

## **EFFECTIVENESS OF ONLINE MEDIATION RESPONSE TO DIVORCE LAW IN RELIGIOUS COURTS IN THE ERA OF PANDEMIC COVID-19**

Reskia

Pascasarjana IAIN Parepare

*E-mail: reskiainage@iainpare.ac.id*

### **ABSTRACT**

This thesis discusses the use of communication technology to be able to become a solution and a means to support the effectiveness and efficiency of the peace process in online mediation in the Religious Courts. The objectives of the thesis research include: (1) to find out the trend of divorce cases being sued in the Religious Courts, the urgency of implementing and the effectiveness of implementing online mediation in the era of the Covid-19 pandemic. (2) to determine benchmarks for the effectiveness of mediation in the Religious Courts and (3) to determine the effectiveness of online mediation for contested divorces in the Religious Courts during the Covid-19 pandemic era.

This type of research is field research and development (Research and Development) with a sociological juridical approach. The primary data source is in the form of interview data from three informants, namely, the Deputy Chairperson of the Court and the Mediator and is supported by observation and documentation in the form of files or documents related to divorce cases being contested at the Class 1 B Parepare Religious Court. The data in this study were analyzed qualitatively descriptively by testing the validity of the data using the triangulation technique.

The results of this study indicate that (1) during the Covid-19 pandemic, the tendency for divorce cases to be sued at the Parepare Religious Court did not experience a significant change in the number of cases, only in April and May there was a decrease in the number of divorce cases due to the government's policy of restrictions related to emergencies health and the policy of the Parepare Religious Court which limits the number of cases that justice seekers wish to register. (2) Five factors that influence law enforcement, these five factors become benchmarks for measuring the effectiveness of mediation in the Religious Courts namely, legal factors, law enforcement factors, infrastructure factors, community factors and cultural factors. So that in divorce cases the benchmark for the success of mediation is the number of cases revoked (3) Mediation conducted online has not been effective as an alternative to dispute resolution in an effort to reconcile the parties who wish to file for divorce, so it is necessary to update the law regarding the regulations governing online mediation which are equipped with telecommunication infrastructure, security systems, and online mediation institutions, especially during the Covid pandemic -19.

**Keywords:** *Effectiveness, Online Mediation, Lawsuit for Divorce, Pandemic Covid-19.*

## 1. INTRODUCTION

### A. Background of the problem

God created humans on this earth in pairs. Making men and women pair up to form a sacred bond in this bond is expected to create a peaceful, peaceful and lasting household. As in the word of Allah SWT in the Qur'an Surah ar-Ruum (30): 21):

Translation:

“and among the signs of His power is that He created for you wives of your own kind, so that you are inclined to and feel at ease with him, and He made them between you with love and affection. Verily, in that there are signs for people who think.”<sup>1</sup> (QS ar-Rum (30): 21))

Marriage has been formulated in article 1 of Law Number 1 of 1974 concerning marriage that:

“Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on Belief in One Almighty God.”<sup>2</sup>

This shows that marriage is very closely related to religion, marriage is not only the birth element that plays an important role but also the spiritual element so that one day it will give birth to good successors. Marriage is a sacred thing not only to satisfy lust, but there are noble goals that a husband and wife want to achieve, namely Sakinah, mawaddah, warahmah. With the various features described, Islam places the essence of marriage as something great. In early 2020, the whole world was shaken by a deadly disease because of its very fast transmission, namely the Corona Virus (Covid-19 Virus), a new virus name given by the World Health Organization (WHO). Corona virus (Covid-19 virus) is an infectious disease caused by the most recently discovered corona virus. According

---

<sup>1</sup> Ministry of Religion of the Republic of Indonesia, Al-Qur'an and its Translation (Jakarta: PT. Sinergi Pustaka Indonesia, 2012), p. 572.

<sup>2</sup>Law No. 1 of 1974 concerning Marriage, Article 1

to several references, the corona virus or Covid-19 attacks the human respiratory system. This virus was first reported in Wuhan, China at the end of 2019 but spread very quickly throughout the world and then WHO announced that this corona virus was a global pandemic. The Covid-19 pandemic has had a tremendous impact not only in terms of health, even influence in all aspects of life, causing various new problems. Starting from health problems, economic problems and even changes in social and cultural values, even to personal aspects in everyday family life. This causes new habits in society which are known as New Normal.

Of course the Covid-19 pandemic has had a different impact on every family in various circles, some people have quite benefited, but a group of other people are really feeling the impact, it can be disastrous and cause a new crisis. Unemployment and poverty rates are getting higher because many companies suddenly laid off their employees without being paid and the layoffs (PHK) of workers on a large scale. Even several online news media reported that there was an increase in cases of Domestic Violence (KDRT) and the divorce rate was getting higher during the Covid-19 pandemic. and the fact is that of the many divorce cases that dominate, the divorce cases are contested.

Peaceful efforts made to maintain the household can be carried out by mutual deliberation between husband and wife, but it can also be through the help of a third party to reconcile it, this is what is known as mediation.<sup>3</sup>Therefore, every conflict requires a settlement, both dispute resolution through court (litigation) and dispute resolution through cooperative (cooperation) outside the court (non-litigation).

Mediation for husbands and wives as litigants in divorce cases is the initial

---

<sup>3</sup> Rika Lestari, "Comparison of Divorce Dispute Resolution by Mediation in Court and Outside Court in Kampar District," *Journal of Law Ius Quia Iustum*, vol 21, no. 2 (2014): h. 311.

stage that must be carried out before going through the trial process. A judge in hearing a divorce case submitted to him must make peace efforts between the two parties in the case so that no divorce occurs. The consequence of a court decision that does not go through the mediation route first is that the decision is deemed null and void.

Apart from that, the obligation to reconcile is also a requirement of Islamic teachings which instruct us to resolve any disputes that occur between humans by way of peace (ishlah). *Islah* is deciding a dispute, in terms, *al-islah* in Islamic law means a contract, namely an agreement to end a dispute between two or more people who are in dispute in order to achieve peace between the two.<sup>4</sup> This provision is in line with the word of Allah SWT in Al-Qur'an Surah an-Nisaa Verse 35 which reads:<sup>5</sup>

Translation:

“And if you are worried that there will be a dispute between the two, then send a judge from a male family and a judge from a female family. If the two *hakam* people intend to make improvements, surely Allah will give *taufik* to the husband and wife. Indeed, Allah is All-Knowing, All-Knowing.<sup>6</sup>(QS an-Nisa (4:35))

The meaning of *islah* is an endeavor to provide understanding to both parties to the dispute so that both of them can make peace sincerely through *hakam* (peacemaker). In addition, the judge should try to give understanding to

---

<sup>4</sup> Fikri, "Transformation of Al-Islah Values Against Conflict Diversity: Epistemology of Islamic Law in the Qur'an," Al-Risalah 16, No. 2 (2016): h. 106.

<sup>5</sup> Muh Nurhidayat and Firman Muin, "The Effectiveness of Mediation in Divorce Cases at the Sinjai Religious Court," Tomalebbi Journal, No. 2 (2017): h. 115-116.

<sup>6</sup> Ministry of Religion of the Republic of Indonesia, Al-Qur'an and its Translation, h. 109.

both parties to the dispute, that making peace is a very good way, a truly commendable sunnah.<sup>7</sup>

Due to the rapid transmission of the Covid-19 virus<sup>8</sup> every country must know the risks and swiftly implement the necessary measures as appropriate to mitigate both the spread of this Covid-19 and the economic, public and social impacts.<sup>9</sup> The Indonesian government has taken swift steps to make various policies to reduce the spread of the corona virus in Indonesia, starting from prohibiting large gatherings, staying at home, social distancing or physical distancing. The government and WHO's call to limit social interaction distance in society has caused various institutions to implement work from home and replace the implementation of their activities which were previously carried out offline, and are currently carried out virtual or online by utilizing various communication technologies.

In line with this, to continue to prevent the spread of Covid-19, the court environment cannot be separated from the impact of this global pandemic. The Religious Courts strictly implement health protocols and this in turn also influences the litigation process which requires face-to-face meetings at the Religious Courts.

Responding to the demands of the times and the conditions that occur with the Covid-19 Pandemic and where communication technology plays an important role, Supreme Court Regulation Number 1 of 2016 concerning Mediation

---

<sup>7</sup> M. Nasri H, "Several Legal Remedies for Judges in Court Sessions in the Framework of Judgments and Establishment of Fair Law According to Islamic Shari'a (Perspective of the Prophet's Hadith)", *Journal of Al-Syir'ah*. Vol. 1.No. 2. (2003), p. 8-9.

<sup>8</sup> Heidy Agustin Diah Handayani, Dwi Rendra Hadi, Fathiyah Isbaniah, Erlina Burhan, "Corona Virus Disease 2019," *Indonesian Respiriology* 40, no. 2 (2020): h. 128.

<sup>9</sup> Critical preparedness, readiness and response actions for Covid-19 (24 June 2020), <https://www.who.int/publications/i/item/critical-preparedness-readiness-and-response-actions-for-covid-19>, accessed, 5 August 2020.

Procedures in Courts allows mediation to be carried out through audio-visual or online communication media.<sup>10</sup>to meet the need for more effective mediation implementation, and to be able to increase the success of mediation in court. It is hoped that the use of this communication technology as stipulated in this Supreme Court Regulation can be more progressive in order to facilitate and encourage the parties to take mediation seriously without being constrained by distance and time.

The reconciliation effort is an important matter in accordance with the principle of the obligation to reconcile as regulated in Article 65 of Law Number 7 of 1989 which is in line with Article 39 of Law Number 1 of 1974 concerning Marriage. In addition, mediation is expected to broaden access for parties to obtain a sense of justice and a way to resolve disputes that is faster and cheaper than the litigation process.<sup>11</sup>

Mediation is the best alternative to several dispute resolutions in court. In the settlement of divorce lawsuits by mediation in the Religious Courts is an effective and efficient stage, which aims to create conditions for a win-win solution because the two parties to the dispute are in an equal position with neither losing nor winning, but finding the best outcome.<sup>12</sup>

Therefore mediation if applied effectively will greatly benefit various parties, not only the disputing parties, especially in divorce cases, but also for the court itself, because mediation can reduce the number of accumulated cases in court. So indirectly the judiciary helps in realizing the goals of *sakinah*,

---

<sup>10</sup>On Article 5 paragraph 3 PERMA No. 1 of 2016 states: Mediation meetings can be carried out through remote audio-visual communication media which allows all parties to see and hear each other directly and participate in meetings.

<sup>11</sup> Muhammad Saifullah, "Integration of Mediation of Divorce Cases in Proceedings at the Religious Courts," *Al-Ahkam* 24, no. 2 (2014): h. 245.

<sup>12</sup> Netty Herawati, "The Implications of Mediation in Civil Cases in the District Court Against the Principles of Simple, Fast and Low Cost Trials," *Perspective* 16, no. 4 (2011): h. 228.

mawaddah, warrahmah, and eternal marriages.<sup>13</sup>

In addition, with the development of communication technology in the current era, it is hoped that it can be a solution and a means to support the effectiveness and efficiency of the process of peace efforts in trials that are conducted online at the Religious Courts. The implementation of virtual mediation can answer limitations across distances or borders that require very broad restrictions for people to interact during the Covid-19 pandemic, so that this can provide convenience for the parties involved.

## **2. METHOD**

This type of research is field research (field research) which is carried out in the middle of the research object in order to know and obtain data clearly<sup>14</sup> with a descriptive qualitative method. The approach taken in this research is: normative juridical approach and sociological juridical approach. The data collection techniques used in this study to obtain accurate and valid data or information are observation, interviews and documentation.

The data analysis technique used in this study is descriptive-qualitative analysis, namely researching and analyzing legal material data and all kinds of information obtained and then describing it in the form of logical and systematic descriptions of sentences, while still relying on relevant legal theory.

## **3. RESULT AND DISCUSSION**

### **A. Trends in Cases of Divorce Cases in Religious Courts in the Era of the Covid-19 Pandemic**

Since the outbreak of the pandemic, all activities have changed. The government's policy that requires you to stay at home means that all activities that

---

<sup>13</sup> Mustika, "The Effectiveness of Mediation in Settlement of Divorce Cases at the Jambi Religious Court," h. 299-300.

<sup>14</sup> Bisri Mustofa, Thesis and Thesis Research Guidelines, (Yogyakarta: Panji Pustaka, 2009), p. 3.

are usually carried out outside the home, such as work or study, must be carried out at home. This is done in order to protect the public from being exposed to the Covid-19 virus in addition to reducing and preventing the spread of the virus.

In addition to changing routines, being at home, of course, has a different effect on the relationships of family members. A pandemic can affect harmony in the household. Some families actually benefit from staying at home because they can spend more time with their families, strengthen the relationship between husband and wife, so as to have a positive impact. In addition, not a few families reacted negatively.

The pandemic that causes all routines to be carried out at home creates its own stress for husband and wife so what happens is debate and creates conflict. This situation will get worse if the husband and wife have a history of conflict, violence, and relationship problems with other family members, children, parents, and/or in-laws. The impact is not uncommon because the conflict ends in divorce.

The dynamics of life will occur especially during the Covid-19 pandemic because this is a threat to family welfare because it is related to financial disruption and stress. The pandemic has an impact on social conditions, namely poverty and job loss.

In addition, during the Covid-19 pandemic, the Religious Courts were one of those affected by this pandemic, so that as the highest judicial institution in Indonesia, the Supreme Court issued a Circular Letter of the Indonesian Supreme Court (SEMA) No. 1 of 2020, as amended by SEMA RI No. 2 of 2020 and the Second Amendment with SEMA No. 3 of 2020 concerning Guidelines for the Implementation of Duties During the Period to Prevent the Spread of Corona Virus Disease (Covid-19) within the Supreme Court and Judiciary Bodies under it. Then the Supreme Court of the Republic of Indonesia issued the Secretary of

the Supreme Court of the Republic of Indonesia No. 771/SEK/KS.00/4/2020 concerning work from home (Work From Home) in the context of large-scale restrictions (PSBB) as an effort to prevent Covid-19 in the judicial environment under the Supreme Court,

Delaying trials, and limiting the number of incoming cases per day, namely the case registration service which is only carried out through electronic case services (e-court) which was suggested by the Religious Courts as a solution for case registration during Covid-19.

The Parepare Religious Court as one of the judicial bodies during the Covid-19 Pandemic carried out a strategy related to serving people who wish to seek justice in implementing health protocols related to government regulations that limit community social interaction.

The Covid-19 outbreak is not just a disease that affects health, but the impact will be very widespread, ranging from politics, economics, social, culture, defense and security, as well as people's welfare. So this also has an impact on married life. Motives for divorce cases that occur in the Religious Courts are caused by many things, but economic factors dominate the wife to sue for divorce from her husband. In addition there are also cases of domestic violence and other disputes.

During the quarantine period due to the pandemic, the number of domestic violence against women and children increased globally. So that in some areas there are not a few reasons for divorce filed by wives because of domestic violence. Many husbands whose income has decreased have even lost their jobs during the pandemic but family needs must still be guaranteed, so this has caused many husbands to be stressed and frustrated and to vent their emotions on their wives or children.

The high number of contested divorces does not only occur in the Parepare Religious Court, namely as many as 357 cases throughout 2020, but in almost all Religious Courts. From data obtained at several Religious Courts such as the Enrekang Religious Court, the Selayar Religious Court, and the Palopo Religious Court the most common factor causing divorce during the Covid-19 pandemic was due to continuous disputes. At the Enrekang Religious Court there were 252 cases,<sup>15</sup> Selayar Religious Court 129 cases<sup>16</sup> and in the Palopo Religious Court as many as 261 cases.<sup>17</sup> The economic aspect is most often the subject of debate and disputes between husband and wife. Apart from that, the reasons for domestic violence, husbands leaving their wives, husbands often getting drunk and gambling are also the things that cause high rates of divorce proceedings in the Religious Courts.

Economic problems are still the dominant conflict trigger for husband and wife, whether or not there is a Covid-19 pandemic. However, the Covid-19 outbreak has especially had a negative impact on the economic aspects of the family so that the continuity of the household economy has fallen. The implication of social restrictions is loss or reduction of family income, for example due to massive layoffs by companies causing many people to lose their jobs, decreased purchasing power, even business people or small and medium enterprises which then have to continue to lose money and eventually cannot survive and close their business premises. The impact triggers conflict between husband and wife and then many end in divorce.

---

<sup>15</sup>Annual report of the Class II Enrekang Religious Court. <https://www.pa-enrekang.com/index.php/transparency/program-work-dan-activity/annual-report>, accessed April 1, 2021.

<sup>16</sup>Selayar Class II Religious Court annual report <http://www.pa-selayar.go.id/report-anan>, accessed April 1, 2021.

<sup>17</sup>Annual report of the Class I Palopo Religious Court <http://pa-palopo.go.id/index.php/transparensi/kinerja-dan-pedinding/report-tahunan>, accessed April 1, 2021.

The increase in lawsuits for divorce cases shows that the increase in the quality and quantity of wives is dissatisfied in their married life, especially towards their husbands, who do not treat them well, do not carry out their duties and obligations as they should. Of course this is not expected, especially if the divorce is carried out without consideration because it can cause new problems and legal consequences, especially for children.

Therefore the cooperation of every family member in the household is needed so that the home becomes an effective place as a place of refuge because the family has a role to protect fellow families in order to create a quality family and have resilience against whatever challenges it faces.

### **B. Benchmark of Mediation Effectiveness in Religious Courts**

The Religious Courts are judicial bodies under the Supreme Court in accordance with their duties and authorities, namely having the duty and authority to examine, decide and resolve cases at the first level, one of which is absolute competence in cases in the field of divorce or other duties and authorities according to the Law. This is in accordance with Article 49 of Law No. 7 of 1989 concerning Religious Courts.

The integration of mediation in the courts into the litigation process is an effort that is quite hopeful of creating services for justice seekers in resolving their disputes quickly, simply and at low cost.

In general, mediation can be interpreted as an effort to resolve disputes between the parties by mutual agreement through a neutral mediator. Among the cases handled by the Religious Courts, the most common are divorce cases, especially in contested divorce cases.

The success rate of mediation in several Religious Courts can be seen in the following table:

Table 1. Success Rate of Mediation in Several Religious Court

Based on these data the number of cases mediated successfully is not directly proportional to the number of cases mediated, according to him Soerjono

No	religious courts	Mediation Cases 2018			Mediation Cases 2019		
		Amount	Succeed	Fail	Amount	Succeed	Fail
1	Parepare Religious Court <sup>18</sup>	100	13	87	82	5	77
2	Pinrang Religious Court <sup>19</sup>	131	2	100	128	4	124
3	Maros Religious Court <sup>20</sup>	83	3	78	92	4	86
4	Enrekang Religious Court <sup>21</sup>	60	3	38	51	1	34

Soekanto that there are 5 (five) factors that influence law enforcement, these five factors become a benchmark for the effectiveness of mediation in the Religious Courts. The five factors are:

1. Legal Factors

The presence of PERMA Number 1 of 2016 concerning Mediation Procedures in Court is a refinement of the previous rules. Mediation is no longer

<sup>18</sup> Annual report of the Class IB Parepare Religious Court <http://pa-parepare.go.id/pa-pare/keterbukaan-formasi/keseekretariatan/report-tahunan>, accessed April 1, 2021.

<sup>19</sup> Annual report of the Pinrang Class IB Religious Court <http://www.pa-pinrang.go.id/index.php/transparency/report-tahunan>, accessed April 1, 2021.

<sup>20</sup> Annual report of the Maros Class IB Religious Court <http://www.n.pamaros.go.id/formasi-umum/report-tahunan> accessed April 1, 2021.

<sup>21</sup> Annual report of the Class II Enrekang Religious Court <https://www.pa-enrekang.com/index.php/transparency/program-work-dan-activity/annual-report>, accessed April 1, 2021.

done voluntarily but mediation is something that must be taken. The parties must first take mediation and legal consequences for civil cases that do not go through the mediation process, the decision is immediately null and void. This provision is contained in Article 3 PERMA Number 1 of 2016.

PERMA No. 1 of 2016 should be recognized that the regulations are more complete and comprehensive than PERMA No. 2 of 2003 and PERMA No. 1 of 2008. But even though the PERMA has been quite helpful in achieving the expected goals, the reality in practice has not fully run optimally. And the PERMA is still not perfect in regulating mediation. There are several provisions in PERMA regarding mediation that contain weaknesses that need to be refined, for example in PERMA there are no rules regarding supervision of mediators, so it is necessary to have rules regarding a code of ethics or code of conduct, along with a supervisory agency if a violation occurs.

## 2. *skills* Mediators

The mediator has a very important role in the success of mediation. Therefore, the mediator judge is required to have good skills so that the mediation process can run smoothly and in accordance with the procedures stipulated in PERMA Number 1 of 2016 concerning Mediation Procedures in Court. The skill of the mediator in negotiating greatly influences the success or failure of mediation. Not infrequently there are mediators who carry out mediation only as a fulfillment of PERMA obligations so that mediation is carried out only as a formality step.

## 3. Facilities and Facilities

Article 20 Paragraph (1) and (2) PERMA No. 1 of 2016 concerning the Mediation Process in Courts states:

- (1) Mediation can be held in one of the Court of First Instance rooms or in another place agreed upon by the parties.

(2) The judge mediator may not hold mediation outside the court.

Based on this article. Space designated for mediation or caucus is the most important thing to provide if mediation is to take place. Apart from that, good facilities and other facilities available at the Religious Courts to be used in mediation are needed to support the success of mediation.

#### 4. Community Compliance

One of the success factors of community compliance mediation. Community compliance in question is the awareness and willingness of the parties to participate in mediation. Mediators have difficulty understanding the problem because of their uncooperative attitude during the mediation process.

Apart from that, the strong desire of the parties who want a divorce and can no longer be reconciled so that the parties only follow mediation as a procedural step. The absence of the parties in the mediation process is the main cause of mediation failure because it is with the good faith of the parties to attend mediation that mediation can proceed as expected. Because no matter how well the mediator tries to reconcile, it will not be successful if it is not supported by the good faith of the parties to reconcile.

In the procedural law of the religious courts, the absence of the defendant or the respondent in succession after proper and legal summons has been made, results in a *verstek* decision being rendered. In addition, the small number of cases mediated was also due to the lack of good will from the parties to participate in the mediation process. The success of mediation is closely related to the implementation of the voluntary principle. The desire and will of the parties to resolve disputes in a mediation forum must be based on a voluntary attitude, there is no coercion or pressure from other parties. This principle is built on the assumption that everyone can work together to find

solutions to the problems they face in the negotiation venue of their own choice.

## 5. Culture

Cultural factors also determine the success or failure of mediation. In general, the culture of Indonesian people will not come to court to deal with their divorce, unless the dispute between husband and wife has become a major conflict that has reached a peak and is difficult for them to resolve on their own.

Today's society understands the settlement of disputes through peace. In general, the parties to the dispute have taken the mediation route outside the court conducted by the family or community leaders so that the Religious Courts are the last resort taken by the parties who wish to divorce. So basically divorce cases submitted to the Religious courts are usually very complicated or can no longer be reconciled.

The purpose of mediation is to resolve cases between the parties by involving a third party, namely a mediator who does not have the authority to decide or enforce a settlement. Mediation is part of the legal system that applies in the court environment. Because with mediation in resolving disputes, both parties to the dispute are in the same position, neither party wins nor loses (win-win solution).

Thus the ultimate goal of a dispute resolution process is to obtain the legal objectives expected of these three things, needing professional and balanced attention, even though implementing them is difficult. As it is known that judges have the main task of upholding law and justice, in addition to having additional duties as mediators so that in every decision to be handed down to resolve and end

a case in the Religious Courts, it is necessary to pay attention to these three essential things, namely justice, benefits and legal certainty. .<sup>22</sup>

Ali Muhtarom in his article considers that in divorce cases the yardstick for the success of mediation is the large number of cases withdrawn, although this does not rule out the possibility that sometimes the revocation of cases is based on the considerations of the two litigants themselves and not because of the mediation process provided in court. Because basically, peace efforts can be carried out as long as the litigation process in court is still ongoing, whether it is carried out through mediation institutions provided in court or outside the court which is carried out by the litigants themselves.<sup>23</sup>

So the benchmark for the effectiveness or not of mediation when viewed in terms of results when mediation is successful, the researcher considers that the measure of mediation success in divorce cases is the number of divorce cases revoked and mediation can be said to be effective so that it can reduce the number of accumulated cases in the Religious Courts, but if viewed from a procedural point of view, if the mediation has been effectively implemented strictly comply with regulations existing (PERMA No. 1 of 2016) then mediation is also considered effective, it is clear that every case brought before the religious court must be made peace efforts first.

### **C. Effectiveness Divorce Online Mediation in the Religious Courts during the Covid-19 Pandemic Era**

Since the government officially announced the first case of Covid-19 in Indonesia, various regions have also confirmed cases that have occurred in their

---

<sup>22</sup>Abdul Mannan, Application of Civil Procedure Law in the Religious Courts, h. 291.

<sup>23</sup>Darmawati H, "The Mediation Function in Divorce Cases", Sulesana, Vol. 9. No. 2, (2014); h. 91-92.

regions. Covid-19 is a contagious and deadly disease that has become an epidemic throughout the world. For this reason, the Government of Indonesia implemented various policies to provide protection to the public and also stop the spread of this epidemic. Some of these policies are carrying out PSBB, lockdown, and implementing social distancing, as a result, all aspects of people's lives have changed besides that various sectors have also had an impact with this pandemic.

To overcome the problem of limited distance and time in communication in cross border dispute settlement, currently various countries are optimizing peaceful dispute resolution techniques, namely the Online Dispute Resolution (ODR) concept which can facilitate the mediation process which is generally face-to-face and then transformed into through a video connection with online applications.

The legal basis for online mediation is regulated in Article 5 Paragraph (3) PERMA No. 1 of 2016 concerning Mediation Procedures in Court:

"Mediation meetings can be conducted through remote audio-visual communication media which allows all parties to see and hear each other directly and participate in the meeting."

Based on the PERMA it is very possible to carry out online mediation so that this can be an alternative because it is in accordance with government regulations to carry out social restrictions but still provide public services with due observance of health protocols especially in the midst of the Covid-19 pandemic.

In principle, there is no difference between online mediation and offline mediation dispute resolution, it's just that the difference is the media used in online mediation using audio-visual electronic communication technology media, such as zoom, skype, google meet and whatsapp applications. So that mediation that used to be face-to-face in the real world is replaced by the virtual world.

Mediation conducted through remote audio-visual communication media is something that has just been done within the Religious Courts, so wherever possible what is done in offline mediation is done in online mediation, of course, with various adjustments. The availability of a good internet network will affect the course of the mediation process. Apart from that, the use of telecommunication media applications as discussion rooms and private communication facilities as well as the availability of technological equipment that can support communication in good ways, because there are parties to the dispute who do not have smartphones or laptops that can be used as media for online mediation, so this also affects the success or failure of online mediation.

Regarding online mediation due to the Covid-19 pandemic as stipulated in PERMA Number 1 of 2016 in Article 5 it is indeed possible to mediate through long-distance audio-visual communication media, but there are no rules that regulate in detail regarding online mediation, so this, according to the author, is a weakness of this Regulation. So based on the rules it is not yet effective to regulate mediation that is carried out online.

In addition, the expertise of the mediator is required to be more intelligent in seeking peace between the two parties to the dispute. Because when mediation is carried out online the mediator does not meet face to face with the disputing parties but through electronic media intermediaries so that a mediator will find it very difficult to know, identify and understand the feelings experienced by the parties.

The community's knowledge regarding technology also influences the effectiveness or failure of online mediation. Because there are some people who do not understand using audio-visual telecommunication media such as zoom or

Skype, so they are not ready to mediate electronically and prefer to take the mediation route face to face.

To find out the success rate of mediation in the Religious Courts, the author will first present data on the number of divorce cases that occurred during the 2020 period in several Religious Courts, which in 2020 was the year the Covid-19 pandemic started. The following is a table of the number of divorce cases that were filed during the 2020 period, which the authors have collected from the following annual reports of the Religious Courts:

Table 2. The Number of Divorce Cases in 2020

No	religious courts	Number of Cases 2020	2020 Lawsuit Divorce Case
1	Parepare Religious Court <sup>24</sup>	636	357 cases
2	Pinrang Religious Court <sup>25</sup>	1571	798 cases
3	Maros Religious Court <sup>26</sup>	1150	497 cases
4	Enrekang Religious Court <sup>27</sup>	557	246 cases

Based on the table above, data is obtained that in 2020 the number of divorce cases contested at the Parepare Religious Court totaled 636 cases and the number of divorce cases contested was 357 cases. This shows that divorce cases are contested reaching a percentage of 56.13% of the total existing cases. At the Pinrang Religious Court, there were 798 cases with an achievement of 50.79% of the total number of cases that entered the Pinrang Religious Court. Then the cases

---

<sup>24</sup> Annual report of the Class IB Parepare Religious Court <http://pa-parepare.go.id/pa-pare/keterbukaan-formasi/keseekretarian/report-tahunan>, accessed April 1, 2021.

<sup>25</sup> Annual report of the Pinrang Class IB Religious Court <http://www.pa-pinrang.go.id/index.php/transparency/report-tahunan>, accessed April 1, 2021.

<sup>26</sup> Annual report of the Maros Class IB Religious Court <http://www.n.pa-maros.go.id/formasi-umum/report-tahunan> accessed April 1, 2021.

<sup>27</sup> Annual report of the Class II Enrekang Religious Court <https://www.pa-enrekang.com/index.php/transparency/program-work-dan-activity/annual-report>, accessed April 1, 2021.

that entered the Maros Religious Court during 2020 were 1150 cases with the type of divorce, namely 497 with a percentage of 43.21%. Meanwhile, at the Enrekang Religious Court, the number of divorce cases that were sued was 246 cases with a percentage of 44.16% of the total 557 types of cases that were filed.

Table 3. The Mediation Cases in 2020

No	religious courts	Mediation Cases 2020		
		Amount	Succeed	Fail
1	Parepare Religious Court <sup>28</sup>	52	2	50
2	Pinrang Religious Court <sup>29</sup>	140	20	120
3	Maros Religious Court <sup>30</sup>	91	9	80
4	Enrekang Religious Court <sup>31</sup>	31	0	31

The achievements of mediation during 2020 where the Covid-19 Pandemic occurred from the Religious Courts mentioned in the table above are as follows:

Based on these data it can be concluded that the success of mediation in several Religious Courts is still very minimal. At the Parepare Religious Court, the percentage of successful mediation was only 3.84% of the total mediated cases, meaning that the percentage of mediation failures reached 96.15%. At the Pinrang Religious Court the percentage of mediation success was 14.28% while the percentage of mediation failure reached 85.71% of the total cases mediated.

---

<sup>28</sup>Annual report of the Class IB Parepare Religious Court <http://pa-parepare.go.id/pa-pare/keterbukaan-formasi/keseekretariatan/report-tahunan>, accessed April 1, 2021.

<sup>29</sup>Annual report of the Pinrang Class IB Religious Court <http://www.pa-pinrang.go.id/index.php/transparency/report-tahunan>, accessed April 1, 2021.

<sup>30</sup>Annual report of the Maros Class IB Religious Court <http://www.n-pa-maros.go.id/formasi-umum/report-tahunan> accessed April 1, 2021.

<sup>31</sup>Annual report of the Class II Enrekang Religious Court <https://www.pa-enrekang.com/index.php/transparency/program-work-dan-activity/annual-report>, accessed April 1, 2021.

Then at the Maros Religious Court the percentage of mediation success was 9.89% while the percentage of mediation failure reached 87.91% of the total cases mediated. Whereas in the Enrekang Religious Court the percentage of successful mediation was 0%, which means that not a single case was successfully mediated.

The achievement of an agreement between the litigants in resolving the disputes they face is a parameter of the success of mediation. However, this does not mean that the success of mediation in disputed divorce matters is only measured by reaching an agreement between the parties to reconcile. If so far this parameter has been used, then the success rate of mediation in contested divorce cases will not show a significant number.<sup>32</sup>

The Indonesian people have actually been practicing dispute resolution through peace or mediation for a long time, in which the mediators used are clerics and traditional leaders or community leaders who are considered to have the ability to mediate a problem, and are trusted by the community to provide solutions to problems that are currently happening.

In Islam, if there is a dispute between husband and wife so that the household is no longer harmonious, so divorce is the last resort for both parties, they should send 2 judges (peacemakers). The two judges must create *al-islah* as a solution to the dispute.

The urgency of mediation in court in its application is that the parties are obliged to go through the mediation process because of the consequences Court decisions that do not go through mediation beforehand are considered legally flawed or null and void.

---

<sup>32</sup>Malik Ibrahim, "The Effectiveness of the Role of Mediation in Overcoming Divorce in the Religious Courts", *Madania*, Vol. 19, No. 1 (2015);p. 113.

Therefore, with the current Covid-19 pandemic, people's behavior in all areas of life has changed. The thing that is most felt is the shift in people's habits to the virtual world by using information technology so that they can connect with other people without having to meet face to face. Likewise in the field of law enforcement, the exercise of judicial power must continue as it should even though it cannot be carried out as usual but must adjust to the situation and conditions and still pay attention to the protocol to break the chain of transmission of Covid-19. This is also inseparable from the mediation process which was previously carried out face-to-face and then carried out in a virtual manner.

This is also in line with what was stated by Arnold M. Rose that there were discoveries in the field of technology, conflicts between culture and social movements causing social changes in society. A change in one field will affect other fields, including the law itself which will flexibly change according to social changes that occur in society.

The condition of society over time continues to experience very fast and complex changes, such as what society is currently facing with the Covid-19 pandemic, which means that laws also continue to change and develop according to the times and conditions or situations that occur. So that the law should regulate every legal action and adapt it to the development of society at this time.

As according to Ibn Qayyim al-Gauziyah that changes in law can be caused by times, circumstances, customs and intentions. Changes in law in the view of Ibn Qayyim can happen just as fatwas can change. The change in law was actually not only made by Ibn Qayyim, but this was also done by Imam Syafi'i with the concept of changing the law, namely *qaul al-qadīm* and *qaul al-jadīd*. This becomes legitimacy and a reason for changing the law. Ibn Qayyim's thinking in responding to every change and development of law is that law is

adaptive and flexible. In fact, according to Ibn Qayyim that the law itself can be interpreted according to the social conditions of society.

In relation to Ibn Qayyim's view of changing the law, the urgency of the presence of regulations that specifically regulate mediation is considered important because it is related to the factor of changing times and conditions based on the reality of the current Covid-19 pandemic so that it is always relevant to the situations and conditions of people's lives. The reasons for having to present regulations that specifically regulate mediation include:

1. The scope of mediation is now increasingly broad, not only civil disputes related to the economy, social and culture, but also has entered certain criminal matters, for example Penal mediation, this has been done in the juvenile justice system through diversion based on the principle of restorative justice, this is related to civil and political rights.
2. During the Covid-19 Pandemic, this had an influential impact on many dimensions of people's lives, so that it also has the potential to have an impact on the spread of conflict or disputes in social and economic relations in society, so one of the efforts to resolve conflicts is through mediation, this requires regulation, including arrangements regarding mediation which is carried out online.<sup>33</sup>
3. The growing development of mediation and becoming an option as an effective and efficient alternative dispute resolution in the midst of various problems faced by the litigation system and arbitration system. In Indonesia as well as in many other countries, the mediator profession has developed and become a profession that many people are involved in and are interested in, so

---

<sup>33</sup>In PERMA No. 1 of 2016 concerning Mediation Procedures in Court in Article 5 it is possible for mediation to be carried out through virtual mediation via teleconference, but there are no clear articles that regulate the online mediation process.

that professional associations of mediators have sprung up. So this profession needs to be regulated in a regulation like other professions that have been regulated by law.

The factors of place (*amkinah*), era (*al-azminah*), circumstances (*al-ahwal*), intention (*al-intention*), and custom (*al-awaid*) expressed by Ibn Qayyim are something that can change and influence the paradigm of law, by Therefore the law can remain highly responsive, adaptable and dynamic to the demands of social changes that occur in society. This is in line with the theory put forward by Philippe Nonet and Philip Selznick that the principle of responsive law is a legal concept that is demanded so that law can be more responsive to urgent social needs and to social justice issues while still maintaining the results institutional results that have been achieved by rule of law.

The effectiveness of mediation tends to be projected to reduce the divorce rate in the Religious Courts, including in the Parepare Religious Courts. Based on the results of the discussion above, the authors can conclude that online mediation is not fully effective.

Actually, online mediation has good prospects for resolving disputes, but the application of online mediation is experiencing obstacles, including regulatory factors, because in Indonesia itself there are still no statutory regulations governing this matter. So it is necessary to formulate new regulations governing. Online mediation equipped with telecommunications infrastructure, security systems, and online mediation institutions.

Apart from that, in terms of security, because in principle mediation is closed to the public unless the parties wish otherwise, so this is still a concern in carrying out the mediation process electronically, as it is well known that the

internet is an insecure medium. In addition, other factors, namely infrastructure, culture, habits and institutions also become obstacles.

Based on the description above, so far the indicator of the success of mediation is only measured by the reconciliation of disputing married couples who go through the mediation process. However, in the future the success of mediation is no longer just an agreement to withdraw the lawsuit, but mediation is considered successful if there is an agreement on other matters related to the subject matter of the dispute, even though the husband and wife in dispute are still divorced. Other agreements that occur between the parties related to divorce proceedings, post-divorce relationships and parenting patterns should be indicators of the success of mediation. This is an important change related to the mediation of divorce cases in the Religious Courts.

#### **4. Conclusion**

Based on the results of research and discussion related to the effectiveness of online mediation in response to contested divorce in the Religious Courts during the Covid-19 Pandemic era, it can be concluded that:

1. During this pandemic, the number of divorce cases has increased in several Religious Courts. One of the factors is because the deteriorating economy has resulted in many heads of families losing their jobs, so that economic problems in the family have become a trigger for household rifts. At the Parepare Religious Court itself, the tendency for divorce cases to be sued during the Covid-19 Pandemic did not experience a significant change in the number of cases, it's just that in April and May there was a decrease in the number of divorce cases due to the government's restriction policy regarding the health

emergency and the policy of the Parepare Religious Court which limits the number of cases that justice seekers wish to register.

2. Five factors that influence law enforcement, these five factors become a benchmark for the effectiveness of mediation in the Religious Courts, namely:
  - a. Legal factors: Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016 concerning Mediation Procedures in Courts is considered imperfect in regulating mediation, and is only an internal Supreme Court Regulation.
  - b. Law Enforcement Factors: The skill of the mediator in negotiating greatly influences the success or failure of mediation. Not infrequently there are mediators who carry out mediation only as a fulfillment of the obligations of the Supreme Court Regulations so that mediation is carried out only as a formality step.
  - c. Facilities and Facilities Factor: a special room and comfortable facilities for carrying out mediation are mandatory in every court.
  - d. Community Factors: The parties only follow mediation as a procedural step. The strong desire of the parties who want a divorce and can no longer be reconciled.
  - e. Cultural Factors: In general, the culture of Indonesian people will not come to court to deal with their divorce, unless the dispute between husband and wife has become a major conflict that is very complicated and has reached its peak. So that in divorce cases the benchmark for the success of mediation is the large number of cases withdrawn so as to reduce the number of accumulated cases in the Religious Courts. unless the dispute between husband and wife has become a major conflict that is very complicated and has reached a peak. So that in divorce cases the benchmark for the success of mediation is the large number of cases withdrawn so as to reduce the number of accumulated cases in the Religious Courts. unless the dispute between husband and wife has become a major conflict that is very

complicated and has reached a peak. So that in divorce cases the benchmark for the success of mediation is the large number of cases withdrawn so as to reduce the number of accumulated cases in the Religious Courts.

1. In principle, there is no difference between online mediation and offline mediation dispute resolution, it's just that the difference is the media used in online mediation using audio-visual electronic communication technology media, such as the Zoom, Skype, or WhatsApp applications. So that mediation that used to be face-to-face in the real world is replaced by the virtual world. The availability of a good internet network, the use of telecommunication media applications as discussion rooms and private communication facilities as well as the availability of technological equipment that can support, community knowledge related to technology also affect the effectiveness or not of online mediation. Apart from that, the application of online mediation is experiencing obstacles related to regulatory factors, because in Indonesia itself there are still no statutory regulations governing this matter. So that with the Covid-19 Pandemic which has changed the habits of this community as seen by Ibn Qayyim al-Gauziyah, law also continues to change and develop according to the times and conditions or situations that occur so that it is deemed necessary to draft new regulations governing online mediation which are equipped with telecommunications infrastructure, security systems and online mediation institutions. Therefore mediation conducted online has not been effective as an alternative to dispute resolution in an effort to reconcile the parties who wish to file for a divorce.

## **REFERENCES**

- Abbas, Syahrizal. *Mediation in the Perspective of Sharia Law, Customary Law, and National Law*. I. Jakarta: Kencana, 2009.
- Abdul Halim, Barkatullah. "Community Legal Culture in the Perspective of the

- Legal System.” SWCU Journal (2013).
- Abdul, Manan. *Application of Civil Procedure Law in the Religious Courts Environment. II*. Jakarta: Kencana, 2005.
- Ali, Ahmed. *Revealing Legal Theory (Legal Theory) and Judicial Theory (Judicialprudence) Including Interpretation of Laws (Legisprudence)*. I. Jakarta: Kencana, 2009.
- Amir Syarifuddin. *Islamic Marriage Law in Indonesia. Between Fiqh Munakahat and Marriage Law. II*. Jakarta: Prenada Media, 2006.
- Ansari, Lutfil. “Law Enforcement Reform From a Progressive Legal Perspective.” *Juridical Journal* 4, no. 2 (2018): 148–163.
- Antasari, Rr Rina. “A Study of the Development of Types of Legal Order in Indonesia from a Nonet-Selznick Perspective of Thought Towards an Equitable Law.” *Conscience: Journal of Sharia and Society Studies* 19, no. 1 (2019): 103–118.
- Arianto, Henry. “Responsive Law and Law Enforcement in Indonesia.” *Lex Journalica* 7, no. 2 (2010): 18013.
- Basri, Rusdaya. *The Configuration of Ibn Qayyim al-Jauziyyah's Thoughts in the Dialectics of Islamic Law and Social Change. I*. Yogyakarta: Trusmedia Publishing, 2019.
- . “The Urgency of Ibn Al-qayyim Al-jauziyyah's Thoughts About Legal Changes Against the Social Development of Islamic Law in the Religious Courts of the South Sulawesi Region.” *Dictum: Journal of Sharia and Law* 16, no. 2 (2018): 187–207.
- Black, Henry Campbell. *Black's Law Dictionary: Revised Fourth Edition*, 1968.
- Darnela, Linda. “An Overview of the Legal System in the Implementation of Sharia Regional Regulations (Perda) in Tasikmalaya.” . 50, no. 1 (2016): 259–285.
- Dervish, Rizal. “Ibn Qayyim Al-Gauziyah's Thoughts Against the Paradigm of Legal Change.” *Adzkiya: Journal of Sharia Law and Economics* 5, no. 1 (2017): 67–86.
- Diah Handayani, Dwi Rendra Hadi, Fathiyah Isbaniah, Erlina Burhan, Heidy Agustin. “Coronavirus Disease 2019.” *Indonesian Respiriology* 40, no. 2 (2020).
- Fikri. “Al-Islah Value Transformation Against Conflict Diversity: Epistemology of Islamic Law in the Qur'an.” *Al-Risale* 16, no. 2 (2016): 201–216.
- Fitriyani. “Effectiveness of Implementation of RI Supreme Court Regulation Number 01 of 2008 concerning Mediation Procedures in Courts (Study of Divorce Cases in Class 1A Makassar Religious Court).” UIN Alauddin Makassar, 2010.
- Fuady, Munir. *Grand Theories in Law. I*. Jakarta: Kencana, 2013.
- Gary Goodpaster. *Negotiation and Mediation: A Guide to Negotiation and Dispute Resolution Through Negotiation*. Jakarta: ELIPS Project, 1993.
- H, M. Nasri. “Several Legal Remedies for Judges in Court Sessions in the Context of Judgments and Establishment of Fair Law According to Islamic Shari'a (Perspective of the Prophet's Hadith)” .*Journal of Al-Syir'ah*.Vol. 1.No. 2. (2003).

- Herath, Netty. "Implications of Mediation in Civil Cases in District Courts Against the Principles of Simple, Fast and Low-Cost Trials." *Perspective* 16, no. 4 (2011): 227–235.
- Hidayat, Maskur. *Mediation Strategy and Tactics Based on Perma No. 1 of 2016 concerning Mediation Procedures in Courts*. I. Jakarta: Kencana, 2016.
- Abraham, Malik. "The Effectiveness of the Role of Mediation in Overcoming Divorce in the Religious Courts". *Madania*, Vol. 19. No. (2015).
- Ilham, Muhammad. "The Role of Mediation in Settlement of Divorce Cases Due to Domestic Violence at the Bima Class 1B Religious Court (Study of Implementation of PERMA RI No. 1 of 2016 concerning Mediation Procedures in Court)." UIN Alauddin Makassar, 2017.
- Indonesia, Language Dictionary Editorial Team. "Indonesian dictionary." Jakarta: Ministry of National Education Language Center 725 (2008).
- Iskandar. *Qualitative Research Methodology*. Jakarta: Echoes of Persada, 2009.
- Kautun, Ranny. *Research methods for writing Thesis and Thesis*. Bandung: Graphic Cadets, 2000.
- Indonesian Ministry of Religion. *Al-Qur'an and Its Translation*. Jakarta: PT. Indonesian Library Synergy, 2012.
- Khadijah, Siti, Taufik Taufik, and Erlamsyah Erlamsyah. "The Causes of Wives Suing for Divorce Viewed from the aspect of Marital Adjustment." *Neo Counseling Journal* 1, no. 1 (2019).
- L., Sudirman. *Settlement of Divorce Cases (Perspective of Law and Maqashid al-Syariah)*. Parepare: IAIN Parepare Nusantara Press. 2020.
- Lathif, Nazaruddin. "Legal Theory as a Tool to Update or Engineer Society." *Pakuan Law Review* 3, no. 1 (2017).
- Lempoi, Gratio. "Effectiveness of Mediation in Settlement of Civil Disputes Between Parties in District Courts Based on Supreme Court Regulation Number 1 of 2016". *Lex Private Journal* Vol. VIII No. 1 (2020).
- Lestari, Rika. "Comparison of Divorce Settlement by Mediation in Court and Out of Court in Kampar District." *Journal of Law Ius Quia Iustum* 21, no. 2 (2014): 309–332.
- Lexy J. Moleong. *Qualitative Research Methodology*. Bandung: Rosdakarya Youth, 2011.
- Lovenheim, Peter, and Lisa Guerin. *Mediate, don't litigate*. Nolos, 2004.
- Mertokusumo, Sudikno. *Indonesian Civil Procedure Code*. VIII. Yogyakarta: Liberty Yogyakarta, 2009.
- Michaels, Ralf. "Legal Culture" (2011).
- Singing, Angelina Mukono. "Mediator's Culture and the Ability to be Effective in the Process of International Mediation." University of Otago, 2015.
- Montilamo, Harman. H. "Successful Mediation in Divorce Cases (Case Study Case Number 0151/Pdt.G/2016/PA Adl.)." Muhammadiyah University, 2017.
- Moore, Christopher W. *The mediation process: Practical strategies for resolving conflict*. John Wiley & Sons, 2014.

- Muchtar, Henni. "Responsive Legal Paradigm (A study of the Constitutional Court as a Law Enforcement Institution)." *Humanus* 11, no. 2 (2012): 160–171.
- Muhammad, AbdulKadir. *Law and Legal Research*. Bandung: PT. Citra Aditya Bakti, 2004.
- Mukhlas, Oyo Sunaryo. *Dual Banking system and sharia economic dispute resolution*. I. Bandung: PT. Aditama Refika, 2019.
- . *Development of Islamic Courts from Kahim in the Arabian Peninsula to Religious Courts in Indonesia*. Bogor: Ghalia Indonesia, 2011.
- Mulyana, Dedy. "Legal Power of Mediation Results in Court and Out of Court According to Positive Law." *Journal of Juridika Insights* 3, no. 2 (2019): 177–198.
- Mustika, Diane. "The Effectiveness of Mediation in Settlement of Divorce Cases at the Jambi Religious Court." *Al-Risale* 15, no. 2 (2015): 297–308.
- Mustofa, Bisri. *Guidelines for Thesis and Thesis Research*. V. Yogyakarta: Panji Pustaka, 2009.
- Nonet, Philippe, and Philip Selznick. "Responsive Law." *Print II*. NusaMedia. Bandung (2008).
- Nurhardianto, Fajar. "Indonesian Legal System and Legal Position." *Tapis Journal: Journal of Islamic Political Aspirations Binoculars* 11, no. 1 (2015): 33–44.
- Nurhidayat, Muhammad, and Firman Muin. "The Effectiveness of Mediation in Divorce Cases at the Sinjai Religious Court." *Journal of Tomalebbi*, no. 2 (2017): 112–123.
- Purba, Mariah SM, Eman Suparman, and Anis Mashdurohatun. "Mediation Reconstruction As One of the Alternative Settlements of Decline in the Courts Based on the Value Of Justice (Study at the Simalungun District Court)." *The 2nd Proceeding "Indonesia Clean of Corruption in 2020"* (2017).
- RM Gatot P. Soemartomo. *Arbitration and Mediation in Indonesia*. Jakarta: Gramedia Pustaka Utama, 2006.
- Rahardjo, Satjipta. *Legal Sociology*. 1st ed. Yogyakarta: Genta Publishing, 2010.
- Rahmawati, Siti. "Paradigm of Change in Islamic Law (Exploration of Ibn Qayyim al-Gauziyah Thought)." *Al-Bayyinah* 1, no. 2 (2017): 17–28.
- Saifullah, Muhammad. "Integration of Mediation of Divorce Cases in Proceedings at the Religious Courts." *Al-Ahkam* 24, no. 2 (2014): 243–262.
- Regards, Yayah Yarotul. "The Urgency of Mediation in Divorce Cases in the Religious Courts." *Ahkam: Journal of Sharia Science* 13, no. 1 (2013).
- Simanjuntak. *Principles of Indonesian civil law*. Jakarta: Heritage Djamban, 2007.
- Siregar, Nur Fitriyani. "Legal Effectiveness." *Al-Razi* 18, no. 2 (2018): 1–16.
- Soekanto, Soerjono. *Factors Influencing Law Enforcement*. I. Depok: Rajawali Press, 2018.
- . *Introduction to Legal Research*. Jakarta: UI Press, 2010.

- Sugiyono. *Understanding Qualitative Research*. Bandung: Alfabeta, 2008.
- Solomon, Solomon. "Paradigms in Legal Research." *Kanun: Journal of Law Science* 20, no. 2 (2018): 255–272.
- Susanti Adi Nugroho. *Benefits of Mediation as an Alternative Dispute Resolution*. I. Jakarta: Kencana, 2019.
- Ulum, Bahrul, Hermanto Harun, and Nural Faizah. "Implementation of PERMA Number 1 of 2008 Concerning Mediation in the Jambi Religious Court and Its Implications for Divorce Cases." *AL-IS* 13, no. 1 (2016): 11–22.
- Vijaya, Abd. "Changes in the Law in the View of Ibn Qayyim." *Al Daulah: Journal of Criminal Law and State Administration* 6, no. 2 (2017): 387–394.
- Wijayanti, Urip Tri. "Analysis of Factors Causing Divorce During the Covid-19 Pandemic in Banyumas Regency." *Journal of Family & Consumer Sciences* 14, no. 1 (2021): 14–26.
- Witanto. *DY Mediation Procedure Law: In Civil Cases in General Courts and Religious Courts According to PERMA No. 1 of 2008 concerning Mediation Procedures in Courts*. Bandung: Alfabeta. 2010.