

DIVORCE SETTLEMENT THROUGH MEDIATION PROCESS IN LHOKSEUMAWE SHARIA COURT

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Abstract

This study examines the effectiveness of mediators in resolving divorce cases based on the Supreme Court Regulation on Mediation Procedures and the function of mediators to reduce divorce rates. The type of research is empirical juridical, and primary data, and secondary adopts a juridical approach. This research reveals that the implementation of the Supreme Court Regulation No. 1 of 2016 at the Lhokseumawe Sharia Court has not been maximized so it is necessary to strengthen the education of the judges-mediator regarding how judges handle mediation. In addition, a persuasive approach is needed so that mediation can be run effectively to prevent divorce. The mediator has to maximize his role in reconciling the litigants in the Court so that the parties do not consider mediation as a mere formality. Socialization is needed in the community regarding the importance of resolving disputes peacefully as determined under supreme court regulation.

Keywords: *Judges-Mediator; Divorce; Sharia Court*

1. Introduction

Supreme Court reform is oriented towards the embodiment of just judiciary include through mediation procedure. Mediation is one of the means to improve services for justice seekers and implement the principles of justice through the administration of justice that is simple, fast and low cost.¹ In Lhokseumawe, from 2006 - 2007, there were 60 percent of 275 cases was submitted by .² Divorce cases at the Sharia Court of Lhokseumawe City increased from January to September 2021, there were 543 divorce cases, of which 50% were dominated by wives who sued their husbands because they were not supported physically and mentally.³ Divorce is a common problem that often occurs in society and brought to the court to achieve justice and legal certainty.

¹ Adiyono, "Mediasi Sebagai Upaya Hakim Menekan Perceraian Di Pengadilan Agama," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 8, no. 1 (2014): 126, <https://doi.org/10.19105/ihkam.v8i1.344>.

² Nurhasanah, "The Analysis of Causes of Divorce by Wives," *COUNS-EDU: The International Journal of Counseling and Education* 2, no. 4 (2017): 192–200, <https://doi.org/https://doi.org/10.23916/002017027240>.

³ Masriandi, "Jumlah Isteri Yang Gugat Cerai Suami Meningkatkan Di Lhokseumawe Ini Penyebabnya," *Kompas*, April 14, 2022, <https://regional.kompas.com/read/2021/10/11/151301378/jumlah-istri-yang-gugat-cerai-suami-meningkat-di-lhokseumawe-ini>.

Sharia courts within the general judiciary are courts of the first instance domiciled in cities or districts. Sharia court function to settle civil cases at the first level for the Muslim community.⁴

In general, divorce has been regulated under Marriage Law and specifically for Muslim regulated under Islamic Compilation Law. Article 38 of Marriage Law and Article 113 of Islamic Compilation Law. In a hadith, it is stated that divorce is lawful but hated by God. This implies that Islam also complicates divorce. Therefore, before getting a divorce, a peaceful way must first be exercised.⁵ Mediation as a non-litigation dispute resolution is needed to reduce the divorce rate by mediating before taking litigation. It is conducted outside of trial and is carried out between the two litigants through a discussion to achieve agreement, in which in this mediation process there will be an intermediary called a mediator.⁶

Mediation Law regulates that judge must try to bring peace among the parties, especially in cases of divorce or cases of quarrels and disputes. The judge tries as optimally as possible, even if it doesn't work in the first trial, the judge can ask for help from the mediator who has been appointed to reconcile the case.⁷

In trial, mediation takes place in the practice of civil proceedings in court. This is in line with the explanation of Article 4 Paragraph (1) of Mediation Law which states that “Civil disputes submitted to the Court include cases of resistance (*verzet*) against verstek decisions and resistance of litigants (*partij verzet*) or third parties (*derden verzet*) must be begun through mediation process unless otherwise specified in the the Supreme Court Regulation. among others: matches that are examined at the conference a deadline for completion is determined; fights whose examination is carried out without the presence of the plaintiff/defendant; reconvention and intervention;⁸ and matches submitted to the Court thereafter Efforts are made to settle through non litigation process under Mediator help.

Mediation Law underline several points to optimize mediation in court, namely: obligations of the parties to attend the mediation process with or without a legal representative and the good

⁴ Musda Asmara and Reti Andira, “Urgensi Talak Di Depan Sidang Pengadilan Perspektif Masalah Mursalah,” *Al-Istinbath : Jurnal Hukum Islam* 3, no. 2 (2018): 207, <https://doi.org/10.29240/jhi.v3i2.626>.

⁵ Fitri, Jamaluddin, and Faisal.

⁶ Rigea Rima Akni, “Mediasi Hubungan Industrial Yang Melebihi Batas Waktu,” *Lentera Hukum* 2, no. 3 (2015): 160–61, <https://jurnal.unej.ac.id/index.php/ejllh/article/view/8822/8845>.

⁷ Rizky Kurniyana Rizky and Muchamad Coirun Nizar, “Tingkat Keberhasilan Mediasi Oleh Hakim Dan Non-Hakim Di Pengadilan Agama Purwodadi Tahun 2019,” *ADHKI: Journal of Islamic Family Law* 3, no. 1 (2021): 69–82, <https://doi.org/10.37876/adhki.v3i1.47>.

⁸ Siti Nurjanah, “Divorce and Its Impact on Custody of Minors Using Islamic Law Perspectives,” *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (2022): 119–40, <https://doi.org/10.29240/jhi.v7i1.4156>.

intention of the parties in the mediation process. One of the parties or the parties and their legal representatives can be said to have no good intentions.

Based on the points above, absence is one of the causes that resulted in one of the parties or the parties to determine his good will and this is carried out by the mediator. In this case, the plaintiff is said to have no good intentions so the cost obligation is charged to the plaintiff. This provision of good intention is different from the previous regulation, to conduct the process in effective and efficient manner. whereas the previous Supreme Court regulations did not regulate parties who did not act in good faith.

A Certified moderator must be neutral in conducting the task through out negotiation process and bring the resolutions without resorting to a way of dispute settlement. In Article 13 paragraph (2) mediation law states that chief of court can point uncertified judges to conduct the function as a mediator because limited available mediator”. This appointment is based on *syiqaq* through the examination process after passing witness examination regarding the nature of the dispute/quarrel, in other words, the court may appoint judges after the evidence has been examined, witnesses and other evidence submitted by the parties. Such a procedure is under the Panel of Judges that must first know carefully what the disputes are and how husband and wife disputes and the factors behind the dispute can be figured out, then the judge provides provisions for the hakam about everything found in the trial to be used as material to achieve settlement of the dispute/some quarrel.

Dispute resolution can be divided into litigation and non litigation include mediation to conduct negotiation. The basic difference is “litigation” means a “formal” dispute resolution method, which is well known for the people, through required procedures and rules. It is different with non litigation which is oriented to achieve concensus without considering various legal requirement and procedures. This is an impartial and neutral problem-solving negotiation. Mediators do not deserve to make verdict over the case. Tthe parties authorize the mediator give solution over the case. So that, third parties can influence the strength and social dynamics of conflict relationships by influencing the personal behavior of the parties by providing more effective knowledge or information.⁹ Mediation is oriented toward achieving win-win solution and

⁹ Farhan Asyhadi, “Efektivitas Mediasi Dalam Perkara Perceraian Di Pengadilan Agama Karawang,” *Justisi Jurnal Ilmu Hukum* 4, no. 1 (2019): 32–48, <https://doi.org/10.36805/jjih.v4i1.642>.

satisfying for the disputing parties and is problem-solving, not looking for win or loss. Therefore, in mediation, the mediator is only a facilitator¹⁰

2. Method

The research method is a scientific way in accumulating and analyzing the data.¹¹ This is an empirical research which emphasize on field data as the main resource. It is aiming at enhancing the effectiveness of mediator in resolving divorce cases. An empirical approach is an attempt to understand the phenomen through legal perspective. The empirical approach must perform field research. The collected data will be analyzed based on the Mediation Procedure Law and other related regulation.

3. Results and Discussion

3.1. Mediation Process In Divorce Cases In Court

Prior to case examination, courts is mandatory to find peace efforts through mediation. Mediation is a form of dispute resolution parties initiation and mediator who takes role as an impartial judge.¹² The mediator only functions as an advisor to the disputing settlement. The mediator does not deserve to determine the consensus, but the parties who are authorized to agree are the parties themselves.

Mediation is an embodiment of Pancasila as state ideology and basis and democracy which is representatives”, including requiring efforts to resolve conflicts or cases carried out through deliberation to reach consensus in a spirit of togetherness among the community. This implies that any dispute should be resolved. First mediation tends to be voluntary but compulsory.¹³

The purpose of mediation is resolving disputes peacefully is influenced by many factors,. Through mediation, the interests parties can discuss that is beneficial for parties. Mediation can be

¹⁰ Bustamam Usman, “Peranan Mediator Dalam Memediasi Perkara Perceraian,” *Dusturiyah: Jurnal Hukum Islam, Perundang-Undangan Dan Pranata Sosial* 7, no. 2 (2018), <https://doi.org/10.22373/dusturiyah.v8i1.3415>.

¹¹ Johnny Ibrahim Jonaedi Efendi, *Metode Penelitian Hukum Normative Dan Empiris* (Depok: prenadamedia group, 2018).

¹² Ismail Rumadan and Ummu Salamah, “Settlement of Divorce Dispute Through the Forum of Mediation in Judicial Institutions As an Effort of Legal Protection for the Rights and Interests of the Child of Post-Divorce,” *Syariah: Jurnal Hukum Dan Pemikiran* 21, no. 2 (2021): 213–26, <https://doi.org/10.18592/sjhp.v21i2.4603>.

¹³ Lilik Andaryuni and Ratu Haika, “Efektivitas Perma Nomor 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan Dalam Menekan Angka Cerai Di Pengadilan Agama,” *Fenomena* 10, no. 2 (2018): 95–116, <https://doi.org/10.21093/fj.v10i2.1231>.

carried out outside the trial process in court, including that carried out by litigants from the families of both parties.¹⁴

In addition, the implementation of mediation at trial by the judging panel aims to minimize the lengthy or protracted case process, one of which is the agreement of the parties to offer a settlement or revocation of the case because there has been peace in the distribution outside the legal process in court. The role of the mediator judge is only to help the parties formulate the agreement to be reached, but it is not recommended to decide the case or impose a fair view on the parties regarding issues during the mediation process. Thus, the judge appointed as mediator must have sufficient insight to carry out mediation.¹⁵

Mediation has several advantages that will be very helpful in the litigation process including, simpler than settlement through litigation, efficiency, short time, confidential nature, maintaining good relations between the parties, the result of mediation is an agreement and has permanent legal force, and easy access for the disputing parties to obtain a sense of justice.

Before mediating the parties, there is a pre-mediation process that needs to be carried out as follows: plaintiff files a suit e; The judge panel appointment; on the first day of the trial, the judging panel organize discussion for creating peace; the parties choose a judge or non-judge mediator in five working days and the parties submit a case summary to the appointed mediator judge.^{16,17}

The next step is to enter the mediation process, namely, *first*, this is conducted in maximum of forty days since the mediator is chosen; *secondly*, the basic status of the agreement between the parties, the process can be extended until fourteen working days after the end of the mediation process; *third*, the mediator must determine the meeting schedule for the completion of the mediation process; *fourth*, the summons of expert witnesses is possible with the consent of the parties, in which all costs of the expert services are borne by the parties based on an agreement; *fifth*, the mediator must encourage the parties to explore the interests of the parties and seek various options for the best settlement; and *sixth*, if necessary, a caucus or meeting between the mediator and one of the parties without the presence of the other party can be held.

¹⁴ Bahrin Bahrin, Syahrizal Abbas, and Iman Jauhari, "Peranan Hakim Mediator Dalam Penyelesaian Sengketa Harta Bersama Pasca Perceraian Di Mahkamah Syar'iyah," *Syiah Kuala Law Journal* 2, no. 3 (2018): 371–87, <https://doi.org/10.24815/sklj.v2i3.11718>.

¹⁵ Bahrin, Abbas, and Jauhari.

¹⁶ Dian Maris Rahmah, "Optimalisasi Penyelesaian Sengketa Melalui Mediasi Di Pengadilan," *Jurnal Bina Mulia Hukum* 4, no. 1 (2019): 1, <https://doi.org/10.23920/jbmh.v4i1.174>.

¹⁷ Tb. Ahmad Ulfi, "Efektivitas Mediasi Dalam Mencegah Perceraian Dan Kaitannya Dengan Peraturan Mahkamah Agung Nomor 1 Tahun 2008 (Studi Di Pengadilan Agama Serang)," *Bil Dalil* 1, no. 1 (2016): 1–32, <http://jurnal.uinbanten.ac.id/index.php/bildalil/article/view/123/125>.

After the mediation process is carried out, there is a final stage in mediating cases between the parties which is called the final stage of mediation including: the period for the mediation process in court to agree or disagree is 22 days, while for mediation outside the court the period is 30 days; if mediation results in an agreement, the parties are obliged to formulate in writing the agreement reached and signed by both parties which the judge can confirm as a peace treaty; and if an agreement is not reached, the judge will continue the examination of the case in accordance with the provisions of the applicable procedural law

The mediation process consists of 4 stages, namely premeditation, implementation of mediation, the closing of mediation, and implementation of the peace treaty: pre-mediation is the stage that contains activities, first, the parties agree to appoint a mediator in writing and the mediator accepts the appointment in writing. Second, the mediator identifies the parties, analyzes the dispute and tries to meet with the parties and brings the parties together, introduces himself, confirms his position as an independent third party; implementation of mediation, activities that are carried out at this stage is the mediator opening a mediation forum and statements from each party. The statements of the parties include case illustrations, affirmation of positions, goals, commitments, and offers, the mediator isolates the problem so that it remains focused on very particular issues, the mediator raises various possible solutions that can be chosen to meet the wishes of each party and the mediator prepare a draft of a peace treaty to be discussed by the parties until a mutual agreement is reached; losing of the mediation, the activities carried out are the signing of a compromise peace treaty and the mediator confirms the commitment to the implementation of the compromise peace treaty voluntarily and responsibly; and implementation of the peace treaty. According to Law No. 30 of 1999, Article 6 Paragraph (7) before the compromise peace treaty is implemented, it must be registered at the District Court no later than thirty days from the date of signing and must have been implemented within thirty days of registration. In this case, depending on the type of case and the mediation process, you can choose to register the decision at the District Court or Religious Court/Sharia Court.

The mediator has a very important task to reach a peace agreement between the disputing parties.¹⁸ *First*, in diagnosing conflicts, a mediator must not only know the problems that occur but also can control the parties, so that the concentration of the parties is focused on the dispute resolution process and is not distracted by other subjects. There are several things that a mediator

¹⁸ Novita Otaya, "Tugas Dan Fungsi Mediator Dalam Mengurangi Angka Perceraian (Studi Kasus Di Pengadilan Agama Kotamobagu) 1," *Lex P* 2, no. 2 (2014): 92, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/4534>.

must understand before starting the mediation stage, including:¹⁹ what the background of the problem is; regarding who the parties to the dispute are, whether they still have a kinship relation between the parties or not; the reasons and background are in filing a lawsuit by the plaintiff including the category of disputed legal issues, such as unlawful acts or default; and what the demand in the dictum by the plaintiff is.

Second, identifying problems and critical interests that occur between the parties is important for a mediator, starting from the background of the problem to what the parties demand. *Third*, to develop an agenda so that the mediation process can be directed and effective, the mediator must arrange a meeting agenda that is based on the agreement of the parties. The Supreme Court Regulation of Mediation provides a time allotment for mediation of forty working days and can be extended for another fourteen working days. The mediator gives the choice of whether to meet once a week or twice a week depending on the ability of the parties. Based on the agenda that has been prepared, the mediator will arrange meeting materials to be discussed with the parties.

Fourth, facilitating and controlling communication, the ability to control communication is a fairly important and decisive role for a mediator, because the mediator is required to have the parties actively participate and interact.²⁰ At the beginning of the meeting, the mediator must be able to take control of the interaction process and create a three-way communication between the plaintiffs, defendants, and the mediator. Verbal communication is very important to convey moral messages that will be useful for the parties to contemplate and make choices in the peaceful settlement process.

Fifth, to guide the hostile parties to compromise and bargaining in the mediation process, the mediator must be able to control the role of the parties to override non-substantial demands, the parties must be guided to offer each other and make a settlement concept. In the bargaining process, there must be a tug-of-war strategy and bargaining position, usually, the party who feels they have strong evidence will use it as a pressure weapon that will weaken the bargaining position of the opposite party, this must be anticipated by the mediator so that the condition does not become too dominant, because it will affect the opposing party's motivation in making a compromise on some of its bargaining value.

¹⁹ Irfan Ardyan Nusanto, "Analisis Terhadap Dualitas Peraturan Menteri Dalam Sistem Peraturan Perundang-Undangan Di Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 4, no. 1 (2021): 53–68, <https://doi.org/10.24090/volksgeist.v4i1.4245>.

²⁰ Nita Triana, "Urgensitas Mediator Dalam Penyelesaian Sengketa Ekonomi Syariah Di Pengadilan Agama Purbalingga," *Law Reform: Jurnal Pembaharuan Hukum* 15, no. 2 (2019): 239–57, <https://doi.org/10.14710/lr.v15i2.26184>.

Sixth, assisting the parties to collect important information. Sometimes the mediator must act as a recorder of important data and information from the ongoing negotiations, this will be useful when the negotiation process has begun to enter the stage of drafting the agreement so that the agreed points can be recovered in the form of an agreement. Important information can be extracted from several sources including a letter of claim, statement of the parties, evidence that may be submitted by the parties, and expert testimony if the parties demand.

Seventh, solving problems to create options. The mediator must have at least two or more options that are submitted to the parties if the parties fail to find the best way to resolve the problem.²¹ The options proposed are derived from the results of the assessment of the points of the dispute being negotiated. Mediation is based on a moral approach method and can even take a religious approach that finally expects the willingness and sincerity of the parties who are negotiating to understand each other's interests.

Mediation is expected to reduce the number of divorces that occur, where the judge-mediator mediates between the parties to resolve the case before going to court, if the mediation process is successful the case does not proceed to the next stage, namely the court process.

3.2. The Effectiveness Of The Judge-Mediator In Resolving The Divorce Case Based on the Supreme Court Regulation No. 1 of 2016 Concerning Mediation Procedure In Court

In the divorce trial process in the Shariah Courts, the first stage that must be carried out by the judge in hearing a case submitted to him is to make peace with the disputing parties. The role of reconciling the disputing parties is more important than the function of a judge who decides on a case he is trying. If peace can be implemented, then it is much better in ending a dispute.

Efforts to reconcile the litigants are a top priority and are considered fair in ending a dispute. Mediation according to the Regulation of the Supreme Court No. 1 of 2016 is a way of resolving dispute cases through a negotiation process to obtain an agreement between the parties with the help of the mediator. Recapitulation of the mediation report of Syari'ah Court all over Aceh Province is shown in Table 1.

Based on the results of the Table 1, the development of mediation from 2019 to January to July 2022, amounted to 8,756 cases in Sharia courts throughout Aceh including Sharia Courts Langsa, Banda Aceh, Sigli, Takengon, Lhokseumawe, Meulaboh, Kutacane, Tapaktuan, Jantho,

²¹ Karmawan, "Mediation in The Religious Courts of Indonesia," *Ahkam: Jurnal Ilmu Syariah* 20, no. 1 (2020): 79–96, <https://doi.org/10.15408/ajis.v20i1.13249>.

Lhoksukon, Sabang, Mereudu, Idi, Kuala Simpang, Blang Kejeren, Calang, Singkil, Sinabang, Simpang Tiga Redelong, Blang Pidie, Suka Makmue, and Subussalam. The data above shows that 252 cases were successful in mediation while those that were unsuccessful in mediation were 5,646 cases. It is believed that this figure is still high enough to maximize the application of the new regulation to the mediation process. The percentage of the overall results which are counted as unsuccessful cases of mediation is still very high which is 91%, partially successful 5% and only 4% successful. Data obtained from the Lhokseumawe Syariah Court in 2020 from 105 cases number, only 8 cases were successfully mediated, in 2021 the cases mediated amounted to 88 and the cases that were successfully mediated only 4, and for 2022 starting from January-May the number of cases that were mediated were 34 and succeeded in mediating were 6 cases.

The table 2 shows the development of divorce cases mediated at the Lhokseumawe. Based on the data obtained referring to the year the mediation was conducted at the Lhokseumawe Shariah Court, it has not achieved maximum results due to several factors that influence the failure of mediation including case factors, where divorce cases are the initial factor to file a lawsuit. This also happens in other religious courts, including:²² the protracted conflict caused the parties to file for divorce because they did not find and did not take any advice on peace efforts even from the mediator²³; the problems experienced by the parties related to matters of hurt feelings are difficult to reconcile because there have been too many problems faced; generally, the cause of divorce is economic problems that cause family disharmony, or problems regarding the spouse's infidelity which is difficult to reconcile; the parties or one of the parties is not present in the mediation process after being properly summoned 2 times consecutively; efforts to reconcile between families that have been carried out before submitting an application or a divorce suit to the Sharia Court are also one of the inhibiting factors for a successful mediation. But in mediation in cases of joint property and/or child custody, the success rate reaches 80% because cases of joint property and/or child custody are usually only for the common interest, then both parties in these cases often end up with an agreement or the mediation is successful²⁴; and the barrier is the less of good

²² Mursyid Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, no. 1 (2024): 64–82, <https://doi.org/10.20956/halrev.v10i1.4824>.

²³ Emmilia Rusdiana Setyowati, Dewi, "Relevance of Criminal Law Formulation in The Law of Domestic Violence Elimination in Indonesia," *JILS (Journal of Indonesian Legal Studies)* 5, no. 1 (2020): 57–100, <https://doi.org/https://doi.org/10.15294/jils.v5i1.35362>.

²⁴ F Jamilah, "Peranan Hakim Sebagai Mediator Di Pengadilan Agama Surabaya Dalam Menangani Kasus Perceraian," *Iqtisodina* 3, no. 2 (2020): 84, <http://ejournal.kopertais4.or.id/madura/index.php/IQTISODINA/article/view/4971%0Ahttp://ejournal.kopertais4.or.id/madura/index.php/IQTISODINA/article/download/4971/3295>.

intentions of the parties. However, for this reason, the mediator is not too paying attention due to mediation law has regulated that the parties is obliged to have good intentions.²⁵

The significant changes from in Mediation Law including:²⁶ regarding the mediation time allotment which is 40 (forty) days is shortened in to 30 days; the Mediation Law recognizes the the partial dispute resolution. This is different from previous law in which if only one party agrees or is not present, then mediation is considered deadlock (failed); regulation of the parties' obligations to present with or without a legal representative unless valid reason is available; the Mediation Law also reaffirms the role of the Independent Mediator to be more active in resolving cases or disputes through non litigation procedure, the results can be submitted for determination to the Court through a lawsuit mechanism.

With the existence of mediation law its effectiveness is highly expected. The effectiveness referred to an application of mediation in divorce cases so that the parties are influenced by the mediator to withdraw their lawsuits and take a peaceful solution and return to their home. Mediation will not be effective if the judge-mediator does not strive for peace for the litigants.²⁷ The study's result shows that the judges mediating the dispute in the divorce at the Lhokseumawe Syar'iah Court are not yet effective. The mediators help bring easiness in settling the dispute. To find out the causal factors, expertise is needed to provide the best solution for both parties.²⁸

Table 1.
Recapitulation of the Mediation Report of Syari'ah Court all over Aceh Province

No	Year	Number of Cases	Success in Mediation	Partially Successful	Not Successful
1	2019	2.228	63	28	1661
2	2020	2.306	54	32	1593
3	2021	2.285	79	137	1611
4	2022 Jan-Juli	1937	56	178	781
TOTAL		8.756	252	334	5646

Source: Supreme Court of the Republic of Indonesia, Aceh Sharia Court

²⁵ Ramdani Wahyu Sururie, "Implementasi Mediasi Dalam Sistem Peradilan Agama," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 12, no. 2 (2012): 145, <https://doi.org/10.18326/ijtihad.v12i2.145-164>.

²⁶ Andaryuni and Haika, "Efektivitas Perma Nomor 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan Dalam Menekan Angka Cerai Di Pengadilan Agama."

²⁷ Nurul Ummah, Fifik Wiryani, and Mokhammad Najih, "Mediasi Dalam Penyelesaian Sengketa Medik Dokter Dengan Pasien (Analisis Putusan Pn No. 38/Pdt.G/2016/Pn.Bna Dan Putusan Mahkah Agung No. 1550 K/Pdt/2016)," *Legality: Jurnal Ilmiah Hukum* 27, no. 2 (2019): 205–21, <https://doi.org/10.22219/ljih.v27i2.10158>.

²⁸ Jamilus, "Optimalisasi Mediasi Kekayaan Intelektual Di Kementerian Hukum Dan HAM," *De Jure* 20, no. 1 (2020), <https://garuda.kemdikbud.go.id/documents/detail/1617471>.

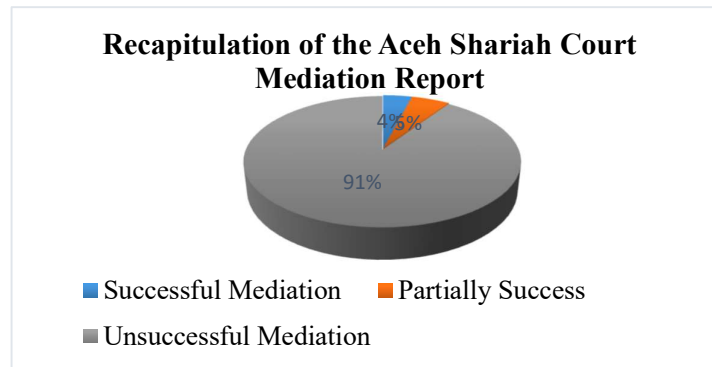


Table 2.
Development of Divorce Cases Mediated at the Lhokseumawe

No	Year	Case Numbers	Successful Mediation	Partially Successful Mediation	Not Success-ful Mediation
1	2019	88	4	0	84
2	2020	105	8	12	70
3	2021	88	4	12	72
4	2022 (January-May)	107	8	12	84

Source: Sharia Court starting from 2019-2022 (January-May)

4. Conclusion

Based on the issues raised regarding the effectiveness of the mediator judge in resolving divorce cases based on Mediation Law, it shows that the implementation of the the Supreme Court Regulation at the Lhokseumawe Syar'iah Court has not been effective. This is due to several factors that influence the failure of mediation including the case factor, where divorce cases are the initial factor to file a lawsuit based on, *first*, the protracted conflict that causes the parties to file for divorce because they do not find and accept any suggestions to reconcile even from the mediator; *secondly*, the problems experienced by the parties related to matters of the hurt feeling are difficult to reconcile because there are already too many problems being faced; *third*, economic problems that cause family disharmony, or problems regarding the couple's infidelity which is difficult to reconcile; *fourth*, the parties or one of the parties are not present in the mediation process after being properly summoned 2 times consecutively.

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