuk berpikir ulang, namun belum menemukan cara terbaik untuk saling mengerti. Dengan demikian, ia menganggap mediasi belum berhasil bukan karena benar-benar gagal, tetapi karena keduanya masih membutuhkan waktu untuk menenangkan diri dan mempertimbangkan keputusan dengan lebih matang.
Apakah mediator membantu Ibu memahami permasalahan dan mencari solusi secara adil? Mengapa demikian?	Ibu menilai bahwa mediator telah menjalankan tugasnya dengan baik dan berusaha memediasi secara adil. Mediator memberikan kesempatan yang sama kepada kedua belah pihak untuk berbicara dan menyampaikan pendapat. Menurut Ibu, mediator juga sabar dalam menengahi pembicaraan dan mencoba menjelaskan akar permasalahan dengan bahasa yang mudah dipahami. Namun, karena faktor

	usia yang sudah lanjut dan keterbatasan pemahaman hukum dari kedua pihak, proses komunikasi tidak berjalan seefektif yang diharapkan. Meskipun demikian, Ibu mengakui bahwa mediator telah berupaya maksimal agar mediasi berjalan secara baik dan terarah.
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Nama Informan	Dra. Mardhiyah Nur	
Jabatan	Panitera Muda Gugatan	
Hari/Tanggal	Senin, 11 Agustus 2025	
Waktu	13.30 – 14.00 WIB	

Bisa dijelaskan bagaimana prosedur pelaksanaan mediasi dari awal hingga akhir di PA Yogyakarta?

Jawab : Sesuai SOP

DASAR HUKUM	KUALIFIKASI PELAKSANA
1. SUU No .7 Tahun 1989 tentang Peradilan Agama y.s.d.u UU No.3 Tahun 2006 y.s.d.u UU No.50 Tahun 2009 2. 130 HIR / 154 RBg 3. KMA/001/SK/I/1991 tentang Pola-pola Pembinaan dan Pengendalian Administrasi Kepaniteraan Pengadilan Agama dan Pengadilan Tinggi Agama 4. KMA/032/SK/IV/2006 tentang pemberlakuan buku II pedoman pelaksanaan tugas dan administrasi peradilan 5. SK KMA NO.026/KMA/SK/II/2012 tentang standar pelayanan peradilan 6. PERMA Nomor 1 Tahun 2016 tentang Prosedur Mediasi di Pengadilan . 7. SK KMA No. 108/KMA/SK/VI/2016 tentang Tata Kelola Mediasi di Pengadilan	1. Menguasai Teknis mediasi 2. Memiliki kemampuan manajemen konflik 3. Memahami petunjuk mediasi dalam Peraturan Mahkamah Agung Nomor 1 Tahun 2016. 4. Memahami pembuatan akta perdamaian

- Apa peran Anda sebagai panitera dan sejauh mana keterlibatan anda dalam pelaksanaan mediasi di PA Yogyakarta?

Jawab : berperan secara teknis & administrasi, koordinasi dg mediator & pelaporan

- Berapa jumlah kasus perkara perceraian di tahun 2023-2024?

Jawab : berdasarkan data laporan (terlampir)

- Dari jumlah kasus perceraian yang ada, menurut anda seberapa tinggi presentase keberhasilan dari pelaksanaan mediasi?

Jawab : Tahun 2025 (Januari-Juni) = 83,78 %

- Bagaimana dokumentasi dan pencatatan hasil mediasi dilakukan?

Jawab : Hasil mediasi diinput oleh mediator kedalam aplikasi mediasi utk selanjutnya oleh petugas di input kedalam aplikasi SIPP

- Menurut anda, apakah fasilitas yang ada di PA Yogyakarta dapat mempengaruhi keberhasilan mediasi?

Jawab : Bisa berpengaruh

- Menurut anda apa yang perlu dievaluasi dari mediasi dan harapan anda kedepan terkait pelaksanaan mediasi di PA Yogyakarta?

Jawab : Setiap triwulan diadakan monev untuk meningkatkan prosentase keberhasilan mediasi

Appendix IV. Interview Documentation



Interview with Dr. Sudiyana, S.H., M.Hum., as a non-judicial mediator



Interview with Sulistianingtias Wibawanty, S.H., M.H., as Senior Associate Judge

CURRICULUM VITAE



Personal Information

Full Name : Rifqy Muhammad Ramadhan
Place, Date of Birth : Yogyakarta, November 17, 2001
Gender : Male
Religion : Islam
Nationality : Indonesia
Address : Jl. Tamansiswa No. 951, Rt. 42 Rw. 13, Kota Yogyakarta
Phone Number : +62 813 2886 2298
Email : rfqyrmndn@gmail.com

Educational Background

- SD Muhammadiyah Sokonandi (2008 – 2014)
- MTs Islam Al Mukmin Ngruki (2014 – 2017)

- MA Tahfizhul Qur'an As Surkati (2017 – 2021)

Organizational Experience

- Expert Staff of the Jarmed Division at Hafizh Hafizhah, UII Student (2022 – 2023)
- Head of the Simpro Division at the Takmir Masjid Ulil Albab UII (2023 – 2024)
- Head of the Pemkad Division at the Takmir Masjid Ulil Albab UII (2024 – 2025)