

## Mediation as an Alternative Solution for The Islamic Family in Indonesia



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**ABSTRACT:** Every married person wants to have a good life. A successful marriage leads to a long-lasting and prosperous family, as stated in Law No. 1 of 1974 concerning Marriage. Although the goal and concept of marriage are so ideal, not many couples can realize it. Marital relationships in ongoing crises will result in losses. Thus, Islam opens the emergency door and provides a way out by allowing divorce. Divorce can only be done in front of the Religious Court after the respective Religious Court has attempted and failed to reconcile (Mediation) both parties. The mediator determines the efficiency of conflict resolution processes; to guide conflicting parties, mediators must have certain skills and prior expertise in communication and mediation. This study uses a qualitative method with a descriptive, explanatory nature. The data for this research was obtained through documentation using written data. The results show that moderators can make several efforts: efforts in negotiation, providing tausiah (sermons), reminding about the past (Nostalgia), informing about the impacts of divorce, digging into main issues, the language used by a mediator, strategies within interpretation/reframing (wording), facilitation technique, tension-reducing skills, closing mediation session, and designing settlement formulating proposals.

**KEYWORDS:** Marriage, relationships, divorce, mediator

### I. INTRODUCTION

It is sunnatullah for all living creatures in this world to like each other, even to marry between partners, be they humans, animals and plants (Hakim 2021:1). This is apart from fulfilling the biological needs of men and women, as well as males and females. Still, all of it is to maintain the benefit of the continuity of living creatures. In this way, the population continues to experience growth, which, in sociological terms, is known as a population explosion (Atabik and Mudhiiah 2016).

Everyone who gets married wants to have a life a successful marriage that leads to a lasting and prosperous family, as stated in Law No. 1 of 1974 concerning Marriage. Marriage is the beginning of a life together between a man and a woman, which is regulated by law (shari'ah). The aim is to form a happy and eternal family (household) based on the belief in Almighty God. (Article 1 of Law No. 1 of 1974 concerning Marriage)

Marriage is generally obligatory because it is a form of obedience to Allah, following the hadith of the Prophet and following the Prophet's instructions. Apart from that, marriage can also break lust, protect eyesight and private parts, protect women's virginity so that Muslims do not spread evil, and marriage is also a means of reproduction (AlMashari 2010).

Even though the goals and concept of marriage are ideal, not many couples can make it happen. Many problems can arise in married life, which in time can become landmines that can endanger a marital relationship and result in disputes in the household, which can lead to rifts resulting in divorce (Hakim 2021).

Some married couples are unsuccessful in their efforts to build a peaceful family because of differences in temperament, desires, and life goals, so arguments and disputes always occur. Marital relationships in a crisis that continues will result in losses. So Islam opened an emergency door and provided a way out by allowing divorce (Hakim 2021:5). Conflict or incompatibility between the parties regarding domestic matters is the leading cause of divorce. These differences of opinion can negatively impact a couple's ability to continue their relationship if they are unable to reach a fair compromise. As a result, if there is a disagreement (case), the parties always look for a reasonable resolution option in accordance with the wishes of the litigants.

Even though divorce is permitted, this does not exclude the legal basis for carrying out such a divorce; this is in the form of several opinions of the ulama and statutory regulations. According to the scholars expressed by the Imam Hanafi School and Imam Hambali, divorce is makruh unless it occurs in an emergency. Meanwhile, according to Imam Hambali's opinion, the law of talak could be a necessity or obligation, haram, permissible, and sunnah. Divorce is legal if there is a conflict between the husband and

## **Mediation As an Alternative Solution for The Islamic Family In Indonesia**

wife, and it cannot be calmed or reconciled. Otherwise, divorce can be haram if there is no alibi; this kind of divorce does not have any good benefits for him, his wife, and his children (Mardani 2016).

The increase in divorce cases registered in all Religious Courts in Indonesia shows that the issue of divorce cannot be considered trivial (Ramadhani and Nurwati 2021:11). Data from the Directory of Decisions of the Supreme Court of the Republic of Indonesia explains that in ten years, divorce cases that have been decided have increased by a percentage of more than 100%. In 2012, the number of divorce cases that had been decided was 132,281 cases. In 2016, it increased to 374,808 cases. Then, in 2021, it increased again to 475,051 cases (Anon 2022).

Of all the divorce case decisions above, not all of them decided on divorce by various Religious Courts; some were successfully mediated by mediators, with the mediation settlement being entirely successful (reaching an agreement), partially successful (partial peace agreement), and not reaching an agreement (Supardi and Hanifiyah 2018 ). Based on Perma No. 1 of 2016 concerning Mediation, as regulated in Article 1 paragraph 1, namely "Mediation is a dispute resolution by means of negotiations to obtain agreement from the parties with the assistance of a mediator (Hidayat 2016b: 53).

Divorce can only be before a religious tribunal after the religious court has tried and failed to reconcile the parties. Through mediation processes involving third parties that are impartial and neutral to the parties to a dispute and whose participation is recognized by the parties in the dispute, mediation is a method of problem resolution. Third parties are referred to as "mediators" or "intermediaries", and their role is to help the parties to a dispute to find a solution to their problems without having the power to decide. (Widiyana 2007:107).

The mediator determines the efficiency of the conflict resolution process. To be able to guide disputing parties, mediators must have a particular set of skills and have previous expertise in communication and mediation. With the availability of various skills that can help the parties reach a good agreement, mediators analyze specific disagreements and plan and direct the mediation process (Syahrizal, Arida, and Aunie, 2009).

## **II. RESEARH METHODOLOGY**

The method used in this research is qualitative, with a descriptive explanation. This research combines library research and case studies. The data in this research was obtained by means of documentation carried out through written data (Soekanto 1996). We are documenting all literature related to mediation efforts as an alternative resolution of divorce cases for Muslim families in Indonesia. The data collection technique was carried out by reading and understanding literacy in the form of books, journals, and all information related to mediation efforts as an alternative resolution to divorce cases for Islamic families. After the data was obtained, it was analyzed using a narrative, content, and discourse analysis approach. Then, the final step is concluding all the data that has been analyzed.

## **III. DISCUSSION AND RESEARCH FINDING**

### **1. Mediation efforts on the basis of Islamic Law and Positive Law**

Mediation is an essential part of any conflict, but understanding mediation is not as easy as it seems. Every one of us has been in mediation. Mediation is simply a form of negotiation between people in disagreement. It is something positive that everyone can apply when needed to resolve disputes among themselves. Due to its nature, mediation is rarely successful if carried out by those who do not have good communication skills.

From ancient times to the present, mediation has been widely accepted as an appropriate method for resolving several disputes. Mediation is defined as "a formal procedure involving one or two parties." A mediator is a professional third-party professional who mediates disputes between two or more individuals. The aim behind mediation is to ensure that, once the disputing parties reach an agreement among themselves, that agreement will remain intact unless one of them violates the terms signed to ensure peace in the long term. Both parties try to find ways to resolve complaints and problems. The mediator helps each disputing party reach an agreement that can be agreed upon by both. This method ensures fair treatment for all parties involved in a dispute, thereby avoiding the risk of one group dominating another through intimidation and threats.

In court practice, this institution is also formally part of the civil justice process. On the appointed hearing day before the parties, the judge offers to reconcile. If the offer is approved by the parties, the event ends, and the panel of judges makes a certificate of conciliation. Then, the panel of judges directs the parties to comply with and agree to the contents of the peace agreement (Hidayat 2016b).

#### **a. The view of mediation in Islamic law**

Deliberation or peace is always the main goal in resolving any dispute. It has long been regulated both in the holy Koran and in applicable laws and regulations. The holy book Al-Qur'an has indicated that we should take the path of deliberation to resolve every existing problem. Dispute resolution through deliberation and peace is the best method desired by Allah SWT. Dispute resolution through deliberation and peace in the world of positive law is often referred to as mediation (Jumadiyah, 2012).

## Mediation As an Alternative Solution for The Islamic Family In Indonesia

Dispute resolution through litigation is the last resort; it would be better if it were not used. Therefore, Islam applies alternative dispute resolution procedures outside the court, including the concepts of ash-shulh, al-ibrâ', alishlâh, al-tahkîm, and al-'afw (El-Amin, 2013).

Mediation with the definition above is commensurate with the concept of at-tahkîm (from now on referred to as tahkim) in Islamic law. In general, tahkîm is an agreement between the parties to a dispute to hand over the decision of the dispute to a third party (hakam). This definition is the same as the definition of mediation above, as a dispute resolution procedure outside of court involving a third party as a mediator (Mediator)(El-Amin 2013).

The mediator helps the parties to understand the views of the other parties regarding the disputed issues, which in turn helps them carry out an objective assessment of the overall situation or circumstances that are currently taking place; during the negotiation process, the mediator must remain neutral (El-Amin, 2013).

Tahkim, according to Majallah al-Ahkâm al-'Adliyyah (Book of Laws of the Islamic Othman Dynasty), is the voluntary election of a legal expert (other than the Qadhi) by the parties to a dispute. The lawyer is called a hakam or muhakkam. According to Wahbah Az Zuhaili, tahkim is the submission by one party to another party of a legal decision, to resolve a dispute that arises between them in accordance with sharia law (Beirut: Dar al-Fikr, 2003).

Sheikh Muhammad Irfat Ad-Dasuqi defines tahkim as a law-making procedure carried out by a neutral party (hakam) who is legally competent, Muslim and mature, as opposed to the authority of the Qadhi, to make decisions for the disputing parties regarding their conflict. On the contrary, he added, "according to Al Mawardi, tahkim is defined as the appointment of a hakam from among lay people by two disputing parties to resolve their problems, in a place where there is qadhi or in a place where there is no qadhi (Usman, 2012).

Based on the definition put forward by Islamic law experts (Fuqaha), it can be underlined that tahkîm is a form of legal settlement outside formal justice channels by appointing a hakam/muhakkam outside criminal law. Tahkîm has a lower position than a court because the decision produced by this forum is only binding on the parties who submit it and only on the issue being disputed (El-Amin 2013).

The Qur'an, which is Kalamullah', was sent by the angel Gabriel to the Prophet Muhammad SAW and became the life guide of his people. The Qur'an contains many lessons in life and rules that regulate the behavior of its people so that the lives of its people are in accordance with nature and its original creation. The guidance and regulations brought by the Qur'an cover all the interests and needs of human life. The Qur'an provides instructions that humans must follow to live safely in this world and the hereafter. The guidance and guidance of the Qur'an is manifested in the relationship between humans and Allah and between humans (hablumminallah wa hablum minannas) (Abbas 2017).

We can find peace in the Qur'an, as Allah mentions it in the Quran, Surah Al-Hujurat, verses 49-9-10 :

*"Moreover, if two groups of believers are at war, then you shall settle between them; but if one breaks against another, let him who breaks the covenant fight until he turns back to God's command; and if he has settled, then judge between them according to justice, and do justice; for God loves those who do righteousness"*

Those who believe are brothers. That is, they are all brothers and sisters of the same religion, as the Prophet mentioned in one of his verses:

*"A Muslim is a Muslim's brother; he shall not harm him, neither shall he harm him"*

In the shoheh hadith is mentioned:

*"God helps his servant as long as the servant helps his brother"*

Those who believe in Allah and His Messenger are brothers. Because the faith that exists has united their hearts. So make peace between your two brothers, to keep the brotherhood, please leave your brothers alive. Keep your from the punishment of Allah by keeping His command and from His prohibition, that He may give you mercy over your fear.

### **b. Mediation in positive law**

Mediation as part of the Constitution and accountability in the courts, of course, not apart from the rules originating from the foundation of the State of Indonesia, it is the fourth of the five provisions existing in the State, as it is written in the statute, "Hikmah In Wisdom in the Property of Representation" (Usman, 2012). From this fourth provision can be understood is to wish that the settlement of disputes and disputes that occur can be resolved by means of mutual agreement in order to be able to reach agreement between the disputes or disputes of the parties.

## Mediation As an Alternative Solution for The Islamic Family In Indonesia

Regulation of the Supreme Court of the Republic of Indonesia No. 02 of 2003 Mediation is part of court proceedings. It's a unity of how the parties resolve disputes in court. As described in article 130 HIR or article 154 RBg of the event law, court mediation enhances peace efforts. Article 2 of the Permanent Penomaran confirms this. No. 02 In 2003, all forms of civil cases brought to the court of the first instance must be resolved first with the help of a mediator (Abbas, 2017). To discuss more in-depth mediation can be seen in PERMA No.1 In 2016 can be known for some important points in Perma to facilitate mediator when doing mediation in the court, especially in the Court of Religious points are as follows:

1. Mediation is compulsory; otherwise, it is a legal effort. Then, the general court or the Supreme Court decides and orders the court of first instance to hold Mediation.
2. Mediation mandatory (mandatory Mediation) and Mediation voluntary (voluntary Mediation). It means that the mediation that can be carried out has already entered into the subject of the examination of the case before the reading of the judgment. There is still an opportunity for the parties to carry out voluntary mediation at the will of the parties themselves.
3. The obligation of the presence of the principle, if represented by the authority, there is a decree of authority that declares the decision.
4. To the parties with the power of the Law, it is required to take the path of Mediation with the faithfulness of the Law.
5. Discussions outside the posita and petitum of the complaint if peacefully the petitioner succeeds in changing his claim.
6. The mediation process can be done using media electronic communication in the form of audio visual. (Zoom Meeting).

Mediation before the court is the result of the submission and authorization of the peace institutions, as stated in article 130 HIR/154 RBg., which obliges the judge who tries the case to genuinely seek settlement between the parties. In essence, the Supreme Court has shown that the judge does not use the rule merely as a form of enforcement against all the disputing parties (Usman, 2012).

In court practice, the agency is also formally part of the civil justice process. On the appointed day of the trial before the parties, the judge offers to settle. If the parties approve the offer, the event ends, and the judge's assembly makes a conciliation certificate. Then, the judges' assembly ordered the parties to obey and agree on the content of the peace. (Hidayat, 2016a).

### **2. How does mediation work as an alternative settlement of divorce matters for Muslim families in Indonesia?**

Mediation is a negotiating process used to resolve a conflict between two parties in conflict. It is most often used to solve marriage problems for Indonesian Islamic families. In many Islamic countries, the law permits mediation as an alternative to divorce in cases where marriage is still ongoing. In such cases, the couple can agree to mediation as a way to save their marriage. However, in some cases, the wife can reject her husband's mediation request and choose to file for divorce. In many Islamic families, a wife may reject the request for mediation of her husband. As more and more couples are unable to resolve the marriage problem through mediation, they are forced to file a divorce claim. The wife may feel guilty for agreeing to mediation because she fears her husband will ask the court to grant her divorce while they are still married. However, if she rejects her request, her husband still threatens to file the divorce request. This will leave the wife without a way out because she agrees to mediate under coercion.

Mediation allows the couple to reach an agreement without having to file a divorce lawsuit. It provides a non-hostile and non-partisan process that ensures both parties receive what they deserve according to the law. Mediators are third parties that facilitate negotiations between partners. This usually involves mediators from outside their relationship as this ensures that both parties remain neutral during the negotiation. After discussing their issues with each other, the couple decided on the agenda of the meeting and prepared themselves carefully before meeting the mediator. During a meeting between couples, it is common for one couple to be present alone because one or both parties may be afraid of their partner's actions or actions by their family members. After discussing their problems, negotiating terms and reaching an agreement, both sides signed a contract confirming the details of their settlement and making them satisfied. Mediation is often effective in solving marriage issues because both parties feel more comfortable in front of the third party and are more willing to compromise when negotiating with the nonpartisan.

However, Islamic law allows a third option to solve family problems, which hasn't been resolved either through mediation or divorce. When there is no process that can resolve disputes within the Islamic family, it leaves Muslims with no choice of law other than divorce or a court of Sharia law (pengadilan hudud). According to the law of Sharia, two men who marry by deceit or forced marriage may apply to the court of sharia law for a divorce settlement (talaq) (Mumtaz).

Mediation has proven to be helpful in solving marriage problems in many countries, where mediation is available as an alternative to divorce. However, when there is no process that can resolve disputes within the Islamic family, it leaves the Muslims with no legal option other than divorce. In addition to the Sharia court, mediation is very effective when both parties agree to use it so that they can reach a peaceful settlement without the prior consent of their spouses.

As for an alternative settlement in divorce cases for Islamic families in Indonesia, there are some efforts made by the mediator of such cases are as follows:

## Mediation As an Alternative Solution for The Islamic Family In Indonesia

1. Negotiation efforts The negotiation itself is a process of bidding or negotiating to reach an agreement on certain issues that arise between the two parties. Where negotiations is one of the strategies used by the mediators at the Bengkalis Religious Court in reconciling the parties in dispute in achieving a peace agreement between the parties to the dispute.
2. Since the majority of the parties in the court of Bengkalis are Islamic, the mediators provide an understanding about the marriage in Islamic laws that govern about marriage or marriage, and the laws of marriage based on the Qur'an and Hadith that discuss marriage.
3. Recalling the past (Nostalgia) Next a mediator must be able to dig the past of the parties in a way that remembers and recognizes the past is how the parties meet and make love to each other, because before the occurrence of a turmoil of course in the past the parties have experienced a game in their past.
4. The next way a mediator has to be able to explain the consequences of a divorce, it can be about the growth of the child if the father and mother are divorced, and also about the social status of the judgment by the community about the negative view of people who have been divorced and other negative consequences that can arise if someone is divorced.
5. Digging the main problem. If one of the strategies described above fails to reconcile the parties, then the next strategy that a mediator should do is to dig into the core problems between the two sides.
6. The language of a mediator The language used by the mediator can be a determinant of the success or failure of the mediation process. The mediator must have the skills of interacting with both sides using a good and simple language. A good language is the language of mediator, which can make the parties have a pleasant communication with the Mediator and make the sides feel that the presence of a Mediator is very important between them. The Mediator must also use a language that is simple, clear, and easy to understand, and should not use too many foreign language terms that make it difficult for the parties to understand.
7. Interpretational/reframing strategy is one of the strategies in which a mediator must have a reframing technique that is to rewrite the language that has been submitted by the parties, provided that the mediator may not change the meaning and the claims or options of the parties when re-framing the language, and in this case also a Mediator is excellent in formulating, translating or changing the languages of the sides into the language of the Mediator, so that a claim or option offered by one party or by both sides in a matter of fact is accepted jointly, and an Mediator must also know when he should be able to enter into giving input, and the Mediator stops, and whenever a Mediator gives an option, with this technique a Mediator can reveal a hidden interest or problem of the Parties.
8. Facilitation technique is where a mediator as a third party is neutral and becomes the mediator or bridge, then the meaning of facilitating here is how an mediator to be able to facilitate a communication of the parties, where a Mediator to remain able to keep his parties to stay focused on their problems, and when a mediators can give the other parties an opportunity to prepare their views and the others to listen to the views of the other party, and this is what is meant by the technique of facilitation because the communication flow in the mediation is in the one mediator himself.
9. Tension Reduction Skills In conducting the mediation process, mediators face critical situations in which the parties spill each other's anger. The forms of anger can be antagonism, force each other's will, and even threatening each other. The situation should not panic the media, because the anger and the emotions that explode are similar to the "impact" of the emergence of a dispute or conflict on both sides. The mediator must understand that anger is a natural thing that cannot be hidden by the parties, especially when they are facing each other.
10. Closure in mediation In this final step, the mediator congratulates the parties who have managed to resolve disputes through mediation. The mediator also reminds that the decisions taken during the mediation are decisions made jointly by all the parties, and also recalls what the parties should do after the mediations. With the completion of this step, the official mediation work is completed. In addition to the various methods that are often used by the courts, there are also some strategies that are quite effective in achieving a success in mediation.
11. Design Forms of Solution Once the mediator knows the substance of the dispute and has gained the trust of the parties then the next step is to make a solution formula. In this phase the mediator designs in writing the models of settlement that can be offered to the parties. The draft settlement proposal is made in writing by the mediator so that it can be clearly communicated to the parties. The mediator should be able to assess the appropriate way to submit a proposal for an agreement whether in writing or only orally. If it is oral, then when it has been discussed orally and agreed on everything then the mediator submits the written proposal to the parties.

If there are enough clauses, it's better to submit them one by one and discuss them together. When there is a clause that is not agreed, it is preferable to postpone it at the end of the discussion and resume it on the next clause so that the timing of the mediation is effective and efficient. By creating more than one dispute resolution formula, then the mediator can be more transparent. If a proposal is rejected by the parties, then there is another proposal that can be submitted. The dispute resolution formula proposal can be made in a form that details the agreement clause and has the names of the parties to be signed. So at any time when the parties agree on the proposed formula then it can be approved and signed immediately.

## Mediation As an Alternative Solution for The Islamic Family In Indonesia

12. Submitting Solution Proposal, If in a simple dispute and the emotional level of the parties is not too high, then the dispute resolution model or formula containing the peace clause can be offered directly in the mediation session attended by all the parties.

In this phase, the mediator can explain the rules of the laws related to the dispute that has occurred. It is useful for the parties to understand each other's position and strength (in law). When each party has understood its position, the parties in the mediation will be more rational, can measure each other's position, and will be more able to accept the opponent's opinion and the mediator's advice. The legal aspects of a dispute must be explained carefully, not to give an opinion of who will win or you will be legally delivered in any other language to the parties.

### IV. CONCLUSION

From the above research, it can be concluded that advocacy and mediation, both litigation and non-litigation, has become a very urgent matter these days. With the rise in divorce cases in Indonesia, there are also many religious court judges who are capable and successful in mediating the parties to the dispute. Many people initially decided to divorce, but after being mediated by the mediator they did not end up divorcing and K returned to defend their home.

### REFERENCES

- 1) Abbas, Syahrizal. 2017. *Mediasi Dalam Hukum Syariah, Hukum Adat, Dan Hukum Nasional*. Cet ke-3. Depok: Kencana.
- 2) Al-Mashari, Syaikh Muhammad. 2010. *Bekal Pernikahan*. Jakarta: Qisthi Press.
- 3) Anon. 2022. "Direktori Putusan Mahkamah Agung Republik Indonesia." PUTUSAN PUTUS PER
- 4) TAHUN PERCERAIAN. Retrieved
- 5) (<https://putusan3.mahkamahagung.go.id/direktori/periode/tahunjenis/putus/kategori/perceraian.html>).
- 6) Atabik, Ahmad, and Khoridatul Mudhiyah. 2016. "PERNIKAHAN DAN HIKMAHNYA PERSPEKTIF HUKUM ISLAM." *YUDISIA : Jurnal Pemikiran Hukum Dan Hukum Islam* 5(2). doi:
- 7) 10.21043/yudisia.v5i2.703.
- 8) El-Amin, Ahmed Shoim. 2013. "Konsep Mediasi Dalam Hukum Islam." *Al-Munqidz: Jurnal Kajian Keislaman* 2(1):21–30.
- 9) Hakim, Hasan Nul. 2021. *Problematika Talak Liar: Proses Peradilan Agama Dan Penerapan Sanksi Pidana*. Cetakan pertama. Bantul, Yogyakarta, Indonesia: Genta Publishing.
- 10) Hidayat, Maskur. 2016a. *Strategi & Taktik Mediasi Berdasarkan Perma NO. 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan*. Cet ke-01. Jakarta: Kencana.
- 11) Hidayat, Maskur. 2016b. *Strategi Dan Taktik Mediasi Berdasarkan Perma No.1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan*. Cetakan ke-1. Rawamangun, Jakarta: Kencana.
- 12) Jumadiah, Jumadiah. 2012. "Proses Penyelesaian Perkara Perceraian Melalui Mediasi di Mahkamah Syar'iyah Lhokseumawe." *Fiat Justisia: Jurnal Ilmu Hukum* 6(2). doi:
- 13) 10.25041/fiatjustisia.v6no2.328.
- 14) Mardani. 2016. *Hukum Keluarga Islam Di Indonesia*. Edisi pertama. Jakarta: Kencana.
- 15) Ramadhani, Salsabila Rizky, and Nunung Nurwati. 2021. "DAMPAK PANDEMI COVID-19 TERHADAP ANGKA PERCERAIAN." *Jurnal Penelitian dan Pengabdian Kepada Masyarakat (JPPM)* 2(1):88. doi: 10.24198/jppm.v2i1.33441.
- 16) Soekanto, Soerjono. 1996. *Pengantar Penelitian Hukum*. Jakarta: Universitas Indonesia.
- 17) Supardi, Supardi, and Zahrotul Hanifiyah. 2018. "Penyebab Kegagalan Mediasi Dalam Proses Perceraian (Studi Kasus Di Pengadilan Agama Kudus Periode Januari-April 2017)." *YUDISIA : Jurnal Pemikiran Hukum Dan Hukum Islam* 8(1):155–77. doi: 10.21043/yudisia.v8i1.3224.
- 18) Syahrizal, Agustina Arida, and Luthfi Aunie. 2009. *Mediasi Dalam Perspektif Hukum Syariah, Hukum Adat & Hukum Nasional*. Cet. 1. Jakarta: Kerja sama Canadian International Development Agency ... [et al.].
- 19) Usman, Rachmadi. 2012. *Mediasi Di Pengadilan Dalam Teori Dan Praktik*. Cet ke-01. Jakarta: Sinar Grafik.
- 20) Widiyana, I. Made. 2007. *Alternatif Penyelesaian Sengketa (ADR)*. Jakarta: I Made Widiyana, Alternatif Penyelesaian Sengketa (ADR), Indonesia Business Law Center (IBCL).



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