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Evaluating the Effectiveness of Court-Annexed Mediation in Divorce Disputes: Evidence from the Temanggung Religious Court, Indonesia

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ABSTRACT

This study investigates the effectiveness of court-annexed mediation in resolving divorce cases at the Class I B Religious Court of Temanggung, Indonesia, during the 2024–2025 period. The study addresses the gap between the normative objectives of Supreme Court Regulation No. 1 of 2016 and the relatively low rate of successful mediation in divorce disputes. An empirical juridical method with a qualitative approach was employed through in-depth interviews with judges, non-judge mediators, and court officials, supported by document analysis and a literature review. The data were analyzed using the Miles, Huberman, and Saldana interactive model and interpreted through Soerjono Soekanto's Legal Effectiveness Theory. The findings indicate that mediation demonstrates an improving level of effectiveness, as reflected in the increase in successful mediation cases from 91 (6.75%) in 2024 to 152 (11.69%) in 2025. Successful mediation is primarily influenced by the persistence of emotional attachment between spouses, mediator competence, humanistic mediation strategies, emotional de-escalation, and professional experience, whereas mediation failure is associated with an irreversible intention to divorce, the absence of children, and the lack of joint marital assets. The study further demonstrates that mediation effectiveness should not be evaluated solely through reconciliation rates but also through its capacity to reduce conflict and facilitate constructive post-divorce relationships. These findings contribute empirical evidence to the evaluation of court-annexed mediation and provide practical implications for strengthening mediator capacity and improving mediation practices within the Indonesian Religious Court system

Keywords

Court-Annexed Mediation; Legal Effectiveness; Family Dispute Resolution; Religious Courts; Indonesia

INTRODUCTION

Marriage is a social and legal institution that holds a strategic position in Indonesian society. Through marriage, it is hoped that families will be harmonious, prosperous, and capable of optimally fulfilling their social and religious functions. From a national legal perspective, the purpose of marriage, as stipulated in Article 1 of Law No. 1 of 1974 on Marriage, is to form a happy and lasting family based on belief in the One Supreme God. (Presiden Republik, 1974)(Abbas et al., 2025). However, in the reality of modern life, various marital issues—such as financial conflicts, constant arguments, lack of communication, infidelity, domestic violence, and changing patterns of social relationships—often lead to a breakdown in the marital relationship and ultimately result in divorce (Manan, 2017).

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Divorce not only results in the dissolution of the legal relationship between husband and wife, but also has far-reaching psychological, social, and economic consequences, particularly for the children and the extended families of both parties. Therefore, the rising divorce rate has become a social issue that requires serious attention from the government and society. Data from the Central Statistics Agency show that the divorce rate in Indonesia has remained relatively high in recent years, with hundreds of thousands of cases each year. This situation indicates that family resilience in Indonesia continues to face various complex challenges, stemming both from internal family factors and the impact of social changes taking place in society (Badan Pusat Statistik, 2024).

High divorce rates have prompted the government to develop dispute resolution mechanisms that are not only focused on judicial rulings but also prioritize reconciliation efforts. One such tool is mediation. Mediation is a process of dispute resolution through negotiations between the parties, with the assistance of a neutral third party, to reach a mutually acceptable agreement (Agung, 2010). In divorce cases, mediation plays a very important role because it not only aims to resolve disputes, but also opens up space for dialogue, improves communication, and allows the parties to reconsider their decision to divorce (Abbas, 2017).

The importance of mediation has been further reinforced by Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Court, which requires all civil cases—including divorce cases within the Religious Courts—to first undergo mediation before proceeding to the trial phase. The enactment of this regulation demonstrates the Supreme Court's commitment to fostering a culture of peaceful dispute resolution and to realizing the principles of simple, expeditious, and affordable justice (Makhkamah Agung Republik Indonesia, 2015). In the context of divorce cases, mediation is expected to reduce the number of divorces that result in court rulings and to encourage reconciliation between husbands and wives.

Although mediation has highly idealistic goals in theory, various studies show that the success rate of mediation in divorce cases remains relatively low. Ria Zaitullah's research indicates that the implementation of mediation in divorce cases often faces obstacles in the form of the parties' strong desire to separate before the case is filed in court, so that the mediation process is viewed merely as a formality that must be gone through (Zaitullah, 2020). Hikmawati Ribi's research also found that the effectiveness of mediation is influenced by various factors, such as the mediator's competence, the parties' level of openness, and the complexity of the domestic conflict at hand (Ribi, 2025). These findings indicate a gap between the normative goals of mediation and the reality of its implementation in the field.

This phenomenon can also be observed in Temanggung Regency. According to data from the Temanggung Religious Court, divorce cases remain the most prevalent compared to other types of cases. A total of 1,456 divorce cases were adjudicated in 2022, followed by 1,405 cases in 2023, and 1,304 cases in 2024. Although the numbers have decreased statistically, they still indicate a high divorce rate in the regency of Temanggung(Data Perkara Perceraian Pengadilan Agama Temanggung Tahun 2022-2024, 2024). Furthermore, data from the Temanggung Religious Court shows that in 2023 there were 1,052 divorce cases initiated by the wife and 342 cases of divorce by the husband, while as of mid-2024, there were 605 divorce cases initiated by the wife and 204 cases of divorce by the husband. The predominance of divorce by petition indicates that wives file more divorce petitions than husbands file divorce by talak.

The high divorce rate cannot be separated from various factors at play in society. According to information provided by the Temanggung Religious Court, economic factors remain one of the main causes of divorce, followed by ongoing disputes and arguments within the household (Hasil wawancara Hakim PA Temanggung). This situation indicates that family disputes that arise have often been ongoing for a long time before they are finally brought to court. As a result, the chances of successful mediation become increasingly slim because the parties have generally already made a firm decision to end their marriage.

Research on the effectiveness of mediation in resolving divorce cases at the Class I B Religious Court of Temanggung Regency is important because there remains a gap between the ideal objectives of mediation, as stipulated in PERMA No. 1 of 2016, and the high number of divorce cases that proceed to a court ruling. This study is expected to provide an empirical overview of the effectiveness of mediation in divorce cases, identify factors that support or hinder the success of mediation, and contribute to the development of a family dispute resolution system that is more humane, responsive, and peace-oriented. Thus, the findings of this study are not only beneficial for the advancement of legal scholarship but can also serve as a basis for evaluation by the Temanggung Religious Court in improving the quality of mediation as a tool for resolving family disputes.

LITERATURE REVIEW/ANALYTICAL FRAMEWORK

1. Legal Effectiveness Theory

According to Hans Kelsen, a discussion of the effectiveness of law also involves a discussion of the validity of law. The validity of law means that legal norms are binding, that people must act in accordance with what is required by those legal norms, and that everyone must comply with and apply legal norms(Sistyawan et al., 2024). The effectiveness of the law means that everyone actually acts in accordance with legal norms as they should, and that those norms are actually enforced and obeyed(Siregar, 2017).

The word “effectiveness” comes from the English word “effective.” The meaning of this word is: “having the intended or expected effect; serving the purpose.” Thus, the effectiveness of the law can be defined as the law’s ability to create or bring about the conditions or situations intended or expected by the law. Effectiveness is always related to the correlation between expected outcomes and actual outcomes. In reality, the law not only serves as a mechanism of social control but can also function as a tool for social engineering (or an instrument of change). Thus, the effectiveness of the law can be viewed both from the perspective of its function as a mechanism of social control and from the perspective of its function as a tool for bringing about change (Yudho & Tjadrasari, 2026).

2. Mediation

a. The Purpose and Benefits of Mediation

Mediation is a form of alternative dispute resolution outside of court. The purpose of mediation is to resolve disputes between the parties by involving a neutral and impartial third party. Mediation offers a win-win solution, meaning that no party is disadvantaged(Julisa Sistyawan et al., 2024).

Resolving disputes through mediation offers significant benefits, as the parties reach an agreement that resolves the dispute fairly and in a mutually beneficial manner. The benefits of mediation include:

1) Mediation is expected to resolve disputes quickly and inexpensively compared to other methods.
2) Mediation focuses the parties’ attention on their actual interests and psychological needs.
3) Mediation gives the parties the ability to control the process and its outcome.
4) Mediation can eliminate the conflict that invariably accompanies every decision handed down by a judge(Moore, 2014).

b. Mediation in the Quranic Text

وَرَضِيْتُ لَكُمُ الْاِسْلَامَ دِيْنًاۗ

2019 Ministry of Religious Affairs Translation

"*And I have accepted Islam as your religion*." (Q.S.Al-maidah ayat:3)(Kemenag, 2019)

The fundamental values found in the Qur'an are embodied in the name of the religion, Islam. The word *"Islam" (Al-Islam*) comes from Arabic and is derived from the root letters sin, lam, and min, from which the words "*silm*" and "*salam*" are formed. Both of these words mean safe, peaceful, free, protected, and submission(Shihab, n.d.).

Furthermore, the message of peace in the Quran is found in the words of Allah SWT.

﴿ وَاِنْ طَاۤىِٕفَتٰنِ مِنَ الْمُؤْمِنِيْنَ اقْتَتَلُوْا فَاَصْلِحُوْا بَيْنَهُمَاۚ فَاِنْۢ بَغَتْ اِحْدٰىهُمَا عَلَى الْاُخْرٰى فَقَاتِلُوا الَّتِيْ تَبْغِيْ حَتّٰى تَفِيْۤءَ اِلٰٓى اَمْرِ اللّٰهِۚ فَاِنْ فَاۤءَتْ فَاَصْلِحُوْا بَيْنَهُمَا بِالْعَدْلِ وَاَقْسِطُوْاۗ اِنَّ اللّٰهَ يُحِبُّ الْمُقْسِطِيْنَ ٩ ﴾

2019 Ministry of Religious Affairs Translation

*"*If two groups of believers are at odds with one another, reconcile them. If one of the two groups wrongs the other, fight the group that is committing the wrongdoing until it returns to the command of Allah. If that group has returned (to the command of Allah), reconcile the two groups justly. Be just! Indeed, Allah loves those who are just." (Q.S. Al-Hujurat; 9*)*(Kemenag, 2019)

The Word of Allah SWT

﴿ اِنَّمَا الْمُؤْمِنُوْنَ اِخْوَةٌ فَاَصْلِحُوْا بَيْنَ اَخَوَيْكُمْ وَاتَّقُوا اللّٰهَ لَعَلَّكُمْ تُرْحَمُوْنَ ۝ ١٠ ﴾

2019 Ministry of Religious Affairs Translation

"Indeed, the believers are brothers; therefore, reconcile your two brothers (who are in conflict) and fear Allah so that you may receive His mercy." "(Q.S.Al-hujurat; 10)(Kemenag, 2019)

The correlation between verses 9 and 10 and mediation is as follows: The two verses clearly state that if two groups of believers conflict with the point of war, it is the duty of Muslims to reconcile the two warring groups immediately. Thus, peace is the goal of Islam, and the essence of Islam is peace.(Halim, 2011) Hasbi ash-Shiddieqy interprets this verse to mean that Allah, the Exalted, explains how the believers reconcile two warring factions and commands the believers to fight the faction that resumes its oppression (*zalim*) after peace has been established, so that they may return to the peace they have violated (Ash-Shiddiqi, 2000). Peace, just as it is obligatory between two hostile groups, is also obligatory between two brothers who are in conflict. Ultimately, Allah, the Exalted, commands us to fear Him and acknowledge His laws.

c. Divorce

a. Definition of divorce *(Talaq)*

In Indonesian, the word "divorce" means "separation" and is derived from the root word *"cerai."* In legal terms, divorce refers to the dissolution of a marriage bond. This term was already in use during the pre-Islamic era and was later adopted by Islamic law (Al-Zuhaili, 1997).

In Islamic law *(Fiqh)*, divorce is known as *"Talaq"* or *"Furqah."* Talaq means to sever a bond or annul an agreement. Meanwhile, *Furqah* means to separate, which is the antonym of "to come together." The word *"Talaq"* is derived from the word *"iṭlaq,"* which means to release or remove. Synonymous with the word *"Talaq"* are *"al-irsâl"* and *"tarku,"* which also mean to release and remove—that is, to sever the bonds of marriage and end the relationship between husband and wife(Mardani, 2016).

The terms *"talaq*" and "*furqah*" have both general and specific meanings. In a general sense, they refer to all forms of divorce pronounced by a husband against his wife and confirmed by a judge. In a specific sense, they refer to a divorce pronounced by the husband. According to Islamic law, a marriage can be dissolved for several reasons, including dissolution by natural causes (such as death), divorce, or a court ruling (Instruksi Presiden Nomor 1 Tahun 1991 Tentang Kompilasi Hukum Islam, 1991).

b. *The Legal Basis for Divorce (Talaq)*

وجل عز الله ال الحلال الغضب ان)وسلم عليه الله صلى(لله رسول قال قال عمر ابن عن
ابوداود روه(الطلاق

"From Ibn 'Umar, the Messenger of Allah (peace be upon him) said: 'Divorce is the most detestable of all lawful matters in the sight of Allah.'" (Narrated by Abu Daud, and declared authentic by al-Hakim)(Abror, 2017)

Islam stipulates that ṭalaq is a right that rests entirely with the husband. Thus, according to classical fiqh, a husband may pronounce ṭalaq on his wife at any time and in any place. This is in accordance with the Hadith of the Prophet (peace be upon him) narrated by the Four—except for al-Nasâ'i—as follows:

"From Abu Hurairah, may Allah be pleased with him, who said: The Messenger of Allah, peace be upon him, said: 'There are three matters in which seriousness is required, and in which even what is done in jest becomes serious: marriage, divorce, and reconciliation' (narrated by the Four except al-Nasā'ī, and authenticated by al-Hākim)."(Abror, 2017)

In the Compilation of Islamic Law (KHI), matters concerning divorce are regulated in Articles 113 through 148 of the Compilation of Islamic Law (KHI). A review of these articles reveals that the divorce procedure is not straightforward, as it requires strong grounds, and those grounds must be strictly in accordance with the law. This is emphasized in Article 115 of the Compilation of Islamic Law (KHI), which reads as follows: "A divorce may only be granted in a court hearing after the court has attempted, without success, to reconcile the two parties (Instruksi Presiden Nomor 1 Tahun 1991 Tentang Kompilasi Hukum Islam, 1991).

Based on the Compilation of Islamic Law (KHI), Article 115, as stated above, divorce is defined as the process of pronouncing the talak declaration, which must be conducted in court and witnessed by the judges of the Religious Court. If the talak declaration is made outside of court, the divorce is considered an "illegal divorce" and is deemed invalid and has no legally binding force(Abror, 2017)

RESEARCH METHOD

This study employed an empirical legal research design with a qualitative approach to examine the implementation and effectiveness of mediation in divorce cases at the Temanggung Religious Court. This approach was selected to analyze not only the normative provisions of Supreme Court Regulation No. 1 of 2016 on Court-Annexed Mediation but also their practical application in resolving family disputes.

The research was conducted at the Temanggung Religious Court, selected because of its substantial number of divorce cases, making it an appropriate setting for evaluating mediation

practices. The research participants consisted of judges, non-judge mediators, court clerks, and parties who had participated in mediation proceedings.

The study used both primary and secondary data. Primary data were obtained through in-depth interviews and field observations, while secondary data were collected from legislation, court documents, annual reports, mediation records, academic literature, and other relevant legal materials. Data collection techniques included interviews, documentation, and a literature review.

Data were analyzed qualitatively using the interactive model of Miles, Huberman, and Saldana, consisting of data condensation, data display, and conclusion drawing. The findings were then interpreted using Soerjono Soekanto's Legal Effectiveness Theory(Soekanto, 2008)., which evaluates legal effectiveness through legal substance, law enforcement, supporting facilities, societal factors, and legal culture. This analytical framework was employed to assess the effectiveness of mediation and to identify the factors influencing its success and failure in divorce dispute resolution

RESULTS AND DISCUSSIONS

A. The Effectiveness of Mediation in Handling Divorce Cases at the Temanggung Class I B Religious Court in 2024–2025

1. Overview of Case Data and Mediation at the Temanggung Religious Court for 2024–2025

   To empirically measure the effectiveness of mediation, a comprehensive understanding of the divorce case data handled by the Temanggung Religious Court is required. According to an official report issued by the Assistant Court Clerk of the Temanggung Religious Court, Mr. Sigit Hadiyanto, S.H., it was recorded that in 2024, the court received 1,348 divorce cases, of which 1,220 were granted, 55 were withdrawn, 13 were dismissed, 10 were not accepted, and 4 cases were dismissed. Meanwhile, in 2025, the number of cases received decreased slightly to 1,300, with 1,209 cases granted, 81 cases withdrawn, 33 cases denied, 13 cases dismissed, and 5 cases dismissed(Laporan Perkara Diterima, Dicabut Dan Diputus Cerai Gugat Dan Cerai Talak Pada Pengadilan Agama Temanggung Tahun 2024 S.D. Tahun 2025, 2026).

   As for mediation resolutions, the data shows that there were 91 successful mediations in 2024, with a significant increase to 152 successful mediations in 2025. When compared to the total number of cases received, the mediation success rate in 2024 stood at approximately 6.75% and increased to approximately 11.69% in 2025. This data is presented in the following table:

Table 1. **Mediation**

Years	Case Accepted	Successful Mediation	Presentase
2024	1.348	91	6,75%
2025	1.300	152	11,69%

Source : (Data Perkara Perceraian Pengadilan Agama Temanggung Tahun 2022-2024, 2024).

Although the success rate of mediation is still relatively low in percentage terms, the upward trend observed from 2024 to 2025 is a positive sign that deserves recognition. The nearly twofold increase in just one year indicates a tangible improvement in the quality of mediation at the Temanggung Religious Court, both in terms of the mediators' competence and the quality of the process itself.

2. The Characteristics of Divorce Cases as a Fundamental Challenge to Mediation

The low success rate of mediation in divorce cases cannot be fully understood without first grasping the specific characteristics of divorce cases themselves. Based on the results of an in-depth interview with Judge Syaiful Amin, S.H.I., M.H., of the Temanggung Religious Court, we gained a crucial perspective for understanding the complexities of mediation in divorce cases(Amin, 2026).

Mr. Syaiful Amin explained that in the field of civil law, there is a dichotomy between *personen recht* (disputes with a personal/emotional dimension) and *zaken recht* (disputes with a property-related dimension). Divorce cases inherently fall under the category of *personen recht*—that is, disputes involving emotions, self-esteem, emotional pain, and the profound complexities of human relationships. This is in contrast to property-related disputes, such as inheritance or gifts, which are easier to mediate. This is in contrast to property disputes, such as those involving inheritance or gifts, which are easier to mediate because the subject matter of the dispute is concrete and can be measured in material terms(Amin, 2026).

It is precisely this personal nature of the matter that makes divorce cases one of the most difficult types of disputes to mediate. When two people who once loved each other and built a life together reach a point where they feel they can no longer continue their journey together, mediation faces challenges that go far beyond mere negotiation of material interests. Mediators face a very difficult task: healing emotional wounds, rebuilding trust that has been shattered, and creating space for dialogue between two parties who have often long since lost the ability to listen to one another(Widjaja, 2023).

This understanding provides a fairer perspective for evaluating the mediation success rates at the Temanggung Religious Court. The figures of 6.75% in 2024 and 11.69% in 2025 should not be interpreted as institutional failure, but rather as a reflection of the complexity of the disputes involved. Even in the context of emotional disputes as complex as divorce cases, every couple successfully reconciled through mediation represents a highly valuable success, not only legally but also from a humanitarian perspective(Amin, 2026).

3. Structural Factors Behind High Divorce Rates

To gain a deeper understanding of the effectiveness of mediation, it is also necessary to understand the factors underlying the high divorce rate in Temanggung Regency, particularly cases filed by women. Based on an interview with Mr. Syaiful Amin, S.H.I., M.H., three dominant factors are the main causes of divorce lawsuits at the Temanggung Religious Court: online gambling, alimony issues, and domestic violence(Kholilurrohman, 2026).

First, online gambling has become an increasingly alarming social phenomenon that directly impacts family stability. Online gambling not only drains a family's financial resources through mounting debt and the sale of assets, but also creates a spiral of conflict that erodes the foundation of trust within the household. When a husband becomes entangled in online gambling, the impact extends far beyond mere financial consequences, reaching into psychological, social, and moral dimensions that are far more complex moral issues. This situation creates a deep breach of trust, making mediation efforts extremely challenging because the very foundation of a marriage trust has crumbled(Syukrawati et al., 2024).

Second, the issue of spousal support presents two equally concerning aspects. On the one hand, some husbands are still unable to fulfill their financial responsibilities toward their families adequately. On the other hand, the phenomenon of social media-driven lifestyles has fueled consumption standards that far exceed the family's actual financial capacity. Mr. Syaiful Amin wisely explained that achieving financial stability

in marriage is a process that takes time, while the expectation to be financially stable from the very beginning of marriage has become a tremendous social pressure in this digital age. The standard of living shaped by exposure to social media creates unrealistic expectations and sows the seeds of conflict that can potentially lead to divorce(Amin, 2026).

Third, domestic violence, which is mostly perpetrated by husbands, although there are also cases where wives are the perpetrators, is further exacerbated by advances in digital technology. Infidelity, which can now take place online through the exchange of messages and photos, is a major trigger for domestic violence in many cases. This phenomenon illustrates how technological transformation has fundamentally changed the patterns of conflict within households. What is a source of deep concern for the judges at the Temanggung Religious Court, as stated by Mr. Syaiful Amin, is the fact that divorce is now increasingly common among young couples who have been married for less than five years. This phenomenon reflects a crisis of readiness to build healthy and sustainable marriages among the younger generation—an issue that requires cross-sectoral attention from various stakeholders. Understanding the root causes of this problem is crucial for evaluating the effectiveness of mediation. When the causes of divorce are so structural and complex, mediation cannot be viewed as the sole solution. Mediation is a tool that works most effectively in conflicts where there is still room for dialogue. Still, it faces very real limitations when the conflict has reached a point where the relationship has been deeply damaged(Amin, 2026).

4. Innovations in the Implementation of Digital Mediation as an Adaptive Response

Another interesting aspect that reflects the progress of mediation at the Temanggung Religious Court is the adoption of a virtual mediation system. PERMA No. 1 of 2016 has provided a legal basis for conducting mediation online, and the Temanggung Religious Court has implemented this mechanism. However, it is still carried out under the supervision of the relevant court(Amin, 2026).

The digitization of court proceedings—which includes e-litigation systems, where the exchange of arguments no longer requires the physical presence of the parties in the courtroom—represents a highly significant step forward in the modernization of the judicial system. Judges, too, are only required to be physically present in the courtroom during the evidentiary phase. Interestingly, this online service innovation existed long before the COVID-19 pandemic, demonstrating the Temanggung District Court's commitment to adopting technology to improve accessibility and the efficiency of the judicial system(Yuniar et al., 2021).

In terms of mediation, the mediation room at the Temanggung Religious Court has been equipped with facilities that support virtual mediation, including adequate communication technology. This innovation opens up broader opportunities for parties with geographical or mobility limitations to continue accessing mediation services effectively(Amin, 2026).

5. Evaluating the Effectiveness of Mediation: Between Numbers and Meaning

Assessing the effectiveness of mediation solely based on success rates will result in an incomplete evaluation and may undermine the true value of the mediation process. Mr. Syaiful Amin emphasized that in divorce cases, the success of mediation does not always take the form of full reconciliation, as some cases are successfully mediated regarding alimony claims and the rights of the parties even though the divorce still proceeds(Amin, 2026).

This perspective is crucial for broadening our understanding of the success of mediation. Mediation that results in an agreement on child support, the division of custody, or the settlement of post-divorce financial obligations is also a tangible form of

success, even if it is not recorded as mediation that leads to marital reconciliation. In this context, mediation continues to fulfill its function as a dispute resolution tool that minimizes conflict and protects the interests of the parties, protect the interests of the parties, especially the interests of children, and protect the interests of the parties, especially the interests of the child(Sistyawan et al., 2025).

Thus, the effectiveness of mediation at the Temanggung Religious Court needs to be evaluated holistically, not only from a quantitative perspective, such as the success rate of reconciliation, but also from a qualitative perspective, such as the quality of the agreements reached, the protection of the parties' rights, and mediation's contribution to reducing post-divorce conflict. The upward trend in mediation success—from 91 cases in 2024 to 152 cases in 2025—is an encouraging indicator that the Temanggung Religious Court continues to move in the right direction toward optimizing mediation as a humane and dignified means of resolving family disputes(Amin, 2026).

B. Factors Determining the Success and Failure of Mediation Efforts at the Temanggung Class I B Religious Court

The implementation of mediation in divorce cases at the Temanggung Religious Court is influenced by several factors that directly or indirectly affect its success or failure. Based on the results of an in-depth interview with Judge Syaiful Amin, S.H.I., M.H., of the Temanggung Religious Court, and interviews with non-judge mediators at the Temanggung Religious Court, Mr. Kholilurrohman, S.H.I., C.M., gained a comprehensive understanding of the dynamics involved in the mediation process for divorce cases. These field findings were then analyzed using a theoretical approach to deepen understanding of the effectiveness of mediation as a tool for resolving family disputes.

1. Factors Contributing to the Success of Mediation
   a. The Mediator's Strategy for Calming the Parties' Emotions

   The first factor mentioned by Mr. Syaiful Amin as a determinant of successful mediation is the strategy employed by the mediator, particularly the ability to defuse the emotions of the parties. This statement reflects a very deep understanding of the nature of divorce cases as disputes with emotional and personal dimensions(Ahmatnijar et al., 2022).

   Divorce cases are, at their core, not merely legal disputes that can be resolved through normative arguments alone. Behind every divorce complaint or petition filed in court are people bearing a heavy emotional burden—wounds that may have long been festering, accumulated disappointment, and anger that often serves as a barrier to productive dialogue. It is in situations like these that a mediator's ability to defuse and manage the parties' emotions becomes the most crucial and decisive skill(Suadi, 2018).

   In mediation practice at the Temanggung Religious Court, this strategy for managing emotions is implemented through various approaches tailored to the characteristics and circumstances of each party. A skilled mediator can carefully assess the situation, knowing when to speak and when to remain silent, when to give the parties space to express their feelings, and when to steer the conversation toward more constructive topics. This skill is not something that can be learned solely from textbooks; rather, it is an art honed through experience interacting with a wide variety of people, even in their most vulnerable moments(Lodi et al., 2022).

   Strategies for managing emotions are also closely linked to the mediator's ability to build rapport—or a genuine connection—with the parties. When the parties feel that the mediator is truly listening to and understanding their situation without passing judgment, trust will grow organically and serve as the foundation for a more open and honest dialogue.

This is what distinguishes effective mediation from mediation that merely follows procedures without addressing the root of the problem(Amin, 2026).

b. Mediator's Experience as an Invaluable Asset

The second factor emphasized by Mr. Syaiful Amin is a mediator's experience; as time passes and experience grows, a mediator becomes increasingly adept at handling various types and characteristics of divorce conflicts. This perspective reflects a very realistic and profound understanding of the nature of a mediator's competence as a skill that develops progressively through the accumulation of experience(Amin, 2026).

In this context, a mediator's experience does not merely refer to the length of time a person has served as a mediator in quantitative terms, but rather to the quality of learning that occurs during each mediation session. Every couple that enters the mediation room brings with them a unique story, background, and conflict dynamics that differ from one another. An experienced mediator has been exposed to such a wide variety of human conflicts that they have developed a kind of practical intelligence that enables them to assess situations more quickly, choose the most appropriate approach, and make wiser decisions about the best time to intervene or step back(McCulloch & McEvoy, 2018).

This perspective resonates strongly with the concept of tacit knowledge in the field of knowledge management. Tacit knowledge is a type of knowledge that cannot be fully articulated or transferred through formal training, but can only be acquired through direct experience accumulated over a long period of time. In the context of mediation, this tacit knowledge manifests itself in the mediator's intuitive ability to recognize signs that a party still harbors a desire for reconciliation beneath a hardline stance—or, conversely, to recognize that a case has indeed reached a point where there is no longer any room for reconciliation, and that the energy of the mediation process should therefore be redirected toward reaching the fairest possible agreement for both parties(Julisa Sistyawan et al., 2024).

The implications of these findings are crucial for the development of the mediation system at the Temanggung Religious Court and within the Religious Court system more broadly. Investing in mediator capacity building is not merely about providing formal training and certification—though both remain important and necessary—but also about creating a system that enables mediators to gain experience in a structured and reflective manner continuously. Mentoring programs between senior and junior mediators, forums for mediators to share experiences, and systematic case documentation can serve as effective mechanisms for accelerating mediators' learning curves and improving the overall quality of mediation(Amin, 2026).

Furthermore, Mr. Syaiful Amin's view on a mediator's experience also conveys an implicit message about the importance of continuity and stability in mediator assignments. Excessively frequent rotation of mediators can interrupt the accumulation of experience that is being built and ultimately hurt the quality of mediation. Therefore, a policy for assigning mediators that takes into account continuity and the accumulation of experience should be a priority in human resource management within the Religious Courts(Amin, 2026).

c. Offering a Last Chance as a Humanistic Approach to Mediation

A third factor that contributes to the success of mediation is the mediator's ability to guide the plaintiff or petitioner to be willing to give their marriage one last chance. This approach is carried out in a highly personal and discreet manner, in which the mediator does not position themselves as a judge, but rather as a companion who helps the parties find their own answers to the question of whether they have truly exhausted all avenues before deciding to divorce(Amin, 2026).This "final chance" approach aligns with the spirit of mediation as outlined in PERMA No. 1 of 2016, which encourages the parties to reach

an amicable agreement voluntarily, based on their own awareness and free will. A good mediator does not force reconciliation but creates conditions that enable the parties to consciously and sincerely choose the path of reconciliation.

From an Islamic perspective, this value resonates deeply. Surah An-Nisa, verse 35 of the Quran teaches the importance of appointing a hakam (peacemaker) from both sides when a syiqaq (dispute) arises within a household, in the hope that Allah SWT will grant both parties the guidance to reconcile. It is this spirit that truly constitutes the essence of the mediation process in divorce cases within the Religious Courts(Triyono & Asmuni, 2023).

By synthesizing all the perspectives outlined—ranging from quantitative data on the success of mediation, the characteristics of divorce cases as a matter of personal law, the increasingly complex factors leading to divorce in the digital age, confirmation of the effectiveness of non-judge mediator Mr. Kholilurrohman, S.H.I.(Kholilurrohman, 2026), and the factors contributing to the success of mediation identified by Judge Mr. Syaiful Amin, S.H.I., M.H.- a holistic and comprehensive understanding of the effectiveness of mediation at the Temanggung Religious Court can be established.

Mediation at the Temanggung Religious Court has been effective in the truest sense—not merely as a formal procedure carried out to fulfill legal obligations, but as a genuine and sincere effort to provide disputing couples with one last opportunity to rediscover the path to reconciliation. The significant upward trend in mediation success—from 91 cases in 2024 to 152 cases in 2025—is concrete evidence that the mediation system at the Temanggung Religious Court continues to develop and improve, driven by the growing competence of mediators, improved strategies for managing the parties' emotions, and the increasing experience of mediators, which yields invaluable practical wisdom(Laporan Perkara Diterima, Dicabut Dan Diputus Cerai Gugat Dan Cerai Talak Pada Pengadilan Agama Temanggung Tahun 2024 S.D. Tahun 2025, 2026)..

However, this improvement should also be seen as an opportunity to continue driving sustainable progress. Success rates that remain in the single-digit to low-teens range reflect the magnitude of the challenges that still lie ahead, especially given the increasing complexity of factors contributing to divorce in the digital age—such as online gambling, economic pressures stemming from social media-driven lifestyles, and online infidelity, which is becoming increasingly common. In the face of these evolving challenges, mediation requires not only improvements in procedural quality but also a strengthening of its humanistic and spiritual dimensions—as a space where two wounded individuals are allowed to listen to one another, understand one another, and, ultimately, perhaps choose to continue their life's journey together with more open hearts and deeper understanding.

2. Factors That Lead to Mediation Failure

On the other hand, not all cases that go through mediation end in a settlement. Based on an interview with Mr. Kholilurrohman, S.H.I.(Kholilurrohman, 2026), several factors consistently lead to the failure of mediation at the Temanggung Religious Court.

a. A Strong Desire to Get a Divorce

The most dominant factor leading to the failure of mediation is a situation in which the parties' desire to end the marriage is already very strong and unshakable. When one or both parties have reached a final decision to divorce long before the case is filed in court, the mediation process is nothing more than a procedural step that must be gone through without any sincere intention to settle. This situation aligns with Ria Zaitullah's findings, which state that mediation is often viewed as nothing more than a mere formality when the parties have already made a firm decision to separate(Kholilurrohman, 2026).

From a sociological perspective, this phenomenon can be understood as a consequence of a conflict that has been ongoing for a very long time before it is finally brought into the legal realm. When the damage to the relationship has reached a point of no return, mediation faces very real limitations because there is no longer any emotional ground on which to build a bridge(Kholilurrohman, 2026).

b. No Children in the Marriage

The absence of children in a marriage has proven to be one of the factors that weakens the appeal of reconciliation during the mediation process. As previously explained, the presence of children is one of the strongest factors that encourages the parties to reconsider their decision to divorce. When there are no children to consider, the parties tend to decide to separate more easily and quickly, without feeling the same heavy burden of responsibility(Kholilurrohman, 2026).

This situation reflects a profound psychological reality: in many cases, children serve as an emotional anchor that compels parents to try harder to preserve the family unit. The absence of this anchor deprives the mediation process of one of its most effective tools of persuasion(Kholilurrohman, 2026).

c. Absence of Significant Joint Assets

Another factor contributing to the failure of mediation is the absence of joint assets that need to be resolved. From a practical perspective, the presence of joint assets often encourages the parties to engage longer in the negotiation process, which indirectly creates opportunities for the mediator to reconcile the parties' perspectives and interests. When there are no assets to divide, the divorce process becomes simpler procedurally, so the parties do not feel the urgency to prolong the mediation process.

3. Patterns of Successful Mediation Between Divorce by Lawsuit and Divorce by Repudiation

A particularly interesting finding from the field—based on an interview with Mr. Kholilurrohman, S.H.I.—is that mediation is actually more successful in cases of divorce by lawsuit than in cases of divorce by talak (petition). This seems paradoxical, given that divorce by lawsuit is initiated by the wife, which is generally considered to reflect a strong determination to separate(Kholilurrohman, 2026).

However, upon closer examination, this phenomenon has a very reasonable explanation. In divorce by lawsuit cases, the background for filing the lawsuit is often not solely due to the wife's unshakable will, but also as a response to household conditions that are perceived as unfair or uncomfortable. When a mediator can create a safe space for dialogue and offer new perspectives to both parties—particularly helping the husband recognize the circumstances his wife is experiencing—the prospects for reconciliation become more promising(Jayadi, 2024).

Conversely, in cases of divorce by talak, even though procedurally the petition is filed by the husband, the success of mediation is actually more limited. This situation is likely related to different psychological and social dynamics, in which the husband's decision to file for talak has often been the result of lengthy and careful consideration before it is finally brought to court(Cozzolino & Williams, 2017).

These findings enrich our understanding of the complexity of mediation in divorce cases and, at the same time, demonstrate that the success of mediation cannot be predicted solely based on the type of case filed, but rather depends heavily on the psychological, emotional, and social conditions of the disputing parties. This aligns with Hikmawati Ribi's view that the effectiveness of mediation is influenced by the complexity of domestic conflicts and the parties' level of openness during the mediation process.

Overall, the field findings at the Temanggung Religious Court indicate that mediation in divorce cases is a deeply human and multidimensional process. Its success

or failure is not determined solely by applicable legal procedures, but also by the mediator's ability to discern and respond to the emotional, psychological, and social dynamics of the parties wisely and with empathy

CONCLUSION

This study concludes that mediation in divorce cases at the Class I B Religious Court of Temanggung demonstrates an improving level of effectiveness in resolving family disputes. Empirical findings reveal a notable increase in successful mediation cases, rising from 91 cases (6.75%) in 2024 to 152 cases (11.69%) in 2025. Although the overall success rate remains relatively limited, the upward trend indicates that mediation has become an increasingly meaningful dispute resolution mechanism rather than merely a procedural requirement under Supreme Court Regulation No. 1 of 2016. The findings also confirm that the effectiveness of mediation in divorce disputes cannot be evaluated solely by reconciliation rates because divorce cases inherently involve complex emotional, psychological, and interpersonal dimensions that distinguish them from ordinary civil disputes concerning property.

The study identifies that successful mediation is primarily influenced by the persistence of emotional attachment between spouses, the mediator's ability to increase awareness of the consequences of divorce for children, the application of a humanistic approach that provides the parties with a final opportunity for reconciliation, effective emotional de-escalation techniques, and the mediator's professional experience. Conversely, mediation is more likely to fail when the parties have firmly decided to divorce before entering the mediation process, when no children are involved as an emotional consideration, and when the absence of joint marital assets limits opportunities for constructive negotiation.

From a theoretical perspective, these findings reinforce Soerjono Soekanto's Legal Effectiveness Theory, demonstrating that the effectiveness of mediation is shaped not only by the existence of legal norms but also by the quality of law enforcement, mediator competence, institutional support, and the social and cultural characteristics of the disputing parties. This indicates that legal effectiveness in family dispute resolution is closely related to the interaction between normative regulation and human behaviour during the mediation process.

This study contributes to the growing body of empirical research on court-annexed mediation by demonstrating that the evaluation of mediation effectiveness should extend beyond quantitative settlement rates to include its capacity to reduce conflict, facilitate constructive communication, protect the interests of children, and encourage more sustainable post-divorce relationships. Accordingly, strengthening mediator competencies through continuous professional development, expanding humanistic and psychology-based mediation approaches, and integrating adaptive mediation strategies that respond to the challenges of the digital era are essential for improving the quality and effectiveness of mediation within the Indonesian Religious Court system. Future studies are encouraged to employ comparative analyses across different Religious Courts or mixed-method approaches to develop a broader understanding of the institutional and socio-cultural factors influencing mediation outcomes

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