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Same Rules, Different Practice: Judge and Non-Judge Mediators in Indonesian Religious and Sharia Courts

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Abstract

Mediation is mandatory in divorce cases at the Pengadilan Agama (Religious Court, PA) and the Mahkamah Syar'iyah (Sharia Court, MS) under Supreme Court Regulation No. 1 of 2016, and several studies conclude that non-judge mediators outperform judge mediators. This article compares mediator configurations and divorce mediation results at both institutions and asks whether the data support that claim. Normative legal research using statutory, conceptual, and comparative approaches draws on secondary data from Supreme Court annual reports and from 26 earlier studies, analyzed through Soerjono Soekanto's theory of law enforcement effectiveness. Both are bound by the same mediation procedure but differ in mediator configuration. Most MS courts studied depend on judge mediators, examining judges among them, while some PA courts have engaged non-judge mediators. That difference relates to the availability and cost of non-judge mediators and to judge numbers and workload. Once result categories are aligned, full settlement is equally low at both institutions, and the difference appears instead in partial settlements. The claim of non-judge superiority does not rest on comparable data, because observation periods, case numbers reported per mediator type, and definitions of success all vary. The direct comparison offered here indicates that differences in practice relate more to institutional conditions than to the rules, and it proposes that performance reports separate partial settlements on the rights of the wife and children from full settlement.

Keywords

Divorce Mediation; Judge Mediator; Mahkamah Syar'iyah; Non-judge Mediator; Pengadilan Agama

Introduction

Indonesian marriage law makes conciliation a precondition for divorce. Article 39(1) of Law No. 1 of 1974 on Marriage permits divorce before a court hearing only after the court fails to reconcile the spouses, an obligation repeated in Articles 65 and 82 of Law No. 7 of 1989 on Religious Courts, Article 31 of Government Regulation No. 9 of 1975, and Article 115 of the Compilation of Islamic Law. Conciliation enters litigation as mediation, governed since 2016 by Supreme Court Regulation No. 1 of 2016 on Court Mediation Procedure (PERMA 1/2016). Its Article 38 replaced Supreme Court Regulation No. 1 of 2008 (PERMA 1/2008), and Articles 3(1), 4(1), and 4(2) make mediation mandatory for civil disputes not excepted, divorce included. Supreme Court Circular Letter No. 1 of 2022 (SEMA 1/2022) points the same way, making divorce on the ground of continuous disputes harder to obtain (Haq et al., 2023), and Supreme Court

Circular Letter No. 3 of 2023 (SEMA 3/2023) requires at least six months of living apart unless domestic violence has occurred.

In Islamic law, the handling of marital conflict by arbiters rests on the word of God in QS. An-Nisa' [4]: 35:

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِن يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

If you [the guardians] fear a breach between the two, appoint one arbiter from his family and one from hers. If the two seek reconciliation [islah], God will bring them into accord. Indeed, God is All-Knowing, All-Aware. (Kementerian Agama Republik Indonesia, 2019)

The verse grounds sending a *hakam* (arbiter) from each family when *syiqaq* (deep marital discord) is feared. Indonesian positive law adopts it narrowly. In a *syiqaq* divorce suit the court may appoint a *hakam* from each party's family or outside, after hearing witnesses on the dispute's nature (Article 76(2) of Law No. 7 of 1989). Several studies read court mediation as a modern *hakam* institution (Saifullah et al., 2024; Suhastra, 2023).

The foundation is firm, yet divorce mediation results remain contested. Supreme Court annual reports record successfully mediated cases on the Pengadilan Agama row rising from 14.35% in 2021 to 47.06% in 2024 (Mahkamah Agung Republik Indonesia, 2022, 2025), but that figure spans every case type, does not separate partial settlements, and does not say whether the Mahkamah Syar'iyah is included. For divorce, 2021–2022 national data analyzed by Sebyar et al. (2025) show only a small share of cases ending in a settlement deed or withdrawn petition, with partial settlements almost twice as many. Low reconciliation figures also appear at PA Palu, PA Jakarta Timur, and PA Palangka Raya (Kurniwan et al., 2020; Litti et al., 2023; Syaikhu et al., 2023). That gap between official and reconciliation figures shows effectiveness cannot be assessed without clarifying what counts as success.

One explanation concerns who mediates. PERMA 1/2016 allows judges and certified non-judges alike to serve (Articles 1(2) and 13). Some studies report better results from non-judge mediators at PA Purwodadi (Rizky & Nizar, 2021) and PA Padang, where they were judged to have more time (Darmawan et al., 2023). Research in the Pengadilan Tinggi Agama (High Religious Court, PTA) Banten region found the opposite, lower results where courts relied on non-judge mediators (Majid et al., 2024). These conflicting conclusions remain unsynthesized across each study's period, denominator, and definition of success.

Mahkamah Syar'iyah (MS) in Aceh is a fitting comparator. MS courts is a special court within the religious judiciary as regards religious court jurisdiction (Article 3A(2) of Law No. 50 of 2009), applying religious court procedure in family cases (Article 132(2)(a) of Law No. 11 of 2006; Analiansyah & Abubakar, 2021). Its

mediation rules therefore match PA's. Research in Aceh nevertheless reports heavy reliance on judge mediators and low success (Faisal et al., 2024; Yus, 2022), while Aceh Qanun No. 9 of 2008 counts household disputes among customary disputes resolved at the *gampong* (village) level. Shared rules paired with different conditions make the comparison meaningful.

Earlier research is mostly single-court case studies, none comparing PA courts and MS courts divorce mediation directly. Studies comparing the two kinds of mediator, such as Darmawan et al. (2023) and Majid et al. (2024), report no case numbers per type, leaving superiority claims hard to verify. This article (1) maps the normative framework of divorce mediation shared by PA and MS, (2) compares their mediator configurations and reported results, and (3) explains the differences through law enforcement effectiveness theory, assessing whether available data support the claim of non-judge superiority. Its contribution lies in aligning categories, periods, and denominators before comparing institutional data, and proposing separate reporting of partial settlements.

Method

This is normative legal research using statutory, conceptual, and comparative approaches, enriched by secondary empirical data. The comparative approach is functional. It compares not two legal systems but how one set of rules is carried out by PA courts and MS courts within a single judicial environment.

Primary legal materials comprise Law No. 1 of 1974, Law No. 7 of 1989 as amended by Laws No. 3 of 2006 and No. 50 of 2009, Law No. 11 of 2006, Government Regulation No. 9 of 1975, the Compilation of Islamic Law, PERMA 1/2008 and PERMA 1/2016 on Court Mediation Procedure, Supreme Court Regulation No. 3 of 2022 on Electronic Court Mediation (PERMA 3/2022), SEMA 1/2022 and SEMA 3/2023, and Aceh Qanun No. 9 of 2008. Their texts come from the Legal Documentation and Information Network (JDIH) of the Badan Pemeriksa Keuangan (Audit Board) and the Supreme Court. Official statistics come from the executive summaries of Supreme Court annual reports for 2021–2024 on case settlement through mediation.

Secondary materials are journal articles reporting field research on mediation at particular PA courts or MS courts. The author purposively searched Google Scholar, the Garuda portal, and online journal pages for "mediasi perceraian", "mediator hakim", "mediator nonhakim", "Mahkamah Syar'iyah", "efektivitas mediasi", and "court-annexed mediation". A study was included if it reported empirical findings on mediation practice or results at such a court, appeared between 2019 and 2026, and had bibliographic data verifiable by journal page or DOI. This yielded 26 studies, 17 on PA and 9 on MS.

For each study the author recorded court, data period, mediator configuration, number of cases, result categories, denominator, and source page. In this article, *full settlement* covers agreements confirmed in a settlement deed and those

followed by withdrawal of the petition (Articles 27(4) and (5) of PERMA 1/2016), while *partial settlement* refers to Articles 1(9) and 31 of the same regulation. Figures appear as the original studies reported them, with the denominators they used. Percentages and ratios absent from the sources, such as caseload per judge, were calculated from those data. The analysis is qualitative and comparative, using the five factors of law enforcement effectiveness from Soekanto (2013).

Literature Review

Studies of divorce mediation at PA courts and MS courts fall into three streams. The first assesses effectiveness at a single court and generally reports low full settlement rates. Recurring factors are a firm determination to divorce and long-running conflict by the time of registration (Hanifah & Pascadinianti, 2023; Syaikhu et al., 2023), one party's absence and weak sanctions against bad faith (Erlina et al., 2026; Saifullah et al., 2024), limited facilities (Hanifah & Pascadinianti, 2023), and a local legal culture that may obstruct (Junus et al., 2024) or support reconciliation (Sebyar et al., 2025). Amalia (2026) finds the same pattern in electronic mediation at PA Sungguminasa after PERMA 3/2022, a procedure that runs while its substantive results stay confined to partial settlement. These studies rarely sort results by kind of mediator.

The second stream compares judge and non-judge mediators. Mujib (2021) argues for a fuller role for professional non-judge mediators and wider scope for the parties. The empirical reports divide. Rizky and Nizar (2021) at PA Purwodadi in 2019 and Darmawan et al. (2023) at PA Padang, where five certified lecturers began mediating in March 2022, report results that favor non-judge mediators, while Majid et al. (2024) on non-judge capacity and Marzuqin et al. (2025) on the conduct of judge mediators point against that reading.

The third stream concerns MS. At five MS in western and southern Aceh, Yus (2022) found the procedure following PERMA but yielding little, because most incoming disputes have peaked and the parties want the divorce. Research at MS Lhokseumawe (Faisal et al., 2024), MS Bireuen (Pagar et al., 2022), MS Jantho (Munawwarah, 2024), MS Meureudu (Mahmudi, 2021), and MS Sigli with MS Jantho (Arifa et al., 2019) generally reports judge mediators dominating, few judges, and low reconciliation figures, though reports on MS Bireuen diverge (Hanifa, 2023). Other work names the *keuchik* (village head), *tuha peut* (council of elders), and *imeum meunasah* (prayer-house imam) as pre-court peacemakers (Mawar & Iqbal, 2025; Nurdin et al., 2023), alongside Minangkabau customary mechanisms (Al Ikhlas et al., 2025). Lestari (2014) found *ninik mamak* (clan elders) in Kampar Regency mediating better than at PA Bangkinang because the parties felt close to them, though custom too does not always reach the root of the problem. No study yet treats customary settlement as a factor explaining the difference in mediation practice between PA and MS.

To read these findings the article uses the theory of law enforcement effectiveness from Soekanto (2013), which treats effectiveness as the product of five interacting factors, the law itself, law enforcers, facilities, society, and culture. The framework has been applied to mediation at PA (Saifullah et al., 2024) but not to a comparison of PA and MS under the same rules. On mediator behavior, the analysis draws on the grid of mediator orientations from Riskin (2003), which distinguishes narrow from broad problem definitions and *directive* from *elicitive* approaches.

The present article departs from these studies in three respects. It places PA and MS side by side as two institutions applying one procedure; it rereads their published figures after aligning result categories, periods, and denominators, separating full from partial settlement; and it uses the five factors of Soekanto (2013), together with the formal recognition of customary settlement in Aceh, to explain differences in practice instead of attributing them to mediator status alone. The claim of non-judge superiority is accordingly treated as a hypothesis to be tested rather than as a premise.

Result

The Normative Framework Shared by PA and MS

In normative terms, divorce mediation at PA and MS falls under the same rules. PERMA 1/2016 applies within the religious judiciary, and Aceh's Islamic sharia judiciary belongs to it, examining *ahwal al-syakhsiyah* (personal status) cases under religious court procedural law while no procedural qanun exists.

Table 1. Main Provisions on Divorce Mediation Applying Equally at PA and MS

Aspect	Legal basis	Substance of the provision
Applicability to MS	Law 50/2009 Article 3A(2); Law 11/2006 Articles 128(1) and 132(2)(a); PERMA 1/2016 Article 2(1)	Special court in the religious judiciary for religious court matters, applying religious court procedure in family cases. PERMA applies across the religious judiciary.
Mandatory mediation	PERMA 1/2016 Article 3(1); Articles 4(1) and 4(2)	Mandatory for civil disputes not excepted, divorce included. Exceptions include cases examined without a properly summoned party present.
Determination of the mediator	PERMA 1/2016 Article 1(2); Article 13; Articles 20(3) and (4)	A mediator is a judge or other certified person. Failing agreement, the presiding judge appoints a judge mediator or court officer. An examining judge may be appointed only where no certified non-examining judge or certified court officer exists, certified judges taking priority. An uncertified judge may mediate under a decision letter of the chief judge where certified mediators are absent or few.
Cost and venue	PERMA 1/2016 Article 8; Article 11	Judge mediators and court officers charge no fee. Non-judge mediator fees fall on the parties, jointly or as agreed. The court mediation room is free. Judge mediators and court officers may mediate only at the court.

Good faith	PERMA 1/2016 Article 7; Article 22; Article 23	A plaintiff acting in bad faith has the suit declared inadmissible and bears the mediation costs. In religious court divorce cases a defendant acting in bad faith bears the mediation costs, while case costs remain with the plaintiff.
Mediation results	PERMA 1/2016 Article 27; Article 31; Article 32	A settlement agreement is confirmed by settlement deed or contains a withdrawal of the petition. In a divorce joined with other claims, partial settlement may be reached. Mediation may also be declared unsuccessful or not carried out.
Customary and religious leaders	PERMA 1/2016 Article 26	With the parties' consent, the mediator may bring in experts, community, religious, or customary leaders.
Electronic mediation	PERMA 3/2022 Article 5	Conducted once the parties consent. If one refuses, mediation proceeds manually.

Source: Compiled from Supreme Court Regulation No. 1 of 2016, Supreme Court Regulation No. 3 of 2022, Law No. 50 of 2009, and Law No. 11 of 2006.

Three points in Table 1 matter for the difference in practice. First, appointing examining or uncertified judges as mediators is an exception (Articles 20(4) and 13(2)), so frequent recourse signals a shortage of certified mediators. Second, judge mediators are free while non-judge mediators' fees fall on the parties (Article 8). Third, the incentive for successful judge mediators in Article 25 of PERMA 1/2008 is gone, leaving only the chief judge's reporting duty (Article 16).

PERMA also recognizes partial settlement. Where a divorce is joined with other claims, mediation continues on those claims if the parties will not reconcile (Articles 31(1) and (2)). The agreement becomes enforceable only once the divorce judgment is final and binding (Articles 31(3) and (4)). Success in divorce mediation is therefore not identical with reconciliation.

Mediator Configuration and Mediation Results at PA

Table 2 sets the national PA figures from the Supreme Court annual reports for 2021–2024 beside field research at particular PA. Those figures are not broken down by mediator type.

Table 2. Mediator Configuration and Mediation Results Reported at Several PA

Court and period	Mediator configuration	Reported results	Source
Pengadilan Agama row in the Supreme Court reports, 2021–2024	Not broken down	Cases "successfully" mediated, all case types: 14.35% (2021), 28.33% (2022), 39.85% (2023), 47.06% (2024); partial settlements are not separated and it is not stated whether MS is included	Mahkamah Agung Republik Indonesia (2022, 2023, 2024, 2025)
Divorce cases nationally, 2021–2022	Not broken down	Of 111,374 mediated cases: 930 settlement deeds, 7,039 withdrawn, 15,274 partially successful, 86,488 unsuccessful, 1,643 not carried out; the partially successful share in *cerai talak* cases rose from 15.35% (2021) to 30.30% (2022)	Sebyar et al. (2025)
18 PA in the PTA Padang region, 2021	Judge mediators	423 successful out of 1,956 mediated civil cases (dominated by divorce); at PA Padang 35 out of 365	Fajar & Syahputra (2023)
PA Padang, 2021–2022	Judge mediators only in 2021; from March 2022 five non-judge mediators (lecturers) served alongside judge mediators	Success across all case types 9.59% (2021) and 16.52% (2022); of the 54 divorce cases that succeeded in 2022 (28 of them partially successful), 17 were handled by judge mediators and 37 by non-judge mediators; the number of cases mediated per mediator type is not reported	Darmawan et al. (2023)
PA Purwodadi, 2019	Judge mediators (January–April), non-judge mediators (May–December)	Success of 2% (judges) and 4% (non-judges)	Rizky & Nizar (2021)
PA Palangka Raya, 2020–2022	Seven mediators, all of them judges; 3 of 11 judges certified	7 of 115 (6.09%), 14 of 109 (12.84%), and 15 of 116 (12.93%) mediated cases	Syaikhu et al. (2023)
PA Sungguminasa, 2022	Certified non-judge mediators on rostered duty (Jumik, 2023); Erlina et al. (2026) state that mediators at this court are mostly judges	Of 205 mediated cases: 4 settlement deeds, 2 withdrawn, 91 partially successful, 105 unsuccessful, 3 not carried out	Jumik (2023)
PA Batang (period not stated)	The study focuses on non-judge mediators; the distribution of cases per mediator type is not reported	Of 301 cases: 14 successful, 33 partially successful, 254 unsuccessful	Hasanah & Hadiati (2024)

PTA Banten region, 2023	Mostly non-judge mediators; numbers per mediator type not reported	20.07% at the regional level; variation across PA from 5.98% according to the source table (PA Serang, 73 of 1,120, or about 6.5% on recalculation) up to 61.73% (PA Rangkasbitung, which relies on judge mediators; 71 of 115)	Majid et al. (2024)

Source: as stated in the Source column.

The first pattern is the gap between the official figure and the reconciliation figure in divorce cases. The official figure rose sharply over 2021-2024, but it covers every case type and says nothing about how partial settlements are treated. Sebyar et al. (2025) put full settlement at about 7.2% of mediated divorce cases in 2021-2022. The rise cannot yet be read as more couples reconciling.

The second pattern concerns the kind of mediator. The PA Purwodadi and PA Padang data can be read as evidence of non-judge superiority, but each has limits. At Purwodadi the two mediator types served in different months of 2019 (Rizky & Nizar, 2021), so the gap may reflect the cases received in each period. At Padang, Darmawan et al. (2023) conclude that the non-judge figures are higher, but what is reported is the number of successes, not the rate per mediator type (Darmawan et al., 2023). On the other side, Majid et al. (2024) cite a fall at PA Bandung to 0.8% once non-judge mediators took over entirely.

The third pattern is the large partial settlement share, including at non-judge-mediator courts such as PA Sungguminasa and PA Batang (Hasanah & Hadiati, 2024; Jumik, 2023). At PA Bengkalis in 2021-2022 partial settlements ran about three times full settlements (161 against 51, calculated from Haryuni et al., 2024). Electronic mediation at PA Sungguminasa in 2023-2025 produced no full settlement, though 8 of 37 reached a partial settlement (Amalia, 2026).

The fourth pattern is the shortage of certified judge mediators, found at PA as well (Hanifah & Pascadinianti, 2023). At PA Palangka Raya only 3 of 11 judges are certified (Syaikhu et al., 2023).

Mediator Configuration and Mediation Results at MS

Table 3 summarizes the data reported for MS. These figures come from different periods and definitions and read as a rough indication of magnitude.

Table 3. Mediator Configuration and Mediation Results Reported at MS

Court and period	Mediator configuration	Reported results	Source
All MS in Aceh, 2019–June 2022	Not broken down	Of mediated cases, the combined successful, partially successful, and withdrawn: 4.62% (2019), 7.06% (2020), 10.86% (2021), 20.91% (January–June 2022)	Yus (2022)
All MS in Aceh, 2019–July 2022	Not broken down	4% successful, 5% partially successful, 91% unsuccessful; these percentages appear to be calculated from the 6,232 cases in those three categories (author's calculation), not from all 8,756 mediated cases; the totals in the partially successful column of the source table are inconsistent	Faisal et al. (2024)
Five MS in western and southern Aceh	Non-judge mediators are almost absent and at some MS absent altogether; judge mediators may be drawn from examining judges as well as from judges who are not examining the case	Little success; the dominant factor is the parties' unwillingness to be reconciled	Yus (2022)
MS Lhokseumawe, 2019–May 2022	The parties may choose a judge or a non-judge mediator; judges not yet certified are appointed because mediators are few	4–8 cases successful and 0–12 cases partially successful out of 88–107 mediated cases per period (2022 covers January–May only)	Faisal et al. (2024)
MS Bireuen, 2019–August 2021	Panel judges double as mediators owing to a shortage of judges; one informant stated that there were no mediators from outside the court	10 cases successfully mediated out of 1,120 divorce cases received	Pagar et al. (2022)
MS Bireuen, 2020–2022	Seven judge and non-judge mediators; two judges not yet certified	1.6% (2020), 3.0% (2021), and 17.9% (2022) of mediated cases, as reported; some rows of the source table are inconsistent	Hanifa (2023)
MS Jantho, 2021–2022	Four judges handle roughly 700 cases a year	Divorce cases ending in settlement: 23 of 417 (5.51%) in 2021 and 12 of 462 (2.59%) in 2022; the denominator is all divorce cases	Munawwarah (2024)

MS Sigli and MS Jantho, 2015–May 2019	All mediators are judges (Sigli 8 persons, 5 certified; Jantho 6 persons, 3 certified)	*Cerai gugat* cases successfully mediated: Sigli 16 of 360 cases and Jantho 19 of 450 cases; the source does not state whether the denominator is cases received or cases mediated	Arifa et al. (2019)
MS Meureudu (Pidie Jaya)	Members of the adjudicating panel often double as mediators owing to the limited number of judges	No quantitative data	Mahmudi (2021)

Source: as stated in the Source column.

The Aceh data show three tendencies. First, judge mediators dominate most of the MS studied. At MS Sigli and MS Jantho parties tend to choose them because they charge nothing (Arifa et al., 2019). At MS Bireuen and MS Meureudu panel members often double as mediators because judges are few (Mahmudi, 2021). Articles 20(4) and 13(2) of PERMA, designed as exceptions, have become repeated practice at MS with few judges, a risk Yus (2022) warns of.

Second, the caseload per judge is high, at least at MS Jantho, where completion-time targets leave little room for intensive conciliation at trial. Success there comes almost entirely from mediation, which judges prioritize because it bears on their performance assessment (Munawwarah, 2024).

Third, Yus (2022) shows aggregate MS results low but rising year by year, in step with PA. The increase is uneven. At MS Jantho the reconciliation figure fell between 2021 and 2022. Full settlements outnumbered partial ones in 2019-2020, but partial settlement has been the commonest since 2021. The summary in Faisal et al. (2024) does not fully align, since the months covered in 2022 and the method of calculation differ and the 2020 count differs as well (2,306 against 2,082).

The MS Bireuen data also differ across studies. Pagar et al. (2022) record an informant stating there were no mediators from outside the court in 2019–2021, while Hanifa (2023) reports judge and non-judge mediators used in equal measure in 2020-2022. For 2023, Saidaturrahmah et al. (2025) report 102 settlement deeds out of 612 divorce cases and only four mediators for all family cases. The differences may reflect change over time or different informants.

Outside the courts, Aceh Qanun No. 9 of 2008 treats household disputes as customary disputes to be resolved in stages from family to *gampong*. Customary institutions cannot dissolve a marriage, since divorce is valid only before a court hearing (Article 39(1) of Law No. 1 of 1974). In three *gampong* in Kuta Alam, Banda Aceh, 26 of 35 household disputes in 2018-2021 ended in settlement, and the failures went to MS with a recommendation letter (Nurdin et al., 2023).

Similar practice is reported elsewhere (Mawar & Iqbal, 2025), and some cases reach MS only after conciliation has failed (Faisal et al., 2024; Safriadi, 2022).

Comparison with Aligned Categories

Table 4 aligns the categories from the two fullest sources for a more equal comparison.

Table 4. Comparison of Mediation Results with Aligned Categories

Group and period	Cases mediated	Full settlement (deed or successful, and withdrawn)	Partial settlement	Source
Divorce cases at PA nationally, 2021–2022	111,374	7,969 (7.2%)	15,274 (13.7%)	Sebyar et al. (2025)
All MS in Aceh, 2021–June 2022	3,490	213 (6.1%)	287 (8.2%)	Yus (2022)

Source: Compiled from Sebyar et al. (2025) and Yus (2022).

The comparison shows full settlement equally low at both groups of courts, with the larger difference in partial settlement. It is not a test of mediator type, since the mediator composition behind the national PA figure is unknown and many PA studied rely on judge mediators too (Table 2). The difference in partial settlement may relate to how often maintenance or custody claims are joined to a divorce suit or to recording practice.

Discussion

Testing the Claim That Non-Judge Mediators Perform Better

The results above do not support the general conclusion that non-judge mediators are more effective than judge mediators. The evidence available for that claim has four limitations, namely observation periods that are not comparable, scant data on the number of cases per mediator type, differing definitions of success, and a possible selection effect. Parties who choose and are willing to pay for a non-judge mediator, or cases that happen to be scheduled to a particular mediator, are not necessarily comparable to the cases handled by judge mediators, and none of the studies reviewed controls for that difference.

The evidence from Banten also calls for care. Majid et al. (2024) link the low results in that region to the capacity of non-judge mediators, described as briefly trained, not always from a legal or sharia background, and without incentives. The comparison, however, is made at the level of the court and the number of mediators by type is not reported, so that evidence weakens the claim of non-judge superiority without proving the reverse. Read together with the Padang finding, what more deserves testing is the time, competence, and institutional support available to mediators. The non-judge mediators at PA Padang are certified lecturers judged to have time at their disposal (Darmawan et al., 2023), while the non-judge mediators in Banten work under different conditions. The grid from Riskin (2003) offers a further explanation. A non-judge mediator

interviewed by Darmawan et al. (2023) considered that judge mediators ask only about the contents of the petition, while non-judge mediators probe more deeply, which in Riskin's terms means a narrow against a broad problem definition. That assessment comes from one of the parties being compared, and the finding of Marzuqin et al. (2025) that judge mediators are at once neutral facilitators and active participants shows that mediation style cannot be inferred from a mediator's status. The difference in style needs testing through direct observation.

Institutional and Social Factors That Distinguish the Two Institutions

The framework from Soekanto (2013) helps explain why the same rules produce different practice. Table 5 summarizes the comparison across those five factors.

Table 5. Comparison of Factors Affecting Divorce Mediation at PA and MS

Factor	PA	MS
The law	PERMA 1/2016 and PERMA 3/2022; no incentive for judge mediators; weak bad-faith sanctions against an absent party	The same rules, with the addition of recognition of customary settlement of household disputes (Aceh Qanun No. 9 of 2008)
Law enforcers	Judge and non-judge mediators at some courts, lecturers among them; some judge mediators are still uncertified	Judge mediators dominant; non-judge mediators rare; examining judges double as mediators at a number of MS; high caseload per judge at MS Jantho
Facilities	Inadequate mediation rooms at some PA; electronic mediation available, but with limited substantive results	Limited mediation rooms, as at MS Bireuen
Society	Strong determination to divorce; absence of a party; the fees of non-judge mediators fall on the parties	The same pattern; a preference for judge mediators, who are free of charge (MS Sigli and Jantho); some cases arrive after conciliation by the family and the *gampong* has failed
Culture	Customary mechanisms are known in a number of regions, such as the role of the *mamak* in Minangkabau; local culture and language matter at PA Bengkalis	Staged customary settlement is recognized by qanun; mediators who speak the regional language are needed at MS Bireuen

Source: Author's synthesis from Tables 1 to 4 and the sources discussed.

On the factor of law, the issue is not the content of the rules but the incentive structure they create, and that structure is the same for both groups of courts. The disappearance of the promised incentive for judges who succeed as mediators matches the view of judges in Aceh that the mediator's task lies outside their principal duties and ought to carry an incentive (Yus, 2022), and Hanifa (2023) records it as an obstacle at MS Bireuen. Sanctions against parties acting in bad faith also lose force when the defendant does not appear (Saifullah et al., 2024), since cases examined without the presence of a party who has been properly summoned are excepted from the mediation requirement (Article 4(2)(b) of

PERMA 1/2016). These factors explain the low results at both groups of courts rather than the difference between them. The relevant normative difference lies in the formal recognition of customary settlement in Aceh Qanun No. 9 of 2008, discussed below together with the factor of culture.

The clearest difference lies in the factor of law enforcers. PA in cities with universities can recruit non-judge mediators from among academics, as at PA Padang, where five lecturers from the Faculty of Sharia at UIN Imam Bonjol have served since March 2022 (Darmawan et al., 2023). Several district and municipal MS, by contrast, have only a few judges, so examining judges double as mediators (Mahmudi, 2021; Pagar et al., 2022) and judges who are not yet certified are appointed as well (Faisal et al., 2024). PA Palangka Raya received 683-775 cases a year over 2020-2022 with 11 judges (Syaikhu et al., 2023), roughly 62-70 cases per judge, while MS Jantho handled about 700 cases a year with four judges (Munawwarah, 2024), roughly 175 cases per judge. This doubling of roles raises two problems. Time for mediation shrinks because the same judge carries the trial burden (Munawwarah, 2024), and neutrality in continuing the examination can be questioned (Yus, 2022), since a judge who mediates is bound at once by the judicial code of conduct and the mediator code of conduct, two roles that are difficult to hold together (Hariyanto & Efendi, 2021). On the factor of facilities, both face similar constraints. MS Bireuen has only one small mediation room (Hanifa, 2023), while 80% of 20 respondents at PA Pekanbaru considered its mediation room inadequate (Hanifah & Pascadinianti, 2023).

The factors of society and culture reveal one similarity and one difference. The similarity concerns cost. Because the fees of non-judge mediators fall on the parties, except in *prodeo* cases (Hanifah & Pascadinianti, 2023), a judge mediator is the rational choice, as at MS Sigli and MS Jantho (Arifa et al., 2019). As long as no funding scheme exists, adding non-judge mediators will not necessarily be followed by greater use of them. The difference is the formal recognition of customary settlement through Aceh Qanun No. 9 of 2008. Customary mechanisms are known in other PA regions as well, among them the role of the *mamak* (maternal uncle) in Minangkabau (Al Ikhlas et al., 2025) and the *ninik mamak* in Kampar (Lestari, 2014), and the role of religious leaders in marital mediation has also been recorded in Indonesia and Malaysia (Harry et al., 2026). Judges at several PA in Central Java likewise report drawing in close family members and village heads to bring reluctant parties to mediation (Ismayawati et al., 2024). In Aceh, however, household disputes are named explicitly as customary disputes that are given the first opportunity. If most disputes that can still be settled are resolved at the *gampong*, the cases that reach MS tend to be the hardest to settle. This filtering conjecture is consistent with findings that cases in Aceh arrive once the conflict has peaked (Yus, 2022) and after other conciliation attempts have failed (Faisal et al., 2024; Safriadi, 2022). A similar pattern is reported at PA, though (Saifullah et al., 2024; Syaikhu et al., 2023), and Table 4 does not show full settlement at MS to be far lower than at PA. As long as customary settlement at

the *gampong* goes unrecorded, this conjecture cannot be separated from the general pattern of divorce cases. Language appears as a factor at both groups of courts. Pagar et al. (2022) note the need for mediators with command of the regional language at MS Bireuen, while Haryuni et al. (2024) name local culture and language as a factor in success at PA Bengkalis.

Widening the Measure of Mediation Success

The size of the partial settlement share calls for another way of looking at effectiveness. If success is measured only by a couple's reconciliation, divorce mediation will almost always look like a failure, even though PERMA 1/2016 itself provides for partial settlement in divorces joined with other claims (Article 31). At MS Lhokseumawe, mediation over marital property and custody disputes is reported to succeed in about 80% of cases, far above mediation aimed at preserving the marriage (Faisal et al., 2024). Agreements on *iddah* (waiting period) maintenance, *mut'ah* (consolation payment), child maintenance, and custody can reduce further disputes. Sebyar et al. (2025) record reduced conflict and continued cooperation in parenting after mediation, and Rumadan and Salamah (2021) show that parental agreements confirmed in a settlement deed can protect the rights of the child. The question of fulfilling the rights of a former wife and children also appears in a PA Painan decision involving a husband employed as a civil servant (Emira, 2025). Tirtawening and Maryam (2018) go further, arguing that the success of mediation ought to be measured by the agreements reached even where the divorce still goes ahead.

This wider measure can be linked to the meaning of *islah* in QS. An-Nisa' [4]: 35 and to the principle of release in a kindly manner (*tasrihun bi ihsan*) in QS. Al-Baqarah [2]: 229. In *fiqh*, the authority of the two *hakam* is disputed. Abu Hanifah, al-Syafi'i in one of his opinions, and Ahmad in one narration regard the *hakam* as representatives of the spouses with no right to separate them, while Imam Malik permits it, and Ibnu Qayyim al-Jauziyyah affirms the standing of the *hakam* as a judge (Hasballah & Rahmadani, 2019). The scope of *islah* may therefore cover both a couple's reconciliation and a just settlement where separation is unavoidable. The protection offered by partial settlement is itself conditional, becoming enforceable only after the divorce judgment is final and binding (Article 31(3) of PERMA 1/2016). A wider measure of success also demands substantive competence. Majid et al. (2024) record that some non-judge mediators in Banten omitted the rights to *iddah* maintenance, *mut'ah*, and child maintenance from the terms of the agreement, so an agreement reached does not necessarily protect the weaker party.

Mediation is also not always appropriate for every case. Jones and Aftab (2023) warn that victims of domestic violence can be harmed by compulsory mediation that pursues settlement, and they propose violence screening along with an

exemption for victims. Mediators serving victims in Central Java likewise hold that severe or prolonged violence should not be mediated, and many women victims bring their cases to the Religious Court rather than the criminal court (Sukendar et al., 2023). PERMA 1/2016 contains no such exemption (Article 4(2)), even though SEMA 3/2023 already treats domestic violence as an exception within the requirement of living apart.

Policy Implications and Limitations of the Study

Two implications concern governance. Reporting of mediation results needs to be broken down by kind of mediator and kind of outcome, with full settlement by deed distinguished from withdrawal of the petition, partial settlement, unsuccessful mediation, and mediation that could not be carried out. Article 16 of PERMA 1/2016 already requires reporting on mediation performance, but only for judges and court officers, so non-judge mediators need separate regulation, for instance through a decision of the Chief Justice of the Supreme Court on mediation governance (Article 12(2)). Strengthening MS is not accomplished by lengthening the list of non-judge mediators. Cooperation with Islamic higher education institutions in Aceh, along the lines of the lecturers involved at PA Padang, requires a funding scheme so that the parties do not avoid them on grounds of cost. On the normative side, part of the room being sought is already available. Joint mediation by judge and non-judge mediators, as proposed by Majid et al. (2024), is already possible, since the parties may choose more than one mediator (Article 19(1)) and a non-judge mediator serving alongside a judge mediator must mediate at the court (Article 11(3)).

As normative research, this study rests on library materials. All of its figures come from other studies using different courts, periods, and definitions of success, while the MS data are confined to a single province. The assessment therefore rests on reported results rather than on direct measurement of mediator effectiveness. Further research should take an empirical approach, with data per mediator at comparable courts and tracing of how far the agreements reached are actually carried out. Only then can the effectiveness of the two kinds of mediator truly be tested.

Conclusion

Pengadilan Agama and Mahkamah Syar'iyah conduct divorce mediation under the same procedural rules. What distinguishes their practice is their institutional circumstances, not the rules. At most of the Mahkamah Syar'iyah studied, examining judges double as mediators because judges are few and non-judge mediators are scarce. Aceh does recognize customary settlement formally, but its influence on mediation results cannot be read from the available data. The claim that non-judge mediators are more effective is unsupported. Results are better at some Pengadilan Agama and worse at others, and the observation periods are not comparable. Once the result categories are aligned, full settlement is equally low

at both groups of courts. The difference emerges instead in partial settlement. What needs testing is not a mediator's status as judge or non-judge but the mediator's time, competence, and incentives. Reporting on mediation performance needs to be broken down by kind of mediator and kind of outcome, with partial settlements on the rights of the wife and children counted separately as a success. Testing that awaits data per mediator from comparable courts.

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References

Al Ikhlas, Shalihin, N., Elfia, & Yusdian, D. (2025). Mechanism for resolution of household conflict based on tradition in the Minangkabau community. *Jurnal Al-Ahkam*, *16*(1), 46–60. https://doi.org/10.15548/alahkam.v16i1.11079

Amalia, R. (2026). Assessing the substantive effectiveness of electronic mediation in divorce cases: An empirical study at the Sungguminasa Religious Court. *MADDIKA: Journal of Islamic Family Law*, *7*(1), 53–69. https://doi.org/10.24256/maddika.v7i1.11424

Analiansyah, & Abubakar, A. (2021). Children handling procedure in Islamic criminal offense in Aceh. *AHKAM: Jurnal Ilmu Syariah*, *21*(1), 111–140. https://doi.org/10.15408/ajis.v21i1.20869

Arifa, R. N., Sulaiman, & Manfarisyah. (2019). Proses mediasi di Mahkamah Syariyah Sigli dan Mahkamah Syariyah Jantho. *Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh*, *7*(1), 91–106. https://doi.org/10.29103/sjp.v7i1.1983

Darmawan, A., Elfia, & Zulfan. (2023). Kontribusi mediator nonhakim dalam penyelesaian konflik rumah tangga. *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum*, *21*(2), 110–125. https://doi.org/10.32694/qst.v21i2.2970

Emira, D. (2025). Children's and former wives' rights of civil servants post-divorce: A legal effectiveness perspective. *Jurnal Al-Ahkam*, *16*(1), 32–45. https://doi.org/10.15548/alahkam.v16i1.10927

Erlina, Istiqamah, Nurjannah, S., & Jayadi, A. (2026). Implementation and effectiveness of divorce mediation in the Sungguminasa Religious Court of Gowa Regency. *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum*, *13*(1), 57–64. https://doi.org/10.24252/jurisprudentie.v13i1.68388

Faisal, Md Said, M. H., Manfarisyah, Jumadiah, Herinawati, & Effida, D. Q. (2024). Divorce settlement through mediation process in Lhokseumawe Sharia Court. *Diponegoro Law Review*, *9*(1), 153–166. https://doi.org/10.14710/dilrev.9.1.2024.153-166

Fajar, H. F., & Syahputra, J. (2023). Optimalisasi peran mediator dalam penyelesaian sengketa perdata di wilayah Pengadilan Agama Sumatera Barat. *Jurnal Hukum Lex Generalis*, *4*(4), 283–304. https://doi.org/10.56370/jhlg.v4i4.370

Hanifa, S. (2023). Efektivitas proses mediasi dalam mengurangi angka perceraian di Mahkamah Syar'iyah Bireun. *Jeulame: Jurnal Hukum Keluarga Islam*, *2*(2),

1–26. https://doi.org/10.47766/jeulame.v2i2.1958

Hanifah, M., & Pascadinianti, M. (2023). Function of non-judge mediators in divorce settlement through religious courts. *Unnes Law Journal*, *9*(2), 377–418. https://doi.org/10.15294/ulj.v9i2.75611

Haq, M. I. A., Yasniwati, & Yaswirman. (2023). Penyelesaian sengketa perceraian di pengadilan agama pasca pemberlakuan SEMA Nomor 1 Tahun 2022 (Analisis putusan Pengadilan Agama Painan Nomor 492/Pdt.G/2023/PA.Pn.). *UNES Law Review*, *6*(2), 6766–6781. https://doi.org/10.31933/unesrev.v6i2.1554

Hariyanto, E., & Efendi, M. (2021). *Dilema Hakim Pengadilan Agama dalam Menyelesaikan Perkara Hukum Keluarga Melalui Mediasi*. *4*(1), 115–124. https://doi.org/10.24090/volksgeist.v4i1.4245

Harry, M., Hamidah, T., Jundiani, Nasrulloh, M., & Saidon, R. (2026). From moral authority to policy integration: The role of religious leaders in marital mediation in Indonesia and Malaysia. *De Jure: Jurnal Hukum Dan Syar'iah*, *18*(1), 33–53. https://doi.org/10.18860/j-fsh.v18i1.35639

Haryuni, M., Darwis, M., & Arisman. (2024). Karakteristik keberhasilan mediasi perceraian di Pengadilan Agama Bengkalis berdasarkan PERMA No. 1 Tahun 2016. *YUSTISI: Jurnal Hukum Dan Hukum Islam*, *11*(3), 297–310. https://doi.org/10.32832/yustisi.v11i3.17897

Hasanah, F. N., & Hadiati, T. (2024). Pelaksanaan mediasi pada perkara perceraian bagi mediator non hakim di Pengadilan Agama Batang. *Al-Hukkam: Journal of Islamic Family Law*, *4*(1), 67–81.

Hasballah, K., & Rahmadani. (2019). Studi pemikiran Ibnu Qayyim al-Jauziyyah tentang ḥakam dan relevansinya dengan mediasi di pengadilan agama. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, *3*(1), 53–68. https://doi.org/10.22373/sjhk.v3i1.4430

Ismayawati, A., Aristoni, & Chaedar, S. M. (2024). Family Conflict Resolution through Mediation in Indonesia and Malaysia: A Sociological Study of Islamic Law. *Jurnal Hukum Islam*, *22*(2), 467–498. https://e-journal.uingusdur.ac.id/index.php/jhi/index

Jones, B., & Aftab, A. (2023). Inside Indonesia's religious courts: An argument for domestic and family violence screening and exemption from compulsory mediation. *Oxford Journal of Law and Religion*, *12*(2), 217–231. https://doi.org/10.1093/ojlr/rwad015

Jumik. (2023). Effectiveness of mediation in preventing divorce in the Sungguminasa Class I B Religious Court in 2022. *Journal of Family Law and Islamic Court*, *2*(2), 65–78. https://doi.org/10.26618/jflic.v2i2.16870

Junus, N., Sarson, M. T. Z., Elfikri, N. F., & Muntholib, J. W. (2024). Integration of mediation in divorce cases reviewed from Supreme Court regulation on court mediation procedures. *Jambura Law Review*, *6*(1), 183–205. https://doi.org/10.33756/jlr.v6i1.19370

Kementerian Agama Republik Indonesia. (2019). *Al-Qur'an dan Terjemahannya* (Edisi peny).

Kurniwan, B., Kadir, S., & Gazali. (2020). Efektivitas mediasi terhadap penyelesaian perkara perceraian di Pengadilan Agama Palu Kelas 1 A. *Iqra: Jurnal Ilmu Kependidikan Dan Keislaman*, *15*(1), 11–15. https://doi.org/10.56338/iqra.v15i1.1563

Lestari, R. (2014). Perbandingan penyelesaian sengketa perceraian secara mediasi di pengadilan dan di luar pengadilan di Kabupaten Kampar. *Jurnal Hukum Ius Quia Iustum*, *21*(2), 309–332. https://doi.org/10.20885/iustum.vol21.iss2.art8

Litti, N. L. A., Sina Gula, R. N. F., Ray, M. H., Fahrurazi, Bariyah, O. N., & Rohmah, S. (2023). Efektivitas proses mediasi dalam perkara perceraian di Pengadilan Agama Jakarta Timur. *Misykat Al-Anwar: Jurnal Kajian Islam Dan Masyarakat*, *6*(2), 227–246. https://doi.org/10.24853/ma.6.2.227-246

Mahkamah Agung Republik Indonesia. (2022). *Ringkasan eksekutif laporan tahunan 2021*.

Mahkamah Agung Republik Indonesia. (2023). *Ringkasan eksekutif laporan tahunan 2022: Integritas tangguh, kepercayaan publik tumbuh*.

Mahkamah Agung Republik Indonesia. (2024). *Ringkasan eksekutif laporan tahunan 2023: Integritas kuat, peradilan bermartabat*.

Mahkamah Agung Republik Indonesia. (2025). *Ringkasan eksekutif laporan tahunan 2024: Dengan integritas, peradilan berkualitas*.

Mahmudi. (2021). Kedudukan hakim dalam mediasi perkara syiqaq di Mahkamah Syar'iyah Pidie Jaya. *At-Tabayyun: Journal Islamic Studies*, *3*(2), 113–127. https://doi.org/10.47766/atjis.v3i2.1755

Majid, S., Al Hasan, F. A., Candra, M., & Saleh, A. I. (2024). Effectiveness of dispute resolution in religious courts through mediation by non-judge mediators within Banten. *Jurnal Hukum Dan Peradilan*, *13*(2), 251–274. https://doi.org/10.25216/jhp.13.2.2024.251-274

Marzuqin, M. A., Saini, Safithri, A., & Miftahussurur, W. (2025). The judge mediator in contemporary divorce cases in Indonesian religious courts. *USRATY: Journal of Islamic Family Law*, *3*(2), 199–211. https://doi.org/10.30983/usraty.v3i2.10222

Mawar, S., & Iqbal, M. (2025). Multicultural dispute resolution system in Aceh before and after the issuance of the customary institution qanun. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, *9*(1), 560–574. https://doi.org/10.22373/sjhk.v9i1.19767

Mujib, A. (2021). Otoritas dan kewenangan mediator non-hakim pasca Peraturan Mahkamah Agung No. 1 Tahun 2016 dalam penyelesaian sengketa di lingkungan peradilan agama Daerah Istimewa Yogyakarta. *In Right: Jurnal Agama Dan Hak Azazi Manusia*, *10*(1), 65–87. https://doi.org/10.14421/inright.v10i1.2536

Munawwarah, P. (2024). Implementasi al-shulhu dalam persidangan kasus perceraian di Mahkamah Syar'iyah Jantho Kota Jantho Kabupaten Aceh Besar. *Jurnal Ilmu Syariah Dan Hukum (JISYAKU)*, *3*(1), 87–102. https://doi.org/10.23971/jisyaku.v3i1.8905

Nurdin, R., Abdullah, M., Fahmi, Z., & Darna, A. (2023). The role of customary leaders as ḥakam in resolving divorce: A case study in Kuta Alam Subdistrict, Banda Aceh City. *El-Usrah: Jurnal Hukum Keluarga*, *6*(2), 430–443. https://doi.org/10.22373/ujhk.v6i2.12710

Pagar, Fuad, Z., & Muhammad. (2022). Hakam dan mediasi dalam perkara syiqaq di Mahkamah Syar'iyah Bireuen Propinsi Aceh. *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial Islam*, *10*(1), 335–354. https://doi.org/10.30868/am.v10i01.2438

Riskin, L. L. (2003). Decisionmaking in mediation: The new old grid and the new new grid system. *Notre Dame Law Review*, *79*(1), 1–53.

Rizky, R. K., & Nizar, M. C. (2021). Tingkat keberhasilan mediasi oleh hakim dan non-hakim di Pengadilan Agama Purwodadi tahun 2019. *ADHKI: Journal of Islamic Family Law*, *3*(1), 69–82. https://doi.org/10.37876/adhki.v3i1.47

Rumadan, I., & Salamah, U. (2021). Settlement of divorce dispute through the forum of mediation in judicial institutions as an effort of legal protection for the rights and interests of the child of post-divorce. *Syariah: Jurnal Hukum Dan Pemikiran*, *21*(2), 213–226. https://doi.org/10.18592/sjhp.v21i2.4603

Safriadi. (2022). Mediasi di Mahkamah Syar'iyah: Kegagalan dan faktor-faktornya. *Jurnal El-Qanuniy: Jurnal Ilmu-Ilmu Kesyariahan Dan Pranata Sosial*, *8*(2), 207–219.

Saidaturrahmah, Lubis, L., & Nasution, S. (2025). Islamic communication strategies of mediators at the Mahkamah Syar'iyah in mediating divorce cases. *Islamic Communication Journal*, *10*(2), 239–262. https://doi.org/10.21580/icj.2025.10.2.28381

Saifullah, M., Anwar, K., Murtadho, A., Mubarok, F. K., & Kurniawan, C. S. (2024). Failure of good faith in mediating divorce cases in religious court. *International Journal Ihya' 'Ulum Al-Din*, *26*(1), 94–107. https://doi.org/10.21580/ihya.26.1.20313

Sebyar, M. H., Jafar, W. A., Harahap, S. M., Putra, D., & Efendi, R. (2025). Divorce mediation at Panyabungan Religious Court: Transforming the desire for divorce into reconciliation through cultural values in contemporary Islamic jurisprudence. *Al-Manahij: Jurnal Kajian Hukum Islam*, *19*(1), 81–100. https://doi.org/10.24090/mnh.v19i1.12255

Soekanto, S. (2013). *Faktor-faktor yang mempengaruhi penegakan hukum*. Rajawali Pers.

Suhastra, P. (2023). Mediation procedure in religious courts in Indonesia in the perspective of thought Wahbah Al-Zuhaily. *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam*, *8*(1), 98–108. https://doi.org/10.25217/jm.v8i1.3486

Sukendar, S., Saifullah, M., Sulistiyanto, P., Rahman, L., & Ulamai, A. H. A. (2023). Women's Access To Justice: Mediation For The Victims of Domestic Violence In Central Java, Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, *7*(1), 602–628. https://doi.org/10.22373/sjhk.v7i1.9471

Syaikhu, Ahmad, S., & Putera, M. L. S. (2023). Judicial mediation: Is reconciliation

impossible in divorce cases? *Al-Manhaj: Journal of Indonesian Islamic Family Law*, *5*(2), 120–147. https://doi.org/10.19105/al-manhaj.v5i2.11887

Tirtawening, & Maryam, R. (2018). The urgency of applying domestic violence screening mechanism for divorce mediation in religious court. *Mimbar Hukum*, *30*(1), 140–154. https://doi.org/10.22146/jmh.28713

Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. (1974). Lembaran Negara Republik Indonesia Tahun 1974 Nomor 1. https://peraturan.bpk.go.id/Details/47406

Undang-Undang Nomor 3 Tahun 2006 tentang Perubahan atas Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama. (2006). Lembaran Negara Republik Indonesia Tahun 2006 Nomor 22. https://peraturan.bpk.go.id/Download/29789/UU%20Nomor%203%20Tahun%202006.pdf

Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama. (1989). Lembaran Negara Republik Indonesia Tahun 1989 Nomor 49. https://peraturan.bpk.go.id/Details/46804

Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh. (2006). Lembaran Negara Republik Indonesia Tahun 2006 Nomor 62. https://peraturan.bpk.go.id/Details/40174

Undang-Undang Nomor 50 Tahun 2009 tentang Perubahan Kedua atas Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama. (2009). Lembaran Negara Republik Indonesia Tahun 2009 Nomor 159. https://peraturan.bpk.go.id/Details/38795

Yus, Z. (2022). Mediasi dalam penyelesaian sengketa perkawinan pada Mahkamah Syar'iyah di Aceh. *El-Usrah: Jurnal Hukum Keluarga*, *5*(2), 196–223. https://doi.org/10.22373/ujhk.v5i2.17893